



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.01.2006
COM(2006) 14 final

COMMISSION WORKING DOCUMENT

on a Community Action Plan on the Protection and Welfare of Animals 2006-2010

Strategic basis for the proposed actions

{SEC(2006) 65}

TABLE OF CONTENTS

1.	ACTION 1 – Upgrading existing minimum standards for animal protection and welfare.....	3
1.1.	Background	3
1.2.	Animal welfare as a cornerstone of Community policies	4
1.3.	Animal welfare’s central place within the reformed Common Agricultural Policy (CAP)	5
2.	ACTION 2 – Giving a high priority to promoting policy-orientated future research on animal protection and welfare and application of the 3Rs principle	7
2.1.	Background	7
2.2.	A European Centre or Laboratory for the protection and welfare of animals	8
2.3.	Applying new practical tools to ensure animal welfare	8
2.4.	Application of the 3Rs principles for animals used for experiments	8
3.	ACTION 3 – Introducing standardised animal welfare indicators	10
3.1.	Background – the integrated approach.....	10
3.2.	An EU label for animal welfare – classifying production systems in relation to the welfare requirements applied	10
4.	ACTION 4 – Ensuring that animal keepers/ handlers as well as the general public are more involved and informed on current standards of animal protection and welfare and fully appreciate their role in promoting animal protection and welfare.....	11
4.1.	Background – the shift of public attitudes	11
4.2.	What has been already accomplished	12
4.3.	An informed animal handler/keeper and general public: the best advocates for animal welfare	12
5.	ACTION 5 – Continue to support and initiate further international initiatives to raise awareness and create a consensus on animal welfare.....	13
5.1.	Background	13
5.2.	Working with the World Organisation for Animal Health – OIE.....	14
5.3.	Promoting animal welfare in the EU’s multilateral and bilateral relationships	14
5.4.	Raising knowledge on animal welfare in Developing Countries and creating opportunities for trade	15

1. ACTION 1 – UPGRADING EXISTING MINIMUM STANDARDS FOR ANIMAL PROTECTION AND WELFARE

1.1. Background

Despite the fact that many strong advances in the field of animal welfare date from recent years, for generations societies have recognised their obligations with regard to caring for animals under their responsibility and many countries have long-standing legislation on the protection of animals and the prevention of cruelty. The first legislation on animal welfare at EC level was adopted in 1974 and concerned the protection of animals at the time of slaughter¹. 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. The Commission has important responsibilities to ensure that new legislation regarding animal welfare standards is 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 Community legislation is properly implemented and enforced and the Commission’s inspection service (Food and Veterinary Office: FVO) plays an important role in fulfilling this task. The scientific basis of such policies has also been supported by the activity of a succession of advisory bodies: the Scientific Veterinary Committee², Scientific Committee on Animal Health and Animal Welfare³, Group of Advisers on the Ethical Implications of Biotechnology (GAIEB) and more recently the European Food Safety Authority⁴.

Concerning farm animals to date the legislation which has evolved to a large extent sets out minimum rules for their protection. More detailed rules are laid down for the farming of just a few species (calves, pigs and laying hens) while only general requirements are in place for others such as beef or dairy cows, sheep, turkeys, ducks etc. The lack of specific animal welfare standards for most farmed species is at present difficult to justify given the scientific evidence currently available and the progress in international fora such as the Council of Europe in addressing these issues⁵. Information is progressively accumulating on the sentience of fish and this is an issue which has already been addressed by the Council of Europe, with welfare guidelines for farmed fish also being prepared by the OIE.

¹ Council Directive 74/577/EEC.

² http://europa.eu.int/comm/food/fs/sc/oldcomm4/previous_en.html

³ http://europa.eu.int/comm/food/fs/sc/scah/index_en.html

⁴ <http://www.efsa.eu.int/>

⁵ http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Biological_safety_use_of_animals/

The EU's environmental policies have since the 1980s included legislation which along side the harmonisation of the Single Market has promoted improvements in animal welfare. With the introduction of Article 175, further areas of animal conservation and welfare were addressed under Community legislation. Commission environmental policies cover for example issues related to humane trapping standards, wildlife trade, the keeping of animals in zoos and the importation of certain seal pup skins etc. The EU Environmental Action Programme entitled *Environment 2010: Our Future, Our Choice*, covering the period 2001 to 2010 also has the protection of natural habitats and wildlife as one of its specific objectives. In the international arena for example the Community has reached an Agreement with Canada and the Russian Federation on international humane trapping standards and a substantially similar agreement in the form of Agreed Minute was reached with the USA.

