

**NOTE! Only the Norwegian version of the Act will be authentic!**

## **Draft Act regarding Animal Welfare**

### **Chapter 1. Preliminary provisions**

#### **§ 1. Purpose**

The purpose of this Act is to facilitate good animal welfare and respect for animals.

#### **§ 2. Scope**

The Act applies to conditions which affect welfare of and respect for live mammals, birds, reptiles, amphibians, fish, decapods, octopus and honey bees including the developmental stages of the named animals with an equivalently developed senses apparatus as the final developed form.

The Act applies, subject to the limitations allowed for by agreement with foreign nations or organisations, to Norwegian land territory, territorial waters, the Norwegian economic zone, aboard Norwegian ships and aircraft, on installations located on the Norwegian continental shelf and to Spitzbergen, Jan Mayen and the dependencies. The King may in regulations lay down specific requirements for Spitzbergen, Jan Mayen and the Norwegian dependencies taking into regard local conditions.

### **Chapter II. General provisions**

#### **§ 3. General**

Animals have an intrinsic value which is irrespective of the usable value they may have for man. Animals must be treated well and protected against danger of unnecessary stresses and strains. Consideration shall be given to the animal's physical and mental needs on the basis of the animal's distinctive character and its ability to have positive and negative experiences.

#### **§ 4. Obligation to help**

Anybody who discovers an animal which is visibly sick, abnormally thin, injured, neglected or helpless, and anybody who causes injury to an animal, shall as far as possible ensure that the animal gets help and if necessary is killed. The killing of the animal shall take place in accordance with the requirements in § 12.

The owner of the animal, The Food Safety Authority or the Police shall be informed of action taken under the first paragraph unless such notification is considered clearly unnecessary.

Necessary expenses for action under this Section shall be covered by the state, but the expenses can be recovered from the animal keeper. The expenses may be recovered by execution proceedings. A person responsible for injury to an animal may not claim reimbursement of expenses for action taken under this Section.

The King may issue more specific regulations regarding the obligation to help, the right to kill and covering of expenses.

**§ 5. *Duty to alert***

Anyone who has reason to believe that an animal is exposed to mistreatment or serious neglect regarding the environment, supervision and care, shall as soon as possible alert the Food Safety Authority or the police. The duty to alert applies subject to the limitations of other legislation.

Anyone who becomes aware that a large number of wild or stray animals are exposed to sickness, injury or other abnormal suffering shall as soon as possible inform the Food Safety Authority or the police.

The King may issue specific regulations regarding the duty to alert.

**§ 6. *Competence and responsibility***

The animal keeper shall ensure that animals are looked after by sufficient and appropriately competent personnel. Others shall have the competence necessary to carry out the activity they are involved in.

Parents and carers with parental responsibility may not allow children less than 16 years of age to have independent responsibility for animals.

The animal keeper must not transfer animals to people if there is reason to believe that they cannot or will not treat the animal in an appropriate way.

The King may issue specific regulations regarding education, training and competence, including approval and authorisation of personnel.

**§ 7. *Requirement for registration or approval***

The King may issue specific regulations regarding requirements and conditions for registration or approval to carry out activities covered by this Act.

**§ 8. *Farming systems, methods, equipment and technical solutions***

Farming systems, methods, equipment and technical solutions which are applied to animals shall be suitable for the purpose of ensuring the animal's welfare. New farming systems, methods, equipment and technical solutions which are used for animals shall be tested and found to be suitable, taking into account animal welfare, before they are commonly used.

Anyone who offers or trades in property or equipment to be used for animals has responsibility for ensuring that it is suitable for the purpose, taking into account animal welfare.

The King may issue specific regulations regarding farming systems, methods, equipment and technical solutions, including documentation regarding suitability, marketing and approval.

**§ 9. *Medical and surgical treatment***

Medical and surgical treatment shall be carried out taking into account the animal's welfare, and protect the animal's ability to function and its quality of life.

Surgical incision or removal of body parts must not be carried out unless it is done for the reason of the animal's health. Appropriate marking of animals is nevertheless permitted. The removal of horns and castration is permitted when it is necessary for animal welfare reasons, or other specific reasons.

In the case of painful incision an anaesthetic and necessary pain relief shall be used.

