



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 January 2012

**5398/12
ADD 2**

**AGRILEG 4
VETER 4**

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 19 January 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: SEC(2012) 56 final

Subject: COMMISSION STAFF WORKING PAPER
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT
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

Delegations will find attached Commission document SEC(2012) 56 final.

Encl.: SEC(2012) 56 final



EUROPEAN COMMISSION

Brussels, 19.1.2012
SEC(2012) 56 final

COMMISSION STAFF WORKING PAPER
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

**Communication from the Commission to the European Parliament, the Council and the
Economic and Social Committee**

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

{COM(2012) 6 final}
{SEC(2012) 55 final}

1. POLICY CONTEXT

1.1. Definition, aims and scope

The World Organisation for Animal Health defines animal welfare:

" (...) An animal is in a good state of welfare if (...) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear and distress".

The aims, principles and scope of the animal welfare policy of the European Union (EU) derive from Article 13 of the Treaty on the Functioning of the EU. This article does not provide a legal basis for protecting animals. However, it creates the obligation of the Member States and of the Union to ensure that the welfare requirements of animals are considered within the framework of certain EU policies.

1.2. Sectors concerned

The farming sector uses around 2 billion birds and 334 million mammals per year. An estimated 12 million animals per year are used for experimentation. There are around 120 million dogs and cats mainly kept for leisure.

Livestock farming in the EU represents a value of 149 billion euros. In addition, the use of experimental animals is estimated to have an overall value of 930 million euros a year.

The number of people handling animals in the context of an economic activity can be estimated at around 4 million, being mainly farmers.

1.3. The EU policy on animal welfare

EU policy on animal welfare has developed legislative and non-legislative tools. The main body of EU legislation on animal welfare applies to food producing animals (calves, pigs, poultry, transport and slaughter) and to animals used for experimental purposes. Non-legislative tools include the EU funding of animal welfare through the rural development fund of the Common Agriculture Policy and the EU funding for research, international, communication and training activities.

In 2006, the Commission adopted a Community Action Plan on the Protection and Welfare of Animals 2006-2010¹. The 2006 Action Plan was the first document to merge in a single text the different aspects of EU policy on animal welfare.

1.4. References and consultations

In December 2009, the Commission asked for an external evaluation of EU policy on animal welfare. Stakeholders were extensively consulted during the evaluation and the impact assessment process. They comprise the economic sectors using animals, animal welfare organisations and scientists working on animal welfare.

¹ COM(2006)13 final.

2. PROBLEM DEFINITION

2.1. Animal welfare problems and drivers

The welfare of certain categories of animals is routinely compromised in the EU: for example, piglets have their tails cut off and are castrated without anaesthesia etc. The Council also pointed out welfare problems related to the breeding and the trade of dogs and cats. Each animal welfare problem has specific drivers. However, there are a number of common drivers:

1. Lack of enforcement by the Member States of the EU legislation is common in a number of areas. Some Member States do not take sufficient measures to inform stakeholders, train official inspectors, perform checks, and apply sanctions. For this reason, important pieces of EU legislation have not been fully applied and did not have the intended effects on the welfare of animals.

In addition, better welfare standards sometimes imply additional costs for producers. In many instances, business operators who comply, anticipate or go beyond EU animal welfare rules are not rewarded by additional economic benefits.

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

There is a limited market for products with animal welfare attributes. An EU-wide survey shows that animal welfare is an issue for 64% of the population. However, studies show that concern for animal welfare is only one of the factors affecting the consumer choice.

3. There is a lack of knowledge of what animal welfare means among stakeholders dealing with animals. It has had an effect on the conception of modern production methods. The lack of knowledge among operators and public officials about alternative practices often leads to resistance to changes for more friendly systems of production.
4. The lack of specific EU legislation and guidance makes it difficult to ensure adequate welfare conditions for some categories of animals (some farmed species or dogs and cats).

2.2. Baseline scenario

Member States are monitored by Commission experts. They have no mandate to inspect and sanction businesses but to determine whether competent authorities are doing so. Inspections are carried out with regard to specific EU legislation applicable to farm animals. The Commission may initiate legal proceedings against a Member State in the case of infringements.

Enforcement initiatives are demanding in human resources and limited in their impact on competent authorities. Therefore the current EU policy is able to address critical enforcement issues, but is limited in scope.

Regarding the economical aspects, EU policy provides some instruments to compensate producers for higher production costs. Transitional periods have not

proved to be very successful. On the consumer side, with the exception of eggs, there is no EU instrument that could empower consumers to express a choice in favour of more animal welfare friendly products.

The EU has developed initiatives to address the lack of knowledge of stakeholders on animal welfare. Competence requirements for animal handlers have been progressively introduced in EU legislation. However, such requirements do not encompass all animals concerned. The EU has funded research projects on animal welfare with an average of 15 million euros per year. However, there is a need for more efforts in dissemination research results and translation into practical tools.

