

# Responsible Animal Keeping



RAAD VOOR DIERENAANGELEGENHEDEN

**Council on Animal Affairs, *the Netherlands***

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Madam,

It is my pleasure to present to you this Opinion from the Council on Animal Affairs regarding *roles and responsibilities for the welfare, including the health, of captive animals in the Netherlands*.

This Opinion from the Council is, first of all, a fundamental look at the way we should treat captive animals. On the basis of that, the Council presents its vision on the division of responsibilities and roles with respect to captive animals for the coming five to ten years. The changes and improvements following from these in relation to the current situation are partly long term, but where possible and necessary they are also intended to be put in effect in the short term.

Many of the recommendations relate to the government and to the animal keeper. The government has primarily a framework-setting and directing role. Next to it, the Council is of the opinion that those who have decision-making power over an animal are the ones who – in the first place – bear responsibilities. Those are primarily the keepers of animals themselves. Furthermore, parties such as production chains have an implied responsibility, because they have an important influence on the animal keeper. The government, finally, re-enters the picture if other parties fail to live up to their responsibilities.

The Council finds no need for major changes in the division of responsibilities with respect to animal welfare, including animal health. What is needed is a more emphatic articulation of these responsibilities. Furthermore, all stakeholders should assume their rightful roles and fulfil their responsibilities.

The main change that the Council finds is that, in this day and age, we can no longer start from a minimum level of animal welfare, including animal health, and then work from there towards a higher, socially desired, level. Rather, the optimal level of animal welfare, including animal health, should be our starting point in the opinion of the Council. *Well-being* is the norm, and one may deviate from it only if very important interests are at stake. Moreover, the Council is of the opinion that *harm* to animals must no longer take place.

The Council is also of the opinion that those who keep an animal have to be accountable for the way the animal is kept. They should, in the first place at the sector level, report on and justify their practices *to society*.

In conclusion, I call your attention to a couple of points in this report that were cause of some differences of opinion and debate within the Council:

- We advise that the target level and minimum standards for animal welfare, including animal health, should be determined on the basis of the values and norms held within society and the latest scientific developments.

Yet this does not mean that the Council believes that policy in this area should be based on the latest craze. What we do mean is that the target level and minimum standards are dynamic in nature and that the norms currently prevailing in society should have as much weight as scientific evidence.

In addition, there are Council members who worry that if we base the target level and minimum standards on *Dutch* values and norms, we would probably disturb the *level playing field* for internationally operating agricultural production enterprises. Others argue that, as long as the Netherlands is a sovereign nation and there is still no sovereign Europe, we should base our decisions on Dutch values and norms and not on European ones.

- We advise you to develop a differentiated policy on horses and hobby animals. These animals now fall largely under the laws and regulations pertaining to farm animals. On the need for such a differentiated policy there is little debate within the Council, about the way it should be brought about there still is.

Implementation of the clarifications and improvements advised by the Council is explicitly a job for both the government and the animal keeper, as well as for all of the other stakeholders. The Council advises you to begin this process with an open debate in the public and political arena.

If desired, the Council would certainly be pleased to expand further on its recommendations in this regard.

H. Vaarkamp,  
*Chairman, Council on Animal Affairs*  
December 2009

## Foreword

The Council on Animal Affairs (RDA) is a council of experts that advises the Minister of Agriculture, Nature and Food Quality on issues related to animal welfare and animal health. The Council bases its opinions on the latest developments in science, society and ethics.

The Council is made up of some 40 experts who, in their personal capacity and without obligation or compulsion, serve on the Council. The Council meets in plenary twice a year. Most of its content work is carried out in Fora, which are made up of five to ten Council members, in some cases supplemented by external experts.

For each request for advice, the Council establishes a Forum composed of Council members with expertise relevant to the issue at hand. The Forum prepares a draft Opinion, which is commented upon by all Council members in a so-called *horizontal assessment*. The Opinion is then finalized by the Forum, in collaboration with the Council chairperson. It is thus expressly an Opinion of the full Council on Animal Affairs. After the Opinion is finalized, the Forum is dissolved.

The Forum for the current Opinion was made up of the following Council members: F.W.A. Brom, A.A. Freriks (chairperson), L.J. Hellebrekers, H. Hopster, R.B.M. Huirne, F. Ohl, H.M. van Veen and C.M.J. van Woerkum.

In the preparatory phase and in the further specification of the research question, a number of Council member were interviewed on this topic in November and December 2008. Based on those interviews, a preliminary document was composed. In dialogue with the commissioning party, a project plan was mapped out in February 2009. Due to the complexity of the issue being addressed, this plan was revised as many as three times.

In the course of the project, Council members with specific expertise regarding the various animal keeping sectors were interviewed.

In June 2009, a draft Opinion was presented to the Council members for comments. The Forum then dealt with the feedback from this horizontal assessment and in November 2009 presented a revised draft to the Council for a second horizontal assessment. In December 2009 the definitive Opinion was finalized.

## Guide for readers

An overview of conclusions and recommendations of the Council are included in the *Summary*, which precedes the report.

The *Question from the Minister* section offers further clarification on the question posed and on the boundaries set by the Council in researching its Opinion.

Thereafter, under *Social Context*, the Council sketches the developments that have led to this issue being placed on the agenda.

Before the current situation can be analysed, a line of thought formulated and – after comparison of these two – recommendations for change are offered, a summary of the *Key Terms* employed in this report is essential.

In the chapter *Responsibilities and Roles*, the Council describes the basic division of responsibilities and roles as it sees them.

Finally, the chapter *Changes and Improvements* outlines areas of current practice that require adjustment in order to arrive at the division of roles and responsibilities envisioned by the Council.

A description of the current situation is found in an appendix to this report.

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## 1 Summary

At the request of the Minister of Agriculture, Nature and Food Quality, G. Verburg, the Council on Animal Affairs offers this Opinion on how the responsibilities and roles of the government and other stakeholders, including individual citizens, should be divided in order to protect and promote the welfare and health of animals.

The Council's report consists of a conceptual framework, a basic division of responsibilities with the necessary explanatory remarks, and an overview of the changes and improvements required. A description of the current situation in the different animal keeping sectors is attached as an appendix to this report.

The Council first of all points to its opinion that no fundamental change is needed in the division of responsibilities between government and private parties. What is needed is a more emphatic articulation of those responsibilities, and next to government, other actors too must be called upon to fulfil their legal and other responsibilities. Also, more clarity and consensus needs to be developed regarding the various roles played by the parties involved in shaping their responsibilities and the instruments they use in doing so.

The Council is of the opinion that people may keep animals. This right, however, is not unlimited, nor is it absolute. An animal keeper has a far-reaching influence on the life and the living conditions of their animals. He has primary responsibility for the animal's well-being and health. In the relationship between animal and animal keeper, the animal is the weaker party. Animal keepers must be willing to account for and justify the manner in which they keep their animals.

It is the government's obligation to protect weak parties and vulnerable values in our society. The Council advises the government to explicitly state its final responsibility for the quality of the lives of animals, for example, in the Constitution.

Regarding the welfare of animals, including their health, the government has an organization, protection and advancement role, and is by extension responsible for the following:

- (organization) *Definition* of minimum standards and a target level of animal welfare and animal health for the different animal species, and *formalization* of these minimum standards in laws and regulations.
- (protection) *Enforcement* of the minimum standards of animal welfare and animal health, including fulfilling a *safety-net function* when a keeper cannot or will not live up to his or her responsibility.
- (advancement) *Stimulation* and *facilitation* of awareness-raising on and developments in thinking regarding animal welfare and animal health in society.

The government should fulfil its obligations in the following manner:

- By formalizing and enforcing minimum welfare standards, the government should ensure that animal *ill-being* no longer occurs.
- Based on the latest scientific knowledge and public opinion, the government should establish a target level for animal welfare and bring this up to date at least once every five years. In line with current social norms, this target level should be formulated from the perspective of promoting the *welfare* of the animal.
- At the same time, the government should stimulate and facilitate the development of knowledge about animals and work to improve attitudes

towards animals and animal keeping, within society in general and among animal keepers in particular. For this, it is essential to pay explicit attention to the welfare and health of animals in elementary schools, secondary schools and higher education, in the form of these topics' inclusion in curricula and in core educational objectives.

Animal keepers should fulfil their responsibilities in the following manners:

- Before acquiring an animal, prospective owners or keepers should become thoroughly informed about the needs of the animal and how these needs can be met. They have a duty to provide the animal the best possible care and must keep their knowledge and expertise up to date.
- In addition, the different animal keeping sectors should periodically, for example once every three or five years, report on and justify to society the way they treat animals. As part of this reporting process, they should indicate the extent to which they have satisfied the government-set animal welfare targets and any considerations on points on which they have not yet fulfilled the criteria. They should also indicate how they plan to work towards the target level.
- Animal welfare and animal health standards that are above the minimum welfare standards will be privately set in the so-called 'plus standards'. Government's direct involvement in these is limited to the establishment of a validation system by which health and welfare claims can be reliably and scientifically assessed.

