DOI: 10.31648/sp.7074

Emil Kruk
Maria Curie-Skłodowska University in Lublin
ORCID: 0000-0002-7954-0303
emil.kruk@mail.umcs.pl

The running of animal shelters by non-governmental organizations*

Introduction

Animal shelters can be run by both non-governmental organizations and private enterprises or municipal organisational units. More specifically, according to Article 11 (4) of the Act of 21 August 1997 on the protection of animals (hereinafter: APA)[1], NGOs whose statutory objective is to protect animals can provide care for homeless animals and run animal shelters for this purpose, in agreement with the competent local government bodies. When comparing this regulation with the provisions of the Act of 13 September 1996 on maintaining cleanliness and order in municipalities (hereinafter referred to as AMCOM)[2], setting out conditions for granting permits to provide services in this field, two issues should, first of all, be addressed: 1) whether non-governmental organizations are required to obtain a permit to run a shelter for homeless animals; 2) what is the legal nature of the 'agreement' mentioned in Article 11(4) APA and what provisions it should contain.

The requirement to obtain a permit

Regarding the first issue, it should be noted that the provisions of the AMCOM do not exempt NGOs from the obligation to obtain a permit to oper-

* Publication has been prepared as part of the research project entitled "The Administrative Law Model of Animal Protection", covered by the application registered with the Funding Stream Support system administered by the National Information Processing Institute, as number 2016/23/D/HS5/01820 and accepted for financing as part of the competition SONATA 12 held by the National Science Centre, Poland, under the decision of the Director of the National Science Centre in Kraków of May 16 2017 (decision no. DEC-2016/23/D/HS5/01820, agreement no. UMO-2016/23/D/HS5/01820).

[1] Consolidated text: Journal of Laws 2020, item 638.

[2] Consolidated text: Journal of Laws 2021, item 888.

ate a shelter for homeless animals, as they do for municipal organisational units (Article 7 (5) AMCOM) and, at the same time, impose that obligation on private enterprises (Article 7 (1) item 4 AMCOM). Given the foregoing, it is necessary to share the view expressed by scholars in the field that[3], in those circumstances, the requirement for a non-governmental organization obtaining a permit is conditional on its possibility of being considered an entrepreneur within the meaning of the Act of 6 March 2018. The Law on Entrepreneurs[4]. Thus, NGOs that pursue business activities (i.e. those which are entrepreneurs in the light of applicable law)[5] are as a rule required to seek a permit to run an animal shelter[6], while for NGOs which do not pursue business activities, an agreement with the competent authorities of local government will be sufficient in this respect. Although that interpretation appears to be correct in the current legal system (particularly in the light of the literal wording of Article 11 (4) APA and Article 7(1) item 4 AMCOM), this does not change the fact that it entails several doubts. These stem from questions about the advisability of the legal solutions being discussed and the consistency of the legal system, as well as the postulates of effective protection for stray animals.

[3] W. Radecki, *Komentarz do art. 7 u.c.p.g.*, [in:] idem, *Utrzymanie czystości i porządku w gminach. Komentarz*, 5 edition, 2016, Lex; idem, *Ustawy o ochronie zwierząt. Komentarz*, Warszawa 2015, p. 108; P. Chmielnicki, *Komentarz do art. 7 u.c.p.g.*, [in:] P. Chmielnicki (ed.), *Ustawa o utrzymaniu czystości i porządku w gminach. Komentarz*, 2007, Lex; M. Suska, *Gmina a schronisko dla bezdomnych zwierząt*, [in:] T. Pietrzykowski, A. Bielska-Brodziak, K. Gil, M. Suska (eds.), *Urzędnik jako strażnik realizacji ustawowych obowiązków wobec zwierząt*, Katowice 2016, p. 62.

[4] Consolidated text: Journal of Laws 2021, item 162.

