

## Proposals for improving animal welfare following Wales leaving the European Union

### RSPCA CYMRU PROPOSALS FOR DEVELOPING EU LEGISLATION AND REFORMING CAP PAYMENTS

Following the United Kingdom's decision to leave the European Union, the RSPCA is dedicating time and resources on assessing the impact on animal welfare and what improvements can be made. This briefing will look at which pieces of legislation will need to be protected in any repeal act; which aspects of EU directives can be expanded on; and the RSPCA's proposals for reformed CAP payments.

The National Survey for Wales confirms that 47 percent of households in Wales have a pet<sup>1</sup> and within Wales there are approximately 9.5 million sheep and lambs, 1.1 million cattle and 25,000 pigs being farmed.<sup>2</sup> This is a significant number of animals which will be affected by the decision to leave the EU and is therefore imperative that any changes reflect this. Although the Animal Welfare Act 2006 does add protection for wild animals living free, EU directives amend the Wildlife and Countryside Act 1981; add restrictions on the import of endangered species; and bans the use of animal testing for cosmetic products, after 2013; and sets conditions for testing for medical research purposes.

### Existing European legislation

There are over 44 animal welfare laws that have been implemented and below are the specific pieces of legislation and their impact if they were repealed following Wales leaving the European Union. However, this list does not include legislation enacted under the Animal Welfare Act, which we are presuming would remain enforce (eg The Welfare of Farmed Animals Regulations (Wales) 2007). Due to the impact on the economy, farm animal legislation is already under discussion, but RSPCA Cymru is concerned that there are other examples of European Union legislation protecting animals that are at risk of not be treated as a priority:

#### The Treaty of Lisbon

The Treaty of Lisbon sets out clearly an important principle that animals are sentient and their welfare must be regarded. Article 13, Title II states that *"In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals"*<sup>3</sup>. This is contrary to existing legislation in Wales where domestic animals and horses under the Administration of Estates Act 1925<sup>4</sup> are classed as personal chattel - or property. The Animal Welfare Act 2006, despite making it clear the responsibilities of owners and the needs of the animal, does not make it explicit that animals are sentient.

RSPCA Cymru believes that it is essential that the sentiment of Article 13 of the Lisbon Treaty is replicated in any future legislation after Wales leaves the EU adding it into legislation that is inherently about animals (eg if there is an overarching Agriculture Act), which helps to protect the welfare of these sentient beings.

#### The Equine Identification (Wales) Regulations 2009

The EU Directive 2009/156/EC laid down the basic requirements for all equines, born within the EU, to be identified by an identification document; a method to link the passport with the equine; a database of passports;

<sup>1</sup> <http://gov.wales/docs/statistics/2015/150914-national-survey-wales-2014-15-headline-results-revised-en.pdf>

<sup>2</sup> <http://gov.wales/docs/statistics/2016/160628-farming-facts-figures-2016-en.pdf>

<sup>3</sup> [http://ec.europa.eu/food/animals/welfare\\_en](http://ec.europa.eu/food/animals/welfare_en)

<sup>4</sup> <http://www.legislation.gov.uk/ukpga/Geo5/15-16/23/section/55>

and a central database<sup>5</sup>, which was implemented in Wales through the Equine Identification (Wales) Regulations. The UK proposals for a National Equine Database was paused in September 2012 as a result of a cut in funding by the UK Government. However, due to the EU Directive and horse meat being found in human food in 2013, the UK Government has introduced the Central Equine Database to record all horses across the UK which is due to go live in July 2017.

RSPCA Cymru is concerned that, without compulsory passports for horses and ponies in Wales, the ability of Local Authorities, the Police and the RSPCA will be hampered and could cause a rise again in abandoned, fly grazed and tethered equines in areas across Wales where, due to the Control of Horses (Wales) Act 2014 and passports, these problems are believed to have been substantially reduced (although not yet eliminated).

## Wildlife

There are 12 pieces of EU legislation covering many aspects of wildlife from prohibiting the import of caught wild birds to the protection of habitats. The UK could set higher standards than the present EU law to ban the trade in endangered species in transit through the UK to other countries.

RSPCA Cymru has long campaigned for a Wildlife Bill in Wales to consolidate and update the body of law governing wild animals in Wales, covering both conservation and crimes against wild animals. Such a Bill could also now encapsulate legislation that has until now been provided for at an EU level.

## The Non-Commercial Movement of Pet Animals Order 2011

The Order puts in place a plethora of European Union Directives and Regulations introducing a pet passport for dogs, cats and ferrets to ensure the easy movement between EU countries and conditions on preventing the spread of diseases such as rabies, nipah, hendra, echinococcus multilocularis and avian influenza<sup>6</sup>.

