



EUROPEAN COMMISSION

Brussels, 19.1.2012
COM(2012) 6 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE**

on the European Union Strategy for the Protection and Welfare of Animals 2012-2015

(Text with EEA relevance)

{SEC(2012) 55 final}

{SEC(2012) 56 final}

1. INTRODUCTION

Article 13 of the Treaty on the Functioning of the European Union recognises animals as sentient beings and requires full regard be given to the welfare requirements of animals while formulating and enforcing some EU policies.

For the first time in 2006, the Community Action Plan on the Protection and Welfare of Animals 2006-2010¹, adopted by the Commission, grouped the various aspects of EU policy on animal welfare governing the keeping of billions of animals for economic purposes in the EU. Around two billion birds² and three hundred million mammals are used for farming purposes. An estimated twelve million animals per year are used for experimentation. Dog and cats population is estimated at around one hundred million animals³, mainly privately owned. It is difficult to estimate the volume of pet animals traded in the EU. EU data are not available on the number of animals kept in zoos and aquaria.

A horizontal directive covers the different aspects of the welfare of farmed animals⁴. Specific aspects are covered by EU legislation on transport⁵ and slaughter⁶. Specific EU requirements apply to the keeping of calves⁷, pigs⁸, laying hens⁹ and broilers¹⁰. Animals used for experimentation¹¹ are also subject to specific rules on animal welfare. EU legislation on zoos¹² focuses on species conservation but with consideration for animal welfare. No EU legislation exists on the welfare of pets. The EU rules on organic farming include high animal welfare standards for cattle, pig and poultry production¹³.

¹ COM(2006)13 final of 23. 1.2006.

² 793 millions chickens for meat production, 453 millions laying hens and 197 millions turkeys. Data were not available in all Member States for turkeys, ducks and geese.

³ "Evaluation of the EU policy on animal welfare and possible policy options for the future" December 2010. See Annex A1.7, see <http://www.eupaw.eu/>

⁴ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ L 221, 8.8.1998, p. 23). In addition by Council Decision 78/923/EEC concerning the conclusion of the European Convention for the protection of animals kept for farming purposes (OJ L 323, 17.11.1978, p. 12) the Union made this convention part of EU law.

⁵ Council Regulation (EC) No 1/2005 on the protection of animals during transport (OJ L 3, 5.1.2005, p. 1).

⁶ Directive 93/119/EC on the protection of animals at the time of slaughter or killing (OJ L340, 31.12.1993, p. 21). To be replaced on 1.1.2013 by Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (OJ L 303, 18.11.2009, p. 1).

⁷ Council Directive 2008/119/EC laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7).

⁸ Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).

⁹ Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (OJ L 203, 3.8.1999, p. 53).

¹⁰ Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production (OJ L 183, 12.7.2007, p. 19).

¹¹ Directive 2010/63/EU of the European Parliament and the Council on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

¹² Council Directive 1999/22/EC relating to the keeping of wild animals in zoos (OJ L 94, 9.4.1999, p. 24).

¹³ Council Regulation (EC) No 834/2007 (OJ L189, 20.7.2007, p.1) and Commission Regulation (EC) No 889/2008 (OJ L 250, 18.9.2008, p.1).

The present Communication builds on the experience gained through the 2006-2010 Action Plan to propose lines of EU action for the next four years taking advantage of the scientific and technological advances made to reconcile animal welfare with economic realities in implementing existing legal provisions. This strategy is a continuation of the Action Plan as recommended by most stakeholders consulted and by the European Parliament.

Livestock farming in the EU represents an annual value of 149 billion euros and the use of experimental animals is estimated to an annual value of 930 million euros.

2. WHY A STRATEGY FOR ANIMAL WELFARE?

In recent years¹⁴, the Union has dedicated on average nearly 70 million euros per year to support animal welfare, of which 71% is directed to farmers as animal welfare payments from the European Agriculture Fund for Rural Development. Expenditure under rural development is co-financed by the Member States and in addition to the specific measure for animal welfare commitments going beyond the legal baseline, Member States can also choose to offer, according to national priorities, measures supporting e.g. farm investments, training, advisory services and the participation of farmers in quality schemes. The rest is dedicated to all other EU activities relevant to policy making: research (21%), economic studies, communication, education, training and international issues, enforcement, etc.

