Into the fold: bringing animal welfare into the CAP
Contents

Introduction 4

Overview of the CAP 6

Agenda 2000 – missed opportunity or foundation for further reform? 9

Pillar I payments 9

Pressure for reform: the WTO 12

Cross-compliance payments 14

Pillar II payments 16

Rural Development Regulation 16

Defining levels of animal welfare standards 21

Conclusions 25

Written by David Bowles, based on research by Countryside and Community Research Unit University of Gloucestershire
Despite increasing public concern in Europe about farm animal welfare, the Common Agricultural Policy (CAP) has put it on the back burner. The CAP – the overarching framework for European agriculture – will be reviewed in 2002. The RSPCA and Eurogroup for Animal Welfare believe animal welfare is fundamental to the future of the whole farming and food sector – the forthcoming review must make it a primary concern.

Introduction

Animal welfare has long been a neglected topic in European agricultural policy-making and policy implementation, being either ignored or put behind the issues of public health and food safety, to which it may be closely linked. But since the 1990s increasing public concern has been expressed about the animal welfare consequences of farming techniques and policy. European Union (EU) farming policy and standards are established through two prescriptive routes.

- **The use of specific legislation laying down minimum animal welfare standards has increased, particularly in the past ten years. This has led to agreement to end many intensive forms of farming such as:**
  - veal crates
  - battery cages for laying hens
  - sow stalls for pregnant pigs.

- **The overarching framework for European agriculture, the CAP, takes up 45 per cent of the EU’s total budget, and has yet to incorporate animal welfare fully into its remit.**

The CAP has been reformed a number of times. Under the last CAP reform (Agenda 2000), agreed in 1999, it was accepted that more integration of the environment into the CAP was needed. Cuts in price support with compensatory direct payments were agreed and a new Rural Development Regulation (RDR) introduced, encouraging farmers to diversify their income sources and enhance the environment. States were also encouraged to move funds from direct payments to those promoting the environment. The 2001 budget for the CAP was 43 billion. European Commission General budget of the EU 2001
Animal welfare was not widely discussed in the 1999 reform. Since then two major changes have occurred.

- **In 1999 the EU adopted a Protocol on animal welfare under the Treaty of Amsterdam, which has strengthened the case for improving animal welfare measures under the CAP.**

- **Public and political concern for animal welfare was stimulated and amplified by issues of food safety and animal health, particularly associated with the BSE and foot and mouth crises.**

There has been criticism of intensive farming methods and other issues such as transportation of live animals. In some European countries this has led to a wider debate on what farming methods consumers and the public want to see developed. The Netherlands, UK and Germany have all had recent reviews of the farming system and proposed new directions for agriculture in the 21st century.

Farm animal welfare is of fundamental importance to the future of the whole farming and food sector. There are often close links between improving animal health and welfare and the environment as well as responding to consumer and producer wishes and needs. For example, frequent journeys over unnecessarily long distance adversely affect animal health and welfare, the environment, and costs to consumers. Animal and consumer health, and the financial viability of producers, can be put at risk by poor on-farm living conditions. The 2002 review must respond to this omission and reposition animal welfare as an important issue in the CAP.
Overview of the CAP

The objectives of the CAP, laid out in Article 39 of the Treaty of Rome, are to:

- increase agricultural production
- ensure a fair standard of living for the agricultural community
- stabilise markets
- ensure availability of supplies
- ensure supplies are reasonably priced.

But because it has evolved over the last four decades from compromises between member states, the CAP is actually a collection of very different instruments with multiple – sometimes contradictory – objectives.

As a result of the Agenda 2000 negotiations, farmers benefit from the CAP through two different forms of agricultural support, called Pillars.

Pillar I

This offers financial support to commodity regimes such as the beef or milk sectors and takes up about 90 per cent of the present budget.

Support can be in the form of:

- direct payments to farmers for the number of animals kept under production
- direct payments to farmers for the area kept under production
- guaranteeing prices for producing and marketing products.

The EU market is also protected by customs duties and import tariffs, and supported by export refunds on products or animals traded outside the EU. In 2001 10.1 billion (23 per cent of the total budget) was spent on the three main sectors relevant to animal welfare that receive market support funding from the CAP:

- milk
- beef and veal
- sheep and goats.

Other sectors – such as pigs and poultry – do not receive direct market support, but are affected by the CAP in other ways. The price of feed, for instance, is affected directly by price support for arable crops.

1 Ibid note 1
2 Both the pig and egg regimes qualify to get export refunds where these are agreed
Pillar II

This offers financial support for diversification in farming. It rewards different goals from Pillar I, such as:

- the environment
- improving marketing
- assisting young farmers.

In 2001 5 billion were allocated to rural development, accounting for about ten per cent of the total budget.

As all European farmers should be meeting minimum legal standards, a subsidy to a European farmer should be conditional on compliance with these animal welfare standards. However, animal welfare is not an explicit objective in the rules governing Pillar I payments. A system of cross-compliance was introduced in 1999 to allow countries to link payments to application of certain standards, but it has rarely been used to promote animal welfare (see page 14). Pillar II, on the other hand, introduces schemes that reward standards beyond compliance with legislation – essentially offering farmers money in exchange for added-value goods. Animal welfare is a specific component of some Pillar II payments (see page 16).

World Trade Organization (WTO) talks on liberalising trade in agricultural goods are under way. The effect on animal welfare standards is being discussed and the EU has proposed measures to ensure countries operating higher standards are not penalised or undercut by cheaper imports from third countries\(^4\). This has a direct relevance to the CAP reform process. The EU wants compensation for the additional costs of higher welfare standards to be made legitimate under the WTO, provided trade and production will not be severely affected. But this would be difficult under the present CAP regime. Compensation payments should not depend on co-financing from the member states, but should come from the Commission budget. There is no mechanism for this at present. Payments would also be needed for sectors – such as pigs and poultry – that are not directly financed under the CAP. In fact, following the recent agreement to phase out intensive systems, compensation payments would probably be needed first in these areas.\(^5\)

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\(^4\) EC proposal on animal welfare and trade in agriculture. G/AG/NG/W/19 June 2000

\(^5\) Directive 1999/74 agrees that battery cages should be phased out by 2012; Directive 2001/88 agrees to phase out the sow stall by 2012. The effect of introducing these less intensive systems will be to increase costs of production.

