



Animal Protection Index (API) 2020

Kingdom of Sweden: ranking B

Executive summary

Since the API was first published in 2014, Sweden has enacted a new version of its main animal welfare legislation, namely the Animal Welfare Act 2018:1192 and its Ordinance 2019:66. The Animal Welfare Act 2018 is applicable to animals kept by humans and wild animals used for scientific purposes. The Act explicitly bans the abandonment of domestic animals and zoophilia. Swedish animal welfare legislation goes beyond and above EU law. For example, Sweden requires larger minimum space requirements for the animals, has 8hr limits for transportation of animals for slaughtering and cows must be out on pasture during the summer. Similarly, beak trimming and tail docking (pigs and dogs) are prohibited, and there is a full ban on the use of sow stalls and farrowing crates. Sweden also provides detailed requirements where such provisions don't exist at EU level, for example for dairy cows. The castration of piglets without anaesthesia is also forbidden. Moreover, Sweden has positively addressed the use of animals in experiments, since it has banned the use of animals for cosmetic testing and has created the Three Rs 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 remains room for improvement in some domains related to animal welfare. Notably, fur farming is still allowed for some species, which tarnishes Sweden's reputation as an international leader in animal welfare. Furthermore, Sweden has not fully banned the use of wild animals for entertainment such as circuses and marine parks. In the ordinance Sweden has banned the use of 12 groups of animals, for example elephants and sea lions. The welfare for wild animals should be improved by a total ban or if Sweden adopted positive list of animals allowed for entertainment. With regards to animals used for research, the legislation still allows the capture of wild animals to be used in experiments.

Overall, there is a good allocation of human and financial resources dedicated to animal welfare in Sweden. The Ministry for Rural Affairs is responsible for animal welfare, and the County Administrative Boards are in charge of enforcing the Animal Welfare Act 2018 and its Ordinance. The Swedish Board of Agriculture is the principal national agency creating new regulations on animal welfare. Within the Board, the Animal Welfare Council, now called the Dialogue Group for Animal Welfare, comprises representatives from animal welfare NGOs, veterinary organisations, academia, County Administrative Boards and stakeholder organisations for farm and pet animals. The Swedish Centre for Animal Welfare (SCAW) provide the government, the parliament and the governmental board with expertise on the matter of research and education on animal welfare. SCAW is also pointed out as reference centre for animal welfare by OIE. At the national level, the Government of Sweden has also established a Scientific Council on Animal Welfare which acts as a risk-assessment body. There are Animal Ethics Committees in charge of deciding whether animal experiments should be carried out, and a Three Rs Centre dedicated to developing alternatives to animal research.



In the first paragraph in the Animal Welfare Act 2018 it is stated that animals shall be treated with respect. In the governmental bill (2017/18:147 this is explained further: “With respect for animals, one should understand the awareness and recognition that animals are living and knowing beings with certain needs that must be taken into account. This also means that animals have an intrinsic value regardless of the benefit they have to humans”. At present, Swedish legislation still allows for the killing of abandoned or lost cats (the Animal Welfare Act 2018 prohibited the abandonment of animals). The Government of Sweden is therefore strongly encouraged to remove this provision, and to instead promote TNRM (trap-neuter-return-management) programmes in order to control cat populations and to give financial support to organisations that take care of abandoned and lost cats. Furthermore, with regards to wild animals in captivity, the Government of Sweden is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals. Moreover, Sweden is highly encouraged to ban the use of all wild animals for entertainment purposes, which includes circuses. The breeding, keeping and trading of marine mammals in captivity should be banned, so that the animals currently in captivity constitute the last generation. With regards to animals used in research, the Government of Sweden is urged to ban the capture of wild animals for experiments and is strongly encouraged to continue investing in the Three Rs Centre, in order to develop alternatives to animal research. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



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	B
<p>At the European Union level, Article 13 of the Treaty on the Functioning of the European Union¹ 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>Sweden has domestic legislation formally recognising animal sentience. The Animal Welfare Act 2018² is the main piece of legislation for animal protection in Sweden and has replaced the former version of this law dating from 1988.³ This Act is applicable to 'animals kept by humans and wild animals used for scientific purposes' (Chapter 1, Section 2). Specific sections of the Act apply to wild animals used in laboratories or companion animals who have been abandoned. Chapter 1, Section 1 mandates that animals shall be 'respected'. Chapter 2, Section 2 also mandates that animals shall be allowed to perform 'natural behaviour'. In Sweden, treating animals with respect means to acknowledge that animals are living sentient beings with needs that must be met. This is stated in the governmental bill to the Animal Welfare Act. The bill also explicitly states that animals have value, regardless of the use humans have for them.⁴ Chapter 16, Section 13 of Sweden's Penal Code⁵ also refers to animal suffering.</p> <p>Protection of wild animals are included in the Hunting Act (1987)⁶ in the Bill (1986/87:58 it is stated that wild animals are protected and all hunting shall be done with consideration to the animals (also nests and eggs) and without causing them unnecessary pain. In the Bill it is also stated that wild animals shall be given respect. While wild animals are not explicitly stated to be sentient, the provisions provided for them suggest an acceptance that they feel pain and can suffer physically and psychologically.</p> <p><i>Analysis</i></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</i></p>	

¹ <https://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

² https://www.riksdagen.se/sv/dokumentlagar/dokument/svensk-forfattningssamling/djurskyddslag-20181192_sfs-2018-1192

³ <http://extwprlegs1.fao.org/docs/pdf/swe19544E.pdf>

⁴ <https://www.regeringen.se/4948a5/contentassets/fof489931c7b4abc8ce3f10d982e7fe7/171814700twebb.pdf>

⁵ <https://www.government.se/government-policy/judicial-system/the-swedish-criminal-code/>

⁶ <https://data.riksdagen.se/fil/06F5352E-2ADD-4DEA-A830-8659FD6B93B4>

welfare is too vague and does not create a precise and enforceable duty.

The existing legislation in Sweden explicitly recognises animal sentience and it also states that animals have value regardless of the benefit they have to humans. It also recognises important aspects of animal sentience, for example, with respect to the requirement that animals must be given the opportunity to behave naturally. The Animal Welfare Act 2018 also makes detailed provision for the welfare of particular categories of animals.

The Act, enacted in 2018, applies to all animals kept by humans and wild animals used for scientific purposes. The animal welfare legislation in Sweden could be further improved if a formal recognition of sentience was included for all animals, not just for those the Animal Welfare Act applies to.

Enforcement mechanisms

There are enforcement mechanisms for breach of the relevant provisions in legislation that arise out of the recognition of sentience.

Key recommendations

• **Building upon the current Animal Welfare Act 2018, which recognises animal sentience, the Government of Sweden is strongly encouraged to formally recognise all animals as sentient beings, including those the Animal Welfare Act is not applicable to.**

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

Section 13 of chapter 16 of the Penal Code provides that it is an offence of cruelty to animals, both intentionally or through gross carelessness, to unjustifiably expose an animal to 'suffering by maltreating, overworking, neglecting it, or in some other way'.⁷ There is no further detail on specifically prohibited acts. The inclusion of reference to neglecting animals encompasses suffering caused by failure to act. The Penal Code is applicable for both animals in captivity and for wild animals.

In the governmental Bill to the Animal Welfare Act 2017/18:147 it is stated that animal suffering is not only physical but also mental suffering. The Animal Welfare Act specifies in Chapter 2, Section 1 that 'animals shall be treated well and protected from unnecessary suffering and disease'. The Animal Welfare Act 2018 defines 'animals' as all animals 'kept by humans and wild animals used for scientific purposes' (Chapter 1, Section 2). Therefore, the Act is applicable to farm animals, companion animals, wild animals in captivity and animals used for scientific experiments. Chapter 2 of the Act provides

⁷ <https://www.government.se/government-policy/judicial-system/the-swedish-criminal-code/>

general provisions on how animals should be handled and maintained. Chapter 2, Section 2 mandates that animals shall be kept and cared for in a good animal environment and in a such way that their welfare is promoted, they can perform behaviours for which they are highly motivated for and which are important for their well-being and behavioural disorders are prevented. In Chapter 2, Section 8 prohibits the abandonment of domestic animals, and Section 10 prohibits zoophilia.

