

Wednesday 4 July 2012

Strategy for the protection and welfare of animals

P7_TA(2012)0290

European Parliament resolution of 4 July 2012 on the European Union Strategy for the Protection and Welfare of Animals 2012–2015 (2012/2043(INI))

(2013/C 349 E/07)

The European Parliament,

- having regard to the Commission Communication of 19 January 2012 on an EU Strategy for the Protection and Welfare of Animals 2012–2015 (COM(2012)0006),
- having regard to Articles 7 and 13 of the Treaty of the Functioning of the European Union,
- having regard to its resolution of 12 October 2006 on a Community Action Plan on the protection and welfare of Animals 2006–2010 ⁽¹⁾,
- having regard to its resolution of 22 May 2008 on a new animal health strategy for the European union 2007–2013 ⁽²⁾,
- having regard to its position of 6 May 2009 on the proposal for a Council regulation on the protection of animals at the time of killing ⁽³⁾,
- having regard to its resolution of 5 May 2010 on evaluation and assessment of the animal welfare action plan 2006–2010 ⁽⁴⁾,
- having regard to its resolution of 12 May 2011 on antibiotic resistance ⁽⁵⁾,
- having regard to its resolution of 8 March 2011 on EU agriculture and international trade ⁽⁶⁾,
- having regard to its declaration of 15 March 2012 on the establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered ⁽⁷⁾;
- having regard to its declaration of 13 October 2011 on dog population management in the European Union ⁽⁸⁾,
- having regard to the Agriculture and Fisheries Council Conclusions of 29 November 2010 on the welfare of dogs and cats,
- having regard to the Commission Communication of 15 November 2011 on an action plan against antimicrobial resistance (COM(2011)0748),

⁽¹⁾ OJ C 308 E, 16.12.2006, p. 170.

⁽²⁾ OJ C 279 E, 19.11.2009, p. 89.

⁽³⁾ OJ C 212 E, 5.8.2010, p. 326.

⁽⁴⁾ OJ C 81 E, 15.3.2011, p. 25.

⁽⁵⁾ Texts adopted, P7_TA(2011)0238.

⁽⁶⁾ Texts adopted, P7_TA(2011)0083.

⁽⁷⁾ Texts adopted, P7_TA(2012)0096.

⁽⁸⁾ Texts adopted, P7_TA(2011)0444.

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- having regard to the Commission Communication of 10 November 2011 on the impact of the Council Regulation (EC) No 1/2005 on the protection of animals during transport (COM(2011)0700),
- having regard to the European Food Safety Authority (EFSA) scientific opinion of 2 December 2010 on animal welfare during transport ⁽¹⁾,
- having regard to the EFSA scientific opinion of 13 December 2011 on Guidance on Risk Assessment for Animal Welfare ⁽²⁾,
- having regard to the World Organisation for Animal Health (OIE) definition of animal welfare ⁽³⁾,
- having regard to the twelve additional Principles and criteria of good Animal Welfare developed by the Welfare Quality Project ⁽⁴⁾,
- having regard to Council Decision 78/923/EEC of 19 June 1978 concerning the conclusion of the European Convention for the protection of animals kept for farming purposes ⁽⁵⁾,
- having regard to the European Convention for the Protection of Pet Animals ⁽⁶⁾,
- having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽⁷⁾,
- having regard to Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos ⁽⁸⁾,
- having regard to Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes ⁽⁹⁾,
- having regard to the Communication from the Commission of 24 July 2009 on mainstreaming sustainable development into EU policies and on the 2009 Review of the European Union Strategy for Sustainable Development (COM(2009)0400),
- having regard to the Commission Communication of 28 October 2009 on options for animal welfare labelling and the establishment of a European Network of Reference Centres for the protection and welfare of animals (COM(2009)0584),
- having regard to Rule 48 of its Rules of Procedure,

⁽¹⁾ EFSA Journal 2011; 9(1)1966.

⁽²⁾ EFSA Journal 2012; 10(1)2513.

⁽³⁾ OIE Terrestrial Animal Health Code, Article 7.1.1. (2011). http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.7.1.htm.