Yet, over the years it has become increasingly clear that simply applying the same sector specific rules to animal welfare does not always yield the desired results. Problems of compliance to sector specific rules point the need to reflect on whether a "one size fits all" approach can lead to better welfare outcomes across the Union. The diversity of farming systems, climatic conditions, land realities in the different Member States have led to considerable difficulties in agreeing on unitary rules and even more difficulties in ensuring their correct implementation. The net result is that animal welfare conditions in the Union fall short of a level playing field which is required to sustain the enormous economic activity that drives the treatment of animals in the European Union.

In addition, although the animal welfare agenda has been advanced through specific pieces of legislation, there are areas where no specific EU legislation exists and the existing general requirements are difficult to apply. There might be room for **simplification** by introducing more precise stipulations in the general rules addressing common underlying drivers of animal welfare.

The evaluation of EU animal welfare policy concluded that welfare standards have imposed additional costs on the livestock and experimental sectors, estimated at around 2% of the overall value of these sectors. There is no evidence that this has so far threatened their economic sustainability. However every opportunity to express in economic terms the value added by animal welfare policy should be taken up in order to enhance the competitiveness of EU agriculture, including small farmers.

¹⁴ The data from the evaluation report cover the 2000-2008 period.

The following have been identified as the main common drivers affecting the welfare status of animals in the Union:

1. Lack of enforcement of EU legislation by the Member States is still common in a number of areas.

Some Member States do not take sufficient measures to inform stakeholders, to train official inspectors, to perform checks and to apply sanctions¹⁵. As a result a number of EU legislative provisions have not been fully applied and have not delivered the intended effects on the welfare of animals.

Animal welfare standards often imply additional costs but not necessarily proportionately applied along the food chain. The Union does provide some instruments to compensate producers for higher production costs. EU legislation allows for transitional periods of several years in order to facilitate the implementation of structural changes in certain farming systems; however, this approach has not always led to timely conversion. Indeed cultural appreciation of animal welfare aspects plays a fundamental role in enhancing the respect of both the spirit and the actual stipulations of the legislation.

2. Consumers' lack of appropriate information on animal welfare aspects.

An EU-wide survey shows that animal welfare is a significant issue for 64% of the population. However studies¹⁶ show that concern for animal welfare is only one of the factors affecting consumers' choice and often this aspect does not come into play since they are not always well informed about the methods of production and their impact on the welfare of animals. Ultimately consumer decisions are driven mainly by price and directly verifiable characteristics of food products.

3. Many stakeholders lack sufficient knowledge about animal welfare.

While the bulk of EU research funding for animal welfare is spent on the alternative methods to animal experiments, findings are not properly disseminated and research activities in the Member States are not sufficiently well coordinated. Meanwhile, the lack of awareness about alternative practices in production systems often favours resistance to changes that could improve animal welfare.

4. A need to simplify and develop clear principles for animal welfare.

The general directive on the protection of farm animals or the directive on zoo animals contain provisions that are too general to have practical effects like for example in Annex to Directive 98/58/EC: "*All animals must have access to feed at intervals appropriate to their physiological needs*" or in Directive

¹⁵ In some Member States animals are slaughtered without stunning in large numbers because authorities grant derogation from stunning without assessing the qualitative and quantitative justification foreseen by the EU legislation.

¹⁶ See Feasibility study: 'Animal welfare labelling and establishing a Community Reference Centre for Animal Protection and Welfare', 26.012009 by FCEC http://ec.europa.eu/food/animal/welfare/farm/labelling_en.htm

1999/22/EC on zoo animals: "*accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures.*"

Competence requirements for animal handlers have been introduced in some EU specific legislation¹⁷. However, such requirements do not cover all animals concerned (there is no specific requirement for competence for keeping poultry or calves) while some animal welfare problems related to the design of production systems are not covered.

No specific EU legislation exists covering other species of farm animals (such as dairy cows, beef cattle or rabbits) despite several problems which have been highlighted by scientists and by the European Food Safety Authority (EFSA)¹⁸.

3. STRATEGIC ACTIONS

Taking into account what is described above, this strategy is based on two complementary approaches:

Firstly, some common problems need to be tackled in a different and holistic manner. For years, the Union has been adopting or adapting specific legislation to specific problems. However, the establishment of general principles in a consolidated revised EU legislative framework may contribute to a simplification of the animal welfare acquis and ultimately facilitate its enforcement.

Subject to an impact assessment, the Commission will consider the need for a revised EU legislative framework based on a holistic approach. In particular, the Commission will consider the feasibility and the appropriateness of introducing science-based indicators based on animal welfare outcomes as opposed to welfare inputs as has been used so far; the Commission will assess whether such a new approach would lead to a simplified legal framework and contribute to improve the competitiveness of EU agriculture. Experience gained in those areas where indicators are already foreseen (broilers and slaughter) will be important to consider for future developments.

