

Brexit Trade in Food:

Written evidence submitted by the Conservative Animal Welfare Foundation (BRT0015)

Executive Summary

- When negotiating a new trade agreement with the EU - or others – it is vital that the UK insists on the inclusion of a clause permitting it to require imports to meet UK animal welfare and environmental standards. It is important to protect Farmers in the UK from lower welfare imports.
- Where the UK does not conclude a trade agreement, trade will be governed by the WTO rules. The common assumption is that the WTO rules do not permit trade restrictions on animal welfare grounds. However, this ignores WTO case law which indicates that countries can require imports to meet welfare standards equivalent to their own, provided that there is no element of discrimination.
- The forthcoming Trade Bill should provide that the Government may not conclude a trade agreement without:
 - first submitting an impact assessment to Parliament that analyses any potential negative impacts on UK farmers and standards, and
 - Parliament’s approval of the trade agreement.
- Regarding exports, the UK brand should focus on quality including high environmental and animal welfare standards. High standards should be a core part of the UK’s selling pitch to the EU and the rest of the world to buy UK-produced food.
- Mandatory method of production labelling of meat and dairy products should be introduced to protect farmers from low welfare imports.

1. What challenges and opportunities will the UK food and farming sectors face from new trade arrangements with EU countries after the UK leaves the European Union?

1. The UK’s trade relationships with the EU are likely to be governed either by a negotiated Trade Agreement with the EU or in the absence of such an agreement, by the WTO rules.
2. Brexit provides opportunities to improve animal welfare and the environment. Michael Gove said in his speech 'The Unfrozen Moment: Delivering a Green Brexit':

'We now have an historic opportunity to review our policies on agriculture, land use, biodiversity, woodlands, marine conservation, fisheries, pesticide licensing, chemical regulation, animal welfare, habitat management, waste, water purity, air quality and so much more.'

3. It is important that farmers in the UK are protected from imports produced to lower environmental or animal welfare standards. It's vital that UK animal welfare and environmental standards are not lowered.

We welcome the Prime Minister's commitment in the House of Commons in February 2017 to "maintaining and, where possible, improving standards of welfare in the UK".

4. The NFU has highlighted the importance of ensuring that UK farmers are not undermined by imports produced to lower standards. It emphasises the need for a commitment by Government "to fully account for differences in regulations and standards when market access is negotiated with other countries and trade blocs, ensuring UK farmers are not put at a competitive disadvantage to overseas producers' subject to different standards".

5. Trade arrangements will be a key factor in determining UK's ability to improve environmental and animal welfare standards. Conservative Animal Welfare Foundation proposes that when negotiating a new trade agreement with the EU (and the world) that the UK insists on the inclusion of a clause permitting it to require imports to meet UK animal welfare and environmental standards.

6. Alternatively, the UK could press for the ability to place differential tariffs on imports. Imports that do not conform to UK welfare and environmental standards would be subject to tariffs that are sufficiently high to safeguard UK farmers; imports that meet UK standards would benefit from a low or zero tariff.

7. Where the UK does not conclude a trade agreement, trade will be governed by the WTO rules. The common assumption is that the WTO rules do not permit trade restrictions on animal welfare grounds. However this ignores WTO case law of the last sixteen years. This indicates that countries can require imports to meet welfare standards equivalent to their own provided that there is no element of discrimination that favours domestic producers and no discrimination between different would-be exporting countries.

8. George Eustice speaking in a Westminster Hall debate on 24 January 2017 said: "there are legal precedents and case law to support the use of ethical bans on certain practices and the reflection of animal welfare in trade agreements. I do not believe that anything along the lines that we would propose will cause any difficulty whatever with WTO rules.

9. Defra's response to the Lord's EU Energy and Environment Sub-Committee's inquiry states: "the Government agrees that future trade policy should consider how to treat imports from other countries which are subject to lower welfare standards and that we should uphold our high standards of animal welfare".^[i] It continues: "We are already examining the requirements of WTO rules and recent developments in WTO case law and we continue to do so. This forms part of our active consideration of what approach we should take in relation to imports from other countries."

