

# Act on animal welfare

2013 No 55, 8 April

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**Entry into force 1 January 2014.** Amended by Act No 11/2014 (entry into force 4 February 2014).

Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Fisheries and Agriculture** or to the **Ministry of Industries and Innovation** as responsible for the implementation of this Act.

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## Section I Objective, scope and definitions

### ■ Article 1 Objective

The objective of this Act is to promote animal welfare, which entails ensuring that they do not suffer distress, hunger or thirst, fear or suffering, pain, injuries or disease, considering that animals are sentient beings. Another objective of the Act is to allow animals to express their natural behaviour to the fullest.

### ■ Article 2 Scope

This Act shall apply to vertebrates as well as to decapods, squid and honey bees. The Act shall also apply to foetuses from the moment their sensory organs have reached the same stage of development as in living animals. The Act shall not apply to regular fishing activities nor to the catching of wild fish. The provisions of the Act constitute minimum requirements for the care of animals.

### ■ Article 3 Definitions

The following definitions shall apply for the purposes of this Act and any regulations or other administrative provisions issued pursuant to it:

1. *Keeping of animals* means any arrangement for the keeping of animals, whether for gainful purposes or not.
2. *Capture* means to catch an animal alive.
3. *Semi-feral animals* means animals not marked in accordance with Article 22 and which roam freely.
4. *Medical procedure* means a procedure or treatment carried out following a veterinarian’s diagnosis, including castration without incision of skin.
5. *Treatment* means any procedure, other than medical or surgical, involving an intervention in the body or behaviour of animals, such as birth assistance, hoof care, horseshoeing, shearing, grooming.
6. *Surgical procedure* means a procedure involving the incision of the skin or mucous membrane, with the exception of puncturing with needles.
7. *Keeper* means the owner of an animal or any other party responsible for the custody of an animal.
8. *Custody* means the care, feeding and guarding of animals.
9. *Hunting* means catching an animal for the purpose of killing it.

## **Section II Administration of animal welfare**

### **■ Article 4** *General administration*

The Minister shall assume responsibility for the general administration of matters concerning animal welfare; in other respects, however, the administration shall be handled by the Food and Veterinary Authority, which shall monitor and enforce compliance with the provisions of this Act.

The Food and Veterinary Authority must seek the opinion of the Expert Advisory Board on Animal Welfare regarding strategic decisions and applications for a licence to conduct animal experiments.

### **■ Article 5** *Expert Advisory Board on Animal Welfare*

A special Expert Advisory Board on Animal Welfare shall be operated. The Board shall have five members and an equal number of alternates. The Minister shall approve the appointment of the Board, which shall have a term of appointment of three years. The Board shall be composed of professionals representing the largest possible number of specialist disciplines from among the following: veterinary science, zoology, ethology, animal welfare, animal testing, animal husbandry, and ethics.

The Chief Veterinary Officer shall serve as Chair of the Expert Advisory Board, its other members being appointed by the Farmers' Association of Iceland, the Icelandic Veterinary Association, the Icelandic Union of Animal Protection Societies, and the University of Iceland. The Board shall seek expert opinions whenever scientific questions are being discussed and the Board lacks specialist knowledge in the relevant field. The role of the Expert Advisory Board shall be to:

a. advise the Food and Veterinary Authority on policy and on individual questions regarding animal welfare;

b. provide the Food and Veterinary Authority with an evaluation of applications to conduct animal testing;

c. monitor developments in the field of animal welfare and update the Food and Veterinary Authority on important issues in that field;

d. discuss issues relating to animal welfare as requested by individual board members;

The Expert Advisory Board shall be housed at the premises of the Food and Veterinary Authority, which shall contribute the necessary facilities and a staff member with expert knowledge in the Board's field of responsibility. The Board shall maintain a written record of its activities and issue an annual report by 1 March each year. The Board shall follow procedures consistent with the provisions of the Administrative Procedures Act.

## **Section III General provisions regarding animal care**

### **■ Article 6** *On animal care in general*

Animals must be treated well and their keepers shall be responsible for ensuring that they are cared for in accordance with the provisions of this Act. Ill treatment of animals is prohibited.