RSPCA Cymru would like to see these conditions maintained to ensure the welfare of domestic animals during travel between the UK and EU countries and strengthened to bring back tick controls to prevent these diseases being imported and raise the minimum age for imported puppies from 15 weeks to six months.

## Developing new welfare legislation

RSPCA Cymru would like to see a number of legislative initiatives and amendments made to protect and improve standards for the welfare of animals in Wales. This includes measures governing slaughter, transportation, methods of production/labelling and animals used in scientific research, all of which are not possible now but could be once Wales leaves the EU.

## Amending Welfare of Animals at the Time of Killing (WATOK) Regulations 2015

The general public in Wales overwhelmingly support an end to the current exemptions. 80 percent of those polled support an end to non-stun slaughter, with 59 percent strongly in favour of this move<sup>7</sup>, with well over 5,000 people in Wales signing the RSPCA Cymru petition "Stun before slaughter: No exceptions". RSPCA Cymru would like to see the welfare of animals at the time of killing maintained in law in Wales but that the exemptions for religious, cultural and regional heritage are removed given the directive itself states that "killing animals may induce pain, distress, fear or other forms of suffering to the animals even under the best available technical conditions"<sup>8</sup>. The British Veterinary Association (BVA) state that "scientific evidence supports the use of pre-stunning to improve animal welfare"<sup>9</sup>.

## Amendment of Welfare of Animals in Transport Order 2006

The RSPCA is concerned that the current specifications for maximum journey times, space allowances and feed/water intervals are not in line with information from scientific research<sup>10</sup> on the needs of farmed animals. Effective enforcement of the rules is also a key area, as information relating to numbers and quality of checks, and on the level of compliance with important provisions, is not readily available.

<sup>5</sup> [http://ec.europa.eu/food/animals/identification/equine\\_en](http://ec.europa.eu/food/animals/identification/equine_en)

<sup>6</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003R0998&from=EN>

<sup>7</sup> These figures are from YouGov Plc. Total sample size was 1,001 Welsh adults (aged 18+). Fieldwork was undertaken between 4th - 8th September 2014. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+).

<sup>8</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=en>

<sup>9</sup> <https://www.bva.co.uk/News-campaigns-and-policy/Campaigns/An-end-to-non-stun-slaughter/>

<sup>10</sup> [http://www.efsa.europa.eu/sites/default/files/scientific\\_output/files/main\\_documents/1966.pdf](http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/1966.pdf)

Although the number of animals transported live overseas is currently low, the UK's departure from the EU could lead to reduced ability to influence the welfare of the animals once they leave Wales, heightening the importance of reducing the trade and replacing with meat on the hook, which also supports Wales' abattoirs. Leaving the EU presents an opportunity for the Welsh Government to introduce their own rules preventing the export of live animals for slaughter or further fattening. This further supports provenance of Welsh meat born, raised and slaughtered within the country and helping to ensure higher welfare is synonymous with the Welsh label.

### Implementing Method of Production labelling

There has been no appetite to implement method of production labelling as European legislation covered country of origin, which is UK as the member state, with 'Wales' not being recognised. Method of production labelling identifies the farming system used to produce the food, and helps consumers make an informed choice about which production methods to support through their purchases. This form of labelling has existed for shell eggs since 2004 and is generally considered to have contributed to the significant shift away from eggs from caged hens. Catch method labelling for all fish products has been in place since December 2014. A 2016 Eurobarometer survey showed that 55 percent<sup>12</sup> of UK consumers surveyed looked for animal welfare labelling when shopping. The RSPCA believes that consumers may switch more quickly to higher welfare products if retailers were required to label clearly the provenance of all livestock products with regard to the way the source animals were reared. The extension of the egg labelling model to all animal-derived products would be preferable. Further, meat from animals slaughtered without pre-stunning should also be labelled and a system of enforcement should be in place which avoids non-stunned products entering the conventional stunned animal market place.

### Directive 2010/63/EU - protection of animals used for scientific purposes

Although not a devolved competency, the UK would no longer be constrained by the regulations on animal testing and are therefore able to implement higher standards for housing and care and to end the licensing of procedures with the potential to cause severe suffering. The Directive states in Article Six that "new scientific knowledge is available in respect of factors influencing animal welfare as well as the capacity of animals to sense and express pain, suffering, distress and lasting harm"<sup>11</sup>. The sentiment from this directive should be transposed into domestic legislation on animal testing.