10. Conservative Animal Welfare Foundation welcome Defra's commitment to upholding "our high standards of animal welfare". Also welcome is the fact that Defra is examining the position under the WTO rules. This said, we believe that the position is clear i.e. a WTO member country can require imports to meet animal welfare standards equivalent to its own provided that there is no element of discrimination. If challenged, it can seek to defend its requirement under the WTO's public morals exception.

11. One of the Exceptions relates to public morals. In *EC-Seal Products* the Appellate Body ruled that in the EU (and therefore of course in the UK) animal welfare is a concern that comes within the field of public morals. WTO dispute panels and the Appellate Body have stated on several occasions that WTO member countries have the right to determine the level of protection that they consider appropriate to achieve a given policy aim for example as regards public health, conservation, prevention of deceptive practices or public morals. As the Appellate Body has recognised that animal welfare is a facet of public morals, the UK will be able to determine the level of animal welfare that it considers to be appropriate.

12. The UK has higher animal welfare than the EU in a number of areas. For example, UK law prohibits the use of sow stalls throughout the sow's pregnancy whereas the EU permits the use of stalls during the first four weeks of pregnancy. UK law requires all calves to be given bedding while EU law only requires the provision of bedding for the first two weeks of life. Slightly higher stocking densities for broilers are permitted by EU law than in Britain. UK law on welfare at slaughter is considerably stronger than that of the EU.

13. It is crucial post Brexit that the UK is able to require imports to meet its higher welfare standards. This can be achieved either by the inclusion of an appropriate provision in a trade agreement with the EU or, absent such an agreement, a recognition that the WTO rules permit an importing country to require imports to meet welfare standards equivalent to its own. A tariff-led decrease in imports could be beneficial for UK farmers as they would have the opportunity to increase their share of the UK market. However, this could lead to certain sectors increasing production through intensification. Increased intensification of the UK's pig, poultry and dairy sectors would be damaging for animal welfare and the environment.

2. What trade policy objectives should Defra/ the UK Government establish in order to achieve the right balance between the interests of food consumers, producers and processors, and the environment?

14. Regarding exports, we believe the UK should focus on quality including championing high environmental, animal welfare and food safety standards. High standards should be a core part of the UK's selling pitch to the EU and the rest of the world to buy UK-produced food. This is key as the UK cannot compete on cost with many countries in Asia and the Americas where land, labour and animal feed are generally all cheaper than in the UK.

There is strong evidence that there is a reliable market for higher welfare products in Britain (as demonstrated by cage-free egg and higher welfare pork sales), and that there is a largely untapped market for higher welfare products around the world.

Consumer choice plays an important role in supporting and driving standards, but public payments should also be used. Welfare outcome measurements, including behavioural outcomes, should become a required route to market for farms in receipt of public funds. Farm animals should be able to express natural behaviour, meaning that caged systems should not be supported with public money. Routine behavioural mutilations should be quickly phased out to protect both farm animals and the British brand. Good management in extensive indoor and outdoor farm systems eliminate the need for routine behavioural mutilations, such as piglet tail docking and tooth clipping. Animals reared in Britain should be slaughtered in Britain, and abattoirs should develop a more open, market-facing approach to slaughter. This could include CCTV at the slaughter line, as well as non-discriminatory method of slaughter labelling.

15. Defra must ensure that UK farmers are not undermined by the import of products produced to standards that are lower than those of the UK.

16. The EU Energy and Environment Sub- Committee 2017 report on ' Brexit: Farm Animal Welfare' included:

17. "Our evidence strongly suggests that the greatest threat to farm animal welfare standards post-Brexit would come from UK farmers competing against cheap, imported food from countries that produce to lower standards than the UK. Unless consumers are willing to pay for higher welfare products, UK farmers could become uncompetitive and welfare standards in the UK could come under pressure."

