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**COMMISSION STAFF WORKING DOCUMENT**  
**EXECUTIVE SUMMARY OF THE FITNESS CHECK**

**EU Animal Welfare legislation**

{SWD(2022) 328 final}

## 1. Context

Under the [EU Farm to Fork Strategy](#), the Commission has committed to revise the following pieces of EU animal welfare legislation<sup>1</sup> by 2023, to ensure a higher level of animal welfare by aligning the current rules with the latest scientific evidence, broadening their scope and making them easier to enforce, as well as in contributing to achieve a more sustainable food system:

- [Council Directive 98/58/EC](#) of 20 July 1998 concerning the protection of animals kept for farming purposes, (the “Farm Directive”)
- [Council Directive 1999/74/EC](#) of 19 July 1999 laying down minimum standards for the protection of laying hens (the “Laying Hens Directive”),
- [Council Directive 2007/43/EC](#) of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (the “Broilers Directive”),
- [Council Directive 2008/119/EC](#) of 18 December 2008 laying down minimum standards for the protection of calves (the “Calves Directive”),
- [Council Directive 2008/120/EC](#) of 18 December 2008 laying down minimum standards for the protection of pigs (the “Pigs Directive”),
- [Council Regulation \(EC\) No 1/2005](#) of 22 December 2004 on the protection of animals during transport (the “Transport Regulation”), and
- [Council Regulation \(EC\) No 1099/2009](#) of 24 September 2009 on the protection of animals at the time of killing (the “Killing Regulation”).

## 2. Fitness Check

In 2020, in order to implement this commitment, the Commission initiated a **Fitness Check** of the above-mentioned legislation (hereafter also referred to as “EU animal welfare legislation”). This fitness check aims to assess whether the existing rules are still fit for purpose, in particular the extent to which they are relevant, efficient, effective, coherent, and have EU added value.

The Fitness Check was carried out back-to-back to the impact assessment for the revision of the current legislation referred to above.

The Fitness Check covers the period from the adoption of each legislative act up to and including 2020, and all EU Member States (including the United Kingdom up to the end of its EU exit transition period).

The Fitness Check relied on extensive desk research, a series of targeted stakeholders’ consultation activities, and a Public Consultation to which almost 60.000 citizens and stakeholders contributed. An external study provided the main evidence base for the cost-benefit analysis of the current EU animal welfare legislation. As no indicators for a

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<sup>1</sup> Including supplementing legislation, such as Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJ L 174, 2.7.1997, p. 1–6).

monitoring framework exists for the legislation, available data in certain areas is limited. As a result, the analysis carried out is subject to limitations. Therefore, some areas are supported by more robust evidence than others are.

### 3. Key findings

The Fitness Check found that the EU animal welfare legislation has **improved the welfare of many of Europe's animals** compared to the period preceding its adoption. This concerns in particular the categories of animals that are covered by targeted legislation, i.e. pigs, calves, laying hens, broilers. Also, the protection of animals during transport and at the time of killing has improved to some extent.

However, more generally there is **still a sub-optimal level of welfare** of animals in the EU. In particular, this is the case for animals for which targeted legislation is currently lacking, such as dairy cows and farmed fish. Furthermore, while the current legislation is targeted, it still allows the keeping of laying hens, sows and calves in confined housing systems that restrict significantly their movements and hamper their welfare. Moreover, the breeding of cats and dogs is not part of its scope.

The EU animal welfare legislation has **contributed to, but not fully ensured, equal conditions for the operators** and the economic activities affected. **Differences in application and enforcement** still create obstacles to cross border exchanges and the achievement of comparable level of animal welfare across the EU. This is partly due to the **vagueness** of certain provisions.

The EU animal welfare legislation, which has not been amended for more than 10 years, is **not up to pace** with the developments in different Member States' national legislation, something that further aggravates the situation. Substantial differences in ambition when transposing the Directives have further contributed to differing levels of animal welfare at farm level between the Member States, compared to the areas of animal transport and slaughter where the legislation is more harmonised.

The **enforcement of current rules is insufficient** to ensure the level of animal welfare expected at the time of adoption of the legislation and by today's citizens. While a certain progress has been made, compliance is still very challenging in areas such as animal transport and in particular on long journeys, transport of young or pregnant animals and exports of livestock. Certain stunning methods and the routine pigs' tail docking also pose major compliance challenges. Robust **indicators for monitoring and triggering improvements in animal welfare are missing**.

The EU animal welfare legislation is considered to have brought **several additional benefits for animals and the society**, such as higher productivity per animal, enhanced ecosystems services, lower use of antibiotics and better public health.

Animal welfare requirements also entail **additional costs** for food business operators and public authorities. While available evidence, albeit limited, suggests that **benefits outweigh**

**the costs linked to the animal welfare requirements**, at least over time, many business operators consider that the market return on food produced under higher welfare standards is insufficient. Although, the situation differs between Member States and different sectors, due to differences in citizen's expectations, ethical concerns and market demands. A better return on animal welfare investment may be achieved among others by providing better and more comprehensive **information to consumers**, allowing them to make informed choices in line with their animal welfare concerns.

The various components of EU animal welfare legislation are broadly complementary, mutually supportive and consistent, and compatible with other EU policies. However, in view of the objectives of the Farm to Fork Strategy and the need to make the EU food system more sustainable, there is **scope for more leverage of the Common Agriculture Policy and EU trade policy to support EU animal welfare objectives**. There are calls for a greater coherence between the EU's internal legislative framework and its approach to imports of animal products.

Some stakeholders consider that improved animal welfare standards conflict with environmental objectives. This is however based on the assumption that consumption of animal products would remain unchanged, while a **transition to more sustainable food systems** cannot be envisaged without changes in food consumption patterns.

The dual objective to ensure a harmonised approach with regard to the protection of animal welfare, and to create a more fair competition for farmers and other food business operators across the Member States, has been **better achieved at EU level**. Actions only at national level would have resulted in every country having its own, differing legislation (and some Member States might not have adopted legislation at all). This would have resulted in further distortions of competition and unequal levels of animal welfare.

The current EU animal welfare legislation continues to be an appropriate response to the animal welfare needs and challenges at the time of its adoption, based on the best available science. Despite the progress made, most of the problems, concerns and drivers it addresses remain relevant today. Furthermore, **increasing societal expectations and ethical concerns, scientific and technological developments** and future **sustainability challenges** are not fully reflected in current rules. Hence, the current EU animal welfare legislation is not fully fit to meet current and future needs.