

Opinion of the European Economic and Social Committee on the Communication from the Commission to the European Parliament and the Council on a Community Action Plan on the Protection and Welfare of Animals 2006-2010

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(2006/C 324/08)

On 5 April 2006, the European Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 8 September 2006. The rapporteur was Mr Nielsen.

Due to the renewal of the Committee's term of office, the Plenary Assembly decided to vote on this opinion at its October plenary session and appointed Mr Nielsen as rapporteur-general under Rule 20 of the Rules of Procedure.

At its 430th plenary session, held on 26 October 2006, the European Economic and Social Committee adopted the following opinion by 92 votes in favour with one abstention.

1. Conclusions and recommendations

1.1 Interest in the protection and welfare of animals is on the increase in many parts of the EU and in some non-EU countries as well. It is appropriate, therefore, to give support to market forces and to make any necessary adjustments to EU minimum requirements. This need not involve more restrictive requirements, but improved and more relevant rules based on scientific and socio-economic studies. It is also important to establish a joint quality labelling scheme for products that meet specific animal-welfare requirements. Substantial improvements are also needed for animals used in research and testing and in statutory safety tests.

1.2 In broad terms, the Commission action plan reflects these requirements and may form the basis for further priority-setting in this field. The Committee backs the proposed strategy as a starting point, but will, in due course, also be looking closely at the Commission's specific proposals with an eye to ensuring that a proper balance is struck between animal welfare on the one hand and social and economic factors on the other. It is, however, vital that imports from non-member countries with lower standards do not drive out EU products. If that were to happen, livestock farming would relocate to places with lower standards, thereby forcing EU players to cease production. In that respect, the Committee is not convinced that the Commission's action plan goes far enough in securing sustainable solutions.

1.3 The EESC very much regrets the impossibility of discussing this issue in the current negotiating round of the World Trade Organisation (WTO). Nonetheless, in trade in agricultural products, it is essential that, in the longer term, animal welfare be recognised as a non-trade concern. Otherwise, the EU could be compelled to take unilateral action to secure the requisite understanding of the need for law change. In the

shorter term, the Commission and civil society must put pressure on the EU retail sector and food industry to impose equivalent requirements on imports from outside the Union through certification schemes and similar safeguards.

1.4 Research activities need to be coordinated and built upon so that resources can, as far as possible, be pooled and turned to good account. The provisions also need to be reviewed regularly, not least so that they continue to reflect technological developments and new knowledge.

1.5 The EESC welcomes the proposal to set up a centre or laboratory for the protection and welfare of animals. However, a more imaginative approach should also be considered, namely a global centre to help deal with animal-welfare issues at an international level, thereby supporting the work of the OIE ⁽¹⁾ and the Council of Europe and providing assistance in EU bilateral agreements.

1.6 Moreover, the Commission, working together with the OIE and the Council of Europe, should take the initiative for an international conference to help build up a more sustainable network for researchers from outside the EU and foster a greater level of informal international cooperation in this field.

1.7 With regard to the use of animals in laboratories and for toxicological testing, the Committee thinks that the strategy should be broadened to include a 'need' provision whereby animals may only be used in this way if there is some kind of proven social need for the product in question.

2. The action plan: a summary

2.1 The main aim of the action plan is to secure animal welfare in the EU and at the international level, to identify future needs and to provide for the more effective coordination

⁽¹⁾ The French acronym by which the World Organisation for Animal Health is known.

of existing resources. Under the plan, the following five main areas of action for 2006-2010 are to be monitored and evaluated, not least with a view to follow-up beyond 2010:

- to adjust existing minimum standards to reflect new scientific evidence and socio-economic assessments;
- to promote future research;
- to introduce standardised indicators;
- to ensure the availability of information on current standards; and
- to implement further international initiatives to raise awareness and create a greater consensus on animal welfare.

2.2 The plan also sets out 28 initiatives that the Commission is intending to implement between now and 2010. These include 21 actions already underway, already announced or specifically provided for under Community legislation.

