



**COUNCIL OF
THE EUROPEAN UNION**

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Subject : - 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

- Report from the Commission to the European Parliament and the Council on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport

- Adoption of Council Conclusions on the Protection and Welfare of Animals

COMMON GUIDELINES
Consultation deadline: 01.06.2012

COUNCIL CONCLUSIONS ON THE PROTECTION AND WELFARE OF ANIMALS

WHEREAS

1. Article 13 of the Treaty on the Functioning of the European Union states that in formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

2. In 2006 the Commission adopted the Community Action Plan on the Protection and Welfare of Animals 2006-2010 describing strategic priorities and future actions and setting out a number of main actions with regard to EU animal welfare policy.
3. In 2010 an evaluation of the Action Plan was carried out with the involvement of external consultants. The evaluation found, among other things, that EU animal welfare legislation had improved the welfare of many animals in Europe, but that more could be achieved with better enforcement of the rules; that by extending the scope of EU welfare legislation, other groups of animals could benefit from higher welfare standards; that the legislation had reduced distortions of competition in the internal market, although further action was required; that equivalent market conditions between EU businesses and those from third countries exporting to the EU is a long-term project; and that EU funding for research had made a positive contribution but that the findings were not properly disseminated. The evaluation found it difficult to determine the impact of EU communication on stakeholder and public awareness, although it took note of the high degree of public involvement in consultations on animal welfare legislation.
4. On 23 March 2010 the European Parliament adopted its report on the evaluation and assessment of the Animal Welfare Action Plan 2006-2010. In particular, the European Parliament recognized the need for better enforcement of existing legislation, establishment of a European network of reference centres, and a general European animal welfare law.
5. In January 2012 the Commission published a Communication 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.
6. In 2007 the Commission adopted a new Animal Health Strategy for the European Union (2007-2013) “Prevention is better than cure”. According to the Strategy the concept of animal health covers not only the absence of disease in animals but also the critical relationship between the health of animals and their welfare.

7. In its new animal welfare strategy, the Commission calls for a different and holistic approach to some common problems. For this reason the Commission considers the establishment of a simplified EU legislative framework with animal welfare principles for all animals, including, where appropriate, pet animals, kept in the context of an economic activity. The aim is to simplify animal welfare legislation and ultimately to facilitate its enforcement. Furthermore, the Commission will consider a new EU framework to increase transparency and adequacy of information to consumers and the establishment of a network of reference centres. In addition, the Commission stresses the need to reinforce or make better use of actions which the Commission already performs, including the development of tools to strengthen Member States' compliance with existing legislation, support for international cooperation, the establishment of a level playing field for European producers, and the provision of appropriate information to consumers and the public.
8. Several Member States have supported the Commission's considerations as regards the introduction of a simplified EU legislative framework based on outcome-based animal welfare indicators. However, at the same time, they have stressed that indicators cannot necessarily replace specific resource-based provisions. It was mentioned that indicators, such as those developed by Welfare Quality®, need further development to be both practicable and effective from a legislative point of view. Additionally, the need to broaden the scope of EU legislation also to cover other species, including wild animals kept in captivity as well as dogs and cats kept or traded in the context of economic activity, was mentioned.
9. A number of Member States have expressed concerns regarding the challenges posed by globalization to the competitiveness of the EU farming sectors and have stressed that the new strategy should not pose a threat to the economic sustainability of these sectors and should not put them at an economic disadvantage due to varying welfare standards worldwide, while others have underlined that animal welfare is a value in itself.
10. On 29 February and 1 March 2012 the Danish Presidency and the Commission jointly hosted a conference in Brussels entitled "Empowering consumers and creating market opportunities for animal welfare". The Conference, comprising several sessions on subjects closely related to the Commission's Welfare Strategy, also provided the Commission with the opportunity to present the Strategy to a wider audience and gauge the opinions of a variety of stakeholders.