⁽⁴⁾ www.welfarequality.net/everyone/43395/7/0/22.

⁽⁵⁾ OJ L 323, 17.11.1978, p. 12.

⁽⁶⁾ ETS 125 – Protection of pet animals, 13.XI.1987.

⁽⁷⁾ OJ L 165, 30.4.2004, p. 1.

⁽⁸⁾ OJ L 94, 9.4.1999, p. 24.

⁽⁹⁾ OJ L 276, 20.10.2010, p. 33.

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- having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Food Safety and the Committee on Petitions (A7-0216/2012),
 - A. whereas a high level of animal welfare, which is part of sustainable development, is important to protect animal health and to ensure productivity, although it entails additional operating costs that are not distributed proportionately throughout the food chain;
 - B. whereas the deterioration in the state of health of wild animals, whose numbers are increasing in the majority of Member States, could result in an increased spread of contagious diseases to domestic animals and, at the same time, have an adverse effect on public health;
 - C. whereas EU and national rules on animal welfare, owing to their complexity and differing interpretations, create legal uncertainty and can put producers in certain Member States at a serious competitive disadvantage; whereas with regards to the implementation of EU law, a lack of compliance, unharmonised standards and the absence of legal milestones distorts competition and results in an unlevel playing field;
 - D. whereas national rules on animal welfare must not be contrary to the principles of the EU single market;
 - E. whereas the approach to animal welfare should be based on solid scientific evidence and the best scientific knowledge, keeping in mind the need for simplification, cost-efficiency, applicability of standards and consistency with, in particular, environmental and public health policy;
 - F. whereas modern consumers reasonably expect farm livestock to be entitled to the same necessities as humans are: good food, good living conditions and appropriate medical care;
 - G. whereas animal health standards are of vital importance for livestock management in Europe, which has an increasing impact on the level of competitiveness of agricultural holdings;
- 1. Welcomes the broad Animal Welfare Strategy for the EU in 2012–2015;
- 2. Recalls that Article 13 of the Treaty is of general application and, as such, is as important as the provisions for environment or consumer protection, and takes legal precedence over all internal market policies;
- 3. Stresses that animal welfare is a complex and multifaceted issue that has an impact on international and domestic policies, and has important ethical, scientific, economic, cultural and political dimensions;
- 4. Welcomes the Commission's intention to address the issue of compliance with animal welfare law as a matter of priority;
- 5. Welcomes the fact that the strategy paper outlines a policy whereby consumer choice mobilises consumer markets for animal welfare-friendly products and harnesses the forces of the common market for the welfare of farm animals;
- 6. Deplores the fact that some actions from the Action Plan for 2006–2010 could not be completed, and calls on the Commission to align the target dates for the new actions to the legal deadlines;

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7. Deplores the fact that the Strategy has not received the financial backing which the Parliament requested in its resolution of 5 May 2010; calls on the Commission to increase this backing by reprioritising, and by ensuring a better and more coherent integration of animal welfare in other EU policy areas, such as consumer policy, research programmes, and the CAP, as appropriate;
8. Welcomes the Commission's reform proposals and its commitment to animal welfare; underlines the importance of giving strong support to farmers that respect standards and good practices for animal husbandry and that invest in better farming facilities; underlines the importance of adequate funding for the future CAP, as we need a budget that is compatible with the level of our ambitions;
9. Underlines that farmers today face multiple challenges, such as climate change, and have to meet numerous requirements, of which good animal welfare is but one; calls, therefore, on the Commission to ensure proper policy coherence in accordance with Article 7 of the Treaty of the Functioning of the EU (TFEU);
10. Calls on the Member States to make more effective use of the opportunities for assistance offered by the EU rural development funds, and by the Seventh Framework Programme (2007-2013) of DG Research, to promote applied research and to invest in innovative and modern animal welfare solutions; calls on the Member States and the Commission to increase investments in research on and development of new animal welfare techniques and technologies;
11. Regrets that the Strategy fails to make use of the opportunities offered by the Sustainable Consumption and Production, Green Public Procurement and Corporate Social Responsibility policies to promote high levels of animal welfare standards;
12. Urges the Commission to be more ambitious in including and prioritising reciprocity of animal welfare standards, as a non-trade concern in its trade policy and when negotiating multilateral and bilateral international trade agreements, and to promote animal welfare in third countries by requiring equivalent welfare standards for imported animals and products accompanied by strict controls;
13. Calls on the Commission to evaluate and report on animal welfare standards applying in third countries prior to commencing negotiations on trade agreements; asks the Commission also to carry out this exercise without delay in countries where trade negotiations are currently underway;
14. Calls on the Commission henceforth to refrain from submitting free trade agreements to the European Parliament that fail to ensure that equivalent animal welfare regulations apply to imported products as to European products;
15. Welcomes also the Commission's intention to examine how animal welfare can be better integrated in the framework of the European neighbourhood policy;
16. Calls on the Commission to insist that the WTO rapidly incorporates non-commercial concerns into the Strategy for World Trade, so as to avoid that the competition between EU Member States – required as they are to comply with the most stringent animal welfare standards in the world – and third countries is distorted;
17. Considers that it should be obligatory to inform consumers whether an imported product, or a product containing an imported product, is made from animals that were kept under conditions different from those required by European animal welfare regulations;