The current EU policy does not address a number of animal welfare issues. The EU could continue to decide adopting specific pieces of legislation on a case-by-case basis. However such sector-specific approach is unlikely to address common drivers.

2.3. Subsidiarity test

Some Member States insist on keeping the possibility of maintaining their own animal welfare policy. The Union has progressively adopted several pieces of legislation on animal welfare to avoid internal market disruptions due to differences in national legislation.

The justification of such scope is based on the fact that the competitiveness of economic activities related to animals is affected by the level of animal welfare requirements. Harmonising requirements at EU level provides for those cases, an added value in establishing a common set of rules for businesses concerned.

3. OBJECTIVES

The objectives of the new strategy on animal welfare are as follows:

- Objective 1: to improve enforcement of the EU legislation;
- Objective 2: to provide for open and fair competition for EU business operators;
- Objective 3: to improve knowledge and awareness of EU business operators regarding animal welfare;
- Objective 4: to improve the coherence of animal welfare across animal species.

4. OPTIONS

Each option focuses on one or more specific objectives:

- Option 1: Strengthening Member States' compliance (EU non-regulatory action)

Option 1 will contain the following initiatives:

- Increase the number of audit missions in the Member States and third countries;
- Strengthen inter-governmental cooperation to promote better enforcement;
- Organise workshops with stakeholders on specific animal welfare issues;
- Develop EU guidelines for species covered by the European Convention for the Protection of Animals kept for farming purposes;
- Increase the participation in the training initiative Better Training for Safer Food.

In this scenario, the EU legislative setting will remain unchanged. Existing rules may be updated or new rules adopted on an ad hoc basis.

– Option 2: Benchmarking voluntary schemes (Sector self-regulation)

Option 2 will contain the following initiatives:

- A legal framework for benchmarking certification schemes with animal welfare claims;
- Communication campaigns for informing consumers;
- Prioritizing of EU actions on animal welfare at international level.

The Commission will propose a legal framework to create market opportunities for voluntary certification schemes containing animal welfare claims. Such framework will allow certification schemes to be registered at EU level. The registration will result in the preliminary establishment of an EU benchmark.

In this scenario, a new legislative act will be proposed but the rest of the EU legislative setting will remain unchanged. Existing rules may be updated or new rules adopted on an ad hoc basis.

– Option 3: Establishing a European network of reference centres (specific EU legislation)

In this scenario, the Commission will propose to establish a network of reference centres on the basis of a model that exist in the field of animal health. This network will consolidate existing scientific national resources on animal welfare. The role of this network will not duplicate the role of the European Food Safety Authority and the activity of the Joint Research Centre of the EU.

Each centre will have the following roles:

- Coordinate at EU level and carry out research on EU relevant themes;
- Provide scientific and technical expertise to competent authorities on the EU legislation;

- Disseminate research findings and innovations to EU stakeholders and among the international scientific community;
- Coordinate at EU level the listing and the evaluation of professional training activities related to animal welfare.
- Option 4: Streamlining requirements for competence and using animal welfare indicators (General Framework Law)

This option will be a legislative proposal for a general EU law on animal welfare to simplify requirements already laid down in certain pieces of EU legislation as follows:

- Requirements for competence will be integrated in a single and more precise common text;
- The possibility of using animal welfare indicators will be introduced as an alternative to compliance with the legislation.

This will involve replacing Directive 98/58 (umbrella directive for all farmed animals) with the new law.

Option 4 will be limited to the categories of animals presently covered by specific pieces of legislation.

- Option 4+: Investigating the possibility of extending the scope of Option 4

Option 4+ will study the relevance of extending the scope of the Option 4 to other animals where animal welfare problems have been identified.

5. IMPACT ANALYSIS

In no case none of the options will have negative impact on fundamental rights and more specifically on the freedom of religion as it is guaranteed in the relevant legislation on the protection of animals at the time of slaughter or killing.

5.1. Impacts of Option 1

The impact of Option 1 to improve enforcement is expected to be fairly positive (++) but limited in certain problem areas.

The impact of Option 1 to provide for open and fair competition for EU producers is expected to be positive (+) but limited because it does not contribute to help the consumer in identifying animal welfare friendly products.

The organisation of workshops with stakeholders on specific enforcement problems have been positively used in the past. The impact of Option 1 to improve knowledge of stakeholders is therefore expected to be slightly positive (+).

The impact of Option 1 is expected to be neutral (0) to improve consistency across animal species.

The impact on the EU budget is expected to be slightly negative (-) or neutral (0) if the necessary resources are reallocated from other activities.

Option 1 is unanimously supported by all stakeholders.

5.2. Impacts of Option 2

The increased economic value developed by Option 2 could encourage operators to higher animal welfare standards. Therefore, the impact of Option 2 to improve enforcement is expected to be slightly positive (+).