Medical or surgical treatment shall not be marketed or be used as regular compensation for illegal breeding or environment or as a method to increase production.

The King may issue specific regulations regarding medical and surgical treatment including banning certain forms of such treatment and make exceptions from the 2<sup>nd</sup> paragraph.

#### **§ 10. *Identity marking of animals***

When marking animals for identification purposes, the methods used shall not subject the animal to behavioural limitations or other suffering.

The King may issue specific regulations regarding the marking of animals including making marking obligatory, banning the use of marking, require that marked animals shall be registered in a register and determine who shall have access to such a register.

#### **§ 11. *Transportation***

Transportation shall take place in such a way as to ensure least possible strain for the animal. The animal shall only be transported when it is in such a condition that it is justifiable to complete the whole journey.

The means of transport shall be suitable with regard to the safety of the animal and the animals' specific character. The animals shall have necessary supervision and care during transportation.

The King may issue specific regulations regarding transportation of animals.

#### **§ 12. *Killing of animals***

Killing of animals, and handling in connection with the killing, shall take place having regard to the animals' welfare, and with least possible stress and pain for the animal. Anyone using equipment for stunning or killing shall ensure that it is suitable for the purpose and maintained.

Animals which are owned or in any way kept by people must be stunned before or at the same time as killing the animal. The stunning method shall not subject the animal to significant discomfort and shall ensure loss of consciousness and pain relief which lasts until death occurs. When the animal is stunned, it shall be killed immediately. Death of the animal shall be ensured, by bleeding if necessary.

Killing under emergency circumstances shall take place in compliance with 1<sup>st</sup> and 2<sup>nd</sup> paragraph if possible.

Animals shall not be killed as an independent form of entertainment or competition.

The King may issue specific regulations regarding the compliance with this Section, including requirements for environment, equipment and handling in connection with killing, and regarding animal welfare with respect to pest control. The King may make exceptions to the provisions in the 2<sup>nd</sup> paragraph.

**§ 13. *The use of animals for testing and education***

In order to breed, keep, trade, kill, or use animals for testing or education for other purposes than general care and treatment, both the institution and the person responsible for the activity must be approved by the control authority.

Approvals referred to in the 1st paragraph cannot be given if the intention can be achieved without the use of animals, or if there is a danger that the animals may be subjected to disproportionate suffering. The number of animals used shall be restricted to the number necessary, and the animals shall be subjected to least possible strain.

The King may issue specific regulations regarding the use of animals in testing and education, including a ban on certain types of testing, a ban concerning the use of certain species in testing, approval and exceptions to the requirement for approval.

The King may issue specific regulations regarding exceptions from the provisions in Chapter II, III and IV in this Act for the use of animals in testing.

**§ 14. *Specific Bans***

It is forbidden to:

- a) Subject animals to violence,
- b) Abandon animals in a helpless condition,
- c) Carry out indecent activities with animals, and
- d) Use living animals for feed or bait.

The King may issue specific regulations regarding specific prohibitions including a ban on activities that stimulate general ethical reactions.

**§ 15. *Buildings, fences and other minor fittings***

Buildings, fences and other minor fittings shall be designed, built and maintained in such a way that animals are not subjected to risk of unnecessary stresses and strain. Barbed wire shall not be used in fences in order to limit traffic of animals.

If necessary, the person responsible for the building, fence and fittings shall carry out inspections and take action in order to discover, prevent and assist animals in pain.

The King may issue specific regulations regarding buildings, fences etc. including a ban and removal of such installations.

**§ 16. *Labelling, presentation, advertisements and marketing***

Labelling, presentation, advertisements and marketing of animal products shall provide sufficient information and shall not be misleading.

The King may issue specific regulations regarding information, labelling, presentation, advertising and marketing, and regarding conditions for use of voluntary labelling schemes.

**§ 17. *Traceability***

The King may, for the purpose of protection of animal welfare, issue specific regulations regarding traceability of animals or animal products.

**§ 18. *Trading in animal products***

The King may in regulations limit, establish requirements for, or ban trading of and use of products from animals which are covered by this Act. Subject to the limitations of agreement with a foreign nation or international organisation or international law in general, the King may also limit, establish requirements for or ban the import of such products.