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18. Regrets that the Strategy fails to reflect the importance of animal health to the well-being of animals and the link between animal health and public health; calls on the Commission to apply the 'One Health' principle to this Strategy and to ensure efficient coordination with the Animal Health Strategy, as good animal husbandry, among other factors, helps prevent the spread of diseases and antimicrobial resistance;
19. Recalls that the Parliament, in its resolution of 12 May 2011 on antibiotic resistance, stressed the need to get a full picture of when, where, how and on which animals antimicrobials are actually used today, and believes that such data should be collected, analysed and made public by the Commission without delay;
20. Observes that in the EU, emergency vaccination, and sometimes preventive vaccination, is allowed, but that regulations still hinder the international sales of products from vaccinated animals; observes that these limitations do not adequately take into account advances in vaccination technology and diagnostics; requests that the European Commission rescinds, where possible, trade-limiting measures that unnecessarily restrict the use of vaccination;
21. Calls on the Commission to pay proper attention to the health risks posed by wild animals; considers that a significant number of emerging infectious diseases are zoonotic (transmissible between wildlife, domestic animals and humans), and recognises that trade in wildlife, as well as changes in land use and management, may lead to new or modified interfaces between humans, domestic animals and wildlife that could favour disease transmission; stresses the need for coherence between policies for animal health, animal welfare and trade;
22. Calls on the Commission to produce, by 2015, a report on the state of health of wild animal and the risk of cross-contamination of domestic animals and humans;
23. Calls on the Commission to actively and continuously improve animal welfare regulations in the framework of the EU Wildlife Trade Council Regulation (EC) No 338/97 ⁽¹⁾ (as amended);
24. Points out that the EU's dog and cat population is estimated at around one hundred million animals and that no EU legislation exists on pet animal welfare;
25. Calls for a report on stray animals recommending concrete, ethical and sustainable solutions for the Member States and including the evaluation of a coordinated system for the registration and the electronic identification of pets, to be added to the list of actions;
26. Stresses that mandatory identification of cats and dogs, when combined with an effective and reliable system of registration, ensures traceability and is crucial for successful animal health and welfare management, helping to promote responsible ownership and preserve public health;
27. Calls on the European Union and the Member States to ratify the European Convention for the Protection of Pet Animals, and to transpose its provisions in national legal systems;
28. Calls on the Member States to adopt comprehensive dog population management strategies which include measures such as dog control and anti-cruelty laws, support for the veterinary procedures – including rabies vaccination and sterilisation – needed to control the number of unwanted dogs, and the promotion of responsible pet ownership, as requested in its declaration of 13 October 2011;

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

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29. Urges the Commission, in its 2014 study on the welfare of dogs and cats involved in commercial purposes, to recommend concrete solutions to prevent dogs and cats from being bred and traded in a way which is likely to cause welfare problems;