In addition to the primary responsibility of the animal keeper to care for the animals under their guardianship, and the government's final responsibility for animal health and welfare, other parties have responsibilities as well:

- Veterinarians have, in addition to their roles and tasks in the context of the general public interest, a central part in collecting information related to animal welfare, animal health, food safety and public health and reporting relevant facts to the government, as society's administrative representative.
- Non-governmental organizations (NGOs) have a signalling and stimulating role, and they sometimes also play a part in implementation. NGOs interpret social views about the treatment of animals, but at the same time they influence public opinion. As such, they can play an agenda-setting role in policymaking. NGOs take on their roles voluntarily: no role can be imposed upon them.
- Associations of animal keepers, such as livestock organizations, breed clubs, animal husbandry and breeding societies, branch and umbrella organizations and chain associations in animal keeping play an important role in the development and sharing of knowledge and in providing information to animal keepers. It is also their task to make and uphold agreements within their sector or chain to safeguard and improve animal welfare. Associations of animal keepers are particularly well placed for the role of accounting for and justifying to society the way animals are kept, through periodic reports on animal welfare and animal health.

- At the end of all animal production chains in all sectors, including companion animals, are retailers: they sell the end-product and/or the animal to the consumer and as such form the direct link between the consumer and the animal production sectors and animal suppliers. They are responsible for the products that they put in the market, including live animals. In the context of corporate social responsibility (CSR), it is up to them to show consumers that they take animal welfare seriously. Furthermore, retailers who sell animals and animal necessities have a key information-provision role towards prospective animal keepers.
- Next to knowledge development, the sharing of knowledge is of major importance for both the establishment of standards as well as the setting of the target level of animal welfare, and also for parties' fulfilment of their roles and living up to their responsibilities. To this end, scientists and research institutes therefore should make their research results available and usable for the diverse actors.
- All citizens have responsibilities and roles with respect to animal welfare and animal health: social values and norms place boundaries on the treatment of animals, and within these boundaries citizens can assert their role as consumer, for example, through their purchasing decisions.

## **2 Question**

### **2.1 Question from the Minister**

What are the responsibilities and roles of animal keepers, the government and other parties in relation to the welfare and health of production animals, companion animals and hobby animals?

### **2.2 Explanatory remarks from the Ministry**

Over the past years, policy has been developed on various topics in the area of animal health and animal welfare. Examples are the policy on prevention and control of animal diseases, the welfare policy for companion animals, and policy on the transport of animals. These respective policy documents have over time incorporated, implicitly or explicitly, changing social views on the role of the animal keeper, the government and other stakeholders.

Their basic assumption is that the person keeping the animal has primary responsibility for the animal's daily care, well-being and health. This is stated as such in the National Agenda on Animal Health and in the Memorandum on Animal Welfare. Animal keepers accept this responsibility by their decision to keep an animal. The government establishes guidelines and preconditions for animal keeping, and informs animal keepers of these. The government is also responsible for enforcing the rules. The way this division of responsibilities and roles is operationalized differs depending on the purpose for which the animal is being kept.

The question then arises as to whether the current line of thinking on the division of responsibilities and roles among the various actors is sufficiently developed and consistent, or whether adjustments are needed. In seeking to answer this question, it is important to learn whether the principles underlying the different policies are mutually compatible, if and how these principles and the policies derived from them are in alignment with the social context, and where changes might be needed in the allocation of responsibilities and roles.

In this light, the Ministry of Agriculture seeks advice on the responsibilities and roles of the different actors in relation to the health and welfare of animals held in captivity. This advice will feed into the revision or further elaboration of policy in these policy areas from the basis of a coherent vision.

This request for advice pertains, more specifically, to 'production animals', which are understood to include farm animals and fish bred in aquaculture,<sup>1</sup> as well as to companion animals including stray animals<sup>2</sup> and hobby animals.<sup>3</sup>

### **2.3 Boundaries set by the Council**

As actors on this issue, at least three categories can be distinguished: the animal keepers, the government and 'other parties', among which are veterinarians, commercial animal dealers, transporters, retailers, chain associations, branch organizations, interest groups, NGOs and citizens in general.

In this Opinion, the Council confines its treatment of stray animals to 'companion animals for which the owner or keeper is temporarily unknown'. The Council does consider it worthwhile to formulate an Opinion on stray animals without an owner, but advises the Minister to combine that with a request for an opinion on responsibilities and roles related to wild animals, because policy on stray animals is formed on the same legal basis (the Flora and Fauna Act). Any statements made on the division of responsibilities

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<sup>1</sup> These are commercially kept animals: animals for which the earning of income is the main reason for keeping them; the animals are used first and foremost as a means of production or as a product (NAD 2007).

<sup>2</sup> Animals that first and foremost are kept for their companionship as pets (NAD 2007).

<sup>3</sup> Farm animals that are not kept as part of a business and for commercial objectives (NAD 2007).

regarding stray animals would, *mutatis mutandis*, pertain to the division of responsibilities on wild animals as well.

### **3 Social context**

In the past decades, the position of the animal has received increasing attention in public debate. Partly therefore, the animal has gained a much more prominent place on the political and administrative agenda. At the same time, citizens have developed more explicit expectations of the government and of other actors involved in issues having a bearing on animal welfare and health. Alongside this development, a general re-orientation has taken place of the position of the government. On one hand, this has been marked by more involvement of social actors in implementing policy in different policy fields; on the other hand, there has been a call for strong government. Both developments provide reason for putting the issue of roles and responsibilities in animal welfare and health on the current policy agenda.

#### **3.1 Changing social attitudes**

Social values and norms are subject to constant change. The same is also true for the treatment of animals and perceptions of the position of animals. Many people no longer see animals only as utility beasts, but view them more as companions or even as members of the family. At the same time, the livestock industry's treatment of animals has become increasingly commercialized. The distance between the citizen and the livestock industry therefore seems greater today than ever before.

The contrast between, on one hand, the humanization of animals and, on the other hand, their commodification, has led to a situation of increasingly divergent views on the position of captive animals. Public attitudes, moreover, are often emotionally charged, and not always sufficiently based on existing objective criteria for animal welfare and health. Critical reflection would therefore seem worthwhile on the views held within society, on any similarities and differences that can be found in approaches to production animals, companion animals and hobby animals, and the establishment of a position regarding possible consequences of these for the responsibilities and roles of the various actors.

#### **3.2 The changing position of the animal**

The position of the animal was first formalized in the Netherlands in 1981, with the recognition of the intrinsic value of animals as one of the cornerstones of human interactions with animals (CRM, 1981). While initially *recognition* of the animal's intrinsic value was central, the debate now seems to be centred more on the *weight* of the animal's interest, based on its intrinsic value, in relation to other interests. Views on the appropriate weighting of the animal's interests diverge widely, and differences are often fundamental in nature. This often leads to polarization in public and political debate on animal welfare and animal health.

At the European level, in 1997 the *Treaty of Amsterdam* (European Union, 1997) and later the *Treaty of Lisbon* formalized the view that animals are worthy of protection, in part because they are recognized as *sentient beings*: beings that feel and can experience pain. The Dutch proposal for the *Law on Animals* (LNV, 2008) is similarly anchored on this assumption.

These changes in social attitudes have manifest in practice in a variety of ways. For example, the Netherlands is the first country in the world where a political party with a main focus on animal interests participates in the national political establishment. During the last Dutch parliamentary elections, other political parties, too, incorporated variously ambitious texts about animal welfare in their election programmes. The current government's coalition agreement contains a section on animal welfare. In the context of implementing that text, for the first time in Dutch history a policy paper on animal welfare was formulated by the Cabinet and dealt with in Parliament. Furthermore, animal health policy was brought up to date in the National Agenda on Animal Health 2007-2015.

### **3.3 The changing role of government**

The past decade was marked by a retreating government, leaving more responsibilities to individual citizens. Citizens were to be given the opportunity to solve their own problems in as much and as well as possible (*Kabinetsvisie andere overheid*, 2003 and *Nota bruikbare rechtsorde*, 2004).

Meanwhile, however, the government's position again seems to be changing, with a larger role for government being called for from a number of points of view. A good balance between 'the market', a strong government, and a powerful civil society is seen as key for the effective functioning of a powerful, democratic state (Tjeenk Willink, *Jaarverslag Raad van State 2008*).