In the area of the protection of animals used in experiments, the Commission has, as early as 1985, presented a Proposal for a Directive on the protection of animals used for experimental and other scientific purposes. Furthermore, by a Council Decision 1999/575/EC the Community became party to a Council of Europe Convention ETS 123 on the protection of vertebrate animals used for experimental and other scientific purposes. This further reinforces the commitment to pursue efforts to replace animals used in experiments as well as to improve the welfare of those still being used. In the EU approximately 10 million animals are used per year for research and testing, almost 25% considered as regulatory testing, including safety testing, testing of foods and control of medicines. Animal use has been, until recently, reducing in industry and research, due primarily to changes in agent discovery and research methods rather than to the use of non-animal alternatives in regulatory testing.

1.2. Animal welfare as a cornerstone of Community policies

The Protocol on Protection and Welfare of animals annexed to the EC Treaty by the Amsterdam Treaty sets out key fields of action in which the Community and Member States are to pay full regard to the welfare requirements of all animals in formulating and implementing policies. In various surveys EU citizens have expressed a growing appreciation for high animal welfare standards which can have both a direct and indirect impact on food safety and quality. Therefore it is important that regulatory and support systems in agriculture adapt accordingly to such trends. The Commission has 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, notably by Regulation (EC) 882/2004⁶. This Regulation also provides for the organisation of training courses for the staff of the Member States' competent authorities in order to develop a harmonised approach to official controls in the Member States. However such training can only be considered as a supplement rather than a substitute to the Member States' own internal training. Member States could also be provided with a forum by which to exchange information on their experience of implementing measures to promote animal welfare, thus facilitating the dissemination of best

⁶ Regulation 882/2004/EC 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.

practices. In order to minimise transmission costs, avoid overlaps and increase administrative efficiency, it is necessary to consider the use of modern technologies and e-government solutions to perform tasks related to the transmission and treatment of information foreseen.

Council Decision 90/424/EEC on expenditure in the veterinary field states that the Community shall make a financial contribution to the establishment of an information policy in the field of animal protection and provides for the financing of studies necessary for the preparation and development of legislation in the field of animal protection. The possibility of utilising the tools afforded by Council Decision 90/424 to support financially the main initiatives outlined in the Action Plan accompanying this working document should also be investigated.

The Community has important responsibilities concerning the protection of animals kept for experimental purposes, validation of alternative methods to animal testing, trapping of wild animals, welfare of zoo animals, trade in wild animals and endangered species. Other policies such as the conservation of endangered species, maintenance of biological and genetic diversity and advances in the area of biotechnology, for example in animal cloning, require important consideration of possible animal welfare consequences. Under the Common Fisheries Policy the Commission strategy for the sustainable development of European aquaculture⁷ has highlighted the need to improve the welfare of farmed fish and to take into account recommendations elaborated by such organisations as the Council of Europe in possibly developing specific animal protection legislation for farmed fish.

Concerning the protection of experimental animals the Commission is currently preparing a revision of Directive 86/609/EEC. The aim of the revision is to strengthen the legislation in the area of animal experimentation in the EU and to ensure that the animals still used in experiments will receive appropriate care and humane treatment. The revision will be looking particularly into the requirements for the authorisation of experiments, personnel and establishments and the inspection of establishments which breed, supply or use laboratory animals as well as the introduction of an ethical review process.

Synergies involving the different Directorates General of the Commission competent for animal protection will clearly facilitate the role of the Commission in fulfilling the demands of the Treaty Protocol. The networking of competencies should be more systematically organised in order to ensure proper follow-up of longer term strategies and to respond to the increasing demands from EU citizens for improved animal protection standards.

