

Title: The expanding role of animal welfare within EU legislation and beyond¹.

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Abbreviations:

CAP **Common Agricultural Policy**

EC **European Community**

EFSA **European Food Safety Authority**

EU **European Union**

FVO **Food and Veterinary Office**

GATT **General Agreement on Tariffs and Trade**

OIE **World Organisation for Animal Health (*Office International des Epizooties*)**

WTO **World Trade Organization**

¹ The content of this paper does not necessarily reflect the opinion of the European Commission.

1. ANIMAL WELFARE'S GROWING IMPORTANCE AS A POLICY AREA

European systems of agricultural production originally focused on issues such as ensuring adequate supply, reasonable prices and stable production. Today the farming of animals is no longer viewed by European consumers simply as a means of food production. Instead it is seen as fundamental to other key social goals such as food safety and quality, safeguarding environmental protection, sustainability, enhancing the quality of life in rural areas and the preservation of the countryside, and ensuring that animals are properly treated. Public authorities are obliged to take these demands of civil society into account when formulating and implementing relevant policy to ensure that animals are treated humanely.

European consumers increasingly focus on “clean and green” production methods and are attracted by the possible food quality, safety, and animal health and welfare benefits of innovative production systems, such as organic farming. The mindset of consumers and producers has undergone a seismic shift from merely preventing cruelty and avoidable suffering to animals, and instead is becoming focussed on promoting their wellbeing and meeting their most important needs.

Various crises in European agriculture, such as BSE, dioxins, foot-and-mouth disease and recent outbreaks of avian influenza, have also increased the public pressure for wider and more rapid reforms in farming systems. The ethical basis of intensive animal production systems is the subject of growing attention from consumers.

Furthermore current research indicates that animals that are well-treated and able to behave naturally are healthier than animals treated badly and whose welfare is compromised. Retailers are also recognising animal welfare as a constituent aspect of product image and quality which creates a need for reliable systems for on-farm monitoring of animal welfare status and providing guarantees on production conditions. Independent audit programmes on animal welfare promoted by processors, retailers and multi-national corporations are becoming increasingly commonplace. To address consumers' demands it is now clear that a better integration of animal welfare in EU agricultural policy is required and ongoing EU CAP reforms have been an important step in realising these objectives.

In terms of an integrated approach to food safety, animal welfare was recognised as a vital constituent of European food policy in 2000 when the Commission adopted the White Paper on Food Safety². Furthermore, from January 2002 the responsibility for providing scientific advice on animal welfare issues at the European level was assigned among the tasks of the newly established European Food Safety Authority³ (EFSA).

The integrated approach to food safety throughout the food chain will cover all stages of production and supply, from primary production, animal feed, right through to the supply of food to consumers - from 'farm to fork'. It is noteworthy that in recently adopted new EU legislation on

2 On the web: http://europa.eu.int/comm/dgs/health_consumer/library/pub/pub06_en.pdf

3 Regulation (EC) no 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. OJ 2002 L 31 p.1

EFSA website <http://www.efsa.eu.int/>

compliance with food and feed controls, respect for animal health and welfare rules is also assuming a central role⁴.

2. THE ETHICAL PERSPECTIVE AND THE EVOLUTIONS OF THE EUROPEAN TREATY

The current basis of EU animal welfare policy has been underpinned by a specific "Protocol on the Protection and Welfare of Animals" introduced via the Treaty of Amsterdam in 1999. This lays out the ground rules for the actions of the European Union on animal welfare. In particular it recognises that animals are "sentient beings" and obliges the European Institutions to pay full regard to the welfare requirements of animals when formulating and implementing Community legislation in the fields of agriculture, transport, internal market and research, while acknowledging the need to respect particular provisions and customs of Member States relating to religious rites, cultural traditions and regional heritage. The Treaty also allows Member States to apply restrictions on the movement of goods justified on the grounds of public morality.

