



The Withdrawal Agreement and Political Declaration: what does it mean for animal welfare?

Executive summary:

- Leaving the EU represents an opportunity to continue to raise animal welfare standards in the UK, but there are threats and challenges that could arise particularly from leaving the EU without a free trade agreement.
- The Withdrawal Agreement has no specific language on how aligned the UK will be with the 44 different EU animal welfare laws although the non-binding Political Declaration gives the UK the ability to choose its own animal welfare standards in the forthcoming negotiations and ensure no tariffs apply to inter-EU trade, which is particularly welcome for farm products.
- The UK will have to decide during its parallel trade negotiations with the USA the level of protection it gives to animal health and welfare - it should put into law its manifesto commitment to “Safeguard high animal welfare standards as part of the post-Brexit deal for British farming” and to “not compromise animal welfare standards as part of any future trade deal negotiations”.
- The UK will also lose access to institutions such as the European Centre for the Validation for Alternative Methods (ECVAM) and the European Chemicals Agency (ECHA) which could increase the risk of duplication in animal safety testing, and slow down progress with the developments and acceptance of humane alternatives.
- The Government should publish new agricultural tariffs (outside the framework of specific Free Trade Agreements), which would ensure that its high standards on farm issues, such as the ban on battery caged eggs and sow stalls, would not be under threat from cheaper imports from systems illegal in the UK.
- The Government will be able to enact its manifesto commitment to “end excessive long journeys for slaughter and further fattening”.
- The UK now has the ability to change its farm support system to better prioritise farm animal welfare. Defra’s commitments to prioritise this in England is welcome.

Introduction

The Withdrawal Agreement¹ ensures the UK leaves the EU on 31 January 2020 and the Political Declaration² lays the foundation for a new Free Trade Agreement (FTA) with the EU by 31 December 2020. The impact on animal welfare will be profound. The wholesale repatriation of policy making powers for agriculture, the functioning of the UK-market and veterinary-public health, in addition to a fundamentally new trading relationship between the UK and EU, represents an opportunity to raise animal welfare standards in the nations of the United Kingdom. However, there are also threats and challenges arising from this decision. It is therefore vital that the Withdrawal Agreement Bill not only protects existing standards, but ensures that the UK’s new relationship with the EU can only lead to higher animal welfare.

The UK has already nationalised the 44 different EU laws on animal welfare so has the flexibility to amend these rules once it leaves the EU. The Government has set out how it will improve legislation in five of these key areas once it leaves (live transport, animal sentience, farm animal payments, free trade

¹ HM Government Agreement on the Withdrawal of the UK from the EU and EAEC 19 October 2019

² HM Government Political Declaration setting out the framework for the future relationship between the EU and UK 19 October 2019

negotiations and puppy smuggling)³. These commitments are welcome and give huge opportunities to raise animal standards in areas that were previously impossible under the existing EU Treaty.

The Government has also committed to negotiating in parallel four Free Trade Agreements (USA, Australia, New Zealand, and the Trans Pacific Partnership) alongside the EU FTA. All these prospective trade partners have lower animal welfare standards than the UK, with the exception of New Zealand, underlining the clear threats that could arise. The UK's draft tariff schedule sets out tariffs in the event of a no-deal with the EU⁴ with all farm tariffs except sheepmeat being lowered; in some cases, such as egg imports, reduced to zero.

This briefing examines the impact of the framework established by the Withdrawal Agreement and Political Declaration on animal welfare.

Withdrawal Agreement: the preservation of the all-Ireland veterinary and SPS area

While the Withdrawal Agreement contains no direct references to animal welfare, its clear commitment, subject to the periodic consent of the Northern Ireland Assembly, to the continuation of the all-Ireland veterinary and sanitary and phytosanitary (SPS) area is welcome⁵. Given the importance of cross border movement of farm animals between the North and the Republic of Ireland particularly for sheep and pigs it is important to keep regulatory convergence and avoid unnecessary checks which would have led to queues and possible diversion of the trade to the mainland. Regulatory animal health checks already apply to around 10% of farm and pet animals being moved between Great Britain and Ireland/Northern Ireland, and these should, if properly implemented, prevent illegal trade particularly of puppies. Such checks also take place between Great Britain and the mainland EU.

It is expected that some divergence of standards will occur between Great Britain and the EU. Checks would, as currently foreseen, have to be increased as a consequence. Any necessary delays in animal transportation, either across the English Channel, North Sea or Irish Sea will also only be compounded by entry/exit declarations and checks. These are different from customs declarations, requiring pre-arrival/pre-departure notifications to allow authorities to control what is moving across a border from a safety and security perspective. This information is used for risk analysis, and does not calculate duties or apply trade policy measures as is the case with customs declarations.