### Payments in the dairy sector

continue to reward production, but are unlikely to be reformed in 2002 review.
Animal welfare implications of the CAP

- Increased intensity of production has potential animal welfare implications.
  - High levels of price support in the livestock sector (beef, dairy and sheep) encourage farmers to increase overall output, both per animal (e.g. using breeds that give a higher yield) and per hectare (e.g. higher stocking rates). Headage payments encourage them to increase the numbers of animals per hectare, unless there is a cap on the maximum number allowed. As a result there has, for instance, been an over-production of beef and veal for the EU market for many years. Most is exported under subsidy to other countries.
  - Stocking densities take no account of the holding capacity of the land, and penalties may be insufficient or not enforced if the designated level is exceeded. Any increase in stocking densities may reduce supervision levels and have other consequences for animal health and welfare – for example, without supervision pasture conditions could deteriorate or disease spread more easily.
  - In the dairy sector, support prices and the milk quota relate to the amount of milk produced, not the number of cattle. The constraint of a national milk quota has been to produce milk at the lowest cost, which may lead to welfare issues such as increased incidence of mastitis and lameness.

- Headage payments are not significantly linked to economic performance, social needs, environmental concerns or welfare standards.

- Paying refunds on live animal exports to third countries to reduce surplus production helps perpetuate the live animal trade, causing welfare problems that would not exist in a carcass-only trade.

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A number of reports from the Scientific Veterinary Committee have shown the links between intensive farming and welfare problems, in particular in the laying hen industry (Report on the welfare of laying hens, SVC 1996), pigs (Report on the welfare of Pigs, SVC, 1999) and veal crates (Report on the welfare of calves, SVC, 1995).
Agenda 2000 – missed opportunity or foundation for further reform?

Analysis of Pillar I direct payments

Dairy

The dairy regime was introduced in 1964. By the early 1980s, in an attempt to halt the expansion of milk production, a target for milk deliveries was set. If this target was exceeded, the price paid to farmers was reduced. The scheme did little to control milk production, and Council Regulation 856/84 began the milk quota system still in place today. The milk regime accounts for about five per cent of the total CAP budget in 2001.

Despite a reduction in stocking rates in the 1980s, by linking the payment of subsidies to the amount of milk produced the regime still encourages increasing productivity from individual cows. The system offers few inducements to reverse this process, which may lead to welfare issues such as:

- increased incidence of mastitis
- lameness
- infertility
- premature culling.

Lameness is not only a welfare issue – it is also an economic one. Agenda 2000 discussions included proposals for further reform through the introduction of a new compensatory payment (the dairy cow premium), which would have had potential welfare benefits. But there was neither agreement on reform of the dairy sector nor acceptance of the Agenda 2000 proposals. The agreed regulation (1256/1999) merely extended quotas for a further period until 2008. Resistance is expected from some countries to discussion of the dairy regime in the mid-term review. Change may not occur until 2005, when milk prices will be cut by 15 per cent, to be allocated per holding and per tonne of milk quota held. Producers will therefore still have an incentive to produce to the level of their quotas at maximum yields per cow, which is likely to have negative consequences for animal welfare.

An agreement to reduce the quota held by each producer in 2005 and distribute compensatory aid either as a supplement to the dairy cow premium or as an area payment per hectare of permanent pasture could offer a slight disincentive to intensification in the dairy sector. Although it is likely to comprise such a minor element in the overall income structure of dairy farms, attaching enforceable welfare standards to such payments may allow less intensive systems to develop and replace the incentive of producing more milk per animal.

Recommendations

- The price support and quota systems need to be reformed to reverse the incentive to produce more milk per cow.
- If the present system of allowing milk quotas to be transferred is retained, animal welfare conditionalities (on issues such as stocking density, welfare standards and incidence of lameness) should be built into it.
- The dairy cow premium should be introduced as soon as possible and linked to higher welfare standards to encourage improved conditions.
- Payments based on area rather than headage should be developed.
- As no EU welfare legislation yet exists on dairy cattle, standards for cross-compliance should be drawn up using existing standards such as the Council of Europe. \(^8\)

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\(^7\) For further information on the links between milk supply and animal welfare see *Growing concern – the use of BST in dairy cattle*. RSPCA 1999.

\(^8\) The Council of Europe Convention on the farming of animals has agreed standards for dairy cattle.
**Beef and veal regime**

The beef and veal regulation came into force in July 1968. The objective was to provide a system of price support that would keep EU market prices for beef as close as possible to an agreed common price level. Since then several amendments have been made to the regime, and Agenda 2000 reforms introduced some significant changes. Support prices were further reduced with direct aid payments correspondingly increased. Some of the rules surrounding the direct payments were significantly amended. A year after the Agenda 2000 overhaul of the beef regime, a further reform was announced in June 2001 to strengthen extensive farming. The beef sector accounts for about 14 per cent of the total CAP budget.

The beef regime includes a number of different schemes and the welfare implications of the changes are by no means clear-cut. Under the Beef Special Premium (BSP), the stocking density for payments was reduced to 1.9 livestock units per hectare, which has potential welfare benefits, as long as management is provided.

The Extensification Payments Scheme (EPS) was introduced in January 2000 as part of the Agenda 2000 package. It encourages reduced stocking levels by paying farmers receiving certain other subsidies – for example cattle farmers receiving the Suckler Cow Premium (SCP) or sheep farmers receiving the Sheep Annual Premium Scheme (SAPS) – to reduce levels to 1.4 livestock units/hectare. The scheme is a better reflection of the situation on the ground, but there is still a potential problem if farmers claim for fewer animals than they actually have. As the total available forage area excludes any ground under arable crops, and as 50 per cent of the forage area must be pasture land, the payment does offer potential welfare benefits – it is beginning to reward genuine extensive practices rather than merely a reduced level of claims.

The SCP is subject to broadly the same stocking rate rules and conditions as the BSP – it therefore has the same animal welfare potential and risks. In general terms it is positive to welfare in that it encourages an inherently less intensive system of beef production in which calves stay with their mothers until weaning and are reared on grass.

A subsidy is paid for about 220,000 cattle annually exported live for slaughter from the EU to the Middle East and North Africa. Most travel from Ireland, France and Germany to Lebanon and Egypt. Despite the introduction of Regulation 615/98, which links export subsidy payment to adherence to EU transport standards, welfare problems continue in this trade. There is insufficient control at destinations, and export refunds are only withheld for animals that have died or been injured, not the entire shipment. Export refunds will be discussed as part of the WTO agricultural negotiations and there are calls for them to be phased out. Eurogroup and the RSPCA support their abolition.