Secondly, there are actions that the Commission already performs but which need to be reinforced or better used. This is why, in addition to the envisaged simplified legislative framework, the Commission proposes the following:

- Develop tools, including where relevant implementing plans, to strengthen Member States' compliance;
- Support international cooperation;
- Provide consumers and the public with appropriate information;

¹⁷ Directive on pigs, regulation on transport, regulation on killing, directive on laboratory animals.

¹⁸ The list of scientific opinions on animal welfare can be consulted in the Impact Assessment report accompanying this communication.

- Optimise synergistic effects from current Common Agriculture Policy;
- Investigate the welfare of farmed fish.

Impacts on fundamental rights of actions taken in the context of the present strategy will be thoroughly assessed as appropriate, in particular as regards freedom of religion¹⁹. Indeed within this context, the Commission will also be studying the issue of labelling as provided for in the agreement reached on the legislative proposal on food information²⁰.

3.1. A simplified EU legislative framework for animal welfare

The Commission will consider the feasibility of introducing a simplified EU legislative framework with animal welfare principles for all animals²¹ kept in the context of an economic activity including where appropriate pet animals, with a specific attention on simplification, reduction of administrative burden and the valorization of welfare standards as a means to enhance competitiveness of EU food industry including the value added potential of animal welfare standards.

It would consider:

- (a) the use of science-based animal welfare indicators as a possible means to simplify the legal framework and allow flexibility to improve competitiveness of livestock producers,
 - (b) a new EU framework to increase transparency and adequacy of information to consumers on animal welfare for their purchase choice,
 - (c) the establishment of a European network of reference centres,
 - (d) the creation of common requirements for competence of personnel handling animals.
- (a) *The use of outcome-based animal welfare indicators.*

The possibility of using scientifically validated outcome-based indicators complementing prescriptive requirements in EU legislation will be considered when necessary with a specific attention to the contribution of such new approach to the simplification of the acquis. Animal-based indicators have been introduced in two recent pieces of EU animal welfare legislation (Directive 2007/43/EC laying down minimum rules for the protection of

¹⁹ Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union, COM(2010) 573 final of 19.10.2010.

²⁰ Recital 50 of Regulation (EC) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18) states that: "Union consumers show an increasing interest in the implementation of the Union animal welfare rules at the time of slaughter, including whether the animal was stunned before slaughter. In this respect, a study on the opportunity to provide consumers with the relevant information on the stunning of animals should be considered in the context of a future Union strategy for the protection and welfare of animals. "

²¹ Invertebrates used in aquaculture as well as commercial fishing activities will not be covered by this initiative. Farmed fish will be subject to specific evaluations.

chickens kept for meat production and Regulation (EC) No 1099/2009 on the protection of animals at the time of killing).

Criteria developed by the Welfare Quality® project²² associated with a risk assessment system as applied in the food safety area (see the Food law²³) will be examined. The EFSA Scientific Opinions on the development of welfare indicators would be taken into account together with socio-economic factors in considering the relevant risk management proposals.

The use of outcome-based animal welfare indicators is also recognised at international level by organisations such as the World Organisation for Animal Health (OIE)²⁴.

- (b) *A new EU framework to increase transparency and adequacy of information to consumers on animal welfare for their purchase choice*

The revised EU legislative framework for animal welfare could aim at providing for a tool for ensuring consumers that animal welfare claims are transparent and scientifically relevant.

Synergistic and convergent actions with similar initiatives at EU level in other relevant policy areas will be explored to enhance consumer empowerment.

- (c) *A European network of reference centres*

The idea of a network of reference centres for animal welfare has already been discussed by the Commission in a previous communication²⁵. It mainly aims at ensuring that the competent authorities receive coherent and uniform technical information on the way the EU legislation should be implemented, especially in the context of outcome-based animal welfare indicators.

The network could be established through the co-financing of existing scientific and technical national resources on animal welfare. The role of this network could be to complement and not to duplicate the role of the European Food Safety Authority and the activity of the Joint Research Centre of the EU²⁶.

The network could be organised so as to reflect the current structure of EU legislation²⁷ in order to ensure at EU level the following:

²² <http://www.welfarequality.net/everyone/26536/5/0/22>

²³ Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

²⁴ Guiding principles on animal welfare of the International Animal Health Terrestrial Code. See www.oie.int.

²⁵ COM(2009)584 final of 28.10.2009.