Analysis

The protection under section 13 of chapter 16 of the Penal Code appears to extend to all animals and includes negligent behaviour as well as deliberate acts of cruelty. The inclusion of this provision in the Penal Code since 1972 demonstrates that animal cruelty is taken seriously. However, it is unclear if the protections provided under the Penal Code are applicable to those categories of animals explicitly excluded from the Animal Welfare Act. It is positive that the Animal Welfare Act 2018 provides further welfare measures for specific categories of animals. The bill to the Animal Welfare Act 2018 defines suffering as both physical and mental suffering.

Enforcement mechanisms

Breach of the anti-cruelty provisions in section 13 of chapter 16 of the Penal Code is punishable with a fine or imprisonment for up to two years.

Under the Animal Welfare Act 2018, Chapter 10 defines various enforcement mechanisms for different violations of the Act. Any violations of Chapter 2, Section 2 (requiring animals to be kept in a satisfactory environment) is liable to a fine or imprisonment up to two years. This penalty applies to most of the specific provisions in the Act, such as the requirement to give sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 5); and the requirement to provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). However, the general provision of care under Chapter 2, Section 1 of the Act does not have any associated enforcement mechanisms. A violation of Chapter 2, Section 10 (prohibition on zoophilia) is also liable to a fine or imprisonment for a maximum of two years.

Under Chapter 8 of the Animal Welfare Act 2018, the County Administrative Boards, and other authorities as decided by the Government, are responsible for enforcing this Act.

Key recommendations

- **Sweden's Penal Code Act prohibits deliberate acts of animal abuse, as well as a failure to act in case of animal cruelty. The Penal Code applies to all animals, the Animal Welfare Act 2018 applies to this category of animals, and mandates that animals shall be protected from unnecessary suffering. Other countries should therefore follow the example of Sweden by including wild animals within their scope of animal protection legislation.**
- **There are still some countries, where bestiality, or zoophilia, is still legal. These countries should follow the example of Sweden and explicitly ban this practice.**



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	B
<p><u>Rearing</u></p> <p>At the EU level, the 1976 European Convention for the Protection of Animals kept for Farming Purposes⁸ 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/EC⁹ 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 provision in Section 13 of Chapter 16 of the Penal Code applies to this category of animals. Chapter 2 of the Animal Welfare Act 2018 provides general welfare provisions to all animals to whom this law is applicable, which includes farm animals. Section 1 provides that animals shall be treated well and protected from unnecessary suffering and disease. There are further specific requirements that encompass issues such as giving sufficient food and water and adequate care (Section 4) and sufficient space (Section 5); accommodating animals in an environment that promotes their health and permits natural behaviour (Section 2). Other provisions of the Act provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 3) and forbid to subject animals to surgical procedures or giving injections except where necessary for veterinary medical reasons (Chapter 4, Section 2).</p> <p>The Animal Welfare Ordinance 2019 contains further detailed provisions that relate specifically to livestock. This includes detail on space provision and on climate and air quality in buildings, and section 5 of the Ordinance requires that livestock buildings and other holding spaces and enclosures cannot be erected, extended or altered unless they have first been approved from an animal welfare</p>	

⁸ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680076da6>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0058&from=EN>

and animal health perspective, with a five-year limitation period on administrative enforcement action for unauthorised work. There are provisions relating to particular species of animals such as dairy and beef cattle, laying hens and pigs, and powers for the Board of Agriculture to make further regulations for particular species.

Regulations made under the powers given by the Ordinance include further provisions for farmed animals including ostriches, fish, sheep, goats and rabbits. Regulations for pigs, chickens and cattle are detailed below.

Rearing – pigs

At the EU level, welfare provisions for pigs are laid out in Council Directive 2008/120/EC.¹⁰ 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. Since 1st January 2013, sows must be kept in groups rather than in individual stalls. However, 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:

- 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.

Tail-docking and 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'. There is no requirement to use anaesthetic for castration, except if the procedure is carried out after the 7th day of life.

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.'

With regards to pig welfare, Sweden has gone beyond the EU requirements since the country has banned sow stalls altogether.¹¹ Sweden has also banned farrowing crates since 1994 and requires

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0120&from=EN>

¹¹ <https://www.ciwf.org.uk/philip-lymbery/blog/2015/04/swedish-animal-welfare-laws-at-risk>

that sows should be kept loose after birth and be able to move and turn in the space without difficulty.¹² In addition, the country has banned tail docking and tooth cutting for pigs.¹³ In 2014, the Swedish Board of Agriculture announced it would phase out piglets' castration without anaesthesia by 2016.¹⁴ Indeed, the practice was banned on 1st January 2016.¹⁵

The Animal Welfare Ordinance 2019 specifies that 'pigs should be kept loose', where pig fixing devices can only be used temporarily (Sections 14 and 15). If possible, breeding pigs shall be given the opportunity to stay outside during the Summer (Section 12). Equipment or device which gives animals an electric shock in order to control their behaviour must not be used, with some exceptions. Boxes for pigs and calves up to one month of age shall be provided with litter of straw or other comparable material (Section 16).

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 20) and general advice on pig farming in agriculture etc. provide more details regarding the care of pigs including minimum standards for housing. The regulation also includes provisions from the Animal Welfare Act that are relevant to the care of pigs.

Rearing - broiler chickens

At the EU level, welfare provisions for broiler chickens are laid out in Council Directive 2007/43/EC.¹⁶ 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:

¹² <https://www.ciwf.org.uk/farm-animals/pigs/pig-welfare/>

¹³ <https://www.djurensratt.se/djur-i-livsmedelsindustrin/grisar>

¹⁴ <https://www.esv.se/statsliggaren/regleringsbrev/?RBID=15947>

¹⁵ <https://www.djurensratt.se/djur-i-livsmedelsindustrin/grisar>

¹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0043>

- 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.

The Animal Welfare Ordinance 2018 does not lay out specific regulations for broiler chickens. The Board of Agriculture is in charge with issuing further regulations.¹⁷ Most of the detailed rules on the rearing of farm animals are decided by the Board of Agriculture and they go beyond EU legislation on many areas. With regards to stocking density, the Board has decided to allow a maximum of 20 kg/m² for farms which are not part of the animal welfare programme. For farms which are part of any animal welfare programme, the stocking density for broiler chickens can go up to 36 kg/m². Beak trimming is not allowed in Sweden.

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 23) and general advice on poultry farming in agriculture etc. These regulations contain specific regulation regarding how to keep and care for poultry. These include for example regulations regarding light and levels for air pollutions such as ammonia, both factors most important for the welfare of poultry. Only chicken breeds with an average weight of less than 2.4kg may be kept in cages and only for maximum of two years.

Rearing - egg-laying hens

At the EU level, welfare provisions for egg-laying hens are laid out in Council Directive 1999/74/EC.¹⁸ 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.

¹⁷<http://www.jordbruksverket.se/amnesomraden/djur/olikaslagsdjur/fjaderfan/mattforstallbyggnaderochburar/honsochkycklingar.4.6beab0f111fb74e78a780001693.html>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0074&from=EN>



The Animal Welfare Ordinance 2018 specifies that egg-laying hens must not be kept in housing systems other than those that meet the chickens' need for nests, perches and sand baths (Section 9). The housing should limit mortality rate and behavioural disturbances. The Swedish Board of Agriculture may issue further regulations.¹⁹

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 23) and general advice on poultry farming in agriculture etc. These regulations contain specific regulation regarding how to keep and care for poultry. These include for example regulations regarding light and levels for air pollutions such as ammonia, both factors most important for the welfare of poultry.

Rearing - dairy cattle and calves

There is no EU legislation dedicated to dairy cattle.

Council Directive 2009/119/EC²⁰ 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 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.

The Animal Welfare Ordinance 2019 mandates that dairy cattle older than six months shall be kept on pasture during the Summer. The Board of Agriculture is in charge with issuing further regulations.²¹ The contain for example special requirements for bedding materials for calves, that they may not be kept on slatted floor of hard material, that keeping calves isolated is banned etc.

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 18) and general advice on cattle farming in agriculture, etc. provides further detail regarding the care of cattle in Sweden. The Regulation states that both the cattle owner and keeper are responsible for the welfare of the animals. Stables built after June 2010 and for whom submitted an application to the county administrative board after April 2007 are required to keep their cattle untethered. The Regulation also includes minimum space requirements for both cattle and calves.