The beef envelope payments – introduced as part of the Agenda 2000 agreement to allow member states additional finances for this sector – could be better used to attain welfare and environmental goals. The UK government’s response to the Curry report calls for greater use of the national beef envelope, maintaining that money in both the sheep and beef envelopes should be used ‘in ways that actively encourage environmentally desirable behaviour’. Greater use of the envelope payments by member states should be encouraged, in particular by promotion of links between issues of environmental management and farm pollution on the one hand and animal welfare on the other.

For example, straw-based bedding for animal husbandry units should be promoted, particularly in areas subjected to high levels of water pollution resulting from animal waste disposal.

9 Regulation 1254/1999. The current subsidy is 100 per premium granted but countries can use different measures of subsidies and stocking densities


Sheep and goats

Because sheepmeat was of relatively minor importance in the six founder members of the Community, a common policy was not among the original CAP regimes. A common regime for sheepmeat came into force in 1980 and the basic regulation in 1990. This made fundamental changes to the market support measures under the original regime, including phasing out variable premiums, limiting annual ewe premium payments and introducing private storage aid. The regime accounts for four per cent of the total CAP budget.

Basic support arrangements in the sheep sector were largely untouched by the Agenda 2000 reforms, with the notable exception of Hill Livestock Compensatory Allowances where area-based payments were introduced. Basic market support is still given through the SAPS. Some cross-compliant mechanisms allow subsidies to be withdrawn if infringement occurs, but these are currently environmental – for instance, if the claimant overgrazes the land. It is possible proposals to simplify SAPS would mean introducing a single flat-rate payment.

Recommendations

- **Cross-compliance payments based on animal welfare standards should be made compulsory.**
- **Payments for environmental purposes such as overgrazing should be linked more closely to rewarding better welfare.**

Sheep are one of three livestock sectors that receive market support subsidies.
Pressure for reform: accession and the WTO

There is pressure for reform of the CAP from two main sources, the eastward expansion of the EU with 13 candidate countries and the new round of the WTO.

- **The issue of phasing in aid under the CAP to the candidate countries and the level of aid has yet to be agreed, despite a provisional entry date of 2004 for some of the candidate countries. The level of aid and how it is phased in have important implications in the CAP budget, as well as for aid to existing members of the EU that benefit from the CAP. A group of member states wants the mid-term reform of the CAP to address these issues by repositioning its budget allocation from direct aid.**

- **The agricultural negotiations under the WTO started in 1999 and are due to be finished by 2004 under the rules of the Doha Round agreed in 2001. Negotiations are focusing on four areas:**
  - market access of agricultural products
  - export refunds
  - domestic support
  - non-trade concerns, which include animal welfare.

The new Agreement on Agriculture will undoubtedly mean the CAP itself will have to be modified to fit in with the new tariff and support guidelines, although whether this will occur as part of the 2002 mid-term review is still to be negotiated. The negotiations are looking at how to incorporate animal welfare into the WTO’s rules on agriculture. The EU’s negotiating position on animal welfare at the WTO agricultural talks sets three areas it believes could help producers maintain higher welfare standards in the face of imports of products produced under lower welfare standards:

- **multilateral agreements**
- **labelling**
- **allowing compensation payments for producers on the basis of welfare standards.**

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12 EC proposal on animal welfare and trade in agriculture. G/AG/NG/W/19 June 2000
Only the issue of compensation payments is likely to be addressed during the WTO negotiations. Allowing compensation payments to higher-welfare producers would counteract the higher costs from such systems and ensure a level playing field against imports from third-country producers still using intensive systems. It is recognized that higher welfare standards can lead to higher production costs – particularly in labour, additional land required and feed. In one sector – the egg industry – research conducted by Eurogroup for Animal Welfare and the RSPCA in 2001 underlined the disadvantages faced by European egg producers once the battery cage is phased out under new European laws. If domestic welfare and improved standards are to be maintained, farmers that produce to higher standards need to be compensated to offset the higher costs incurred.

Compensation payments could be available to help farmers change over to less intensive systems. Non-trade or minimally distorting subsidies are at present allowed under WTO rules for agriculture. However, this reference in the green box of the WTO’s Agreement on Agriculture should be modified to expressly permit payments for animal welfare benefits.

A two-tier system of payments is needed in the EU. Minimum animal welfare standards, as laid out in the legislation, should be for payments where this is necessary to maintain eligible equilibrium with competition from lower welfare systems. This should be achieved under the cross-compliance mechanism. Farmers producing to animal welfare standards higher than those at the minimum would receive payments to facilitate their entry into the high-welfare sectors of the market. Any agreed standards should be objective, focus on the farming environment of that species and take into account the five freedoms:

- freedom from hunger and thirst
- freedom from discomfort
- freedom from pain disease and injury
- freedom to express normal behaviour
- freedom from fear and distress.

The CAP allows payments for buildings for animal welfare purposes (page 16) and could enlarge the provision on cross-compliance to include animal welfare (page 14). But a new mechanism would be needed to give payments to farmers producing to higher welfare standards – particularly in sectors such as laying hens and pigs, where market support is not presently available. The EU, having championed provisions to ensure animal welfare is dealt with at the WTO, needs to maintain consistency by ensuring the CAP reform also allows wider opportunities for allowing payments for good animal welfare.

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Cross-compliance payments

In a 1998 RSPCA report, Eurogroup for Animal Welfare welcomed the proposal to link payments with minimum standards, but called for welfare standards to be accepted in addition to environmental standards and for the scheme to be mandatory for member countries. It also recommended that the Commission establish an evaluation system to assess the uptake of these measures by member states and the level of harmonized standards.

The final agreed Regulation (1259/99) seeks to integrate the environment into Pillar I direct payments by requiring member states to define ‘appropriate environmental measures in view of the situation of the agricultural land used or the production concerned’. These measures can include:

- support in return for agri-environmental commitments
- general mandatory environmental requirements
- specific environmental requirements constituting a condition for direct payments.

The rules establish a direct link between receiving subsidies and abiding by certain environmental standards. Countries can impose sanctions or cancel payments if producers do not meet standards. Could the cross-compliance rules offer a model for increasing farm animal welfare considerations under Pillar 1? The answer is complex and qualified by the generally low level of implementation of cross-compliance across Europe to date. This is partly because of the voluntary nature of the rules and partly the delay in publishing the implementation regulation for Regulation 1259/99.

