



Animal Protection Index (API) 2020

Kingdom of Denmark: ranking B

Executive summary

Since the API was first published in 2014, Denmark has not enacted a new primary source of animal welfare legislation. The Act on the Protection of Animals in Denmark is from 1991 and the latest consolidated version is from 2018. The new Act is applicable to all animals, defined as 'living beings.' It is positive that a ban on bestiality was enacted in 2015 and is included in the Protection of Animals Act. Legislation specifically dealing with farm animals has largely been introduced in order to comply with European Union requirements and, in some instances, welfare provisions go beyond EU law, for instance with regards to the welfare of pigs and calves. Moreover, Denmark performs particularly well with regards to the use of animals in experiments, since the country has banned the use of animals for cosmetic testing and has created the 3R-Centre, dedicated to increase attention on the Three Rs principles – Replacement, Reduction and Refinement – and developing alternative research methods than with using animals.

However, there is room for improvement in many domains related to animal welfare. Notably, it is common for pigs to be rendered unconscious before slaughter through Controlled Atmosphere Stunning using carbon dioxide (CO₂). However, this method takes a long time and causes enormous animal suffering. Over 98% of piglets have been found to be tail docked, despite the EU prohibiting this mutilation. Moreover, though the majority of political parties have committed to banning the use of wild animals in circuses in 2018, such a ban has still not been enacted. However, a ban will be issued after amendment of the current Protection of Animals Act, which is to be presented to Parliament in November 2019. After amendment of the Act a prohibition on elephants, zebras and sea lions will be issued warranted by the Act. Marine mammals are used in public display as a matter of dissemination.

In February 2020, a new Animal Welfare Act was passed in Denmark. However, as it does not come into effect until 2021, it has not been assessed as part of the 2020 iteration of the Animal Protection Index.

Overall, there is a good allocation of human and financial resources dedicated to animal welfare in Denmark. The Protection of Animals Act 1991 gives powers to the Minister of Justice and the Minister of Environment and Food to make secondary legislation related to animal welfare, whilst enforcement powers are given to the Danish Veterinary and Food Administration and the Police Director. The Ethical Council for Animals provides the Minister with an ethical assessment of animal welfare issues regarding legislation to be introduced under the Act on the Protection of Animals and other laws. Two members of this Council are appointed following consultation with animal welfare organisations. The Danish Centre for Animal Welfare is also an example of a multi-stakeholder organisation intended to mainstream animal welfare by enabling politicians, industry and other stakeholders to decide on initiatives to improve animal welfare.



The Government of Denmark is urged to outlaw pre-slaughter stunning practices that cause animal suffering, as well as to ban mutilations in farming production systems. Following the examples of neighbouring countries such as the Belgium and the Netherlands, the Government of Denmark is invited to adopt a Positive List of animals who can be kept as companion animals, based on clear criteria including animal welfare. The Government of Denmark is also urged to fully ban fur farming, since the country currently has a large mink fur farming industry. Fur farming is inherently cruel and causes pain, distress and suffering to animals. The Government of Denmark is furthermore strongly encouraged to totally ban the use of wild animals in circuses as soon as possible, as the majority of political parties committed to in 2018. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.

Note on Greenland and the Faroe Islands

Animal welfare in Greenland and the Faroe Islands is subject to the provisions issued by Greenland and the Faroe Islands. The Danish animal welfare provisions do not apply to Greenland and the Faroe Islands, and animal welfare regulation in Greenland and the Faroe Islands are not the responsibility of the Danish government.

Internationally, the International Whaling Commission (IWC) was set up in 1946 under the International Convention for the Regulation of Whaling; preamble to the Convention states that its purpose is to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. In 1982 the IWC decided that there should be a pause in commercial whaling on all whale species and populations. This commercial whaling moratorium remains in place today.¹

Only areas that are recognised by the UN as a country can participate in international conventions. As such, Denmark as a Realm is a member of the Whaling Commission (IWC), representing all areas of the Realm (i.e. Denmark, the Faroe Islands and Greenland). The Ministry of Foreign Affairs is therefore leading the Danish delegation to the IWC with the participation of representatives from the Danish Ministry of the Environment and Food, Greenland and the Faroe Islands. Should commercial whaling occur in the Faroe Islands or in Greenland, these areas of the Realm would be subject to international sanctions.

Domestically, Denmark does not have any legal power regarding commercial whaling that is going on in Greenland and in the Faroe Islands. The Home Rule in the Realm and, later, the Self-Government in Greenland, gradually transferred legislative powers in various areas to the authorities of the Faroe Islands and Greenland, respectively. Thus, the management of natural resources in the Realm falls entirely within these respective authorities. As a result, the exploitation of whales and seals is a matter of local legislation, and these are not areas of competence for Denmark itself.

¹ <https://iwc.int/commercial>



Commercial seal hunting takes place in Greenland and is based on Greenlandic legislation. There are no international rules that limit this seal catch which occurs in Greenland.

There is no commercial whaling in the Faroe Islands or Greenland. The Faroe Islands only catch so-called small whales, where the catch is distributed among the persons who participate in the individual hunt. There is no commercial trade in whale meat. In Greenland, small whales are caught. In addition, Greenland has internationally established quotas for catching some species of whales, which is done as Aboriginal Subsistence Whaling, in accordance with the International Whaling Convention. This form of whaling is therefore not defined as commercial catch. The Danish government has no competence to interfere in these catches.



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and the prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>At the European Union level, Article 13 of the Treaty on the Functioning of the European Union² explicitly recognises animal sentience and requires that Member States 'pay full regard to the welfare requirements of animals' in formulating and implementing European Union policies on agriculture, fisheries, transport, research and technological development.</p> <p>In the Act on the Protection of Animals No.20 of 11th January 2018, which is the latest consolidated version,³ animals are referred to as 'living beings.' The term 'animals' encompasses all animals. Although Danish legislation does not specifically refer to animal sentience, the Protection of Animals Act (which consolidates previous legislation) does include aspects of animal sentience. In fact, the Act requires anyone who keeps animals to ensure that they are treated with care taking into account their physiological, behavioural and health needs (Article 2). The legislation is based on the premise, outlined in Article 1, that animals should be treated properly and given the best possible protection against pain, suffering, distress, lasting injury and substantial disadvantage. This therefore covers both positive and negative physical and psychological aspects of sentience. In 2016, it was decided that animals in the Protection of Animals Act should be clarified as living beings. It is therefore implicit in Article 1-3, that all animals are living, sentient beings and must be treated as such.⁴</p> <p>In February 2020, Denmark passed a new Animal Welfare Act. The Act explicitly acknowledges animals as sentient beings and provides the opportunity for new and updated regulations for animals based on this. As the Act and new regulations do not come into effect until 2021, the Act has not been scored for the Animal Protection Index at this time. We applaud the Government for taking this step and hope other countries follow the example of Denmark.</p> <p>Analysis</p> <p><i>Though it is positive that Article 13 of the Treaty on the Functioning of the European Union explicitly acknowledges animal sentience, the requirement from Member States to pay 'full regard' to animal welfare is too vague and does not create a precise and enforceable duty.</i></p> <p><i>Denmark has a long history of animal protection. 1916 saw the introduction of the country's first Act on the Protection of Animals, making it one of the first countries to enact such legislation.⁵ Since that</i></p>	

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

³ <https://www.retsinformation.dk/Forms/R0710.aspx?id=197059>

⁴ https://www.ft.dk/ripdf/samling/20151/lovforslag/1137/20151_1137_betaenkning.pdf

⁵ <https://book.coe.int/eur/en/health-and-society-ethics/3496-ethical-eye-animal-welfare.html>



time, animal protection legislation has been regularly updated (latest in December 2017). It is positive that the Protection of Animals Act is applicable to all animals. Although the word 'sentient' is not present in legislation, it is positive that the legislation recognises physical as well as psychological aspects of sentience.

The new Animal Welfare Act that was passed in early 2020 is a great step towards the further improvement of animal welfare in Denmark. Denmark should be seen as an example to other countries that there is always room for improvement to protect animals. They should be commended for their recognition of animal sentience.

Enforcement mechanisms

There are enforcement mechanisms for the provisions of the Protection of Animals Act and other Danish animal protection legislation that arise out of the recognition of sentience.

Key recommendations

- The Government of Denmark should be commended on their new Animal Welfare Act. The Government is encouraged to ensure that the supplementary regulations reflect the recognition of animal sentience and set the highest standards of animal welfare.

2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation

Ranking	A
----------------	----------

Article 2 of the Act on the Protection of Animals requires anyone who keeps animals to ensure that they are treated with consideration, including housing, feeding, watering and care with regard for their physiological, ethological and health needs in agreement with established practical and scientific experience.

Article 28 of the Protection of Animals Act provides penalties for the overuse, neglect or reckless treatment of animals, and provides that in imposing penalties the court will take into account whether there is reckless or grossly negligent treatment and that imprisonment will be imposed if there is abuse.

In 2014, Denmark's former Ministry of Food and Agriculture Dan Jørgensen announced it would ban bestiality, as it was one of the few European countries that still allowed humans to have a sexual intercourse with animals. A 2011 report by the Danish Justice Ministry also found that 17% of vets suspected an animal they treated had been used in sexual relationships with a human.⁶ Since this

⁶ <http://www.bbc.co.uk/newsbeat/article/32411241/denmark-passes-law-to-ban-bestiality>



Index was first published in 2014, the law explicitly banning bestiality passed in 2015.⁷ This ban is now included in the Protection of Animals Act, Article 3(a).

Analysis

The Protection of Animals Act provides a comprehensive legislative protection to animals, which prohibits both the performance of cruel acts as well as a failure to act in case of animal cruelty. Article 2 creates a duty of care and encompasses failure to act as well as deliberate acts of abuse. It is positive that both the physical and psychological wellbeing of animals are taken into account in Article 2. The ban on bestiality appears to have been enacted relatively late by comparison to international standards, but this prohibition remains a positive step.

Reported statistics show that between 2016 and 2018 there were 631 reviews regarding violations of the previous law the Protection of Animals Act, where 95% resulted in charges⁸ (do not have any numbers on how many violations resulted in people being disqualified from keeping animals).

In 2004, the Police Association developed a manual for police districts to strengthen enforcement of laws related to cruelty to animals and promote collaboration between regions and police districts to tackle the issue.⁹ The Justice Minister commented that 'government will not accept that animals are treated badly'.¹⁰

In 2011, a Danish animal welfare organisation "Dyrenes Beskyttelse" launched a 24-hour call centre, which provides help to animals in need 24/7.¹¹ This organisation has also produced guidance relating to various mammals, birds, reptiles and fish, which is available on their website.¹² Furthermore the Danish Kennel Club has produced guidance relating to various breeds of dogs.

The Danish Government invests resources in ensuring that animal welfare legislation is respected. For example, a dedicated Veterinary Taskforce has been established to target problematic issues. Inspections are carried out on farms, on roads and at slaughterhouses. Inspections on farm from 2017 showed that animal welfare violations that are registered in connection with the welfare control of the Danish Veterinary and Food Administration have increased since 2016. In 2017, 382 herds out of 1.623 controlled herds received a warning and 20 were reported to the police¹³. In comparison 167 out of 1.134 received a warning in 2016 and 7 were reported to the police¹⁴. There is evidence of action by the authorities and of prosecutions.¹⁵ However, there is some concern that sentences for

⁷ <https://www.thelocal.dk/20150421/denmark-officially-bans-bestiality>

⁸ StatBank Denmark 2018: <https://www.statistikbanken.dk/statbank5a/default.asp?w=1920>. 2016: 197 violations (97% charges), 2017: 209 violations (95% charges) and 2018: 225 violations (95% charges).

⁹ http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2004/Politiets_behandling_af_dyrevaernssager.pdf

¹⁰ <http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2004/politiet-f%C3%A5r-nye-redskaber-til-bek%C3%A6mpe-dyremishandling>

¹¹ <https://www.dyrenesbeskyttelse.dk/vagtcentralen>

¹² <https://www.dyrenesbeskyttelse.dk/ansvarligt-ejerskab>

¹³ [https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Dyrevelf%C3%A6rd/%C3%85rsrapport/FINAL.Dyrevelf%C3%A6rdsrapport%202018%20\(2\).pdf](https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Dyrevelf%C3%A6rd/%C3%85rsrapport/FINAL.Dyrevelf%C3%A6rdsrapport%202018%20(2).pdf)

¹⁴ https://www.foedevarestyrelsen.dk/Publikationer/Alle%20publikationer/Dyrevelf%C3%A6rdsrapport_2017.pdf

¹⁵ <http://www.dagens.dk/krimi/plums-pony-er-ikke-alene-vi-vader-i-sager-om-dyremishandling>



animal cruelty may be too light to act as a deterrent and that too few people receive disqualifications from keeping animals.¹⁶

The NGO Dyrenes Beskyttelse annually reports 1,500 animal cruelty violations to the police. However, many of the cases are never investigated or have too long handling durations.¹⁷ In 2015, a woman was sentenced for neglect of 67 dogs and avoided jail and any fines. She received a 3 years disqualification from keeping animals.¹⁸

Nonetheless, the government has made it clear that animal cruelty should not be tolerated and has put into place mechanisms to control animal welfare and to ensure that action is taken. The Veterinary Taskforce do also run annual campaigns to improve animal welfare in areas that require action. For example, in 2017 the campaign focus was 1) control of the Danish animal welfare labels¹⁹ and 2) the illegal circulation of dogs.²⁰ A significant barrier can be the penalty law and that the police lacks needed resources to ensure enforcement efforts.

Enforcement mechanisms

Article 28 of the Act on the Protection of Animals provides that the overwork, neglect or reckless treatment of animals is punishable with a fine or up to one year imprisonment.²¹ When imposing penalties, the court will take into account whether there is reckless or grossly negligent treatment and if that is the case the penalty will be a fine or up to two-years imprisonment. The courts have powers to make disqualification orders: 'anyone who is found guilty of ill-treatment or cruel treatment of animals can be deprived of their right to own, use, care for, slaughter, or in the whole deal with animals personally' (Article 29).