2.3 The Commission has also published working documents setting out the strategic basis of the initiatives and the core element underpinning the measures proposed in the action plan. The Commission also considers compliance with the 3Rs declaration on animal testing adopted in 2005 ⁽²⁾ to be a key component of the action plan.

2.4 The Commission feels that its animal-welfare role could be made easier through more effective coordination between the various departments concerned. This would help to ensure a more consistent and coordinated approach across Commission policy areas, just as measures with an animal welfare impact are to be vetted both to demonstrate compliance with the EC Treaty Protocol on protection and welfare of animals and to identify their socio-economic impact.

3. General comments

3.1 As the representative of civil society — and given the diversity of its membership — the EESC clearly bears a share of responsibility for framing the relevant provisions of animal welfare as part of the European social model ⁽³⁾. It is important to press ahead with the current approach and to secure, within the EU, sound and acceptable levels of animal protection, without thereby generating any unnecessary distortions of competition or undermining protection levels by imports from

⁽²⁾ Declaration on animal testing adopted in Brussels on 7 November 2005, on implementing the '3Rs' action programme, i. e. *reduction* (i.e. a cut in the number of laboratory animals); *refinement* (i. e. the further development of animal-testing models involving less strain on laboratory animals) and *replacement* (i.e. the development of alternatives to animal testing).

⁽³⁾ It is thus to be regretted that the EESC was not consulted on this issue until three months after the action plan was published.

non-member countries where standards are lower. The overall strategic plan boosts transparency in this area and improves the scope for constructive cooperation on the part of all stakeholders. This applies, in particular, to agricultural producers who, with an eye to their long-term investment, motivation and management, should be involved in shaping the future strategy.

3.2 Broadly speaking, therefore, the EU farming sector is in favour of reasonable and well-balanced animal welfare provisions, but would also draw attention to the concomitant risks of distorted competition arising, in part, from the fact that Member States are able to introduce additional national requirements, but also a corollary of the practice of importing from non-member countries that have lower standards, or none at all. The risk of competition being distorted by additional national rules is, moreover, made all the greater by the 'cross-compliance' requirement under the Common Agricultural Policy. The result is legal uncertainty in the Member States — hence the need for clarification of the legal position in this regard.

3.3 With regard to third-country imports, common EU rules applying across an internal market of thirty countries with a combined population of 500 million ⁽⁴⁾ will also have a knock-on effect both in non-EU countries themselves and in relation to their imports into the EU. For instance, the World Bank's International Finance Corporation recently pointed to the growing global interest in animal welfare and the need to adapt to developments in this area in both primary production and industrial processing ⁽⁵⁾.

3.4 In the short term, however, it should also be brought home to retail chains and processing industries within the EU that, when importing agricultural goods and processed animal products from non-EU countries, it is in their own interests — and is also conducive to their public image — to ensure compliance with an appropriate code of conduct in the country of production, including animal-welfare requirements that are consistent with EU rules in this area. This may, for instance, involve mandatory cooperation with suppliers ⁽⁶⁾. The Commission should, in any event, take the initiative in this regard. Civil society too should draw attention to the issue via the media. It must be made clear to retail chains and the food industry in the EU that, in future, more attention will be paid to the production

⁽⁴⁾ Including Norway, Iceland and Liechtenstein, which are part of the EU internal market (European Economic Area) and also Romania and Bulgaria.

⁽⁵⁾ *Creating Business Opportunity through Improved Animal Welfare*, International Finance Corporation (IFC), World Bank Group, April 2006. The IFC covers 178 member countries and it is calling specifically for investments in developing countries so as promote exports to developed countries.

A number of countries also have an animal welfare code of conduct rather than any specific legislation. This is the case, for instance, in Switzerland, Australia, New Zealand, Argentina and Brazil.

⁽⁶⁾ Mandatory cooperation may include, for instance, joint action by the producer (from outside the EU) and the EU importer to promote research and development, and certification of compliance with production and processing standards in the same way as increasingly happens within the EU.

conditions of imported agricultural goods and processed animal products from non-EU countries. Consumer bodies and farmers' organisations should jointly undertake to pursue activities along these lines at national level. However, in trade in agricultural products, it is also absolutely vital in the longer term to secure recognition of animal welfare as a non-trade concern (cf. below).

