

SCIENTIFIC ADVICE TO THE EU POLICY ON ANIMAL WELFARE

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International approach

The **Sanitary and Phytosanitary (SPS) Agreement** adopted in 1994 in the context of the World Trade Organisation (WTO) aimed at minimising the negative effects of unjustified health barriers on international trade. For animal health and zoonoses, the SPS Agreement refers to the 'standards, guidelines and recommendations developed under the auspices of the OIE (Office International des Epizooties). Animal welfare is not currently a subject covered by the **WTO SPS Agreement**, and therefore any restriction of trade, due to legislative requirements based on animal welfare, could be challenged.

The Member Countries of the OIE expressed the wish to address the public demand for animal welfare. The International Committee unanimously adopted the recommendations of the *ad hoc* group on animal welfare during its 70th General Session in the form of Resolution No. XIV (26-31st May 2002). A permanent Working Group on Animal Welfare was then established which held its first meeting in October 2002. On 23rd February the first International meeting on Animal Welfare at the OIE took place, where the leadership of the OIE on Animal Welfare issues was internationally recognized. It was decided that the OIE would first give priority to animal welfare issues, in regard to animals used in agriculture and aquaculture. Within these target groups, the OIE would begin by examining the conditions of transport, slaughter and killing for disease control, followed by housing and management.

In addition, the OIE would undertake, with the support of leading international experts, to provide expertise on specific animal welfare issues to OIE stakeholder groups, other international organisations, animal production sectors, and industry and consumer groups (http://www.oie.int/eng/bien_etre/en_introduction.htm), encompassing the following specific roles and functions in the area of animal welfare:

- development of standards and guidelines leading to good animal welfare practices;
- identification of animal welfare research needs and encouragement of collaboration among research centres.

The **Council of Europe's** work on animal protection was started in the 1960s. Five Conventions were drawn up and since 1988 work has focused on the monitoring of the implementation of these different Conventions. The main concern is now to improve and harmonise, at international level, the conditions for the use of animals in the different fields concerned (in particular, agriculture and scientific research), taking into account new scientific evidence and practical experience acquired, by facilitating the implementation of the Conventions, adapting existing legal instruments to scientific and technical developments and elaborating relevant legal instruments based on the principles of these Conventions.

The EU and Animal Welfare

The European Commission has been developing animal welfare legislation **for over 30 years**. Further evidence of the great expansion of animal welfare is shown by the fact that the European Commission is now working on animal welfare with colleagues around the world in the framework of the Council of Europe (45 member countries) and the World Organisation for Animal Health (OIE, 167 member countries). FAO is also developing activities in this field. Looking back, the first Community legislation on farm animal welfare was adopted in 1974 and concerned the stunning of animals before slaughter.

The Treaty of Amsterdam, in force since 1st May 1999, lays out new ground rules for the actions of the European Union on animal welfare in a special "Protocol on the Protection and Welfare of Animals". It recognizes 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. The protocol also defines the limits of the EU competence to legislate.

The Treaty establishing a Constitution for Europe signed in Rome on 29 October 2004 (CIG 87/2/04 Rev2), in the Part III: the Policies and functions of the Union, Title I, Provisions of general application, art.III-121, says: *"In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological developments and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the requirements of animal welfare, while respecting the legislative or administrative provisions and customs of Member States relating in particular to religious rites, cultural traditions and regional heritage."*

Article III-121 is a point of arrival of many efforts that have been pursued by competent and qualified European groups that strove to obtain dignity for animals as “sentient beings” rather than mere “goods” or “property”.

The Commission published a Eurobarometer study on 8 June 2005. This survey shows that 74% of consumers believe they can improve animal welfare through their shopping choices and 57% are willing to pay more for animal welfare-friendly food products. The poll revealed that 52% of consumers do not think of animal welfare when shopping for meat, but this varies widely from one country to another. Almost 2/3 of consumers in the new Member States never or rarely consider animal welfare, while 67% of Swedes and 66% of Greeks often or sometimes do so. However, it is also clear that consumer choice is hampered by insufficiently clear food labelling: 32% of consumers could never identify such welfare-friendly food products (ranging up to 70% in some countries, particularly in the new Member States).