There is a mechanism to get mandatory cross-compliance into the CAP, but the scheme’s operation, the exact measures to be taken and the punitive measures for non-compliance are still at the discretion of individual states.

At present animal welfare is not mentioned as an objective of the payment, so any animal welfare gain is through a linkage with improvements in the environment and sustainable agriculture. There is a precedent for animal welfare cross-compliance however – payment of subsidies for live export to third countries is conditional on complying with animal welfare legislation (see page 10).

A recent review of cross-compliance measures across Europe reveals that, while there are few examples that draw specifically on Article 3 of Regulation 1259/99, EU member states have a range of measures that make conformity to basic environmental standards a precondition for the receipt of direct payments. Some countries have a

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baseline approach whereby farmers receiving payments have to conform to minimum standards. Others make subsidies conditional on attaining higher standards, by methods such as being part of an assurance scheme. As Table 1 shows, some countries are already applying cross-compliance conditions that would have an indirect welfare benefit, although the primary aim is environmental. Farm animal welfare is not given as a specific element of cross-compliance. Within the livestock regimes, cross-compliance is primarily targeted at reducing overstocking and the environmental pressures that result from it.

**Table 1: Use of cross-compliance in some member states**

<table>
<thead>
<tr>
<th>Member state</th>
<th>Cross-compliance mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>Payments on arable areas and livestock premia in the beef sector linked to environmental conditions relating, in the case of the latter, to fertilizer plans.</td>
</tr>
<tr>
<td>Finland</td>
<td>A measure imposes a maximum stocking density, to prevent overgrazing and maintain sufficient stock to prevent undergrazing.</td>
</tr>
<tr>
<td>Ireland</td>
<td>Payments in the SAP linked to counteract overgrazing.</td>
</tr>
<tr>
<td>Italy</td>
<td>Planned for the regulation of livestock waste storage and disposal.</td>
</tr>
<tr>
<td>Spain</td>
<td>Currently under discussion but it is intended to make compliance with livestock sanitation rules an element of any eventual measures in the livestock sector.</td>
</tr>
<tr>
<td>UK</td>
<td>All headage payments for beef and sheep under the premium schemes, and certain other payments, are conditional on livestock not causing overgrazing of land.</td>
</tr>
</tbody>
</table>

The possibility exists to introduce mandatory compliance with animal welfare standards. For instance, by linking payments to membership of an assurance scheme, farmers can market produce as ‘high-quality’ and offset additional costs that may arise from meeting the higher standards. This is discussed in further detail on page 23.

**Recommendations**

- Cross-compliance payments under Regulation 1259/99 should be widened to include improving animal welfare standards as an objective.
- Member states should start to implement welfare standards as part of cross-compliance payments.
- Regulation 1259/99 should be used to make cross-compliance payments mandatory in member states to increase uptake of the payments.
- Member states should start using cross-compliance as a link to attaining higher standards above baseline legislation for animal welfare.
Pillar II payments: Rural Development Regulation (RDR)

Creating the RDR under Regulation 1257/1999 in an attempt to re-position the CAP from delivering production targets to enhancing rural environments was one of the main achievements of Agenda 2000.

Unlike cross-compliance, the RDR does include animal welfare as an objective. Five of its chapters – summarized in Table 2 – mention animal welfare. Three have a compliance mechanism to ensure any financial support is only given if the project complies with minimum animal welfare standards. Three areas (investment in new buildings, training and promotion of rural areas) have animal welfare as a specific goal. There is no mention of animal welfare in other areas of the RDR, such as agri-environment schemes or funds to assist in less favoured areas. This is a crucial point when expenditure by member states in the areas under the RDR is examined, as the majority of financial support is given to agri-environment schemes.

Table 2 Summary of promotion of animal welfare in the RDR

<table>
<thead>
<tr>
<th>Issue</th>
<th>Condition relating to animal welfare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment in agricultural holdings</td>
<td>One of five objectives laid out whereby investment would attract financial support: ‘to preserve and improve animal welfare standards’. This could include the support of new buildings to comply with new animal welfare laws. All holdings have to comply with minimum animal welfare standards.</td>
</tr>
<tr>
<td>Incentives to increase young farmers setting up</td>
<td>The holdings have to comply with minimum animal welfare standards as part of the conditions.</td>
</tr>
<tr>
<td>Training</td>
<td>Training should be supported for six areas including animal welfare.</td>
</tr>
<tr>
<td>Improving marketing and processing</td>
<td>Any grant could only be given if the proposal complied with minimum animal welfare standards.</td>
</tr>
<tr>
<td>Promotion of rural areas</td>
<td>Animal welfare is one of the areas defined that could be funded with financial support.</td>
</tr>
</tbody>
</table>

The impact of RDR in member states

Ostensibly the RDR has possibilities to encourage animal welfare. But member states have not used it enough to date. Payments given in the UK are shown as an example (Table 3).
In the UK, the RDR is enacted through the Rural Development Plans (RDPs) in England, Wales, Scotland and Northern Ireland. Table 3 shows animal welfare has been highlighted as a priority in two of the four areas. Only in Wales have specific measures encouraged provisions to improve animal welfare in all four of the areas where subsidies could be given.

**Table 3 Summary of the support for animal welfare in the RDPs in England, Wales, Northern Ireland and Scotland.**

<table>
<thead>
<tr>
<th>Area</th>
<th>Animal welfare in the RDP priorities</th>
<th>Specific measures promoting good welfare that can be implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Scotland</strong></td>
<td>No reference</td>
<td>Support for farm holdings: √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Training: X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marketing: √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural area promotion: √</td>
</tr>
<tr>
<td><strong>Wales</strong></td>
<td>Not included as an overall priority but is incorporated in the RDP sectors. Used to improve market status by marketing as a premium product. Improvements to animal welfare can be funded through this scheme.</td>
<td>Support for farm holdings: √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Farm improvement scheme.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Training: √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assistance in developing skills in animal welfare.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marketing: √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Support for improvements that exceed statutory requirements. Rural area promotion √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Support for measures to improve animal welfare.</td>
</tr>
<tr>
<td><strong>Northern Ireland</strong></td>
<td>No reference, but animal welfare identified as a strength in the region, that it should be used as a marketing tool and that industry will come under pressure to increase standards.</td>
<td>Support for farm holdings: X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Training: X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marketing: X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural area promotion X</td>
</tr>
<tr>
<td><strong>England</strong></td>
<td>One of the four key priorities to make an agriculture sector that it is concerned with the welfare of animals.</td>
<td>Support for farm holdings: √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum standards to be met.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Training: √ Assistance in developing skills in animal welfare.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marketing: X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural area promotion √</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural enterprise scheme.</td>
</tr>
</tbody>
</table>