### **■ Article 7** *Duty to help*

A person who discovers, or has reason to believe, that an animal is sick, injured, trapped, or helpless in any other way shall provide care for the animal to the extent possible. If the animal's keeper cannot be reached, the incident shall be reported to the police, which shall seek the help of a veterinarian where deemed necessary. If help cannot be brought within a reasonable period of time, and the animal is obviously suffering from a fatal disease or injury, the animal may be killed, see Article 21. If the animal is livestock or a domestic pet, such killing must be reported to the Food and Veterinary Authority.

The relevant municipality shall ensure the implementation of measures as described in the first paragraph where the animals concerned are semi-feral or wild. However, with regard to

animals belonging to endangered populations or harmed in environmental accidents, the implementation of the measures shall be ensured by the Minister responsible for the protection and conservation of wild birds and mammals. Notwithstanding the duty to help outlined in the first paragraph, the Minister or the municipality may decide on the killing of wild animals where the foreseeable cost of implementing other measures is significant.

The keeper of an animal shall bear all costs incurred in complying with the provisions of the first paragraph. The municipality shall bear all costs incurred in complying with the provisions of the first paragraph where the animals concerned are semi-feral or wild animals and do not belong to an endangered population. The Ministry responsible for the protection and conservation of wild birds and mammals shall bear all costs incurred in complying with the provisions of the first paragraph where the animals concerned belong to an endangered population.

A person who has incurred expenses in complying with the provisions of the first paragraph shall be entitled to a compensation for all necessary costs from the party responsible for such costs under this Article. Municipalities may lay down rules regarding the payment of such compensation and shall submit the rules to the Minister for approval.

■ **Article 8** *Reporting requirement*

Where there is suspicion of inadequate animal care violating the provisions of this Act or regulations issued pursuant to it, the person becoming aware of this shall report it to the Food and Veterinary Authority or the police at the earliest possible opportunity. The police shall notify the Food and Veterinary Authority of any cases reported to it. The Authority shall investigate the validity of any report.

A person reporting an incident in accordance with the first paragraph may request to remain anonymous toward all parties other than the Food and Veterinary Authority and the police. Where revealing the identity of the reporting person is likely to harm the interests of that person, the request to remain anonymous shall be respected. Where there are insufficient grounds to grant anonymity, the reporting person shall be free to withdraw the report. A decision by the Food and Veterinary Authority regarding anonymity shall be subject to appeal to the Minister within two weeks of the decision being announced. The reporting person shall be informed of the right to appeal the Authority's decision.

■ **Article 9** *Reporting requirement for those dealing with animals*

All persons holding a position and carrying out work requiring them to deal with animal issues, and who become aware of a situation such as that described in Article 8, first paragraph, must report this to the Food and Veterinary Authority.

In particular, veterinarians and animal health workers must, to the extent possible, monitor how animals are cared for, their living conditions, procedures and treatments administered to animals, the methods of keeping animals, and equipment used on or for animals, and notify the Food and Veterinary Authority where they have reason to believe that an animal is in a situation such as that described in Article 8, first paragraph.

Reporting requirements according to this Article shall take precedence over the provisions of laws or codes of ethics requiring the professions concerned to respect the secrecy of confidential information.

■ **Article 10** *Ability, competence and responsibility*

Every person having the custody of animals shall possess or acquire a fundamental knowledge of the needs and proper care of the relevant animal species, and shall furthermore have the ability to care for the animal in accordance with this Act.

The operator of an animal facility requiring a licence shall make sure that any staff involved in the care of animals have sufficient competence and knowledge in that field. Anyone providing animal care services shall have sufficient knowledge to carry out the relevant tasks.

Children under 18 years of age and persons deprived of legal competence may not be given independent responsibility for the care of animals.

The Minister may issue a Regulation containing more detailed provisions on the requirements for the ability and competence of keepers of animals, such as their formal education.

■ **Article 11** *Transfer of custody*

An animal may not be sold, or transferred as a gift or otherwise, where there is reason to believe that the receiving person does not have the necessary facilities, ability or determination to care for the animal in accordance with this Act. The person receiving custody of an animal shall, where appropriate, be provided with any information relevant to its welfare.

**Section IV Inspections and controls**

■ **Article 12** *Inspections*

Extensive and technologically sophisticated animal facilities must be notified to the Food and Veterinary Authority prior to commencing operations. No such operations may begin unless the conditions relating to premises, equipment and knowledge, see Articles 10 and 29 to 32, have been fulfilled and an inspection has been carried out by the Food and Veterinary Authority.