## **4 Key terms**

In the current report the Council uses key terms defined in the following way.

### **4.1 Animal keeper**

Pursuant to Article 1 of the Law on Animal Health and Welfare, the Council understands the term 'animal keeper' to refer to the owner as well as the guardian and the caretaker of the animal, including individuals and entities temporarily caring for animals, such as commercial dealers, transporters, collection centres and so forth.

Professional animal keepers are all those who, for commercial reasons, have animals under their care. They therefore include not only keepers of farm animals, but also those who have companion animals, in as far as they seek to earn income with those animals.

### **4.2 Animal welfare**

There is no single authoritative definition of 'animal welfare'. Welfare of animals is a concept that, like 'health', 'environment' or 'safety', can be defined at a variety of levels (Stafleu et al., 1996). The concept originated not as a scientific term, but as a reflection of a value system that expresses concern for the way animals are treated (Duncan and Fraser, 1997). It is an aid to help systematize the subject area, to delineate it and make it a topic of public debate. Implicit in the concept of animal welfare is (physical) scientific research – measurements of animals and their environment – together with interpretation of the findings of such research in light of social values and norms.

Despite all the attention given to the subject of animal welfare over the past 40 years, the conceptual definition of animal welfare remains a subject of debate.

Animal welfare is often defined in terms of negative experiences: welfare is then understood as the absence of discomfort or impairment of the animal's well-being. This definition is borrowed from the 'Five Freedoms', which was one of the first attempts to define the notion of animal welfare, made in 1965 by the British *Farm Animal Welfare Council* based on an earlier formulation by the *Brambell Commission*. The assumption was that the welfare of animals would be ensured with five freedoms:

- freedom from hunger, thirst and inappropriate feed;
- freedom from thermal and physical discomfort;
- freedom from pain, injury and diseases;
- freedom from fear and chronic stress;
- freedom to express normal, species-specific behaviour patterns.

Four of these five freedoms are formulated based on the idea that welfare is equivalent to the absence of 'ill-being'. The Dutch government subscribes to this vision as well. In its Memorandum on Animal Welfare of October 2007, the Ministry of Agriculture names the Five Freedoms 'parameters for good animal welfare'. Positive aspects of welfare such as pleasure and satisfaction – welfare in the sense of well-being – remain largely outside the scope of these and comparable definitions.

More recent concepts of animal welfare are based on an internal state that the animal itself experiences as *positive*. An animal that experiences its internal state as negative is therefore in a state of ill-being. An animal can be said to be in a good state of welfare if it is able to adapt to its living conditions and achieve a state that it experiences as positive.<sup>4 5</sup>

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<sup>4</sup> The development of pathological behaviour is not considered to be an acceptable adaptation: stereotypic behaviour, for example, is a pathological adaptation to circumstances that can be extremely damaging for the animal in question.

<sup>5</sup> Ohl and Hellebrekers (2009)

Behaviour is an important indicator in assessing the welfare of an animal. To be able to judge the results of behavioural observations some insight is needed, on one hand, into natural behaviour and species-specific behavioural needs. On the other hand, knowledge is required of the influence of the behavioural limitations imposed by the conditions under which the animal is kept.

The natural behaviour of wild animals is the result of an evolutionary selection process. In this process, the species and, within a species, variants survive whose members are best adapted to the living environment, in the sense that they produce the most fertile descendents. Wild animals' behaviour is therefore finely tuned to the possibilities and limitations of their natural living environment.

For domesticated animal species and the breeds that exist within those species, it is sometimes very difficult to define a natural living environment, because the animal's corresponding wild cousin might no longer provide a worthwhile point of reference. Humans, for example, are now part of the natural living environment of household dogs, and not all dog breeds are still capable of forming a stable social group with others of their own species (Feddersen-Petersen, 1992). Furthermore, targeted breeding policy might have modified an animal's natural tendencies to the extent that its original behavioural needs have become less strong. Nonetheless, for various domesticated animal species the complete behavioural repertoire of the wild forefathers has been shown to still be present in a latent state, and it quickly resurfaces in a semi-natural environment.

The Council understands animal welfare to be the state of the individual animal resulting from all internal and external influences, as these are experienced by the animal itself.

#### **4.3 Animal health**

There is no generally accepted definition of 'animal health'. In this report, the Council understands the term to mean the extent to which an animal functions within the biological limits that are normal for the species. Being healthy means at the very least that the animal is in average physical condition and does not suffer from severe pathological disorders, such as diseases or injuries.

Animal health is an integral part of animal welfare: an animal that is not healthy has a diminished well-being. This is also reflected in the *Five Freedoms* and in the *Welfare Quality* criteria.

Animal health can be important to human health as well. Animals can transmit diseases to people. That can happen directly, as in zoonoses such as Q fever, toxoplasmosis and rabies; but it can also occur via food of animal origin. Alimentary zoonoses such as salmonella and campylobacter are examples of these. Furthermore, the treatment of diseased animals can pose risks to humans, on one hand due to harmful residues of veterinary medicines making their way into foods of animal origin, and on the other hand, because the treatment of animal diseases can produce resistance in human pathogens.

Finally, animal health has major economic significance. International trade in animals and animal-derived products, for example, imposes all kinds of health requirements (the so-called 'sanitary requirements'). Moreover, an outbreak of an infectious animal disease can have serious economic consequences for professional animal keepers. Also, farm-bound animal health problems in production animals can inflict economic damage on farm businesses.

#### **4.4 Level of well-being**

By 'level of well-being' the Council means the actual state of an individual animal, determined based on biological facts regarding its physical and mental condition. Assessment of an animal's level of well-being should therefore be done on the basis of

scientifically supported knowledge and verifiable measurements, preferably carried out on the animal itself.

Establishing the subjective feelings of an animal, i.e. its mental condition, is not easily reconciled with the wish to do this *objectively* 'in the third person'. This underlines the importance of intersubjectivity and scientific validation.

Assessment of an animal's level of well-being is unrelated to the function that the animal fulfils: the assessment criteria for a pig's level of well-being is always the same, regardless of whether it is applied to a pig as farm animal, a companion animal, a zoo animal or a laboratory animal.

#### **4.5 Welfare standards**

By 'welfare standards', the Council means the standards of animal welfare upheld by society. Welfare standards are the end product of a balancing of interests. In this balancing, human health, for example, weighs heavier than the well-being of the animal, while the well-being of the animal might then weigh heavier than limitations imposed on a person's ownership rights.

Different standards might apply to the same animal species, depending on the purpose that the animal fulfils, among other factors.

#### **4.6 Health standards**

When it comes to aspects of health that are of importance only to the animal itself, health standards are part of the welfare standards and requirements (see also 4.3). In as far as animal health has a bearing on human health and/or the economy, specific supplementary health-related standards and requirements can be established.

#### **4.7 Target level**

The 'target level' is the level of animal welfare and animal health that society considers desirable. It is an actualization of evolving social views and the scientific knowledge developed in this area. The government should formulate the target level and keep it up to date.

In cases where important interests are at stake, deviations may be made from the target level. In such situations, however, justification has to be provided as to the balance of interests underlying the decision.