**§ 19. *Access to property and the obligation to assist***

The animal keeper and any person who produces, processes or trades products from animals covered by this Act shall give the control authority and police unlimited access to the place or buildings where animals are held, or where activity covered by this Act takes place. Foreign inspectors may participate in inspections etc. when this is necessary in order to fulfil Norway's international obligations.

The animal keeper and any person who produces, processes or trades products from animals covered by this Act shall provide, free of charge, necessary buildings, furniture and fixtures, assistance and equipment, to assist the control, and otherwise give appropriate help to facilitate the control.

The King may issue specific regulations regarding access to a place or buildings.

**§ 20. *Obligation to provide information, documentation and control activities***

The animal keeper and any person who produces, processes or trades products from animals covered by this Act shall, on request from the control authority, provide information, notification, reports, documentation and access to documents which are of significance for the control authority's inspection under this Act, or requirements made under this Act. Others who may have relevant information shall, on request from the control authority, provide the necessary details.

The King may issue specific regulations regarding the obligation to provide information and documentation, and the obligation to establish and carry out systematic control activities.

## **Chapter III. Animal keeping**

**§ 21. *General conditions for keeping animals***

Animals can only be kept if they can adapt to the method of keeping in a satisfactory way with regard to animal welfare.

The King may issue specific regulations in order to limit or ban the import, breeding and keeping of certain animal species.

**§ 22. *The animals' living environment***

The animal keeper shall ensure that animals are kept in an environment which is consistent with good welfare, based on the animals' needs specific to both the species

and the individual. The environment shall give the animals opportunity to carry out stimulating activities, movement, rest and other natural behaviour. The animals' living environment shall stimulate good health and condition, and contribute to safety and well being.

Animals shall be protected from unfavourable weather conditions, and have access to suitable and safe shelter outside the normal grazing periods.

The King may issue specific regulations regarding animals' living environment, including requirements for suitable and safe shelter, including action to prevent, discover and extinguish fire, and exceptions from the requirement for shelter.

### **§ 23. *Attention, care and feeding***

The animal keeper shall ensure that:

- a) Animals receive good attention and care including good hygiene,
- b) Feed, pastures and water are of good quality, satisfy the animal's need for nutrition and fluids, and stimulate good health and welfare. Animals shall not be fed or hydrated forcibly unless it is done for animal health reasons,
- c) Animals are protected from injury, disease, parasites, predators and other risks. Sick and injured animals shall be given appropriate treatment and be killed if necessary,
- d) Spreading of infectious disease is limited, and that
- e) Animals, where appropriate, are suitably tame in order to be handled and cared for in an acceptable manner with regards to animal welfare.

The King may issue specific regulations regarding attention, care and feeding.

### **§ 24. *Breeding and biotechnology***

Breeding shall encourage characteristics which give robust animals with a suitable function and good health.

Reproduction, including through methods of gene technology, shall not be carried out in such a way that it:

- a) changes genes in such a way that they influence the animals' physical or mental functions in a negative way, or continues such genes,
- b) reduces the animals' ability to practice natural behaviour, or
- c) stimulate general ethical reactions.

The King may issue specific regulations regarding breeding and keeping of animals not in compliance with the principles in this Section.

### **§ 25. *Training, showing, entertainment and competition***

Animals in training and animals which are used for showing, entertainment and competitions shall:

- a) be capable of carrying out the activity without being exhausted or injured,
- b) not be subjected to or be influenced by substances or treatment which can render the activity unacceptable with regards to animal welfare,
- c) not with intent be subjected to fear, injury or other suffering, and
- d) not be used in fights with other animals or people.

The King may issue specific regulations regarding training, showing and competitions etc. including requirements regarding specific approval, or ban various forms of such activity, ban the use of certain species and certain forms of substances and treatment.

The King may through specific regulations make exceptions from the 1<sup>st</sup> paragraph for certain types of training.

**§ 26. *Trading of animals and professional care of animals belonging to others***

Any person who sells or transfers animals to someone else shall provide the person who receives the animal with necessary information regarding conditions which are of relevance to the animal's welfare.

The King may issue specific regulations regarding information, marketing, advertisement, import, export, trading, raffling, renting and borrowing of animals including professional care of animals belonging to others including registration, approval and a ban against such business.