## Reforming CAP payments

The RSPCA would like to reform the Pillar One and Pillar Two payments into one single payment with three payment levels to incentivise good farming practices, reward higher welfare standards and enable long term planning for sustainable land and animal management, whilst ensuring that improving animal standards does not leave Welsh farmers at a competitive disadvantage. Crucially, the RSPCA's proposals are in line with WTO regulations. This would see the payments being de-coupled and ensure that any subsidy payments do not distort trade.

By enabling a farming industry that has animal welfare at the heart of it, we can create a unique selling point for Welsh produce, especially with 55 percent of consumers looking for higher welfare labelling and 72 percent willing to pay more for higher welfare products<sup>12</sup>.

### Level 1:

The basic level of payments would:

- Meet minimum legal standards
- Cap payments at £300,000 to encourage smaller producers
- Link back to the Good Agricultural and Environment Conditions (GAEC) and the Welfare of Farmed Animals regulations ensuring cross compliance
- Ensure the breeding or keeping of farm animals does not cause unnecessary suffering
- Contain annual inspections and a tiered system of fines for non-compliance

<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:276:0033:0079:en:PDF>

<sup>12</sup> Special Eurobarometer 442, Attitudes of Europeans towards Animal Welfare, November - December 2015, <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/search/animal%20welfare/surveyKy/2096>

- De-coupled payments to comply with WTO regulations

The RSPCA sees the new support system as rewarding farmers with public money if they go beyond certain baseline minimum legislative requirements, providing enforcement through a cross compliance mechanism and giving a suite of measures for farmers to apply for above their basic payment.

### Level 2:

The RSPCA agrees that agriculture should be a sustainable industry and rewarded for its outputs by the taxpayer where these are producing societal benefits that cannot be delivered in the market place.

The suite of measures at Level 2 could include:

- Transitional assistance, to meet higher baseline standards or to assist in restructuring. These may require financial support, always on a clearly set out transitional basis, accompanied by adequate advice
- Payments, including capital ones to correct market failures such as the need for improvements to prepare the sector for changes in legislation. Existing economic studies have clearly shown the economic consequences to raising welfare standards for laying hens<sup>13</sup>, broilers<sup>14</sup> and the pig sector<sup>15</sup> and any agreed changes in tariffs in Free Trade Agreements could further decrease the competitiveness of industry. These measures would be permissible under the Green Box if they are non-trade distorting and being paid to correct market imbalances
- One-off payments for capital costs for farm modernisations, to encourage farmers to adapt and adopt higher or better health and welfare standards. These would be Green Box compatible
- Payments to link disease control and animal welfare such as farmers receiving a payment for the formulation of an Animal Health and Welfare Plan (AHWP)
- Marketing schemes to promote Welsh produce meeting higher welfare standards.

### Level 3:

Farmers who are members of an assurance scheme that is producing products at an agreed higher standard would be eligible for a payment. Such a payment would recognise the lower risk these farms pose to disease, environmental or welfare concerns and the value added to Wales' USP of high welfare standards<sup>16</sup>.

## RSPCA recommendations

The RSPCA recommendations for Wales post-Brexit focus on maintaining the existing protections for companion, farm and wild animals, including the historic declaration that animals are sentient beings and therefore should be treated as such. The RSPCA are also looking at the opportunities for improving EU legislation, crucially introducing a system of meat labelling and to end the practice of non-stun slaughter.

By reforming the CAP Pillar One and Pillar Two payments, we can help to enable a farming industry that has animal welfare as a priority and considers how to improve the welfare of farm animals. This will hopefully provide a unique selling point for Welsh produce which will target growing markets, especially as 72 percent of people in the UK said they would be willing to pay more for products with higher animal welfare standards<sup>17</sup>.

<sup>13</sup> The Case against Cages 2005 RSPCA, Hard boiled Reality 2001 RSPCA

<sup>14</sup> *The economic consequences for the broiler industry of legislatively enforced reductions in maximum stocking density.* Centre for Rural Research, Exeter University 2005

<sup>15</sup> *Effect of higher welfare standards on the costs of producing beef and pork in the EU.* Bondt et al 2004 Agricultural Economics Research Institute The Hague.

<sup>16</sup> Kilbride, A. L. (Amy L.), Mason, Sam (Sam A.), Honeyman, P. C., Pritchard, D. G., Hepple, S. and Green, Laura E.. (2012) *Associations between membership of farm assurance and organic certification schemes and compliance with animal welfare legislation.* Veterinary Record, Vol.170 (No.6). p. 152. ISSN 0042-4900

<sup>17</sup> Special Eurobarometer 442, Attitudes of Europeans towards Animal Welfare, November - December 2015, <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/search/animal%20welfare/surveyKy/2096>