1.3. Animal welfare's central place within the reformed Common Agricultural Policy (CAP)

Recent CAP reform measures have introduced the principle of cross-compliance with various standards for beneficiaries of direct payments, including animal welfare standards, from 2007. A detection of a breach will trigger a sanction, consisting

⁷ COM(2002) 511 final.

either in a reduction or withdrawal of the subsidies paid, with the sanctioning system being designed to be proportional to the seriousness of the breach.

However, more important, as regards the potential benefits for animal welfare, are the new measures foreseen under rural development policies. Support for investments in agricultural holdings or the processing and marketing of agricultural products can be granted to improve animal welfare. In addition there is a possibility under agri-environment measures to include the respect of the relevant animal welfare legislation as an eligibility condition to be guaranteed by the Member States.

The following new accompanying measures have also been introduced:

- the chapter agri-environment has been enhanced by a measure to support farmers who apply animal husbandry practices which go beyond the baseline of good animal husbandry practices,
- under the chapter “Meeting Standards” measures provide for financial help for farmers' operating costs to adapt to demanding standards based on Community legislation in the fields of environment, public, animal and plant health and animal welfare. In addition the use of “Farm advisory services” can be supported, which help farmers in the implementation of the standards,
- under the chapter “Food Quality” support is granted for participation in food quality schemes (including schemes based on high animal welfare standards), and for producer groups which undertake information, promotion and advertising activities on the quality schemes supported, including those based on improved “animal welfare” provisions.

It is thus clear that within the new framework of the reformed CAP the Member States and the Commission have more instruments available to respond to society's demands for more sustainable production and improved animal welfare standards. As an example, in the European Action Plan for Organic Food and Farming⁸ the Commission highlighted, as subsequently supported by Council⁹, that organic farming plays a dual societal role, by protecting the environment and animal welfare and by responding to a consumer demand. In this Action Plan the Commission undertook to render these public goods explicit by formulating the protection of a high level of animal welfare as one of the aims of organic farming. This particular action has now been realised by the proposal for a (new) Council Regulation on organic production and labelling of organic products. This proposal provides for the principle that organic farming shall observe the highest level of animal welfare.

⁸ Communication from the Commission to the Council and the European Parliament on the European Action Plan for Organic Food and Farming (COM(2004) 415 final).

⁹ Council Conclusions of October 2004 on the Communication (2004) 415 final.

2. ACTION 2 – GIVING A HIGH PRIORITY TO PROMOTING POLICY-ORIENTATED FUTURE RESEARCH ON ANIMAL PROTECTION AND WELFARE AND APPLICATION OF THE 3RS PRINCIPLE

2.1. Background

In line with obligations under the EC Treaty Protocol, Community-funded research policies specifically incorporate the need to take animal welfare and ethical concerns into account in implementing research policies. It is important that, while addressing ethical aspects of new technologies whenever appropriate, developments in the field of animal welfare are based on a firm scientific background. This should be the case where new biotechnologies (such as animal cloning) have the potential to impact on animal welfare but it is also important in the development of some contemporary farming systems such as extensive or organic production. Therefore, policies and recommendations related to animal welfare should take into account the latest available scientific information. Correspondingly, where there is a lack of objective information needed to develop appropriate policies and recommendations this should be used to inform the debate on prioritising new research.

The Commission has supported a number of research projects on farm animal welfare¹⁰, ranging from sociological studies on consumer behaviour, to farm studies of welfare in poultry and veal production¹¹ and, through the Food Quality and Safety theme, it currently supports an Integrated Project on “Integration of animal welfare in the food quality chain: from public concern to improved welfare and transparent quality”¹². A number of projects dealing with ethical, legal and social aspects of farm animal breeding and reproduction (and new reproduction technologies such as cloning) have also been supported. In addition, research is supported under the Global Change and Ecosystems theme in relation to intelligent testing strategies of chemicals, and under the Genomics and Biotechnology for Health theme on predictive *in vitro* testing strategies for human exposure to chemicals, as well as supporting specific projects on toxicology and endocrine disrupting chemicals.

