



# The Netherlands

Animal Protection Index 2014 ranking: B

## Animal Protection Index Indicators

**Goal 1: Recognition of animal sentience and the importance of animal protection as a societal value**

### 1. Animal sentience is formally recognised in legislation and/or policy

Ranking: A

Part 1: Verification
<p>There is legislation</p> <p>The earliest formal embrace of the 'intrinsic value' of animals by the Dutch government can be found in 1981 with the adoption of the policy note on animal protection (Rijksoverheid en dierenbescherming). 'Intrinsic value' here means the acknowledgement of the self-worth of animals as individuals with feelings. This concept was then taken as point of departure for the development of the Animal Health and Welfare Act 1992.</p> <p>Recently the Animal Health and Welfare Act 1992 has been replaced by the Animals Act 2011 (in force since 2013) to form one integral animal framework law incorporating European Union legislative requirements.</p> <p>Article 1.3 of the Animals Act 2011 formally recognises animal sentience. Paragraph 2 states that recognizing the intrinsic value of animals shall mean the recognition of the dignity of animals being sentient beings. In addition to this, paragraph 3 sets the foundations of care for animals based on the principles of the Five Freedoms. As such, the full spectrum of animal sentience, including expressing natural behaviours and not simply a recognition of pain and suffering, is formally recognised in Dutch law. This recognition of sentience and the protection of the Act applies to all animals that are kept (including fish and invertebrates).</p> <p>The Experiments on Animals Act 1977 also refers to the "intrinsic value of animals" (Article 1 a) since its revision in 1996.</p> <p>In relation to wild animals, the intrinsic value of animals is also captured in the preamble of the Flora</p>

and Fauna Act 1998, which is soon to be replaced by the forthcoming Nature Act. The Dutch Civil Code declares that 'animals are not things' (Book 3 General Property Law, General Provisions, section 1 definitions, article 2a1). It is, however, also stated (article 2a2) that: 'Provisions regarding things are applicable to animals, taking into account the legal requirements and rules of common law, reasonable restrictions, obligations and principles of law, as well as public order and morality.'

At European Union level, Article 13 of the Treaty on the Functioning of the European Union recognises animal sentience and requires that Member States pay regard to animals' welfare requirements in formulating and implementing European Union policies.

### Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Animals Act 2011 recognises animal welfare and the suffering of animals as an independent issue and addresses the topic in line with leading legislation worldwide. Animal sentience is formally recognised and qualified using the principles of the Five Freedoms. The Act is extensive in its guidelines for a wide variety of areas surrounding the care, use, trade, transport and killing of animals. In using the concept of sentience in the foundations of legislation, it is introduced into wider governmental strategy in the country.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving animal welfare and the recognition of the full spectrum of animal sentience in Netherlands. Additionally there are no social or cultural traditions in the Netherlands that present significant barriers to furthering the integration of animal sentience into policy and legislation.

Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms for the provisions of the Animals Act 2011 that arise out of the recognition of animal sentience.

## 2. The government has pledged in principle support for the Universal Declaration on Animal Welfare

Ranking: B

### Part 1: Verification

There is full government support

In 2009 the Agriculture Minister signed the petition for a UDAW.<sup>1</sup> The government has confirmed that this was done by way of full government in principle support. At European Union level, in 2009 the 27 Agriculture Ministers of the European Council, including from the Netherlands, unanimously approved a statement on the UDAW encouraging the European

<sup>1</sup> <http://www.worldanimalprotection.nl/nieuws/2009/ministerverburg.aspx>

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.<sup>2</sup>

Note: The Universal Declaration on Animal Welfare is a proposed formal international acknowledgment 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.

**Part 2: Assessment**

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

There are no developments directly resulting from support for the UDAW in Netherlands policy and legislation, but the government has made good progress in the development of animal welfare legislation along the same principles as the UDAW and the country is engaged with the UDAW through the European Union.

Are there economic and societal barriers to improving this aspect of animal welfare?

Although the government is not currently actively engaged with the UDAW discussions, the legislative and policy developments making progress with animal protection suggest that there are no significant barriers to improving animal welfare through support of the UDAW.

Are enforcement mechanisms in place in policy and legislation?

The signature of the petition on UDAW by the Agriculture Minister on behalf of the government represents a commitment with some degree of government accountability.

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

**Ranking: A**

**Part 1: Verification**

There is legislation

Article 2.1(1) of the Animals Act 2011 prohibits causing an animal pain or injury or infringing its health and welfare without reasonable purpose or by exceeding what is reasonable for such purpose. Although this appears to apply to all animals covered by the Act (including those used in scientific research), the protection of the Act applies to animals which are kept (except where the context requires otherwise) and this particular provision appears in a chapter on domestic animals, so it is not clear whether this extends to a wild animal in the wild and/or to a wild animal in captivity. Article 2.1(6) also requires citizens to give due care to "helpless" animals, and this provision applies to all animals (not just animals which are kept), thus extending to wild animals. The requirement to give care includes protecting animals from anxiety and distress (Article 1.3(3)(d)).