Under-funding is also a problem, both of animal welfare objectives under the RDR and of the RDR itself. The budget for the RDPs for the four areas of the UK up to 2006 show that only 16 per cent of the total English budget and 2.55 per cent of the Welsh will be used for the issues outlined in Table 4 that could benefit animal
welfare. For instance, in the year 2001-2, £2 million has been set aside for training in England under the RDR. The majority of the budget is used in agri-environment schemes and Less Favoured Areas (LFAs), neither of which mention animal welfare as an objective.

There have been calls to increase financing of Pillar II payments. Under CAP rules, member states can redirect payments from Pillar I to II but it is voluntary and only up to 20 per cent of the payments can be transferred. Direct payments under Pillar I are 100 per cent financed by the EU. Payments under Pillar II are 50 per cent co-funded with EU and member state contributions, so there is an additional budgetary consideration for any country that decides to promote rural development activities. Modulation – taking money from Pillar I payments and diverting them to Pillar II payments – is only practised by the UK, with Germany and Portugal proposing to use it in the future. In the UK only 2.5 per cent of payments are modulated but there have been calls to raise this to ten per cent by 2004. RDP schemes in England tend to be oversubscribed due to these budgetary restrictions.

There could be side benefits to animal welfare through the environmental payments. For instance, the Tir Mynydd scheme in Wales gives top-up payments for LFAs that are part of farm assurance schemes. Farmers entering agri-environmental schemes have to enter a Good Farming Practice scheme, which has compliance with existing environmental legislation but crucially does not include good animal welfare.

The take-up of the RDR to promote animal welfare is patchy in other member states as well. In the Netherlands animal welfare is an objective used to support improvements in holdings, training and market opportunities, but it has the greatest potential in France. Here it is linked to training and support for farm holdings, but the use of subsidies to improve animal welfare can best be seen in the marketing of sustainable agricultural products.

The French RDP identifies a series of basic environmental and animal welfare standards and a mandatory code of good practice for all farmers seeking capital or income grants under RDR measures. The code places animal welfare at the centre of its policy, beginning with the phrase: ‘Any animal, being a sensitive being, must be placed by its owner in conditions compatible with the biological imperatives of its species’.

The RDP’s minimal standards are essentially the baseline standards in existing legislation. However the standards are more developed in another area. One of the key ways France has responded to the EU RDR is to establish Farm Territorial Contracts.

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17 Ibid note 15.
(CTEs), offering farmers a package of environmental and farm investment grants and income subsidies to promote and encourage sustainable and multifunctional agriculture. Of the 80 or so different environmental, social, territorial and investment measures available, farmers draw up composite contracts that make combine groups of compatible measures. Under the rules established for the CTE and the RDR, a number of these voluntary measures specifically address, either directly or indirectly, issues of farm animal welfare, invariably through the route of promoting quality food production. These measures link the promotion of animal welfare – most commonly including stocking density reduction, stall enlargement, live animal transport reduction and grass-based pasture feeding systems – to the establishment or maintenance of a quality production chain or specific certification or labelling scheme (see box).

Schemes operating in France show that encouraging quality food production can lead to higher welfare standards. Given the political will the RDR could be used to achieve animal welfare goals. Animal welfare must have its own objective rather than be seen as an add-on. Progress on integrating animal welfare issues into measures designed to improve the quality of environmental resources and environmental management practices can be very slow, judging by UK examples.

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**Example of RDR scheme promoting animal welfare in France: pig farming in Brittany**

On a farm of 60 sows, animal welfare and quality production go hand in hand. Under the CTE established for the farm, the farmer has agreed to undertake the following measures in return for co-funding from the Commission and French state aids:

- pigs housed on straw bedding rather than concrete or wooden slats
- natural light rather than artificial light in husbandry units
- no growth hormones or chemical growth stimulants
- only vegetable and cereal-based feed
- reduced use of antibiotics
- pig slaughter takes place at 190 days rather than 160.

For these various changes, the farmer has received a capital grant from public sources (EU and French state), around one third of the total costs.
Recommendations

■ There is variable coverage of animal welfare in member countries’ RDPs, even within individual member states, as the UK example shows. The Commission should adopt a more prescriptive approach with member states with respect to animal welfare and the RDR.

■ Animal welfare should be made an objective in the agri-environment scheme to encourage wider use.

■ Animal welfare benefits are currently delivered mainly through marketing opportunities, linked to the development of quality, traceable foods. But this is still under-utilized by most member states. The Commission should encourage greater use of marketing as a tool to raise animal welfare standards in the RDR.

■ Animal welfare is not mentioned as a heading under the Good Farming Practice scheme in the UK under the RDR and the RDPs. Animal welfare should be developed as a mandatory goal in any Good Farming Practice schemes used by the member states.

■ There are areas where win-win situations can occur between environmental goals and animal welfare goals. These should be further developed by the member states.

■ However large the financial allocation to animal welfare measures in the RDRs, they are all voluntary initiatives. The Commission should ensure member states use the RDR for animal welfare benefits.

■ Funding for the RDR is dependent on funding from both member states and the EU. Modulation – taking money from Pillar I payments and diverting them to Pillar II payments – is only practised by the UK. Modulation should be made compulsory, and the upper limit of 20 per cent removed.

■ Member states should increase levels of funding and promotion as a means of improving animal welfare for schemes under the RDR that already encourage animal welfare (eg training schemes, processing and marketing schemes).39

■ The importance of training schemes, information dispersal and the establishment of collective responses, uniting producers, food-chain actors, farm animal welfare bodies and consumers should be further encouraged and taken up in all member states.

■ The Commission should create a distinct animal welfare incentive scheme under the RDR. This should be compulsory for member states to take up.