**§ 27. *Hunting, catching and fishing of kept animals***

The King may issue specific regulations regarding hunting, catching and fishing of animals which are owned or in some other way held in captivity, including training for such activity, and banning activities or making specific requirements for approving such activities.

**§ 28. *The release of animals into nature***

An animal can only be released from captivity into nature in order to live in the wild if the animal has a good possibility to adapt to and survive in its new environment.

The King may issue specific regulations regarding the release of animals into nature, including the establishment of conditions for or ban against such release.

## **Chapter IV. Animals living in the wild**

**§ 29. *Hunting, catching and fishing***

Hunting, catching and fishing shall be carried out in such a way that the animal's welfare is taken into account.

The King may issue specific regulations regarding hunting, catching and fishing as referred to in the 1<sup>st</sup> paragraph, including searching for and killing of animals living in the wild.

**§ 30. *Capturing of animals that live in the wild***

Terrestrial animals and sea mammals that live in the wild must not be captured for the purpose of being handled or kept in captivity. This does not apply to short term capturing of sick or injured animals for rehabilitation, with a view to later release into the animal's natural environment.

The King may issue specific regulations regarding exception from the 1<sup>st</sup> sentence of the 1st paragraph, including specific regulations regarding capturing, handling and keeping of animals that live in the wild.

## **Chapter V. Taxes and Charges**

### **§ 31. *Charges and fees***

The King may issue specific regulations regarding the collection of fees in order to cover the costs of supervision, control and specific services under this Act and regulations made under this Act.

The King may issue specific regulations regarding the obligation for businesses covered by the Act concerning food production and food safety (The Food Act) to pay a charge on foodstuffs. The charge shall cover the costs of supervision and control under this Act of keeping and use of animals for food production, when the costs are not covered by the fees referred to in the 1<sup>st</sup> paragraph.

The King may issue specific regulations regarding the obligation for producers or importers to pay a charge on feed for animals which are not used for food production. The charge shall cover the cost of supervision and control under this Act of keeping and use of animals which are not used for food production, when the costs are not covered by the fees referred to in the 1<sup>st</sup> paragraph.

The King may issue specific regulations regarding the calculation of fees and charges, and the recovery and payment of these.

In the case of delayed payment of charges and fees, interest shall be paid in accordance with the Act 17. December 1976 nr. 100 concerning interest on delayed payments.

Charges and fees may be recovered by execution proceedings.

## **Chapter VI. Administrative orders and sanctions**

### **§ 32. *Supervision and decisions***

The Food Safety Authority carries out controls and may issue decisions necessary to ensure compliance with this Act or regulations under this Act.

The Food Safety Authority may issue decisions to restrict grazing in order to protect farm animals from predators. In the case of radical restrictions on grazing due to the need to protect farm animals from predators, the owner of the animal has a right to economic compensation. The King may issue specific regulations regarding the conditions for and calculation of such compensation.

The King may delegate authority to other state or private organisations, and issue specific regulations concerning the appointment of an appeal body in such cases.

The King may issue specific regulations regarding the control practise, and the appointment of, the composition of and management of control authorities.



**§ 33. *The execution of orders and temporary keeping of animals***

In the case of a control authority's decision not being followed, or the responsible person is unknown, or it is necessary to carry out the action without delay, the control authority is permitted to implement necessary action itself.

The control authority or the police may, subject to decision, take temporary custody of animals, or in other ways ensure that the animal receives the necessary supervision and care. Decisions issued by the police will be repealed if they are not confirmed by the control authority within 7 days. The responsibility for animals covered by a police decision is transferred to the control authority when the decision is confirmed.

Action under the 1st and 2nd paragraph can be carried out at the expense of the animal keeper. Money outstanding may be recovered by execution proceedings.

When the control authority requests assistance, the police shall assist in the execution of control and decisions.

The King may issue specific regulations regarding the execution of orders and temporary custody of animals.

**§ 34. *Ban concerning activities covered by the Act***

The Food Safety authority may ban from activities under this Act, any person who fails to comply with substantial orders, or seriously or repeatedly violates decisions made under this Act. The ban may apply to all or some species, one or several activities, for a certain period or indefinitely. The ban may also apply to other people who are connected to the person who has acted against the Act.