<sup>2</sup> [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/agricult/106877.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf)

Article 1.4 of the Animals Act 2011 sets out the duty of care of Dutch citizens for animals, based on the Five Freedoms principles. This is a strong legislative base to ensure that those responsible for animals do not cause suffering by a failure to act or through neglect. Article 1.4(2) clarifies that this extends to a duty to take action when a person knows or reasonably suspects that his failure to act will cause harm to an animal.

The Criminal Code gives further legal protection from deliberate acts of cruelty. Of particular note is Article 350 that makes it a criminal activity to kill, damage, disable or kidnap an animal belonging to another person.

The Flora and Fauna Act 1998 also provides some protection for wild animals. Article 2(1) requires people to take “sufficient care” of wildlife. Article 2(2) clarifies that this duty extends to taking action where a person knows or reasonably suspects that failure to do so would cause harm to animals (or flora).

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Animals Act 2011 recognises animal welfare and the protection of animals as an independent issue and addresses the topic in line with leading legislation worldwide. There is a government council for animal matters, including issues related to welfare, which policy-makers are encouraged to consult when formulating policies affecting animal welfare. The Act is therefore effective to make this element of animal protection a mainstream concern of society, and the issue of animal protection is brought to a wide range of governmental stakeholders as a unique matter of interest. It would be ideal to make this consultation compulsory.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent significant barriers to improving animal welfare through prohibiting causing animal suffering in the Netherlands. Additionally there are no social or cultural traditions in the Netherlands that suggest barriers to furthering the levels of protection to animals in the country’s legislation.

Are enforcement mechanisms in place in policy and legislation?

Article 8.12(3) and 8.12(4) of the Animals Act 2011 provide that infringement of the anti-cruelty provisions of Article 2.1(1) or the duty of care under Article 1.4 is a criminal offence punishable by fines or imprisonment of up to six months.

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

Ranking: A

## Part 1: Verification

There is legislation

The general anti-cruelty and duty of care provisions in Articles 2.1 and 2.2(8) of the Animals Act

2011 apply to this category of animals.

There is also extensive primary and secondary legislation specifically addressing animals used in farming. Primary legislation is concentrated in the Animals Act 2011. The Act provides for rules to be made on issues including the health and welfare requirements of European Union legislation (Article 2.3(3)), the transport of animals (Article 2.5), breeding (Article 2.6), trade (Article 2.7) and slaughter (Article 2.10). These rules take the form of Decrees and implement European Union legislative requirements. Relevant rules include the Animal Holders Decree, which sets out which animals may be used for production; the minimum general standards for the wellbeing of production animals and the more detailed rules detailing standards for keeping calves, pigs, laying hens and meat chickens.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Animals Act 2011 recognises the welfare of animals used in farming as an individual issue, in line with leading legislation worldwide. To further increase awareness and standards of farm animal welfare, extensive secondary legislation in the form of Decrees sets out minimum standards for those animals permitted to be used in production.

It is noted that in 2012 the European Commission called on the Netherlands via letter of formal notice to require the government to take action to implement the requirements of European Union Directive 1999/74 banning barren battery cages for laying hens.<sup>3</sup>

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a significant barrier to improving the welfare of farm animals in the Netherlands. Additionally there are no social or cultural traditions in the Netherlands that suggest barriers to furthering the levels of protection to farm animals in the country's legislation.

Are enforcement mechanisms in place in policy and legislation?

Article 8.12(3) and 8.12(4) of the Animals Act 2011 provide that infringement of the anti-cruelty provisions of Article 2.1(1) or the duty of care under Article 1.4 is a criminal offence punishable by fines or imprisonment of up to six months. Failure to comply with decrees relating to the welfare and health of animals used in production (made under Article 2.3(3)) and to the transport of animals (made under Article 2.5(2)), is a criminal offence punishable by fines and/or imprisonment. Failure to comply with decrees relating to slaughter (made under Article 2.10(2) and (3)) is an administrative offence punishable with a fine.

## 4. b. There are laws that apply to animals in captivity

Ranking: B

## Part 1: Verification

<sup>3</sup> [http://europa.eu/rapid/press-release\\_IP-12-47\\_en.htm](http://europa.eu/rapid/press-release_IP-12-47_en.htm)

**There is legislation**

The general anti-cruelty and duty of care provisions in Articles 2.1 and 2.2(8) of the Animals Act 2011 apply to this category of animals.

The Animals Act 2011 is the legislative basis for the protection of animals in captivity in the Netherlands. Secondary legislation is used to implement the primary legislation and make it directly applicable to animals in captivity, and Article 2.16 provides that rules can be made on keeping animals for exhibition to the public.

Relevant rules are included in the Animal Holders Decree which legislates for the licensing of zoos and also provides baseline requirements for the care and keeping of wild animals in captivity.

Chapter 4 on keeping of animals for exhibition sets out the basic requirements for the housing, care and exhibition of animals. These include the use of positive re-enforcement of natural behaviours as far as possible, in addition to the prevention of mistreatment, injury or bad health.