¹⁹<http://www.jordbruksverket.se/amnesomraden/djur/olikaslagsdjur/fjaderfan/mattforstallbyggnaderochburar/honsochkycklingar.4.6beab0f111fb74e78a780001693.html>

²⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0119&from=EN>

²¹<http://www.jordbruksverket.se/amnesomraden/djur/olikaslagsdjur/fjaderfan/mattforstallbyggnaderochburar/honsochkycklingar.4.6beab0f111fb74e78a780001693.html>

Transport

At the EU level, welfare provisions for animal transport are laid out in Council Directive EC 1/2005.²² This Directive 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).

The Animal Welfare Act 2018 requires using means of transport that are suitable and provide shelter from heat and cold and protection from shocks and abrasions (Chapter 2, Section 13). To the extent necessary, animals should be kept separate from each other.

The Animal Welfare Ordinance 2019 reiterates that animals shall not be caused damage or suffering during loading, transport and unloading (Section 22). The Swedish Board of Agriculture may issue additional regulations on conditions for or prohibition on the transport of animals (Section 23). Sweden has an 8-hr limit for transportation of animals for slaughtering.

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 7) and general advice on the transport of live animals provides further details, including minimum spatial requirements on a species-specific basis.

Slaughter

At the EU level, welfare provisions for animals at the time of slaughter are laid out in Council Directive EC No 1099/2009.²³ 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) 2018/723²⁴ to approve the stunning of broiler chickens through asphyxia due to low atmospheric pressure.²⁵

The Animal Welfare Act 2018 of Sweden includes provisions relating to the slaughter of animals. Section 1 mandates that when brought to slaughter or when slaughtered, animals must be spared from unnecessary suffering and discomfort. It specifies that animals who are slaughtered or 'otherwise

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

²³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=EN>

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0723&from=EN>

²⁵ <https://www.efsa.europa.eu/en/efsajournal/pub/5056>

killed by bleeding' should be stunned. This provision does not apply in the case of 'emergency killing', defined in Council Directive EC No 1099/2009 as animals who are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering.

EU regulation on the protection of animals at the time of killing requires all Member States to designate a 'contact point' to act as an independent scientific support on animal welfare issues in slaughterhouses and other forms of killing. The Swedish Government has designated SCAW to act as the Swedish contact point for the protection of animals at the time of killing. As point of contact, SCAW is expected to provide scientific and technical expertise for the approval of new slaughterhouse and for new stunning methods.

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 8) and general advice on slaughter and other killing of animals is applicable to animals kept by man with the exception of laboratory animals and fenced game. The Regulation requires that any animal who arrives at the slaughterhouse injured is required to be slaughtered immediately. Holding areas for animals must adhere to the minimum standards provided in species specific legislation such as The Swedish Board of Agriculture's Regulations (SJVFS 2019: 18) and general advice on cattle farming in agriculture, etc. Guidance as to appropriate methods of stunning are provided on a species-specific basis. Both pigs and chickens are permitted to be made unconscious using carbon dioxide.

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.

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 use for the first 28 days of gestations, and shortly before giving birth.

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 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'.²⁶ 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.²⁷ 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

²⁶ https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/castration_alternatives_en

²⁷ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_farm_pigs_cast-alt_declaration_en.pdf

mutually recognised. 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.

It is very much positive for animal welfare that Sweden has banned the worst forms of confinement in the current pig industry, namely sow stalls and farrowing crates. Moreover, it is positive that the castration of piglets without anaesthesia has been forbidden too. Sweden has also banned all other forms of piglet mutilations without anaesthesia.

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. Sweden should be recognised for having limited even further the stocking density of broiler chickens, to 20 kg/m² or 36 kg/m², and for not allowing beak trimming and issued regulations that goes beyond EU legislation

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. 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.²⁸

²⁸ <https://www.endthecageage.eu/>



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 be able to see other calves is not sufficient to satisfy their need for social interactions.

Sweden has issued detailed legislation for dairy cows and calves. Sweden has also legal requirements for keeping all dairy cows on pasture during summer. The Regulations regarding the care and keeping of cattle are clear and detailed as well as assigning responsibility for animal welfare to both the owner and keepers of cattle. The Regulation is additionally useful as it also includes applicable provisions from the Animal Welfare Act.

With regards to animal transport, it is positive that the Council Directive 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 Directive 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.²⁹

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.³⁰ 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.³¹ This is a positive development, however, a total ban on long live animal transport would grant stronger protection to animals.

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.³² This appears to show that the EU Commission is willing to disseminate knowledge and improve animal welfare.

Swedish legislation goes beyond EU requirements with regards to slaughter. Indeed, while EU legislation allows for Member States to give exemptions to the stunning requirement for religious slaughter, it is forbidden in Swedish legislation. Therefore, no kosher slaughter can take place in Sweden, although halal slaughter can take place provided there is pre-stunning.³³

The fact that the Swedish Centre for Animal Welfare (SCAW) has been designated as point of contact

²⁹ <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>

³⁰ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_transport_pilotreport.pdf

³¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

³² https://ec.europa.eu/food/animals/welfare/practice/slaughter/2018-factsheets_en

³³ <http://www.jordbruksverket.se/amnesomraden/djur/djurskydd/slaktochannanavlivning/religiosslakt.4.37cbf7b711fa9dda7a18000220.html>



for the protection of animals at the time of killing shows that the government pays attention to welfare.

The Animal Welfare Act 2018 together with the Animal Welfare Ordinance 2019 give responsibility to the Board of Agriculture for implementation and enforcement of the animal welfare legislation. The Board carries out a range of activities in exercise of its duties. Within the Board of Agriculture, there is a specific council for animal welfare, the Animal Welfare Council. The Council has now changed name to the Dialogue Group for Animal Welfare. The Swedish legislation generally provides a good level of animal welfare protection for farm animals, in many cases (for example, in relation to slaughter and maximum stocking density) beyond that which is required by the European Union.

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.

Breach of the anti-cruelty provision in Section 13 of Chapter 16 of the Penal Code is punishable with a fine or imprisonment for up to two years.

Under the Animal Welfare Act 2018, Chapter 10 defines various enforcement mechanisms for different violations of the Act. With regards to animals used in farming, any violations of Chapter 2, Section 2 (requiring animals to be kept in a satisfactory environment) is liable to a fine or imprisonment up to two years. This penalty applies to most of the specific provisions in the Act, such as the requirement to give sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 5); and the requirement to provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). However, the general provision of care under Chapter 2, Section 1 of the Act does not have any associated enforcement mechanisms. Under Chapter 8 of the Animal Welfare Act 2018, the County Administrative Boards, and other authorities as decided by the Government, are responsible for enforcing this Act. Under Chapter 9, Section 1 of the Animal Welfare Act 2018, the County Administrative Boards are required to prohibit persons to have animals, or a particular species of animal, in their care if they seriously neglect the care of an animal or maltreat it, unless the offence will manifestly not be repeated. The County Administrative Boards also have powers of confiscation under Section 3 of Chapter 9.

Under Section 6a of the Animal Welfare Ordinance 2019 fines may be issued if prior approval of livestock buildings or other holding spaces or enclosures for animals is not obtained, with a limitation period of five years for action to be taken on this.

Key recommendations

- **Sweden 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 for religious purposes, Sweden represents an example for other countries to follow, including some**

European countries that still allow non-stunned animals to be slaughtered for religious purposes.

- In addition, Sweden is exemplary since the country outlaws the use of sow stalls, farrowing crates and tail docking, as well as piglet castration and other mutilations without anaesthesia. Other countries are invited to adopt similar legislation.
- Seeing that Sweden’s legislation is more stringent than EU legislation for some species, the Government of Sweden is also highly encouraged to ban all forms of cages for egg-laying hens.
- While the Government of Sweden limits the transportation time for animals to slaughter to 8 hours, the Government is encouraged to provide provisions in legislation to further reduce the time spent transporting animals to slaughter.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	B
<p><u>Zoos</u></p> <p>At the EU level, welfare provisions for wild animals kept in zoos are laid out in Council Directive 1999/22/EC.³⁴ ‘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 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.</p> <p>Council Regulation (EC) 1/2005³⁵ 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</p>	

³⁴ <https://www.eaza.net/assets/Uploads/Governing-documents/EU-Zoo-Directive-1999.pdf>

³⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>



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.