The new EU Constitution for Europe agreed in June 2004 reinforces this commitment to animal welfare and represents an important landmark for animal protection in Europe, in particular in view of a newly enlarged European Union consisting of 25 Member States.

3. EU ANIMAL WELFARE STANDARDS: THE PRESENT CHALLENGES

Looking back the first Community legislation on animal welfare was adopted in 1974 and concerned the stunning of animals before slaughter⁵. The recitals of this Directive indicate the importance that was already attached to animal welfare and the prevention of unnecessary suffering:

"Whereas the Community should also take action to avoid in general all forms of cruelty to animals;

whereas it appears desirable, as a first step, that this action should consist in laying down conditions such as to avoid all unnecessary suffering on the part of animals when being slaughtered."

Respecting the basic five freedoms (freedom from discomfort, hunger and thirst, fear and distress, pain, injury and disease and freedom to express natural behaviour) is a fundamental principle underlying measures to protect animal welfare and the EU has already taken various practical steps to secure real improvements in animal welfare.

Today in the EU calves older than 8 weeks have to be kept in groups and their tethering and muzzling is forbidden, pregnant sows can no longer be kept in individual crates and cages for laying hens without materials for enrichment will be phased out. Animals can be transported by road for a maximum of 8 hours, otherwise they have to travel in vehicles specially equipped for long distance journeys with water and food in sufficient quantity. Since 1993 in the slaughterhouses specific welfare requirements are required for the animals' handling and management, stunning or killing. Directive 98/58/EEC on the protection of animals kept for farming purposes underlines the principles forming the basis for Community legislation and highlights the need to treat animals according to their physiological and ethological needs.

Some examples of Commission initiatives include the Directive on the protection of laying hens, adopted in 1999 and the one relating to the protection of pigs of 2001. The Commission has also

⁴ Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

⁵ Council Directive 74/577/EEC

been requested to investigate new farming techniques and to work in the international “fora” to reach political consensus on animal welfare.

It is evident that the way in which Community rules for animal welfare are prepared represents a sophisticated exercise in trying to cope with the wide range of issues mentioned above. Important inputs are the scientific opinions given by the EFSA Panel on Animal Health and Welfare, other available scientific data, the outcome of stakeholder consultations and the experience of the Member States in relation to the enforcement of existing animal welfare rules.

Other elements include the reports of the inspections performed by the Commission’s Food and Veterinary Office, the information officially provided by agricultural organisations and animal protection organisations and the results of specific socio-economic studies on possible impacts of new legislative initiatives. The Commission is also cognisant of the growing demands from civil society that animal production systems need to be sustainable and the need to take ethical factors into account in formulating ongoing policy initiatives

4. ENFORCEMENT PRIORITY

Apart from the scientific evolution, a particular policy objective for the Commission is the precise determination of responsibilities for the application of animal welfare in the EU. This is essential for European citizens. Every day the Commission receives letters from citizens complaining about the poor level of enforcement towards animal protection and demanding further action from the Commission.

Member States are responsible for the day-to-day enforcement of Community legislation in the field of animal welfare. In this respect Community legislation is taking into account the necessity to state clearly who is responsible for respecting legal provisions and to provide appropriate legal instruments to put Member States in the position to follow up infringements.

The Commission shares responsibility by ensuring that these laws are applied in a uniform manner by the Member States. This is done through the European Commission’s Food and Veterinary Office (FVO)⁶ which carries out audits and “on-the-spot” checks in the Member States. Data collected from the competent authorities in the Member States on the enforcement of legislation, from the reports on the inspections performed by the FVO and from non-governmental organisations constitute today a valuable instrument to determine the enforceability of the legislation and to calibrate future initiatives of the Commission.

5. THE NECESSARY FUTURE: THE DISCUSSION ON INTERNATIONAL STANDARDS ON ANIMAL WELFARE,

There is a great challenge to balance competition, productiveness and animal welfare in the context of the increasingly global dimension of trade in agricultural products. Cultural factors and traditional practices also need to be borne in mind.