[5] The fact that a non-governmental organization is established and pursues business activity is a factor which determines whether it can be regarded as an entrepreneur. The registration of an organization in the register of entrepreneurs is an expression of the legalisation of its business activity. Such an entry in the register is also based on the legal presumption that a business register-recorded entity that has not requested to be deleted from the register is considered an entrepreneur. The fact that the gainful activity is not the main objective of the organization and the fact that the income from such activity is used to achieve its statutory objectives are irrelevant for the acquisition of the organization's status as an entrepreneur. See: G. Lubeńczuk, *Komentarz do art. 4 ustawy – Prawo przedsiębiorców*, [in:] M. Zdyb, G. Lubeńczuk, A. Wołoszyn-Cichocka, *Prawo przedsiębiorców. Komentarz*, 1st edition, Warszawa 2019, Legalis and the case-law referred to therein; J. Dominowska, *Prowadzenie działalności gospodarczej przez fundacje. Studium prawne*, Warszawa 2017, p. 40 et seq. However, it would be difficult to agree with the view expressed in the justification of the judgment of the Regional Administrative Court in Łódź that the foundation's status as an entrepreneur would be prejudged by the provisions of its statutes, which provide for both the possibility for the foundation to pursue an economic activity and the use of the revenues generated from that activity. See the substantiation of the Judgment of the Regional Administrative Court in Łódź of 6 May 2010, II SA/Łd 235/10, Legalis.

[6] Permit is a form of regulation of economic activities carried out in connection with the obligation imposed on a municipality to provide care for and catch stray animals. On the other hand, the "area of activity covered by the permit" is an area contained within the municipality in which this task is to be carried out. For more information see: Judgment of the Supreme Administrative Court of 17 March 2015, II OSK 2136/13, CBOSA.

These doubts are even greater when we juxtapose Article 7(1) item 4 AMCOM with the provisions of the Act of 24 April 2003 on public benefit activities and volunteering (hereinafter referred to as APBAV)[7]. According to Article 6 of that act, public benefit activities, which include, *inter alia*, activities carried out in the fields of ecology and protection of animals and protection of the natural heritage (Article 3(1) and Article 4(1) item 18 APBAV) is not an economic activity within the meaning of the provisions of the Law on Entrepreneurs and can be carried out as a free-of-charge or paid activity. The exception is the situation referred to in Article 9(1) APBAV. According to this provision, the paid public-benefit activity of non-governmental organizations constitutes an economic activity within the meaning of the provisions of the Law on Entrepreneurs if the consideration for the performance of this activity is higher than its costs, or if the average monthly remuneration of natural person underemployment to perform a statutory paid public benefit activity for the period of the last financial year, and in the case of employment of less than a financial year – for the period of this employment, exceeds 3 times the average monthly remuneration in the enterprise sector as announced by the President of the Central Statistical Office for the previous year.

In the context of these findings, apart from more specific issues, objections may be raised regarding the above-mentioned diversification of the legal situation of NGOs depending on whether or not they have the entrepreneur status and to the link between the requirement to be granted a permit to operate a shelter and the fact that the non-governmental organization carries out an economic activity, irrespective of the subject of that activity. It seems that the most appropriate solution, given the need to ensure adequate protection for homeless animals, is the requirement that any social organisation wishing to operate a shelter for homeless animals, or those wishing to make that form of protection an object of its economic activity, must obtain the permit.

The legal character of the agreement

It seems to be necessary to make modifications in this respect, all the more as the provisions of the APA do not specify the legal character or the content of the 'agreement' provided for in Article 11 (4) APA. This gives rise to certain interpretation difficulties, which may be illustrated by the fact that W. Radecki when comparing the administrative decision on granting a permit to operate a homeless animal shelter with the agreement described herein, defines it enigmatically as "a kind of slightly looser form of cooperation"[8]. The

[7] Consolidated text: Journal of Laws of 2020, item 1057, as amended.
[8] W. Radecki, *Ustawy o ochronie…*, p. 107.

author rightly pointed out that such an agreement must contain consent to run the shelter. It should also be stated that regardless of the legal basis on which a non-governmental organization intends to run a shelter for homeless animals, the organization must meet veterinary requirements for the undertaking and carrying out this type of activity, specified in the Regulation of the Minister of Agriculture and Rural Development of 23 June 2004 on detailed veterinary requirements for running animal shelters[9], as well as requirements set out in a resolution adopted by the Municipal Council of the municipality concerned[10]. It should also be noted that under Article 5 (1) item 2 of the Act of 11 March 2004 on animal health protection and combating infectious animal diseases[11], the running of animal shelters is a supervised activity. It is permitted to undertake this type of activity after prior written notification of the intention to pursue such activity, submitted to the district (*powiat*) veterinary officer having jurisdiction over the place where it is planned to be conducted. The district veterinary officer will issue such a decision upon a request of the entity intending to carry out a supervised activity, submitted at least 30 days before the planned commencement of operation[12].

The only finding of these agreements that can be reduced with certainty from the APA is that the "local government bodies having the powers [to conclude them – note by E.K.]" (Article 11(4) of the Act) are the executive bodies of municipalities and inter-municipal associations. According to the provisions of Article 11(1) APA, preventing animal homelessness and providing care for homeless animals and catching them is the municipality's responsibility. On the other hand, under Article 64(1) of the Act of 8 March 1990 on municipal government[13], municipalities may establish inter-municipal associations to jointly perform public tasks.