The 7th Framework Programme for Research and Technological Development¹³ is currently under preparation, and is expected to run from 2007 to 2013. The proposal highlights animal welfare for livestock species under theme 2 “Food, Agriculture and Biotechnology” of the cooperation programme as part of the strategy to develop the knowledge based bio-economy. Research under the Framework Programmes is directed at improving European competitiveness and addressing relevant European policies. Research aimed at supporting policies is specifically included in the Framework Programme, and a consultation structure exists to prioritise such research in relation to the policy Directorates General. Such consultation will be exploited to prioritise relevant animal welfare research in the 7th Framework Programme. The 3Rs activities will be supported in 4 of the 9 thematic priorities: 1. Health, 2. Food,

¹⁰ See http://europa.eu.int/comm/research/agriculture/index_en.html for all agriculture related research.

¹¹ See http://europa.eu.int/comm/research/quality-of-life/animal-welfare/seminars/pdf/animal-welfare_en.pdf for review.

¹² FOOD-CT-2004-506508, “Welfare quality” see www.welfarequality.net.

¹³ http://europa.eu.int/comm/research/future/index_en.cfm

agriculture and biotechnology, 4. Nanosciences, nanotechnologies, materials and new production technologies and 6. Environment (including climate change). In addition technology platforms, such as those on global animal health and on farm animal breeding and reproduction, will provide additional input of relevance to animal welfare.

2.2. A European Centre or Laboratory for the protection and welfare of animals

In line with the evolution of animal welfare as a well-established scientific discipline consideration will be given to the establishment of a European Centre or Laboratory for the protection and welfare of animals. The European Centre/Laboratory could be entrusted of a number of key tasks related to the rolling-out of this Action Plan. In particular it could be involved in the standardisation/certification process for new welfare indicators functional to the implementation of Action 3 (Standardised Animal Welfare Indicators). Furthermore the Centre could coordinate and stimulate research to upgrade existing standards and promote further investigation of the inherent links between animal health and welfare, and the relationships by extension with food safety and quality. This aspect is relevant for the ongoing and future discussions on animal welfare both in the EU and at the international level. The Centre could also serve to host a “centre of excellence” to foster the active exchange of information in all areas of animal welfare. This could take several forms from basic understanding via targeted scientific research on animal welfare, exchange programmes, promotion of alternatives to the use of animal testing, to a more formal platform or reference point for the exchange of information and collection and promotion of best practices. The Centre could also facilitate the establishment of a European label for animal welfare (see chapter 3.2) by providing for a harmonised European set of science-based benchmarks. The Centre could also be involved in the preparation of socio-economic studies and impact assessments relevant to the implementation of major new animal welfare measures.

2.3. Applying new practical tools to ensure animal welfare

Research should increasingly focus on the development of monitoring systems for the implementation of animal welfare requirements in order to make the official controls performed more efficient and proactive. In particular, the control of animal welfare conditions during transport should be based on the prevention of improper transportation conditions rather than on the administrative penalties imposed if EC legislation is breached, often only detected for instance at the end of the journey. This is, in fact, the approach followed in recently adopted legislation (EC Regulation 1/2005). However, the implementation of these rules will call for additional efforts by the competent authorities of the Member States. Therefore, the recourse to and integration of new technologies (tracking systems, communication tools and electronic identification) should be further explored in order to identify methods to support the competent authorities in their tasks.

2.4. Application of the 3Rs principles for animals used for experiments

Concerning animal experimentation Directive 86/609/EEC has encouraged the development of alternatives to animal testing and the European Centre for Validation of Alternative Testing Methods (ECVAM) was created in 1991. It directly contributes to animal welfare through the application of the 3Rs principle