²⁶ The European Union Reference Laboratory on Alternative Methods to Animal Testing (ECVAM), hosted at DG JRC is not working directly on animal welfare but on alternative testing methods.

²⁷ Keeping of calves, keeping of pigs, keeping of laying hens, keeping of broilers, keeping of other farmed animals, transport of animals, killing of animals, use of animals for experiments and keeping of wild animals in captivity.

- Support to the Commission and the Member States with technical expertise, especially in the context of the use of outcome-based animal welfare indicators;
- Conduct training courses for the benefit of staff from competent authorities and experts from third countries where relevant;
- Contribute as appropriate to dissemination of research findings and technical innovations among EU stakeholders and the international scientific community;
- Coordination of research in collaboration, when appropriate, with existing EU funded research structures ²⁸;

(d) *Common requirements for competence of personnel handling²⁹ animals*

The simplified EU legislative framework for animal welfare could consolidate in a single text and improve the requirements for competence that already exist in certain pieces of the EU legislation. General principles to prove competence would be developed on the basis of an impact assessment.

Common EU requirements for competence for staff handling animals would aim at ensuring that handlers possess the abilities to identify, prevent or limit animals' pain, suffering and distress as well as to know the legal obligations related to the protection and welfare of animals.

In addition, an adequate level of competence could be considered for people responsible for the design of processes, facilities or equipment that apply to animals.

A study on animal welfare education will be launched to identify the animal welfare topics to be included in the curriculum of professions involved with animals and which actions would be needed to improve awareness among those professions.

3.2. Support Member States and take action to improve compliance

The Commission will address the issue of compliance as a matter of priority. Compliance can only be achieved through actions of enforcement performed by or under the responsibility of the Member States. However, the Commission has an important role to play in ensuring that compliance is met in a uniform manner in the EU. It is essential to ensure that equal conditions apply to all EU producers and to ensure that animals are treated in a proper way. The following actions are being put forward by means of this strategy:

²⁸ Such as SCAR (Standing Committee on Agricultural Research) collaborative working group on animal health and welfare research and the Animal Health and Welfare ERA-Net (ANIHWA).

²⁹ Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

- The Commission will continue to perform visits within the Member States by the FVO. It will also continue to vigorously apply its prerogatives under the Treaty when bringing cases before the Court of Justice of the European Union as necessary. This is an essential action of the Commission for ensuring compliance, especially in a context of ongoing or future animal welfare challenges.
- Nevertheless, the Commission believes that a proper education strategy can be a powerful tool to instil a culture of compliance among operators and within the Member States. The potential development of a European network of reference centres could take on this role.
- In the meantime, the Commission will increase its efforts in training veterinary inspectors through the Better Training for Safer Food programme. The Commission will also examine the need and the possibility to extend training activities to the welfare of experimental animals as well as to the welfare of wild animals.
- The Commission will also amplify its role in advising Member States' competent authorities and encouraging cooperation, exchange of best practices and agreement of common targets and guidelines through thematic working groups and events.
- In the next four years the Commission will therefore develop specific guidelines or implementing rules on the different pieces of EU animal welfare legislation³⁰.

Animal welfare is also a technical issue for operators dealing with animals in the context of an economic activity. It is therefore relevant to help them understand the rationale of EU requirements and the way they could improve compliance through better design or practices.

3.3. Support international cooperation

A level playing field on animal welfare is important at international level to ensure global competitiveness of EU operators. The Union has already developed a number of bilateral and multilateral activities that needs to be optimised and supported as indicated by the evaluation.

For that purpose the Commission will:

- continue to include animal welfare in bilateral trade agreements or cooperation forums³¹ to increase the strategic opportunities for developing more concrete cooperation with third countries;
- remain active in the multilateral arena, especially at the World Organisation for Animal Health (OIE) and the Food Agriculture Organisation (FAO), the first

³⁰ In particular as regards the use of the derogation from stunning animals in case of ritual slaughter.

³¹ This number of free trade agreements with animal welfare issues has doubled in 2011.

having adopted international standards and both having taken initiatives on animal welfare³²;

- examine how animal welfare could be better integrated in the framework of the European neighbourhood policy;
- organise when appropriate major international events aimed at promoting the Union's view on animal welfare.

Such actions are opportunities to share the EU's understanding of animal welfare at global level. It is therefore important to make an optimal use of available resources dedicated to international activities on animal welfare to match these challenges and to enhance their contribution to the competitiveness of European livestock producers in a globalised world. The Commission will therefore initiate a review of those actions in order to evaluate their benefits for the EU agricultural sector amongst others and report to the European Parliament and Council.

