



# UK–EU trade deal: overview of animal welfare issues

*Ensuring animals have a good life by advocating on their behalf*

## Key points to note...

<b>Advantages</b>	<ul style="list-style-type: none"><li>★ Great Britain can set its own animal welfare standards. In some areas the UK Government has already proposed new measures, for example, a ban on live exports of animals and a new system of farm support payments that promote higher animal welfare standards. In others, such as mandatory method of production labelling, proposals are expected imminently.</li><li>★ Ensuring non-tariff trade in all primary farm products and many processed products means a no-deal crisis is avoided. EU farm imports can continue and the UK does not have to rely on non-EU countries for imported products produced to lower standards.</li><li>★ The UK can diverge from EU legislation and reclaim through tariffs any cost disadvantages from lower standard production in the EU; for instance prohibiting sow stalls for domestic production and preventing imports of EU bacon from producers that still use them.</li><li>★ The animal welfare section of the Agreement recognises the link between animal welfare and sustainable food production to encourage EU and UK cooperative work on improving farm standards.</li><li>★ The Agreement sets up a Civil Society Forum for non-government experts to feed in advice.</li></ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"><li>★ The rise in checks and certification required now Great Britain is not in the Customs Union or EU SPS area could increase border waiting times to the EU and Northern Ireland (but may also increase biosecurity and aid enforcement on non-compliant movements of animals).</li><li>★ The increase in SPS certification needed will require tens of thousands more veterinarians and it is unclear if that capacity presently exists.</li><li>★ The lack of mutual acceptance of qualifications for veterinarians could lead to a shortage of vets. 95% of vets in UK slaughterhouses are EU nationals.</li><li>★ New rules are required to ensure transfer and mutual acceptance of test data on chemicals now the UK has left the European Chemicals Agency. If none is agreed, this may result in double testing leading to a rise in animal tests in the UK.</li></ul>

On 24 December 2020, the EU and the UK concluded a Trade and Cooperation Agreement (EU-UK TCA) which covers trade and other areas of cooperation like civil society and law enforcement.

The EU-UK TCA<sup>1</sup> introduces the new rules that will apply to trade between the EU and the UK as of 1 January 2021, or more accurately between the EU and Great Britain. Northern Ireland remains in the EU's Single Market and Customs Union under the Withdrawal Agreement<sup>2</sup> and will therefore continue to follow regulations and standards drawn up by the EU. Great Britain is free to set its own rules on animal welfare and the environment.

### Tariff-free, quota free trade: Goods

The EU-UK TCA confirms that no tariffs or quota will apply to trade in primary products between the EU and the UK. This is beneficial for animal welfare, particularly for farm animal standards. By agreeing to keep all tariffs at

<sup>1</sup> [Trade and Cooperation Agreement between the EU and the UK](#)

<sup>2</sup> Article 5(4), Protocol on Ireland/Northern Ireland (for a full list of provisions of EU law that will have continued application in Northern Ireland, see Annex 2 of the Protocol)

For further information or if you have any questions please contact: [politicalaffairs@rspca.org.uk](mailto:politicalaffairs@rspca.org.uk)

zero, there will be no impact on the cost of EU sourced animal products coming into the UK (and vice versa). Consequently, there should be no increase in lower welfare imports from further afield which would have become cheaper than EU or GB products had tariffs been imposed. This status quo is also helpful to assist the UK in maintaining its high animal welfare standards, by lowering the commercial pressure exerted by lower welfare imported products.

No provision adopted in relation to this prevents the EU or UK from adopting measures in conformity with article XX of the GATT (which lists the conditions on the basis of which free trade can be restricted). This is positive as the WTO has recognised that trade can be restricted on the basis of animal welfare, as it is seen as an issue linked to public morals (EC Seals case) and as the preamble of the EU-UK TCA also recognise animal welfare as a legitimate policy objective. The UK could rely on such an exception to ban live exports in the future.

The new way of trading has increased paperwork, which could, in turn, lead to delays at ports, notably at Dover but also at Holyhead, the UK's second busiest port. This risk is particularly high at the start of 2021, due to bedding in the new processes that will be needed to move live animals and products between Great Britain and both the EU and Northern Ireland. These new administrative procedures include transporter authorisations, registration on relevant import notification systems, animal health certificates and veterinary checks, customs declarations and checks, and entry and exit declarations. However it also could result in increased enforcement and checks on animals such as imported puppies or exported horses.

### **Mutual recognition of qualifications**

Mutual recognition of qualifications such as veterinarians no longer applies, so there is no automatic right to work in each other's country. This may impact on the ability of UK staff such as veterinarians to operate in other countries e.g. neutering programmes in Greece and Spain. It may also impact on EU nationals working as veterinarians in the UK. The EFRA Select Committee has already expressed concern at the numbers of new vets required to fill out the increased paperwork<sup>3</sup> and the BVA has highlighted the reliance of EU nationals in some sectors such as abattoirs where 95% of Official Veterinarians are EU nationals<sup>4</sup>. The appropriate bodies in the future may draw up mutual recognition systems.