The EU has already taken various practical steps to secure real improvements in animal welfare, taking into account the fundamental principle **of the basic five freedoms** (freedom from discomfort, hunger and thirst, fear and distress, pain, injury and disease and freedom to express natural behaviour).

Several MS and Third Countries have already developed a national strategy for animal welfare and during 2004 the Commission considered that the moment of renewal of the Commission as an opportune time to consider this issue and develop an action plan for farm animal welfare for the coming years. This necessity has been reinforced by the inclusion of animal welfare in several other policy areas of the Community such as the Common Agricultural Policy.

Regulation 882/2004 on food and feed controls also highlights the contribution of animal health and welfare to the quality and safety of food, in preventing the spread of diseases and assuring the humane treatment of animals.

EU legislation regarding animal welfare

The Commission is responsible for proposing legislation, for adopting appropriate implementation rules and for ensuring that these rules are correctly implemented by the Member States. Before adoption, most of the implementing rules are discussed with the Member States experts in the **Standing Committee on the Food Chain and Animal Health**.

The Commission plays a key role in the management of the most important and urgent animal health and welfare problems in the Community. It may adopt, if necessary, *ad hoc* additional protective measures (**safeguard clauses**).

Although it might be argued that animal welfare issues do not come within the food safety control system in the strict sense, they are, of course, inextricably linked and this will have a direct impact on food safety in areas like On-Farm Animal Welfare, Animal Welfare during Transport and Animal Welfare at Slaughter. Furthermore, Animal welfare issues already constitute barriers to internal trade (in case of non-compliance) at EU level, but not at international level. Food and Veterinary office (DG SANCO) in Dublin carry out inspections in the member states to verify the compliance of the EU's current rules.

The first rules on animals kept on the farms were adopted in 1986 and concerned the protection of laying hens (Council Directive 86/113/EC, replaced in 1988 by Council Directive 88/166/EEC). In 1998, Council Directive 98/58/EC on the protection of animals kept for farming purposes, gave general rules for the protection of animals of all species whether kept for the production of food, wool, skin or fur or for other farming purposes and including fish, reptiles of amphibians. These rules were based on the European Convention for the Protection of Animals kept for Farming Purposes.

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. Directive 98/58/EEC on the protection of animals kept for farming purposes underlines the principles forming the basis for Community legislation and highlight the need to treat animals according to their physiological and ethological needs.

Community legislation concerning the welfare conditions of farm animals lays down minimum standards. National governments may adopt more stringent rules provided they are compatible with the provisions of the Treaty. The body of EU law related to health and consumer protection (most of which is related to food, animal health and animal welfare) comprises many hundreds of Directives, Regulations and implementing Commission decisions. Implementation of Directives is subject to implementation in national law, whereas Regulations are implemented directly.

In Member States, food safety is often shared between the Ministries of Agriculture and Health, while farm related issues including animal welfare are mostly the responsibility of the Ministry of Agriculture. The current situation means that there are difficulties in the implementation of rules that have strong links with both sides; Public Health/Food safety on one side and Animal Health/Welfare/Feeding stuffs on the other.

At the Agriculture and Fisheries Council on 21 December 2004 Commissioner Kyprianou announced to Member States, the Commission's intention to develop an action plan on animal welfare. With the ongoing rapid development of animal welfare issues a strategic action plan is likely to **produce several benefits**:

- Show a clear European direction on the issue;
- Provide a focus and guidance for future resource decisions in the services and in MS,
- Promote European AW standards internationally thus facilitating consensus in international fora such as the OIE and Council of Europe;
- Support future trends for research
- Ensure a consistent approach across the several policy areas of the Community dealing with animals and animal products (Animal Health, Food Safety, CAP/Rural Development, Environment, Research, Non Trade issues).

