Eu animal welfare legislation: current position and future perspectives

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Summary

Animal welfare is being accorded an increasingly important role in today’s civil society. Within the EU this has been enshrined within the specific “Protocol on Protection and Welfare of Animals” of the EC Treaty, obliging Member States and the EU Institutions to pay full regard to the welfare of animals when formulating and implementing Community policies. There is a growing body of EU legislation on this issue, founded on clear scientific principles, taking account of public concerns, stakeholder input and possible socio-economic implications. Recent Common Agricultural Policy (CAP) reforms also testify to animal welfare’s growing stature in policy-making, with the introduction of the principle of cross-compliance regarding eligibility for direct payments and additional financial incentives for producers to achieve higher welfare standards. Animal welfare is being increasingly perceived as an integral element of overall food quality, having important implications for animal health and food safety. On a worldwide level the OIE (World Organisation for Animal Health) has developed global animal welfare guidelines agreed by its 167 member countries. Consumers demand higher standards of animal protection and it is incumbent upon policy-makers and legislators to respond accordingly.

Keywords:
European Union, Animal Welfare, EC Treaty Protocol, Five freedoms, OIE, Council of Europe, EUROBAROMETER surveys
INTRODUCTION

Recent years have witnessed important advances in the animal welfare policies of the European Community (EC) and this is acknowledged by the EC Treaty’s Protocol on Protection and Welfare of Animals (1) which recognises animals as sentient beings. The Protocol requires that in formulating and implementing the Community’s agriculture, transport, internal market and research policies, the Community and the Member States “shall pay full regard to the welfare requirements of animals”. This should be accomplished while respecting the legislative or administrative provisions and customs of the Member States, relating in particular to religious rites, cultural traditions and regional heritage. The ongoing enlargement of the European Union (EU) is a factor in ensuring that animal welfare policies are adapted to the multi-ethnic and multi-cultural nature of today’s society, with animals being valued and managed in different ways across various countries. Animal welfare is accepted as an integral part of the Community’s “farm to fork” policies (2) and is one of the strategic priorities related to the development of more sustainable farming policies. As well as the general aims of ensuring that animals do not endure avoidable pain or suffering and obliging the owner/keeper to respect minimum welfare requirements, a broader approach to new initiatives appears to be appropriate now given the need to respond to the concerns of European stakeholders and society at large on this issue.

BACKGROUND: ANIMAL WELFARE AS AN EVOLVING SCIENCE

Today the inter-relationship between animal welfare science, ethics, values and culture represents one of the main axes of reflection concerning future EU animal welfare policies. Duncan and Fraser (1997) wrote that “animal welfare is not a term that arose in science to express a scientific concept. Rather it arose in society to express ethical concerns regarding the treatment of animals” (3). The recognition of animal welfare as a scientific discipline in its own right has been a comparatively recent phenomenon and an early distinction on the welfare of animals, as a separate field from animal health, was the Brambell Report in 1965 (4). Various definitions of animal welfare have now been elaborated including inter alia:

“Welfare is a wide term that embraces both the physical and mental well-being of the animal. Any attempt to evaluate welfare, therefore, must take into account the scientific evidence available concerning the feelings of animals that can be derived from their structure and function and also from their behaviour”, Brambell Report (1965)

“Welfare is a state of complete mental and physical health, where the animal is in harmony with its environment”, Hughes (1976) (5)

“The welfare of an individual is its state as regards its attempts to cope with its environment”, Broom (1986) (6).

The “five freedoms” set out by the UK Farm Animal Welfare Council (FAWC) also form a key reference point in efforts to improve the protection of animals (7). These comprise freedom from hunger or thirst, thermal or physical discomfort, pain, injury and disease, fear and distress, and freedom to indulge in normal behaviour patterns. It has also been shown that...
improving animal welfare can result in improved animal health, by avoiding chronic stress reactions that could impair the immune status of the animal etc.

PRESENT EU POLICIES ON ANIMAL WELFARE

The first legislation on animal welfare at EC level was adopted in 1974 and concerned the stunning of animals before slaughter (8). 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."

In the intervening years a growing body of Community legislation on the protection of animals has accumulated. These Community rules are an important manifestation of practical steps taken at European level to secure improvements in animal welfare. The European Commission is today called upon to develop animal welfare policies that are integrated and coordinated with many other EU policies (such as agriculture, research, enlargement etc.). Various independent advisory bodies have provided scientific support for the development of these policies, with such bodies including the Scientific Veterinary Committee, Scientific Committee on Animal Health and Animal Welfare and more recently the European Food Safety Authority (EFSA). As regards farm animals some main initiatives have been in the form of legislation laying down minimum standards for animal protection.

The Commission has also recognised the links between food safety and animal welfare in its White Paper on Food Safety and by ensuring an integrated approach to animal health, welfare and food safety controls throughout the food chain (9). Links between animal health and welfare and food safety are clearly manifested by the responsibilities of EFSA in this field, as well as the incorporation of animal welfare considerations in preparation of the upcoming EU Animal Health Strategy 2007-2013 (10).