To supplement the above argument, it is also worth quoting the apt M. Suska's view that the agreement provided for under Article 11 APA cannot be considered a "self-contained institution"[14]. In his opinion, this type of agreement should be adequately governed by the provisions of the APBAV and the

---

[9] Journal of Laws No. 158, item 1657.

[10] In accordance with Article 7(3) AMCOM. See e.g. Resolution IV/30/19 of the Municipal Council in Ostrów Lubelski of 27 March 2019 on defining the requirements to be met by an entrepreneur applying for a permit regarding protection against homeless animals, running shelters for homeless animals, as well as burial sites and incineration plants for animal carcasses and parts thereof, Official Journal of the Lublin Voivodeship 2019, item 2424. Where such a resolution is not adopted, the powers of the municipality's executive body boil down to verifying whether the entrepreneur applying for a permit to operate a shelter for homeless animals complies with the conditions laid down in the generally applicable law. See the substantiation of the Judgment of the Regional Administrative Court in Łódź of 6 May 2010, II SA/Łd 235/10, Legalis.

[11] Consolidated text: Journal of Laws 2020, item 1421.

[12] K. Kuszlewicz, *Ustawa o ochronie zwierząt. Komentarz*, Warszawa 2021, p. 175 et seq.

[13] Consolidated text: Journal of Laws 2021, item 1372.

[14] M. Suska, op. cit., p. 63.

Act of 27 August 2009 on public finance (hereinafter referred to as APF)[15]. In the opinion of M. Suska, the current wording of Article 5 APBAV, which states that public administration bodies operate in the sphere of public tasks referred to in Article 4 APBAV (and therefore also in the field of animal protection) including in cooperation with non-governmental organizations that conduct public benefit activities, accordingly to the territorial scope of activities of public administration bodies, to the extent corresponding to the tasks of these bodies. This cooperation can be carried out in various forms, including by entrusting non-governmental organizations with the implementation of public tasks based on the principles of subsidiarity, the sovereignty of the parties, partnership, efficiency, fair competition and transparency. Outsourcing public tasks as the commissioned tasks within the meaning of Article 127 (1) item 1 point (e), Article 151 (1) and Article 221 APF may take the form of 1) entrusting the performance of public tasks, along with subsidizing their implementation, or 2) supporting the performance of public tasks, along with granting a subsidy to co-finance their implementation. As a rule, both the aforementioned entrusting and support take place as a result of an open tender competition conducted according to the provisions of the APBAV (Article 11 (2) APBAV)[16]. Importantly, non-governmental organizations may, on their initiative, submit a request for the performance of a public task, also one that has been implemented so far in a different way, including by public administration bodies (Article 12 (1) APBAV). Having announced the results of the open call for proposals, the public administration body, without undue delay, concludes contracts for supporting the implementation of a public task or for entrusting the implementation of a public task with selected entities (Article 15 (4) APBAV). By accepting the contract awarded, these entities undertake to perform a public task to the extent and on the terms specified in the contract, and the public administration body undertakes to transfer a subsidy for the implementation of the task (Article 16 (1) APBAV). The contract should be drawn up taking into account the requirements set out in Article 151 (2) and Article 221 (3) APF, and it should specify: 1) a detailed description of the task and the purpose for which the subsidy has been granted, and the time limit

[15] Consolidated text: Journal of Laws of 2021, item 305, as amended.

[16] See e.g. Order no. 57/2019 of the Mayor of the Town of Malbork of 8 March 2019 on the adoption of detailed requirements of a competition for the performance of a public tasks of the Municipality of Malbork by NGOs and other entities as part of the 2019 Programme of Cooperation between Malbork and NGOs and other public benefit entities, published at: http://bip.malbork.pl/Article/get/id,23059.html (accessed: 8.08.2021); Order no. 158/136/19 of the Mayor of the Commune of Dzierżoniów of 28 November 2019 on the announcement of the open call for proposals to support the implementation of public tasks of the municipality with regard to „Ecology and protection of animals and protection of the natural heritage", published at: https://ugdzierzoniow.bip.gov.pl/wspolpraca-2020/zarzadzenie-nr-158-136-19-wojta-gminy-dzierzoniow-z-dnia-28-listopada-2019-r.html (accessed: 8.08.2021).

