



# The EU Referendum result: the impact on animal welfare

FROM THE PUBLIC AFFAIRS DEPARTMENT

## Introduction

On June 23rd the UK decided by a vote of 52% to 48% to leave the European Union. The RSPCA's position on this issue remained neutral during the Referendum and produced a briefing outlining the pros and cons of both options. The RSPCA can now campaign to ensure that animal welfare is not compromised as part of the process to leave the EU and that opportunities are taken to improve existing policies and standards. This briefing summarises the present situation, where those improvements could be made and where legislation should be maintained. There are specific briefings on the individual laws mentioned.

The timetable is uncertain, but it is probable that Article 50, to leave the EU, will be triggered in early 2017 and there will then follow a process of at least two years to negotiate a deal that is satisfactory to the UK and the EU. The Government has already set up a Unit to consider what proposals to make to the EU.

## What is the process for leaving the EU and what would be the impact on animal welfare?

The UK now needs to negotiate a new trade treaty with the EU. This can take a maximum of two years but deletion or amendment of existing laws could take many more years. The most important decision is what to do with the 44 animal welfare laws that have been agreed at the European level. The UK also now has the power to negotiate unilateral trade treaties with other countries, but these are more relevant in deciding what welfare standards are applied to imported products and have little impact on legislation. The UK-EU negotiations may lead to the same, better or worse terms than those currently agreed. The most important decision is whether to be part of the single market or not, as this will probably mean that the UK will have to continue with all existing European legislation as well as future laws. If the UK is not part of the single market then it has to agree which European legislation it will retain and which it will drop.

The EU has adopted three different types of European legislation on animal welfare: Directives, Regulations and Decisions. Thirteen of the 44 animal welfare laws in the acquis are Directives, which have already been implemented into existing UK legislation. These will need to be repealed if they are no longer required. 31 are Regulations and Decisions, which are applicable to the UK without national implementation. Depending on how the UK exits the EU, these may be automatically deleted on UK withdrawal unless Parliament legislates for them to remain. Alternatively, all pre-existing laws will simply be carried over for amendment on a piecemeal basis.

The UK will still be bound by those rules set by international bodies of which it is a member. These include trade rules, as set by the World Trade Organisation, and which limit its ability to ban imports or exports or give any trade advantages to its own producers. So, whilst it is true that EU rules prevent the UK banning the live exports of farm animals or the imports of puppies, it is likely that WTO rules would also prevent both of these actions. Should the UK agree to the single market rules, any ban would not be possible for these issues. The UK can start free trade negotiations with other countries only once it has left the EU.

## **What animal welfare issues are covered by the EU?**

Around 80% of UK animal welfare legislation originates from the EU with over 40 laws relevant to animal welfare. These laws cover all four groups of animals - farm, research, wildlife and companion - and span over 40 years (see Table below). The RSPCA has worked actively to improve animal welfare within the EU and in particular since 1980 when it formed Eurogroup for Animals, the European animal welfare coordinator. Over the past 36 years the Society has campaigned via Eurogroup to improve legislation in Europe so is determined to at the very least maintain these standards.

At the macro level, the Lisbon Treaty recognises animals as sentient beings; although this impact is limited, it sends a strong message to legislators that any legislation impacting on animals needs to take into account their capacity to suffer.

The largest body of legislation concerns farm animals with 18 relevant EU law adopted. There are five laws setting standards on the way farm animals are reared and produced. There are species specific laws for laying hens, veal calves, meat chickens and pigs. There is also legislation covering consumer information, such as mandatory labelling of the provenance of eggs and beef, the labelling of some poultry meats, and country of origin legislation regarding where certain meats and animal products have been produced. One law sets rules on the live transport of animals and a further one on how animals must be killed/slaughtered. Certain veterinary products have been prohibited with bans on the use of hormones in cattle, including BST, which can have a negative impact on the welfare of the animals.