#### **4.8 Minimum standards**

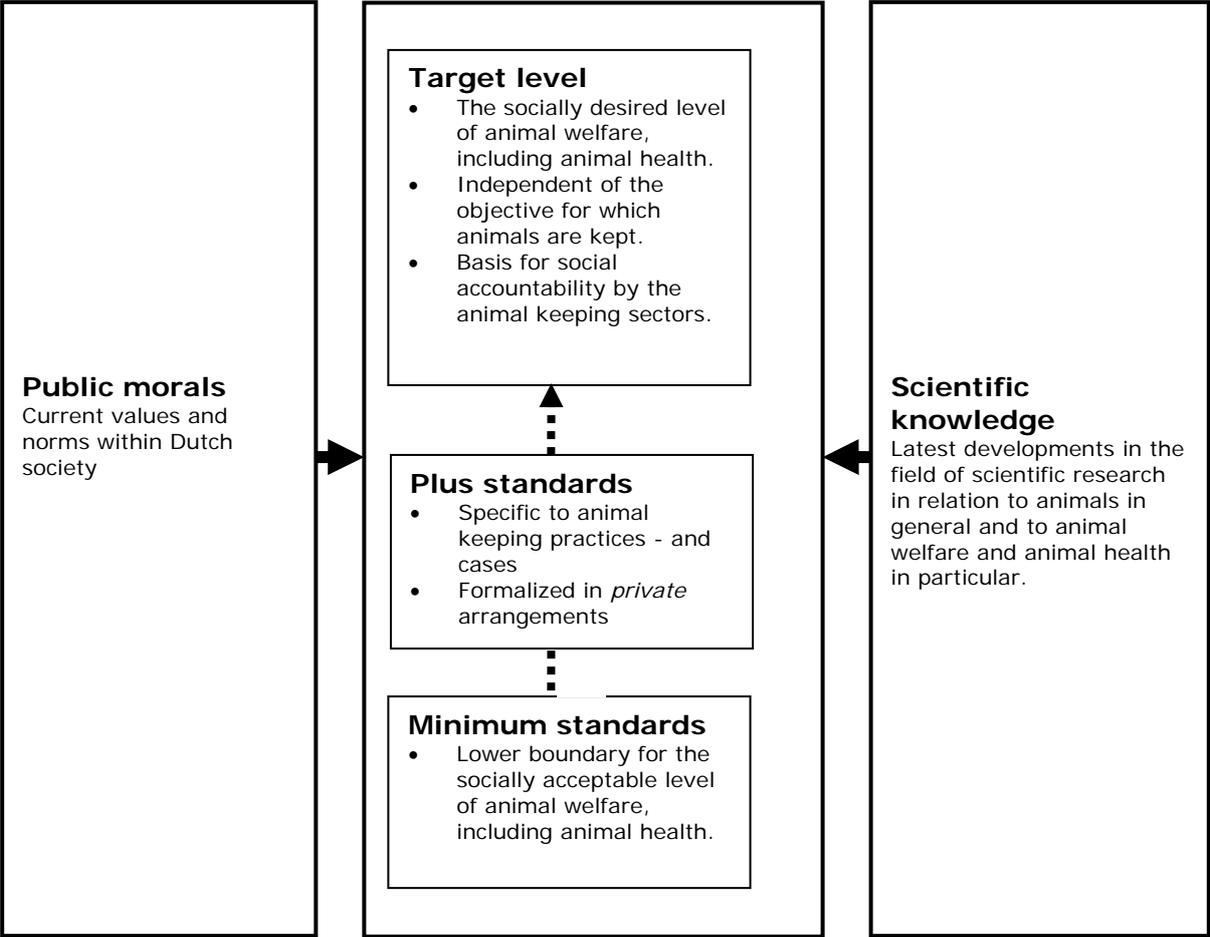
The Council understands 'minimum standards' to be government-established minimal animal health and welfare standards that all inhabitants of the Netherlands are obliged to fulfil.

Minimum standards are – like the target level – dynamic in nature, they can change over time due to changes in the balance of interests underlying them.

#### **4.9 Plus standards**

The Council uses 'plus standards' to refer to health and welfare standards that go beyond the minimum levels, i.e. that define a higher level of well-being. Plus standards are established by private parties and can be adapted over time. They are therefore also dynamic in nature.

The target level, the plus standards, and the minimum standards are based on public morals and scientific knowledge. The difference between the target level, plus standards and minimum standards is a gradual one. The target level stands for the socially desired – in general highest – level of animal welfare, including health, whereas the minimum standards represent the lowest level of welfare that society considers acceptable. The figure below presents these interrelations.



## **5 Responsibilities and roles**

### **5.1 Responsibilities, roles, tasks and instruments**

On the basis of principles, decision-making authority and agreements, parties are allocated certain responsibilities, which they each put into effect through certain roles. In carrying out the tasks involved, they can make use of various instruments.

### **5.2 People keep animals**

The Council on Animal Affairs supports the position of the Minister of Agriculture, Nature and Food Quality on the human–animal relationship, as expressed in the *Memorandum on Animal Welfare* of 2007: “It is a fact that people keep animals and have domesticated them over time. People are responsible for the health and welfare of animals. This responsibility increases and runs in parallel with the extent that people can influence or determine an animal’s living conditions.”

The Council would add to this that the right to keep animals is not absolute nor is it unlimited. In the relationship between the animal and the animal keeper, the animal is the weaker party. Animal keepers must therefore be willing to account for and justify the way they keep their animals.

### **5.3 The animal keeper is first responsible**

The animal keeper is has primary responsibility for the welfare and health of their animals. The animal keeper has the authority to make decisions regarding the animal and determines the animal’s quality of life, from birth until death. The animal keeper has a duty to ensure optimum health and optimal well-being of the animal, and must be willing to account for and justify the way the animal is kept.

Individuals who have temporary guardianship of animals, such as transporters and animal dealers, also bear a responsibility for the welfare of those animals.

Animal keepers can organize themselves into hobby and breeding clubs, special interest groups, farmers’ unions, branch organizations, chain associations, etc. These too can be called upon on their responsibilities for ensuring the health and well-being of animals.

### **5.4 The government has final responsibility**

As stated, in the relationship between animal and animal keeper, the animal is the weaker party. The position of the animal is that of a ‘vulnerable value’ in society, comparable with – but not equivalent to – public health and the environment. Final responsibility for the quality of life of animals held in captivity rests with the government. The government has an organization, protection and advancement role<sup>6</sup> and by extension is responsible for the following:

- a. (organization) *Definition* of minimum standards and a target level of animal welfare and animal health for the different animal species, and *formalization* of these minimum standards in laws and regulations.
- b. (protection) *Enforcement* of the minimum standards of animal welfare and animal health, including fulfilling a *safety-net function* when a keeper cannot or will not live up to his or her responsibility.<sup>7</sup>
- c. (advancement) *Stimulation* and *facilitation* of awareness-raising on and developments in thinking regarding animal welfare and animal health in society.

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<sup>6</sup> According to RVZ (1999) and CRM (1981)

<sup>7</sup> Interference by the government is necessary only if the capacities of the keeper are insufficient (for example, in cases of extremely contagious diseases or threats to public health) or if the keeper disregards his or her responsibilities (for example, in cases of abuse or neglect). For this, various means can be deployed (*National Agenda on Animal Health*, 2007)

## **5.5 Other parties**

Next to the animal keeper and government, other parties too are directly or indirectly involved in the keeping of animals in the Netherlands. These parties also have responsibilities, as well the roles implied by these. These responsibilities can be imposed, but are often adopted voluntarily.

### ***5.5.1 Associations of animal keepers***

Livestock organizations, breed clubs, animal husbandry and breeding societies, branch and umbrella organizations, chain associations in animal keeping and other associations of animal keepers play an important role in the development and dissemination of knowledge, as well as in the provision of information to animal keepers. They too should make agreements within their sector or chain to secure and improve the welfare of animals. Associations of animal keepers are particularly well-suited parties to, in the name of animal keepers, account to society by means of periodic animal welfare and animal health reports.

Chain associations – of animal production chains – are made up not only of animal keepers, but also include parties such as producers of animal feed, transporters and processing businesses. Chain associations have a shared responsibility for the animals and products in the chain. By means of chain quality-management systems, they can enforce the minimum standards of welfare within their chain and work towards the target level for animal welfare and health, guided by the plus standards, among others.

### ***5.5.2 Retailers***

Retailers are at the end of animal production chains in all sectors, including the companion animal branch: they sell the end product or the animal to the consumer and, as such, form the direct link between the consumer and the animal production sectors and animal dealers.

People who sell animals and the products needed to keep and care for them have an important awareness-raising role both towards people who have animals and towards those considering getting an animal.

The supermarkets are responsible for the products that they put in the market. In the context of corporate social responsibility (CSR), they should have to show consumers that they take animal welfare seriously. No longer carrying table eggs laid by battery hens is a good example of this. Supermarkets should also stimulate consumers to be more conscientious shoppers.

### ***5.5.3 Non-governmental organizations***

Non-governmental organizations (NGOs), such as animal protection societies and consumer organizations, represent social trends and interests. Some NGOs restrict their activities to putting interests of animals on the public agenda and raising awareness of shortcomings in this area. Others go as far as to propose alternatives or contribute to the actual realization of solutions. No responsibilities or roles can be imposed on NGOs, but they can be addressed on the responsibilities and roles that they have taken on themselves.

#### **5.5.4 Veterinarians**

Veterinarians have a special position, in view of their professional and social tasks and responsibilities. Besides providing preventative and curative veterinary health care, they also have a duty to ensure animal welfare, animal health, food safety and public health.<sup>8</sup>

#### **5.5.5 Citizens**

Finally, all citizens have responsibilities and roles regarding animal welfare and animal health. Social values and norms determine how, in general, the public views the treatment of animals. Citizens can express these views in their role as consumers, for example, through their purchasing behaviour.

### **5.6 A closer look at the first responsible**

#### **5.6.1 Ease of keeping in captivity**

Not all animals are equally easy to keep in captivity. If the species-specific minimum standards for animal welfare and health cannot be met for a particular species, that species should not be allowed to be kept in captivity. Similarly, if too little is known about the health and welfare aspects of keeping a certain animal species, then the precautionary principle must prevail and that species may not be kept.