for its implementation; 2) the amount of the subsidy granted and the mode of payment; 3) the time limit for the use of the subsidy; 4) the procedure of auditing the performance of the task; 5) date and method of settlement of the granted subsidy; 6) the date of return of the unused part of the subsidy. Such an agreement may be concluded for the duration of the task or a specific period, however not longer than 5 years, and requires a written form, otherwise will be null and void (Article 16 (2) and (3) APBAV). Of course, the public administration body outsourcing a public task retains the right to audit and evaluate the implementation of the task, including in particular: 1) the degree of implementation of the task; 2) effectiveness, reliability and quality of task implementation; 3) correctness of the use of public funds granted for the implementation of the task; 4) keeping the records related to the task being performed (Article 17 APBAV). Moreover, as mentioned above, the contract for supporting the performance of a public task or entrusting the performance of a public task should specify the procedure for auditing the performance of the task. In the opinion of M. Suska, this solution allows municipalities to increase their influence on how the contracting entity will take care of homeless animals. This may be done by controlling the correctness of the fulfilment of contractual obligations that are stricter than statutory requirements for running animal shelters[17].

Planned directions of change

As a complement to the considerations presented above, it is worth mentioning the latest proposal of changes regarding entities authorised to run shelters for homeless animals. It is specifically about the solutions provided for in the Act of 18 September 2020 amending the act on animal protection and some other acts[18], which, after several corrections were submitted by the Senate, was referred to the Parliamentary Committee on Agriculture and Rural Development. The Act provides for a subjective limitation, narrowing the circle of entities authorised to run shelters for homeless animals only to municipal organisational units and NGOs whose statutory goal is animal protection, and acting not for profit and having the status of a public benefit organization within the meaning of Article 20 APBAV. In other words, if the Act became effective, entrepreneurs would not be admitted to operating animal shelters. Moreover, to prevent possible irregularities, the amendment in ques-

[17] M. Suska, op. cit., p. 64.

[18] https://www.sejm.gov.pl/Sejm9.nsf/PrzebiegProc.xsp?nr=597 (accessed: 8.08.2021). On 14 October 2020, the Polish Senate adopted a resolution (Sejm paper no. 677) in which it proposed a number of modifications to this Act. On 15 October 2020, the bill was submitted to the Sejm's Committee of Agriculture and Rural Development. The work on it are still under way.

tion provides for additional subjective requirements for managers of municipal organisational units, members of governing bodies of NGOs and employees working in organisational units and NGOs that operate shelters for homeless animals. Such persons must be of full legal age, be of good reputation and not have been convicted of an intentional crime involving an animal or a violent intentional crime. According to the originators, the introduction of the changes in question is necessary, since the currently applicable APA "(...) by imposing on local governments the obligation to provide care for homeless animals and defining it as their task, does not sufficiently specify the duties of municipalities in this respect. The lack of specification of these obligations results in most municipalities failing to perform this task properly. As a result, one in four dogs dies in Polish shelters, and 80% of the funds allocated for the care of homeless animals are received by catching companies without providing any care. The whole care procedure is inefficient and is not subject to any supervision by the payers of the services, namely the local government. Apart from the measurable financial losses and inefficient allocation of resources (1/3 of the money is spent without sufficient control), the humanitarian aspect also deserves attention. Thousands of animals disappear after being caught. As many as 50% of municipalities do not supervise in any way the history of the animals and the reasonableness of spendings"[19].

Since parliamentary work on the Act in question was abandoned and the current government coalition intends to prepare a new draft amendment of the APA, it would be pointless to perform a detailed analysis of the solutions presented above[20]. The direction of the proposed changes, namely the exclusion of the possibility of running animal shelters as commercial enterprises and the introduction of specific subjective requirements for persons involved in the operation of animal shelters, should be assessed as correct. This is all the more obvious given that the NGOs that would retain this right are currently the only guarantor of effective implementation of the idea of humane animal protection in Poland. It must only be ensured that they (as is currently the case) do not run shelters for stray animals in a business model[21]. Another issue is the doubts concerning the fact that in this amending Act, the legislature failed to provide for the right to compensation from the state budget for the planned expiry of the validity of the permits previously issued to entrepreneurs to operate a shelter for homeless animals. The Act also lacks solutions to ensure

[19] See the explanatory note for the MP-proposed draft Act of 11 September 2020 amending the Act on the protection of animals and certain their acts, Sejm Papers no. 597 [in Polish], https://www.sejm.gov.pl/Sejm9.nsf/PrzebiegProc.xsp?nr=597 (accessed: 8.08.2021).