18. In order to protect UK farmers and standards, the forthcoming Trade Bill should require the Government, when negotiating trade agreements, to insist on the inclusion of effective provisions that enable the UK to:

- decline to accept imports produced to environmental, animal welfare and food safety standards lower than those of the UK; or
- place tariffs on such imports that reflect that proportion of the imported product's lower price that is attributable to production at standards below those of the UK.

The Trade Bill should provide that the Government may not conclude a trade agreement without:

- first submitting an impact assessment to Parliament that analyses any potential negative impacts on UK farmers and standards, and
- Parliament's approval of the trade agreement

19. In order to protect UK farmers and consumers from low welfare imports, mandatory labelling of meat and dairy products as to farming method should be introduced allowing consumers to make informed choices on meat and dairy products. It is a measure to enhance transparency. The mandatory labelling of egg packs has played a part in the shift from cage eggs to free range. We have to give consumers more information. Some consumers will continue to buy the cheapest priced produce yet some consumers will be prepared to help drive welfare improvements.

5. What can farmers, food producers and processors, and government do to prepare for changes to trading arrangements, including to improve production and to reduce trading costs?

20. We are concerned that 'improving production' could lead to further intensification of the UK's already highly intensive agriculture. This would have a detrimental impact on animal welfare. Intensive livestock systems rely on inefficient and petrochemical-dependent land use, and drive poor bio-diversity and soil quality outcomes. Moreover, increases in stocking densities, group size or stress levels will make the animals more susceptible to disease and are likely to lead to increased routine preventive use of antimicrobials. The Veterinary Medicines Directorate's data show that around 83% of UK farm antimicrobial use is in pigs and poultry, the two most intensively farmed species.

21. Intensive livestock production has led to a sharp increase in the routine use of antibiotics. In turn this has contributed to a dangerous rise in antimicrobial resistant pathogens affecting people. Government should require an end to the routine use of antibiotics for the prevention of disease, and the phasing out in animal agriculture of the use of 'highest priority critically important antibiotics', defined by the WHO for human medicine. A shift to sustainable farm systems with good outcome-based assessments will naturally help to reduce antibiotics use, and contribute to improved human health outcomes.

22. Improving production could also result in further selection for increased productivity. Genetic selection has aimed - and continues to be directed - at increasing growth rates (in meat chickens, pigs and certain farmed fish species) or yield (in dairy cows and egg laying hens.) or litter size (in pigs). In each case this has had highly detrimental impacts on animal health and welfare.

23. The European Food Safety Authority has concluded that "long term genetic selection for high milk yield is the major factor causing poor welfare, in particular health problems, in dairy cows". A large-scale UK study into leg disorders in broilers found that 27.6% of the chickens had levels of lameness that are likely to be painful and that high growth rates are the primary risk factor for this. The high productivity of the modern laying hen causes osteoporosis and so creates a substantial risk of fractures both during the laying period and at depopulation at the end of lay. The breeding of sows for large litters results in high levels of mortality due to low birth weights.

24. Any further intensification of crop production is likely to exacerbate the damage to soils, water and biodiversity that has been already caused by intensive arable production. We know that we're approaching high risk thresholds in terms of biodiversity loss, soil quality, and carbon pollution.

Biodiversity boosts productivity. It includes the microbial life forms that improve soil health, as well as the plants, insects, birds, and larger mammals we generally associate with the countryside. Unfortunately, our biodiversity is in dramatic decline. The RSPB's State of Nature report in 2013 showed that 60% of UK species have declined over the last 50 years, and 31% have declined strongly. Good integration between agriculture and biodiversity will require that measures are taken to improve the land's productivity and resilience.

Brexit provides an opportunity to take back control of agricultural land use and food policy, and to create a new model of farming excellence. In repatriating our ambition we can deliver a fundamental change, transforming farming into a thriving industry that sets the global standard for high quality sustainable food production.

October 2017