In Swedish legislation, the general anti-cruelty provision in section 13 of chapter 16 of the Penal Code applies to this category of animals. Chapter 2, Section 1 of the Animal Welfare Act 2018 provides that animals shall be treated well and protected from unnecessary suffering and disease. There are further specific requirements that encompass issues such as giving sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 6); accommodating animals in an environment that promotes their health and permits natural behaviour (Chapter 2, Section 2); and providing veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). There is no welfare provision specifically dedicated to animals kept in zoos in the Animal Welfare Act. However, animals in zoos are further protected by the Board of Agriculture's regulations on animal husbandry in zoos, regulations SJVFS 2019: 29, which contain detailed stipulations for different species.³⁶

Section 37 of the Animal Welfare Act Ordinance 2019, a zoo or similar facility may not operate until it has been approved by the County Administrative Board. Under Section 29, the National Board of Agriculture may issue regulations concerning prohibitions or conditions for breeding in such a way that it may affect the animals' natural behaviour.

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 29) on animal husbandry in zoos etc. provides that a zoologist or similar specialist visit zoos every six months to ensure that enrichment and other animal welfare issues are being dealt with. Enclosures are required to be designed in a species-specific manner and allow for animals to behave naturally. The Regulation provides minimum enclosure space requirements on a species-specific basis and provides that where an indoor enclosure requirement is not provided, individuals of that species cannot be kept in an indoor environment. The spatial requirements also include mandatory features required as part of enclosure design for example, black and brown bears need to be provided the opportunity to dig, climb and have pool access.

Private keeping of wild animals

There are regulations decided by the Board of Agriculture on private keeping of wild animals. In SJVFS 2019: 15 regarding general advice on conditions for keeping, breeding and sale etc. of animals intended for companionship and hobby it is stated that wild-caught animals are not allowed to be kept or sold as pets or for hobby, or be used as feed for other animals. It is not permitted to keep or sell primates, predators, birds of prey or domestic/wild dog and cat hybrids. An exception is made for ferrets and badgers which are permitted to be kept for companionship and hobby. Where particular species do not have a specified minimum requirement, an appropriate standard is provided, for example, rodents not covered in the regulation must be housed to the same standards as chinchilla.

³⁶ <http://www.jordbruksverket.se/download/18.72e5f95412548d58c2c80005752/1261489702635/2009-092.pdf>

The Regulation provides that wild animals permitted to be kept as pets must be held in accordance with space requirements and enrichment as specified in the Regulations (SJVFS 2019:29) on animal husbandry in zoos, etc. Those who professionally trade in such animals are required to have undergone basic animal care education and one or more specialist trainings focussing on the species in which they trade. The courses must be provided by the Swedish Board of Agriculture.

Fur farming

At the EU level, a ban on cat and dog fur was introduced by Regulation No 1523/2007,³⁷ 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.

Chapter 6, Section 4 of the Animal Welfare Act 2018 provides that an operating permit is required by any person who, on a professional basis or substantial scale, breeds fur animals. In the 1990s, Sweden introduced in the Animal Welfare Ordinance new animal welfare requirements that required foxes could only be kept in such a way that they can be active, dig and socialise with other foxes.³⁸ This effectively rendered fox farming economically unviable in the country.³⁹ However, Sweden still allows for farming of mink and chinchillas, which causes serious animal welfare concerns nationally and internationally.⁴⁰

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 16) and general advice on breeding and keeping of fur animals provides detailed requirements for the care and keeping of animals used for fur farming.

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,

³⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1523&from=EN>

³⁸ <https://www.furfreealliance.com/fur-bans/>

³⁹ <https://www.djurensratt.se/sites/default/files/best-animal-welfare-in-the-world.pdf>

⁴⁰ <http://www.rcinet.ca/eye-on-the-arctic/2013/07/23/mink-farming-a-growing-industry-in-sweden/>



Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

The Board of Agriculture has power under the Animal Welfare Ordinance 2019 to issue further regulations on the keeping of animals in captivity. There are detailed species-specific requirements for keeping animals in zoos (SJVFS 2019: 29).

With regards to fur farming, 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, though this ban appears very much limited since 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.

The fact that Sweden still allows fur farming does not reflect well on the country's animal welfare standards. Seeing that fox farming has already been phased out and that Sweden's last chinchilla farm closed in November 2014, an efficient way to mainstream animal welfare at the national level would be to introduce a ban on fur farming.⁴¹

There are barriers to improvement with respect to the welfare of mink and chinchilla farmed for fur in the country. Fur farming is in fact at odds with the country's reputation as a world leader in animal welfare.⁴² In addition, there appears to be a lack of political will to change the fur industry.

Enforcement mechanisms

Breach of the anti-cruelty provision in section 13 of chapter 16 of the Penal Code is punishable with a fine or imprisonment for up to two years.

Under the Animal Welfare Act 2018, Chapter 10 defines various enforcement mechanisms for different violations of the Act. With regards to animals kept in zoos, any violations of Chapter 2, Section 2 (requiring animals to be kept in a satisfactory environment) is liable to a fine or imprisonment up to two years. This penalty applies to most of the specific provisions in the Act, such as the requirement to give sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 5); and the requirement to provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). However, the general provision of care under Chapter 2, Section 1 of the Act does not have any associated enforcement mechanisms. Under Chapter 8 of the Animal Welfare Act 2018, the County Administrative Boards, and other authorities as decided by the Government, are responsible for enforcing this Act.

With regards to animals used for fur, anyone violating Chapter 6, Section 4 of the Act (requiring anyone breeding animals for fur to have a permit) is liable to a fine and imprisonment of up to two years. The sentence applies whether the person deliberately violated the Act, or through negligence.

⁴¹ <https://secure.peta.org.uk/page/17658/action/1?locale=en-GB>

⁴² <http://www.djurensratt.se/sites/default/files/best-animal-welfare-in-the-world.pdf>

The Board of Agriculture has issued regulations prohibiting private keeping of wild animals.

Key recommendations

- Through an Ordinance, strict conditions are required for fur farming with foxes, which essentially makes fox farming impossible. However, the Swedish legislation still allows for the fur farming of minks and chinchillas. This is an important discrepancy in the legal regime for animal welfare, which dramatically impairs the welfare of these species. The Government of Sweden is encouraged to adopt a nation-wide ban on fur farming for all animals. Seeing that other European countries – such as the UK, Austria, Croatia, Slovenia and the Netherlands⁴³ – have already banned fur farming, Sweden is encouraged to follow their trend, in order to maintain its reputation as a leader in animal welfare.

5. There are laws that apply to companion animals

Analysis of the legislation

Ranking

B

Care of companion animals

The European Convention for the Protection of Pet Animals⁴⁴ is a treaty of the Council of Europe to companion animals and ensures 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, including Sweden in 1989.

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'.

In Swedish legislation, the general anti-cruelty provision in Section 13 of Chapter 16 of the Penal

⁴³ <https://www.furfreealliance.com/fur-bans/>

⁴⁴ <https://www.coe.int/en/web/conventions/fulllist/-/conventions/rms/090000168007a67d>



Code applies to this category of animals.

Companion animals are also protected under the Animal Welfare Act 2018. Chapter 2, Section 1 of the Animal Welfare Act 2018 provides that animals shall be treated well and protected from unnecessary suffering and disease. There are further specific requirements that encompass issues such as giving sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 6); accommodating animals in an environment that promotes their health and permits natural behaviour (Chapter 2, Section 2); and providing veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). Chapter 2, Section 8 prohibits the abandonment of companion animals. The Animal Welfare Act also requires dog and cat breeders to be registered and to abide by animal welfare criteria.⁴⁵

In the Animal Welfare Ordinance 2019, Section 19 prohibits the breeding of dogs who have a tendency to fight. Section 20 outlines that anyone who professionally, or to a large extent, carries out the pet trade shall have the education or knowledge provided by the Swedish Board of Agriculture. The Board may issue additional regulations concerning conditions or prohibitions on the sale or other transfer of animals (Section 21(a)).

There are also more detailed regulations on the control of dogs and cats, which are decided by the Board of Agriculture.⁴⁶ Namely, Section 1 of these Regulations (2007:1150) on the supervision of dogs and cats outlines that dogs and cats may be cared for in such a manner that is necessary in view of their nature, and other circumstances, to prevent them from causing injury or significant inconvenience. Section 2 mandates the registration of dogs. Section 15 warns that anyone who has previously failed to properly care for a dog may be prohibited from getting another dog.