[20] M. Kolanko, *Widmo nowej „piątki dla zwierząt". Projekt to kwestia czasu*, „Rzeczpospolita" of 30 November 2020, https://www.rp.pl/Polityka/311309904-Widmo-nowej-piatki-dla-zwierzat-Projekt-to-kwestia-czasu.html (accessed: 8.08.2021).

[21] Fundacja dla zwierząt „Argos", *Raport o problemie bezdomnych zwierząt*, Warszawa 2016, p. 34, http://www.boz.org.pl/raport/2016/ (accessed: 8.08.2021).

the safety of animals in shelters run by private operators, i.e. those intended to be closed[22]. However, these are issues that go far beyond the scope of this study.

Conclusion

Despite the efforts of municipalities and NGOs to prevent animal homelessness, the number of homeless animals in Poland remains very high[23]. Undoubtedly, one of the reasons for this situation is the lack of adequate regulation of the issues related to running animal shelters. It is not only about the above-mentioned legislative shortcomings and the related interpretative doubts. It is also problematic that the Polish legislature allows the possibility of running shelters in a business model, without clearly regulating the way of managing caught animals, which very often leads to various abuses. This is confirmed, among others, by reports of the Supreme Audit Office, which has already shown several times that the current legislative solutions negatively affect the welfare of animals placed in shelters and the state of public finances of Polish municipalities[24]. Hence, the above-described amendment proposal should be assessed positively. Of course, this is acceptable on the condition that it is understood as a prohibition of running animal shelters as a commercial enterprise, and not granting NGOs an actual monopoly on activities in this area. Also, NGOs cannot carry out this activity for-profit and they should be subject to permanent supervision of competent authorities, especially the Veterinary Inspectorate, whose scope of powers (as regards the checking of compliance with animal protection regulations) should be considerably extended[25]. However, these issues need to be discussed separately elsewhere.

---

[22] M. Rudy, O. Suszek, *Nowelizacja ustawy o ochronie zwierząt. Co ostatecznie uchwalił Sejm?*, https://www.swps.pl/strefa-prawa/artykuly/22484-nowelizacja-ustawy-o-ochronie-zwierzat-co-ostatecznie-uchwalil-sejm?fbclid=IwAR2E4aXDWvA8g8WKIT95gQQYkn98sIfSy3d_j-7WdZzHhGFo8kUrYt4dsCA (accessed: 8.08.2021).

[23] See annual reports of the Chief Veterinary Officer on animal shelter inspections, published at the website of the General Veterinary Inspectorate: https://www.wetgiw.gov.pl/nadzor-weterynaryjny/schroniska-dla-bezdomnych-zwierzat (accessed: 8.08.2021). See also: T. Wypych (ed.), *Raport o problemie bezdomnych zwierząt*, Warszawa 2016, passim, www.boz.org.pl/raport/2016 (accessed: 8.08.2021).

[24] See e.g. the information of the Supreme Audit Office on audit results: „Zapobieganie bezdomności zwierząt", LBI.430.004.00.2016, nr ewid. 9/2016/P/16/058/LBI, https://www.nik.gov.pl/plik/id,11233,vp,13582.pdf (accessed: 8.08.2021).

[25] According to Article 34a. (1) the supervision of the compliance with animal protection regulations is exercised by the Veterinary Inspectorate, while pursuant to Article 2021 of the Act of 29 January 2004 on the Veterinary Inspectorate (consolidated text Journal of Laws of 2021, item 306), the Veterinary Inspectorate has the responsibility of protecting animal health and the safety of products of animal origin in order to ensure the protection of public health. The essential objective of the Veterinary Inspection is therefore to protect human health by protecting animal

References

Chmielnicki P., *Komentarz do art. 7 u.c.p.g.*, [in:] P. Chmielnicki (ed.), *Ustawa o utrzymaniu czystości i porządku w gminach. Komentarz*, 2007, Lex.

Dominowska J., *Prowadzenie działalności gospodarczej przez fundacje. Studium prawne*, Wolters Kluwer, Warszawa 2017.

Kolanko M., *Widmo nowej „piątki dla zwierząt". Projekt to kwestia czasu*, „Rzeczpospolita" of 30 listopada 2020 r., https://www.rp.pl/Polityka/311309904-Widmo-nowej-piatki-dla-zwierzat-Projekt-to-kwestia-czasu.html.

Kuszlewicz K., *Ustawa o ochronie zwierząt. Komentarz*, Wolters Kluwer, Warszawa 2021.