If keeping a certain animal species requires specific knowledge, expertise or housing, then permission to keep that type of animal should be limited to special categories of keepers, such as zoos or certified animal keepers.

It is the government that determines which animal species may or may not be kept in captivity, or may be kept only by certain categories of keepers.<sup>9</sup>

#### **5.6.2 Knowledge and expertise**

Because the animal keeper has a far-reaching, almost absolute influence on the life and the living conditions of their animal, they must possess sufficient knowledge and expertise to keep the animal in such a way that the target level is met.

Keeping an animal ought to be based on a well-considered decision. Before doing so, any potential animal keeper must become thoroughly informed about how the needs of the animal can be met. The animal keeper must provide their animal optimal care and housing and must keep their knowledge and expertise up to date. Violations of animal welfare and health caused by *ignorance* have the same effect as violations of animal welfare and animal health caused by *ill-will*.

Organizations of animal keepers and branch organizations have an implementation role in the development of knowledge and in sharing it with animal keepers. The government stimulates and facilitates. The government also plays a role in raising awareness among animal keepers about their duty towards their animals.

#### **5.6.3 Limitations**

The right to keep animals is, in the opinion of the Council, neither absolute nor unlimited. Keepers who fail to fulfil their responsibility towards their animal(s) should be banned from keeping animals – temporarily at first, and permanently in case of repeated offence.

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<sup>8</sup> See also: RDA report 2009\_01, *Visibly better: the role of the veterinarian in the public interest* (May 2009)

<sup>9</sup> This should be done by including animal species, or not including them, or including them only under certain conditions, on an affirmative list of animals that may be kept (now in Art. 33 Law on Animal Health and Welfare).

The Council deems a ban imposed by a criminal judge to not always be the most appropriate instrument. It therefore suggests consideration of introduction of an animal-keeping ban as an independent administrative measure. This would prevent situations in which action can be taken only once criminal charges have been filed and successfully prosecuted.

#### **5.6.4 Accountability**

Animal welfare and animal health are social values and public interests<sup>10</sup>: they are so-called 'vulnerable values' in our society, and the government has a duty to protect them in the name of society.

To do so, the government, first of all, has to have adequate oversight of animals. Where technically feasible, identification and registration of animal species, among which all farm animals, including hobby animals and horses, and dogs and cats, is an essential part of the *license to hold* of the animal keeper. In this regard, the welfare of the animal weighs heavier than any possible infringement of the privacy of the keeper. Moreover, all information relevant to animal welfare, animal health and public health, including the use of veterinary medicines, must be collected in a central database.<sup>11</sup> This information should be provided by professional animal keepers, via (chain) systems for quality management, by veterinarians and by animal insurance companies. The government should ensure that these data are monitored and utilized.

In addition, the different animal husbandry sectors should periodically, for example, once every three or five years, report and justify to society the way they keep animals. Such a report should be made obligatory, analogous to environmental reports and reports along the lines of corporate social responsibility (CSR). The *Welfare Quality* programme should be able to provide the basis of a good format for these 'social animal welfare and animal health reports'.

### **5.7 A closer look at the final responsibility**

#### **5.7.1 Target level for animal welfare**

The government should formulate and keep up to date the requirements for the target level of welfare and health for each of the different animal species.

The target level is derived from prevailing social values and norms, and the available scientifically based knowledge.<sup>12</sup> From this it follows that the government must initiate, stimulate and facilitate scientific research and knowledge sharing in the relevant fields.

The government can facilitate animal keepers in their efforts to achieve the target level of animal welfare. This is especially important when it is unclear exactly how this level can be achieved in actual practice. To this end it might furthermore be necessary for the government to commission research, unlock know-how and disseminate information.

#### **5.7.2 Minimum standards**

Only for very important interests can the target level be deviated from. Yet even in such cases, the basic point of departure must still be that negative animal welfare (animal *ill-being*) may no longer occur. The government ensures this by establishing minimum welfare standards at a sufficiently high level.

Per animal keeping practice, and if needed per specific case, the different interests and threats are balanced using a transparent weighting system. On the basis of that,

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<sup>10</sup> Council on Rural Areas, June 2007

<sup>16</sup> See RDA (2009)

<sup>12</sup> Sandøe and Christiansen (2008: XIII, XIV)

appropriate minimum standards are established per animal keeping practice and formalized in public laws and regulations.

The government should justify to society the way it arrived at the minimum standards, substantiated by objective data, against the backdrop of the level of welfare desired. Such transparency is essential for establishing and maintaining public support.

The Council points out that there must not be a too one-sided focus on production animals. It also considers it desirable for the government to be seen as active when it comes to the protection of companion animals and hobby animals.

If standards set at the European level are found not to satisfy scientific criteria, and also if the Dutch social context calls for tighter standards, the government should consider establishing Dutch norms that go beyond those at the European level. Depending on public opinion, these will have to be translated into higher minimum standards, and also into a target level that is higher than the European legal minimum.

#### **From a prescriptive approach towards goal-oriented regulations**

Prescriptive measures such as regulations on housing, feeding and management do not, by definition, lead to the desired result, which is improved well-being of animals. The relation between environmental conditions, animal characteristics, management practices and animal welfare is complex. The transition that is now under way, from a prescriptive approach towards goal-oriented measures, should make regulations many times more effective and, at the same time, offer entrepreneurs the freedom to act in a way that is best in keeping with their business operations.

However, time is required to develop instruments with which to assess whether the goals set are in fact being achieved, in addition to the costs and other (institutional) changes needed to make all of the various aspects work in practice. The European Welfare Quality research project has laid a sound foundation for this, but still more research and information dissemination is required. Goal-oriented regulations are therefore not yet ready for use in practice, but they are in the long term the only way to ensure the welfare of animals in the future.

#### **5.7.3 Minimum standards and other actors**

The government develops minimum standards for animal welfare and animal health in consultation with animal keepers, who are often represented by their interest groups.<sup>13</sup> This process is partly influenced by NGOs, which provide relevant information or critically follow the process of balancing interests, bringing this to the attention of their supporters within society.

In order to ensure that policy is consistent in the long term, the government should be the key agenda-setting party, especially in areas where views diverge widely within society. The government has primary responsibility for developing objective information – or having it developed – and for organizing communication with and among social actors. In this it will have to play a proactive role.

#### **5.7.4 Special considerations in the weighting of animal health**

Animal health is, first and foremost, important to the animal itself: good health is part of good animal welfare. Animal health will therefore have to be included as a part of animal welfare in any balancing of interests.

Sometimes the importance of the health of the animal extends beyond its immediate significance to the animal. For example, this occurs when the health status of an animal

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<sup>13</sup> Such as the Dutch Confederation of Agriculture and Horticulture, livestock unions, branch organizations (e.g. Dibevo), associations of keepers, breeders and hobbyists and various umbrella organizations (e.g. the Sector Council on Horses, the Netherlands Association of Hobby Animal Keepers (NBvH) and the Platform for Responsible Pet Ownership (PVH)).

or group of animals triggers barriers to trade, and when animal health affects the health of people.

'Zoonoses', diseases that can be transmitted from animal to people, are a direct threat to human health. Moreover, if the health status of an animal or group of animals requires the regular use of veterinary medicines, this can cause risks to humans in the form of damaging residues or the rise of resistance in disease-causing organisms. These types of animal health-related considerations therefore have extra significance in any balancing of interests.

When risks to people are concerned, the government is always directly involved, in part because the government is constitutionally mandated to take appropriate measures to promote public health.

#### ***Responsibilities related to farm-bound animal diseases***

*We define 'farm-bound animal diseases' here as animal diseases that are not or not easily transmitted from one farm to another. An example is claw lameness in dairy cattle. This is in sharp contrast with very contagious animal diseases, such as foot and mouth disease, for which the law often mandates obligatory reporting.*

*When an animal disease affects only the health and welfare of the animals concerned and/or the profitability of the affected farm, the responsibility rests primarily with the farmer him or herself. The government's responsibility is then limited to its organizing role, through its establishment of minimum standards for animal welfare. If the animal keeper neglects his or her responsibilities, the government must intervene as appropriate in its protective role. In addition, the government has responsibilities in relation to the use of veterinary medicines, in as far as these could pose a danger to public health.*

*If an animal disease could threaten public health – think of salmonella – the government again has a duty to take appropriate measures to promote public health. The primary responsibility for prevention, reporting and control rests, in this case too, with the animal keeper.*

*If an animal disease, for example, Aujeszky's disease, could have a large-scale effect on the economy, the government has a duty to scrutinize whether it is a concern primarily of the animal sector, or whether the potential for economic damage forms a threat to society.*

*If a disease could adversely affect the Dutch economy as a whole, the government should be the one with decision-making authority on the desired national status (e.g. voluntary/compulsory vaccination).<sup>14</sup>*

#### **5.7.4 Enforcement**

Effective enforcement of the minimum standards is important for maintaining public support. If an impending measure appears impossible to enforce (operationally or on principle<sup>15</sup>), the government will have to make social actors partly responsible for enforcement and/or must deploy other instruments to achieve the desired objectives.