11. In a matter of particular relevance to the Strategy, the conference dealt closely with the potential to improve the lives of animals through non-legislative means, including empowerment of consumers and the raising of public awareness of welfare and of the possibilities for optimizing the enforcement of existing animal welfare law. Incentives should include all involved stakeholders.
12. On 22 December 2004 the Council adopted Regulation (EC) No. 1/2005 on the protection of animals during transport (the Transport Regulation).
13. Article 32 of the Transport Regulation stipulates that within four years of its date of application, the Commission shall present a report to the European Parliament and the Council on the impact of the Regulation on the welfare of animals and on EU trade in live animals, taking into account the scientific evidence on welfare needs of animals and the implementation of the navigation system, as well as the socio-economic implications of the Regulation, including regional aspects. It follows from the Regulation that the report may be accompanied if necessary by appropriate legislative proposals concerning long journeys, in particular as regards journey times, resting periods and space allowances.
14. In January 2011 the European Food Safety Authority (EFSA) published a scientific opinion concerning the welfare of animals during transport. In this opinion the most recent scientific information on the main farm species is reviewed and, based on the impact of different transport practices on the animals, conclusions and recommendations are given. In the conclusions of their opinion, the scientists stated that parts of the present Regulation are not in line with current scientific knowledge. Furthermore, in 2004 EFSA published an opinion on the welfare during transport of animals such as poultry, deer, rabbits and fish.
15. The Commission adopted its report on the impact of the Transport Regulation on 10 November 2011. The report was not accompanied by any legislative proposals but a number of actions for the near future are considered.
16. In its report on the Transport Regulation, the Commission invited the European Parliament and the Council to discuss the issues highlighted in the report. To that end, the Danish Presidency produced a questionnaire calling on Member States to submit their points of view on the key findings of the report as well as on any issues regarding the Regulation that needed further action or improvement.

17. On 15 March 2012, the European Parliament adopted Written Declaration 49/2011 requesting the establishment in the European Union of a maximum time limit of eight hours for the transportation of live animals to slaughter.
18. In the report the Commission concludes that the Regulation has had beneficial impact on the welfare of animals during transport. However, as problems still remain, there is room for improvement, which could be achieved by different actions. The Commission states that an amendment of the Regulation would not be the most appropriate approach to address the identified problems and that a steady legal situation will allow Member States and stakeholders to focus on enforcement within a stable legal framework. As regards the gap between the requirements of the legislation and available scientific evidence the Commission sees that, for the time being, this is best addressed by the adoption of guides to good practice. Several Member States fully supported the Commission's view, others expressed a strong wish for a comprehensive revision of the Regulation, including the insertion of provisions on maximum journey time for slaughter animals, and some wished to see amendments made to the Regulation but could not support the introduction of a limit on the maximum journey time for all species of livestock going to slaughter.
19. The issues raised by Member States concerning the Commission's report and the Transport Regulation in general have been intensively discussed in the appropriate preparatory bodies of the Council, as have the recommendations in the strategy on animal welfare and the outcome of the conference.

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the Communication 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 and the Report from the Commission to the European Parliament and the Council on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport.
2. APPRECIATES the substantial work done by the Commission in preparing both documents.
3. AGREES with the Commission on the need to take a holistic approach in future work on the welfare of animals.
4. RECOGNISES that the health of animals has an important impact on their welfare.
5. EMPHASISES that simplification of the EU legislative framework for the protection of animals can be a useful instrument for alleviating the administrative burdens on operators and authorities but must not lead to a decline in standards for the protection of animals or a lowering of ambitions to improve animal welfare EU-wide.
6. UNDERLINES that Member States should not be prevented from applying specific national rules aimed at ensuring more extensive protection of animals provided that such rules do not conflict with EU legislation and do not adversely affect the functioning of the internal market.
7. AGREES with the Commission on the need to consider a new EU legislative framework to increase transparency and adequacy of information on animal welfare to consumers to facilitate their purchase choice.
8. SUPPORTS the intention of the Commission to establish a network of reference centres for animal welfare, where appropriate through existing scientific and technical national resources, to effectively support the holistic approach to animal welfare by sharing knowledge, with specific emphasis on the validation, harmonization and updating of outcome-based animal welfare indicators on a scientific basis.