Enforcement first

30. Shares the Commission's view that there are today still shortcomings as regards compliance with animal welfare rules, despite the progress made in several fields; reminds the Commission that while current legislation on animal welfare is already, to a large extent, sufficient, it has not been applied to the desired extent in all Member States; calls on the Commission and the Member States to ensure that legislation on animal welfare is complied with in all Member States;

31. Regrets that seven years since its full implementation, Council Directive 1999/22/EC, relating to the keeping of wild animals in zoos, has still not been fully implemented across all Member States; reiterates that the conditions for and welfare of animals kept in zoos has specifically been laid out in this Directive which should be enforced;

32. Welcomes the Commission's "Preferred Code of Practice for Zoos", and requests that the Commission include in this Code best practice guidance on the appropriate keeping of animals of wild species in captivity;

33. Considers that one area where better enforcement is needed is the area of animal transport which, even though it only accounts for a very limited part the life of an animal, needs to be improved in the light of the scientific data gathered by EFSA as required by Council Regulation (EC) No 1/2005 ⁽¹⁾;

34. Stresses that the full body of existing animal welfare legislation should be fully implemented and complied with in all EU Member States; considers, however, that non-compliance should not hamper new legislation in areas where legislation needs to be updated in the light of new science or in cases where there are gaps;

35. Recalls that there are imbalances in the food chain that place the primary producer at a disadvantage, and that this situation limits the scope for animal welfare investments at farm level;

36. Highlights the costs incurred by producers, and the potential for loss of competitiveness, as a result of the adoption of new and changing animal welfare standards; notes that it is often the case that these costs are not reflected in the price received by farmers;

37. Welcomes the suggestion that consumers should be better informed about existing EU animal welfare regulations; calls on the Commission to include farmers more effectively in research projects and campaigns; underlines the need to make consumers more aware of the additional costs associated with enhanced animal welfare, and to spread these costs in a balanced way throughout the food chain;

38. Urges the Commission, where there is clear scientific evidence demonstrating animal welfare and animal transport problems, to adapt or introduce new policy instruments to resolve these problems, factoring in a better way of distributing animal welfare costs along the food chain; considers that these instruments could include species-specific legislation, outcome-based animal welfare indicators as well as criteria associated with a risk-assessment system as applied in the food safety area;

39. Stresses the need to implement, in partnership with all stakeholders, duly justified 'legal milestones' during the transitional period in future animal welfare legislation;

⁽¹⁾ OJ L 3, 5.1.2005, p. 1.

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40. Calls for the creation of a new system of comprehensive early intervention to ensure compliance; stresses that Member States struggling to meet the deadline should be identified early by means of a new procedure requiring close co-operation with the Commission; suggests that best-practice forums be set up to allow the Commission, Member States and relevant stakeholders to exchange information on the best way to meet these deadlines, that the Member States draw up an implementation plan incorporating milestones and targets leading up to the deadline in stages, and that a study be initiated to identify the possibilities by which the European authorities could help ensure full compliance with animal welfare legislation;
41. Stresses that the Commission, and in particular the Food and Veterinary Office, must be given increased resources, in keeping with EU budget recommendations and powers, to adequately control the animal welfare inspections carried out by the Member States, a proportion of which should be unannounced checks, and to address breaches; calls on the Member States to ensure that there are sufficient animal welfare inspectors who are adequately trained, with harmonised performance measures in place to ensure consistent checks across all Member States, and to consider giving greater responsibility and power to producer organisations;
42. Calls on the EU Member States to ensure that breaches of EU animal welfare rules are penalised in an effective and proportionate manner, and that each sanction is accompanied by ample information and guidance from the competent authorities as well as by appropriate corrective measures;
43. Recalls the European Parliament's opposition to the use of privately contracted inspection assistants (PIAs) in slaughterhouses for the red meat sector; considers that hygiene inspection in this sector must be carried out by independent meat inspectors;
44. Notes the final deadline of March 2013, after which the sale of new cosmetics tested on animals will not be allowed; supports this deadline and calls on the Commission not to extend it;
45. Recalls the Commission's obligation, when there is due reason for concern, to undertake controls of national inspections in order to verify compliance with Directive 2010/63/EU on animal testing;
46. Calls on the Commission to continue to encourage research into test methods requiring fewer test animals and to promote the application of such methods wherever possible; calls, in this context, for the Commission to recognise and utilise the 'extended one' test under REACH;
47. Calls on the Commission and the Member States to ensure that the Horizon 2020 research programme foresees adequate opportunities for research in the fields of biodiversity conservation, wildlife trade, the development and validation of non-animal alternatives and the impact of emerging technologies;
48. Calls on the Commission to integrate animal welfare as an objective of the future 7th Environment Action Programme, ensuring, in particular, the inclusion of strategies and actions aiming to reduce the use of animals in research;
49. Points to the concern among European citizens, expressed through their petitions to Parliament, about abuse of the derogations for un-stunned slaughtering in the EU; is particularly concerned that the current derogation for un-stunned slaughter is abused to a large extent in some Member States, to the detriment of animal welfare, of farmers and of consumers; urges the Commission to accelerate its evaluation on the labelling of meat from animals slaughtered without stunning and to present its report before 2013, following its commitment to undertake this evaluation in 2011; highlights that the question of consumers not being informed as to whether or not the meat they are buying is from animals slaughtered without stunning is an issue of great public interest for reasons of both transparency and animal suffering; underlines, however, that labelling is not an alternative to proper enforcement as it can only guide consumers if the information provided is verified and correct;