This does not change the fact that the government must strive to establish adequate and effective enforcement (including appropriate sanctioning), and it carries final responsibility for this.

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<sup>14</sup> The Council also strongly suggests that the government consider public support for eventual control measures as part of these deliberations.

<sup>15</sup> For example, if enforcement would be practically unfeasible (such as the conducting of house-by-house inspections of Dutch homes) or when basic scientific knowledge is lacking. This does not refer to situations where there is a temporary shortage of enforcement capacity or expertise, etc.

### **5.7.5 Safety-net function**

If an animal keeper is unable to fulfil his or her responsibilities or neglects these responsibilities, it is up to the government to intervene in line with its final responsibility.

An animal owner must, for example, take good care of their dog or cat, and provide appropriate identification and registration, by which runaway dogs and cats can be easily returned to their owner. If, despite this, an animal is encountered as a stray and the owner cannot be found, then the government must take the animal's care upon itself, by assigning this care to other parties or facilitating the sheltering of the animal.

However, this does not necessarily mean that an animal must in all cases be sheltered by the government until its natural death. But there does have to be clarity about the criteria used as grounds for euthanizing a stray animal, and about the frequency and way in which this occurs. For this, the Council advises the government to draw up decision guidelines.

Similarly, if actions are needed from the viewpoint of protecting the public interest, but go beyond the capacities of animal keepers, the government has responsibilities here too.

This would be the case, for example, in a break-out of an extremely contagious animal disease. The animal keeper must then ensure that the infection does not spread. He or she must and shall take the necessary hygienic measures and often must prevent spreading by refraining from transporting any animals. While the keepers themselves can ensure that their own animals are no longer moved, they do not have the authority to impose a local transport ban. Neither do animal keeper associations have this authority. It is therefore up to the government to declare such measures and to ensure that they are enforced.

Organizing and implementing control measures for this type of animal disease is often also beyond the capacities of farmers. This too should be arranged by the government.

### **5.7.6 Stimulating forerunners**

There are, often on a small scale, forerunners who are willing to try to reach the target level earlier than expected. The government should encourage them. This could be done with stimulus instruments, such as subsidies and tax measures, but also by removing obstacles, such as difficult trajectories for obtaining planning permissions.

### **5.7.7 Responsibility and public values and norms**

The government should monitor social values and norms, so that these can be incorporated into the setting of the minimum standards. While it is true that public morals are currently already consulted since the political establishment has a clear role in producing government policy, the Council still thinks that the government, in addition, should conduct a periodic inventory of social views on animal welfare and animal health.

The Council is further of the opinion that in all elementary, secondary and higher education of Dutch citizens, structural attention needs to be paid to animals and animal keeping, to ensure that citizens have an adequate foundation of knowledge and frame of reference. Only then can citizens be rightfully called upon to execute their personal and public responsibilities as consumers, but also in the context of the general duties formulated in Article 1.4 of the Draft Law on Animals. An adequate frame of reference is also a precondition for effectiveness of the plus standards, as discussed in sections 4.9 and 5.8.2.

The Austrian educational programme *Tierschutz macht Schule* or 'Animal Welfare in Schools' is a good example of what the Council envisions in this regard. The government should stimulate and facilitate the development of such an educational package for use in Dutch schools.

To advance public morals regarding animals, the government also has an example-setting role: it demonstrates in an accessible way, what standards it upholds and the considerations on which these are based, as well as how it balances the many interests at stake in making decisions associated with animal welfare and animal health. It, moreover, strives in its own operations to achieve as high a quality of life as possible for animals.

## **5.8 A closer look at the responsibilities of other parties**

### **5.8.1 Minimum standards**

Through quality grading and certification schemes, chain and branch organizations can guarantee minimum standards of animal welfare and animal health within their chain or branch. The government then can suffice by supervising monitoring and establishing targeted flanking policy measures for non-participants.

Chain and branch organizations should help their members to meet the minimum welfare standards by developing and sharing knowledge.

Because next to knowledge *development*, the *sharing* of knowledge is of major importance both for establishing standards and for setting the target level for animal welfare, and also for parties' fulfilment of their roles and living up to their responsibilities, scientists and research institutes should make their research results accessible and usable by the various actors.

### **5.8.2 Plus standards**

Plus standards are established by animal keepers, chain associations, retailers and NGOs in private arrangements or other initiatives. Social pressure – often organized by NGOs – can quickly and effectively compel compliance with plus standards. A recent example is the Declaration of Noordwijk, in which pig farmers, chain parties and retailers, stimulated and facilitated by NGOs and the government, reached agreements on the banning of the non-anaesthetized castration of pigs.

Plus standards are oftentimes communicated by means of product grades and certification labels, for example, the *Volwaard* – or 'Full Value' – chicken and the 'Better Life' labels of the Dutch Animal Protection Society. The ability to recognize better animal welfare and animal health in products on store shelves transforms welfare values into economic qualities subject to market forces. In other words: power to consumers and their values. Preconditions, however, are that product grades and certification labels must be validated, consumers must understand the meanings of the various grades and labels, and consumers must have the basic knowledge to appreciate the added value of the certified products.

The government should put these preconditions in place by stimulating and facilitating education and research, but also by unlocking know-how, providing information to the public, putting financial stimulation measures in place, and concluding covenants or contributing to their conclusion. This requires a strong government prepared to exercise sufficiently inspiring influence on, for example, the animal keeper, chain parties and consumers.

The direct involvement of the government is limited to the establishment of a validation system with which health and well-being claims can be assessed in a reliable, scientific manner. The burden of proof rests with the one making the claim, but it is nonetheless the government's task to systematize and bring objectivity to the process and to protect citizens against false claims.

### **5.8.3 Declaring standards generally binding**

To prevent free-riding behaviour, agreements within a sector or chain can be declared 'generally binding', if enough members subscribe to them. For this, first of all, the legal basis for a generally binding declaration has to be established in the law. After that, the sector associations and chain parties should request the government to declare agreements generally binding.

## **6 Changes and improvements**

If we compare the division of responsibilities and roles sketched here by the Council with the current situation (see also the appendix to this report) we ascertain a need for changes and improvements on a number of points. The Council therefore advises animal keepers, government, the other parties and citizens in general to undertake a number of actions. These actions are numbered and printed in italics below.

### **6.1 General**

First of all, the Council finds that no fundamental change is required in the division of responsibilities between government and private parties. What is needed is a more emphatic articulation of those responsibilities, and next to government, other stakeholders too must be called upon to fulfil their responsibilities. This can be done by establishing clarity and consensus about the various roles, setting clear goals and making explicit agreements about the timeframes in which these are to be realized.

### **6.2 The right to keep animals**

The right to keep animals is not absolute, nor is it unlimited. The Council regrets that Article 33 of the Law on Animal Health and Welfare has not yet been completed. This is an important fundamental article because it describes which animals may and may not be kept in the Netherlands. Because this article has not yet been completed, there is now a liase-faire policy on the subject, instead of the intended conditionally prohibitive policy (forbidding the keeping of animals unless certain conditions are met). This would be remedied by completing the affirmative list, and also by making clear under what circumstances a person's right to keep an animal can be revoked. The completion of this article should not, in the opinion of the Council, be dependent on arbitrary sanctioning of individual cases.

- 1. The Council advises the government to draft an affirmative list of all animals that may be kept, by which a distinction is made between 'animals that anyone may keep' and 'animals that may be kept only by specific categories of animal keepers', and this affirmative list should be formalized in laws and regulations.*
- 2. In so doing, the government should establish clear rules for revoking the right to keep animals. The Council advises rules be established for an administratively-imposed ban on keeping animals. In case of a repeat offence, the animal keeper should be sanctioned with a permanent ban on keeping animals.*

### **6.3 The animal keeper**

Animal welfare, including health, starts with the animal keeper: the keeper is the one who to a large extent, determines the conditions in which an animal lives. The primary responsibility for the welfare of the animal therefore rests with the animal keeper. The keeper must possess, among others, sufficient knowledge and expertise to keep the animal up to the standards dictated by the target level.