The Board of Agriculture has also issued regulations that cover and go beyond the European Convention for the Protection of Pet animals:

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 28) and general advice on the keeping of dogs and cats provides more detailed requirements for care. Provisions include the prohibition on the sale of dogs and cats in markets and similar operations and as prizes in competitions and lotteries. The Regulation provides that puppies cannot be separated from their mother or rehomed before 8 weeks of age. It is prohibited to sell cats and dogs in pet shops.

Stray animals

Regulation 2007:1150 specifies that a cat which can be assumed to be abandoned or lost may be killed by someone with a hunting permit (Section 21). In densely populated areas, permission is required from the Police Authority.

There is a specific ban on abandoning animals in the Animal Welfare Act. Chapter 2, section 8: Animals of domestic animal species may not be abandoned.

⁴⁵<http://www.jordbruksverket.se/amnesomraden/djur/olikaslagsdjur/hundarochkatter/tillstandforverksamhetermedhundochkatt.4.207049b811dd8a513dc8000452.html>

⁴⁶<http://www.notisum.se/rnp/sls/lag/20071150.htm>

In chapter 1, section 2 it also states that the provisions of Chapter 9, Sections 4 and 6 also apply to abandoned animals of domestic animal species and wild animals of domestic animal species that are not part of an established population.

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.

However, the Convention does not provide as strong protections for the welfare of stray animals. In fact, the Convention authorises the killing of stray animals, instead of mandating their rehoming or placing them in a non-kill shelter.

It is positive that companion animals fall under the general welfare provisions of the Animal Welfare Act 2018. Moreover, it is remarkable that the Animal Welfare Act 2018 prohibits the abandonment of companion animals. This proves the Government's willingness to promote responsible pet ownership principles. Furthermore, a prohibition on abandoning companion animals indirectly serves to limit the number of stray animals. The Board of Agriculture has issued detailed regulations for keeping dog and cats and for conditions for keeping, breeding and sale etc. of animals intended for companionship and hobby that goes beyond the Convention.

The prohibition on abandonment of pets appears highly needed, since it is reported that there is a considerable population of feral cats in Sweden, with approximately 100,000 cats abandoned in the country.⁴⁷ Animal protection organisations call for more action by the Government and local authorities with respect to caring for these animals, including introduction of humane population management such as Trap-Neuter-Release-Management.⁴⁸ At the time of writing, a governmental committee is exploring the creation of a registry for cats, similar to the current dog registry, with a duty of care falling onto car owners.

However, Regulation 2007:1150 explicitly allows for the killing of cats who are abandoned or lost. This provision is detrimental to animal welfare. In addition, it has been scientifically proven that culling as a stray animal populations management method is not efficient.

Enforcement mechanisms

The European Convention for the Protection of Pet Animals does not contain any enforcement mechanisms.

Breach of the anti-cruelty provision in Section 13 of Chapter 16 of the Penal Code is punishable with a fine or imprisonment for up to two years.

⁴⁷ <https://www.thelocal.se/20180110/swedish-government-proposes-ban-on-abandoning-pets>

⁴⁸ <http://www.djurensratt.se/sites/default/files/best-animal-welfare-in-the-world.pdf>



Under the Animal Welfare Act 2018, Chapter 10 defines various enforcement mechanisms for different violations of the Act. With regards to companion animals, any violations of Chapter 2, Section 2 (requiring animals to be kept in a satisfactory environment) is liable to a fine or imprisonment up to two years. This penalty applies to most of the specific provisions in the Act, such as the requirement to give sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 5); and the requirement to provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). However, the general provision of care under Chapter 2, Section 1 of the Act does not have any associated enforcement mechanisms. Under Chapter 8 of the Animal Welfare Act 2018, the County Administrative Boards, and other authorities as decided by the Government, are responsible for enforcing this Act.

With regards to the mandatory registration of animal breeders anyone who runs a business without a license runs the risk of prosecution and can be sentenced to a fine or imprisonment.

According to Regulation 2007:1150, anyone who has been deemed not capable to take care of a dog and yet who violates this dog ban, will be sentenced to a fine or imprisonment for up to one year (Section 22). Anyone who fails to supervise or care for a dog is liable to fines (Section 23). The county administrative board may also enact injunctions or prohibitions, to prevent injury or considerable inconvenience. Anyone who, intentionally or through gross negligence, does not control their dog in fields where there is wildlife will be liable to a fine (Section 24).

In addition, there exists an Animal Welfare police in Stockholm, in charge of performing mandatory preventive controls and inspections resulting from private complaints.⁴⁹ The police has competence for all animals owned or kept and can take decisions (e.g. seize a mistreated animal) that will be enforced by the police.

Key recommendations

- Swedish legislation still allows for the killing of abandoned or lost cats. The Government of Sweden is therefore strongly encouraged to remove this provision, and instead to promote trap-neuter-return-management⁵⁰ programmes in order to control populations.
- Sweden should continue to promote responsible pet ownership, including promoting the adoption over the purchase of pets.

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

Analysis of the legislation

⁴⁹ <http://www.lawyersforanimalprotection.eu/country-profile/sweden/>

⁵⁰ <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-community-cats-and-community-cat>



Ranking

D

Animals used for entertainment

The general anticruelty provision in Section 13 of Chapter 16 of the Penal Code applies to this category of animals.

The protection of the Animal Welfare Act 2018 and Animal Welfare Ordinance 2019 includes animals used for draught or recreational purposes. Chapter 2, Section 1 of the Animal Welfare Act 2018 provides that animals shall be treated well and protected from unnecessary suffering and disease. There are further specific requirements that encompass issues such as giving sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 6); accommodating animals in an environment that promotes their health and permits natural behaviour (Chapter 2, Section 2); and providing veterinary treatment and euthanasia when necessary (Chapter 4, Section 1).

Chapter 3 of the Animal Welfare Act 2018 focuses on the use of animals for competition and public display. Section 1 specifically applies to animals used in sporting events and exhibitions, and provides that they must not be trained for or used in sporting events, film, video or television productions and shows or other types of exhibition arranged for the public, in such a way as to subject them to suffering. However, this ban is not total since the Government may issue exemptions from this prohibition, or additional regulations on the training or use of animals. Animals used in sport must also not be doped (Section 2). There are also specific regulations decided by the Board of Agriculture that specify how these animals shall be handled and cared for in order to ensure a good animal welfare (SJVFS 2019: 11).

Section 33 of the Animal Welfare Ordinance 2019 provides that a vet must be present at sporting events with animals and inspect the animals and venue before the event. Section 35 of the Animal Welfare Ordinance 2019 prohibits travelling menageries. Any travelling exhibitions as well as public performances using monkeys, predators other than domesticated dogs and cats, seals, elephants, rhinoceroses, hippopotamuses, deer other than reindeer, giraffes, kangaroos, birds of prey, ostriches and crocodiles are prohibited. It is also forbidden to expose the above-mentioned animals at a circus. Section 36 specifies that other species of animal may only be exhibited in circuses or similar entertainments - and, if they or their parents have been used for performance, also in stalls or other animal housing facilities. The same applies to individual animals that accompany a circus in order to be trained for exhibition.

Section 36a indicates that a circus using animals shall be checked once a year by the County's Administrative Board where the circus has its domicile, or in the county where it travels. The inspection must be carried out before the circus's first performance for the year in the country. A check shall also be made in case there is a change in the animal population or equipment, and such change significantly affect the welfare or health of animals.

Draught animals

Chapter 6, section 4 of the Animal Welfare Act 2018 requires that an operating permit is held by anyone who, on a professional basis or substantial scale, keeps, breeds, supplies or sells horses, or receives them for boarding or feeding, or uses horses in a riding school business. General guidance on horse management contains recommendations on weaning, tethering, feeding, housing and grazing horses.⁵¹

Section 2 of the Animal Welfare Act 2018 prohibits overworking, beating or driving animal with implements which may hurt or injure them. Equipment must not be used in a way that can cause animal suffering or injury. Section 6 provides that stables shall provide animals with adequate protection and should give them space to move freely as well as to be able to rest in an appropriate way. Draught animals must also be given necessary veterinary treatment and euthanasia when necessary (Chapter 4, Section 1).