The twelve laws covering wildlife fall into two areas - those part of international treaties and those not. The latter include the law to prohibit the import of wild caught birds, implemented in 2005 and responsible for the dramatic drop in wild caught birds into the UK. There is also an import ban on seal products due to welfare concerns on the manner in which these animals are kept and killed. There is legislation setting standards on the management of wildlife, covering their hunting, trapping and protection of habitat and legislation on the keeping of animals in zoos. The use of driftnets is prohibited due to their impact on marine animals and there are bans on the use of certain traps in wildlife management due to their cruelty.

The use of animals in research is regulated by nine different laws, covering the breeding, care and use of animals for scientific purposes, the transport of animals, the use of animals to test chemicals, biocides, plant protection products and novel foods, and the prohibition of the testing, marketing and import of cosmetics products testing on animals.

Companion animals is the least regulated area. Five laws provide rules allowing free commercial and non commercial movement of dogs and cats provided they have been identified and vaccinated. There is an import ban on products made from dog and cat fur.

## **What animal welfare issues are covered by other international law and Treaties?**

There are a number of areas, in particular wildlife legislation, that are covered by EU legislation and ratify existing international Treaties and obligations. The UK is a member of these obligations and will therefore continue to be bound by them. The UK is a member of CITES which regulates the trade in endangered species - implementing the rules of the UN CITES Convention. This prohibits the import of endangered species and products such as ivory and whale meat. The UK is also a member of the International Whaling Commission, which has a moratorium on the hunting and killing of whales for commercial purposes.

The UK is a member of the OIE, the World Animal Health Organisation, which sets standards on animal

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disease and health and has agreed thirteen different guidelines on animal welfare - all of which meet existing EU legislative standards aside from the guideline on dairy cattle. These standards will be retained.

Then there are the EU laws that implement the Council of Europe Conventions. There are six Conventions of which the UK has ratified five of them, international transport, slaughter of farm animals, keeping of farm animals, 'protection' of animals used in scientific procedures and the conservation of European wildlife and natural habitats. The Pet Convention has not been ratified but it is also not part existing EU legislation.

### What legislation do we want to preserve?

The Table below summarises existing EU legislation and where there are opportunities for improvements.

Table Summary of the 44 pieces of legislation that have been adopted at the EU level