- 3. Potential animal keepers should make a well-considered choice. Before they acquire an animal, they must become fully acquainted with the needs of the animal and how these needs can be met. They must keep their knowledge and expertise in this regard up to date.*
- 4. The animal keeper should keep and care for their animal(s) in such a way that the target level of welfare is achieved.*
- 5. Only for very important interests can the target level be deviated from. The animal keeper should then at least keep to the minimum standards of welfare.*

According to the letter of the law, an animal is a thing. Nowadays, it is recognized that animals are *sentient beings*, creatures that can feel. This implies that we must treat animals differently than lifeless objects.

6. *The animal keeper should be accountable for the way they keep their animals (see also recommendation no. 27)*
7. *The animal keeper should, where technically feasible, provide identification for and register their animals. This and other relevant data with respect to animal welfare and animal health should be made intelligible for society, i.e. the government, so as to be able to secure and improve animal welfare, animal health and public health.*

#### **6.4 Government**

Many of the Council's recommendations are directed towards the government. After all, only once the government, as society's representative, has established guidelines for keeping animals, can the other actors carry out their roles and fulfil their responsibilities. Moreover, the government, in the name of society, has a duty to protect vulnerable values and weak parties. From that perspective, the government has final responsibility for the quality of life of the animals in Dutch society. It therefore must also ensure that parties are answerable for and justify their actions.

8. *The Council advises the government to explicitly formulate its special concern for animals. This could be done in the Constitution, as it documents the government's duty towards other vulnerable values in society, such as the environment and public health (Art. 21 and 22 of the Constitution of the Netherlands).*
9. *The government should, for each animal species, draft and keep up to date a target level for animal welfare, including animal health.*
10. *The government, in addition, sets minimum welfare standards of a sufficiently high level for all animal species and for all forms of animal keeping. These minimum standards too should be kept up to date.*
11. *Because this target level and minimum standards are partly based on the latest scientific advances, the government should initiate, stimulate and facilitate scientific research as well as information sharing in this area. Current scientific research mainly targets farm animals and animal ill-being, and should be broadened to include all animal species and the well-being of animals.*
12. *Because the target level and minimum standards are based, in part, on current social values and norms, the government should regularly monitor public views on animals, and report on these at least once every five years.*
13. *Because minimum standards, moreover, are arrived at in a process of balancing interests, often per animal-keeping branch or per specific case, the government should intelligibly articulate how such interests were weighed and balanced to establish the minimum welfare standards, and actively communicate this to society.*
14. *The government should also require the sectors to produce a periodic – for example, five yearly – social report on animal welfare and animal health.*

The Council is of the opinion that *input* measures, such as requirements for housing, feed and management, will not by definition result, on the *output* side, in the desired goal being reached, namely, a better welfare of animals.

15. *The long-term vision of the government should focus on switching from prescriptive regulations to goal-oriented regulations.*

Effective enforcement of standards is of importance for maintaining public support. With regard to the level and the quality of enforcement associated with the Law on Animal Health and Welfare, the Council points to recent reports on this, e.g. that of the Van Themsche Commission (June 2008).

*16. Any rule is only as strong as the enforcement associated with it, and the Council advises the government to give enforcement the proper attention. The responsibility goes beyond formulation of the legislation to be enforced, and extends, as well, to development of enforcement expertise and capacity, involvement of private parties, utilization of information from private (chain) quality-management systems, establishment of an adequate arsenal of sanctions and the actual imposition of sanctions.*

*17. If enforcement by the government appears to be impossible for reasons of practicality or principle, the government will have to make social actors partly responsible for enforcement and/or will have to deploy other instruments to achieve the desired objective.*

If the government wants to be able to protect animal welfare, then it has to have a clear overview of animals. At present, however, only the identification and registration of professionally kept farm animals is effectively organized. Some aspects of animal health, such as zoonoses and the use of veterinary medicines, moreover, have important implications for public health.

*18. The government should require complete identification and registration of animal species for which this is technically feasible. These are, in any case, farm animals including those kept as a hobby, horses, dogs and cats. This registration also includes the animal keeper, who at the same time, bears the costs of registration.*

*19. The government should establish a central database or a central read-out point for private databases to enable the collection and monitoring of relevant data on animal welfare and on animal and public health.*

Private parties can set standards that go beyond the minimum welfare standards. These 'plus standards', provide a means by which animal welfare, including animal health, can be marketed as an added-value. Here, the role of the government must be limited to establishing conditions under which market forces can do their work.<sup>16</sup> After all, the stimulation of (certain forms of) standards of animal welfare and health will be meaningless without the preconditions for market forces work, and such stimulation will no longer be needed once animal welfare and animal health have added value in the market.

*20. Objective measures of animal welfare beyond that required by law are lacking: claims made by private parties are therefore very often on shaky ground. The government should establish objective measures for verifying the plus standards of welfare. In awarding government subsidies, these criteria should obviously also be applied.*

To prevent free-riding, a legal basis should be established whereby certain agreements made in the chain and sector context could be declared Generally Binding. Jurisprudence, however, must first be created for doing so.

*21. The government should further investigate the possibility and desirability of declaring agreements made in the chain and sector contexts to be Generally Binding.*

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<sup>16</sup> Quality grades and certification labels are validated; the consumer is familiar with what the different grades and labels mean; the consumer has the basic knowledge to appreciate the value of the grades and labels.

One prerequisite for enabling market forces to do their work regarding the plus standards is that consumers have enough basic knowledge to appreciate the value of product grades and certification labels. Broader basic knowledge should also help to establish a more objective basis for public opinion about the treatment of animals.

In order to ensure that citizens have an adequate foundation of knowledge and frame of reference regarding animals, animal keeping, animal welfare and animal health, structural attention should be paid to animals and animal keeping in the elementary, secondary and higher education of all Dutch citizens.

*22. The government should stimulate the explicit inclusion of animal welfare in the core objectives of education, and in that respect, ensure that appropriate teaching materials are developed. For this, the Council advises the further strengthening of research into the welfare of animals including a knowledge dissemination objective for education, with allocation of the necessary additional resources.*

## **6.5 Other parties**

Next to the animal keeper, who is first responsible, and the government, which has final responsibility, the Council has also indicated desired changes and improvements for other key actors. For readability, the most important actors in the text below are printed in **bold**.

### **6.5.1 Sectors and chains**

All parties in animal production chains, including those for companion animals, have a shared responsibility for the animals and products in the chain. The implementation of chain quality-management systems can enable minimum welfare standards and chain-specific 'plus standards' to be maintained within the chains. Information that is now often available in a fragmented form within the chain could, via a chain-wide quality-management system, be better collected and shared, both within the chains and with parties external to them. This information will enable the government to better differentiate its monitoring policy. Chain-wide quality-management systems have not yet been implemented equally and completely in all animal production chains.

*23. All **chain parties** should work with reliable, certified quality-management systems with which the minimum welfare standards and plus standards can be upheld throughout the chain. In the context of these quality-management systems, the chain associations should transparently work with government in a system of supervising monitoring. The **government** is in charge of enforcement policy regarding free-riding behaviour.*

*24. The **production chains** should not only provide assurances and exchange information internally, but should also provide assurances to government. They do this by collecting available data on animal welfare, animal health and the use of veterinary medicines in central repositories. The **government** ensures that these data are monitored and utilized.*

*25. **Associations of animal keepers**, such as livestock organizations, breed clubs, animal husbandry and breeding societies, branch and umbrella organizations, and also the chain associations in animal keeping should play an important role in the development and sharing of knowledge, and in keeping animal keepers informed.*

If agreements within a sector or chain are subscribed to by enough participants to be interpreted as representative, they should be declared – by the government, at the request of sector or chain parties – generally binding. The possibility to do this, however, must first be taken up in the law (see recommendation 21).

*26. **Sector associations** and **chain parties** must make more frequent use of generally binding declarations to prevent free-riding behaviour.*

Providing social accountability for the way animals are treated is beyond the capacities of the individual animal keepers. It therefore should, in the first instance, take place at the sector or chain level.

27. *The various **animal husbandry sectors** should be required to periodically, for example, once every five years, account directly to society on the extent to which they have achieved the target level of welfare, on any considerations that might have prevented them from doing so, and on how and when they think they will achieve the targets. This accounting should take the form of social animal welfare and animal health reports.*
28. *If multiple parties are implicated in improvement trajectories following from these reports, agreements should preferably be formalized in covenants. The **government** will have to co-sign such covenants if it wants to gain more influence on the form and progress of improvement trajectories.*

### **6.5.2 Corporate social responsibility**

At the end of the animal production chain are the **retailers**, also when it comes to the companion animal sector: the retailer sells the end-product or the animal to the consumer and thus forms the direct link between the consumer and the animal production sectors and suppliers of animals. Retailers are responsible for the products they place in the market, among which are live animals.