The Minister shall issue a Regulation stipulating in which cases fish, poultry, pig and fur farming, and which technologically sophisticated animal facilities, shall be subject to a notification requirement and be governed by this Article.

■ **Article 13** *Controls*

[Any operation covered by this Act shall be subject to regular official controls by the Food and Veterinary Authority. The extent and frequency of the controls shall be risk-based.]<sup>1)</sup>

The Minister shall issue a Regulation containing more detailed provisions on controls and their implementation.

<sup>1)</sup>Act No 11/2014, Article 1.

**Section V Care and treatment of animals**

■ **Article 14** *Care*

The keepers of animals must ensure that they are well cared for, including by:

a. making sure that the animals' needs are normally attended to on a daily basis; however, this shall not apply to animals in summer pastures;

b. ensuring that feed, grazing areas and water are supplied in sufficient quality and quantity to meet the animals' needs;

c. providing access to vegetation to herbivores during the summer;

d. protecting the animals against injury, disease and parasites, or any other risk;

e. making sure that sick or injured animals receive proper medical care or are put down;

f. accustoming animals to human contact, where appropriate;

g. ensuring that all necessary facilities are in place for the adequate care and treatment of the animals.

■ **Article 15** *Special prohibition*

It shall be prohibited to:

a. overexert the strength or stamina of an animal;

b. abandon animals in a helpless condition;

c. have sexual intercourse or engage in other sexual activities with animals;

d. use live animals for feed or bait, or as targets during shooting practice or shooting competitions;

e. entice animals to fight;

- f. force animals to eat or drink, except as necessary for the purposes of medical treatment;
- g. mistreat animals in other, comparable ways.

■ **Article 16** *Procedures and treatment*

- Surgical and medical procedures and other treatment of animals shall only take place at such time and in such a way as to prioritise the welfare of the animals and preserve it to the extent possible following treatment. No procedure may take place where the animal would foreseeably suffer from disfigurement, ill health or pain following the procedure and the likelihood of a return to health is non-existent.
- Surgical procedures, including the removal of body parts or cosmetic operations, shall only take place for medical reasons. However, it shall be permitted to remove horns, spurs from one-day-old roosters, and to castrate animals. The marking of animals for identification purposes is also permitted according to relevant acts and regulations.
- When a painful procedure or treatment is carried out, the animal shall always be sedated or anaesthetised and given analgesic medication, with the exception of earmarking of lambs or kids less than one week old.
- Only veterinarians may treat and perform surgical or medical procedures on animals. However, other persons may perform the following, provided that they have been authorised to do so in accordance with the Act on veterinarians and animal health services:
  - a. medical procedures as directed by a veterinarian;
  - b. insemination of sheep, goats, cattle, pigs, foxes, turkeys, hens, and rabbits;
  - c. pregnancy testing of cattle;
  - d. tail-docking of piglets;
  - e. microchip implants.
- Anyone may perform the following:
  - a. the administration of drugs as directed by a veterinarian;
  - b. treatments causing neither pain nor discomfort;
  - c. tagging and earmarking, with the exception of microchip implants.

■ **Article 17** *Training, shows, competitions etc.*

- All those who train animals, or use them for competitions or shows or in other ways, shall ensure that they:
  - a. are physically fit for this and have received appropriate training;
  - b. have not been treated with drugs that suppress medical symptoms or boost performance to an extent contrary to their welfare;
  - c. are not subjected systematically to treatment which is harmful or causes unnecessary fear.
- The Minister may lay down more detailed rules based on this Article.

■ **Article 18** *Transport of animals and herding of livestock*

- When transporting animals, their welfare must be safeguarded to the extent practicable. During the transport or herding of livestock, care shall be taken to minimise the strain experienced by the animals and not to overexert their stamina or strength. An animal may neither be transported nor herded where it is clear that it is not able to endure this.
- All means of transport shall be appropriately equipped to suit the species of animal in question and ensure the safety of the animals. Animals must be provided with appropriate care, living conditions and supervision while in transit.
- The Minister shall issue a Regulation containing more detailed provisions on the transport and herding of animals as well as on licences for means of transport, their security equipment and identification. The Minister shall also lay down rules to ensure the welfare of animals in connection with transport. Moreover, the Minister shall issue more detailed provisions on the transit of animals from the place of departure to the place of destination, including loading densities, transloading, unloading, maximum travelling times, and requirements for the means of transport used for animals, including their loading equipment. In addition, rules may be laid