Future steps should also include stakeholders' consultation and the involvement of the newly established advisory group on the food chain and animal and plant health during 2005. The Commission also intends to study new initiatives on labelling.

Challenges are of course the harmonization of rules for trade implementation, economic impact of achieving improved animal welfare, Member states compliance, coherence with other EU policies, Lisbon objectives to increase competitiveness, external aid to developing countries, restrictions to import animals or animal products from developing countries, etc.

The role of the European food safety authority (EFSA) on animal welfare

The mission of the European Food Safety Authority (EFSA) is to provide scientific advice and technical support for the Community's legislation and policies in all fields, which have a direct or indirect impact on food and feed safety, and this includes animal health and welfare.

Through its own scientific expertise and the work of its Scientific Committee and eight Scientific Panels, including the Panel on animal health and welfare (AHAW), EFSA provides risk assessments on all matters linked with its mission. EFSA's activities started on May 2003.

The Panels are made up of leading independent scientists, most of them coming from all over Europe, and were appointed following an open call for expression of interest. The Scientific Committee and Expert Panels are supported by EFSA's own scientific staff. In addition, the Authority expects to reinforce its Science department by creating a series of expert service "teams", each dedicated to a specific area of risk assessment (e.g. data collection, epidemiology and exposure...).

EFSA activities have a direct link with the requirements stated at the SPS agreement for any possible restrictive legislation in trade: provide risk assessment and scientific advice to sustain the legislation.

The principal objectives of EFSA's scientific activities in the specific area of Animal health and welfare include (i) providing scientific opinions and advice in response to questions formally addressed to the Authority by the European Commission, currently the principal consumer (e.g. DG SANCO, DG DEV, DG ENV), the European Parliament, the Member States or by the Authority itself (i.e. through "self-tasking"); (ii) monitoring specific risk factors and diseases and to provide scientific opinions on tests and other tools to control those; and (iii) application and promotion of new and harmonized scientific approaches and methodologies for hazard and risk assessment.

The Authority will also seek to build scientific networks involving Community institutions, national authorities, scientific institutions and international organizations, in order to: (i) facilitate exchange of information and expertise; (ii) evaluate possible collaboration in areas of mutual interest; and (iii) continuously improve its own scientific knowledge and expertise.

A discussion has been taking place at the Panel of Animal health and welfare (AHAW) on the global approach needed when the Scientific Panel is requested to deal with animal welfare questions. Some questions have been proposed for amendment by the AHAW Panel so as to include the implications of the welfare conditions on the food safety. This approach could help in the future by promoting mutual understanding between the primary production sector and the food industry and so provide for a more a total integration of all sectors with responsibility for food safety.

Opinions of the operation of the Scientific Panel on Animal Health and Animal Welfare from June 2003 were related to: 1) Standards for the microclimate inside animal road transport vehicles. (Question ° EFSA-Q-2003-085); 2) Welfare aspects of the castration of piglets. (Question N° EFSA-Q-2003 - 091); 3) Welfare aspects of the main systems of stunning and killing the main commercial species of animals. (Question N° EFSA-Q-2003-093); 4) Welfare of animals during transport. (Question N° EFSA-Q-2003-094) ; 5) Welfare of different production systems on laying hens. (Question N° EFSA-Q-2003-092).

http://www.efsa.eu.int/science/ahaw/catindex_en.html

Currently the AHAW panel is dealing with the following opinions related with welfare 1) Welfare of rabbits in different production systems 2) Welfare of weaned and finishing pigs in different production systems, 3) Welfare of calves in different production systems and 4) Stunning methods for minor species (ostriches, rabbits, etc) , 5) Welfare implications for captive birds, 6) a scientific opinion to revise Council Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes, specially on four questions on - a) the sentience of invertebrate species, and foetal and embryonic forms of both vertebrate and invertebrate species; b) foetal and embryonic forms; c) purpose-bred animals; and d) humane methods of euthanasia.