Key recommendations

- **Denmark has implemented legislation prohibiting deliberate acts of animal abuse, as well as a failure to act in case of animal cruelty.** Denmark should act as an example for other European countries in terms of having detailed anti-cruelty legislations.
- There are still some countries, where bestiality, or zoophilia, is still legal. In Europe, these countries are Hungary, Finland and Romania. These countries should follow the example of Denmark and explicitly ban this practice.

¹⁶ <http://www.dagens.dk/krimi/plums-pony-er-ikke-alene-vi-vader-i-sager-om-dyremishandling>

¹⁷ <https://www.dr.dk/nyheder/indland/dyreetisk-raad-om-haardere-straffe-til-dyremishandlere-det-var-paa-tide>

¹⁸ <https://www.bt.dk/danmark/klar-ikke-laest-dyrenes-beskyttelse-raser-grotesk-dom-i-historisk>

¹⁹ https://www.foedevarestyrelsen.dk/Kontrol/Kontrolkampagner/Kontrolkampagner_2017/Sider/Kontrol_af_dyrevel_faerdsmaerkningsordningen_i_besaetninger_Kontrolkampagne_2017.aspx

²⁰ https://www.foedevarestyrelsen.dk/Kontrol/Kontrolkampagner/Kontrolkampagner_2017/Sider/Ulovlig_omsaetning_af_hunde_Kontrolkampagne_2017.aspx

²¹ <https://www.retsinformation.dk/Forms/r0710.aspx?id=197059>



Goal 2: Presence of animal welfare legislation

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	C
<p><u>Rearing</u></p> <p>At the EU level, the 1976 European Convention for the Protection of Animals kept for Farming Purposes²² lays out general conditions for all the species of animals kept for the production of food, wool, skin, fur or for other farming purposes. Article 3 mandates that 'animals shall be housed and provided with food, water and care [...] appropriate to their physiological and ethological needs'. Article 4 protects the freedom of movement of animals and Article 5 regulates the lighting, temperature, humidity, air circulation, ventilation and other environmental conditions.</p> <p>Based on this European Convention, Council Directive 98/58/EC²³ gives general rules for the protection of animals of all species kept for the production of food, wool, skin or fur or for other farming purposes, including fish, reptiles or amphibians. Article 2 mandates that all animals whose welfare depends on frequent human attention shall be inspected at least once a day. Article 7 protects the animals' freedom of movement, and Article 10 requires that breeding procedures (natural or artificial) likely to cause suffering or injury must not be practised, though there are exceptions to this. Article 21 further states that no animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.</p> <p>The general anti-cruelty provisions of the Animal Welfare Law 2018 apply to this category of animals.</p> <p>General legislation relating to farm animals is contained in the Protection of Animals Act and in Act No. 1 of 2nd January 2019²⁴ relating to the keeping of animals. The Protection of Animals Act (Article 3) requires that rooms or areas where animals are kept are designed in such a way that the animal's needs are met and that they have freedom of movement for eating, drinking and resting, and protection from the elements. The Minister for Environment and Food is given express powers to make secondary legislation on issues including housing (Article 4), implementation of European Union legislation (Article 4(a)), transport (Article 12) slaughter (Article 13.2) and surgical mutilations (Article 14.3). The Act relating to the keeping of animals ensure that animals are kept in a responsible manner</p>	

²² <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680076da6>

²³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0058&from=EN>

²⁴ <https://www.retsinformation.dk/Forms/R0710.aspx?id=206320>

and in such a way that the food safety, human and animal health and production are taken into account.

Secondary legislation addresses specific species and covers rearing, transport and slaughter of farm animals, such as Executive Order No. 707 of 18 July 2000²⁵ on Minimum Standards for the Protection of Animals Kept for Farming Purposes. Legislation specifically dealing with farm animals has largely been introduced in order to comply with European Union requirements, although in some instances animal welfare legislation goes beyond European Union requirements (for example, in relation to minimum standards for pig rearing: The Act on Outdoor Keeping of Pigs from 2001 and consolidated by Order No. 51 of 11th January 2017;²⁶ ; enriched cages for laying hens (Article 24): Executive Order No. 881 of 28th June 2016²⁷ on the Protection of Laying Hens; and some aspects of calf husbandry: Executive Order No. 35 of 11th January 2016²⁸ on the Protection of Calves; The Act on the indoor keeping of gilts, dry sows and pregnant sows from 1998 and consolidated by Order No. 49 of 1st November 2017; The Act on indoor keeping of weaner pigs, breeding and slaughter pigs from 2000 and consolidated by Order No. 56 of 11th January 2017).²⁹

Rearing – pigs

At the EU level, welfare provisions for pigs are laid out in Council Directive 2008/120/EC.³⁰ Among animal welfare provisions, Article 3 prohibits the tethering of sows or gilt (female pig after puberty and before farrowing). The ban of individual sow stalls was decided in 2001 and a phase-out period of 12 years was allowed to adapt to the new systems. From 1st January 2013, sows will have to be kept in groups rather than in individual stalls. According to Act No. 49 of November 1, 2017, concerning the Indoor keeping of Pregnant Sows or Gilts, Sows from weaning until day 28 of gestation must be kept in group housing. This requirement applies to all buildings that have been built after January 1, 2015. For buildings built before January 1, 2015 this requirement is in effect from January 1, 2035.³¹ Hence, stalls may still be used for the first 28 days of gestation, and one week before the expected time of birth (Article 3.4).

Article 8 mandates inspections of pigs' rearing conditions and Article 12 provides that Member States may apply, within their territories, stricter provisions for the protection of pigs than the ones laid down in this Directive.

Chapter I of the Annex of the Directive provides that 'all procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body, or the alteration of bone structure, shall be prohibited'. However, there are exemptions to this general prohibition for:

²⁵ <https://www.retsinformation.dk/forms/r0710.aspx?id=880>

²⁶ <https://www.retsinformation.dk/Forms/R0710.aspx?id=186208>

²⁷ <https://www.retsinformation.dk/Forms/R0710.aspx?id=183316>

²⁸ <https://www.retsinformation.dk/Forms/R0710.aspx?id=176997>

²⁹ <http://www.eupaw.eu/docs/Final%20Report%20-%20EUPAW%20Evaluation.pdf>

³⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0120&from=EN>

³¹ <https://www.retsinformation.dk/Forms/r0710.aspx?id=186206>.

- teeth grinding or clipping (before 7 days old)
- tail-docking
- castration of male pigs by other means than tearing of tissues
- nose-ripping only when the animals are kept in outdoor husbandry systems and in compliance with national legislation.

According to Executive Order No. 1402 of 27 November 2018 on Tail Docking and Castration of Animals, a person trained in tail-docking, with appropriate means and under hygienic conditions, is allowed to tail-dock a piglet without the use of anaesthetic within its first 2-4 days of life. If the tail-docking takes place after the first 4 days of life, the animal must be given prolonged analgesia³².

According to Executive Order No. 1402 of 27 November 2018 on Tail Docking and Castration of Animals, a person trained in castration, with appropriate means and under hygienic conditions, is allowed to castrate a piglet without the use of anaesthetic within its first 2-7 days of life if the animal is given prolonged pain treatment. If the castration takes place after the first 7 days of life, the animal must be given prolonged analgesia.³³

According to Executive Order No. 17 of 7th January 2016 on the Protection of Pigs teeth grinding/clipping must not be carried out routinely 'but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred'. But if there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred then teeth grinding can be done within the first four days of a piglet's life (Article 34).³⁴

Chapter II mandates that no piglets shall be weaned from the sow at less than 28 days of age, though piglets may be weaned up to seven days earlier if they are moved into 'specialised housings.' This also applies for the Executive Order No. 17 of 7th January 2016 on the Protection of Pigs (Article 35).

Denmark falls under the EU 2013 commitment to ban sow stalls: pregnant sows must be kept in groups instead of individual stalls. One week before the expected farrowing, sows are moved to the farrowing crates where they are kept until weaning of their piglets. The farrowing crates have an attached crate from which their piglets can nurse. Denmark does not outlaw such farrowing crates but is innovating with the free farrowing system (SWAP F-pen) which affords more space than a conventional farrowing crate.³⁵

Executive Act No. 51 of 11th January 2017³⁶ on Outdoor Keeping of Pigs lays out further provisions for pigs kept outdoors (e.g. access to water and food in Chapter 5, requirements for the cabins in Chapter 2 etc.).

³² <https://www.retsinformation.dk/Forms/R0710.aspx?id=205177>

³³ <https://www.retsinformation.dk/Forms/R0710.aspx?id=205177>

³⁴ <https://www.retsinformation.dk/forms/r0710.aspx?id=176842>.

³⁵ https://www.freefarrowing.org/info/8/temporary_crating/13/swap_systems

³⁶ <https://www.retsinformation.dk/Forms/R0710.aspx?id=186208>

Rearing – broiler chickens

At the EU level, welfare provisions for broiler chickens are laid out in Council Directive 2007/43/EC.³⁷ Notably, Article 3.2 requires that the maximum stocking density is 33kg/m². However, Article 3.3 allows for derogation to this general rule: a derogation to allow an increase above 33kg/m² up to 39kg/m² can be given when additional documented details for each house are kept and the house achieves certain climatic parameters. In addition, the documentation accompanying the flock at the slaughterhouse shall include the daily mortality rate and the cumulative daily mortality rate. A further increase above 39kg/m² up to 42kg/m² is allowed where, in addition to the conditions mentioned in the previous point being met, monitoring by the authorities confirms records of low mortality rates and good management practices.

Article 4.2 requires that the training courses for people dealing with chickens focus on 'welfare aspects.' Article 7 requires inspections to be carried out.

Annex I to this Directive provides detailed conditions with regards to the drinkers, feeding, litter, ventilation, heating, noise and light requirements. Annex I also mandates that inspections shall be carried out twice a day. Similar to the wording of the Council Directive 2008/120/EC for pigs, all surgical interventions 'carried out for reasons other than therapeutic or diagnostic purposes which result in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited'. However, two exemptions exist to this prohibition:

- beak trimming, which may be carried out when other measures to prevent feather pecking and cannibalism are exhausted. Beak trimming shall be carried out by qualified staff on chickens that are less than 10-days-old.
- castration of chickens, which shall only be carried out under veterinary supervision by personnel who have received a specific training.

In Article 11.2 (Executive Order No. 135 of 14th February 2014 on the slaughter and killing of animals³⁸) it is specified that uniformity of broilers must be ensured to increase the effectiveness of the anaesthetic, which can be discussed whether it is specified enough and to what extent it is regulated/adhered.

Executive Order No. 54 of 11th of January 2017 provides regulations on keeping of broilers.³⁹ All breeds are accepted. Normally, in five weeks, a broiler in the Danish meat industry will go from weighing 45 g to weighing 2 kg.⁴⁰ However, the governmental Welfare Label "Bedre Dyrevelfærd" indicates that broilers must be a slow-growing breed. To obtain the label (no matter how many hearts), the breed should grow 25% slower than the broilers reared in the conventional production.⁴¹

³⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0043>

³⁸ <https://www.retsinformation.dk/Forms/R0710.aspx?id=161815>

³⁹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=186230>

⁴⁰ <https://lf.dk/viden-om/landbrugsproduktion/husdyr/slagtekyllinger>

⁴¹ Annex II, basic requirement 1, cf. § 1, stk. 3, nr. 10 in order no. 1220 of 23rd of October 2018
<https://www.retsinformation.dk/Forms/R0710.aspx?id=203379>

Rearing - egg-laying hens

At the EU level, welfare provisions for egg-laying hens are laid out in Council Directive 1999/74/EC.⁴² Non-enriched cage systems have been prohibited since 1st January 2012 (Article 5.2). Two cage systems are now in use:

- enriched cages where laying hens have at least 750 cm² of cage area per hen
- alternative systems where the stocking density does not exceed nine egg-laying hens per m² usable area, with at least one nest for every seven hens and adequate perches.

In both systems, all hens must have a nest, perching space, litter to allow pecking and scratching and unrestricted access to a feed trough.

Article 8 mandates inspections of the systems of rearing for egg-laying hens.

The Annex to the Directive specifies that all hens must be inspected by the owner or the person responsible for the hens at least once a day (Article 1). Sound level must be minimised (Article 2) and light levels shall allow hens to show 'normal levels of activity'. Article 8 prohibits all mutilations except beak trimming, provided it is carried out on egg-laying hens less than 10 days old.

In Denmark, Executive Order No. 881 of 28th June 2016⁴³ on the Protection of Laying Hens regulates the design of the facilities (temperature, uninterrupted dark period of one-third of the day, cleaning of the room etc.) as well as provisions more directly related to animal welfare (noise levels must be kept as low as possible, Article 8). Beak trimming is authorised for chickens who are less than 10 days old (Article 10). All chickens must be inspected at least once a day (Article 12). The Order allows to have enriched cages for egg-laying hens. The cage requirements are described in Article 24. Here it is stated that it is only legal to keep 10 hens in the cage (Article 24.5). Moreover, broilers must have access to a nest as well as bedding in sufficient quantities to meet the egg-layers needs to peck, scrape and dust bathe. Light, medium and heavy breeds are all allowed. When kept in enriched cages, there is a difference in how big the cages need to be, where the heavy breed needs more space (Article 24.6). The requirements for space allowance for hens in alternative systems go beyond the requirements in the Directive.

Rearing - dairy cattle and calves

There is no EU legislation dedicated to dairy cattle.

