

Proposal for a new Act concerning animal welfare

The new Act regarding animal welfare will replace the current Act from 1974, and applies, in common with the current Act, to both owned and wild animals. The hearing document has been produced through cooperation between The Norwegian Ministry of Agriculture and Food and The Norwegian Ministry of Fisheries and Coastal Affairs, and builds to a large extent on developments in the knowledge regarding animals' abilities and needs, in addition to issues identified in the white paper nr.12 (2002-2003) concerning animal husbandry and animal welfare. The proposed new Act contains guiding principles which are significant for our attitude towards animals. A number of new requirements are proposed, whilst other principles are taken from current law or regulation. Significant issues are described below in more detail.

General description of the Act

A significant development concerning the knowledge about animals' abilities and needs, combined with high ethical goals for the way we want animals to be treated in our society, is the basis for this proposed Act. The recognition that animals have an intrinsic value in addition to a useable value is a significant basis for the Act. The proposal is for a modern Act which protects animals based on current knowledge and respect for the animal's interests.

At the same time as the proposal suggests standards which form the basis for good animal welfare, it should be interpreted in the light of current sociological ethical standards for the keeping of animals and will therefore be relevant over a long time perspective. We also wish to contribute to the work for the protection of the animals' interests at an international level.

The intention to encourage respect for animals represents a change from the interpretation of the current animal protection Act. This illustrates that the Act shall promote welfare and respect for the animals, for the sake of the animals themselves. This is made clear through several of the Act's requirements, for example, the ban on obscene activities with animals, and the killing of animals as an independent element of entertainment or competition.

The draft Act gives general principles for people's contact with animals whilst the detailed requirements for complying with the Act will be found in regulations. It will also be necessary to develop new regulations as a result of the new Act.

Issues contained within the proposal for a new Act

- The Act has been given a new name
- Introduces into the Act's intention to encourage respect for animals
- The scope is extended to include animal products

- The Act states that animals have an intrinsic value
- Duty to alert/confidentiality
- Competence
- A requirement for stunning before killing
- The obligation to protect domestic animals from predators
- The control authority
- Animals used for testing/experimentation
- Identification marking and registration
- Stricter control measures

Change to the name of the Act

- It is proposed to call the new Act “the Animal Welfare Act” instead of “the Animal Protection Act”.
- The term “animal welfare” is a much wider term which also encourages the positive goal to ensure that animals are content. “Animal protection” is considered to be part of the term “animal welfare”.

Respect for animals

- It is proposed that the intention of the Act includes respect for animals, which means that the intention of the Act is to promote both good animal welfare and respect for animals.
- An explicit ban on sexual relations with animals is included in the Act in addition to a ban concerning the killing of animals as an independent form of entertainment or competition, even if the animal is not necessarily at risk from suffering during these activities.

The scope includes animal products

- A specific regulation, introducing a legal basis to regulate in more detail the trading in and use of animal products, will make it possible to regulate products from animals covered by the Act. This will contribute to preventing animal products from animals which have been subjected to neglect or other unjustifiable activity, in Norway or abroad, being traded on the Norwegian market.
- It is not being considered to ban import of products to which, according to human rights, certain groups should have access, for example meat from kosher slaughtered animals.

The animals’ intrinsic value

- It is proposed to state in the Act that animals have an intrinsic value. This term contributes to clarifying that animal welfare must be prioritised irrespective of the value the animal may have for people, which also contributes to clarifying the animal’s status.

Obligation to alert/ confidentiality

- A general obligation to alert is proposed where there is reason to believe that animals are being subjected to maltreatment or serious neglect with respect to environment, supervision and care.
- Certain professions are exempted from the obligation to alert in cases where they are subject to a professional confidentiality clause. Health personnel will have the right to alert.
- It is, however, necessary to have cooperation between all the parties involved, for example health personnel, animal welfare authorities and the networks of the agricultural industry.

Competence

- It is proposed to make a requirement for the animal keeper's actual competence in addition to creating the legal basis for issuing regulations which require formal competence. Most animal owners will not be affected directly economically by the requirements of the draft new act.

Stunning before slaughter

- It is proposed that the current requirement for stunning prior to slaughter is maintained.
- It is proposed that the legal basis for banning import of certain products shall not apply to animal products from ritually slaughtered animals.

The obligation to protect domestic animals against attack from wild predators

- The proposed Act clarifies the animal keeper's obligation to protect his animals against attack from wild predators and other dangers.
- It is proposed to establish a legal basis for The Norwegian Food Safety Authority to impose grazing restrictions in order to protect domestic animals from wild predators.
- In the case of such significant grazing restrictions due to wild predator attack, it is proposed to give the owner of the animal the right to claim economical compensation based on expenses resulting from the restrictions.

The control authority

- It is proposed that The Norwegian Food Safety Authority is the only control authority which is named explicitly in the Act, but the legal basis is provided to transfer control authority to other authorities.
- In the current Act, the local animal welfare committees and the Committee for animals in testing/experimentation are specifically mentioned. The new Act provides for the greatest possible flexibility with regards to the organisation of

control in the area of animal welfare, in a similar way to the way the Food Law applies to the food area.

- The proposal should not be interpreted as an argument against continuation of local animal welfare committees and the Committee for animals in testing.

Animals used for testing/experimentation

- An important change in the Act is the clarification of the principle of reduction, replacement and refinement in the use of animals for testing in connection with well established principles within the testing community (the three Rs).

Marking and registration

- It is proposed to establish a legal basis for the introduction of a requirement to mark animals for identification purposes, in addition to requiring the registration of marked animals. Such requirements will be contained in regulations. This will be particularly relevant for pet animals.

Stricter control measures

- A possible way of preventing continual breaches of the regulation and hinder more pain, is the proposal to give The Norwegian Food Safety Authority the right to issue orders against keeping of and contact with animals. Such decisions should be issued to people who seriously or on several occasions have breached the Act.