Animal Welfare main Community legislative references

http://europa.eu.int/comm/food/fs/aw/aw_references_en.html

1. *Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts - Protocol annexed to the Treaty on the European Community - Protocol on protection and welfare of animals Official Journal C 340 , 10/11/1997 p. 0110*
2. *European Convention for the protection of animals kept for farming purposes Official Journal L 323 , 17/11/1978 p. 14 – 22*
3. *Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes Official Journal L 221 , 08/08/1998 p. 0023 – 0027*
4. *78/923/EEC: Council Decision of 19 June 1978 concerning the conclusion of the European Convention for the protection of animals kept for farming purposes Official Journal L 323 , 17/11/1978 p. 0012 – 0013*
5. *Commission Decision 2000/50/EC, of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes (notified under document number C(1999) 4534) (Text with EEA relevance) Official Journal L 019 , 25/01/2000*

Calves

6. *Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves Official Journal L 340, 11/12/1991 p. 28*
7. *Council Directive 97/2/EC of 20 January 1997 amending Directive 91/629/EEC laying down minimum standards for the protection of calves Official Journal L 025 , 28/01/1997 p. 0024 – 0025*
8. *97/182/EC: Commission Decision of 24 February 1997 amending the Annex to Directive 91/629/EEC laying down minimum standards for the protection of calves (Text with EEA relevance) Official Journal L 076 , 24/02/1997 p. 30 - 31*

Pigs

9. Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs Official Journal L 340, 11/12/1991 p.33 – 38
10. Council Directive 2001/88/EC of 23 October 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs Official Journal L316, 01/12/2001 p. 0001-0004
11. Commission Directive 2001/93/EC of 9 November 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs Official Journal L316, 01/12/2001 p. 36-38

Laying hens

12. Council Directive 88/166/EEC of 7 March 1988 laying down minimum standards for the protection of laying hens kept in battery cages Official Journal L 074 , 19/03/1988 p.83 – 87
13. Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens Official Journal L 203 , 03/08/1999 p. 53 – 57
14. Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC Official Journal L 30 , 31/01/2002 p. 0044 - 0046

Protection at the time of slaughter and killing

15. European Convention for the protection of animals for slaughter Official Journal L 137 , 02/06/1988 p. 0027 – 0038
16. Council Decision 88/306/EEC, of 16 May 1988 on the conclusion of the European
17. Convention for the Protection of Animals for Slaughter Official Journal L 137 , 02/06/1988 p. 0025 – 0026
18. Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing Official Journal L 340 , 31/12/1993 p. 21 - 34

Protection during transport

19. Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC Official Journal L 340 , 11/12/1991 p. 0017 – 0027
20. Council Directive 95/29/EC of 29 June 1995 amending Directive 91/628/EEC concerning the protection of animals during transport Official Journal L 148 , 30/06/1995 p. 52 – 63
21. Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC Official Journal L 174 , 02/07/1997 p. 0001 – 0006
22. Council Regulation (EC) No 411/98 of 16 February 1998 on additional animal protection standards applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours O.J. L 052 , 21/02/1998 p. 08 – 11.
23. Commission Regulation (EC) No 615/98 of 18 March 1998 laying down specific detailed rules of application for the export refund arrangements as regards the welfare of live bovine animals during transport O.J. L 082 , 19/03/1998 p.19 - 22
24. Commission Decision 2001/298/EEC: , of 30 March 2001 amending the Annexes to Council Directives 64/432/EEC, 90/426/EEC, 91/68/EEC and 92/65/EEC and to Commission Decision 94/273/EC as regards the protection of animals during transport (Text with EEA relevance) O.J. L 102, 12/04/2001 p. 63 - 68
25. Council Resolution of 19 June 2001 on the protection of animals during transport, Official Journal C 273 , 28/09/2001 P. 0001 – 0001