Council Directive 2009/119/EC⁴⁴ lays down the minimum standards for the protection of calves. Article 3 prohibits the use of confined individual pens after the age of eight weeks, except if required by a veterinarian. Individual pens must have perforated walls, allowing the calves to have direct visual and tactile contact. Article 3 further sets out minimum dimensions for individual pens and for calves kept in group. Inspections of facilities should be carried out (Article 7). Annex I of the Directive lays down specific conditions for the rearing of calves. Notably, calves must not be kept permanently in darkness: Member States make provisions for 'appropriate natural or artificial lighting'. Moreover, all

⁴² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0074&from=EN>

⁴³ <https://www.retsinformation.dk/Forms/RO710.aspx?id=183316>

⁴⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0119&from=EN>



housed calves must be inspected by the owner or the person responsible for the animals at least twice daily and calves kept outside must be inspected at least once daily. The accommodation for calves must allow them to lie down, rest, stand up and groom for themselves without difficulty. Importantly, calves must not be tethered, with the exception of group-housed calves which may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute.

Executive Order No. 35 of 11th January 2016⁴⁵ on the Protection of Calves specifies that calves over eight weeks cannot be kept in individual boxes, unless required by a veterinarian (Article 3). As the European Union (Article 3.1(a)), Danish law states that calves who are housed individually must be allowed to have direct visual and tactile contact (Article 5.2).

Executive Order No. 79 of 23rd January 2017⁴⁶ on the Protection of Dairy Cattle and their Offspring allows for the use of electric fencing around fields and pathways for cattle kept on grass (Article 3). At least one annual hoof inspection must be carried out by a veterinarian or hoof pruner who is not responsible for or working on the farm (Article 6).

Tethering of dairy cattle was firstly stated to be phased out by 2022. However, in 2016, the phasing-out was postponed from 2022 to 2027.

Danish regulation goes beyond the European Union requirements with regards to the keeping of calves where they have slightly enhanced space allowance and stricter requirements for fibrous food. Furthermore, the Danish legislation takes the calves suckling needs into account, which the European regulations do not mention. Article 19 states that calves suckling needs must be met in connection with the milk ingestion (through soother buckets, soothers or an artificial teat in the bucket where the milk is allocated).

Transport

At the EU level, welfare provisions for animal transport are laid out in Council Regulation EC 1/2005.⁴⁷ This Regulation defines the responsibilities of all actors involved in the transport chain of live animals entering or leaving the EU. Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Article 7 forbids long journeys (i.e. exceeding 8 hours) unless the means of transport has been inspected and approved under Article 18.1.

Competent Authority has produced guidelines on 21 December 2006⁴⁸ on the European Union Regulation 1/2005. There are also domestic orders providing further details, such as Executive Order No. 1729 of 21st December 2006 on the Protection of Animals during Transport and Executive Order No. 1471 of 8th December 2015 on Training in the Transportation of Animals.

According to Executive Order No. 1471 of 8th December 2015⁴⁹, Danish transporters must be

⁴⁵ <https://www.retsinformation.dk/Forms/R0710.aspx?id=176997>

⁴⁶ <https://www.retsinformation.dk/Forms/R0710.aspx?id=186338>

⁴⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

⁴⁸ <https://www.retsinformation.dk/Forms/R0710.aspx?id=2502>

⁴⁹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=176041>



authorised and trained by the Danish Veterinary and Food Administration if animals are to be transported more than 65 km in connection with an economic activity. There are also requirements regarding documentation and competency of those involved in transport. Article 4 mandates that any person who handles animals in relation to transport must have carry out part one of the education in transport of animals (the basic training). Article 4.2 provides that any person responsible for transport with animals (driving or drive companions) must complete part two of the education (competency certificate). However, there is no requirement for authorisation or education if the transport is carried out by farmers, of their own animals, in their own means of transport for a distance less than 50 km, and there is no requirement to have authorisation nor to have passed an education as animal carrier if one handle animals during transportation that does not exceed 65 km.⁵⁰

Slaughter

At the EU level, welfare provisions for animals at the time of slaughter are laid out in Council Directive EC No 1099/2009.⁵¹ Article 3 states that animals shall be spared any 'avoidable pain, distress or suffering during their killing and related operations'. Article 4 mandates that animals must be stunned prior to being slaughtered, and the loss of consciousness and sensibility shall be maintained until the death of the animal. Article 5 specifies that workers should check whether animals do not present any signs of consciousness in the period between the end of the stunning process and death. Annex I to this Directive lists all the stunning methods possible. Annex II sets out the requirements regarding the layout, construction and equipment of slaughterhouses.

In 2018, following a favourable opinion of the European Food Safety Authority on low atmospheric pressure system for the stunning of broiler chickens, Annexes I and II to Council Regulation (EC) No 1099/2009 have been amended by Commission Implementing Regulation (EU) 2018/723⁵² to approve the stunning of broiler chickens through asphyxia due to low atmospheric pressure.⁵³

The Danish Government has implemented European Union requirements and has gone beyond these in removing the exemption for religious rites to take place without prior stunning (Article 9).⁵⁴ Since 2014, no slaughter may take place without stunning, where various conditions and requirements (Article 10 and 11) need to be complied prior the slaughter.⁵⁵

Analysis

The wording of Council Directive 98/58/EC is quite general and does not consider species-specific needs, by comparison to the other Directives.

Danish legislation on the protection of farm animals goes beyond the minimum standards required by the European Union in many areas.

⁵⁰ <https://lf.dk/viden-om/landbrugsproduktion/dyresundhed/transport>

⁵¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=EN>

⁵² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0723&from=EN>

⁵³ <https://www.efsa.europa.eu/en/efsajournal/pub/5056>

⁵⁴ <https://www.retsinformation.dk/forms/r0710.aspx?id=161815>

⁵⁵ <http://time.com/10652/denmark-animals-jews-muslims-halal/>



With regards to pigs, it is positive that the ban on sow stalls has entered into force since 2013. However, this ban is limited since stalls are still allowed to be used for the first 28 days of gestations, and shortly before giving birth until 2035 for buildings built before January 2015.

The many exemptions provided in Chapter I of the Annex of Council Directive 2008/120/EC allows for piglet mutilations to be performed without anaesthetics. The use of anaesthetic is only mandated for castration, occurring on a piglet at least 7-days-old. Piglet mutilations are extremely cruel, and these exemptions represent a legal loophole allowing for the inhumane treatment of farm animals. Castration is practiced to prevent the development of undesirable sexual or aggressive behaviour, and to avoid the development of 'boar taint, which gives pork meat a distinctive taste and odour. The European Commission acknowledges on its website that castration has become 'a significant animal welfare concern in recent years', inflicting pain 'even on very young pigs'.⁵⁶ A working group, made of representatives of European farmers, meat industry, retailers, scientists, veterinarians and animal welfare NGOs, met in 2010 and developed the European Declaration on Alternatives to Surgical Castration of Pigs.⁵⁷ Two key decisions were taken through this Declaration: the surgical castration of pigs, if carried out, shall be performed with prolonged analgesia and/or anaesthesia with methods mutually recognised. A trained person in castrating piglets with appropriate means and under hygienic conditions is allowed to castrate piglets within the animal's 2-7 days of life, if the animal is given prolonged analgesia. Prolonged analgesia is a legal requirement. Secondly, the surgical castration of pigs should be abandoned by 1st January 2018. Over 30 stakeholders (animal welfare NGOs, industry practitioners etc.) signed this voluntary agreement.

In 2015, Denmark hosted the International Conference on Pig Welfare, which brought together international experts and representatives from various animal welfare organisations. Denmark, Sweden, the Netherlands and Germany presented a joint statement on pig welfare in Europe, urging the EU Commission to adapt current Council Directive 2008/120/EC on pig legislation. The three countries proposed to amend legislation on three issues key to animal welfare: tail-docking for piglets, piglets' castration without anaesthesia and the close confinement of sows after weaning.⁵⁸

In 2018, Danish pig producers announced their intention to invest 230 million DKK (39 million euros) in research on animal welfare, quality and sustainable production. The focus areas are more gentle castration for piglets and looser sows' Funds came from the pig producers themselves and the research is carried out by the consultancy SEGES in close collaboration with universities.⁵⁹

Denmark has implemented a new government animal-welfare label "Bedre Dyrevelfærd" (Better Animal Welfare) which contains three hearts which are coloured to indicate improvements in animal

⁵⁶ https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/castration_alternatives_en

⁵⁷ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_farm_pigs_cast-alt_declaration_en.pdf

⁵⁸ https://www.bmel.de/SharedDocs/Downloads/EN/Agriculture/AnimalProtection/JointDeclarationAnimalWelfare.pdf?__blob=publicationFile

⁵⁹ <https://foodnationdenmark.dk/news/danish-animal-welfare-to-be-improved-significantly-in-2018/>



welfare for the pig. The label, which is a voluntary scheme, is covering pork, chicken, cattle and calf meat and furthermore the milk production.⁶⁰

The EU commission has found that tail docking is common in Denmark, where 98.5% of the Danish piglets are tail docked. Not only the routine tail docking, but also the effort against it meets criticism because pig producers, veterinarians and the Danish Veterinary and Food Administration each in their own way contribute to the 98.5%.⁶¹ The Danish Veterinary and Food Administration do not do enough to ensure that the ban on routine tail docking is complied. The EU commission instructs therefore Denmark to enforce this better, so that in the future Denmark will comply with the EU directive on the protection of pigs. It is not legal for farmers to tail dock routinely, therefore there must be evidence for the need to tail dock. Hence, it was introduced in Danish legislation in November 2018 that the evidence must consist of written documentation of tail biting. Based on the result from the risk assessment the farmer then has to make an action plan either how to improve inadequate environmental conditions or management system. If the conditions are fine, then the action plan must be on how to stop tail docking.

In 2013, the European Commission called on Denmark, via a letter of formal notice to require the Government, to take action to implement the requirements of Directive 2008/120 regarding housing of pregnant sows.⁶² In 2014, the Government then stated that they had a goal that 10% of all farrowing sows should be kept in loose pens (26,000 pens) by 2020. It is estimated that 13,304 loose pens can be reach, which corresponds to 51.2% of the goal being achieved. At the same time, this will mean that 5.1% of the total number of pens in DK would be loose pens for farrowing sows.⁶³ Subsidies from the Ministry of Environment and Food is offered to farmers who wants to convert to loose-housing pens. In 2018, 18 million DKK were set aside to the project, whereas in 2019 10 million DKK are set aside. However, there are apparent barriers to improvement in this area, therefore it is hoped that further progress can be made. For example, the relatively low number of realised loose-housing pens (only 5.1% out of the total goal of 10%) is due to limited numbers of applications and moreover high cancellation rates. Additionally, animal welfare projects usually result in long transition periods. As an example, it was decided that sows must be loose in the mating and control sections, which should be implemented before 2035. The requirement was decided in 2015, which results in a transition period of 20 years, which the government believed to be a realistic timeline that both takes animal welfare and the care of the pig producers' finance into account. Hence, vested interests have a significant role in the practice of animal welfare improvements for animals used in farming.

According to an agreement to improve pig welfare signed between the government and industry organisations in 2014, it was established that 51% of sows suffer from ulcer. No specific reduction target is mentioned. Screening for ulcers should only be carried out if more than 50% of the sows in a

⁶⁰<https://www.foedevarestyrelsen.dk/Leksikon/Sider/Fakta-om-dyrevelfaerdsmaerket.aspx>

<https://www.foedevarestyrelsen.dk/kampagner/Bedre-dyrevelfaerd/Sider/Information-in-English.aspx>

⁶¹ <https://www.information.dk/indland/2017/12/naesten-danske-grise-gaar-rundt-uden-kroelle-paa-halen-systematisk-halekupering-vaeret-ulovligt-siden-1994>

⁶² http://europa.eu/rapid/press-release_IP-13-135_en.htm

⁶³https://mfvm.dk/fileadmin/user_upload/Evaluering_af_handlingsplan_for_bedre_dyrevelfaerd_svin_oktober_2018.pdf

production facility suffer from severe ulcers. Furthermore, the screening is left with the industry itself. This shows how widespread ulcers are in pig farming and that the industry and state accept that every second sow in Danish production suffers from severe ulcer. The cut-off limit that includes a herd in the screening was determined based on an assessment by the Danish Veterinary Association, The Danish Veterinary and Food Administration and the Danish Agriculture and Food Council. The latest evaluation of the agreement was in 2019.⁶⁴

With regards to broiler chickens, Council Directive 2007/43/EC represents the first legal instrument in which 'welfare indicators' were included as a means of scientific assessment. It is positive that the Directive goes into details about the environment of rearing of chickens (i.e. drinkers, feeding, litter, ventilation and heating, noise, light requirements). The Directive also provides a maximum stocking density, however, by allowing derogations to be made, the Directive enables large-scale, industrial farming practices to be developed in the EU. In such crowded conditions, the Five Freedoms of broiler chickens cannot be fulfilled. In addition, it the exemptions for beak trimming and chicken castration enables this practice to be carried out without anaesthetics.

With regards to egg-laying hens, the 2012 ban on the use of battery cage systems was an important step to improve the welfare of egg-laying hens. By comparison to battery cages, enriched cages provide 20% more space to each hen (the equivalent of an A4 paper with a postcard). Enriched cages have nest boxes, litter, perch space and some scratching materials, and house up to 10 hens. Though the current two systems in use (enriched cages and alternative systems) represent incremental improvements to the life of hens, the EU still allows for hens to be raised in cages. When reared in cages, the Five Freedoms of egg-laying hens are necessarily compromised.