Lubeńczuk G., *Komentarz do art. 4 ustawy – Prawo przedsiębiorców*, [in:] M. Zdyb, G. Lubeńczuk, A. Wołoszyn-Cichocka, *Prawo przedsiębiorców. Komentarz*, 1st edition, Warszawa 2019, Legalis.

Radecki W., *Komentarz do art. 7 u.c.p.g.*, [in:] W. Radecki, *Utrzymanie czystości i porządku w gminach. Komentarz*, 5 edition, 2016, Lex.

Radecki W., *Ustawy o ochronie zwierząt. Komentarz*, Difin, Warszawa 2015.

Rudy M., Suszek O., *Nowelizacja ustawy o ochronie zwierząt. Co ostatecznie uchwalił Sejm?*, https://www.swps.pl/strefa-prawa/artykuly/22484-nowelizacja-ustawy-o-ochronie-zwierzat-co-ostatecznie-uchwalil-sejm?fbclid=IwAR2E4aXDWvA8g8W-KIT95gQQY kn98sIfSy3d_j-7WdZzHhGFo8kUrYt4dsCA.

Smaga Ł., *Ochrona humanitarna zwierząt*, EkoPress, Białystok 2010.

Suska M., *Gmina a schronisko dla bezdomnych zwierząt*, [in:] T. Pietrzykowski, A. Bielska-Brodziak, K. Gil, M. Suska (eds.), *Urzędnik jako strażnik realizacji ustawowych obowiązków wobec zwierząt*, University of Silesia Publishing, Katowice 2016.

Summary

The running of animal shelters by non-governmental organizations

Keywords: law, homeless animal, animal shelter, non-governmental organization, local government, entrepreneur, permit, agreement, business activity, gainful activity.

The article is of a scientific research nature, and its main aim is to discuss selected problems regarding the operation of animal shelters by NGOs. It is worth noting at this point that the study is focused on the presentation of practical aspects of the issue. The research has been aimed primarily at resolving doubts about whether or not NGOs are required to obtain a permit to

health; it is not motivated by ethical reasons of protecting animals. It is therefore important to agree with the view that there is no public authority in Poland designed for the supervision of the humane protection of animals, and the Veterinary Inspectorate performs these tasks only on an accessory basis. See: W. Radecki, *Ustawy o ochronie...*, pp. 204–211; Ł. Smaga, *Ochrona humanitarna zwierząt*, Białystok 2010, pp. 283–289.

run a shelter for homeless animals and doubts regarding the legal nature of 'agreements' on the operation of animal shelters, concluded by NGOs with competent local government bodies. The findings made in this respect are complemented by comments on the recently proposed amendments to the Act of 21 August 1997 on the protection of animals, which provided for subjective restrictions involving the narrowing of the circle of entities authorized to run shelters for homeless animals and introduced requirements to be met by natural persons involved in running the shelters.

Streszczenie

Prowadzenie schronisk dla zwierząt przez organizacje społeczne

Słowa kluczowe: prawo, zwierzę bezdomne, schronisko dla zwierząt, organizacja społeczna, samorząd terytorialny, przedsiębiorca, zezwolenie, porozumienie, działalność gospodarcza, działalność zarobkowa.

Artykuł ma charakter naukowo-badawczy, a jego zasadniczym celem jest omówienie wybranych problemów związanych z prowadzeniem schronisk dla zwierząt przez organizacje społeczne. Warto przy tym podkreślić, że praca ma na celu także wskazanie aspektów praktycznych tytułowego zagadnienia. Przeprowadzona analiza ukierunkowana została przede wszystkim na rozstrzygnięciu wątpliwości, czy od organizacji społecznych wymaga się uzyskania zezwolenia na prowadzenie schroniska dla bezdomnych zwierząt oraz aspektów dotyczących charakteru prawnego „porozumień" zawieranych przez organizacje społeczne z właściwymi organami samorządu terytorialnego, których przedmiotem jest właśnie prowadzenie schronisk dla zwierząt. Uzupełnieniem poczynionych w tym zakresie ustaleń są uwagi dotyczące postulowanych w ostatnim czasie zmian w ustawie z dnia 21 sierpnia 1997 r. o ochronie zwierząt, przewidujące ograniczenia podmiotowe, polegające na zawężeniu kręgu podmiotów uprawnionych do prowadzenia schronisk dla bezdomnych zwierząt oraz wprowadzeniu wymagań jakie muszą spełniać osoby fizyczne trudniące się prowadzeniem schronisk.