The establishment of an EU wide benchmarking system for EU registered schemes will increase the opportunities for EU producers to obtain better prices for improved standards on animal welfare. Therefore, the impact of Option 2 is expected to be very positive to provide for open and fair competition for EU business operators (+++).

With Option 2, business operators are likely to become more responsible on animal welfare. Therefore the impact of Option 2 to improve knowledge of business operators is expected to be slightly positive (+).

Option 2 possesses the potential for addressing certain animal welfare problems not covered by the EU legislation but unlikely to address the worst practices. Therefore, the impact of Option 2 on improving the consistency across animal species is expected to be slightly positive (+).

Option 2 has also a potential of blurring the distinction between enforcement of legislation and private standards. Transparency for consumers is however necessary and if a system should be designed, this aspect should be carefully considered.

Option 2 is expected to require additional financial resources mainly to promote the new benchmarking to consumers and to increase international activities. The impact of Option 2 on the EU budget is expected to be slightly negative (-).

Option 2 has been positively received by most stakeholders.

5.3. Impacts of Option 3

Option 3 will contribute to better enforcement by providing technical assistance to competent authorities and business operators. However, it is unlikely to reach the producers that might need the most assistance. Therefore, the impact of Option 3 on improved enforcement is expected to be slightly positive (+).

Through more investment on applied research, Option 3 is expected to have positive effects on the competitiveness of EU producers. It may also assist them in developing certification schemes. Therefore the impact of Option 3 on providing for open and fair competition is expected to be slightly to fairly positive (+ to ++) depending on the level of funding available.

Increasing funding for EU research projects contributes to raising awareness among stakeholders on animal welfare. Therefore, the impact of Option 3 on the knowledge of business operators is expected to be fairly positive(++).

Option 3 is expected to be neutral (0) to slightly positive (+) in improving consistency across animal species.

The impact of Option 3 on the EU budget is expected to be slightly negative (-).

There is a general support of Option 3 from all stakeholders in particular from the European Parliament.

5.4. Impacts of Option 4

Requirements for competence for animal handlers are expected to contribute to better enforcement. Using animal welfare indicators to reach compliance will allow flexibility in the implementation of certain provisions and hence facilitate enforcement. Due to the large scope of the measure, the impact of Option 4 for improving enforcement is therefore expected to be fairly positive (++).

Option 4 will entail training costs for business operators. However, it will also have positive long-term effects on their competitiveness. In addition, Option 4 will allow the use of animal welfare indicators which may decrease other compliance costs.

Therefore the impact of Option 4 to provide for open and fair competition is expected to be slightly negative (-) to neutral (0) depending on the potential benefits brought by additional training and the introduction of animal based indicators in compensating training costs.

Requirements for competence will increase knowledge of operators. As the measure is compulsory it will have a much broader effect than Option 3. The impact of Option 4 is therefore expected to be very positive (+++) at improving the knowledge of business operators on animal welfare.

Option 4 will have no impact on improving consistency across animal species (0).

Stakeholders unanimously consider that educating workers has very positive and long-lasting effects on the welfare of animals.

Stakeholders are divided on the use of animal-based indicators. Producers fear excessive administrative burden while animal welfare organisations doubt that it could replace efficiently prescriptive measures.

5.5. Option 4+

Impacts on Objectives 1, 2 and 3 have not been considered relevant while the impact on Objective 4 is expected to be slightly to fairly positive (+/++) depending on the possible follow-up actions that the studies will imply.

6. COMPARISON OF THE OPTIONS

Overall, the options complement each other. Option 4 is powerful in addressing important objectives because it creates obligations for all operators concerned. However it brings compliance costs that may affect competitiveness. It does not

address the economic drivers. A combination of Option 2 and 3 would much better address this aspect and would be mutually supportive.

Overall, Option 3 appears to be the most cost efficient option as it contains a good compromise between moderate costs and a broad range of effects on the main drivers.

7. PREFERRED OPTION

There is no single option that it is able to address all problems effectively and efficiently. The preferred option will therefore be a policy mix as follows:

1. To explore the possibility of a simplified EU legislative framework that will include:
 - a framework to improve transparency and adequacy of information to consumers on animal welfare,
 - the establishment of a network of reference centres,
 - the integration of requirement for competence in a single text (with a transitional period to decrease compliance costs),
 - the possibility to use outcome based animal welfare indicators.
2. Develop tools for strengthening Member States' compliance with EU rules;
3. Support international cooperation;
4. Provide consumers and the public with appropriate information;
5. Investigate on the welfare of animals not covered by specific EU rules.

8. MONITORING AND EVALUATION

A number of elements are already in place that could provide useful monitoring tools for the future. A number of possible indicators are listed in the report. It seems appropriate to plan another evaluation at the end of the strategy (2016).