In September 2018, a European Citizen Initiative (ECI) entitled 'End the Cage Age' was launched, supported by a coalition of animal welfare NGOs, among which World Animal Protection.⁶⁵ The ECI invites the European Commission to propose legislation to prohibit the use of:

- cages for laying hens, rabbits, pullets, broiler breeders, layer breeders, quail, ducks and geese;
- farrowing crates for sows;
- sow stalls, where not already prohibited
- individual calf pens, where not already prohibited

As of September 2019, since over 1 million verified signatures have been collected from EU citizens, the European Commission will be invited to propose the above-mentioned legislation.⁶⁶

With regards to dairy cattle and calves, it is regrettable that there is no EU legislation protecting the welfare-specific needs of dairy cattle. It is positive that calves must not be tethered, though this should be a full ban. Moreover, EU legislation allows for the isolation of calves under eight weeks old. The isolation of calves is detrimental to their welfare and the provision that calves in isolation need to have

⁶⁴ https://mfvm.dk/fileadmin/user_upload/MFVM/Foedevare/Fjerde_evaluering_af_Svinehandlingsplanen.pdf

⁶⁵ <https://www.eurogroupforanimals.org/compassion-in-world-farming-european-citizens-initiative-end-the-cage-age-successfully-launched-in-the-european-parliament>

⁶⁶ <https://eci.endthecageage.eu/>



direct visual and tactile contact with other calves is not sufficient to satisfy their need for social interactions.

With regards to animal transport, it is positive that the Council Regulation EC 1/2005 recognises in its preamble that, 'for reasons of animal welfare the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible'. However, the exception of Article 7, allowing the transport of animals for over 8 hours, is detrimental to animal welfare. In fact, long live animal transport is known to cause stress. Moreover, many breaches of Council Regulation EC 1/2005 have been reported, including the transport of unfit animals, exceeding stocking densities, requirements on feed, water and rest not respected, insufficient headroom and bedding, too high temperature.⁶⁷

In 2015, the European Commission launched a three-year Pilot Project aiming at improving animal welfare during transport by developing and disseminating Guides to Good and Best Practice for the transport of the main livestock species.⁶⁸ In September 2017, the contractor of the project published five extensive guides to good practices, as well as 17 technical fact sheets on good animal transport practices.⁶⁹ This is a positive development, however, a total ban on long live animal transport would grant stronger protection to animals.

The police carry out random checks on vehicles transporting animals. Over the past 10 years, the number of animal transports have increased considerably, without controls being increased as well. The Danish Veterinary and Food Administration has therefore decided that the control of animals exported from DK shall increase significantly and the number of checks are determined on the basis of political decision. For example, the number of live pigs transported over eight hours has increased from 1.9 million in 2007 to over 9.4 million in 2017. However, the control of the export trucks has during the same period remained the same on 100 annual inspections. In 2018, The Danish Veterinary and Food Administration reported problems for approx. 30% of the annual 100 inspections. The many new controls will be implemented from 15th August 2019.⁷⁰ However, the period for the increased number of checks is limited to 1st of January 2020. There is currently a political debate on the forward extension of the control.

A veterinarian from the Regional Veterinary and Food Authorities inspects all animals transported to slaughterhouses before slaughter. The inspection includes an evaluation of whether the animals were fit for transport or if they have suffered or have been injured by being transported. The veterinarians at the slaughterhouse also perform spot checks of the means of transport. Veterinarians also inspect animals arriving at markets and assembly centres.

All of the Danish Veterinary and Food Administration's decentral units takes action as a result of its campaigns focusing on specific issues. For example, in 2016, the Taskforce targeted the problem of

⁶⁷ <https://www.ciwf.org.uk/media/7434627/report-on-implementation-of-eu-regulation-on-welfare-of-animals-during-transport-compassion-in-world-farming-october-2018.pdf>

⁶⁸ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_transport_pilot-report.pdf

⁶⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

⁷⁰ https://mfvm.dk/fileadmin/user_upload/MFVM/Foedevare/Endelig_aftaletekst_-_Dyretransporter.pdf



the handling of sick and injured animals (cattle and pig herds). The results showed that there is a lower regulatory compliance in pig herds than in cattle herds and that control and guidance are still needed in the area. 32 herds out of 400 in total (both cattle and pigs) were either reported to the police or receiving enforcement notices or warnings for non-compliance with animal welfare regulations.⁷¹ The results of all animal welfare controls are reported in an annual report by the Danish Veterinary and Food Administration.⁷²

The Danish Veterinary and Food Administration publishes an annual report that includes the results of all animal welfare controls carried out on-farm, at slaughterhouses and during transport. This publication provides a focus for discussion of the status of farm animal welfare in the country.

In 2009, the Danish Veterinary and Food Administration's Veterinary Task Force was established to put into place inspections and campaigns to tackle problematic animal welfare issues in the country by working with farmers and industry. Every year the Veterinary Task Force runs inspections to control the animal welfare in farm which are published in annual reports. In the report from 2018, the Veterinary Task Force furthermore controlled the welfare of animal during transport in 2017. Each year they also carry out control campaigns that focus on animal welfare in different context such the welfare of animals during transport in 2017 and in 2016 they had focus on the handling on sick/injured cattle both on farm and before slaughtering, the catching methods of broilers and lastly space requirements for mink.

With regards to slaughter, it is positive that the Council Directive EC No 1099/2009 mandates stunning prior to slaughter, however, numerous EU countries have exemptions to this requirement, notably due to religious reasons. In 2018, the European Commission has also developed a series of fact sheets outlining how various species should be stunned.⁷³ This appears to show that the EU Commission is willing to disseminate knowledge and improve animal welfare.

In banning all slaughter without prior stunning, the Government decided to put animal welfare concerns ahead of religious concerns.⁷⁴ However, there is no explicit mention in the law that animals should not see another being slaughtered.

Religious slaughter is increasing in Denmark, since there is a higher demand for religiously slaughtered meat from outside the EU. In Denmark, the majority of cattle are stunned by a penetrating bolt pistol, whereas when it is religiously done, they do it with a non-penetrating bolt pistol, so that the technique does not damage the brain. Today, meat from religiously slaughtered cattle are exported and therefore rarely sold in Danish supermarkets.

⁷¹Page(7):https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Kontrolkampagner%202015/Slurapport_syge%20og%20tilskadekomne%20dyr_2016.pdf

⁷² Link to annual reports: <https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/videncenter-for-dyrevelfaerd/Sider/Rapporter-fra-ViD.aspx>

⁷³ https://ec.europa.eu/food/animals/welfare/practice/slaughter/2018-factsheets_en

⁷⁴ <https://www.theguardian.com/commentisfree/andrewbrown/2014/feb/20/denmark-halal-kosha-slaughter-hypocrisy-animal-welfare>



In 2017, 99% of all Danish broilers are religiously slaughtered for economic reasons (60% of the total production is exported and about a quarter of the 60% is exported to Muslim countries), where the broilers are stunned via electrified water baths.⁷⁵

In Denmark, pigs are stunned prior to slaughter using CO₂.^{76,77} The use of such Controlled Atmosphere Stunning is extremely cruel, as pigs agonise for a long time instead of being rendered unconscious immediately.

A 2015 study explains that pigs under 5 kg will be unconscious only after 45 seconds, when carbon dioxide is used as stunning method. Pigs vocalise for the first 30 seconds, which indicates that the pigs are suffering. Heart failure will occur 6-13 minutes after they enter the Controlled Atmosphere Stunning whereas heart failure will occur 7-8 minutes after if they use a non-penetrating bolt and less than 3 minutes if they use a penetrating bolt pistol.⁷⁸

Controlled Atmosphere Stunning are not explicitly referred to in Danish legislation, however, it is stated that the animals need to be stunned prior to slaughter and the use of carbon dioxide is the primary method used to do so.⁷⁹

Overall, every year, all decentralised units of the Danish Veterinary and Food Administration performs various control efforts, where they inspect for compliance with legislation. For example, in 2017 1,623 herds were selected for on farm welfare inspections.⁸⁰ Such inspections are always unannounced. Inspectors issue warnings or enforcement notices if they find problems. Inspectors report farmers to the police in cases of grossly negligent treatment of animals, for example, if animals are suffering from permanent injury or chronic disease but have not been moved to a hospital pen or have not been treated or examined by a veterinarian. Farmers may also be reported to the police when the case does not involve gross negligence, for example, if farmers have not rectified infringements despite an enforcement notice having been issued. For example, out of the 1,623 herds that were inspected in 2017, 382 herds were issued with a warning and 20 herds were reported to the police. Compared to 2016, the issued warnings and the number of police reports have increased, where in 2016, 1,134 herds were inspected where 167 got warnings and 7 were reported to the police.⁸¹ However, the latest numbers from 2018, shows a decrease in the number of issued warning but also a increase in the numbers of police reports. Out of the 1,439 herds that were inspected, 285 herds were issued with a warning and 29 herds were reported to the police.⁸²

⁷⁵ <https://sn.dk/Sjaelland/Halal-ballade-98-procent-af-al-kylling-er-halal-slagt/artikel/706209>

⁷⁶ https://www.youtube.com/watch?v=ISHpd_zUEPk

⁷⁷ <https://www.youtube.com/watch?v=XscKzMN7fO8>

⁷⁸ https://pure.au.dk/portal/files/93730331/Aflivning_af_grise_under_5_kg_260615.pdf

⁷⁹ <https://lf.dk/viden-om/foedevareproduktion/slagtning/svineslagteri>

⁸⁰ [https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Dyrevelf%C3%A6rd/%C3%85srapport/FINAL.Dyrevelf%C3%A6rdsrapport%202018%20\(2\).pdf](https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Dyrevelf%C3%A6rd/%C3%85srapport/FINAL.Dyrevelf%C3%A6rdsrapport%202018%20(2).pdf)

⁸¹ https://www.foedevarestyrelsen.dk/Publikationer/Alle%20publikationer/Dyrevelf%C3%A6rdsrapport_2017.pdf

⁸²

<https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Videnscenter>

Today, targeted animal welfare efforts replace the previous requirements for self-control of animal welfare. The veterinarian and the farmer must agree on up to three focus areas relating to animal welfare to get a common picture of what problems the specific herd is dealing with and need to improve. In this way, the focus areas on animal welfare are problem-oriented and adapted to the individual herd.⁸³ Farmers with large herds of cattle or pigs must enter into mandatory veterinary advisory service contracts⁸⁴ requiring a certain number of annual advisory visits by a veterinarian. The veterinary advisory service then audits the farmer during regular visits to the farm. The Danish Veterinary and Food Administration's Veterinary Taskforce checks the veterinary audits.

Inspections of herds and flocks in 2017 resulted in sanctions for non-compliance with animal legislation being imposed against 44% of inspected pig herds (263 out of 592), 19% of inspected cattle herds (97 out of 510), and 12% of inspected broiler farms (3 out of 26) and none for the inspection of layers (0 out of 36).⁸⁵

Inspection of herds and flocks in 2018 (latest numbers) resulted in sanctions for non-compliance with animal legislation being imposed against 39% of inspected pig herds (120 out of 303), 24% of inspected cattle herds (156 out of 630), and 7% of inspected broiler farms (3 out of 46).⁸⁶

These results demonstrate that there is still much room for improvement of on-farm animal welfare. In relation to this, more than 6,000 pigs (0.09% of the total amount of slaughtered pigs) in 2018 were killed before they were transported to the slaughterhouses due to their health (they were then not suited to be transported).⁸⁷

Enforcement mechanisms

The 1976 European Convention for the Protection of Animals kept for Farming Purposes does not contain any enforcement mechanism. At the EU level, a Directive requires Member States to achieve a particular result, but it does not devise laws on how to reach these goals. As such, Member States have some leeway to decide on their own legislations which will achieve the intended results. By contrast, a Regulation is a binding legislative act, directly applicable to the entirety of the EU.

Article 28 of the Act on the Protection of Animals provides that the overwork, neglect or reckless treatment of animals is punishable with a fine or up to one-year imprisonment. When imposing

[%20for%20dyrevelf%C3%A6rd/Dyrevelf%C3%A6rdsrapporter/Dyrevelf%C3%A6rdsrapport%202019%20\(11.10.19\).pdf](#)

⁸³ https://www.foedevarestyrelsen.dk/Leksikon/Sider/Maalrettet_dyrevelfaerdsindsats.aspx

⁸⁴ Contracts for pig herds: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206010> and contracts for cattle herds: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206011>

⁸⁵ [https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Dyrevelf%C3%A6rd/%C3%85rsrapport/FINAL.Dyrevelf%C3%A6rdsrapport%202018%20\(2\).pdf](https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Dyrevelf%C3%A6rd/%C3%85rsrapport/FINAL.Dyrevelf%C3%A6rdsrapport%202018%20(2).pdf)

⁸⁶

[https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Videnscenter%20for%20dyrevelf%C3%A6rd/Dyrevelf%C3%A6rdsrapporter/Dyrevelf%C3%A6rdsrapport%202019%20\(11.10.19\).pdf](https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Videnscenter%20for%20dyrevelf%C3%A6rd/Dyrevelf%C3%A6rdsrapporter/Dyrevelf%C3%A6rdsrapport%202019%20(11.10.19).pdf)

⁸⁷ <https://www.foedevarestyrelsen.dk/Nyheder/Aktuelt/Sider/Nyheder%202019/F%C3%B8devarestyrelsen-afliver-hvert-%C3%A5r-svin-som-ikke-er-egnede-til-transport.aspx>



penalties, the court will take into account whether there is reckless or grossly negligent treatment, and if that is the case the penalty will be a fine or up to two-years imprisonment.

The courts have powers to make disqualification orders: ‘anyone who is found guilty of ill-treatment or cruel treatment of animals can be deprived of their right to own, use, care for, slaughter, or in the whole deal with animals personally’ (Article 29).

Key recommendations

- **Denmark has extensive legislation with regards to ensuring the welfare of farm animals during rearing, transport and slaughter.** By outlawing the slaughter of non-stunned animals, Denmark represents an example for other countries to follow, including some European countries that still allow non-stunned animals to be slaughtered.
- Furthermore, other welfare aspects could be improved, such as slaughter methods and the routine tail-docking practiced without anaesthesia. The Government of Denmark is highly encouraged to forbid tail-docking, as well as other piglet mutilations, without anaesthesia.

4. There are laws that apply to animals in captivity

Analysis of the legislation

Ranking	B
---------	---

The general anti-cruelty provisions of the Animal Welfare Law 2018 apply to this category of animals.