As described earlier the body of EU legislation on animal welfare has increased steadily in recent years. This trend is likely to accelerate, especially in the light of the growing appreciation that high welfare standards have both a direct and indirect impact on food safety and quality.

Important efforts have been made by the Commission to consult all relevant stakeholders in formulating initiatives to improve animal welfare in the EU both with recourse to public internet consultations and in specific meetings with relevant stakeholders. These efforts have resulted in important contributions and supports for the Commission’s work.

⁶ For the activities of the Food and Veterinary Office of the Commission see on the web: http://europa.eu.int/comm/food/fs/inspections/index_en.html

The ongoing reform of the EU Common Agricultural Policy (CAP) is the most relevant reflection of the demands of society to incorporate animal welfare in a wider context. Sustainability is now enshrined as a fundamental principle to be respected and the provision of direct payments to producers will depend on cross-compliance with animal welfare and production standards. It should be noted that, with a view to promoting the best possible farming practices, the CAP also now has provisions in place to financially support producers who achieve animal welfare standards higher than those laid down in statutory legislation.

Consumers also need to understand that implementing higher animal welfare standards can incur extra costs for producers and possibly higher output prices and they may be willing to pay a premium price for a product emanating from a more animal welfare “friendly” production system. However proper labelling of products and provision of information to consumers are vital ingredients in this regard. Indeed a recent sociological study carried out in Europe revealed that a lack of labelling on production methods was preventing consumers from possibly shifting towards such products⁷.

6. INTERNATIONAL DEVELOPMENTS – ANIMAL WELFARE AS A GLOBAL CONCERN

It is known that at present there is no international consensus on the precise role of animal welfare and the measures in place in the EU cannot be readily compared with the standards in third countries. However, a strong signal to facilitate the adoption of international animal welfare guidelines and standards has been the adoption by the 70th General Session of the OIE (or World Organisation for Animal Health⁸) of a Recommendation committing the OIE to take the lead on animal welfare worldwide.

The OIE’s 167 member countries have agreed that the OIE should develop guiding principles and standards on animal welfare to assist member countries in their bilateral negotiations. The OIE also organised a Global Conference on Animal Welfare that took place in February 2004 with a view to involving all stakeholders in the OIE’s animal welfare initiatives. Animal welfare is not explicitly mentioned in GATT 1994 or in other WTO agreements, and there has not yet been a ruling under the dispute settlement procedure, which would clarify the position of animal welfare under the WTO. However in June 2000 the EU made a specific submission on animal welfare and agricultural trade to the WTO’s Committee on Agriculture and the Doha 2001 conclusions placed non-trade concerns, including animal welfare, firmly on the agenda for future agricultural negotiations. The EU is obliged to respond to consumer demands on this issue and strive towards a more sustainable and animal welfare “friendly” form of agriculture.

Complementary to the initiative of the OIE, the Community has started to negotiate animal welfare standards to be incorporated into bilateral agreements between the EU and Third Country suppliers of animals and animal products. The Commission is hopeful that this initiative will have a positive effect in promoting animal welfare internationally. The Commission is committed to achieving international awareness on animal protection and actively contributing to the development of standards at international level while respecting the ethical and cultural dimension of the issue.

To conclude it could be said that the work of the European Commission today is trying to combine all the elements that have evolved during the past 30 years of European animal welfare policies to fuel a virtuous cycle where higher standards are followed because they are what is ethically justified, because they are what the public demands and because they are seen to make good economic sense. There are important competitive advantages to be gained from providing these reassurances.

⁷ “Consumer concerns about animal welfare and the impact on food choice”. EU FAIR-CT36-3678. Dr Spencer Henson and Dr Gemma Harper, University of Reading

⁸ On the web: http://www.oie.int/eng/en_index.htm

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