29. *In the context of corporate social responsibility, retailers should demonstrate to consumers that they take animal welfare seriously.*
30. *In addition, those who sell animals and animal-related products have an important awareness-raising task towards people who are deciding whether or not to get an animal.*

### **6.5.3 Plus standards**

Private parties can set standards that go beyond the minimum standards of welfare. These 'plus standards' provide a means by which animal welfare, including animal health, can be marketed as an added-value.

31. ***Chain parties**, particularly **retailers**, must support plus standard claims with verifiable facts and assess these or have them assessed according to the criteria established by government.*
32. ***Chain parties**, and particularly **retailers**, should enable consumers to make rational choices by supplying them with reliable, accessible information.*
33. *The **consumer** should act responsibly by making purchasing decisions conscientiously.*

### **6.5.4 Veterinarians**

Veterinarians fulfil, next to their roles and tasks on behalf of the general public interest, a central role in the collection of information regarding animal welfare, animal health, food safety and public health and in reporting on it to the government.

34. *For detailed recommendations regarding the roles and responsibilities of veterinarians, the Council refers to its report Visibly better: the role of the veterinarian in the public interest (RDA 2009-01).*

### **6.5.5 Non-governmental organizations**

Non-governmental organizations (NGOs) have a signalling and stimulating role and sometimes even an implementation role. They interpret social views about the treatment of animals, but also influence public opinion. As such, they can play an agenda-setting

role in the development of policy. NGOs take on their roles voluntarily: no role can be imposed upon them.

#### **6.5.6 Scientists and research institutes**

Besides knowledge development, the sharing of knowledge is of major importance for both the establishment of standards and for setting the target level of animal welfare, and also for parties' fulfilment of their roles and living up to their responsibilities.

*35. Therefore, scientists and research institutes should make their research results accessible to and usable by the various actors.*

#### **6.5.7 All citizens**

All citizens have responsibilities and roles with regard to animal welfare and animal health: directly, in their role as animal keeper, consumer and enfranchised citizen, and indirectly because social values and norms set boundaries for the treatment of animals.

*36. Citizens should exercise their power as consumers, for example, through their purchasing behaviour.*

### **6.6 Existing policy and final remarks**

To conclude, the Council would like to make a few important remarks on existing government policy and current legislation.

#### **6.6.1 The National Agenda on Animal Health and the Memorandum on Animal Welfare**

In 2007, at the same time as the draft bill was presented for the Law on Animals, the Minister of Agriculture presented her policy intentions in the *National Agenda on Animal Health* and in the *Memorandum on Animal Welfare*. The Council is of the opinion that animal welfare and animal health cannot be viewed as separate subject areas and is pleased that, in any case, the implementation trajectory of these two policy bodies are proceeding in a largely integrated fashion.

*37. Regarding the actions mentioned in the National Agenda on Animal Health and the Memorandum on Animal Welfare, the Council is of the opinion that the goals and the timeframes suggested by the government and the consequences of any failure to act by the actors involved should be better elaborated. To achieve this, the government should develop an overall vision. It is no longer sufficient for the government's objective to be, for example, 'having an integrated and sustainable farm sector within 15 years'. Such a broad formulation offers too little guidance and creates the risk that small improvements will be perceived as 'good enough'. Also, stakeholders must be asked to clearly specify objectives, timeframes and the instruments to be deployed in carrying out their actions.*

*38. The Council emphasizes that, in implementing these two policy bodies, adequate attention must be given to the process sketched by the Council for establishing a target level of welfare and minimum standards of animal health and welfare. The policy line proposed by the Minister should be in alignment with public values and norms and the latest scientific advances.*

#### **6.6.2 Differentiated policy**

Dutch animal welfare and health policy is based on the Law on Animal Health and Welfare. Recognition of the intrinsic value of animals lies at the foundation of this law and the precautionary principle is implemented by starting from a conditionally prohibitive policy (forbidding the keeping of animals unless certain conditions are met). While the Council notes that this law contains general provisions on abuse and neglect of animals, the rules it sets out regarding health and well-being apply almost exclusively to farm animals. Companion animals remain seriously neglected, while hobby animals and horses fall fully under the rules for farm animals. Though this is understandable from a

historic perspective, it does not do justice to current social and scientific views about keeping animals in the Netherlands.

*39. In its policy, the government should give adequate attention to guaranteeing and advancing the welfare of companion animals, horses and hobby animals. At the same time, it should strive towards a differentiated policy on horses and hobby animals, in conformance with current views within society.*

*40. The Council is of the opinion that a separate law and regulations on animal health should be achievable for hobby animals and for horses (1) if the animals concerned play no important epidemiological role in the introduction and/or spreading of contagious veterinary diseases that affect production animals and (2) if the products of hobby animals and horses that fall under the exceptional regulation cannot find their way into the regular (human) food chain.*

*41. The Council advises the government to establish by means of research the epidemiological role of hobby animals and horses in relation to production animals.*

*42. The Council advises the government to investigate whether and how it might be possible to keep hobby animals and horses that would fall under a separate regime outside of the regular food chain.*

*43. In addition, the Dutch government should, at the European level, promote a differentiated policy for hobby animals and horses.*

### **6.6.3 Stray animals**

The (municipal) government takes responsibility for stray animals only in the first two weeks of the refuge period. The Council questions this restriction because here we are talking about live creatures for which the application of legal provisions for 'objects lost and found' fails to do justice to current social views.

*44. The Council advises the government to establish socially acceptable and scientifically based criteria which provide grounds on which decisions can be made on whether a stray animal may be euthanized.*

*45. Furthermore, there must be transparency about the numbers of animals that are euthanized each year and the grounds on which these animals are put down.*

*46. The Council is likewise of the opinion that compulsory identification with a central registration of data on animals and animal keepers would make it easier to enforce the care-giving duty of the animal keeper, so that fewer pets would become strays.*

### **6.6.3 Final remarks**

The Council expresses its worry about the reduction of the tasks and instruments of the government which has resulted from, among others, the effort to lighten administrative burdens and to achieve the agreed 20% shrinkage of the size of the federal government. If the government limits itself to divesting itself of tasks and instruments, and neglects to reassign responsibilities and roles elsewhere, it will in time become unable or insufficiently able to carry out its duties. Moreover, the responsibility to protect weak values in society, such as animal welfare and animal health, cannot be simply transferred to other parties, which means that casting off roles, tasks and instruments associated with animal welfare and health is not always possible and is often undesirable.

*47. The Council advises the government to base any reduction of its tasks and instruments on a fundamental and public re-assessment of its roles and responsibilities.*

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## About the RDA

The Council on Animal Affairs is a council of experts that advises the Minister of Agriculture, Nature and Food Quality on issues related to animal welfare and animal health.

The Council bases its opinions on the latest developments in science, society and ethics.

The Council consists of some forty experts who in their personal capacity, without obligation or compulsion, serve on the Council.

Every opinion of the Council is prepared by a Forum. A Forum is made up of Council members with expertise relevant to the issue at hand, in some cases supplemented by external experts. The Forum presents a draft report to all Council members for comment. The Forum then finalizes the Opinion, taking into account the comments offered in this *horizontal assessment*, in agreement with the Council chairperson. An Opinion by the Council is therefore expressly a product of the entire Council.

The Council on Animal Affairs consists of the following experts:

A. Achterkamp	P.A. Koolmees
J.A.M. van Arendonk	J. Lokhorst
H.M.G. van Beers-Schreurs	C. van Maanen
F.W.A. Brom*	D.J. Mevius
W.H.B.J. van Eijk	F. Ohi*
A.A. Freriks *	P.I. Polman, MPH
L.J. Hellebrekers*	P. Poortinga
W.H. Hendriks	F.C. van der Schans
S.A. Hertzberger	M.M. Sloet van
J.E. Hesterman	Oldruitenborgh - Oosterbaan
A.J.M. van Hoof	F.J. van Sluijs
H. Hopster*	J.A. Stegeman
R.B.M. Huirne*	M.H.A. Steverink, MFM
M.J.B. Jansen	H.W.A. Swinkels
M.C.M. de Jong	H. Vaarkamp, <i>chair</i>
M. de Jong-Timmerman	H.M. van Veen*
J.Th. de Jongh	P.J. Vingerling
J. Kaandorp	C.M.J. van Woerkum*
F. van Knapen	W. Zwanenburg

The names of the members of the Council who formed the Forum for this Opinion are marked with an asterisk.

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Council on Animal Affairs  
P.O. Box  
2500 EK The Hague  
T: 070-378 5266  
E: [info@rda.nl](mailto:info@rda.nl)