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50. Stresses the need to establish more effective protection measures for animals which are exported from the EU to third countries for slaughter;

51. Considers that practicable and harmonised guidelines should accompany EU animal welfare legislation to ensure uniform application and implementation of the legislation covering, for example, issues such as fitness for transport and the provision of water before and during transport, at rest stops and at destination;

52. Recognises that any deficiencies in implementation are frequently due to legal provisions that cannot be implemented in practice;

53. Stresses that European citizens regularly petition Parliament about the failure of Member States to enforce the provisions of Regulation (EC) No 882/2004;

54. Reminds the Commission and the Member States of their duties as laid down in Regulation (EC) No 882/2004, to provide comparable animal welfare information; calls on the Commission to take effective actions in cases of non-compliance;

55. Calls on all European major retailers to adopt a joint public declaration whereby they commit themselves only to sell products which meet or exceed the standards set in EU animal welfare legislation;

Communication and education

56. Emphasises the importance of information and education being adapted and made available at regional and local level, for example through regional workshops and the use of modern technology, and that information concerning new legislation and scientific advances reach all animal handlers; recalls the role which could be played by an EU coordinated network of animal welfare centres in this regard;

57. Considers that the European network of reference centres must provide relevant, high-quality, professional and consistent support to the Member States and other stakeholders regarding best practices in relation to animal welfare;

58. Calls on the Commission to promote existing animal welfare guidelines and other voluntary initiatives by developing a web-based portal through which such documents, having been validated, could be collected and disseminated;

59. Calls on the Member States to make better use of the provisions for cross-border knowledge-transfer concerning animal welfare, breeding systems and the control of diseases, in the context of the EU financed programmes for rural and regional development;

60. Considers that animal welfare requirements should be made mandatory in future rural development programmes; believes, furthermore, that the European added value of high animal welfare should be reflected in the co-financing rates;

Framework law

61. Welcomes the inclusion of a European Animal Welfare Framework Law in the Strategy, as suggested by the Parliament, and calls on the Commission to present its proposal in conjunction with the revision of Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes⁽¹⁾ foreseen for 2013; believes that such a Framework Law should be clearly written, should be prepared after consultation of all the stakeholders, should focus on both inputs and outcomes and should result in better animal welfare;

⁽¹⁾ OJ L 221, 8.8.1998, p. 23.