The Commission has important responsibilities in terms of the development of new legislation regarding animal welfare standards based on evolving scientific knowledge, expertise and practical experience. In its role as guardian of the EC Treaties the Commission is also responsible for ensuring that existing Community legislation is properly implemented and enforced and the Commission’s Food and Veterinary Office (FVO) plays an important role in fulfilling this task. While the competent authorities of the Member States are responsible for the implementation of Community rules at national level and their day-to-day enforcement, the Commission is empowered to take action to ensure correct implementation of the existing legislation where necessary. Various FVO reports have already highlighted deficiencies or difficulties in the enforcement of Community rules on animal welfare and in some cases these have resulted in the launching of specific infringement proceedings against the Member State in question. In order to facilitate the proper and uniform enforcement of animal welfare legislation it is important that provisions are clearly expressed and can be implemented in an objective and uniform fashion. The development of precise and measurable animal welfare indicators will assist the furtherance of this objective.

Concerning wider Community policies recent CAP (Common Agricultural Policy) reform measures have introduced the principle of cross-compliance with various standards (including animal welfare and environmental rules) in order to maintain eligibility to receive direct farm
payments. The possibility of extra payments to farmers who go beyond the level of statutory standards and good animal husbandry practices in order to improve the welfare of their animals is also foreseen. A measure for “Meeting standards” is also provided for, whereby assistance is envisaged for adjustment to newly introduced statutory standards.

CONSUMER CONCERNS AND SOME MARKET ASPECTS

EU citizens have expressed a growing appreciation that high welfare standards have both a direct and indirect impact on food safety and quality and that regulatory and support systems in agriculture must adapt accordingly. Recent EUROBAROMETER surveys and internet consultations have highlighted the importance of animal protection to European consumers (82% of respondents stated that we had a duty to protect animals whatever the cost) (11) and the willingness of many consumers to pay a higher price for products sourced from more animal welfare-friendly production systems (57% would pay a price premium for more animal welfare friendly eggs for example) (12). In this context it is important to inform consumers of measures taken at EU level to ensure improved animal protection, as well as any extra costs associated with such initiatives. While 74% of respondents believed that buying such animal welfare friendly products could have a positive effect on animal welfare, only 43% of respondents stated that they could identify such products from the label. Other recent EUROBAROMETER surveys have shown that production methods (organic, free-range etc.) were considered by consumers as more important for food choice than country of origin or brand name. 60% of respondents stated that they were worried about farm animal welfare, which scored more highly than BSE or gaining weight.

Concerning higher animal welfare standards and socio-economic consequences it has been demonstrated that any requirement implying investments and changes to existing production systems may have an impact on production costs. Therefore important steps have been taken by the Commission in recent years in developing specific studies and impact assessments on the socio-economic implications of animal welfare measures. However, it is important that any such increased production costs are not over-estimated. In studies concerning a recent Commission proposal on the welfare of chickens kept for meat production it has been shown that the price of a chicken would have to rise by either 8 or 2.5 cents to maintain farmers’ earnings at the maximum stocking densities of 30 or 38 kg/m² foreseen in the Commission’s recent legislative proposal on this issue (13). Nevertheless while this may seem like a very small amount the margins at which modern farms operate and international trade competition also need to be taken into consideration. A UK study on broiler production calculated an average overall net margin of 3.0 pence per bird for the 600 million birds produced in England in 2002 (14).

Quite aside from such economic and international trade considerations (15, 16, 17) the public good benefits of measures to improve animal welfare also need to be assessed. In a study on moral intensity and willingness to pay concerning farm animal welfare issues and the implications for agricultural policy it was highlighted that the value to society of measures to improve animal welfare needs to be assessed in a cost-benefit framework (18). Here the value of benefits to an individual person could be assessed in terms of their willingness to pay for animal welfare improvements. Using such models various studies have shown that the benefits of animal welfare measures greatly outweigh the costs (19, 20, 21). As well as those...
consumers who demand and purchase animal welfare “friendly” products, there can be
significant individual satisfaction derived from the fact that such animals are being protected.
Take for example the case of a vegetarian person who does not consume certain animal-based
products but may still wish that such animals receive greater welfare safeguards. Therefore
private consumption and public good aspects need to be taken into account. It has also been
postulated that “providing that consumers are fully informed about the animal welfare
implications of their purchasing decisions, the market will ensure that consumers purchase
animal products which will maximise their individual net benefits from consumption”, and that
“society is placing an implicit (money) value on animal suffering” (22).

Although animal welfare may not always be a priority in food choice among EU consumers
certain studies show that consumers use animal welfare as an indicator of other product
attributes such as food safety, quality and healthiness. A series of barriers to purchasing animal
friendly products have also been identified, chiefly: lack of information about production
methods, lack of availability of products, lack of belief in the ability of individual consumers to
make a difference to animal welfare standards, disassociating the product from the animal of
origin, and the increased cost of animal friendly products. Consumers expressed a preference
to see their concerns addressed through a combined strategy of setting minimum animal
welfare standards and adapting present agricultural policy to provide farmers with incentives to
change to higher welfare systems (23).