39 This is supported by the UK’s Policy Commission on Farming and Food in its recommendation to increase the allocation of funds to the Processing and Marketing Grant Scheme, to assist in the restructuring of the red meat supply chain.
Defining levels of animal welfare standards

Animal welfare is not yet a major objective in the two mechanisms where it could be developed – cross-compliance and the RDR. This may be due to the misconception that there are no good animal welfare standards that could be used as linkages with payments or as incentives for producers. A pyramid approach to encouraging animal welfare through setting different levels of standards could easily be developed. The base of the pyramid would ensure basic compliance with legislation. Baseline legislation is in force for veal calves, laying hens, pigs and transportation of live animals, and there are laws regulating antibiotics and use of hormones such as BST.

New laws in other farming sectors, such as dairy cattle, beef cattle, ducks and geese could be agreed in the next decade. These would form the base of the pyramid. They are already used for certain RDR and cross-compliance payments and should be made mandatory for all CAP payments that could have an effect on animal welfare.

The aim of the higher levels would be the promotion of positive action to create a more sustainable farming process. The intermediate level could be based on welfare codes. In the UK such codes occupy an intermediary position between baseline regulation and voluntary schemes. They exist for the principal husbandry regimes and are not statutory requirements, though farmers must ensure anyone attending to livestock is familiar with them, and breach of the codes could be used in a prosecution as evidence of animal cruelty. They are recommendations that seek to encourage farmers to adopt high standards of husbandry (see box). The codes could be developed into standards and incorporated into voluntary payments for farmers under the cross-compliance schemes or the RDR mechanism.

Codes of agricultural practice

Nine codes of recommendation have been developed pursuant to the UK Agriculture (Miscellaneous Provisions) Act 1968. They are intended to encourage farmers to adopt high standards of husbandry. Each code takes account of the ideal five freedoms for animals:

- freedom from thirst and hunger
- freedom from discomfort
- freedom from pain, disease and injury
- freedom to express normal behaviour
- freedom from fear and distress.

Baseline standards already exist under Directive 98/58/EC.

In addition Directive 98/58/EC gives baselines standards for all farming, based on the Council of Europe Convention for the protection of animals kept for farming purposes.
The codes establish recommended practices for specific animals, rules on suitable housing and ventilation and procedures for fire. A summary of the recommendation for sheep includes the following standards:

- animals are not to be lifted by the head, horns, tail or fleece
- during shearing, care should be taken to avoid cutting the skin and shorn sheep should not be let outdoors until the fleece has grown to 15-20 mm
- castration should only be carried out by a competent person while the animal is under three months old
- tooth grinding is prohibited
- electric fencing should not be used for horned sheep
- sheep should have access to food and water at all times
- lambs should suckle from the mothers within three hours after birth
- sheep, if housed, should be kept in dry conditions and free from foot rot
- space allowances laid down for housed sheep (eg lowland ewes of 60-90 kgs must have 1.2-1.4 square metres of floor space during pregnancy)
- all sheep dogs should be properly trained and under control
- both housed and outdoor animals should have a dry lying area
- sheep kept outside should have access to shelter.
Finally, the highest level could be linked to marketing initiatives that have already developed the highest standards. There are schemes in a number of European countries. In Sweden the Krav scheme established standards in 1997.

The Krav trademark indicates compliance with high standards laid down and independently monitored by the Krav Board. They aim to ensure farm animals enjoy a healthy environment, providing for the specific needs of each animal. Each species should be allowed to express the full range of normal behaviour and given sufficient space and access to appropriate conditions, such as a mud bath for pigs or nest boxes and perches for laying hens. Space conditions are also laid down.

It is recognized that the welfare outcome of an assurance scheme is dependent on the level and specificity of standards and the rigour and consistency of enforcement. RSPCA/Eurogroup define assurance schemes as those promoting higher standards of welfare rather than those that have criteria low enough to allow all producers to participate. All schemes should be transparent, have standards that cover all stages of the animals’ lives and are independently audited.
In the UK the RSPCA's Freedom Food standards require all animals to:

- be properly fed
- be comfortably housed with appropriate shelter
- receive veterinary attention whenever necessary
- have the opportunity to behave normally together
- receive humane treatment during transportation and slaughter.

Standards are now in operation for:

- pigs
- dairy cattle
- beef cattle
- veal calves
- egg-laying hens
- broiler chickens
- turkeys
- sheep.

Each of these species has specific standards covering all aspects of the animal's life. Some of the welfare standards for broilers are listed here.

**Food and water:** daily access to adequate, appropriate food, which should achieve an appropriate growth rate curve to avoid leg problems. There must be a veterinary health plan to include provisions to reduced leg problems. Chickens must travel no less than four metres to reach food or water in the house. Minimum numbers of drinkers should be provided (eg one cup per 28 chickens).

**Environment:** good quality litter is used, preferably wood shaving. There is a minimum of eight hours' light and a minimum of six hours’ darkness and a maximum of 12 hours’ darkness. Maximum stocking density must never exceed 30kg/m². Dust levels should not exceed 10mg/m³ as an average of an eight-hour period. Enrichment should be introduced that stimulates activity of the birds. Additional standards are given for those broilers that are free-range eg number and size of pop holes.


**Transport and slaughter:** no bird must be deprived of food for more than 12 hours. Catching must take place in low or blue lighting to minimize fear. Chickens must be caught and carried by both legs. No more than three birds in each hand. Chickens must be transported in trays with open tops and a depth of no less than 220mm – the stocking density should not exceed 57kg of birds/m². Time between start of loading and completion of unloading must be no more than six hours. Chickens must not be suspended for more than one minute before stunning and must be shackled by both legs. No more than ten seconds to elapse between stunning and neck cutting.

**Transport:** no sale of cattle at livestock markets. Space allowances detailed for travel according to weight. Ramp inclination and construction defined. Eight-hour maximum journey time. Drivers/loaders/unloaders competence-defined.
Conclusions

The CAP is currently undergoing a major review, arguably its most profound. EU enlargement, growing WTO influence, shifting priorities in both EU spending and the rural agendas of many member states, a growing emphasis on the multifunctional role of farming and the goods it can deliver to wider society – all are feeding into a major reappraisal. The outcome may well be the ultimate dismantling of the CAP as it presently exists. Although it is unlikely that the main regimes of concern to animal welfare under the CAP will be reformed, it is important that animal welfare is introduced as a concept.

Despite recent reforms, the CAP is still essentially a policy that rewards increased production levels and productivity. There are inherent welfare problems in this. Schemes to enhance or encourage good animal welfare are underfunded or non-existent. The original objectives of the CAP are outdated. In the long term Eurogroup and the RSPCA want CAP to be more focused on sustainable agriculture and producing high-quality products that deliver animal welfare and other rural development goals.