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62. Points out that such a Framework Law should be a tool for the simplification and streamlining of existing animal welfare legislation; notes that the main aim of the Framework Law should be to achieve better and more thorough levels of compliance with existing animal welfare law;
63. Recalls that producers are overburdened with administrative requirements and that, in the continued search for administrative simplification, this European framework legislation should not further increase this burden;
64. Recalls that the Parliament considers that such a Framework Law should be based on validated science and proven experience and cover all kept and abandoned animals, including stray animals of domesticated species; recalls that for the species of animals raised for food production, the Parliament has called for the Animal Welfare Quality project to be further developed as regards its simplification and practical application;
65. Believes that a Framework Law, closely associated with OIE definitions and recommendations, would strengthen the competitiveness of EU animal keepers owners and livestock producers in the international market, as it would also help to ensure fair competition in the internal market;
66. Considers that the European Animal Welfare Framework Law should establish a common base level for animal welfare throughout the European Union as an essential condition for free and fair competition in the internal market, both for domestic products and for those imported from third countries; considers, however, that the Member States and the regions should be able to permit individual producers or groups of producers to set up voluntary systems with more profound effects, while avoiding distortions of competition and while protecting EU competitiveness in international markets;
67. Recalls that the Parliament considers that such a Framework Law should not prevent producers from introducing voluntary systems which go beyond EU rules, and believes that those systems should also be science based and could be promoted by certified and cohesive labels; calls on the Commission to build on its communication COM(2009)0584 by producing a study, if appropriate accompanied by legislative proposals, on EU-wide labelling schemes for meat and dairy products, aimed at informing consumers about the farming methods used, and their impact on the welfare of animals, to achieve the maximum effective and consistent transparency and communication to consumers;
68. Considers that the European Animal Welfare Framework Law should include:
- (a) a common OIE-based definition and understanding of animal welfare, and general science-based objectives;
 - (b) the principle of duty of care for all animal owners and handlers, whereas stray animals should firstly be the responsibility of the owner and ultimately of the Member States' authorities because of the public health and safety related risks;
 - (c) awareness-raising tools and guidelines for staff from public authorities, on how to identify animal welfare issues in the course of their duty;
 - (d) a requirement, when needed, to ensure the competence – while recognising the skills and knowledge already acquired through practical experience or training – of any person handling animals in the course of their professional duties, along with adequate training requirements for specific animal welfare responsibilities;
 - (e) an obligation for Member States to submit to the Commission biennial reports on the implementation of EU animal welfare legislation, including a roadmap for the following two years, and the requirement for the Commission to publish, without delay, these reports together with an executive summary;

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- (f) effective and timely actions against those Member States who do not submit reports or do not fulfil their obligations to carry out controls and inspections;
- (g) the creation of a coordinated European Animal Welfare Network which, based on the experiences of the Pilot Project X/2012, will support information and education campaigns, evaluate the animal welfare requirements on the basis of the latest peer-reviewed scientific knowledge, and coordinate an EU system for the pre-testing of new technologies in line with existing programmes promoted by the Commission and its agencies and committees;
- (h) a structure for science-based sectoral legislation and non-legislative measures;
- (i) a review clause to allow the framework law to be regularly adapted to new scientific developments while respecting the need for legal certainty and taking into account the economic lifespan of the investments made;

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69. Instructs its President to forward this resolution to the Council and the Commission.

Establishment of an EU legal framework for the protection of pets and stray animals

P7_TA(2012)0291

European Parliament resolution of 4 July 2012 on the establishment of an EU legal framework for the protection of pets and stray animals (2012/2670(RSP))

(2013/C 349 E/08)

The European Parliament,

- having regard to the large number of petitions from EU citizens requesting the establishment of an EU legal framework for the protection of pets and stray animals (1613/2010, 1274/2011, 1321/2011, 1377/2011, 1412/2011 and others),
 - having regard to the European Convention for the Protection of Pet Animals (CETS No 125),
 - having regard to Rule 202(2) of its Rules of Procedure,
- A. whereas Article 13 of the TFEU stipulates that, since animals are sentient beings, the Union and the Member States must pay full regard to their welfare requirements;
 - B. whereas there is no EU legislation for the protection of pets and stray animals, despite the fact that the EU's pet population is estimated at over one hundred million;
 - C. whereas the European Convention for the Protection of Pet Animals has not yet been signed by all Member States;
 - D. whereas pets and stray animals are victims of mistreatment and cruelty in many Member States, and whereas the petitioners mainly refer to Member States in southern and eastern Europe;