(Replacement, Reduction and Refinement) and the validation of alternatives. This implies horizontal support to policy implementation and monitoring in various fields of consumer protection and safety testing, such as chemicals, cosmetics, biocides, food, biologicals and medical devices. Alternatives to animal experiments play an increasing role in the implementation of relevant legislation although public and political pressure and the availability of alternatives are very variable in different sectors. In addition to animal welfare benefits alternative methods also have the potential to provide robust information through quality-controlled, state-of-the-art tests which are faster and less cost-intensive than classical animal-based tests. For example, it has been estimated that the need (costs and animals) for testing under REACH¹⁴ could be reduced by up to 70% by using intelligent testing strategies: available and promised information, (Q)SARs, grouping, read-across etc. (source: European Chemicals Bureau and the German Federal Institute for Risk Assessment), without compromising the scientific quality of the data obtained. In this context it is important to note that the concept of the 3Rs is already an integral part of the Community's approach to the use of animals in experiments. The final aim is to replace animal experiments with methods not entailing the use of an animal. For those experiments that still need to be carried out using live animals, the objective is to reduce the numbers of animals and refine the methods so that they cause less pain, suffering and distress. Further work will need to be carried out to reinforce a full implementation of the 3Rs in all areas of animal use, ensure coherence between Directive 86/609/EEC and legislation requiring animal experiments, as well as examining in more detail the mutual acceptance of data and mutual recognition agreements as a means of reducing the numbers of animals used in experiments. The installation of a Community Reference Laboratory for the Validation of Alternative Testing Methods should further enhance the quality of alternative testing methods and speed up the validation process.

As part of a new initiative Commission Vice President Günter Verheugen and Commissioner Janez Potočnik held a Conference on Alternative Approaches to Animal Testing on 7 November 2005 in Brussels which was the starting point for a European Partnership between the Commission and industry to promote alternative approaches to animal testing. Through this partnership, the European Chemical Industry Council (CEFIC), the European Crop Protection Association (ECPA), the European Association for Bioindustries (EuropaBio), the European Cosmetic Toiletry and Perfumery Association (COLIPA), the International Association for Soaps, Detergents and Maintenance Product Industry in Europe (A.I.S.E.) as well as the European Federation on Pharmaceutical Industries and Associations (EFPIA) agree to the so-called 3Rs Declaration of Brussels. Based on the Declaration, a task force of stakeholders will be established to develop an action programme during the first quarter of 2006 identifying concrete short, medium and long term activities. It will be designed in the perspective of identifying barriers to progress and will propose appropriate solutions in order to promote the development, validation and regulatory acceptance of alternative approaches, for example

- mapping of research activities and current strategies,

¹⁴ Registration, Evaluation, Authorisation and Restriction of Chemicals.

- cooperation in research to strengthen and enlarge current activities between the partners and other relevant stakeholders,
- development of alternative approaches, including intelligent testing strategies,
- practical mechanisms to improve the validation process using available knowledge,
- practical mechanisms to facilitate the regulatory acceptance process of alternative approaches.

An annual report from the Partnership on the implementation of the action programme will be published for the attention of the Council, European Parliament and other relevant stakeholders. The first report should be published by December 2006.

3. ACTION 3 – INTRODUCING STANDARDISED ANIMAL WELFARE INDICATORS

3.1. Background – the integrated approach

Today the farming of animals is no longer viewed by European consumers simply as a means of food production. Instead it is seen as relevant to other key social goals such as food safety and quality, environmental protection, sustainability and ensuring that animals are properly treated. The link between animal welfare, animal health and food safety has also been recognised internationally¹⁵. The proper and uniform enforcement of animal welfare legislation is essential and the development of precise and measurable animal welfare indicators will facilitate this and increase the efficiency of the controls and standards applied. At present two particular trends are noticeable: the coexistence of mandatory or voluntary schemes that are going beyond the minimum standards established in EU legislation, as well as confirmation from market trends that an increase of sales in sustainably derived products is achievable in many countries worldwide. Both of these trends are clearly facilitating a continued improvement of the animals' welfare conditions although the provision of additional information to consumers is required in order to better understand the added value of the welfare standards applied to each product and to facilitate their purchasing choices.

3.2. An EU label for animal welfare – classifying production systems in relation to the welfare requirements applied

Retailers and producers are increasingly recognising animal welfare as a fundamental 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 appropriate production conditions. Independent animal welfare audit programmes promoted by processors, retailers and multi-national corporations are becoming increasingly commonplace both in the EU and beyond. Various voluntary schemes already exist in different Member States for the labelling of products based on compliance with

¹⁵ OIE – Terrestrial Animal Health Code 2005 – Appendix 3.7.1 – Guiding principles for animal welfare.

various parameters including animal welfare standards. EU marketing standards for both eggs and poultry meat already contain various rules relating to animal welfare labelling.