Though the mid-term review will not achieve long-term objectives overnight, the initiative begun in 1999 on developing the rural development agenda should be continued and broadened. But some moves could bring quick gains for animal welfare.

It is critical for the future direction of the CAP to employ the two Pillars harmoniously. Currently, there is an imbalance in overall funding in favour of Pillar 1. The gradual shift of money through modulation and degressivity will make it increasingly necessary to use the two Pillar mechanisms together. This is important, not only to aid farmers in the transition from one to the other, but also to prepare them for the potentially tougher regulatory environment that will govern future food production.

The RSPCA believes a system of welfare standards should be used for cross-compliance with a number of the direct payments. A code of good animal welfare standards should be drawn up using existing standards, such as the RSPCA’s Freedom Food scheme. The criteria should include minimum standards on housing, transportation and slaughter, and that allow the animals to perform natural behaviours such as foraging or rooting. The standards should also prohibit certain intensive practices such as tethering.

The EU should audit payments under relevant regimes for compliance with animal welfare goals – in particular with the desire of the 1999 Amsterdam Protocol to the

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22 Modulation is the transfer of funds from Pillar I to Pillar II; it is a voluntary initiative for member states agreed under Agenda 2000; degressivity is the reduction of payments and although supported by some member states was not part of the Agenda 2000 agreement; it is likely to be discussed again in the mid-term review.
The Treaty of Rome that ‘In formulating and implementing the Community’s agricultural, transport, internal market and research policies, the Community and the member states shall pay full regard to the welfare requirements of animals’.

The integration of animal welfare considerations into the various Pillar I commodity support regimes has taken place slowly, if at all, since the 1999 reforms. For such payments cross-compliance undoubtedly represents a potentially significant mechanism for the enjoining of animal welfare codes and rules to farm subsidies. But it is underused and animal welfare standards need to be extended into cross-compliance rules. Animal welfare concerns have started to be linked with cross-compliance payments in the case of live exports of animals, but in many countries these links are not well developed. Cross-compliance should be made mandatory and applied equally within EU member states to avoid competitive advantage being derived from their non-application. At a minimum, mandatory cross-compliance should include the provision that payments are conditional on producers applying existing legislative requirements. This should be the baseline standard.

At a second level, welfare codes should be developed, based on existing codes such as those in the UK. Other incentives should be used by the Commission to encourage member states to promote animal welfare, such as establishing targets for achieving a specified proportion of outdoor livestock production systems.

Cross-compliance should not be seen as the final answer to achieving higher levels of farm animal welfare. It has so far proved difficult to set up throughout Europe and could be seen by some interests as a means to legitimize the continued use of direct commodity and marketing support. It might be seen as a stepping stone in the reform of the CAP.

Pillar II does contain a number of specific and general policy mechanisms that could be used to considerably improve farm animal welfare. Central among these so far have been, on the one hand, environmental measures and, on the other, food quality measures. The RDR has not prompted the appearance of a major raft of coherent animal welfare-related measures. But it has created a series of potential funding opportunities – linked most often to environmental management and food quality – that could offer a significant contribution to improving the welfare of farm animals. For instance, it could encourage a significant reduction in live transport distances by giving payments for journeys to the nearest appropriate abattoir.

There are currently problems with the RDR, in particular that animal welfare does not emerge as an objective. Many countries have, to date, under-spent many of the RDR categories, particularly those relating to farm investment. This is an important issue considering the EU’s strategy at the WTO is centred on getting acceptance of welfare payments. This WTO reform will mean nothing without a comparable domestic commitment to support aid measures from the budgets of the Community and member states.
Farmers see the marketing benefits of quality food chains as a means of recuperating the extra costs of meeting farm animal welfare standards and of gaining additional added value. Almost all the voluntary schemes delivering (chiefly indirect) farm animal welfare benefits under Pillar 11 are linked to quality food production. The use of links to assurance scheme standards such as the Krav scheme need to be better developed, to provide the third level of animal welfare standards.

As further legislation on animal welfare is introduced it is foreseeable that Pillar II aids could and should be increasingly used either to anticipate further legislative change or to assist production units in reaching conformity to higher standards.

There is a growing sense that many of the persistent concerns identified above will be addressed – at least in part – by the direction of CAP reform pursued during the mid-term review. But the take-up of possibilities for better animal welfare provision within the existing CAP framework remains slow, under-researched and largely unexplored. More work needs to be done in this area both at the Commission and member state level.

The term 'sustainability', though it has entered into public and policy language, does not yet systematically cover animal welfare. As a separate policy domain, animal welfare was not considered in the 1999 CAP reform. Yet animal welfare is central to the future of the whole farming and food sector, with its close links to improving animal health and the environment, as well as responding to consumer and producer wishes and needs. It is time to correct that omission in the mid-term review.

An increasing number of national agricultural ministries, NGOs and rural agencies are advocating that these reforms are engaged as part of the mid-term review.

### Recommendations

- Different standards for animal welfare need to be established and linked to payments. All payments to relevant sectors under the CAP should be compliant on reaching the baseline standard of meeting the legislative requirements. The intermediate level could be based on welfare codes. In the UK such codes might be seen as occupying an intermediary position between baseline regulation and voluntary schemes. Finally, the highest level could be linked to marketing initiatives that have so far developed higher standards in some countries.

- Animal welfare should be used as an indicator under the CAP to determine how sustainable the CAP is becoming.

- There needs to be more crossover between the EU's position in the WTO negotiations and the CAP. The EU is promoting getting animal welfare payments approved under the WTO system, while the CAP does not yet promote animal welfare payments to any great degree. In particular it gives no mechanism to allow producers to receive payments as compensation for higher welfare standards.

- Codes of good agricultural practice used to promote environmental issues must include animal welfare standards.
**Pillar I payments**

- Cross-compliance payments based on animal welfare standards should be made compulsory. Cross-compliance could be used as a link to attaining higher standards above baseline legislation for animal welfare.
- The intervention and quota systems for the dairy regime need to be reformed to reverse the incentive to produce more milk per cow.
- If the system of transferring milk quotas is retained, animal welfare conditionalities (such as on stocking density, and incidence of lameness) should be built into the system.
- The introduction of the dairy cow premium should be brought forward and linked to higher welfare standards to encourage de-intensification.
- Payments based on area rather than headage should be developed for the dairy regime.
- Export refunds for the trade in live animals to third countries should be abolished.