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 12) and general advice on pre-authorisations of stables provides minimum requirements for animals kept in such facilities.

Analysis

With regards to animals used for recreational purposes, despite the new Animal Welfare Act 2018 and its Ordinance, which prohibits the display of certain animals for exhibition and in circuses, the Government still allows the use of other species for circuses, which condones the practice of using animals for entertainment.

The Government also permits the keeping of dolphins in captivity in its marine park Kolmarden. The park organises a dolphin show which is clearly intended as an entertaining experience, as proven by its description as 'show full of laughter, thrills, emotional tension and enthralling performances'.⁵² As demonstrated by the second report of the Case Against Marine Mammals in Captivity, released on 8th March 2019, scientific evidence and ethical arguments prove that marine mammals' welfare is dramatically impaired in captivity, especially due to the artificial and small size of the pools they live in. The current legislation does not directly address the welfare of marine mammals in captivity.

It is also concerning that there are no explicit bans on such practices as rides on or the petting of wild animals.

It is positive that the Animal Welfare Act 2018 and its Ordinance contain detailed welfare provisions for animals used for draught purposes.

Enforcement mechanisms

Breach of the anti-cruelty provision in Section 13 of Chapter 16 of the Penal Code is punishable with a fine or imprisonment for up to two years.

Under the Animal Welfare Act 2018, Chapter 10 defines various enforcement mechanisms for

⁵¹ http://www.jordbruksverket.se/download/18.26424bf71212ecc74b08000913/1242046840646/DFS_2007-06.pdf

⁵² <http://www.kolmarden.com/sprak/english>

different violations of the Act. With regards to animals used in draught or for recreational purposes, any violations of Chapter 2, Section 2 (requiring animals to be kept in a satisfactory environment) is liable to a fine or imprisonment up to two years. This penalty applies to most of the specific provisions in the Act, such as the requirement to give sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 5); and the requirement to provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). However, the general provision of care under Chapter 2, Section 1 of the Act does not have any associated enforcement mechanisms. Under Chapter 8 of the Animal Welfare Act 2018, the County Administrative Boards, and other authorities as decided by the Government, are responsible for enforcing this Act.

Key recommendations

- **The use of wild animals in circuses is still allowed in Sweden for certain species. Thus, the Government of Sweden is urged to implement a full ban on the use of wild animals in circuses. Seeing that other European countries have already implemented such a ban, Sweden’s image as a leader in animal welfare will be strengthened if the country decides to ban this practice outright.**

- **Recognising that the physiological and behavioural needs of marine mammals cannot be met in captivity, the Government of Sweden is strongly encouraged to ban the breeding, keeping and training of all marine mammals in captivity, so that existing marine animals constitute the last generation in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.**

- **The Government of Sweden is highly encouraged to explicitly prohibit the use of animals for entertainment purposes. Such a prohibition should cover animal races, rides on wild animals, other forms of direct contact with wild animals (such as petting) and all other forms of entertainment.**

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

Analysis of the legislation	
Ranking	A
At the EU level, welfare provisions for animals used in scientific research are laid out in Directive 2010/63/EU, ⁵³ which updated and replaced the 1986 Directive 86/609/EEC ⁵⁴ on the protection	

⁵³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0063&from=EN>

⁵⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31986L0609&from=EN>

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 – Replacement, Reduction, Refinement - in legislation. 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'.

With regards to animal testing for cosmetic products, Chapter V, Article 18 of Regulations EC No 1223/2009⁵⁵ 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 marketing finished cosmetic products and ingredients in the EU which were tested on animals (marketing ban). The testing ban on finished cosmetic products has been applicable since 11th September 2004, while the testing ban on ingredients or combination of ingredients came into force on 11th March 2009.

The Animal Welfare Act 2018 defines laboratory animals as animals that are used in animal experiments or are bred, kept or supplied for animal experiments, and the term animal experiments covers the use of animals for scientific research (Chapter 1, Section 3); diagnosis of disease; development and manufacture of pharmaceutical or chemical products; teaching purposes where the animal is killed, subjected to a surgical operation, injection or blood-letting or if the animal is caused or risks being caused suffering; and other similar purposes. This also includes production of genetically modified animals (Chapter 1, Section 4).

Animals used in experiments are not exempt from the general provision in Chapter 2, Section 1 of the Animal Welfare Act 2018 that they shall be treated well and protected from unnecessary suffering and disease, but that same section provides that they shall not be deemed to have been subjected to unnecessary suffering or disease where such use has been approved by an ethical committee on animal experiments. Equally, they are not exempt from the anti-cruelty provisions of the Penal Code (as detailed in indicator 2), but procedures carried out in accordance with an approved experiment would presumably fall within the term 'justifiably' for the purposes of that law.

The prohibition on unnecessary surgical procedures and injections in Chapter 4, Section 2 of the Animal Welfare Act 2018 does not apply to those administered in connection with activities that have been approved by an ethical committee on animal experiments.

Chapter 7 of the Animal Welfare Act 2018 specifically deals with animals used in experiments. Section 1 enshrines the Three Rs – Replacement, Reduction, Refinement – into law, requiring that experiments only take place provided that: the purpose of the activity cannot be achieved by another satisfactory method that does not use animals; as few animals as possible are used; the activity is

⁵⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1223&from=EN>



organised in such a way as not to subject the animals to greater suffering than is absolutely necessary; and only animals that have been bred for the purpose are used.

Section 2 provides that permission must be obtained from the Government or designated authority before laboratory animals can be used, bred, kept or supplied, and that such permission may be subsequently withdrawn. Applications for permission will be considered with attention paid to whether the premises are suitable with regards to animal welfare (Section 3). The use of animals must be approved by an Animal Ethics Committee on animal experiments before the activity commences (Section 9), and the committee will weigh the importance of the experiment against the suffering of the animal (Section 10). Sections 40 and 4 of the Animal Welfare Ordinance 2018 clarify that permits and ethics committee approval are required for experiments involving mammals, birds, reptiles, amphibians, fish and cyclostomes. Members of the Animal Ethics Committees are appointed by the Board of Agriculture (Section 44 of the Ordinance).

Section 8 of the Animal Welfare Act 2018 allows for the capture of wild animals to be used in experiments. Animals should be trapped by methods which do not expose them to 'unnecessary suffering' and anyone involved in the process must have the 'education and skills required for the task'.

Section 53 of the Animal Welfare Ordinance 2019 provides that mammals, birds, reptiles, amphibians, fish and cyclostomes must be stunned before being used in experiments, if the use may involve physical or mental suffering, unless where necessary for the purpose of the experiment or where the anaesthetic would cause more suffering than the use in itself. When it is possible to do so, an analgesic or tranquiliser shall be used to ensure that the animal is not subjected to severe pain, severe anxiety or any other severe suffering.

The Swedish Board of Agriculture's Regulations (SJVFS 2019: 9) and general advice on laboratory animals give detailed provisions on the use of animals in experiments, many of which are focused on animal welfare and avoiding suffering. Furthermore, it is a requirement under the Animal Welfare Act 2018 that all breeders, suppliers and users of experimental animals must have an animal welfare body.⁵⁶ These animal welfare bodies are distinct from the Animal Ethics Committees. Each animal welfare body must consist of at least a veterinarian, a researcher used to handle animals in laboratories and a representative from the staff taking care of animals. The animal welfare body provides advice on animal welfare, rehoming schemes, the application of the Three Rs principles, among others. Since July 2018, these animal welfare bodies may, at the request of the person responsible for the project, decide on alterations to existing ethical approvals of animal experiments, provided that the change does not affect the welfare of animals, the ability to reach the goal of the experiment, as well as the housing, care or marking methods that require the approval of an Animal Ethics Committee.⁵⁷

Since the API was first published, the Swedish Parliament decided in 2014 to establish a national competence centre for Three Rs questions in Sweden. The mission of the Three Rs Centre is to 'ensure

⁵⁶<http://www.jordbruksverket.se/swedishboardofagriculture/engelskasidor/animals/swedish3rscenter/animalwelfarebodier.4.25f6b52616156f2e930d0fc0.html>

⁵⁷<http://www.jordbruksverket.se/swedishboardofagriculture/engelskasidor/animals/swedish3rscenter/animalwelfarebodier.4.25f6b52616156f2e930d0fc0.html>



that you use the animals in a way that is ethically defensible and more humane'.⁵⁸ The Centre offers support to the animal ethics committees and acts as the Swedish national committee for the protection of animals used in scientific experiments.⁵⁹ Three Rs Centre publishes its annual reports: the latest report from 2018 shows that the Centre has met with animal welfare bodies, regional animal ethics committees and the European Commission.⁶⁰ During 2018, the Centre has been working to develop guidelines on group-housing of male mice and tagging of fish.