In relation to eggs for example, since 1 January 2004 table eggs shall be marked with a distinguishing code that includes *inter alia* a code indicating the poultry-farming method used to produce the egg. In order to inform the consumer, an explanation of this code is obligatory on the packs in the case of packed eggs and is explained on a separate notice in the case of eggs sold loose. Member States have launched information campaigns, co-financed by the European Commission, to promote consumers' awareness on the meaning of the code. Moreover, Commission Regulation (EC) No 2295/2003 provides that "*the marks stamped on eggs and applied to packaging shall be clearly visible and legible, in accordance with Articles 7 to 10 of Regulation (EEC) No 1907/90*". In the case of table eggs imported from Third Countries other than those that have an agreement of equivalence with the EC, eggs shall be clearly and legibly stamped in the country of origin with the ISO code of the country of origin preceded by: "*non-EC standards*".

The establishment of an EU label for animal welfare is an option to be explored in the near future which could promote products elaborated under high welfare standards thus facilitating the choice of the consumers between products obtained with basic welfare standards (the minimum standards laid down in EU legislation) or with higher standards (contained in voluntary codes of practice or Member States' legislation going beyond EU minimum rules).

A clear label identifying the level of welfare applied could represent an effective marketing tool as currently used for the identification of certain agricultural products with particular regional attributes. Such a system of classification will need to be based on standardised scientific indicators well recognised both in the EU and internationally, and underpinned by research, in order to facilitate the marketing of these products. In order to support the consumers' desire for choice with objective and scientifically based information, and in the light of numerous sometimes competing or even confusing labels and standards, a specific European quality standard should be developed based on ongoing research work.

4. ACTION 4 – ENSURING THAT ANIMAL KEEPERS/ HANDLERS AS WELL AS THE GENERAL PUBLIC ARE MORE INVOLVED AND INFORMED ON CURRENT STANDARDS OF ANIMAL PROTECTION AND WELFARE AND FULLY APPRECIATE THEIR ROLE IN PROMOTING ANIMAL PROTECTION AND WELFARE

4.1. Background – the shift of public attitudes

There has been a clear shift of public attitudes towards animals over recent decades and how animals are considered in society. European consumers provide a good example of such a change in mind-set, with many consumers increasingly focussing on "clean and green" production methods and being attracted by the possible food quality, safety, and animal health and welfare benefits of innovative production systems, such as free range or 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.

4.2. What has been already accomplished

Various initiatives have been undertaken to foster a more inclusive and consultative approach to policy formulation in the area of animal welfare. This has involved the commissioning of specific research projects and surveys to investigate consumers' attitudes to animal welfare. In the area of the protection of experimental animals technical expert working groups have been convened involving a wide range of interested parties (scientists, NGOs, industry, government representatives etc.). Specific stakeholder consultation meetings were also organised in preparing other Commission proposals such as for the protection of broiler chickens.

Concerning farm animals a recently established Advisory Group on the food chain and animal and plant health will serve as a forum to discuss future policy directions with stakeholders at an early stage. Open internet consultations have also been performed with regard to issues concerning farm animal welfare (e.g. animal transport) as well as future European policy in the area of chemicals and animal testing (REACH). These initiatives have demonstrated the benefits of maintaining an open dialogue with interested stakeholders. Such consultative initiatives are fully in line with the principles enounced in the White Paper on European Governance. To address consumers' demands animal welfare is also now being fully integrated into EU agricultural policy by the EU CAP reforms.

4.3. An informed animal handler/keeper and general public: the best advocates for animal welfare

Consumer and public attitudes and demands for higher animal welfare standards are an important focus of attention in animal welfare policy formulation. However consumers also need to understand that implementing higher animal welfare standards could incur extra costs for producers and possibly higher output prices. Studies indicate that many consumers express a willingness to pay a premium price for a product emanating from a more animal welfare "friendly" production system¹⁶.

Proper labelling of products and provision of information to consumers are vital ingredients in this regard. Indeed a sociological study carried out in Europe revealed that a lack of labelling on production methods was preventing consumers from possibly shifting towards such products¹⁷. It is necessary to further investigate the issue of consumer concerns and product labelling and to increase awareness among the general public on production methods used for farm animals, alternative practices applying higher animal welfare standards and the consequences for the economic viability of the farming activities. The competitive pressures faced by EU producers in the increasingly globalised nature of agricultural trade should also be taken into account.