Article 3 requires that rooms or areas where animals are kept are designed in such a way that the animal’s needs are met and that they have freedom of movement for eating, drinking and resting, and protection from the elements.

Article 10 of the Act empowers the Minister for Environment and Food to introduce rules to prohibit the keeping of animals that may be dangerous or cause fear or which cannot easily be kept in captivity in an animal-welfare-friendly manner. Article 17 prohibits the use of animals for shows, circus performances, film footage or similar if the animal would incur significant disadvantage, prohibits the display of animals in travelling menageries and requires permission from the Danish Veterinary and Food Administration for the establishment of zoos and wildlife parks.

Zoos

At the EU level, welfare provisions for wild animals kept in zoos are laid out in Council Directive 1999/22/EC.⁸⁸ ‘Zoos’ are defined as ‘all permanent establishments where animals of wild species are kept for exhibition to the public for 7 or more days a year’, with the exceptions of circuses, pet

⁸⁸ <https://www.eaza.net/assets/Uploads/Governing-documents/EU-Zoo-Directive-1999.pdf>

shops and any other establishments that Member States deem not to host sufficient animals. Article 3 provides that zoos shall implement conservation measures. Among them, one measure is welfare-oriented since zoos have to accommodate their animals 'under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures; and maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition.' Article 4 mandates the licencing and inspections of existing and new zoos. Article 8 lays out that Member States shall determine penalties for a breach of this Directive: such penalties shall be effective, proportionate and dissuasive.

Council Regulation (EC) 1/2005⁸⁹ on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible of being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys

Executive Order No. 1397 of 2nd December 2015⁹⁰ on the licensing and inspection of zoos of 12/12/2002 transposes European Union Zoo Directive 1999/22. Article 11 states that the size, layout and design of animal installations must be adapted to the species in a way that meets the animals' physiological and health needs as well as the opportunity to express natural behaviours. A veterinarian must inspect all animals at least once a month (Article 15). Zoos also require veterinary approval under the Notice of Veterinary Registration of Zoos issued by the Ministry of Environment and Food of 12th January 2010. Requirements for approval include design and operational aspects and a requirement for a supervising veterinarian. The Law on State Subsidies to Zoos of 12th April 2000⁹¹ establishes a framework for the granting of subsidies to zoos. In order to obtain and maintain government subsidies, zoos must fulfil conditions as stated in Article 3, including promoting the dissemination of knowledge about wild animals and their conservation and to support research and teaching.

Executive Order No. 1397 lays out requirements for zoological facilities: in order for a facility to be granted a licence to operate as a zoo, it must be inspected by the Danish Veterinary Administration. Instruction No. 11143 of 4th December 2015 mandates that zoos must be inspected regularly.⁹² Moreover, it is stated on the Ministry of Environment and Food homepage that inspections must be carried out annually.⁹³

⁸⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

⁹⁰ <https://www.retsinformation.dk/Forms/R0710.aspx?id=175918>

⁹¹ <https://www.retsinformation.dk/forms/r0710.aspx?id=11768>

⁹² <https://www.retsinformation.dk/Forms/R0710.aspx?id=176001>

⁹³ <https://www.foedevarestyrelsen.dk/Leksikon/Sider/Zoologiske-haver.aspx>

Private keeping of wild animals

Executive Order No. 1261 of 17th November 2015⁹⁴ Notice of Private Holding of Special Animals prohibits the private keeping of a number of species on the basis that they are animals that can create fear, or animals, which should not be kept for animal welfare reasons. This includes all primates, with the exception of marmosets and tamarins (*Callitrichidae spp.*). Order No. 1022 of 2002 on the Commercial Trade of Animals makes it illegal to sell and hold animals listed in the Annex of Order No. 1021.

Fur farming

At the EU level, a ban on cat and dog fur was introduced by Regulation No 1523/2007,⁹⁵ and has entered into force on 31st December 2008. The Regulation bans the placing on the market and the import to or export from the Union of cat and dog fur and products containing such fur.

Fur farming is still legal in Denmark, with the executive Order No. 1553 of 11th December 2015⁹⁶ on the protection of fur animals. Act No. 469 of 15th May 2014⁹⁷ made a ban on fox farming with a long phase-out period, which is to 2017 for most farmers and not until 2023 for two particular fur farmers.

Analysis

Council Directive 1999/22/EC provides general provisions for animals kept in zoos. Following the wording of Article 3, zoos are primarily intended to achieve conservation efforts, taking into account animal welfare. It is positive that zoos have to be licenced to operate, and that such a licence can only be obtained if criteria of Article 3 are met, which includes welfare provisions relating to enrichment, husbandry, veterinary care and nutrition. Enrichment has to be species-specific, but there is no mention of the psychological distress that is induced by constraining animals to enclosures. This Directive could be improved by focusing on the mental wellbeing of animals, rather than on satisfying their basic needs (e.g. nutrition requirements). In particular, a provision could be made to ensure that the size of enclosure is large enough to enable individuals to express normal behaviours, as well as allowing social interactions. Moreover, the frequency of inspections is not mandated in this Directive.

It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

Denmark has extensive legislation with regards to animals kept in zoos, with regular inspections of zoological facilities mandated in legislation.

⁹⁴ <https://www.retsinformation.dk/Forms/R0710.aspx?id=175350>

⁹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1523&from=EN>

⁹⁶ <https://www.retsinformation.dk/Forms/R0710.aspx?id=176306>

⁹⁷ <https://www.retsinformation.dk/Forms/R0710.aspx?id=162873>



It is encouraging that Denmark bans the private keeping of specific wild animals and has passed measures to prevent wildlife trafficking. The country could benefit from introducing a positive list, which would specify which animals can be kept as companion animals.

Any ban on fur farming is a positive step for animals, since the fur farming industry is inherently cruel and fur cannot be produced without causing large amount of pain, distress and suffering to animals. It is thus positive that the EU has implemented a ban on fur farming, although this ban is very limited as it covers only two species. The most common species farmed for their fur in Europe – rabbits, minks, foxes – are not included in this ban. Furthermore, there is no legislation at the EU level mandating humane slaughter for animals farmed for their fur. Act No. 469 establishes a ban on fox farming, which is a positive legal change for improving animal welfare. However, there appears to be a legislative gap since mink farming is still legal in the country.

In 2017, 1,547 mink farms were registered in Denmark; overall, Denmark exported more than 185,000 animals for fur during that same year.⁹⁸ All Danish mink farms are supposed to undergo annual, mandatory inspections by an authorised veterinarian as set out in legislation. The inspections (4 each year) are routine inspections to identify potential health or welfare issues on the farm. Veterinary officers from the Danish Veterinary and Food Administration (DVFA) also regularly inspect mink farms.⁹⁹ Since 2010, animal welfare on farms with fur animals, in particular mink, has received particular attention from the Danish Veterinary and Food Administration. The latest campaign control was in 2015-2016 where the Danish Veterinary and Food Administration unannounced visited 100 mink farms to control whether the rules on space requirement were met. The result was that only 8 out of the 100 farms did not comply with the rules (only one farm out of the 8 of concern was noted for animal welfare concern - too high stocking density).¹⁰⁰

There is controversy in the country concerning the continued existence of a fur farming industry that supplies some one third of the world's factory farmed mink.¹⁰¹

In 2017, 1,500 mink farms were inspected using a science-based animal welfare assessment, to become an approved WelFur farm. The assessment takes on a multi-faceted approach to animal welfare that considers all important welfare parameters including the animal's positive and negative emotions, health, natural behaviour, the housing system, feeding, human-animal relationship and how the farm is managed. The approval consists of three welfare assessment controls (each control takes between 4 and 6 hours to complete) and the approval must be renewed at an annual inspection. By 2020, only fur from WelFur approved farms can be sold.¹⁰²

81 mink farms were controlled in 2017 in relation to a project by the Danish Centre for Animal Welfare (DCAW) entitled 'Control with animal welfare on farm and during transport 2017'.¹⁰³ 12

⁹⁸ <https://www.foedevarestyrelsen.dk/Publikationer/Alle%20publikationer/Animal%20Health%202017.pdf>

⁹⁹ <https://www.foedevarestyrelsen.dk/Publikationer/Alle%20publikationer/Animal%20Health%202017.pdf>

¹⁰⁰ Report: <https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Ko ntrolkampagner%202015/Slutrapport%20Arealkrav%20til%20mink.pdf>

¹⁰¹ <http://www.animallaw.info/articles/ddusfur.htm>

¹⁰² <https://www.fureurope.eu/fur-policies/welfur/>

¹⁰³ <https://www.ft.dk/samling/20181/almdel/MOF/bilag/118/1962747.pdf%C2%A0>

out of the 81 farms got a warning and one was reported to the police (page 13). This is an increase in numbers of warnings compared to 2016 where six out of 61 controlled farms got warnings and again one was reported to the police (health issue). However, the latest numbers from 2018 reports that 7 out of 55 controlled farms got warnings and still one was reported to the police (inspection issue), which is a decrease compared to the reported numbers from 2017.

Enforcement mechanisms

Article 28 of the Act on the Protection of Animals provides that the overwork, neglect or reckless treatment of animals is punishable with a fine or up to one-year imprisonment.¹⁰⁴ When imposing penalties, the court will take into account whether there is reckless or grossly negligent treatment and if that is the case the penalty will be a fine or up to two-years imprisonment. The courts have powers to make disqualification orders: 'anyone who is found guilty of ill-treatment or cruel treatment of animals can be deprived of their right to own, use, care for, slaughter, or in the whole deal with animals personally' (Article 29). The Veterinary and Food Administration are responsible for licensing and annual inspection of zoos¹⁰⁵ according to Order No. 1397 of 2nd December 2015¹⁰⁶. Penalties for non-compliance with legislation include the closure of zoos. Other penalties include a fine or imprisonment for up to four months unless a higher penalty (up to two-years) is warranted under other legislation.

Key recommendations

- **Denmark has overall high welfare standards for animals in captivity. While fur farming of foxes is currently being phased out, the country still allows fur farming of minks.** This is an important discrepancy in the legal regime for animals that dramatically impairs the welfare of animals. The government of Denmark is encouraged to adopt a ban on fur farming for all animals, including minks, for greater consistency.
- **With regards to animals kept in zoos, Denmark has adopted legislation that transposes European Union Zoo Directive.** Denmark should carry out regular animal welfare inspections of zoos and the results of such examinations should be made public.

5. There are laws that apply to companion animals

Analysis of the legislation

Ranking

C

¹⁰⁴ <https://www.retsinformation.dk/Forms/r0710.aspx?id=197059>

¹⁰⁵ <https://www.foedevarestyrelsen.dk/Leksikon/Sider/Zoologiske-haver.aspx>

¹⁰⁶ <https://www.retsinformation.dk/Forms/R0710.aspx?id=175918>



Care of companion animals

The European Convention for the Protection of Pet Animals¹⁰⁷ is a treaty of the Council of Europe to companion animals and ensure minimum protection standards. Signed in 1987, the treaty entered into force in 1992 and is now open to countries outside members from the Council of Europe. As of March 2019, the Convention has been ratified by 24 countries, among which Denmark.

Article 1 prohibits anyone from causing unnecessary pain, suffering or distress, or to abandon a companion animal. Article 2 creates a duty of care onto animal owners, responsible for their health and welfare. Article 10 forbids surgical procedures for the purpose of modifying the appearance of a companion animal, or for other non-curative purposes. In particular, the docking of tails, the cropping of ears, devocalisation, declawing and defanging are prohibited. Exceptions exist if a veterinarian considers non-curative procedures necessary or to prevent the reproduction of animals. Article 11 specifies that the killing of companion animals shall be done with the minimum of physical and mental suffering appropriate to the circumstances.

Chapter III contains Supplementary Measures for Stray Animals. Article 12 mandates that the capture of stray animals must be done with the least amount of suffering possible. Once captured, animals may be kept or killed 'in accordance with the principles laid down in this Convention'.

The general anti-cruelty provisions of the Act on the Protection of Animals apply to this category of animals.

Article 2 of the Protection of Animals Act establishes a duty of care onto animal owners, by stating that 'everyone who keeps animals must ensure that they are treated carefully, including that they are housed, fed, watered and cared for, taking into account their physiological, behavioural and health needs in accordance with recognised practical and scientific experience'. In addition, the Minister for Environment and Food has powers to make rules on the treatment of dogs and cats, including for the capture and killing of cats (Article 11), surgical interventions (Article 14), and information to be given to purchasers of animals (Article 18).

Article 3 requires that rooms or areas where animals are kept are designed in such a way that the animal's needs are met and that they have freedom of movement for eating, drinking and resting, and protection from the elements.

Article 11.2 prohibits the exhibition of dogs with docked tails or cropped ears, subject to exceptions.

Secondary legislation addresses some specific issues relating to companion animals. Notably, Executive Order No. 132 of 26th February 2018¹⁰⁸ establishes a licencing scheme for dog breeders. Breeder may receive a licence to operate only when they show compliance with animal welfare requirement, such as the hygienic conditions of the premises, the dogs must have access to fresh air etc.).

¹⁰⁷ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a67d>

¹⁰⁸ <https://www.retsinformation.dk/Forms/R0710.aspx?id=198459#id893f3da0-8894-4ecf-a351-58f5ffec56b0>



According to Executive Order No. 627 of 29th August 1991, tail docking is forbidden for dogs, except for five breeds of dogs. The operation of tail docking can only be done by a veterinarian and it is forbidden to perform it on dogs who are older than four days.¹⁰⁹

In Denmark, there is a negative listing of all animals that are not allowed to be kept, as they can present danger or can be difficult to hold in an animal-friendly manner. For example, it is not allowed to keep any venomous breeds of snakes.¹¹⁰

In 2010, a prohibition of the ownership and breeding of 13 specified dog breeds and mixed breeds hereof was introduced through the Act on Dogs (including Pitt Bull Terrier and Tosa Inu and mixed breeds hereof which have been prohibited in Denmark since 1991). The full list of prohibited dog breeds can be found on the Ministry of Environment and Food's website.¹¹¹ The prohibition also prevents private individuals, including tourists, from bringing the prohibited dogs into Denmark. This prohibition on dog breeds was evaluated in 2013 by the Danish Parliament: the prohibition eventually remained unchanged. Amendments to the Act on Dogs came into force in 2014. According to the Danish Act on Dogs, the police are obligated to euthanise dogs, which savage a person or another dog in an attack. The 2014 amendments introduce a new, more specific definition of 'savouring'. Moreover, according to these new provisions, the owner of the attacking dog can request an expert assessment of the case.