**Pillar II payments**

- The Commission should create a distinct animal welfare incentive scheme under the RDR. This should be compulsory for member states.
- The Commission should adopt a more prescriptive approach with member states to ensure more harmonization and less variability in promoting animal welfare under the RDR.
- Animal welfare should be made an objective in the agri-environment scheme to encourage wider use.
- Animal welfare can be viewed in terms of marketing opportunities, linked to the development of quality, traceable foods. But this is still being under-utilized by most member states. The Commission should encourage greater use of marketing as a tool to raise animal welfare standards in the RDR.
- Funding for the RDR is dependent on funding from both member states and the EU. Modulation – taking money from Pillar I payments and diverting them to Pillar II payments – is so far only practised by France and the UK. Modulation should be made compulsory, and the upper limit of 20 per cent removed.
- Increased levels of funding and greater levels of promotion as a means of improving animal welfare should be given by member states to those schemes under the RDR that already encourage animal welfare (e.g. training schemes, processing and marketing schemes).
Eurogroup for Animal Welfare has representatives in all the member states.

**Austria**
Zentralverband der Tierschutzvereine Österreichs
c/o Wiener Tierschutzverein
Triesterstrasse 8
2331 Vösendorf Austria
Tel: + 43 1 699 24 50
Fax: + 43 1 699 24 50 98
Email: webmaster@wr-tierschutzverein.org
www.wr-tierschutzverein.org

**Belgium**
GAIA - Global Action in the Interest of Animals
90 Rue des Palais
1030 Brussels Belgium
Tel: + 32 2 245 29 50
Fax: + 32 2 215 09 43
Email: info@gaia.be
www.gaia.be

**Denmark**
Foreningen til Dyrenes Beskyttelse i Danmark
Alhambravej 15
1826 Frederiksberg C
Denmark
Tel: + 45 3 322 32 22
Fax: + 45 3 325 14 60
Email: db@dyrenes-beskyttelse.dk
www.dyrenes-beskyttelse.dk

**Finland**
Finnish Group for Animal Welfare
c/o Animalia Porvoonkatu 53
00520 Helsinki
Finland
Tel: + 358 9 148 48 66
Fax: + 358 9 148 46 22
Email: animalia@animalia.fi
www.animalia.fi
Suomen Elänsuojeleyhdistys, SEY
Tel: + 358 9 8771200

**France**
Eurogroupe France
c/o Conseil National de Protection Animale
10 place Léon Blum
75011 Paris France
Tel: + 33 1 4372 09 06
Fax: + 33 1 4379 33 79
Email: cnpa@club-internet.fr
Fondation Brigitte Bardot
Tel: + 33 1 45051460
Société Protectrice des Animaux
Tel: + 33 1 43806066
Confédération Nationale des SPA
Tel: + 33 1 43806066

**Germany**
Deutscher Tierschutzbund eV
Baumschulallee 15
53115 Bonn, Germany
Tel: + 49 228 604 960
Fax: + 49 228 604 96 40
Email: bg@tierschutzverband.de
www.tierschutzverband.de

**Greece**
Hellenic Animal Welfare Society
Monis Petraki 7
11521 Athens Greece
Tel: + 30 1 721 16 66
Fax: + 30 1 722 48 88
Email: ete@techlink.gr

**Ireland**
Irish Society for the Prevention of Cruelty to Animals
300 Lower Rathmines Road
Dublin 6, Ireland
Tel: + 35 31 497 78 74
Fax: + 35 31 497 79 40
Email: info@ispca.ie

**Italy**
LAV - Lega Anti Vivisezione
Via Sommacampagna 29
20015 Italy
Tel: + 39 06 446 13 25
Fax: + 39 06 446 13 26
Email: info@lavelav.org
www.infolav.org

**Luxembourg**
Ligue Nationale pour la Protection des Animaux
33 rue Adolphe 1116 Luxembourg, Luxembourg
Tel: + 35 2 454 535
Fax: + 35 2 454 535

**Netherlands**
Nederlandse Vereniging tot Bescherming van Dieren
P.O. Box 85980
2508 CR The Hague, The Netherlands
Tel: + 31 70 314 27 00
Fax: + 31 70 314 27 77
Email: info@dierenbescherming.nl
www.dierenbescherming.nl

**Portugal**
Liga Portuguesa dos Direitos do Animal
Av. Republica 1189 1° Dto
2750-273 Parede Carcavelos
Portugal
Tel: + 35 1 21 458 18 18
Fax: + 35 1 21 457 84 13

**Spain**
ANDA - Asociación Nacional para la Defensa de los Animales Tusedcos 4-4
28004 Madrid, Spain
Tel: + 34 9 1522 69 75
Fax: + 34 9 1523 41 86
Email: andaesp@teleline.es

**Sweden**
Swedish EU Group
c/o Förbundet djurens rätt
Box 2005 125 02 Åtvidsjö
Sweden
Tel: + 46 8 5559 14 00
Fax: + 46 8 5559 14 50
Email: eu-gruppen@djurensratt.org
www.djurensratt.org
Sveriges Djurskyddsföreningars Riksförbund
Tel: + 46 8 6733511

**UK**
RSPCA - Royal Society for the Prevention of Cruelty to Animals
Oakhurst Business Park
Southwater West Sussex
RH13 7WN, UK
Tel: + 44 707 5540 373
Fax: + 44 707 5530 373
Email: international@rspca.org.uk
www.rspca.org.uk

SSPCA - Scottish Society for the Prevention of Cruelty to Animals
Braehead Mains
603 Queensferry Road
Edinburgh EH4 6EA, UK
Tel: + 44 131 339 02 22
Fax: + 44 131 339 47 77
Email: parliamentary@scottishspca.org
www.scottishspca.org

USPCA - Ulster Society for the Prevention of Cruelty to Animals
Boucher Business Centre
Apollo Road
Belfast BT12 6HP
Northern Ireland, UK
Tel: + 44 1232 669 086
Fax: + 44 1232 381 911

Eurogroup for Animal Welfare
6 Rue des Patriotes
1000 Brussels, Belgium
Tel: + 32 2 740 08 20
Fax: + 32 2 740 08 29
E-mail: info@eurogroupanimalwelfare.org
www.eurogroupanimalwelfare.org