The Separation of Animals Decree, which covers specified captive animals (including chimpanzees and some monkeys) and animals bred for the pet trade (dogs, cats and rabbits), provides that animals may not be separated from their mothers before a specified age.

In May 2014 fur farmers succeeded in a legal challenge against the law banning mink farming introduced by the government in 2012.<sup>4</sup> The government is appealing the court's decision.

**Part 2: Assessment****Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?**

By including the welfare of animals in captivity in legislation alongside companion animals and farm animals, their welfare should be introduced alongside more mainstream agendas. The development of detailed secondary legislation shows that this issue is being recognised by society.

**Are there economic and societal barriers to improving this aspect of animal welfare?**

There is no evidence that human or financial resources represent a significant barrier to improving the welfare of captive animals in the Netherlands. However the continued existence of fur farming in the Netherlands would present a barrier to improving animal welfare.

**Are enforcement mechanisms in place in policy and legislation?**

Article 8.12(3) of the Animals Act 2011 provides that infringement of the anti-cruelty provisions of Article 2.1(1) or the duty of care under Article 2.2(8) is a criminal offence punishable by fines or imprisonment of up to six months. Further to the general enforcement mechanisms related to cruelty offences, the zoo regulations in the Animal Holders Decree set out additional enforcement mechanisms allowing authorities to partially or fully close zoos not compliant with the secondary legislation. The Minister also has closure powers under Article 5.12 of the Animals Act 2011.

**4. c. There are laws that apply to companion animals****Ranking: A**

<sup>4</sup> [http://www.dutchnews.nl/news/archives/2014/05/fur\\_farmers\\_celebrate\\_as\\_court.php](http://www.dutchnews.nl/news/archives/2014/05/fur_farmers_celebrate_as_court.php)

<b>Part 1: Verification</b>
<b>There is legislation</b>
<p>The general anti-cruelty and duty of care provisions in Articles 2.1 and 2.2(8) of the Animals Act 2011 apply to this category of animals.</p> <p>Secondary legislation, the Animal Holders Decree, provides a more detailed application of legislation to companion animals. The Animal Holders Decree regulates the breeding of companion animals and the exercise of any commercial activity regarding companion animals. This regulation relates to persons that sell, have in stock, or breed (with the purpose of selling) companion animals as a business, shelters and boarding houses as well as establishments set up for the purpose of quarantine. This decree and subsidiary regulation provide processes and protocols around the registration of such activities as well as guidelines on housing and care, breeding and vaccination.</p>
<b>Part 2: Assessment</b>
<b>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</b>
<p>The welfare of companion animals is recognised as an individual issue in Dutch legislation with dogs and cats being specifically referred to in the Animals Act 2011. Although no evidence was found of secondary legislation or guidelines on stray population management, it is understood that this is not an issue in the country.<sup>5</sup> If a dog is found, it is presumed to have an owner and the mayor is obliged to keep it in a shelter for at least two weeks following which it can be rehomed. Legislation on companion animals and the distribution of information about responsible ownership aim to prevent any problems with strays.</p> <p>The Animals Act 2011 aims to better include other companion animals alongside dogs and cats. For example, a prescriptive list of pets is being introduced to limit the species of mammals that can be kept as companion animals.</p>
<b>Are there economic and societal barriers to improving this aspect of animal welfare?</b>
<p>There is no evidence that human or financial resources represent a significant barrier to improving the welfare of companion animals in the Netherlands. Additionally there are no particular traditions in the Netherlands that suggest barriers to furthering the levels of protection to companion animals in the country's legislation.</p>
<b>Are enforcement mechanisms in place in policy and legislation?</b>
<p>Article 8.12(3) and 8.12(4) of the Animals Act 2011 provide that infringement of the anti-cruelty provisions of Article 2.1(1), the duty of care under Article 1.4, or the rules made under Article 2.2, is a criminal offence punishable by fines or imprisonment of up to six months.</p>

#### 4. d. There are laws that apply to animals used for draught or recreational purposes

**Ranking: B**

<sup>5</sup> [http://straydogscampaign.com/wp-content/uploads/2012/04/DR\\_Dutch-Straydogs.pdf](http://straydogscampaign.com/wp-content/uploads/2012/04/DR_Dutch-Straydogs.pdf)