ANIMAL WELFARE INITIATIVES AT THE INTERNATIONAL LEVEL

It is clear that animal welfare is no longer merely an EU issue, rather it is being accorded a
 growing level of importance in civil society around the world. Since the 1960’s the Council of
Europe has also been actively working for the protection of animals, within the framework of
various Conventions. The Community is party (or observer) to several of the Council of Europe
Conventions aimed at improving the welfare of animals, including areas of animal
experimentation, transport, farming and slaughter. Recent years have seen important new
initiatives such as the organisation in 2004 of the first Global Conference on Animal Welfare by
the OIE (World Organisation for Animal Health with 167 member countries) and the adoption of
OIE guidelines on animal welfare in 2005. In particular the OIE strategy has been developed
recognising that “animal welfare is a complex, multi-faceted public policy issue that includes
important scientific, ethical, economic and political dimensions” (24). By Resolution No. XVII of
2004 the OIE also established a World Animal Health and Welfare Fund, the purpose of which is
to implement action, scientific research and training programmes, organise seminars,
conferences and workshops, produce information media and support OIE Strategic Plans and
activities of developing countries in the fields within the OIE’s remit, including the promotion of
animal welfare.

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 such as Chile and Canada. 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 this end a number of scientific seminars have been organised and
further initiatives are planned in the area of knowledge/training activities and developing future
strategies in the field of veterinary education, including e-learning initiatives. Taking the EC-
Chile Agreement as an example there is the objective of reaching a common understanding concerning animal welfare standards based on developments in the competent international standards organisations. The Agreement already covers standards concerning the stunning and slaughter of animals and could be extended to include land and sea transport of animals. Efforts have been undertaken to exchange information and promote cooperation and exchange of expertise. The importance of training has been highlighted to promote awareness of animal welfare and the application of relevant animal welfare guidelines.

In the area of trade and external relations the Commission has been active in promoting the EU perspective on the importance of animal welfare, including inter alia a specific submission to the WTO on animal welfare and agricultural trade which stated inter alia that “the objective of the EC in raising animal welfare issues in the context of the WTO negotiations is not to provide a basis for the introduction of new types of tariff barriers” but “to promote high animal welfare standards, to provide clear information to consumers, while at the same time maintaining the competitiveness of the EC farming sector and food industry” (25). The EU also made a submission to the WTO Special Committee on Agriculture in December 2001 on mandatory labelling for agricultural products. This paper stated that the aim should be “to ensure that members can pursue their legitimate policy objectives, including relevant agriculture non-trade concerns, through labelling requirements for food and agricultural products, thereby supporting market led, least trade restrictive approaches to international trade” (26). In its Communication of November 2002 to the Council and the European Parliament on Animal Welfare Legislation on farmed animals in Third Countries and the Implications for the EU, the issue of imports from Third Countries who do not necessarily apply animal welfare rules equivalent to those enforced in the EU has already been addressed (27).

A recent seminar organised by non-governmental organisations as part of the Commission’s Civil Society Dialogue considered the issue of “Sustainable agricultural production and good animal welfare practice: trade opportunities for Developing Countries” (28). The seminar’s conclusions and recommendations noted inter alia that:

- extensive and sustainable agricultural systems, with good standards of animal welfare, are still the predominant form of livestock production in many developing countries
- products from such systems would readily meet EU animal welfare requirements
- Developing country farmers who use sustainable, humane systems can find trading opportunities for welfare-friendly, quality products.
- Developing country farmers should see good animal welfare not as an obstacle, but as an opportunity for trade expansion and good animal welfare standards can give a country a significant advantage over its competitors in export markets.
- the EU should ensure access to its markets for welfare-friendly products by offering trade-related assistance and capacity building to developing countries together with preferential market access, as well as information, training and mentoring as to the development and maintenance of good welfare standards on-farm, during transport and at slaughter.
- the EU should work with its trading partners to develop a voluntary labelling scheme for animal products that would enable welfare-friendly products from developing countries to be identified as such and hence reap economic benefits in EU markets.

CONCLUSIONS AND FUTURE DIRECTIONS
Over recent years European animal welfare policies have evolved considerably, with the realisation that they are ethically justified, are demanded by the public and can also make good economic sense. As a currently ongoing research project has shown: "animal welfare is of real importance to consumers across Europe. Nowadays food quality is not only determined by the overall nature and safety of the end product but also by the perceived welfare status of the animals from which the food is produced" (29). 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. Responding to such an evolution a Community Action Plan on the Protection and Welfare of Animals has now been developed which covers the period 2006-2010 (30). This aims to define more clearly the direction of Community policies for the coming years, to continue to promote high animal welfare standards in the EU and at the international level and provide greater coordination of existing resources while identifying future needs. A more consistent and coordinated approach to animal protection and welfare needs to be ensured across Commission policy areas in order to respond to clear public concerns and formal Treaty obligations on this issue.

References


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