3.5 As for the risk of EU-internal distortions of competition, it would be irrational — and unacceptable to the public in a number of Member States — to harmonise the provisions, thereby ruling out the possibility of more far-reaching standards being introduced at national level. If, however, at EU level, the minimum requirements concerned were, in future, to a greater extent based on more objective criteria underpinned by research and scientific studies, then understanding and acceptance of them would be bound to increase, thereby giving less cause for the introduction of more far-reaching national rules. To ensure, therefore, that a proper regulatory environment is put in place in this area, it is essential that any new initiatives be backed up by scientific data and appropriate socio-economic assessments. Steps should also be taken to ensure that, with a view to putting in place the suggested indicators, the research findings are assessed and applied in a competent way. At the same time, Member States should have some scope for flexibility to reflect, for instance, environmental and climactic conditions.

3.6 The Commission feels that the adjustment, management, and dissemination of these standards as well as the preparation of relevant socio-economic studies and impact assessments could be facilitated by the creation of a European centre or laboratory for the protection and welfare of animals. The EESC would ask that consideration be given to a more imaginative approach, namely a global centre to help deal with animal-welfare issues at international level, and thus support the work of the OIE and the Council of Europe and provide assistance in any bilateral agreements that might be made.

3.7 The EESC agrees on the need to foster partnership between the Commission and industry in order to promote alternatives to the use of laboratory animals in industry, in conjunction, for instance, with the setting-up of the centre and the submission of a strategy on the application of the so-called '3Rs' principle which can provide guidance for the use of laboratory animals in the EU (7). The Commission initiative may also give a fillip to the activities currently underway elsewhere to promote alternative methods (8). The EESC, however, feels that the strategy should be broadened to include a 'need' provision, permitting animal testing only in cases where there is a proven social need for the product for which the chemical or substance concerned is to be used.

(7) Some 90 % of laboratory animals are used for research and development, and around 10 % for statutory toxicological safety tests on new drugs and chemical substances. The increasing attention being paid to animal welfare is reflected in the EU cosmetics directive which enjoins industry to find alternatives to animal testing.

(8) Including in particular the European Centre for the Validation of Alternative Methods (ECVAM) and the European Consensus Platform for Alternatives to Animal Experimentation (ECOPA).

Distortions of competition in the case of third-country imports

3.8 The intense competition and opening-up of the EU market involves a substantial risk that products from countries outside the Union with lower standards or no standards at all will gradually drive out EU production and sales, including those on non-EU markets. The very tight squeeze on farm profits, coupled with the additional costs of animal welfare, may thus be a vital factor in farmers' capacity to remain in business. Moreover, in most cases, it will be too risky for farmers to base their production around the relatively small group of consumers who are willing to pay more (9).

3.9 Imports from non-member countries with lower animal-welfare requirements thus raise highly complex issues and the Committee is not convinced that the Commission's action plan goes far enough in securing adequate and sustainable solutions. The EESC very much regrets the impossibility of discussing this issue in the current WTO negotiating round, but, in terms of trade in agricultural products, the EU must nonetheless continue to press to have animal welfare recognised as a non-trade concern.

3.10 If, however, it proves impossible to achieve adequate sustainable solutions in this way or to secure the necessary understanding of the issue within the auspices of the WTO, the EU must, even without prior international agreement, require that imports from non-member countries comply with equivalent rules. A degree of provocation may thus be needed to draw the requisite attention to the issue and promote understanding of the need for a change in the law.

4. Specific comments

4.1 Compliance with EU rules in this area means that the EU institutions and Member States must meet the deadlines they themselves have set for the submission, adoption and implementation of the specific provisions. This has not always been the case in the past — hence also the failure, relative to earlier decisions, to meet the deadline for a number of initiatives set out in the action plan.