<b>Part 1: Verification</b>
There is legislation
<p>The general anti-cruelty and duty of care provisions in Articles 2.1 and 2.2(8) of the Animals Act 2011 apply to this category of animals.</p> <p>Article 2.13 of the Animals Act 2011 prohibits the use of any animal as a prize in any competition. Article 2.14 prohibits the organisation of and attendance at animal fights. Article 2.15 provides that rules can be made to implement European Union requirements on competitions using animals, and Article 2.16 provides that rules can be made on keeping animals for exhibition to the public.</p> <p>However at present there is no evidence of secondary legislation specifically addressing the welfare of animals used in recreational activities, unlike other categories of animals.</p>
<b>Part 2: Assessment</b>
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The inclusion of aspects of recreational use of animals in the Animals Act 2011 does to an extent recognise the welfare of this category of animals as an independent issue. However the provisions in this legislation do not specifically relate to the care and conditions for keeping animals used for draught and recreational purposes, nor is there evidence of secondary legislation providing guidelines for this purpose. The general welfare provisions of the legislation do cover all animals and therefore the law is effective in bringing animals used for recreation into the mainstream agenda. Reinforcement with guidelines and secondary legislation would make the act fully effective to make the concept a mainstream concern of society, as is seen with other groups of animals in the Netherlands.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>There is no evidence that human or financial resources represent a barrier to improving the welfare of animals used in draught or recreation in the Netherlands. Additionally there are no particular traditions in the Netherlands that suggest barriers to furthering the levels of protection to animals used in draught or recreation in the country's legislation.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>Article 8.12(3) and 8.12(4) of the Animals Act 2011 provide that infringement of the anti-cruelty provisions of article 2.1(1) or the duty of care under Article 1.4 is a criminal offence punishable by fines or imprisonment of up to six months. Breach of the prohibition on attending animal fighting is punishable by imprisonment of up to six months or a fine (Article 8.12(3)) and this is increased to up to three years and a higher fine for organising animal fighting (Article 8.12(1)).</p>

#### 4. e. There are laws that apply to animals used for scientific research

**Ranking: A**

<b>Part 1: Verification</b>
There is legislation



The general anti-cruelty and duty of care provisions in Articles 2.1 and 2.2(8) of the Animals Act 2011 apply to this category of animals. In relation to the provisions of Article 2.1, the wording “reasonable purpose” is particularly relevant for this category of animals.

The majority of the legislative provisions relating to animals used in experimentation are found within the Experiments on Animals Act 1977, which has been amended to incorporate European Union legislative requirements in this area. Of particular note is Article 1a, which states “In exercise of powers conferred by or under this Act, the recognition of the intrinsic value of the animal as a general starting point”. This sets the foundation for the welfare of animals throughout the Act. Provisions in the Act encourage the reduction and refinement of scientific research using animals. Article 10 prohibits the use of animals in research where expert opinion shows that the objective can be achieved by other forms of research that do not use animals. In all cases it is prohibited to use animals in research where the human interest does not outweigh the distress caused to an animal. Such decisions are made by the Committee on Animal Experimentation, which is given the power to prohibit any experimentation upon ethical review. Article 18 provides that members of the central Committee on Animal Experimentation must be experts in animal experimentation and animal welfare. All cosmetic testing using animals is prohibited, as is the use of great apes (chimpanzees, bonobos, orang-utans and gorillas) in all experiments. Article 12 provides that those conducting experiments using animals must comply with orders of the council concerning the care and treatment of the animals, which orders will contain guidance on: the expertise required to handle animals; the size, construction and cleanliness of the shelters in which animals are kept; and feeding of the animals. Article 13 stipulates that unnecessary distress may not be caused to any animal and that where an operation is to be undertaken the proper anaesthetic is to be used, except in cases where use of anaesthetic would defeat the object of the test. Animals suffering from severe distress caused by an experiment may only be used once in such experiments (or any other similarly distressing experiments). If an animal would subsequently suffer from distress as a result of an experiment, they are required to be “immediately slain”. Article 14 requires that those tasked with supervising the welfare of animals used in experiments must be veterinarians or similar.

This is expanded upon in Article 5 of the Decree on Animal Testing which sets out the other relevant qualifications and requires that all must have completed and passed a course on the welfare of laboratory animals. The Biotechnology with Animals Decree focuses on licensing and the formation of a committee on Animal Biotechnology (chapter 2). Included on this committee is an “expert in the field of ethics”, whose remit should include animal welfare.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The legislative basis for animals used in scientific experimentation in the Netherlands is mostly effective in making the welfare of these animals a mainstream concern in the country. It is amongst the leading international standards and provides guidelines and codes of practice to shape how welfare is a consideration for the industry in the country. Two separate committees focussed on the use of animals in experimentation and biotechnology have legal mandate to hold those responsible to account and push forward the recognition of laboratory animal welfare in the Netherlands.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals used for scientific research in the Netherlands. Additionally there are no significant social or cultural traditions in the Netherlands that suggest barriers to furthering the levels of protection to animals used scientific research in the country's legislation. However the perhaps biased composition of the relevant committees may create a barrier to improvement in this area.

#### Are enforcement mechanisms in place in policy and legislation?

Article 8.12(3) and 8.12(4) of the Animals Act 2011 provide that infringement of the anti-cruelty provisions of article 2.1(1) or the duty of care under Article 1.4 is a criminal offence punishable by fines or imprisonment of up to six months.

Article 25 of the Experiments on Animals Act 1977 outlines which violations are considered to be criminal activities and those which are misdemeanours. Violation of the key welfare related articles are classed as crimes and treated with the most seriousness. These include all parts of Article 10 (and its sub-articles) and Article 13; which relate to conducting experiments on animals where proven alternatives are known and recommended by the Committee, as well as those provisions relating to causing unnecessary severe distress and the use of great apes in experiments.

