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on the European Union Strategy for the Protection and Welfare of Animals
2012–2015
(2012/XXXX(INI))

Committee on Agriculture and Rural Development

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the European Union Strategy for the Protection and Welfare of Animals 2012-2015 (2012/XXXX(INI))

The European Parliament,

- having regard to the Commission Communication of 19 January 2012 on an EU Strategy for the Protection and Welfare of Animals 2012–2015 (COM(2012)0006),
- having regard to Articles 7 and 13 of the Treaty of the Functioning of the European Union,
- having regard to its resolution of 12 October 2006 on a Community Action Plan on the protection and welfare of Animals 2006–2010¹,
- having regard to its resolution of 22 May 2008 on a new animal health strategy for the European union 2007–2013²,
- having regard to its resolution of 6 May 2009 on the proposal for a Council regulation on the protection of animals at the time of killing³,
- having regard to its resolution of 5 May 2010 on evaluation and assessment of the animal welfare action plan 2006–2010⁴,
- having regard to its resolution of 12 May 2011 on antibiotic resistance⁵,
- having regard to its resolution of 8 March 2011 on EU agriculture and international trade⁶,
- having regard to the Agriculture and Fisheries Council Conclusions of 29 November 2010 on the welfare of dogs and cats,
- having regard to the Commission Communication of 15 November 2011 on an action plan against antimicrobial resistance (COM(2011)0748),
- having regard to the Commission Communication of 10 November 2011 on the impact of the Council regulation No 1/2005 on the protection of animals during transport (COM(2012)0700),
- having regard to the EFSA scientific opinion of 2 December 2010 on animal welfare during transport⁷,

¹ OJ C 308 E, 16.12.2006, p. 170-178.

² OJ C 279E, 19.11.2009, p. 89-98.

³ OJ C 212 E, 6.5.2009, p. 326-346.

⁴ OJ C 81E, 15.3.2011, p. 25-32.

⁵ Texts adopted, P7_TA(2011)0238.

⁶ Texts adopted, P7_TA(2011)0083.

⁷ EFSA Journal 2011; 9(1)1966.

- having regard to the EFSA scientific opinion of 13 December 2011 on Guidance on Risk Assessment for Animal Welfare¹,
 - having regard to the World Organisation for Animal Health (OIE) definition of animal welfare²,
 - having regard to the twelve additional Principles and criteria of good Animal Welfare developed by the Welfare Quality Project³,
 - having regard to Council Decision 78/923/EEC of 19 June 1978 concerning the conclusion of the European Convention for the protection of animals kept for farming purposes⁴,
 - having regard to the European Convention for the Protection of Pet Animals⁵,
 - having regard to Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁶,
 - having regard to Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos⁷,
 - having regard to Directive 2010/63/EU of 22 September 2010 on the protection of animals used for scientific purposes⁸,
 - having regard to the Communication from the Commission on mainstreaming sustainable development into EU policies and on the 2009 Review of the European Union Strategy for Sustainable Development (COM(2009)0400),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on xxx (A7-0000/2012),
- A. whereas a high level of animal welfare, which is part of sustainable development, is important to protect public and animal health, and ensure the productivity and competitiveness of the livestock sector in the EU;
- B. whereas EU and national rules on animal welfare, due their complexity and differing interpretations, create legal uncertainty, while the lack of compliance and absence of legal milestones distorts competition;

¹ EFSA Journal 2012;10(1):2513.

² OIE Terrestrial Animal Health Code, Article 7.1.1. (2011).
http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.7.1.htm.

³ www.welfarequality.net/everyone/43395/7/0/22.

⁴ OJ L 323, 17.11.1978, p. 12-13.

⁵ ETS 125 – Protection of pet animals, 13.XI.1987.

⁶ OJ L 165, 30.4.2004, p. 1-141.

⁷ OJ L 94, 9.4.1999, p. 24-26.

⁸ OJ L 276, 20.10.2010, p. 33-79.

- C. whereas a new approach to animal welfare should be based on scientific evidence and knowledge, keeping in mind the need for simplification, cost-efficiency and applicability;
1. Welcomes the broad Animal Welfare Strategy for the EU in 2012–2015;
 2. Deplores that some actions from the Action Plan for 2006–2010 could not be completed and calls on the Commission to align the target dates for the new actions to the legal deadlines;
 3. Deplores that the Strategy has not received the financial backing which the Parliament requested in its resolution of 5 May 2010; Calls on the Commission to increase this backing and ensure a better integration of animal welfare in other EU policy areas, such as consumer policy, research programmes, and the CAP, as appropriate;
 4. Urges the Commission to include animal welfare in its trade policy and when negotiating international trade agreements, and to promote animal welfare in third countries by requiring equivalent welfare standards for imported products;
 5. Regrets that the Strategy fails to reflect the link between the wellbeing of animals and public health; Calls on the Commission to apply the ‘One Health’ principle to its Strategy, as good animal husbandry helps to prevent the spread of diseases and antimicrobial resistance;
 6. Calls for a report on stray animals recommending concrete solutions and including the evaluation of a system for the registration and the electronic identification of pets, to be added to the list of actions;