	EU Legislation <i>Directives</i>	International agreements	Opportunities
<b>Farm Animals</b> <ul style="list-style-type: none"> <li>● <a href="#">General protection</a></li> <li>● <a href="#">Laying hens</a></li> <li>● <a href="#">Meat chickens</a></li> <li>● <a href="#">Veal calves</a></li> <li>● <a href="#">Live transport</a></li> <li>● <a href="#">Pigs</a></li> <li>● <a href="#">Slaughter</a></li> <li>● Dairy</li> <li>● <a href="#">Bans on BST and hormones</a></li> <li>● <a href="#">Farm subsidies</a></li> <li>● <a href="#">Country of origin Labelling</a></li> <li>● <a href="#">Poultry meat marketing standards</a></li> <li>● <a href="#">Beef labelling</a></li> <li>● <a href="#">Egg labelling</a></li> <li>● <a href="#">Organic Production</a></li> <li>● <a href="#">Horse identification</a></li> <li>● <a href="#">Feed and food law</a></li> </ul>	98/58 1999/74 2007/43 2008/199 1/2005 2008/120; 2016/336 1099/2009  1999/879 1305/2013, 1307/2013 1169/2011 543/2008 566/2008 1097/90, 5/2001 834/2007 90/426, 504/2008* 1804/1999*	   OIE Guideline   OIE Guideline   OIE Guideline OIE Guideline	To prohibit the non stun slaughter of animals To mandate CCTV in slaughterhouses To set rules on dairy cattle, beef, sheep, turkeys, ducks, fish Deliver more funding for animal welfare schemes To set higher standards on the journey times and transport conditions for animals that are transported in the UK and overseas
<b>Wildlife</b> <ul style="list-style-type: none"> <li>● <a href="#">Trade in endangered species</a></li> <li>● <a href="#">Whaling</a></li> <li>● <a href="#">Habitat protection, hunting and trapping</a></li> <li>● <a href="#">Wild birds protection</a></li> <li>● <a href="#">Driftnet bans</a></li> <li>● <a href="#">Seal import ban</a></li> <li>● <a href="#">Zoos</a></li> <li>● <a href="#">Traps management</a></li> <li>● <a href="#">Wild bird import ban</a></li> <li>● <a href="#">Invasive alien species</a></li> <li>● <a href="#">Fur labelling</a></li> </ul>	338/97 812/2004 92/43, 82/72  2009/147 1239/98 2015/1850 1999/22 3254/91 139/2013 1143/2014 1007/2011	CITES IWC Bern Convention Bern Convention WTO compliant  Bern Convention	The UK could set higher standards than the present EU law to ban trade in endangered species in transit through the UK to other countries
<b>Research Animals</b> <ul style="list-style-type: none"> <li>● <a href="#">The use of animals in research, testing and education - general</a></li> <li>● <a href="#">Making the EC party to Council of Europe Convention ETS 123</a></li> <li>● <a href="#">Allows for updating of the appendices to Convention ETS 123</a></li> <li>● <a href="#">REACH</a></li> <li>● <a href="#">Plant Protection Products</a></li> </ul>	2010/63 1999/575 2003/584  1907/2006 1107/2009	OIE Guideline	The UK would no longer be constrained by Article 2 of Directive 2010/63/EU and so could for example choose to implement higher standards of housing and care, or end the licensing of procedures with the potential to cause 'severe' suffering.

<ul style="list-style-type: none"> <li>● <a href="#">Biocidal Products</a></li> <li>● <a href="#">Cosmetics</a></li> <li>● <a href="#">Novel foods</a></li> </ul>	528/2012 1223/2009 258/1997*		
<b>Pets</b> <ul style="list-style-type: none"> <li>● <a href="#">Non commercial trade dogs, cats,</a></li> <li>● <a href="#">Pet Imports</a></li> <li>● <a href="#">Commercial trade in animals</a></li> <li>● <a href="#">Imports on dog and cat fur</a></li> </ul>	576/2013 2015/561 2013/31 92/65 1523/2007		
<b>Other</b> <ul style="list-style-type: none"> <li>● Data Protection</li> </ul>	2016/679		

*Directives; Decisions and Regulations; \* laws being updated but not yet adopted that would fall on Brexit*

At the very least, the RSPCA would want to see all the legislation in this Table maintained. EU laws not yet adopted, marked with an asterisk (\*), will not be part of the UK legislation. For two of these laws, the RSPCA would like to see retrospective horse identification prior to 2009 come into effect and a ban on the cloning of animals for food.

### **What issues are not covered by leaving the EU?**

The UK already sets laws on any issues that have been devolved from the EU to member state level. So, requirements concerning animal cruelty are set individually by England, Wales, Scotland and Northern Ireland and not impacted by Brexit. These include the Animal Welfare Act 2006 and the framework law in England and Wales. The RSPCA spends the majority of its budget and work programme on issues concerning companion animals.

Specific legislation on companion animal welfare under the Animal Welfare Act 2006 will continue. This includes standards on the tail docking of dogs, the ban on the use of shock collars in Wales and the raft of legislation the UK Government is currently considering on the breeding, boarding and selling of dogs, the licensing of horse riding establishments and the selling of all animals, in England. Sentencing is also not part of the EU acquis and is devolved. It will not be impacted.

Other areas that will not be affected and where the UK or the devolved governments can set legislation, include the hunting of wild animals by dogs (the Hunting Act 2004 in England and Wales), the welfare of wild animals in travelling circuses and the ban on fur farming.