## 4. f. There are laws that apply to wild animals

### Ranking: B

#### Part 1: Verification

##### There is legislation

Article 2.1(6) of the Animals Act 2011 requires citizens to give due care to "helpless" animals, and this provision applies to all animals (not just to animals that are kept), thus extending to wild animals. The requirement to give care includes protecting animals from anxiety and distress (Article 1.3(3)(d)). The duty of care in Article 1.4 and the anti-cruelty provisions of Article 2.1(1) do not apply to wild animals, as the protection of the Act applies to animals that are kept.

The Flora and Fauna Act 1998 provides the foundation legislation for the protection of wild animals in the Netherlands. Although this act focuses on the preservation of native biodiversity, the preamble to the act refers to the 'intrinsic value of animals' and Article 2(1) makes it the duty of all Dutch citizens to prevent deliberate harming of wildlife. Article 2(2) clarifies that this duty extends to taking action where a person knows or reasonably suspects that failure to do so would cause harm to animals (or flora). Further provisions in Articles 9, 10, 11 and 12 provide extended protection to specified native species from disturbance, wounding or being caught. Secondary legislation arising out of the Flora and Fauna Act 1998 (including the Hunting Decree and Regulations) do not substantially further the provisions concerning the welfare of wild animals in the Netherlands.

#### Part 2: Assessment

##### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

Wild animals are included in animal protection legislation in the Netherlands. As such, there is

recognition that their welfare is an issue of some importance. However there are no provisions that directly highlight the welfare of wild animals as a unique issue needing attention. Additionally there are no guidelines directing the protection of the welfare of wildlife in more detail in the Netherlands. As such, Dutch legislation is not yet fully effective to make the welfare of wild animals a mainstream concern of society.

#### Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of wild animals in the Netherlands. Additionally there are no particular traditions in the Netherlands that suggest barriers to furthering the levels of protection to wild animals in the country's legislation.

#### Are enforcement mechanisms in place in policy and legislation?

Article 8.12(3) of the Animals Act 2011 provides that infringement of the requirement to give care to helpless animals under Article 2.1(6) is a criminal offence punishable by fines or imprisonment of up to six months.

Article 112(1) of the Flora and Fauna Act 1998 provides that the Minister can impose an administrative order relating to enforcement.

## Goal 2: Presence of effective governance structures and systems

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

**Ranking: A**

#### Part 1: Verification

##### There is legislation

Each relevant piece of legislation assigns governmental responsibility. Principally animal welfare falls under the remit of the Ministry of Economic Affairs. In 2012 the Ministry laid down its vision and ambition in the Note on Animal Welfare and Animal Health<sup>6</sup>, a memorandum concerning the vision and ambition of the government on improving animal welfare. This was reinforced by the 2013 Policy Letter on Animal Welfare<sup>7</sup>.

Secondary legislation specifies the government departments responsible for the oversight and enforcement of provisions of the primary legislation. The Designation Decree WJZ/12375497 of 2012 assigns responsibilities for the Animals Act 2011 and the Designation of Persons Responsible for Supervising Compliance with the Law on Animal Experiments 1992 assigns responsibilities for the

<sup>6</sup> <http://www.rijksoverheid.nl/onderwerpen/dieren/documenten-en-publicaties/notas/2012/02/23/nota-dierenwelzijn-en-diergezondheid.html>

<sup>7</sup> <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/10/07/kamerbrief-met-beleidsbrief-dierenwelzijn.html>

Experiments on Animals Act 1977.
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<b>Part 2: Assessment</b>
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Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
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Animal welfare is given recognition as an individual issue in Dutch legislation in the variety of acts and decrees referred to in this report. Considering the far-reaching departmental responsibilities laid out in the wording of the legislation, this assignment of responsibilities is effective to make animal welfare a mainstream concern in policy-making in the country. Bodies named in the legislation include the police force, the Human Environment and Transport Inspectorate and the Tax and Customs Administration. Through this legislation each of these bodies has some responsibility for animal welfare. As such it is introduced into a wide range of governmental strategies in the country. In 2011 the government set up its first animal police division, working to address cruelty to animals and animal neglect.
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Are there economic and societal barriers to improving this aspect of animal welfare?
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There is no evidence that human or financial resources represent a barrier to improving animal welfare in the Netherlands. The Minister of Economic Affairs has been given responsibility for animal welfare policy in the Netherlands and the Dutch government has no barriers to providing sufficient resources for improving animal welfare in the global context (as highlighted by its comprehensive animal welfare strategy <sup>8</sup> ). Additionally there are no particular traditions in the Netherlands that suggest barriers to furthering the improvement of animal protection administration.
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Are enforcement mechanisms in place in policy and legislation?
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The responsibilities of relevant government bodies are mandated by legislation.
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### Goal 3: Implementation of animal protection standards

#### 6. The government is actively engaged with the OIE to improve animal welfare internationally, regionally and nationally

Ranking: D

<b>Part 1: Verification</b>
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There is policy
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The Dutch government engages with the OIE to improve animal health and welfare. An International Symposium on Veterinary Epidemiology and Economics took place in the Netherlands in 2012 and there are four expert Reference Laboratories to the OIE based in the Netherlands. There are also
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<sup>8</sup> <http://www.rijksoverheid.nl/onderwerpen/dieren/documenten-en-publicaties/notas/2012/02/23/nota-dierenwelzijn-en-diergezondheid.html>

regular simulation exercises conducted in the country on a variety of zoonoses and notifiable contagious animal diseases, which are reported through the OIE.