Enforcement first

7. Shares the Commission’s view that there are today still shortcomings as regards compliance with animal welfare rules, despite the progress made in several fields;
8. Recalls that the imbalances in the food chain, which place the primary producer at a disadvantage, limit the scope for animal welfare investments at farm level;
9. Stresses the need to implement ‘legal milestones’ during the transitional period in future animal welfare legislation;
10. Stresses that the Commission, and in particular the Food and Veterinary Office, must be given increased resources to adequately control animal welfare inspections carried out by the Member States and to address breaches; Calls on the Member States to ensure that there are sufficient animal welfare inspectors who are adequately trained;
11. Is particularly concerned that the current derogation for un-stunned slaughter is abused to a large extent in some Member States, to the detriment of animal welfare, of farmers and of consumers; Welcomes the evaluation on the labelling of meat from animals slaughtered without stunning; Underlines, however, that labelling is not an alternative to proper enforcement as it can only guide consumers if the information provided is verified and correct;

12. Considers that guidelines should accompany EU animal welfare legislation to explain how the rules should be interpreted and applied;
13. Reminds the Commission and the Member States of their duties as laid down in Regulation (EC) No 882/2004, to provide comparable animal welfare information; Calls on the Commission to take effective actions in cases of non-compliance;

Communication and education

14. Emphasises the importance of information and education being adapted and made available at regional and local level, and that information concerning new legislation and scientific advances reach all animal handlers; Recalls the role which could be played by an EU coordinated network of animal welfare centres in this regard;
15. Calls on the Member States to make better use of the provisions for cross-border knowledge-transfer concerning animal welfare, breeding systems and the control of diseases, in the context of the EU financed programmes for rural and regional development;

Framework law

16. Welcomes the inclusion of a European Animal Welfare Framework Law in the Strategy, as suggested by the Parliament, and calls on the Commission to present its proposal in conjunction with the revision of Directive 98/58/EC foreseen for 2013; Believes that such a Framework Law should be clearly written, focus on both inputs and outcomes and result in better animal welfare;
17. Recalls that the Parliament considers that such a Framework Law should be based on validated science and proven experience and cover all kept animals, as well as abandoned animals, including stray animals of domesticated species; Recalls that the Parliament has called for the Animal Welfare Quality project to be further developed as regards its simplification and practical application;
18. Believes that a Framework Law, closely associated with OIE definitions and recommendations, would strengthen the competitiveness of EU animal keepers owners and livestock producers in the international market, as it would also help to ensure fair competition in the internal market;
19. Recalls that the Parliament considers that such a Framework Law should not prevent producers from introducing voluntary systems which go beyond EU rules, and believes that those systems should also be science based;
20. Considers that the European Animal Welfare Framework Law should include:
 - a. common OIE based definition and understanding of animal welfare, and general science-based objectives;
 - b. the principle of duty of care for all animal owners and handlers, so that at every step of the chain there is a natural or legal person responsible for the animal and its wellbeing,

whereas stray animals should be the responsibility of the Member States' authorities because of the public health and safety related risks;

- c. guidelines for staff from public authorities, including social services and healthcare personnel, on how to deal with ill or injured animals in the course of their duty;
- d. a certificate or other proof of competence for any unqualified person handling animals in the course of their professional duties, along with adequate training requirements for specific animal welfare responsibilities when needed, and a system for pre-testing permits for the construction or reconstruction of animal premises;
- e. an obligation for Member States to submit to the Commission yearly reports on the implementation of EU animal welfare legislation, including a roadmap for the following year, and the requirement for the Commission to publish, without delay, these reports together with an executive summary;
- f. effective actions against those Member States who do not submit reports or do not fulfil their obligations to carry out controls and inspections;
- g. the creation of a coordinated European Animal Welfare Network, which, based on the experiences of the Pilot Project X/2012, will support information and education campaigns, evaluate the animal welfare requirements on the basis of the latest scientific knowledge, and coordinate an EU system for the pre-testing of new technologies;
- h. a structure for science-based sectoral legislation, such as that concerning dairy cows, aquaculture and animal transport;
- i. a review clause to allow the framework law to be regularly adapted to new scientific developments while respecting the need for legal certainty;

21. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY MEMORANDUM

Animal welfare today

The Commission Communication COM(2012)0006 on the Strategy for the Protection and Welfare of Animals 2012-2015 is much welcomed, especially as it contains so many aspects of the Parliament's Resolution of 5 May 2010. The Communication can be seen as an open door, leading - if we use it properly - to a clear and equivalent animal welfare level within the EU.