¹⁶ http://europa.eu.int/comm/food/animal/welfare/euro_barometer25_en.pdf

¹⁷ "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.

The Commission, with the support of Member States and relevant stakeholders, should urgently define a proper strategy to communicate to citizens on the issue of animal protection and welfare. The Commission will also give consideration to the establishment of a specific Information Platform on animal welfare in order to nurture further dialogue and exchange of experiences between important stakeholders in the field of animal welfare. Concerning farm animals for example such an initiative allied with the tools of improved information to consumers and clearer marketing-labelling of products offers the prospect of a virtuous cycle where consumers create a demand for food products sourced in a more animal welfare friendly manner which is transmitted through the supply chain back to the primary producer, who may be able to receive a premium price for their product and thus recoup a portion of any associated higher production costs.

5. ACTION 5 – CONTINUE TO SUPPORT AND INITIATE FURTHER INTERNATIONAL INITIATIVES TO RAISE AWARENESS AND CREATE A CONSENSUS ON ANIMAL WELFARE

5.1. Background

At present there is a limited international consensus on the relative importance accorded to animal welfare and the measures in place in the EU cannot be readily compared with the standards in Third Countries. In addition differing cultural factors and traditional practices need to be borne in mind and ethical considerations clearly have an important influence on the farming and keeping of animals. The EU has actively participated in various international fora as a means of increasing awareness and building consensus on the importance of animal welfare. Since the 1960's the Council of Europe has been actively working for the protection of animals, within the framework of various Conventions.¹⁸ 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. There are several ongoing activities at the Council of Europe where the Community plays an active role.

Recent and future enlargements of the EU also require close attention in terms of their consequences for the Community's animal welfare policies. A dialogue is needed with countries such as Bulgaria, Romania, Turkey and Croatia on this issue, as well as other countries in the Western Balkans and those covered under the European Neighbourhood Policy (ENP) for example. Various instruments are available to facilitate the implementation of the Community's rules by accession countries (e.g. TAIEX seminars to provide technical assistance and information exchange and facilitate the sharing of experience and knowledge).

A key issue for a Commission Communication of 2002¹⁹ on animal welfare legislation and the situation in Third Countries was whether competitive disadvantages arise from disparities in animal welfare measures. Starting from the assumption that competitive distortions (whether to the advantage or disadvantage of

¹⁸ European Conventions for the protection of pet animals, animals used for experimentation, kept for farming purposes, during transport and for slaughter.

¹⁹ http://europa.eu.int/comm/food/animal/welfare/references/2002_0626_en.pdf

EU producers) arising from differences in standards have the clear potential to undermine higher animal welfare, the report investigates a number of channels to prevent such a development including: market mechanisms, dialogue at international level, promotion of animal welfare standards in trade arrangements, improvement of labelling regimes, strengthening the position of animal welfare in EU agricultural policy etc.

The EU has advanced considerably on the strategic channels identified in that report which have generally yielded concrete results and still represent a valuable approach in order to raise animal welfare awareness internationally and facilitate the application of improved animal welfare standards in the EU. It is clear that a monitoring instrument is required to compare compulsory animal welfare standards applied in the EU with those applied in Third countries in order to analyse any possible market effects. There is a risk that demanding animal welfare standards in some countries may lead to activities being re-located to countries applying lower standards, or that such countries could be at an unfair competitive advantage.

5.2. Working with the World Organisation for Animal Health – OIE

Given its global membership of 167 countries, its long-standing track-record in the development of animal health standards and the intrinsic links between animal health and welfare, the OIE is very well-placed to build international consensus on the issue of animal welfare. OIE Member Countries requested that the OIE develop a detailed animal welfare vision and strategy and in May 2002 a specific resolution was adopted which mandates the OIE to elaborate science-based recommendations and standards on animal welfare. Important recent achievements have included the organisation of the first OIE Global Conference on Animal Welfare in February 2004, the adoption in May 2004 of guiding principles on animal welfare and the adoption in May 2005 of specific animal welfare guidelines.