The National Agenda for Animal Health 2007-2015<sup>9</sup> is a policy document shaping the government's approach to the topic. A policy of cooperation between the Dutch government and partner organisations such as the OIE is cited at numerous points through the document, and the agenda includes welfare issues. This demonstrates a clear policy of collaboration and cooperation between the Netherlands and the OIE.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The relationship between the Dutch government and the OIE centres predominantly around animal health and disease control. The collaboration between the Dutch government, research laboratories and the OIE on such issues should assist with improvement of the surrounding animal welfare issues in the country. Additionally, hosting the International Symposium on Veterinary Epidemiology and Economics in 2012 will have given the opportunity to gain media coverage surrounding the relationship and its importance. Collaborative events like this can help to increase awareness of animal welfare issues related to OIE co-operation in the country. There is, however, little evidence of regular engagement on issues outside of disease control.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals in the Netherlands and beyond through increased engagement with the OIE.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

## 7. The government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

**Ranking: A**

### Part 1: Verification

There is legislation

The legislation in the Netherlands incorporates European Union legislative requirements, which include many of the OIE's guiding principles and standards on animal welfare and further builds on them in some areas. Although there is no evidence of policy or legislation on the control of stray populations in Dutch legislation, it is understood that there are no issues with stray dogs in the country.

### Part 2: Assessment

<sup>9</sup> [http://www.dienstlandelijkgebied.nl/txmpub/files/?p\\_file\\_id=24243](http://www.dienstlandelijkgebied.nl/txmpub/files/?p_file_id=24243)

### Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

By incorporating the OIE's guiding principles and standards into legislation, the Dutch government has utilised these tools effectively to improve animal welfare in the country. The range of secondary legislation in the Netherlands (previously cited in this report) gives detailed guidelines on many of the relevant areas and continues to push towards improving animal welfare issues. Relevant government bodies have duties set out in legislation for animal welfare issues related to the OIE's guiding principles and standards. As such, the concepts are introduced into wider government strategy. Although there is no legislation on stray population control, all new born dogs are required to be identified and registered since 2013 and there are no current issues with stray dogs in the country.

### Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals in the Netherlands through incorporating the OIE's guiding principles and standards on animal welfare into national legislation, including in relation to stray population control.

### Are enforcement mechanisms in place in policy and legislation?

There are enforcement mechanisms in the relevant legislation that incorporates the OIE's standards and guiding principles, from administrative penalties to imprisonment.

## 8. The government publishes reports on progress towards goals set to monitor and improve standards of animal welfare

### Ranking: C

#### Part I: Verification

##### There is policy

For some years, an active government policy has been in existence to report on animal health and welfare progress and targets. Since 2007 three reports have been published following the adoption of the strategy document 'National Agenda for Animal Health 2007-2015'<sup>10</sup> and the 'Note on Animal Welfare and Animal Health'<sup>11</sup>. The most recent report, from 2010, is available online.<sup>12</sup> Additional notes are also published by a variety of Ministries, the most recent being from the Ministry of Economic Affairs in 2013.<sup>13</sup> Additionally the Ministry of Security and Justice published a report in 2012<sup>14</sup> analysing the enforcement of laws and regulations related to animals in the Netherlands, including the practice of the Dutch national animal police. However there is no evidence of legislation formally requiring reporting on progress against goals

<sup>10</sup> [http://www.dienstlandelijkgebied.nl/txmpub/files/?p\\_file\\_id=24243](http://www.dienstlandelijkgebied.nl/txmpub/files/?p_file_id=24243)

<sup>11</sup> <http://www.rijksoverheid.nl/onderwerpen/dieren/documenten-en-publicaties/notas/2012/02/23/nota-dierenwelzijn-en-diergezondheid.html>

<sup>12</sup> [http://www.eerstekamer.nl/behandeling/20110524/derde\\_voortgangsrapportage\\_over\\_de/f=y.pdf](http://www.eerstekamer.nl/behandeling/20110524/derde_voortgangsrapportage_over_de/f=y.pdf)

<sup>13</sup> <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/10/07/kamerbrief-met-beleidsbrief-dierenwelzijn.html>

<sup>14</sup> <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2013/02/05/dierenwelzijn-in-het-vizier.html>

and targets for animal welfare in the Netherlands.

### Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The Dutch government recognises animal welfare as an individual issue and reports on it as such. This significantly contributes towards making farm animal welfare issues a mainstream concern of society. The varied origins of reporting on animal welfare in the Netherlands are important factors in increasing the mainstream recognition of the associated issues in the country.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving animal welfare in the Netherlands through producing detailed and goal orientated reports. The Ministry of Economic Affairs reports on progress against governmental strategy and the Dutch government has no barriers to providing sufficient resources for improving animal welfare in the global context.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

## Goal 4: Provision of humane education

### 9. Animal care and protection are included in the national education system

Ranking: D

#### Part 1: Verification

There is policy

Freedom of education is included in the Dutch constitution. This means that at a national level headline issues and targets are set but the details are determined at local level. At primary stage, target 39 requires that students learn to act as careful citizens with respect to the environment and target 40 requires that students learn about plants and animals and how they function in the environment, and under this umbrella there is some support for the inclusion of animal care and protection in the agenda.

Animal welfare is included in the veterinary medicine course at the University of Utrecht.<sup>15</sup>

#### Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream

<sup>15</sup>

<http://www.uu.nl/faculty/veterinarymedicine/EN/mission/standpoints/animalwelfarestandpoint/Pages/default.aspx>



concern?
The structure of the Dutch educational system and curriculum approach means that humane education cannot be mandated in legislation. However the government has made some positive steps at both national and local levels to support learning materials in this area <sup>16</sup> and there is also support by NGOs (for example, Dierenbescherming).
Are there economic and societal barriers to improving this aspect of animal welfare?
Although there are no significant resource, cultural or priority barriers to improvement in this area, the structure of the educational system and constitutional restriction prevents this being mandated by legislation and thus presents a structural barrier.
Are enforcement mechanisms in place in policy and legislation?
The inclusion of respect for the environment and related issues in the primary level curriculum targets provides some degree of accountability.

## Goal 5: Communication and awareness

### 10. The government works with others to improve animal protection by consulting and engaging relevant stakeholders, including NGOs

Ranking: C

<b>Part 1: Verification</b>
There is policy
There is a clear history of engagement with a wide range of stakeholders on animal welfare in the Netherlands. There are a number of initiatives bringing government and external stakeholders together on animal welfare. Policy documents and reports regularly refer to relevant stakeholders, including the animal welfare NGOs based in the country (such as the most recent Note on Animal Welfare and Animal Health) <sup>17</sup> . There are many initiatives and productive stakeholder relationships including the following: the Royal Dutch Society for Veterinary Medicine has been given a prominent role by government in the progress of animal welfare in the country; the Sustainable Breeding Initiative <sup>18</sup> brings together businesses (including breeders), civil society, government and scientists to

<sup>16</sup> [www.dierenwelzijnsweb.nl](http://www.dierenwelzijnsweb.nl)

<sup>17</sup> <http://www.rijksoverheid.nl/onderwerpen/dieren/documenten-en-publicaties/notas/2012/02/23/nota-dierenwelzijn-en-diergezondheid.html>

<sup>18</sup> <http://www.uitvoeringsagendaduurzameveehouderij.nl/werken-aan-verduurzaming/versnellingsprojecten/initiatiefgroep-duurzame-fokkerij/>

set up various initiatives in the field of breeding and welfare of animals; and the National Information Center for Pets<sup>19</sup>, made possible by the Ministry of Economic Affairs and various universities, provides pet owners with expert advice relating to pets.

## Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

Policy in the Netherlands is of a high international standard in the context of engaging external stakeholders on animal welfare issues. The range of stakeholders involved, from the business sector to the professional and non-governmental sectors, highlights a policy of raising awareness of animal welfare as an issue throughout the country. Secondary legislation and strategic policy documents help guide initiatives involving external stakeholders in the country and ensure that Dutch policy is effective in the respect of this part of this indicator.

Are there economic and societal barriers to improving this aspect of animal welfare?

There is no evidence that human or financial resources represent a barrier to improving the welfare of animals in the Netherlands through working with others to improve animal protection by consulting and engaging relevant stakeholders.

Are enforcement mechanisms in place in policy and legislation?

There are no enforcement mechanisms relevant to this indicator.

**Publication: November 2014**

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<sup>19</sup> <http://www.licg.nl/7x/home.html>

## The Netherlands: Socioeconomic information

### Politics

Where not otherwise noted, information for this section has been sourced from the Economist Intelligence Unit's (EIU) country profiles.

#### Government type

Constitutional monarchy

#### Capital

Amsterdam

#### International law organisation<sup>20 21</sup>

Accepts ICJ and ICC jurisdiction

#### Suffrage<sup>22</sup>

18

#### Legal system

Civil law- Roman law did not reach that far up north, so the Nordic countries are to varying degrees distinct from continental law<sup>23</sup>

#### Executive branch

Head of state: King Willem-Alexander

Prime minister: Mark Rutte

Deputy prime minister & minister for social affairs and employment: Lodewijk Asscher

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<sup>20</sup>

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&mtdsg\\_no=XVIII-10&chapter=18&lang=en#11](http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&mtdsg_no=XVIII-10&chapter=18&lang=en#11)

<sup>21</sup> <http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3>

<sup>22</sup> <http://aceproject.org/epic-en/CDTable?question=VR001#g>

<sup>23</sup>

<http://www.nyulawglobal.org/globalex/denmark.htm>

#### Judicial branch

The Supreme Court (Hoge Raad) is the highest court in the civil, criminal and tax law fields. It is composed of 6 vice presidents and approximately 30 judges, equally split along the three law fields<sup>24</sup>. Following the Supreme Court, there are the Special Tribunals, Courts of Appeal and District Courts<sup>25</sup>.