A high level of animal welfare is a part of sustainable development and important to protect animal health, public health and the productivity and competitiveness of the livestock sector in Europe. However, the complex European and national rules on animal welfare, together with the lack of information regarding these, create legal uncertainty while the lack of compliance and of 'legal milestones' distorts competition. Therefore, there is a need for a new approach to animal welfare, one which must be based on the science and proven experience which has been acquired over the last years, and where the legislation is easy to understand and easy to control.

Complex and diverging rules on animal welfare

Although there is still no legislation on specific aspects of animal welfare such as that concerning pets and dairy cows, there is no general lack of animal welfare related legislation today. In addition, there are uncountable and diverging national legal requirements in use at the present time. There are no shared definitions and the complex sets of rules and requirements impede the understanding of good animal husbandry or practice for the individual animal handler or owner. As a consequence, the animal welfare conditions, in the EU today, vary greatly between countries and between animal species.

Lack of compliance and enforcement

Furthermore, there is still a severe lack of compliance regarding certain pieces of animal welfare legislation, despite the progress made in several fields. The current set of rules with long transitional and implementation periods without any 'legal milestones' have resulted in a lack of compliance of, for instance, Council Directive 1999/74/EC on the protection of laying hens. There is now also a very present risk that a similar situation will occur regarding Council Directive 2008/120/EC on the protection of pigs and Directive 76/768/EEC ('the Cosmetics Directive'). Another example where animal welfare is not being protected is the abuse of the derogation established for the un-stunned slaughter for religious or ritual purposes, which is causing the unnecessary suffering of animals and is misleading consumers.

It is apparent that the capacity and resources of the Commission have not been sufficient to ensure a proper enforcement of the rules. Nevertheless, compliance could also be expected from the Commission itself. Some actions from the Action Plan for 2006-2010, such as the two reports on pigs, have not been completed. Furthermore, the timetable for the new actions

should be adjusted to the deadlines that are laid down in the existing legislation¹.

The new Strategy

Scope

The broad approach taken by the Commission is greatly appreciated. With a broad approach there is room for improvement as regards the welfare of pets animals for example, even if we must not forget that in Europe, around 95% of all the domesticated animals are handled by farmers - together with transporters, inspectors, veterinarians etc.

It is regrettable, however, that the Commission fails to reflect the link between the animals' wellbeing and public health. The 'One Health' approach should also apply to this Strategy, since good husbandry of all animals - including pets - is a tool to reduce the spread of diseases and antimicrobial resistance.

Policy coherence and coordination of finances

Another flaw of the new Strategy is the lack of a proper budget for the actions listed. In its resolution of 5 May 2010, the Parliament explicitly called for the new Strategy to be given sufficient financial backing. It is therefore of the outmost importance that the Commission, through policy coherence, make every effort to increase the means available for animal welfare in Europe.

For instance, animal welfare should be given greater attention in the EU's Consumer Policy, in the Framework Programmes for research, and in the CAP, where relevant (of course, it would never be relevant to make the CAP pay for cats and dogs in urban areas). Investments in animal welfare are costly, which is why it is very important to ensure that buildings, technology and so on, are appropriate and will last for many years. There are also still imbalances in the food chain which place the primary producer at a disadvantage, and those imbalances limit the scope for animal welfare investments at farm level. This would need to be taken into account in the new Strategy.

Perhaps, it is also worth pointing out that policy coherence follows from Article 7 of the Treaty, and is not really a matter of political choice. Since Article 13 of the Treaty obliges the EU and Member States to pay full regard to the welfare of animals, it is compulsory to consider activities in other policy areas which could promote animal welfare and prevent any negative impact of other policies on animals.

¹ For instance, Directive 2007/43/EC on chickens kept for meat production sets out 30 June 2012 as deadline for a report on the welfare of chicken, including the development of welfare indicators - not 2015 as suggested in the Strategy.

¹ 'Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.'

On this note, it is very important that the Commission continues to ensure that animal welfare issues are given priority in its Trade Policy and in bilateral and international trade agreements, and that animal welfare in third countries is promoted by including equivalence to EU standards as a requirement for imported products.

Animal welfare tomorrow

Science

Within the field of animal welfare there has been an increase in the research carried out over the last decade, both in the EU and elsewhere, such as the Welfare Quality Project. This ever-growing scientific knowledge is the most logical basis for the Animal Welfare Strategy and legislation. It is important that this knowledge is used in all aspects of animal practice from the development of new technology and building of animal housing through pre-testing, to the overall supervision and control of animal welfare with the Union.