9. VALUES the contributions made by a variety of stakeholders at the conference hosted by the Commission and the Danish Presidency on 29 February and 1 March 2012 in Brussels where the Commission presented its Strategy to a wider audience and notes that the conference recognized the importance of the Commission and Member States working collaboratively with all stakeholders, including the industry and animal welfare organizations, to achieve consistent improvements in farm animal welfare.
10. APPROVES OF the message from several contributors at the conference concerning the need to strengthen the degree of confidence between producers and consumers on the well-being of livestock, to stress the important opportunity for retailers to secure the provision of appropriate information on production standards to consumers and to emphasise the importance of paying a fair price to the producers.
11. NOTES that although there is a discrepancy between the attitudes of citizens to animal welfare and their purchasing activities as consumers, there is considerable scope for promoting high-welfare products, so that they become the basic commodities of the future, demanded by all.
12. STRONGLY EMPHASISES the need to empower consumers in order to play an increasingly active role in the improvement of the lives of animals, and to that end stresses the need for accurate, relevant and transparent information to be provided to consumers and citizens.
13. NOTES that voluntary labelling schemes may be a way to promote higher animal welfare standards, but only if such schemes are effective in creating consumer confidence, are transparent and reliable, communicate the relevant welfare message effectively and go beyond minimum standards set out in legislation.
14. CALLS UPON the Commission to determine whether benchmarking based on relevant outcome-based animal welfare indicators could be an instrument for providing consumers and citizens with the appropriate knowledge to enable them to make informed choices.

15. RECOGNISES that the power of consumers alone will not meet the challenge of protecting animals across Europe in the future. Legislative and non-legislative measures to establish scientifically based minimum requirements, including, where appropriate, specific measures with respect to certain animal species, with due regard to competitiveness and sustainability of the European production model as well as socio-economic, environmental and regional aspects, therefore remain indispensable.
16. AGREES with the Commission on the relevance of communicating to children, young adults or the public at large to raise awareness of respect for animals and to promote responsible ownership.
17. ENCOURAGES the Commission to press ahead with the initiatives outlined in the Strategy to support Member States to improve compliance, including initiatives on education of operators, training of inspectors and advice to competent authorities in the Member States.
18. INVITES the Commission to ensure that competence of operators on animal welfare is developed through specific initiatives using as much as possible the existing educational framework and reducing the administrative burden.
19. EMPHASISES the importance of effective and uniform enforcement of existing EU legislation on animal welfare, underlines that Member States are primarily responsible in that respect and highlights the recent and future challenges with regard to the proper implementation of EU legislation.
20. ENCOURAGES the Commission to take into account, when considering a future simplified legislative framework, that outcome-based animal welfare indicators cannot necessarily replace specific resource-based provisions. Indicators may be a very valuable enforcement tool, but they may need to be adjusted to regional differences and further developed in order to be a practicable, legally certain, scientifically based and not too time-consuming tool for both operators and inspectors.

21. RECALLS the Council conclusions on the welfare of dogs and cats adopted in 2010 and invites the Commission, when considering the scope of a future legislative framework, to include dogs and cats that are kept or traded in the context of an economic activity.
22. STRESSES the importance of promoting animal welfare through the Common Agricultural Policy (CAP) and of ensuring coherence between animal welfare and other policies such as environmental policy.
23. FOLLOWS with interest the ongoing work on animal welfare issues in the European Parliament.
24. EMPHASISES the need for measures concerning navigation systems, agrees with the Commission on the need to establish a simplified version of the journey log and calls upon the Commission to finalize actions in these respects by no later than the end of 2014.
25. ENCOURAGES the Commission to pursue, in the near future, the additional actions outlined in the report on the Transport Regulation and in doing so take into account scientific evidence, such as the EFSA opinions. Priority should be given to dissemination of Commission guidance on interpretation of different aspects of the Regulation, which have given rise to uncertainty when interpreting the Regulation, such as the term “economic activity”.
26. ENCOURAGES the Commission to take account of existing and emerging scientific evidence concerning the welfare of animals during transport and of technological progress when in the future considering additional actions and possible future amendments to the Transport Regulation.
27. ENCOURAGES the Commission to continue the meetings with the contact points who are referred to in Article 24 (2) of the Transport Regulation, which have proved to be a valuable tool for communication and cooperation between Member States.

28. RECALLS that the recital of the Transport Regulation states that for reasons of animal welfare the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible.
29. INVITES the Commission to examine the possibility of adopting implementing rules in relation to livestock vessels and other areas where it is particularly important to ensure adequate and uniform enforcement of the legislation, such as internal height, loading densities for different weight categories of pigs, and certain standards for the approval of means of transport, including design of watering devices and the temperature monitoring system.
30. CALLS ON the Commission to strengthen its international strategy on animal welfare in order to increase the value of animal welfare, to limit distortions of competition and to aim at ensuring at least equivalence between EU and third country operators, particularly in bilateral trade agreement negotiations, and encourages the Commission to promote EU standards and knowledge as regards the protection and welfare of animals in multilateral fora such as OIE, WTO and FAO.