#### Legislative branch

The Netherlands has a bicameral Staten-Generaal or parliament. The upper house, the Eerste Kamer (Senate) has 75 members, while the lower house, has 150 members serving four year terms.

#### Political parties

Liberals (VVD), Labour Party (PvdA), Freedom Party (PVV)

### Economics

Where not otherwise noted, information for this section has been sourced from the World Bank.

Toward the end of 2013, the Netherlands' "GDP grew for the first time since mid-2012<sup>26</sup>. Domestic demand is low, however, exports

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<sup>24</sup> <http://www.rechtspraak.nl/Organisatie/Hoge-Raad/Supreme-court/Pages/The-managerial-and-operational-tasks-related-to-the-Supreme-Court.aspx>

<sup>25</sup> <http://www.rechtspraak.nl/English/Judicial-System/Pages/default.aspx>

<sup>26</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Netherlands>

are expanding. Netherland has an open economy and is in fact "the fifth largest exporter of goods in the world"<sup>27</sup>... with "sales from abroad representing 85% of GDP"<sup>28</sup>. As the advanced economies recover, it is best placed to capitalize on this as it is the transit hub of Europe<sup>29</sup>. For the period 2012-30, the EIU predicts real GDP to grow by 1.4% a year, although it also contends that the fallout from the financial crisis of 2008-9 will "linger through most of the long-term forecast period, dampening long-term economic growth"<sup>30</sup>.

### Main trading partners (2012)<sup>31</sup>

Import

Germany - 16.1%

China - 14.0%

Belgium - 9.8%

Export

Germany - 30.8%

Belgium - 15.8%

France - 10.2%

### Commodities (2012)<sup>32</sup>

Imports

Machinery and transport equipment - 33.8%

Mineral fuels, lubricants, and related materials - 30.7%

Chemicals and related products - 13.2%

Exports

Machinery and transport equipment - 33.3%

Mineral fuels, lubricants, and related materials -24.2%

Chemicals and related products - 18.3%

GDP (current USD, 2012)

\$772,226,793,520

GDP per capita, PPP(2012)

\$43,198

Labour force, total (2012)

8,927,303.00

Currency

Euro

Equivalence to 1 USD

0.7476

Central government debt, total, (% of GDP, 2011)

66

Manufacturing, value added (% of GDP, 2012)

13 (2010)

Agriculture, value added (% of GDP, 2012)

2 (2010)

Industry, value added (% of GDP, 2012)

24 (2010)

Exports (% of GDP) (2012)

87

Imports (% of GDP) (2012)

29

Services, etc., value added (% of GDP) (2012)

<sup>27</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Netherlands>

<sup>28</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Netherlands>

<sup>29</sup> <http://coface.com/Economic-Studies-and-Country-Risks/Netherlands>

<sup>30</sup> <http://country.eiu.com/article.aspx?articleid=840517468&Country=Netherlands&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary#>

<sup>31</sup> <http://country.eiu.com/article.aspx?articleid=661445250&Country=Netherlands&topic=Summary&subtopic=Fact+sheet>

<sup>32</sup> <http://country.eiu.com/article.aspx?articleid=661445250&Country=Netherlands&topic=Summary&subtopic=Fact+sheet>

74 (2010)

Unemployment rate, (% , 2011)

4.4

Education expenditure (% of GDP, 2012)

6 (2010)

Adjusted savings: Education expenditure  
USD (2011)

39,937,296,867

Population: ages 65 and over (% of total)  
(2012)

16

Population living in rural areas (% of total)  
(2012)

16

Population living in urban areas (% of total)  
(2012)

84

## Society

Where not otherwise noted, information for this section has been sourced from the World Bank.

Total population (2012)

16,767,705

Religion<sup>33</sup>

Christian (50.6%), Unaffiliated (42.1%),  
Muslim (6.0%), Hindu (0.5%), Buddhist (0.2%),  
Folk religions (0.2%), Other religions (0.2%),  
Jewish (0.2%)

Languages

Dutch<sup>34</sup>

Population growth, annual % (2012)

0.4

Population: ages 0-14 (% of total) (2012)

17

Population: ages 15-64 (% of total) (2012)

66

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<sup>33</sup> <http://features.pewforum.org/grl/population-percentage.php>

<sup>34</sup> <http://country.eiu.com/article.aspx?articleid=731026457&Country=Netherlands&topic=Summary&subtopic=Basic+data>