A Notice on the Transfer of Kittens No 1025 of 29 October 2009 imposes penalties on anyone who sells or otherwise transfers or purchases or otherwise acquires kittens younger than the age of 12 weeks, with the exception of orphaned kittens provided to an animal shelter.¹¹² Decree No. 1169 of 18 October 2010 prohibits the partial or total removal of dogs' vocal chords.¹¹³

Decree No. 132 of 26th February 2018¹¹⁴ amending Executive Order No. 1466 of 12 December 2007 on commercial trade and breeding of dogs and kennels and dog shelters also entered into force in 2013, requiring written instructions on the husbandry and care of dogs to be given to purchasers of dogs. For example, Article 17 states that the place where the dogs are kept must be properly designed to meet the animals' need for movement and natural behaviours.

Executive Order No. 1366 of 1st December 2017¹¹⁵ amending Order No. 1022 of 12 December 2002 on the commercial trade of animals (pet stores) entered into force in 2014 and requires written instructions on the sound husbandry and care of all pet animals to be given to the purchaser.

[Stray animals](#)

¹⁰⁹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=57727>

¹¹⁰ <https://www.retsinformation.dk/Forms/R0710.aspx?id=175350>

¹¹¹ https://www.foedevarestyrelsen.dk/english/ImportExport/Travelling_with_pet_animals/Pages/The-Danish-dog-legislation.aspx

¹¹² <https://www.retsinformation.dk/forms/R0710.aspx?id=127877>

¹¹³ <https://www.retsinformation.dk/Forms/R0710.aspx?id=133655>

¹¹⁴ <https://www.retsinformation.dk/Forms/R0710.aspx?id=198459>

¹¹⁵ <https://www.retsinformation.dk/Forms/R0710.aspx?id=194887>

Article 19 of the Act on the Protection of Animals prohibits to sell dogs in markets. Apart from this section, no legislation has been found specifically relating to stray animals.

Analysis

At the EU level, the European Convention for the Protection of Pet Animals lays down important principles for the welfare of companion animals, notably by creating a positive duty of care onto animal owners and through prohibiting the abandonment of companion animals. It is also positive that the Convention prohibits surgical procedures on companion animals for appearance purposes.

Since the Act on Dogs came into force in 2010, a total of 552 dogs on the prohibition list have been put down and 218 dogs have been euthanized after savaging other animals or people. Thus, a total of 770 dogs have been put down as a consequence off the provision in the Danish Act on Dogs in the period 2010-2017 (until the 31st August 2017).¹¹⁶ This law has consequences for not only the dogs and the owners, but also for the community and the police. It was estimated that from 1st July 2001 to 1st April 2017 have there been over 25,799 dog cases, which represent on average 318 cases per month.¹¹⁷ The dog law has not decreased the number of serious injuries caused by dogs. According to veterinarians there has not been a difference in the number of injuries, which have been stable since 1998 (6,000 bites on humans and about 3,500 bites on dogs annually). It appears that resources could be better used rather than in this area, since the law is not shown to have any preventative effect in terms of preventing injuries.

Secondary regulations are helpful to ensure that the best care is given to companion animals. A barrier to enforcement to this legislation, however, is that potential purchasers are not required to show their criminal record before acquiring a companion animal. It is not forbidden for the dog breeder/seller to demand criminal records, but it is not a requirement either. Therefore, government in February 2019 talked about the possibility of a new system to register this deprived right to have animals, so it will be easier to control and enforce in the future.¹¹⁸ The Minister of Justice stated that "animals should be treated with respect, with dignity, and if a person is deprived of the right to keep/hold animals, it must of course be controlled".

Since 3rd April 2018, the Danish Veterinary and Food Administration began to provide happy, medium happy or unhappy smileys when they inspect/control dog kennels, dog handlers, dog pensions and shelters. The new smiley scheme means that companies get a smiley, which shows how good they are to comply the rules that must ensure that the dogs are comfortable and that they treat their dogs properly (includes if they are well looked after, and that they get fresh air, exercise and proper space). This concerns more than 230 companies in 2018, that in the future will receive an annual inspection.

¹¹⁶ <https://www.ft.dk/samling/20171/lovforslag/l56/spm/10/svar/1437917/1810443.pdf>

¹¹⁷ <https://www.ft.dk/samling/20161/almdel/REU/bilag/353/1780802.pdf>

¹¹⁸ <https://www.ft.dk/samling/20181/spoergsmaal/s546/index.htm>



However, the inspection will be reduced to every two years if the company receives a happy smiley on the annual inspection two years in a row.¹¹⁹

To further promote the responsible purchase and care of dogs, the government's Veterinary and Food Administration launched a campaign "Check the puppy before you act" with the Danish Veterinary Association and the Danish Kennel Club regarding the purchase of puppies with a dedicated website.¹²⁰

Enforcement mechanisms

Article 28 of the Act on the Protection of Animals provides that the overwork, neglect or reckless treatment of animals is punishable with a fine or up to one-year imprisonment.¹²¹ When imposing penalties, the court will take into account whether there is reckless or grossly negligent treatment and if that is the case the penalty will be a fine or up to two-years imprisonment. The courts have powers to make disqualification orders: 'anyone who is found guilty of ill-treatment or cruel treatment of animals can be deprived of their right to own, use, care for, slaughter, or in the whole deal with animals personally' (Article 29). Secondary legislation makes provision for penalties for infringement. For example, the penalty for violating Executive Order No. 1348 of 28th November 2010 on the commercial trade of animals (pet stores)¹²² is a fine or imprisonment for up to four months unless a more severe penalty is prescribed under other laws (Article 31). Article 28.5 and 28.6 of the Protection of Animals Act fix the maximum penalty under secondary regulations at a fine or imprisonment of up to one year.

There is no specific legislation that details the welfare provision for stray animals. However, stray animals are protected by the Act on the Protection of Animals.

Key recommendations

- Denmark has extensive legislation on preventing cruelty to be inflicted onto companion animals. However, the Danish Acts on Dogs appears to be a barrier to animal welfare for the 13 prohibited breeds of dogs: instead of banning the keeping of these dogs, which results in the dogs being euthanised, the Government of Denmark should encourage the adoption of such dogs and more public education on responsible pet ownership.

- Additionally, the Government of Denmark is encouraged to develop a Positive List of species who can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns. For clarity purposes, this Positive List would replace the current list functioning the other way around (prohibiting certain animals to be kept as companion animals).

- **Denmark should continue promoting responsible pet ownership.**

¹¹⁹https://www.foedevarestyrelsen.dk/Nyheder/Aktuelt/Sider/Nyheder_2018/Nu_udeles_de_f%C3%B8rste_smileys_til_hundekenneler_og_pensioner.aspx

¹²⁰ <http://tjekhvalpen.dk/default.aspx>

¹²¹ <https://www.retsinformation.dk/Forms/r0710.aspx?id=197059>

¹²² <https://www.retsinformation.dk/Forms/R0710.aspx?id=194887>



6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation	
Ranking	E
<p><u>Animals used in entertainment</u></p> <p>The general anti-cruelty provisions of the Animal Welfare Law 2018 apply to this category of animals. Article 3 requires that rooms or areas where animals are kept are designed in such a way that the animal's needs are met and that they have freedom of movement for eating, drinking and resting, and protection from the elements.</p> <p>Article 17 prohibits the use of animals for shows, circus performances, film footage or similar if the animal would incur significant disadvantage and prohibits the display of animals in travelling menageries. However, the Minister for Environment and Food has the power, under Article 17.4, to establish rules for the keeping of animals in circuses, amusement parks and similar establishments. At present, there is a nationwide ban on the use of wild animals in circuses except for elephants, sea lions and zebras.¹²³ The Act on the Protection of Animals was amended in 2009 to include the possibility for the Minister to issue rules on animals used in circuses (Article 17.4)¹²⁴, and following recommendations from a working group set up by the Ministry of Justice in 2008,¹²⁵ the Government decided that elephants, zebras and sea lions will be banned in circuses in the future. This presupposes the creation of a new Animal Welfare Act, in order to warrant such prohibition. The Act were consulted in February 2020.</p> <p>Zoo legislation is applicable to the only facility in the country utilising marine mammals for entertainment. The Fjord&Baelt Centre has a special permit to keep porpoises that were rescued after becoming stranded.¹²⁶ Currently the Centre only has one porpoise left in their sea pen, which they train for research use. Moreover, they publicly display the animal for the visitors. In 2017, the Ministry of Environment and Food of Denmark granted a permission for the Centre to collect, transfer and transport two new porpoises from the wild. Hence, they have permission to storage and exhibit additional animals harvest from the wild in order for the animals to be used for research and dissemination.</p> <p><u>Draught animals</u></p>	

¹²³ <https://www.retsinformation.dk/eli/lta/2015/1494>.

¹²⁴ <https://www.retsinformation.dk/Forms/r0710.aspx?id=197059>

¹²⁵ <http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2008/udvalg-foresl%C3%A5r-regler-cirkusdyr>

¹²⁶ <http://www.fjord-baelt.dk/index.php/viden/forskning>



The Act on Protection of Animals covers all animals, which means that also draught animals are subject to the provisions of the Act, in particular paragraph 1, 2 and 3 including that animals must be treated properly and that their physiological, behavioural and health needs are met.

Furthermore, Executive Order No. 304 of 30th March 2017, which consolidates the Act on the keeping of horses from 2007 states that 'horses' means horses, donkeys and crossbreeds.¹²⁷ This Order therefore cover specific welfare provisions for horses focusing on, among others, housing, enrichment and training.

Analysis

Although there are some positive provisions in current legislation, the Government still permits wild animals such as elephants to be used in circuses. In 2009, the Minister of Justice acted on recommendations from a working group to overturn a previous prohibition on the use of wild animals in circuses, replacing the ban with an enabling provision allowing the Minister of Justice to lay down rules on the keeping and showing of animals in circuses, amusement parks and similar establishments. The members appointed on the recommendation of the Ethics Council opposed the use of wild animals in circuses on ethical and animal welfare grounds, whilst the members appointed by the National Police, Circus Director Association, Association of Amusement Parks in Denmark and the Ministry of Environment and Food considered that a circus should be able to provide for the welfare needs of animals such as elephant and sea lions.¹²⁸

*However, the issue of wild animals in circuses attracted media attention especially after elephants, who were performing in a travelling **circus** in the town of Karrebaeksminde and became agitated.¹²⁹ Such events are dangerous both for the public as well as for the animals and could be prevented by a full ban on the use of wild animals in circuses.*

In June 2018, a majority of the Danish parties committed to implement a total ban on the use of wild animals in the circus and that it should be introduced as soon as possible in a way that ensures the greatest possible consideration for the welfare of the animal. At the time of writing, the Bill has been passed and will come into effect in 2021.

The Danish Government offered to buy the elephants so that they could give them away as an award for a competition, wherein only qualified applicants could bid. In September 2019, the Government of Denmark eventually bought the last four circus elephants for 11 million kroner (US\$1.6 million).¹³⁰ The elephants are going to be transferred to Knuthenborg Safari Park in Denmark and the facilities for the elephants at the park are at present being prepared in order to be suitable for the four elephants. The Government of Denmark is to be commended for taking action to immediately end the suffering of these animals while legislation is put in place.

¹²⁷ <https://www.retsinformation.dk/Forms/R0710.aspx?id=188487>

¹²⁸ <http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2008/udvalg-foresl%C3%A5r-regler-cirkusdyr>

¹²⁹ <https://www.earthtouchnews.com/conservation/human-impact/calls-for-denmark-to-ban-circus-animals-after-distressed-elephant-smashes-car-video/>

¹³⁰ <https://www.boston.com/news/animals/2019/09/02/denmark-buys-4-circus-elephants-to-retire-them>



With regards to marine mammals, it is regrettable that marine mammals who were rescued for rehabilitation are now used for public display. In particular, the Fjord&Baelt Centre has received permission from the Ministry of Environment and Food of Denmark in 2017 to harvest two new porpoises from the ocean. The reason behind the permit is that the Centre must use the porpoises for scientific use. However, they also use their one porpoise in public displays, which has nothing to do with science. The Government has put into place advisory councils to examine issues in the light of scientific knowledge.

Enforcement mechanisms

Article 28 of the Act on the Protection of Animals provides that the overwork, neglect or reckless treatment of animals is punishable with a fine or up to one-year imprisonment.¹³¹ When imposing penalties, the court will take into account whether there is reckless or grossly negligent treatment and if that is the case the penalty will be a fine or up to two-years imprisonment. The courts have powers to make disqualification orders: 'anyone who is found guilty of ill-treatment or cruel treatment of animals can be deprived of their right to own, use, care for, slaughter, or in the whole deal with animals personally' (Article 29).

Secondary legislation makes provision for penalties for infringement. For example, with respect to the law on horses the Ministry of Environment and Food may issue warnings and enforcement notices and penalties. (paragraph 33, Executive Order No. 304).¹³² Article 28.5 and 28.6 of the Protection of Animals Act fix the maximum penalty under secondary regulations at a fine or imprisonment of up to four months.

Furthermore, Article 4 in the Act on the holding and display of animals in circuses it is stated which animals there is legally prohibited to keep, breed and trade marine mammals such as whales and all species of seals (*Phocidae*).¹³³

Key recommendations

- The keeping, breeding and trading of marine mammals currently kept in captivity should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours. *In the future The Danish Environment Protection Agency should not grant any permission even though it is based in science.*
- **Moreover, the Government** of Denmark is invited to produce legislation specific to the needs of animals used for draught.