The court may, in connection with criminal proceedings, impose a ban under this paragraph.

The King may issue specific regulations regarding bans against activities covered by this Act and processing of such cases.

**§ 35. *Enforcement damages***

The control authority may impose, on any person who fails to comply with a decision within the stated deadline, enforcement damages, either as a one off imposition or as running damages imposed daily.

The size of the damages shall be determined subject to the importance of the implementation of the decision, and which costs are likely to incur.

The enforcement damages may be determined in connection with the issuing of the decision when it is considered necessary that the deadline is met.

Enforcement damages owed may be recovered by execution proceedings. The control authority may abandon incurred damages.

The King may issue specific regulations regarding the determination and calculation of enforcement damages.

## **Chapter VII. Criminal liability**

**§ 36. *Criminal liability***

Intentional or negligent violation of the requirements in or under this Act or decision issued under this Act is punishable with fines or imprisonment for a maximum of 1 year, or both, provided the offence is not subject to more severe penal provisions. Aiding and abetting and attempts are punished in the same way.

Serious violations are punishable with imprisonment for a maximum of 3 years. When determining the seriousness of the violation, the scale and effect of the violation and the level of guilt shall be taken into account.

### **§ 37. *Fixed penalty***

The King may through regulations decide that fines imposed, on the spot or later, for specific violations, may be in the form of a fixed fine at fixed rates. In the case of such fines the specific regulation which places the criminal liability on the person, and the punishable circumstances, may be described in brief terms or similar. A policeman, who does not normally have the power to impose fines, may be given the power to issue such fixed fines.

A fine issued on the spot is not valid if not accepted without delay. If the person charged is younger than 18 years of age, a short deadline for acceptance may be given. The Criminal Procedure Act § 256 no 5 applies in the case of fines issued after the violation occurred. Such fines are invalid if not accepted within the deadline. The King may issue specific regulations regarding procedure when issuing a fine after the violation occurred.

The enforcement authorities may withdraw an accepted fine if this will be of advantage to the person charged.

The King issues specific regulations regarding the use of fixed fines under this section, and determines the rates of the fines and alternative prison sentences for the violations covered by this scheme.

## **Chapter VIII. Miscellaneous**

### **§ 38. *The establishment of a data register***

The control authorities may establish new or connect to existing data registers when it is necessary with regards to fulfil the intention of the Act or comply with international agreements to which Norway is a party. Such a register may not without permission from the person concerned, contain personal data which is sensitive, as defined in Act 14. April 2000 nr. 31 concerning the handling of personal information § 2 nr. 8.

The King may issue specific regulations regarding the obligation to provide information to such a register.

### **§ 39. *Compliance***

The King may issue more detailed regulations necessary to ensure implementation of this Act.

The King may issue specific regulations necessary to ensure compliance with Norway's obligations under the EEA Treaty, hereunder decide that such regulations in the case of conflict shall take precedence over this Act.

## **Chapter IX. Entry into force and transitional provisions**

### **§ 40. Amendments in other Acts**

The following amendments are made to other Acts:

1. Act 15. June 2001 no. 75 concerning veterinarians and other animal health personnel.

### **§ 31. The Council's function**

The first sentence in the first paragraph shall read as follows:

The Council shall be an advisor for the veterinary authorities in cases concerning disciplinary matters, business practice and veterinary medicine.

2. Act 2. July 1999 no. 64 concerning health personnel, the following amendments apply:

New § 23 no. 4 shall read:

4. that information can be passed on when weighty private or official interests render the transfer of information fair,

New § 23 nr. 5 shall read:

*5. that information can be given when health personnel, during the practising of their profession, have reason to believe that animals are being subjected to such abuse or serious neglect with regards to environment, supervision and care that it is considered correct to give information to the Food Safety Authority or the police or*

The existing § 23 nr. 5 is given the new no § 23 nr. 6.

### **§ 41. Entry into force and transitional provisions**

This Act comes into force (date). As of this date the following Acts are repealed: Act 20. December 1974 no. 73 regarding animal protection and Act 19. April 2002 no. 11 concerning the amendment of Act 20 December 1974 no. 73 regarding animal protection.

Regulations or administrative decisions issued pursuant to Act 20 December 1974 no. 73 regarding animal protection will continue until they are repealed.