4.2 The action plan does not address the difficulties surrounding long-distance animal transport, which is a corollary of the EU single market and the abolition of veterinary borders. In 2004, the Council adopted an amendment to the rules on the protection of animals during transport, which is due to enter into force in 2007 (10) and the Commission has announced its intention of submitting a proposal after 2010. In

(9) Although the public are more often than not positively disposed towards higher consumer prices to pay for welfare measures, consumers often behave differently in practice.

(10) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.

this and in other areas, it is important that the rules are based on scientific findings and that the key provisions on transport time and space requirements during transport are subject to more effective monitoring.

4.3 All experience shows that *management* is the key factor in animal welfare. This element should be the focus of future animal-protection and animal-welfare provisions, through, among other things, requirements for training and guidance, combined with ongoing animal-welfare checks within the different production systems. That should also mean less detailed rules for production systems and legislation that is easier to handle.

4.4 Thanks to structural developments in animal production, with the establishment of bigger and ever more specialised production units and the application of new technology, it is now possible to monitor animal welfare more closely than ever before through a range of indicators. The increasingly detailed knowledge about objective, quantifiable animal-welfare indicators can also be factored into the design of new production buildings. The proposed centre could devise benchmarks, backed by scientific fact, to foster progress in this area. When laying down any fresh requirements, however, consideration should be given to the long payback period on agricultural investments.

4.5 The EESC backs the establishment of a specific Information Platform for Animal Welfare to facilitate dialogue and the exchange of expertise/experience on this issue between stakeholders such as consumers, producers, retailers, industry etc. ⁽¹⁾. However, there are substantial limits as to what can be done here and, in practice, it is impossible for consumers in the EU to get any clear picture of the differences between various production systems and their in-built benefits and drawbacks. Consumer organisations, therefore, want to see the EU and the Member States take responsibility in this area and lay down minimum standards.

4.6 The EESC also backs the establishment of a joint marketing system to foster the application of higher than minimum welfare standards. It is vital that this system be based on joint, objective criteria and documented knowledge. The EU may well make such a labelling scheme available to producers and distributors, but what really counts is that the development

of products complying with higher standards should, as far as possible, be market-driven. To be successful, however, any labelling scheme must be backed up by checks and accompanied by a carefully conducted, credibility-enhancing information campaign.

4.7 The introduction of a labelling scheme indicating the country of origin of goods imported from outside the EU is dealt with in general terms in a separate document. Such a scheme is particularly relevant for animal products and industrially processed goods derived from them. Under such a scheme, it should be possible to identify goods not produced in line with EU animal welfare standards.

4.8 According to the action plan, the quest for high standards is a hallmark of environmentally sound production. The Commission feels that such production should also be taken as a benchmark for the highest animal-welfare standards too ⁽¹²⁾. Experience shows that environmentally sound production does, in some areas, have the potential to improve animal welfare, but that unfit conditions also remain and that further knowledge is needed.

4.9 At all events, it is important to make the best possible use of resources within the EU. This applies not only to research and scientific studies where national resources should, as far as possible, be coordinated so as to permit pooling and optimum utilisation. Resources could therefore be used more effectively if, among other things, they were coordinated by a joint advisory committee composed of representatives with expertise in this area. Moreover, the Commission, working together with the OIE and the Council of Europe, should take the initiative for an international conference to help build up a more sustainable network of researchers both inside and outside the EU and to foster greater informal international cooperation in this field.

4.10 EU veterinary and disease-control measures incorporate a range of welfare aspects, even although there is not always any incontrovertible link. The public, moreover, are concerned when they see sizeable numbers of healthy animals being slaughtered and disposed of during outbreaks of dangerous contagious diseases. It is important, therefore, to focus more on preventive measures and to work closely with scientists and veterinarians to develop viable alternative methods of controlling animal diseases of this kind.

Brussels, 26 October 2006.

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

⁽¹⁾ A home page setting out the standards and indicators — and exactly what they mean — could be part of the information platform, particularly in conjunction with a labelling scheme.

⁽¹²⁾ The Commission's proposed definition of organic products is given in the Proposal for a Council Regulation on organic production and labelling of organic products and the Proposal for a Council Regulation amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto in agricultural products and foodstuffs COM(2005) 671.