With regards to animal testing on cosmetics, Sweden falls under the EU commitment and has banned the testing on animals of finished cosmetic products, as well as their ingredients.

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.

It is positive that the Three Rs principles are enshrined in the Animal Welfare Act. The detailed welfare considerations in Regulations 2019: 9 and inclusion of the principles of the Three Rs are also positive. Moreover, it is encouraging for animal welfare that each experiment, before being conducted, will be assessed by an Animal Ethics Committee which will compare the importance of the experiment to the level of animal suffering involved. It is also positive that animal welfare bodies provide further advice to the Animal Ethics Committee onto how to best serve the animals' interests and welfare.

However, a major legal loophole exists in Chapter 7, Section 8 of the Animal Welfare Act 2018, which allows the capture of wild animals to conduct experiments.

In December 2016, the Swedish Government offered a 15 million Swedish Krona (approximately

⁵⁸<http://www.jordbruksverket.se/swedishboardofagriculture/engelskasidor/animals/swedish3rscenter/thesearethe3rs.4.1e32305115f9d699e5daa2b8.html>

⁵⁹<http://www.jordbruksverket.se/swedishboardofagriculture/engelskasidor/animals/swedish3rscenter/aboutus/ourvision.4.5593fa9915fcd5f0f543e11e.html>

⁶⁰http://www.jordbruksverket.se/download/18.3d7be149169303bd3302cab7/1551341602695/19-0059_3R_%C3%85rsrapport_ENG_2018_Tryck3.pdf



US\$ 1.5 million) grant to the 3Rs Centre for the period from 2017 to 2020.⁶¹ This proves the Government's willingness to invest money and research efforts to the development of alternative methods of scientific experiments than the use of animals.

Enforcement mechanisms

Breach of the anti-cruelty provision in section 13 of chapter 16 of the Penal Code, where the conduct goes beyond that permitted by the approval for the experiment, is punishable with a fine or imprisonment for up to two years.

Under the Animal Welfare Act 2018, Chapter 10 defines various enforcement mechanisms for different violations of the Act. With regards to animals used in scientific experiments, any violations of Chapter 7, Section 1 (enshrining the Three Rs principles), Section 2 (mandating the need for a permit) and Section 9 (requiring the approval of an Animal Ethics Committee) is liable to a fine or imprisonment up to two years. This penalty applies to most of the specific provisions in the Act, such as the requirement to give sufficient food and water and adequate care (Chapter 2, Section 4) and sufficient space (Chapter 2, Section 5); and the requirement to provide veterinary treatment and euthanasia when necessary (Chapter 4, Section 1). However, the general provision of care under Chapter 2, Section 1 of the Act does not have any associated enforcement mechanisms. Under Chapter 8 of the Animal Welfare Act 2018, the County Administrative Boards, and other authorities as decided by the Government, are responsible for control and enforcing this Act.

Key recommendations

- **Sweden has extensive legislation with regards to the use of animals in scientific research and has enshrined the Three Rs principles – Replacement, Reduction, Refinement – in Chapter 7, Section 1 of the Animal Welfare Act 2018.**
- **Sweden is a model for other countries to follow in terms of promoting the Three Rs principles with the creation of the Swedish Three Rs Centre and the multi-stakeholder Animal Ethics Committees, which evaluate the usefulness of animal experiments. However, the Government of Sweden is encouraged to require at least one representative of animal welfare organisations to be part of such Animal Ethics Committees.**
- **In addition, the Government of Sweden is strongly encouraged to repeal Chapter V, Section 8 of the Animal Welfare Act 2018, which currently authorises the capture of wild animals to be used in experiments.**
- **The Government of Sweden is encouraged to continue allocating financial resources to the Three Rs Centre.**

⁶¹<http://www.jordbruksverket.se/swedishboardofagriculture/engelskasidor/animals/swedish3rscenter/aboutus/historyoftheswedish3rscenter.4.5593fa9915fcd5f0f543e112.html>

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. Council Directive 92/43/EEC⁶² 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/EC⁶³ 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 338/97⁶⁴ 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 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.</p> <p>Council Regulation (EC) 1/2005⁶⁵ 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</p>	

⁶² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

⁶³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>

⁶⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997R0338&from=en>

⁶⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>



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 Animal Welfare Act 2018 and its Ordinance does not apply to wild animals, just wild animals used for scientific purposes. (Chapter 1, Section 2 of the Act).

In Swedish legislation, the anti-cruelty provision in Section 13 of Chapter 16 of the Penal Code applies to wild animals. Although this is not made clear in the Penal Code itself, Section 45 of the Hunting Act 1987 makes reference to an enforcement mechanism that will operate 'unless the act is punishable under the Penal Code', which suggests that the Penal Code does apply to this category of animals.

Hunting is regulated in the Hunting Act 1987⁶⁶ and the Hunting Ordinance 1987,⁶⁷ and the Environmental Protection Agency has produced secondary regulations. The Hunting Act relates to wild mammals and birds. The legislation is primarily concerned with conservation and there are limits on numbers of certain animals who can be hunted, such as moose and elk. Section 27 of the Hunting Act 1987 provides that animals hunted should not be exposed to unnecessary suffering. In the Bill (1986/87:58 it is stated that wild animals are protected, and all hunting shall be done with consideration to the animals (also nests and eggs) and without causing them unnecessary pain. In the Bill it is also stated that wild animals shall be given respect.

The Swedish Environmental Protection Agency has decided on detailed regulations concerning hunting, for example on the use of traps (NFS 2018:3). Traps shall be approved by the Swedish Protection Agency and they should not cause unnecessary suffering.

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. dog hunting, live baiting, poisoning, trapping, falconry, bow hunting).

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.

The legislation includes welfare concerns, since it prohibits some of the cruellest forms of hunting such as hunting with live birds of prey or with dogs.⁶⁸ However, trapping is still permitted in Sweden.⁶⁹ Animal welfare concerns are partly included in trapping legislation, since certain traps must be

⁶⁶ <https://open.karnovgroup.se/jordbruk-jakt-och-fiske/jaktlagen>

⁶⁷ <https://open.karnovgroup.se/jordbruk-jakt-och-fiske/SFS1987-0905>

⁶⁸ http://www.face.eu/sites/default/files/sweden_en.pdf

⁶⁹ http://www.face.eu/sites/default/files/sweden_en.pdf



monitored or emptied. Traps are also tested by the National Veterinary Institute and approved by the Environmental Protection Agency in consultation with the Animal Welfare Agency.

There are several restrictions on when certain species can be hunted and quotas that exist for the number of animals that can be taken in some cases, yet this reflects more a concern for the conservation of species rather than the welfare of individuals. Hunters must take a proficiency test to obtain the permission to possess firearms.⁷⁰

Enforcement mechanisms

Breach of the anti-cruelty provision in Section 13 of chapter 16 of the Penal Code is punishable with a fine or imprisonment for up to two years.

Under Section 45 of the Hunting Act 1987, a hunter who intentionally or with gross negligence exposes hunted animals to unnecessary suffering is punishable with a fine, unless the act is punishable under the Penal Code. Under Sections 44 and 46 of the Hunting Act 1987, if hunting is carried out illegally in specified circumstances, this amounts to a gross offence punishable with imprisonment of six months to four years, and this includes hunting with particularly painful methods.

Key recommendations

- The Government of Sweden is encouraged to ban any form of hunting that does not directly support subsistence i.e. to provide food for oneself and one's family and not for commercial gain. At a minimum, the Government is strongly encouraged to forbid the cruellest hunting methods i.e. all traps and hunting dogs for any purpose.
- The Government of Sweden is encouraged to ensure that before culling of wild animals takes place, all other alternatives have been proven to be ineffective.