While the precise mechanics of such declarations is left to the Joint Committee⁶ established by the Withdrawal Agreement, some countries have managed to mitigate some requirements when trading with the EU. For instance, Switzerland has had a Common Veterinary Area with the EU since 2009⁷ which maintains trade flows in animals and animal products between the EU and Switzerland without any border veterinary controls. This would be a good model for the future EU-UK relationship.

Political Declaration: the level playing field and the scope for policy development post-Brexit

The non-binding Political Declaration⁸ states that "given the [European] Union and the United Kingdom's geographic proximity and economic interdependence, the future relationship must ensure open and fair competition, encompassing robust commitments to ensure a level playing field" across a range of policy areas, including the environment. It is unclear whether this includes animal welfare provisions, but in the likely case that it does not, the Political Declaration summarises that it will be up to the UK to set its own level of animal welfare standards.

³ Conservative Party manifesto 2019.

https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

⁴ <https://www.gov.uk/government/news/temporary-tariff-regime-updated>

⁵ Article 18, Protocol on Ireland/Northern Ireland

⁶ Joint Committee - as established by Article 164 of the Withdrawal Agreement

⁷ Annex 11 of the bilateral Agreement on trade in agricultural products between Switzerland and the EU is known as the Veterinary Annex or the "Veterinary Agreement"

⁸ Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom: Paragraph 77, pages 14-15.

The EU and UK already have essentially a level playing field for animal health and welfare standards. Given the importance of the European market for trade in many farm products, particularly sheep and beef, it is preferable that the UK uses the European standards as a minimum before negotiating new trade agreements with other large markets, notably the United States where standards are much lower.

However, future alignment with European standards should not be seen as an end, but as a minimum basis for domestic British standards. Over 80% of the public want to maintain or increase our animal welfare standards⁹. For example, existing bans on sow stalls and veal crates should be maintained, by agreeing a non-regression clause in the forthcoming EU FTA and ensuring any tariff levels set once we leave the EU after 31 December 2020 are commensurate with ensuring cheaper imports do not enter the UK market produced to standards illegal in the UK and undercut British farmers and producers. It is important that the Government legislates for its often mentioned desire to maintain our high food standards and not water down those standards in pursuit of trade deals¹⁰.

The Government can now go further in raising standards above the EU minimum based on its manifesto commitments:

Manifesto commitment	Implementation
Ensure high standards of animal welfare as part of our post-Brexit relationship with the EU.	Ensure there is a non-regression Schedule in the Withdrawal Agreement Bill on animal welfare standards and to commit to pushing for a UK-EU Common Veterinary Area to allow for dynamic alignment post withdrawal.
End excessive long journeys for slaughter and further fattening.	Act on the recommendations from the Farm Animal Welfare Committee and bring forward proposals to raise vehicle standards, reduce times for long distance transport and stop live exports by implementing a maximum journey time once leaving the UK.
Keep farm subsidy budgets at the same level during the next parliamentary session and use that money to promote and improve animal welfare practices.	Reintroduce the Agriculture Bill with specific budgetary commitments to fund animal welfare.
Crack down on the illegal smuggling of dogs and puppies.	Reintroduce tick treatment for any imported puppies, raise the minimum age for imported puppies to six months from the present 15 weeks and reduce the number of puppies per person from five to three.
Bring in new laws on animal sentience.	Introduce a Sentience Bill to recognise the sentience of vertebrates, cephalopods and decapod crustaceans, set out clear policy scope and reporting mechanisms and a clear framework of measurement and balancing animal sentience against public benefit including establishing a commission to oversee this process.

Key recommendations

- As animal welfare is not explicitly included within the scope of the level playing field requirements, and as these are non-binding and aspirational in nature, clear non-regression statements need to be in any relevant Bill including the Withdrawal Agreement Bill laid before Parliament.

⁹ YouGov. Omnibus polling December 2016.

¹⁰ Defra Secretary of state 9.9.19 Efra Committee

- In order to mitigate any threats to good animal welfare arising from movements, delays and checks between the EU/NI and GB, Ministers should provide a clear commitment to the pursual of a common UK-EU veterinary area (CVA), modelled on that between the EU and Switzerland. This would alleviate the need for additional animal health and welfare checks, yet would also allow for increased targeted or intelligence-led inspections to prevent non-compliant movements.
- A commitment for any CVA to be fully articulated within the future trade agreement between the EU and the UK, under the remit of the Joint Committee¹¹, and for that Committee, or a specialised committee¹², to consider the dynamic alignment of future animal welfare standards adopted by either territory. That is to say if one territory were to adopt new legislation, thereby raising the bar of animal welfare in a certain sector, the other should ensure that it provides for a similar standard according to their own requirements.

About the Brexit & Animals Taskforce

The following organisations work together in a coalition - the Brexit & Animals Taskforce - to ensure that opportunities to advance animal welfare through the Brexit process are seized, and risks are mitigated.



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¹¹ Joint Committee - as established by Article 164 of the Withdrawal Agreement

¹² See Article 164(4)(b) of the Withdrawal Agreement