



## The EU Referendum: the relevance of animal welfare

### Introduction

The Government will hold a Referendum on June 23rd on whether the UK wishes to remain part of the European Union. The RSPCA is neutral and not campaigning on this issue.

The Charity Commission's guidance states that a charity should be cautious when engaging with this Referendum and only produce information on this issue if it furthers or supports its charitable objectives. The RSPCA is a charity whose purpose is to, by lawful means, prevent cruelty and promote kindness to animals. The trustees agreed that it is appropriate and within our charitable objectives for the Society to put forward the facts about animal welfare in the EU for its 600,000 supporters so that they can have an informed view.

### What animal welfare issues are covered by the EU?

Around 80% of UK animal welfare laws originate from the EU with over 30 different laws relevant to animal welfare covering all four main areas of concern and spanning over 40 years. The RSPCA has worked actively to improve animal welfare within the EU since 1980 when it formed Eurogroup for Animals, the pan European animal welfare coordinator. Over the past 36 years the Society has tried to ensure that legislation passed in the EU helps improve animal welfare both in Europe and in the UK.

The first animal welfare law, passed in 1974, set standards on the slaughter of animals; the most recent legislative development came in March 2016 when the European Parliament agreed the Animal Health Regulation which opens the way for new legislation to harmonise rules on dog registration in response to concerns on the puppy trade.

The EU legislation is limited to issues affecting the operation of the internal market and the free movement of animals. Standards on farm animals represents the largest body of legislation adopted. There are laws setting standards on the way animals are reared, transported and slaughtered. Legislation also sets baseline rules on farm animals and specific standards on the slaughter and transportation of animals and on the rearing of laying hens, veal calves, chickens and pigs. There are also consumer information laws which have had an impact on animal welfare such as making labelling of the provenance of eggs mandatory.

Wildlife legislation regulates the trade in endangered species, implementing the rules of the UN CITES Convention of which the UK is a member. This prohibits the imports of endangered species and products such as ivory and whale meat. Other laws provide protection for wild birds and certain other species of wild animal, set standards on the management of these species where necessary and on the keeping of animals in zoos. The use of driftnets is prohibited due to their impact on marine animals and there are bans on the use of certain traps in wildlife management.

The use of animals in research is regulated by six different laws covering the keeping, transportation and use of animals in laboratories, the prohibition of the testing, marketing and imports of cosmetic products tested on animals and legislation on cloning.

Companion animals is the least regulated area. Laws are limited to rules allowing free movement of dogs

and cats provided they have been identified and vaccinated. This essentially removed the need for quarantine in the UK. There are import bans on products made from dog and cat fur and on seal products due to welfare concerns on the manner in which these animals are kept and killed.

Finally, a number of animal health laws have consequences for animal welfare. The importation of wild caught birds was prohibited in 2005 to limit the spread of avian influenza. There are also bans on the use of hormones in beef cattle and BST, a dairy hormone, in dairy cattle.

### **What issues are not covered by the EU?**

Any issues which do not impact on the effective operation of the internal market are devolved to individual Member States. Legislation on animal cruelty is set individually by England, Wales, Scotland and Northern Ireland. This legislation has a long history in England and Wales, the first law being passed in 1822 and directly leading to the formation of the RSPCA in 1824. The most recent framework law in England and Wales, the Animal Welfare Act 2006, covers the prevention of cruelty and suffering to animals. It is thought that the RSPCA spends the majority of their budget and work programme on issues covering companion animals and so are devolved.

Legislation on companion animal welfare is mainly devolved, with standard setting decided in the Scottish Parliament, Welsh Assembly, Northern Ireland Assembly and Westminster. For some issues the standards will differ. Tail docking of dogs is banned in Scotland but there are exemptions for working dogs in England, Northern Ireland and Wales (though the exemptions themselves differ). The use of shock collars is banned in Wales but nowhere else. The different jurisdictions also set different sentencing thresholds. In Northern Ireland certain types of animal cruelty now carry a penalty of up to five years in prison compared to six months in England. The enforcement is also different. In Northern Ireland it is undertaken by local authorities, in England and Wales mainly by the RSPCA and in Scotland the SSPCA who undertake investigations before handing over the files to the Procurator Fiscal.

Other areas where the UK is free to set legislation include the hunting of wild animals by dogs (the Hunting Act 2004 in England and Wales) and the welfare of wild animals in travelling circuses.

### **How important is animal welfare in the EU?**

The UK became a member of the European Economic Community in 1973 and the first direct elections to the European Parliament occurred in 1979. The first cross party parliamentary group on animal welfare met in 1983, and is one of the oldest and the most popular of all the parliamentary intergroups. It has a current membership of 105 MEPs. In March 2016 it held its 322nd meeting.

Public interest in animal welfare is pan European. Eurogroup for Animals has members in 24 of 28 countries. The three Eurobarometers, the pan European public polling, on animal welfare have shown widespread interest in farmed animal welfare. In 2016 82% thought that the welfare of farmed animals should be better protected. In 2005 62% said they would change their shopping place to buy more animal welfare friendly products<sup>1</sup>, and in 2016 59% said they would be willing to pay more for products sourced from welfare friendly systems<sup>2</sup>. This interest is reflected in the number of letters about animal welfare that MEPs receive. Animal welfare issues generate more letters to MEPs than any other issue

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<sup>1</sup> European Commission DG Health and consumer protection. 2005. Eurobarometer 229 on attitudes towards welfare of farmed animals

<sup>2</sup> European Commission DG Health and food safety. 2016. Eurobarometer 442 on attitudes to animal welfare

and campaign actions to the European Parliament are usually well supported<sup>3</sup>. For instance 550,000 actions were sent to MEPs in 2016 on the puppy trade of which 91,000 were to UK MEPs.

### **How do animal welfare laws impact on the UK?**

The Treaty of Rome was updated in 2009 with a specific Article which states that animals are sentient beings, a proposal originally put forward by the UK in 1997 and accepted in 1999. This is an important scientific and ethical principle as it means that all 28 countries have agreed that animals need to be treated appropriately and that legislation on any issue takes into account any impact on animal welfare.

Legislation on animals tends to be delivered as Regulations, which are mandatory for a country to implement, and Directives which give a greater degree of flexibility. The UK must implement legislation adopted by the EU but has flexibility in how it implements some of the laws. For instance, the UK's devolved authorities (most animal welfare law in the UK is now devolved) may have the power to implement higher standards than those under the EU laws. The UK prohibited the veal crate system in 1991, 15 years before it was banned in the EU; it prohibited sow stalls in 1999, 14 years before they were phased out in the EU. It would seem that UK Governments are now reluctant to implement higher standards than the EU especially on farm animals due to the fear of its impact on the competitiveness of the industry. However there are certain areas where countries continue to retain higher welfare standards than the EU such as England and Wales on the farming of chicken. In other areas the UK keeps the EU standard. For instance the slaughter of farm animals without stunning, allowed under EU rules for religious reasons, is permitted in the UK although two other EU countries have prohibited it.

The UK can implement its own legislation in any areas of animal use that are not covered by EU laws. For instance in 2003 England and Wales banned fur farms and in 2006 banned the tail docking of certain dogs. There is no European legislation on either of these issues. A ban on the use of wild animals in circuses is also being considered in England, Scotland and Wales as this issue is outside EU competence.

### **How much do we pay in and get out of the EU budget for animal welfare?**

The UK is a net contributor to the EU budget, which in 2014 amounted to £9.8 billion (€12.7 billion). The Common Agricultural Policy (CAP), which is the subsidy scheme for farmers, accounts for 39% of the EU budget. In 2015 UK farmers received €3.08 billion in direct support back from Europe under the CAP and an additional €414 million for those farmers who implement schemes for environmental and animal welfare benefits. The total subsidies received in 2014 represented 55% of total income from farming.

### **What are the impacts of these laws?**

Direct outcomes from legislation are difficult to establish. The following examples show what happens after laws have been adopted. Compulsory labelling on egg provenance was introduced in the UK in 2003, allowing consumers, for the first time, to know how eggs on sale were produced. In subsequent years, sales of free range eggs rose and now account for around 52% of eggs produced in the UK. Around 90% of these are certified RSPCA Assured.

The impact of recognising animals as sentient beings is thought to be limited. It does not extend the EU's competence on animal welfare into areas such as cruelty laws on domestic animals or cultural issues such as bullfighting. It also does not prevent legislation being passed that could be detrimental to animal

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<sup>3</sup> Wilkins. 1997. D. Wilkins (ed.), *Animal Welfare in Europe: European Legislation and Concerns* (Kluwer International Law, 1997),

welfare.

Although the UK sees itself as operating some of the highest animal welfare standards, there are examples where the UK has fallen behind other countries. Seventeen EU countries have a ban or partial ban on the use of wild animals in circuses, an issue not covered by EU legislation. It is not banned in the UK.

There are also examples where the UK has taken action to improve animal welfare as a result of European legislation. The UK phased out conventional battery cages for laying hens between 1999 and 2012 and prohibited the import of wild caught birds in 2005, due to EU legislation.

### **If the UK came out what would be the impact on animal welfare?**

If the UK voted to leave it would have to negotiate a new trade treaty with the EU and other countries. These negotiations may lead to the same, better or worse terms than those currently agreed. It would have to agree which European legislation it would retain and which it would drop. It could agree which new laws it would bring in that it was prevented from doing previously whilst it was a member.

Even if the UK left the EU, it would still be bound by those rules set by international bodies of which it is a member. These include trade rules, as set by the World Trade Organisation, and which limit its ability to ban imports or exports or give any trade advantages to its own producers. It is true that EU rules prevent the UK banning the live exports of farm animals or the imports of fur. But it is likely that WTO rules would also prevent both of these actions. It would have to negotiate a new subsidy system for British farmers which may or may not include additional monies for animal welfare than it currently funds.

There are also examples of areas where the UK would have liked to have gone further than allowed under EU rules such as increasing the money it gives to farmers for animal welfare improvements under the CAP.

### **A summary of the animal welfare issues impacted on by remaining or leaving the EU**

By remaining in the EU, the UK can

- Influence the European Commission and the 27 other EU members to introduce further animal welfare legislation that is currently lacking such as harmonised dairy standards or new rules on duck farming. These would have the potential to improve animal welfare standards.
- Influence the European Commission to negotiate and agree Free Trade Agreements (FTA) with other countries which have the potential to improve animal welfare there and reduce the threat of importing products into the UK that are produced to lower welfare standards. This has the potential to minimise the threat from those products undermining our own farming products.
- Continue to use farm subsidies under the Common Agricultural Policy which have the potential to help British farmers improve animal welfare standards
- Continue to set our own standards in those areas that are not covered by the EU e.g. hunting with dogs, fur farming.

- Influence any future standards on animals that the EU is introducing; this will harmonise standards in the 27 other EU countries and have the potential to keep UK farming and industry competitive.

The approach the Government will adopt on many of these issues will not be confirmed until a vote to leave the EU has occurred so what follows is necessarily speculation but by leaving the EU the UK would

- Adopt its own laws and standards on animal welfare which might be better than the EU standards
- Agree and implement a new system of farm subsidies to improve animal welfare which might provide more money than is given now to farmers
- Negotiate a new trade agreement with the EU (depending on what model of relationship with the EU the UK has adopted, the UK might be able to ignore future or existing new laws on animal welfare; if the UK decides to adopt the model based on the European Economic Area, this ability will be more restricted
- Negotiate new free trade agreements (FTAs) with other countries in the world which might achieve better terms for animal welfare than the present FTAs negotiated by the EU
- Prevent imports of certain animals provided that these represent a disease or welfare risk (such as the trade in puppies from the EU) and did not contravene the WTO rules.