¹³¹ <https://www.retsinformation.dk/Forms/r0710.aspx?id=197059>

¹³² <https://www.retsinformation.dk/Forms/r0710.aspx?id=188487>

¹³³ <https://www.retsinformation.dk/eli/lta/2015/1494>



7. There are laws that apply to animals used for scientific research

Analysis of the legislation	
Ranking	A
<p>At the EU level, welfare provisions for animals used in scientific research are laid out in Directive 2010/63/EU,¹³⁴ which updated and replaced the 1986 Directive 86/609/EEC¹³⁵ on the protection of animals used for scientific purposes. This new Directive applies to live vertebrates and live cephalopods (Article 1.4). Article 4 enshrines the Three Rs principles in legislation – Replacement, Reduction, Refinement. Article 6 mandates that animals are killed with minimum ‘pain, suffering, distress’. Articles 7 and 8 provides exemptions for the use of endangered species and non-human primates in experiments, respectively. It is forbidden to take animals from the wild to carry out experiments, except when the procedure cannot be achieved by the use of an animal who has been bred for use in procedures. It is furthermore prohibited to use animals stray and feral animals of domestic species in experiments. (Article 11). Article 14 ensures that ‘Member States shall ensure that, unless it is inappropriate, procedures are carried out under general or local anaesthesia, and that analgesia or another appropriate method is used to ensure that pain, suffering and distress are kept to a minimum’.</p> <p>With regards to animal testing for cosmetic products, Chapter V, Article 18 of Regulations EC No 1223/2009¹³⁶ of the European Parliament and of the Council of 2009 on cosmetic products prohibits to test finished cosmetic products and cosmetic ingredients on animals (testing ban). The same article also prohibits to market finished cosmetic products and ingredients in the EU which were tested on animals (marketing ban). The testing ban on finished cosmetic products applies since 11th September 2004, while the testing ban on ingredients or combination of ingredients applies since 11th March 2009.</p> <p>The general anti-cruelty provisions of the Animal Welfare Law 2018 apply to this category of animals. Article 3 requires that rooms or areas where animals are kept are designed in such a way that the animal’s needs are met and that they have freedom of movement for eating, drinking and resting, and protection from the elements.</p> <p>The Government of Denmark has implemented European Union legislation concerning animals used in scientific research, including by the Proclamation of consolidated Law on Animal Experimentation No. 474 of 15th May 2014.¹³⁷ This protects vertebrates (including in the last third of foetal development) and squid. The use of these animals for scientific or educational purposes must be authorised by the Animal Experiments Inspectorate where the use is likely to be associated with pain, suffering, distress or lasting harm equivalent to or stronger than the introduction of a needle (Article 1). The Animal Experiments Inspectorate is empowered to refuse permission for animal experiments that are not deemed to be of significant benefit to warrant the use of animals (Article 1.5). Experiments</p>	

¹³⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31986L0609&from=EN>

¹³⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0063&from=EN>

¹³⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1223&from=EN>

¹³⁷ <https://www.retsinformation.dk/forms/r0710.aspx?id=162938>

must be designed in a way that is likely to lead to the use of the fewest animals, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results (Article 5.2). To the extent possible, species which are less prone to experience pain, suffering, distress or lasting harm should be used and where possible the trial should be ended at a humane end point rather than at death (Article 6.1, -2). Animals cannot be used when other methods are equally appropriate (Article 6.3). Article 7 makes provisions for the use of anaesthesia.

Cosmetic testing is prohibited under Article 1.4.

Article 10 establishes that the Council for Animal Experiments manages the Animal Experiments Inspectorate. The membership of the Council for Animal Experiments to include a number of members of which four must be appointed according to the opinions of animal welfare organisations. Article 18 empowers the Minister for Environment and Food after consulting the Animal Experiments Inspectorate, to establish rules covering a variety of areas including on the procurement of animals for experimental and other scientific purposes.

The consolidated Act on Cloning and Genetic Engineering with Animals and Related Matters No. 478 of 15th May 2014¹³⁸ provides for the licensing of activities involving cloning or other genetic engineering involving animals. Licences are granted by the Animal Experiments Inspectorate and cloning, and genetic engineering must be carried out in accordance with specific rules laid down by the Act regulating experiments on animals.

Analysis

At the EU level, it is positive that Directive 2010/63/EU enshrines the Three Rs principles in legislation. These respectively aim at replacing animals with non-animal methods as much as possible, reducing the number of animals used in experiments to the lowest level, and refining experimentation methods in order to cause the least amount of suffering possible. Numerous references are made throughout the Directive to the duty for Member States to reduce animal suffering as much as possible. However, a loophole appears in Article 14, since the use of anaesthetics or analgesia is mandated 'unless it is inappropriate'. Thus, it is still possible in the EU to carry out experiments on live animals without them being rendered unconscious or insensitive to the pain.

With regards to animal testing for cosmetic products, it is positive that the EU has banned testing on finished cosmetic products and their ingredients through Regulations EC No 1223/2009. However, the testing and marketing bans remain limited. Notably, these bans only apply to cosmetic products and ingredients which are only used in cosmetics. Furthermore, the bans only apply to tests specifically aimed at consumer safety, but do not apply to worker safety tests. The bans also do not apply if the testing is intended to determine whether the product poses a risk to the environment.

The Proclamation of Law on Animal Experimentation No. 474 enshrines the Three R principles in Article 5.2 - replacement, reduction and refinement.

¹³⁸ <https://www.retsinformation.dk/forms/r0710.aspx?id=162964>



The decisions of the Animal Experiments Inspectorate and the associated applications to conduct animal experiments appear on the authority's website on which statistics with comments on the animal use in the country since 2014 may also be found.¹³⁹

In 2006, the Government announced the creation of a platform to promote alternatives to animal testing, the Danish Consensus Platform for 3R Alternatives to Animal Experimentation. Members were appointed by the Minister of Justice after consultation with stakeholders including industry and animal welfare campaigners.

In June 2013, the Minister for Environment and Food established the Danish 3R-Center in a unique collaboration with both the pharmaceutical industry and animal welfare organisations to focus on alternatives to animal testing and on creating better conditions for laboratory animals.¹⁴⁰

The Ministry's website explains that the name of the Center is derived from the English terms replacement, reduction and refinement, and that these are the aims of the Center's work.¹⁴¹ In addition, the Center publishes annual reports on issues related to the use of laboratory animals.¹⁴²

Each year, the Danish 3R-Center holds an international symposium where researchers can share their scientific work. It is an open event for anyone with a professional interest in Laboratory Animals and/or alternatives. Each year, the Danish 3R-Center presents a 3R award to a person or group of persons affiliated with a company, university or other body working to promote the 3Rs in Denmark. The award is presented as part of the annual symposium.

Enforcement mechanisms

Under Article 11 of the Proclamation of Law on Animal Experimentation No. 474 of 15th May 2014, the Council for Animal Experiments may at any time without a warrant but with proof of identity gain access to test facilities and other premises where animals are placed in order to carry out inspections or supervision. Article 12 empowers the Council to order that specific experiments may only be carried out when members are present to supervise.

Penalties for violating the provisions of the law are punishable by a fine or imprisonment for up to 4 months unless other laws prescribe a higher penalty (Article 16). Enforcement authorities may also revoke the authorisation for animal experimentation (Article 17).

Key recommendations

• **Denmark has extensive legislation with regards to the use of animals in scientific research:** animal testing for cosmetics is banned, and current legislation promotes the Three Rs principles

¹³⁹ <https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/Dyreforsogstilsynet/Sider/Statistik.aspx>

¹⁴⁰ The collaborating organisations are Alternativfondet, Dyrenes Beskyttelse, Forsøgsdyrenes Værn, LEO Pharma, Lundbeck and Novo Nordisk according to the Government's website.

¹⁴¹ https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/Danmarks_3R_Center/Sider/Danmarks-3R-Center.aspx

¹⁴² <https://en.3rcenter.dk/about-us/annual-report/>



- Replacement, Reduction, Refinement. Moreover, it is positive that the Government has created the 3-R Centre, whose objective is to reduce the number of animals used for experiments.

- **Denmark is a model for other countries to follow in terms of promoting the Three Rs principles** with the creation of the Danish 3R-Centre and the multi-stakeholder Danish Consensus Platform for 3R Alternatives to Animal Experimentation.

- Denmark is encouraged to continue engaging with animal welfare organisations in order to promote alternatives to animal experiments.

8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	C
<p>At the EU level, wild animals are protected by various Directives and Regulations.</p> <p>Council Directive 92/43/EEC¹⁴³ on the conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive, prohibits all capture, killing, deliberate disturbance, destruction or taking of the eggs, deterioration or destruction of breeding sites or resting places of wild vertebrates listed in Annex IV(a) (Article 12). Furthermore, the keeping, transport, sale and exchange of these same species is also prohibited. Annex IV(a) lists over 400 species (Article 8). For over 90 species listed in Annex V, Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status (Article 14).</p> <p>Council Directive 2009/147/EC¹⁴⁴ of the European Parliament and of the Council on the conservation of wild birds, known as the Birds Directive, provides various regimes for different bird species. 82 species listed in Annex II can be hunted, however, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable (i.e. during their return migration to nesting areas, reproduction and the raising of their chicks) (Article 7). Overall, this Directive prohibits activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species listed in Annex III (Article 6). Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in Annex IV (Article 8).</p> <p>Council Regulation (EC) No 338/97¹⁴⁵ on the protection of species of wild fauna and flora by regulating trade therein also applies to wild animals. Article 4.1(c) provides that when an endangered species is introduced in the EU, the competent scientific authority must be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve</p>	

¹⁴³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

¹⁴⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>

¹⁴⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997R0338&from=en>



and care for it proper. In the same vein, Article 4.2(b) mandates that there must be a written proof that the intended accommodation for a live specimen is 'adequately equipped to conserve and care for it properly'. Article 4.6(c) provides that the introduction of species in the EU may be restricted if species have a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity.

Council Regulation (EC) 1/2005¹⁴⁶ on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible of being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

The general anti-cruelty provisions of the Act on the Protection of Animals apply to this category of animals.

The main law governing activities affecting wild animals, such as hunting, is the Wildlife Management Act No. 265 of 21st March 2019.¹⁴⁷ The purpose of the law includes conservation, management of wildlife resources and regulation of hunting and ensuring that hunting takes place 'according to ecological and ethical principles' (Article 1). Those who hunt must obtain a licence (Article 39). Welfare aspects are covered by Article 22 which provides that hunting must not be carried out in such a way that it exposes the animals to unnecessary suffering, and Article 23 which provides that animals can only be killed with firearms, thus prohibiting the use of poisons, traps, live decoys and neither birds of prey nor owls may be used for hunting as well. However, birds of prey which are legally kept, and members of the Falconidae or Accipitridae family may be used if the hunter is in possession of a valid falconry license. The law establishes basic hunting regulations, protected areas, open seasons and licensing requirements. The law empowers the Minister of the Environment and Food to regulate the release, capture and keeping of wild animals, the trading and possession of wild animals and their parts and collecting, trading and possession of eggs of game birds. Rules may also be established to ensure that only persons or companies that the Minister authorised may treat and care for injured wildlife. In Denmark dog hunting, live baiting, poisoning and trapping are not allowed.

Chapter 5 (including Article 33-36) of the consolidated Law on Hunting and Wildlife Management No. 265 of 2019¹⁴⁸ regulates hunting and establishes reserves to ensure that species are under a sustainable conservation management plan. The Minister of Environment shall establish wildlife reserves on land, in fresh water and fishing territory to provide resting and feeding areas for migratory birds (Article 33).

¹⁴⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

¹⁴⁷ <https://www.retsinformation.dk/Forms/R0710.aspx?id=208198>

¹⁴⁸ <https://www.retsinformation.dk/Forms/R0710.aspx?id=208198>



Everyone between 18 and 65 years can buy a license to fish without any prior training or needed learnings.¹⁴⁹

Order No. 1195 released the 23rd September 2018¹⁵⁰ specifies that hunting licenses can only be obtained after individuals follow a hunting training and pass a written and practical exam.

Analysis

The Directives and Regulations applicable to wild animals at the EU level focus primarily on the conservation of wild species, rather than on protecting the welfare of individual animals. In particular, it would be beneficial for animal protection to forbid the use of the cruellest forms of hunting (i.e. falconry and bow hunting).

It is positive that Council Regulation (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

The Government has established a Wildlife Management Council, which advises the Ministry of the Environment on issues concerning hunting and wildlife.¹⁵¹ The government has banned very cruel forms of hunting, such as the use of poison, traps and dogs (although these are punishable only with fines, where no other law applies a stronger penalty), and has introduced tests for licence applicants to ensure effective shooting so as to avoid unnecessary suffering in hunted animals.

The Government reports that currently 14 species of mammals including 5 invasive species and about 30 species of birds including 1 invasive species can be hunted in Denmark, which are subject to various hunting hours.¹⁵² Species of mammals and birds who are not listed with a specific hunting hour are protected all year around.¹⁵³ Illegal hunting is not considered to be a problem in the country.¹⁵⁴ 96 nature reserves have been created under the Hunting and Wildlife Management Act 265 and the Nature of Conservation Act 240.¹⁵⁵

Although this report does not extend to the regions of Greenland and the Faroe Islands, it is noted that the Danish government represents Greenland and the Faroe Islands at meetings of the International Whaling Commission.