Enforcement

As mentioned above, the single most important problem for the animal welfare in Europe today is the lack of compliance and enforcement of the legislation. Future legislation should contain 'legal milestones' during the transitional periods, in order to provide the Commission with the opportunity to assess the progress made in implementation and to take proactive action when needed. Simply waiting for an infringement to take place and then addressing the matter in the EU Court is not enough.

Furthermore, our animals need some kind of 'FBI' which controls how the Member States are performing their own inspections. Therefore the FVO must be given increased resources in order to adequately control animal welfare inspections carried out by the Member States and to investigate and penalise non-compliance. However, the main responsibility for the proper enforcement lies with the Member States, who need to make sure that they have sufficient numbers of animal welfare inspectors and that these are adequately trained.

Another important tool is transparency. The Commission and the Member States already have a duty, as laid down in Regulation (EC) No 882/2004, to provide comparable information on animal welfare in the EU and to make this information public. The Regulation clearly requires that Member States establish multi-annual control plans and submit reports to the Commission annually. It seems that full use of this Regulation has not been made, and the Commission should consider ways to take effective action against non-compliance, such as a system of 'naming-and-shaming'.

Communication

An essential element for accomplishing a uniform animal welfare standard with the EU is to provide exact, concrete and comprehensible training, information and guidelines which reach the persons who handle animals on a daily basis. This information should contain both legislation and the science it is based on.

To ensure the understanding of this information, and access for the people who are handling

animals everyday, it must be adapted and made available at regional and local level. A European coordinated network of animal welfare centres could play an important role in this matter.

European Animal Welfare Framework Law

The Commission has in its Communication included the Parliament's idea of a European Animal Welfare Framework Law. The basic concepts of such a Law are clarity, simplification and practical applicability, on a scientific base.

Such a Law would also increase competitiveness, both on the internal market and in trading with third countries, and increase the quality of the animal products. With a common and well implemented animal welfare level within Europe, it may be easier for the EU to demand that imports from third country meet equivalent standards.

A review of Council Directive 98/58/EC is planned for 2013, and this is a perfect opportunity to broaden, clarify and strengthen this Directive by transforming it into a Framework Law. As the Commission recognised in its Communication, it is important to focus on outcome based measures. This approach is greatly welcomed, but it is important to point out that such indicators should be used to complement, not replace, provisions on welfare inputs as the quality of inputs. Inputs, such as housing system and sufficient space allowance, cannot be ignored as, if these are poor, good welfare outcomes cannot be achieved.

A Framework Law creates a level playing field through a common definition and understanding of animal welfare. Similar to the construction of the General Food Law (Regulation (EC) No 178/2002), it would provide a common basis. It should not, however, prevent producers from introducing voluntary systems which go beyond EU rules, provided that those systems also are science-based.

It is reasonable to begin the framework law with the global definition of animal welfare, as described by OIE¹. It should also, apart from general science-based objectives, contain a principle of duty of care. It is essential that every animal included in the Framework Law have a natural or legal person responsible for it at every step of the chain. In the case of abandoned animals, including stray animals of domesticated species, they should be the responsibility of the Member States' authorities since these animals also pose a risk from a public health point of view (e.g. rabies).

There should be a requirement of competence for any person handling animals in the course of their professional duties, along with adequate training when needed. A type of certificate or other proof of competence should be required from people, such as farmers and animal transporters, who - without relevant experience - would like to start up a business. In addition, a system for pre-testing permits for the construction or reconstruction of animal premises should be established.

Similar to what is required in the Control Regulation ((EC) No 882/2004) there should be an obligation for Member States to submit to the Commission a yearly report on the

implementation of European animal welfare legislation, including a road map for the next year. The Commission should, without delay, make these reports public together with a report summarising the information submitted by the Member States.

Compliance is primarily the responsibility of the Member States, who need to put in place sanctions which are deterring and efficient. However, the Framework Law must also contain the tools for the Commission to take effective actions against the Member States that do not submit their reports or disregard their obligations.

The Framework Law should set the conditions for the creation of a coordinated European Animal Welfare Network. This network should not replace or duplicate the tasks already performed by the Commission and its agencies, such as EFSA. Rather, based on the experiences of the Pilot Project in 2012, it should support with information and education, evaluate the animal welfare requirements on the basis of the latest scientific knowledge, as well as coordinate an EU system for the pre-testing of new technology.

The Framework Law should be followed by category specific or vertical legislation, to fill the gaps where such legislation is lacking, as in the case of dairy cows, pets, etc. This legislation must also be science-based, and be easy to interpret and apply in practice.

It is also important that the Framework Law is regularly reviewed and adapted to new, relevant science, whilst at the same time ensuring that the legal certainty is safeguarded, all under the overarching objective to modify, simplify and clarify the requirements for animal welfare in Europe.