### **Sanitary and phyto-sanitary measures: animal health and animal welfare**

The EU-UK TCA's Sanitary and Phyto-Sanitary (SPS) Chapter does not mention explicitly the precautionary principle. This is a missed opportunity for the UK to take a position on how it will approach food safety in the future. However it does contain provisions on cooperation on animal welfare, antimicrobial resistance and sustainable food systems:

- **Animal welfare:** animals are recognised as sentient beings and, for the first time in a trade document, the link between improved animal welfare and the sustainability of food production systems is recognised. The EU and UK will exchange information, experiences and expertise, cooperate in international fora *“to promote the development of the best possible animal welfare practices and their implementation”*, and on research. This is largely limited to farm animal welfare.
- **Antimicrobial resistance (AMR):** the provisions recognise that misuse of antibiotics in animal agriculture is a threat. They also confirm the willingness of the UK not to backtrack on banning growth promoters and hormones, setting an objective for both parties to *“work towards the cessation of the use of antibiotics as growth promoters internationally”*. The provisions also refer to “good farming practices” as a topic within the scope of the dialogue on AMR, which is important to ensure animal welfare is taken into account in these discussions.
- **Sustainable food systems:** this provision indicates that food safety authorities will cooperate to promote sustainable food systems.

### **Technical Barriers to Trade: labelling and consumer information**

<sup>3</sup> EFRA Select Committee, [The UK's new immigration policy and the food supply chain](#), December 2020

<sup>4</sup> BVA, [Press release](#), 22 December 2020

For further information or if you have any questions please contact: [politicalaffairs@rspca.org.uk](mailto:politicalaffairs@rspca.org.uk)

The agreement allows for labelling schemes to be imposed on imported products if the information provided is relevant for the consumers or users of the product. This is positive for animal welfare as it opens up introducing method-of-production labelling schemes on animal source food, including imports.

#### *Rules of origin: certainty of where a product was produced*

The Rules of Origin under the TCA imply that an animal product will be seen as wholly originating in a country if the product is a live animal born and raised in the country; if it originates from live animals raised in the country or it is obtained from slaughtered animals that were born and raised in the country, or from aquatic animals raised in the country or caught by a country's vessel. This should be advantageous to animal welfare as it prevents British farm products being exported and reimported as EU products unless there are substantive changes to the product. It also clarifies that any product labelled as EU or UK will have been produced under those farm standards.

#### **Agricultural subsidies for animal welfare**

The rules on subsidies do not apply to agricultural subsidies. This is positive as it leaves the UK free to set its own subsidy levels for farm support systems. The Agriculture Act 2020 has already set a good direction for farm support systems to promote higher animal welfare standards in England.

#### **Good regulatory practices**

The provision reasserting the right to regulate includes animal welfare in the list of the policy fields that it covers. This is an improvement compared to EU draft proposals. It is positive that animal welfare is specifically mentioned as an issue where either the EU or UK can set their own standards and thresholds. This would allow the UK to implement bans on live exports or to improve standards in farming, as long as the measures adopted are WTO compliant.

#### **Involvement of civil society**

The EU and UK are required to consult civil society - a newly established or existing domestic advisory group (DAG) - on the implementation of the entire agreement (and any future supplementing agreement). They must meet with their DAG at least once a year, and interactions between DAGs is encouraged. They must also organise a Civil Society Forum which should be open to any independent civil society organisation established in the EU or the UK. This is positive as the UK had not included this monitoring of the implementation of the trade agreement in the Trade Bill. Animal welfare organisations will be either able to apply to join the UK DAG<sup>5</sup> or to participate in the yearly Civil Society Forum.

#### **Intellectual Property Rights**

The TCA includes a commitment that *"each Party shall establish rules to avoid duplicative testing on vertebrate animals."* This is important as there are ongoing issues around the ownership of testing data of chemicals under REACH by companies within Great Britain<sup>6</sup>.

The UK has left the European Chemicals Agency and whilst it has committed to establishing a national regulatory framework and building domestic capacity to deliver functions currently performed by the European Chemicals Agency, the risk of increased animal testing has been acknowledged by the UK Government<sup>7</sup>. This will impact on the chemical industry's exports from Great Britain to the EU/Northern Ireland. So the commitment to avoid duplicate testing is welcome but it remains unclear how and when these new rules will be introduced.

---

<sup>5</sup> If the UK decides to rely on existing mechanisms, animal welfare organisations are part of the Trade and Agriculture Committee and would thus aim to feed in on the issues at stake using this body.

<sup>6</sup> Companies in Northern Ireland will continue to have access to REACH under the provisions of Annex 2 of the Northern Ireland Protocol

<sup>7</sup> EU Energy and Environment Sub-Committee, [Minister questioned on Brexit and chemical regulation](#), 18.07.18

For further information or if you have any questions please contact: [politicalaffairs@rspca.org.uk](mailto:politicalaffairs@rspca.org.uk)