As recognised in a resolution from the Agriculture Council of Ministers adopted in December 2002 the OIE is the relevant body for developing international standards and guidelines on animal welfare and the Community wishes to actively promote the development of global animal welfare standards and guidelines. The OIE, by its Resolution No. XVII of 2004, 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.

5.3. Promoting animal welfare in the EU's multilateral and bilateral relationships

In the area of trade and external relations the Commission has promoted the EU perspective on the importance of animal welfare, including by means of a specific submission to the WTO on animal welfare and agricultural trade²⁰. 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. The EU's submission stated *inter alia*

²⁰ COM(2002) 626 final, see Annex.

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*”. The Communication highlighted that trade protectionism should be avoided while ensuring that trade does not undermine the EU’s efforts to promote animal welfare within its own territory. While the Sanitary and Phytosanitary (SPS) Agreement deals largely with the spread of animal and plant diseases and food safety issues the Technical Barriers to Trade (TBT) Agreement provides a list of legitimate objectives when taking measures. However it appears difficult to consider animal welfare in the context of these agreements unless the link between poor animal welfare and associated risk to the animal health status of the importing country could be clearly demonstrated. The relevance of animal welfare within the scope of Article XX of GATT also needs to be evaluated. In particular when there is a risk that market access may be jeopardised by demanding animal welfare standards, the impact assessment of any relevant policy proposals should include an analysis of the animal welfare standards and practices applied in the Third countries most likely to be affected in such situations. As a general principle it is clear that a WTO member may act to protect animals within its own territory but in general it should not impose these animal welfare rules in the territory of exporting countries or those located outside its territorial jurisdiction. In the Doha WTO negotiations the EU envisages to address animal welfare concerns within the Domestic Support pillar. The EU Rural Development Regulation EC No 1257/99 as amended by Regulation No 1783/2003 under the CAP reform in 2003 also allows for payments to farmers meeting higher standards, and could be applied from 2005/2006. Any such payments to farmers would need to be administered in compliance with WTO international trade rules.

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 (e.g. Chile and Canada). The EU has also actively promoted consideration of animal welfare within the framework of veterinary agreements with other Third Country trading partners. Internationally agreed OIE animal welfare guidelines offer an ideal basis for discussion and consensus with such trading partners. For example in the context of the EC-Chile SPS Agreement a specific Working Group for Animal Welfare has already been established to further the aims of reaching a common understanding on the application of animal welfare standards, raising knowledge and exchanging scientific expertise. 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.

5.4. Raising knowledge on animal welfare in Developing Countries and creating opportunities for trade

A recent seminar organised by various animal protection 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*²¹.” The seminar’s conclusions and recommendations considered that extensive and sustainable agricultural systems, with good standards of animal welfare, are still the predominant form of livestock production in many Developing Countries.

Initiatives to dialogue with countries who apply high animal welfare standards need to be investigated in more detail by the Community in order to develop efficient partnerships with governments and stakeholders involved. Regulation (EC) 882/2004 provides for the involvement of representatives from Developing Countries in training courses organised for the staff of the Member States’ competent authorities responsible for implementing Community animal welfare rules. Most WTO Agreements include special provisions to allow Special and Differential Treatment (SDT) for Developing and Least Developed Countries, by giving wherever possible longer time-frames for compliance with the implementation of new SPS measures which impact on products of interest to them. In some cases this SDT is provided by granting specified time-limit exemptions on the obligations mentioned in the Agreements and by providing trade-related technical assistance (TRTA) with the main objective being to maintain and expand market access opportunities for their exports. The Commission has engaged in TRTA projects for Developing Countries, including assisting the attendance of experts from Developing Countries to meetings of the different international standard setting organisations which are officially recognised as such by the WTO (in the case of the OIE this is considered by the WTO as the relevant international organisation for animal health, and the OIE has also recently elaborated guidelines for animal welfare) as well as sending technical experts from Member States to Developing Countries. Such collaboration and the organisation of training where technical experts of Developing Countries can also participate are to be welcomed.

²¹

<http://trade-info.cec.eu.int/civilsoc/meetdetails.cfm?meet=11116#parts>