Goal 3: Establishment 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

⁷⁰ http://www.face.eu/sites/default/files/sweden_en.pdf



Ranking	B
<p>Sweden has a multi-level government system.⁷¹ The Ministry for Rural Affairs is responsible for animal welfare. In addition, several agencies are responsible for particular animal issues, such as the Board of Agriculture, the County Administrative Boards, the National Veterinary Institute and the National Food Administration. Regulations are produced by the central agencies responsible for animal welfare issues, primarily the Board of Agriculture.</p> <p>Within the Board, there is an Animal Welfare Council, composed of relevant stakeholders including from animal welfare NGOs, which meets four times a year. The Council is now called the Dialogue Group for Animal Welfare, and consists of 'representatives from the agricultural and food sector and other relevant stakeholders in animal welfare'.⁷² In addition, the Department for Animal Welfare and Health, further divided into units dedicated to certain categories of animals (livestock, wildlife, animals used for experiments).</p> <p>The Board of Agriculture is governed by Regulation 2009:1464, Section 3 of which provides that the Board shall ensure good animal health and ensure good animal welfare. Each financial year, the Government decides on budget and activities for the Board.</p> <p>The Swedish Centre for Animal Welfare (SCAW) also operates at the national level.⁷³ SCAW was created in 2008, after an instruction from the Swedish Government. The mission of the Centre is to 'answer questions regarding research and education activities in the animal welfare area and cover all animal species but with emphasis on agricultural animals and experimental animals'.⁷⁴ Companion animals, wild animals and fish are also becoming part of SCAW's activities.⁷⁵</p> <p>At the national level, the Government has established a Scientific Council on Animal Welfare at the Swedish University for Agriculture, acting as a risk-assessment body. This Council is a risk assessment body, which evaluates scientific research on animal welfare and related issues, on behalf of, for example, the Swedish Board of Agriculture, the National Food Administration, interest organisations.⁷⁶ This Council provides risk-management authorities and decision-makers with scientifically sound documentation for different types of policy decisions or regulation changes.</p> <p>Furthermore, it is a requirement under the Swedish Animal Welfare Act 2018 that all breeders, suppliers and users of experimental animals must have an animal welfare body.⁷⁷ The Swedish Three Rs Centre also pay attention to the welfare of animals used in experiments.</p>	

⁷¹ <http://www.oecd.org/gov/regulatory-policy/38287547.pdf>

⁷² <http://www.jordbruksverket.se/amnesomraden/stod/andrastod/stodtillstudierforkonkurrenskraftochdjurvalfard.4.491.89108160f080f77bb5a72.html>

⁷³ <https://www.slu.se/en/Collaborative-Centres-and-Projects/swedish-centre-for-animal-welfare-scaw/>

⁷⁴ <https://www.slu.se/en/Collaborative-Centres-and-Projects/swedish-centre-for-animal-welfare-scaw/about-scaw2/our-mission/>

⁷⁵ <https://www.slu.se/en/Collaborative-Centres-and-Projects/swedish-centre-for-animal-welfare-scaw/about-scaw2/>

⁷⁶ <https://www.slu.se/en/Collaborative-Centres-and-Projects/swedish-centre-for-animal-welfare-scaw/identifies-compiles-and-evaluates-scientific-research-on-animal-welfare/about-the-scientific-council-for-animal-welfare/>

⁷⁷ <http://www.jordbruksverket.se/swedishboardofagriculture/engelskasidor/animals/swedish3rscenter/animalwelfarebodies.4.25f6b52616156f2e930d0fc0.html>

The Ministry for Rural Affairs is responsible for hunting legislation and the Environmental Protection Agency is the central government agency for hunting and game management issues, while County Administrative Boards are responsible for these issues at regional level. The two hunting organisations, the Swedish Association for Hunting and Wildlife Management and Jägarnas Riksförbund (a national hunting association), disseminate news and information on hunting and game management issues.⁷⁸

Analysis

Animal welfare is an independent issue, recognised in legislation as such for government management and regulation. It is positive that responsibility for animal welfare has been clearly assigned to a Minister. The assignment of responsibility at ministerial level to produce measures to promote animal welfare shows a clear intention to introduce animal welfare into main policy discussions. Responsibility for animal welfare is also devolved to regional authorities with oversight by the Board of Agriculture. Overall, there is an extensive network of organisations responsible for policy decisions and for the enforcement of legislation related to animal welfare. It is positive that institutions work on the topic of animal welfare both at the national, as well as the regional levels, for instance with the local animal welfare bodies for breeders, users and suppliers of animals used in experiments.

Additionally, it is positive that the Animal Welfare Council, now called the Dialogue Group for Animal Welfare, comprises members of animal welfare organisations.

Enforcement mechanisms

The duties of relevant government bodies are clearly set out in legislation and more detailed instruction is issued to the Board of Agriculture on an annual basis.

Key recommendations

- **Sweden is an example for other countries to follow in order to effectively allocate governmental and financial resources to animal welfare. At the national level, the Board of Agriculture, with its Animal Welfare Council, is the primary actor regulating animal welfare. Moreover, the Swedish Centre for Animal Welfare provides the Board with expertise on the matter of research and education on animal welfare. In addition, at the regional level, there exist various animal welfare bodies that regulate the use of animals for experiments.**
- **The Government of Sweden is encouraged to allocate responsibility to a Minister dedicated to animal welfare, or an Ombudsman for animal welfare, to better represent the interests of animals at high government level.**

Goal 4: Support for international animal welfare standards

⁷⁸ https://www.face.eu/sites/default/files/sweden_en.pdf



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>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.⁷⁹</p> <p>The OIE's standards are fulfilled, and in many instances exceeded, in primary and secondary legislation, with regulations made by the Board of Agriculture under the Animal Welfare Act 2018 and its Ordinance, as well as through the animal cruelty offences included in the Penal Code. Furthermore, the law on animal experimentation is based on the Three Rs and the Government supports research into alternatives to the use of animals, notably with the Swedish Three Rs Centre. The Government has also transposed European Union Regulations and Directives, which cover the areas included within the OIE's standards.</p> <p>Animal welfare legislation in Sweden already existed to a high standard when the OIE animal welfare standards were created.</p> <p>Analysis</p> <p><i>The Government of Sweden is an international leader in animal welfare, for example, with its investment in the Swedish Centre for Animal Welfare and the Three Rs Centre, to reduce the use of animals in experiments. The country has assigned responsibility for animal welfare at high governmental level and provides resources to improve animal welfare and to fulfil its commitments with respect to the European Union and the OIE.</i></p>	
Enforcement mechanisms	
<p>There are enforcement mechanisms (fines or imprisonment) for the legislation which incorporates the OIE's guiding principles and standards, notably the Animal Welfare Act 2018 and its Ordinance.</p>	
Key recommendations	
<ul style="list-style-type: none"> • Sweden fully fulfils the OIE's principles and animal welfare standards in its legislation, which includes enforcement mechanisms. • Sweden constitutes a model for other countries to follow with regards to transposing OIE's standards and principles within national legislation. In addition, Sweden is exemplary in terms 	

⁷⁹ <http://www.oie.int/infographic/StandardsAW/index.html>



of assigning responsibility at high levels for animal welfare, through the Swedish Centre for Animal Welfare and the Three Rs Centre.

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 Sweden, 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.⁸⁰

Beyond this European Union support, the Swedish Government has expressed individual national support for the UDAW in 2008, through statements of support from former Minister for Agriculture Eskil Erlandsson. Moreover, the Government has several times since then also addressed in the Swedish Parliament, explaining they have supported the adoption of the UDAW.

The Swedish Government also hosted the first conference on UDAW at the United Nations in 2009. In the proposal on animal welfare from the Committee for Environment and Agriculture, the Government reiterated that Sweden supports UDAW, and it referenced World Animal Protection. The proposal was put forward to Parliament on 9th April 2019, and it was approved by Parliament on 24th April 2019. Therefore, both the Swedish Government and Parliament have expressed support to UDAW.

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

Support for the UDAW has a significant role in making the concept of animal welfare of mainstream concern in Sweden, and current legislation is in line with the general principles of the UDAW.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- Sweden has provided government and parliamentary support to UDAW, through a declaration from the Ministry of Agriculture in 2008 and a decision from Parliament in April

⁸⁰ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf



2019. Sweden should thus act as an example for other countries to pledge support in principle to UDAW.

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