3.4. Provide consumers and the public with appropriate information

Animal welfare is a societal concern that appeals to a wide public. Treatment of animals relates to ethics and is part of Union's set of values. It is therefore relevant to communicate to children, young adults or the public at large to raise awareness of respect for animals and to promote responsible ownership.

Animal welfare is also a consumer concern. Animal products are widely used, in particular in the context of food production and consumers are concerned about the way animals have been treated. On the other hand, consumers in general are not empowered to respond to higher animal welfare standards.

It is therefore relevant to inform EU consumers about the EU legislation applicable to food producing animals and to ensure that they are not deceived by misleading animal welfare claims.

Many communication and education activities exist in the Member States. Comprehensive mapping of the EU situation would permit the identification of the gaps where the Union could provide an added value.

All such targets are complementary and may need specific instruments. Some of them are already in place like Farmland (for children and teachers in primary schools) or Better Training for Safer Food programme (for official inspectors). Additionally, the Commission organises regular meetings for a better understanding and enforcement of EU legislation. There may be ways to improve their efficiency and to complement them with new communication tools.

The Commission therefore intends first to launch a study to map out the current animal welfare education and information activities directed at the general public and

³² Nine OIE standards on animal welfare are presently available (see: <http://www.oie.int>). The FAO developed meetings in order to connect expertise and facilitate capacity building in different animal welfare related areas. It also created a specific website on farm animal welfare (<http://www.fao.org/ag/againfo/themes/animal-welfare/en/>)

consumers. Such actions could include the possibility of granting funds for successful trans-national information campaigns or educational initiatives on animal welfare.

3.5. Optimise synergies with the Common Agriculture Policy

Animal welfare is part of a socially oriented agricultural approach and the Union has already established strong links between agriculture and animal welfare. Indeed, most of the EU budget dedicated to animal welfare goes to farmers in the framework of rural development programmes. However, in particular in time of economic restrictions more coordination to streamline actions and optimise results is needed.

The Commission will establish a specific inter-services arrangement to assess how to optimise synergistic effects of the current mechanisms of the CAP in particular through cross-compliance, rural development, promotional measures, quality policy, organic farming, etc.

3.6. Investigate on the welfare of farmed fish

Farmed fish are covered by the scope of the EU legislation on the protection of animals during transport and at the time of killing, without specific rules for them. The Commission will continue to seek scientific advice on a species by species basis and evaluate fish welfare issues in aquaculture in order to take appropriate action on the basis of the outcome of that evaluation.

ANNEX

| Actions foreseen | Year |
|--|-------------|
| Series of enforcement actions on the protection of laying hens (Directive 1999/74/EC) | 2012 |
| Implementing plan and enforcement actions on the grouping of sows (Directive 2008/120/EC) | 2012 |
| Implementing plan for the slaughter regulation (Council Regulation (EC) N° 1099/2009) | 2012 |
| EU implementing rules or guidelines on the protection of animals during transport | 2012 |
| Report the European Parliament and the Council on the impact of genetic selection on the welfare of chickens bred and kept for meat production* | 2012 |
| Report to the European Parliament and the Council on the application of the Regulation (EC) No 1523/2007 banning the placing on the market of cat and dog fur* | 2012 |
| Study on the welfare of farmed fish at the time of killing | 2013 |
| Report to the European Parliament and the Council on the various stunning methods for poultry * | 2013 |
| Report to the Council on the implementation of Directive 98/58/EC* | 2013 |
| EU guidelines on the protection of pigs | 2013 |
| Study on animal welfare education and on information activities directed at the general public and consumers | 2013 |
| Study on the opportunity to provide consumers with the relevant information on the stunning of animals* | 2013 |
| Possible legislative proposal for a simplified EU legislative framework for animal welfare | 2014 |
| Report on the impact of animal welfare international activities on the competitiveness of European livestock producers in a globalised world | 2014 |
| Report to the European Parliament and the Council on system restraining bovine animals by inversion or any unnatural position * | 2014 |
| Study on the welfare of dogs and cats involved in commercial practices | 2014 |
| EU guidelines or implementing rules on the protection of animals at the time of killing | 2014 |
| Report to the European Parliament and the Council on the possibility of introducing certain requirements regarding the protection of fish at the time of killing* | 2015 |
| Report to the European Parliament and the Council on the application of Directive 2007/43/EC and its influence on the welfare of chickens bred and kept for meat production* | 2015 |
| Study on the welfare of farmed fish during transport | 2015 |

* Obligations deriving from EU legislation