### **How much do we pay in and get out of the EU budget for animal welfare?**

The UK is a net contributor to the EU budget, which in 2015 amounted to £8.5 billion (€11.7 billion). The Common Agricultural Policy (CAP), which is the subsidy scheme for farmers, accounts for 39% of the EU budget. In 2015 UK farmers received €3.08 billion in direct support back from Europe under the CAP and an additional €414 million for those farmers who implement schemes for environmental and animal welfare benefits. The total subsidies received in 2014 represented 55% of total income from farming.

The UK now has to negotiate a new subsidy system for British farmers and decide which subsidies to keep and which to improve. The UK government's manifesto gave a commitment to include additional funding for animal welfare schemes, such as assurance schemes, or to fund farming to higher welfare? standards. Brexit provides an opportunity for the devolved administrations of the UK to do this.

### **What are the opportunities to improve animal welfare?**

Although the UK sees itself as operating some of the highest animal welfare standards, examples exist where it has fallen behind other countries. The UK's devolved administrations (most animal welfare law

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in the UK is now devolved) now have the power to implement higher standards than those under the EU laws. It has done this previously. For example, with regards to farming, the UK prohibited the veal crate system in 1991 - 15 years before it was banned in the EU - and it prohibited sow stalls in 1999 - 14 years before they were phased out in the EU. It is acknowledged that UK governments are reluctant to implement higher standards than the EU especially on farm animals due to the fear of its impact on the competitiveness of the industry. However, there are certain areas where other countries have higher welfare standards than the UK, such as on the farming of chicken and laying hens. Leaving the EU also provides England and Wales opportunities to go further in certain areas where there is existing European legislation. For instance prohibiting the slaughter of farm animals without stunning, which is already prohibited in three other EU countries, or making it mandatory to install CCTV in slaughterhouses. There are opportunities for long distance transport of animals by for instance setting a lower maximum journey time.

The UK could also legislate for the mandatory labelling of animal products based on method of production. We know this can have a significant impact on consumer behaviour. Compulsory labelling on egg provenance was introduced in the UK in 2003, allowing consumers, for the first time, to know how eggs. In subsequent years, sales of free range eggs increased and now account for around 52% of eggs produced in the UK. Around 90% of these are certified RSPCA Assured.

There are other examples in wildlife where the UK now has the opportunity to take action to improve animal welfare. The UK already has a ban on fur farming and could restrict imports of fur products based on their method of production or trapping, although this would be still subject to WTO approval.

### **A summary of the animal welfare issues impacted on by remaining or leaving the EU**

By leaving the EU, the UK has the opportunity to improve animal welfare but it also presents a wide range of risks to present welfare standards that have been set at the European level. Those areas that are not currently covered by EU laws, mainly for animal cruelty and domestic animals, are not affected. The RSPCA would like to see:

- As part of the EU/UK negotiation, the UK accept all the present EU laws in the acquis that set standards for animal welfare.
- England and Wales take the opportunity to promote higher farm animal standards by diverting money from the old CAP subsidy system into schemes that reward farmers that produce under higher welfare assurance schemes or farm to meaningful higher welfare standards.
- Ensure that in any negotiation on Free Trade Agreements (FTA) with other countries there is agreement to prevent the import of products into the UK that are produced to lower welfare standards and so minimise the threat of those products undermining our own farming products and incentivises and encourages negotiating partners to improve their animal welfare standards.
- England and Wales administrations look at opportunities to improve animal welfare once the negotiations have concluded in areas such as non stun slaughter, CCTV in abattoirs and reducing times for long distance live animal transport.
- The UK to continue to set its own standards in those areas that are not covered by the EU e.g. hunting with dogs, fur farming, animal cruelty, and the sale and breeding of domestic animals.
- The UK prevents imports of certain animals where they represent a disease or welfare risk (such as the trade in puppies from the EU) and do not contravene WTO rules.