Enforcement mechanisms

¹⁴⁹ <https://www.fisketegn.dk/fisketegn/common/frontPageShow.jsp>

¹⁵⁰ <https://www.retsinformation.dk/Forms/R0710.aspx?id=203011>

¹⁵¹ <https://vildforvaltningsraadet.dk/>

¹⁵² <https://www.retsinformation.dk/Forms/R0710.aspx?id=202853>

¹⁵³ https://mst.dk/media/177748/2019-08-20-jagttabel_generelle_jagttider_19-20_redigering.pdf

¹⁵⁴ <https://www.cbd.int/doc/world/dk/dk-nr-04-en.pdf>

¹⁵⁵ <https://www.retsinformation.dk/Forms/R0710.aspx?id=208198> &

<https://www.retsinformation.dk/Forms/R0710.aspx?id=207969#id2933dc3c-dc77-4b66-9707-9d96dce018ef>.



Article 28 of the Act on the Protection of Animals provides that the overwork, neglect or reckless treatment of animals is punishable with a fine or up to one-year imprisonment.¹⁵⁶ When imposing penalties, the court will take into account whether there is reckless or grossly negligent treatment and if that is the case the penalty will be a fine or up to two-years imprisonment. The courts have powers to make disqualification orders: ‘anyone who is found guilty of ill-treatment or cruel treatment of animals can be deprived of their right to own, use, care for, slaughter, or in the whole deal with animals personally’ (Article 29). Article 55.2 of the Wildlife Management Act No. 265 of 21st March 2019¹⁵⁷ states that hunting license can be withdrawn from 1 to 5 years or “for now”. If the court decides to withdraw the license “for now”, the case regarding continuing withdrawal can be brought to the court after Article 78.3 in the Danish Criminal Code.¹⁵⁸

Key recommendations

- **The protection of wild animals is included in Denmark’s hunting regulations, which prevents** the use of the cruellest forms of hunting, such as poison, traps and dog hunting. It is also positive that Denmark has introduced practical tests for applicants to obtain a hunting licence.
- **Having said that,** the Government of Denmark is encouraged to ban any form of hunting that does not directly support subsistence **i.e. for feeding oneself and one’s family and not for commercial gain.** Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts.

Goal 3: Presence of supportive government bodies

9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation

Ranking	B
The Ministry of Environment and Food is the main body responsible for animal welfare legislation in Denmark. They work with an advisory body established under the Protection of Animals Act: The Ethical Council for Animals. ¹⁵⁹ Furthermore, The Veterinary Health Council gives feedback on concrete	

¹⁵⁶ <https://www.retsinformation.dk/Forms/r0710.aspx?id=197059>
¹⁵⁷ <https://www.retsinformation.dk/Forms/R0710.aspx?id=208198#ida610ee5b-4578-4d47-861f-4c62454801fe>
¹⁵⁸ <https://www.retsinformation.dk/Forms/R0710.aspx?id=209398>
¹⁵⁹ <https://www.foedevarestyrelsen.dk/english/Animal/AnimalWelfare/Legislation/Pages/default.aspx>



cases. The Environment and Food Committee of the Danish Parliament also has animal welfare listed as part of its responsibilities.¹⁶⁰

The Animal Experiments Inspectorate consists of a Secretariat (which moved to under the Minister for Environment and Food in 2011) and the Board of Animal Experiments. The Board consists of one chairperson and 10 additional members appointed by a number of different stakeholders.

The Danish Protection of Animals Act gives powers to the Minister of Environment and Food to make secondary legislation related to animal welfare. The Protection of Animals Act also gives enforcement powers to the Danish Veterinary and Food Administration and the Police Director.

Since this Index was first published in 2014, Denmark passed Order No. 904 of 26th June 2018¹⁶¹ on the grant of financial subsidy to promote and improve animal welfare in Denmark. New announcements are made every year. The money pool for 2018 to support the promotion and improvement of animal welfare in Denmark can distribute 12.92 million DKK. It is therefore necessary to prioritise the applications (in 2018 a total of DKK 41.86 million was applied for).¹⁶² The money pool for 2019 is 9 million DKK.¹⁶³ The Ministry of Environment and Food, through the Danish Agricultural Agency, shall award subsidy to projects related to transport and treatment of sick and injured (mistreated, stray or wild) animals, as well as to the running and maintenance of animal shelters and information campaigns on animal welfare. Grants shall not be awarded to projects related to production animals (livestock).

The Ethical Council for Animals provides the Minister with an ethical assessment of animal welfare issues regarding legislation to be introduced under the Protection of Animals Act and other laws. This Council consists of a chairperson¹⁶⁴ and 10 other qualified experts in animal welfare issues of whom five are appointed after consultation with animal welfare organisations, farmers' organisations and the Consumer Council. The Minister can ask the Council to raise issues, but the Council works independently of the Minister, and the members can therefore freely make their own recommendations. In recent years, the Ethical Council for Animals has published statements on animal welfare benefits and issues including tied stables for dairy cows, consultation on the proposal for a new Animal Welfare Act, and relocation of animals formally kept in circus (such as elephants).¹⁶⁵

The work of the Veterinary Health Council involves the issuing of opinions on veterinary matters at the request of a public authority or of parties in criminal proceedings involving animal welfare and trade

¹⁶⁰ <https://www.thedanishparliament.dk/en/committees/committees/mof>

¹⁶¹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=202068>

¹⁶² https://lbst.dk/fileadmin/user_upload/NaturErhverv/Filer/Tilskud/Projektilskud/Dyrevelfaerd/Oversigt_over_de_36_tilskudsmodtagere.pdf

¹⁶³ <https://lbst.dk/nyheder/nyhed/nyhed/du-kan-soege-stoette-til-dit-arbejde-med-dyrevelfaerd/>

¹⁶⁴ The chairman is also the scientific director of Copenhagen Zoo since 1994.

¹⁶⁵ <https://dedyreetiskeraad.dk/udtalelser/>



in livestock.¹⁶⁶ In recent years, the Council has announced statements in individual animal welfare cases including dogs and cats, cattle and other animals.¹⁶⁷

In 2010, the government established the Danish Centre for Animal Welfare, an initiative arising from collaboration between the Danish Veterinary and Food Administration, the Ministry of Environment and Food, Aarhus University and the University of Copenhagen. The stated aim of the Centre for the next 4 years is on public information and publicizing research-based knowledge on animal welfare in Denmark. This research is put in perspective to other comparable countries.¹⁶⁸ The Centre initiates research projects and hosts an annual conference where results from the projects are shared and new welfare developments are highlighted.¹⁶⁹ Project themes from 2014 to 2019 included improving animal welfare in Denmark, methods for measuring animal welfare, communicating animal welfare, animal welfare and transport and animal welfare and poultry production.¹⁷⁰ The Centre promotes the importance of animal welfare, for example, through its research projects and its annual conference.¹⁷¹

Initiatives of the Danish Animal Welfare Centre also have the potential to influence international animal welfare development.¹⁷² Project themes from 2010 to 2019 included improving animal welfare in Denmark, methods for measuring animal welfare, communicating animal welfare, animal welfare and transport and animal welfare and poultry production.¹⁷³ A project in 2019 aims to document the animal welfare status in the Danish and European mink productions. Another project focuses on providing an overview of the transport of cattle and pigs within Europe and, if possible, to third countries outside Europe.¹⁷⁴

The Danish Veterinary and Food Administration has a number of divisions, some of which are involved in issues concerning animal protection, including, the Animal Welfare and Veterinary Medicine Division, which is responsible for animal welfare; and the International Trade Division, responsible for the import and export of live animals and travelling with pet animals. Moreover, the Veterinary Health Council is an independent authority, who can convey veterinary considerations and opinions on the possession of exotic animals. The Danish Veterinary and Food Administration, together with universities, established the Danish Centre for Animal Welfare with the aim to communicate about Animal Welfare in Denmark. The Government provides funding, which has been agreed through to 2021 according to the Centre's website. The Government also funds the 3R-Center, which aims to reduce, replace and refine the use of animals in experiments. A number of stakeholders' co-fund the 3R-Center; Novo

¹⁶⁶ http://www.foedevarestyrelsen.dk/Dyr/Dyrevelfaerd/Dyrevelfaerdsraadog_generelleudtalelser/Sider/Radet-vedroerende-Hold-af-Saerlige-Dyr.aspx

¹⁶⁷ <https://detvetsund.dk/sagsarkiv/dyreaensager/>

¹⁶⁸ The Danish Veterinary and Food Administration

¹⁶⁹ <https://www.foedevarestyrelsen.dk/english/Animal/AnimalWelfare/DCAW/Conferences/Pages/default.aspx>

¹⁷⁰ <https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/videncenter-for-dyrevelfaerd/Sider/Projekter-i-Videncenter-for-Dyrevelfaerd.aspx>

¹⁷¹ <https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/videncenter-for-dyrevelfaerd/Sider/default.aspx>

¹⁷² https://www.foedevarestyrelsen.dk/Dyr/Dyrevelfaerd/Videncenter_for_dyrevelfaerd/konferencer_i_ViD/Sider/ViD_skonference-2013.aspx

¹⁷³ http://pure.au.dk//portal/files/44750084/2010_AnimalWelfare.pdf

¹⁷⁴ <https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/videncenter-for-dyrevelfaerd/Sider/Projekter-i-Videncenter-for-Dyrevelfaerd.aspx>



Nordisk, Leo Pharma, Lundbeck, DOSO (umbrella of animal welfare organisations including World Animal Protection) and the Danish Animal Welfare Society.

On 4th April 2018, the Danish Parliament stated that it 'dissociate from all forms of ill-treatment and neglect of animals and believes that it is important to have a continuous focus on the fact that the police have the necessary skills to deal with cases concerning animal welfare violations. In this connection, the parliament notes that, as part of the multi-year agreement on the police and prosecution's economy for 2016-2019, a working group was established to ensure police efforts against animal welfare violations.' Parliament introduced 11 recommendations for strengthening animal welfare in the country, including requirements for clear management anchoring animal welfare cases in the police districts, establishment of animal networks and increased focus on education. 10 out of the 11 recommended initiatives have been implemented, and the last initiative is in progress. The Parliament thus notes that number of initiatives have been implemented to strengthen the area and highlight that there is a need for a strengthened and more uniform case handling by the various police districts, as well as a well-established cooperation between the police districts.¹⁷⁵

Analysis

Overall, numerous bodies have responsibility for animal welfare, which contributes to mainstreaming animal welfare concerns across political issues. It is positive that there is a national body dedicated to improving animal welfare, namely the Ethical Council for Animals. However, there is only one representatives of animal welfare organisations who is a member of this Council, but other representatives who are not in the Council can convey opinions on who they think the ministry should appoint.

The Government and three other Danish parties agreed to allocate another 7.5 million DKK from 2017-2018 for animal welfare, from which grants can be given to associations and organisations working for animal welfare in Denmark.¹⁷⁶ This increase the total money pool for a total of approximately 10 million DKK annually in 2017-2018.

Enforcement mechanisms

Responsibilities of relevant government bodies are set out in primary and secondary legislation.

Key recommendations

- **Denmark is an example for other countries with regards to allocating human and financial resources to mainstream and improve animal welfare standards.** It is positive that members of the Ethical Council for Animals are appointed following consultation with animal welfare organisations. The Government of Denmark is invited to include a permanent representative of such animal welfare organisations as permanent members of the Ethical Council.

¹⁷⁵ <https://www.ft.dk/samling/20171/forespoergsel/F22/BEH1-85/forhandling.htm>

¹⁷⁶ <https://www.regeringen.dk/media/2630/aftaletekst-for-fl17-18-november-2016.pdf>



Goal 4: Support for international animal welfare standards

10. The **Government has incorporated the OIE's guiding principles for animal welfare** and its animal welfare standards into policy and legislation

Analysis of the legislation	
Ranking	A
<p>Denmark's animal welfare legislation already met OIE animal welfare standards when the standards were drawn up. This includes the Act on the Protection of Animals, which reflects the principles of the Five Freedoms. The law on animal experimentation is based on the Three Rs and the Government supports research into alternatives to the use of animals.</p> <p>The Government has also transposed European Union Regulations and Directives which cover the areas included within the OIE standards.</p> <p>Analysis</p> <p><i>The Government of Denmark is an international leader in animal welfare, for example, with its investment in the Danish Centre for Animal Welfare and the launch of the 3R-Center to reduce the use of animals in experiments. The country has assigned legal responsibility for animal welfare at high levels and has provided resources to improve animal welfare and to fulfil its commitments with respect to the European Union and the OIE. However, Denmark could still improve animal welfare practices especially for farm animals, seeing that 98.5% of piglets are routinely tail docked in Denmark, though the practice has been illegal in the EU for 24 years.¹⁷⁷</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms (fines or imprisonment) for the legislation which incorporates the OIE's guiding principles and standards.</p>	
Key recommendations	
<ul style="list-style-type: none"> • Denmark fully incorporates OIE's principles and standards into legislation, which includes enforcement mechanisms. The government of Denmark should continue to engage with the OIE. • Denmark constitutes a model for other countries to follow with regards to transposing OIE's standards and principles within national legislation. In addition, Denmark is exemplary in terms of assigning responsibility at high levels for animal welfare, through the Danish Centre for Animal Welfare and the 3R-Centre. 	

¹⁷⁷ <https://www.globalmeatnews.com/Article/2018/04/13/Danish-farmers-continue-to-tail-dock-pigs>



11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

Analysis of the legislation

In 2009 the 27 Agriculture Ministers of the European Council, including from Denmark, unanimously approved a statement on the UDAW encouraging the European Commission to support and initiate further international initiatives to raise awareness and create a greater consensus on animal welfare, and inviting the Member States and the Commission to support the UDAW initiative.¹⁷⁸

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

The UDAW is currently the only international instrument that creates a soft law commitment for countries to acknowledge and respect animal sentience and to work towards ending cruelty and protecting the needs of animals. The Government has expressed full formal support for the UDAW, thus helping to incorporate animal welfare into policy discussions.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- Denmark has provided government support to UDAW, through a declaration from the Ministry of for Food, Agriculture and Fisheries in 2014. Denmark should act as an example for other countries to pledge support in principle to UDAW.

Last edited: 3 March 2020

Publication: March 2020

¹⁷⁸ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf