

# Conservative Animal Welfare Foundation



## Brexit: Opportunities for Animal Welfare

On June 23rd, the UK decided by a vote of 52% to 48% to leave the European Union. It is important to ensure that animal welfare is not compromised as part of the process to leave the EU and that opportunities are taken to improve existing policies and standards.

44 animal welfare laws have been agreed at the European level. Around 80% of UK animal welfare legislation originates from the EU with over 40 laws relevant to animal welfare. These laws cover all four groups of animals—farm, research, wildlife and companion and span over 40 years

The EU has adopted three different types of European legislation on animal welfare: Directives, Regulations and Decisions. Thirteen of the 44 animal welfare laws in the acquis are Directives, which have already been implemented into existing UK legislation. These will need to be repealed if they are no longer required. 31 are Regulations and Decisions, which are applicable to the UK without national implementation. Depending on how the UK exits the EU, these may be automatically deleted on UK withdrawal unless Parliament legislates for them to remain. Alternatively, all pre-existing laws will simply be carried over for amendment on a piecemeal basis. The Conservative Animal Welfare Foundation would like to see all 44 laws maintained at the very least.

Many of the UK's food and farming policies have been shaped at EU level and the new Government now has an opportunity to redefine these policies. We have the power to lead our own farming policies to advance farm animal welfare, implement higher standards than those under the EU laws, protect the Environment and promote healthier public diets to combat heart disease, diabetes and obesity. Although the UK sees itself

as operating some of the highest animal welfare standards, examples exist where it has fallen behind other countries. There are certain areas where other countries have higher welfare standards than the UK, such as on the farming of chicken and laying hens (source: RSPCA)

## **Farm Animals**

The largest body of legislation concerns farm animals with 18 relevant EU law adopted. There are five laws setting standards on the way farm animals are reared and produced. There are species specific laws for laying hens, veal calves, meat chickens and pigs. There is also legislation covering consumer information, such as mandatory labelling of the provenance of eggs and beef, the labelling of some poultry meats, and country of origin legislation regarding where certain meats and animal products have been produced. One law sets rules on the live transport of animals and a further one on how animals must be killed/slaughtered. Certain veterinary products have been prohibited with bans on the use of hormones in cattle, including BST, which can have a negative impact on the welfare of the animals.

### [Summary of the pieces of legislation for farm animals that have been adopted at the EU level](#)

- General protection 98/58 Laying Hens 1999/74
- Meat Chickens 2007/43 (International Agreement OIE Guideline) Veal calves 2008/199
- Live transport 1/2005 (International Agreement OIE Guideline) Pigs 1/2005
- Slaughter 1099/200 (International Agreement OIE Guideline) Dairy (International Agreement OIE Guideline) Bans on BST and hormones 1999/879
- Farm Subsidies 1305/2013, 1307/2013 Country of origin Labelling 1169/2011 Poultry meat marketing standards 543/2008 Beef labelling 566/2008
- Egg labelling 1097/90, 5/2001 Organic Production 834/2007
- Horse identification 90/426, 504/2008 laws being updated but not yet adopted that would fall on Brexit Feed and Food Law 1804/1999



There are opportunities to prohibit the non-stun slaughter of animals, to mandate CCTV in slaughterhouses. To set rules on dairy cattle, beef, sheep, turkeys, ducks, fish Deliver more funding for animal welfare schemes. To set higher standards on the journey times and transport conditions for animals that are transported in the UK and overseas.

We ask the Government to prioritise ethical and sustainable farming measures and distance production methods away from intensive industrial production farms which negatively impact upon farm animal welfare, the Environment and public health.

It is a priority that there is not a reduction in farm animal welfare standards at the expense of a drive for new profitable economic trade deals. We should ensure that in any negotiation on Free Trade Agreements (FTA) with other countries there is agreement to prevent the import of products into the UK that are produced to lower welfare standards and so minimise the threat of those products undermining our own farming products .and incentivises and encourages negotiating partners to improve their animal welfare standards.

We would like to see England and Wales take the opportunity to promote higher farm animal standards by diverting money from the old CAP subsidy system into schemes that reward farmers that produce under higher welfare assurance schemes or farm to meaningful higher welfare standards.

We want to see an end to cages for hens and farrowing crates for pigs. The UK prohibited the veal crate system in 1991 15 years before it was banned in the EU and it prohibited sow stalls in 1999 14 years before they were phased out in the EU.

We support Conservative MPs drives to introduce mandatory CCTV in slaughterhouses We call for meat to be clearly labelled if the animal has not been stunned before slaughter. We support the British Veterinary Association which is urging for an end to slaughter without stunning in the UK. We call on the Government for meat to be labelled with method of slaughter so consumers can make an informed choice.

We call for labelling to include method of production for farm animals which we believe would be highly successful in improving welfare and add value along the supply chain. It would be helpful for consumers, producers and farm animals. Conservative MP Anne Main recently introduced a Bill calling for better labelling to back British Farmers. During her speech in parliament, the MP said that, 'it is not right or fair that other European

countries can dodge animal welfare issues, can hide anonymously behind inadequate labelling and at the same time undercut our farming industry. 'Anne made the claims after it was found that 6 EU countries were still non-compliant with key animal welfare measures. 'This wilful non-compliance cuts costs for EU farmers', said Mrs Main, 'and perpetuates misery for the animals.'

As the UK will soon no longer be bound by EU trade decisions, we urge the Government to ban (save for specific breeding purposes) the live animal export trade which causes immense suffering to farm animals every year. Thousands of UK animals are exported on long journeys, including sheep and calves to France and as far away as Spain, Greece and Italy. We call for the Government to introduce a Bill in Parliament to ban the live export of animals for Human consumption to come into force as soon as the UK leaves the EU. Meat should be exported 'On The Hook Not On The Hoof'.

## Wildlife

The twelve laws covering wildlife fall into two areas those part of international treaties and those not. The latter include the law to prohibit the import of wild caught birds, implemented in 2005 and responsible for the dramatic drop in wild caught birds into the UK. There is also an import ban on seal products due to welfare concerns on the way these wild animals are hunted and killed. There is legislation setting standards on the management of wildlife, covering their hunting, trapping and protection of habitat and legislation 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 due to their cruelty. Legislation that has been adopted at the EU level:

Directives:

- Trade in Endangered Species 338/97 (International Agreement- CITES). The UK could set higher standards than the present EU law to ban trade in endangered species in transit through the UK to other countries and ban the import of wildlife trophies, Body Parts and Extracts.
- Whaling 812/2004 (International Agreement IWC)
- Habitat protection, hunting and trapping 92/43/82/72 (International Agreement Bern Convention)
- Wild Birds Protection 2009/147 (International Agreement WTO compliant)

- Driftnet Bans 1239/98
- Seal import ban 2015/1850 (International Agreement Bern Convention) Zoos 1999/22
- Traps Management 2354/91
- Wild Bird Import ban 139/2013
- Invasive Alien Species 1143/2014
- Fur labelling 1007/2011

Many of the regulations that protect our environment come from the EU and will soon no longer apply in Britain even if we stay in the Single Market. We ask the government to make sure that UK environmental legislation remains as strong as it currently is. We would like to see the Government immediately transcribe into UK law the EU nature directives that we might otherwise lose: The Birds Directive and the Habitats Directive. As part of the EU/UK negotiation, the UK accept all the present EU laws in the acquis that sets standards for animal welfare.

## **Research Animals**

The use of animals in research is regulated by nine different laws, covering the breeding, care and use of animals for scientific purposes, the transport of animals, the use of animals to test chemicals, biocides, plant protection products and novel foods, and the prohibition of the testing, marketing and import of cosmetics products testing on animals. The laws at EU level are:

- The Use of Animals in Research, Testing and Education– General 2010/63 (International Agreement– OIE Guideline). The UK will no longer be constrained by Article 2 of Directive 2010/63/EU and so could for example choose to implement higher standards of housing and care, or end the licensing of procedures with the potential to cause ‘severe’ suffering.
- Making the EC Party to Council of Europe Convention ETS 123, 1999/575
- Allows for updating of the appendices to Convention ETS 123 2003/584
- REACH 1907/2006
- Plant Protection Products 1107/2009
- Biocidal Products 528/2012
- Cosmetics 1223/2009

- Novel Foods 258/1997 (law being updated but not yet adopted that would fall on Brexit)

We call for the Government to increase funding directed towards developing and promoting validated alternatives to animal experiments. End the use of primates, cats and dogs in research. Put rules on the harm-benefit assessment of animal experiments out to public consultation to prevent trivial research. Ban experiments causing severe pain. Require animal research establishments to publish strategies for reducing the numbers of animals used.

## Pets

- Non-commercial trade dogs, cats, 576/2013 577/2013
- Pet Imports 2013/31
- Commercial trade in animals 92/65
- Imports on dog and cat fur 1523/2007

The Pet Travel Scheme(PETS) was changed in 2012 to further harmonise travel across Europe. This resulted in a relaxation of the UK's quarantine controls. Defra figures show that the number of dogs entering Great Britain via PETS increased by 61% in the first year of controls being relaxed. There has been a noticeable increase in the imports of puppies and dogs from certain central and eastern European countries such as Hungary, Lithuania, Romania and Poland.

Investigations have found that PETS is regularly used as a cover to import puppies into Great Britain for commercial purposes. The Dogs Trust state that they are concerned that the increasing number of animals coming into the UK, together with concerns about compliance with and enforcement of the legislation, presents a disease risk. The decision to leave the EU provides a good opportunity to review, amend and strengthen the legislation governing pet travel and disease control.

It is possible that Regulations made by the EU which ban the importation by Member States of animal products originating from cat and dog fur would no longer have effect in the UK. The UK may therefore be free to import these products again unless legislation is passed banning such importation of these products. This will be a policy decision for the UK Parliament and Government.

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

The UK already sets laws on any issues that have been devolved from the EU to member state level. So, requirements concerning animal cruelty are set individually by England, Wales, Scotland and Northern Ireland and not impacted by Brexit. These include the Animal Welfare Act 2006 and the framework law in England and Wales and includes standards on the tail docking of dogs, the ban on the use of shock collars in Wales and the raft of legislation the UK Government is currently considering on the breeding, boarding and selling of dogs, the licensing of horse riding establishments and the selling of all animals, in England. Sentencing is also not part of the EU acquis and is devolved. It will not be impacted.

- We call for the UK to continue to set its own standards in those areas that are not covered by the EU such as the Hunting Act 2004 legislation, fur farming, animal cruelty, and the sale and breeding of domestic animals. The UK prevents imports of certain animals where to do so would represent a disease or welfare risk (such as the trade in puppies from the EU) and does not contravene WTO rules. We continue to urge the Government to end the badger culls and focus on bio security and stricter cattle movement controls instead.
- We urge a ban on snares. Snares are prohibited in most of the EU and the UK are one of only five EU countries to still allow the free use of snares. We call for snares to be illegal.
- We would like to see the Government implement the total ban on the use of wild animals in circuses.
- We call for the Government to commit to long term funding of the National Wildlife Crime Unit.
- We support a statutory close season for hares which are a priority species.
- We urge the Government to actively oppose the dog meat trade.
- Introduce stronger sentencing for animal cruelty
- Implement a central database for tracking racing greyhounds from birth to retirement, to death. Introduce a statutory requirement for tracks, trainers and

owners to rehome all racing greyhounds and end industry self- regulation. Greyhound racing is only legal in eight countries, including the UK.

- Ban third party sale of dogs- Dogs should be only available from licensed regulated breeders or approved re-homing organisations.
- We support a total ban on ivory sales in the UK
- End all fur imports to the UK.
- The Government ordered the last UK fur farm to close its doors in 2003 but we still import fur cruelty from overseas.
- Support an enquiry into commercial driven shoots. Commit to a review of the industry of shooting live birds as targets for sport shooting, looking specifically at the animal welfare, economic and ecological impacts of this ‘sport’.

### **Proposal for an Animal Protection Commission (APC)**

We would welcome the creation of an Animal Protection Commission(APC) for animal welfare to be factored into decisions on trade agreements. There is a fundamental weakness in the UK’s approach to animal welfare – the lack of any government body with a dedicated animal welfare remit. We visualise that the APC would be led by a Board of 16 Commissioners representing a mixture of experts (in fields such as veterinary & animal welfare science, law, ethics, public policy), stakeholders from animal protection NGOs and industry.

One model would be the EHRC – their Commissioners are listed here:

<https://www.equalityhumanrights.com/en/who-we-are/our-commissioners-committees-and-governance/about-our-commissioners>

Another model is the Environment Agency Board:

<https://www.gov.uk/government/news/environment-agency-board-appointments--3>

The Commission will be supported by statutory committees for specific areas of animal welfare policy: animal experimentation, farmed animals, companion animals, zoos and other captive animals, and (for the first time) wild animals. Independence would be safeguarded by ensuring that those with interests in activities involving potential/actual harm to animals do not form a majority on the Commission or supporting committees. This independent composition would be established by statute.

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

As part of the EU/UK negotiation, the UK accept all the present EU laws in the acquis that set standards for animal welfare.

England and Wales take the opportunity to promote higher farm animal standards by diverting money from the old CAP subsidy system into schemes that reward farmers that produce under higher welfare assurance schemes or farm to meaningful higher welfare standards

Ensure that in any negotiation on Free Trade Agreements (FTA) with other countries there is agreement to prevent the import of products into the UK that are produced to lower welfare standards and so minimise the threat of those products undermining our own farming products and incentivises and encourages negotiating partners to improve their animal welfare standards.

England and Wales administrations look at opportunities to improve animal welfare once the negotiations have concluded in areas such as non-stun slaughter, CCTV in abattoirs and reducing times for long distance live animal transport.

The UK to continue to set its own standards in those areas that are not covered by the EU e.g. hunting with dogs, fur farming, animal cruelty, and the sale and breeding of domestic animals.

The UK prevents imports of certain animals where they represent a disease or welfare risk (such as the trade in puppies from the EU) and do not contravene WTO rules.

## Trade laws which impact upon animal welfare

If the UK is no longer bound by the free movement of goods, then this may enable the UK to impose a ban on the importation of certain animal products (such as foie gras) from Member States within the EU, as well as those countries outside it, on grounds of public interest, where animal welfare concerns arise. It is important to note, however, that such restrictions may not be allowed to breach the terms of any 'association agreement' that is now made between the UK and the EU, or may breach World Trade Organisation rules or the provisions of any trade agreements that may now be made between the UK and other countries (e.g. Canada, USA, Australia, China, etc.). The WTO has a formal dispute resolution system for adjudicating on disputes between States. Trade agreements generally provide for dispute resolution mechanisms by which the contracting States may bring disputes to arbitration proceedings. Some agreements may provide for businesses to bring disputes to arbitration.

Conservative Animal Welfare Foundation recognises the inevitable questions: what will Brexit mean for animal welfare and the importance of ensuring that laws protecting animals remain as tough – if not tougher – once the UK leaves the EU.

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