

The EU policy framework for animal welfare

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ABSTRACT

For nearly 40 years now, the European Union, through the European Commission, has actively contributed to the creation and enforcement of animal welfare legislation and policy.

At the beginning, EU policy related to animal welfare searched for a justification mainly in scientific reports and economic analyses. Today, the EC struggles for improved conditions for animals facing financial constraints as well as multidimensional concerns such as ethics and cultural heritage. Ethical issues are currently influencing the EU policy debate in the area of animal protection in particular since the new EU Treaty (Treaty of Lisbon²) entered into force in 2009.

According to Article 13 of the Treaty of Lisbon, "Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animal, while respecting the legislative or administrative provisions and customs of the Member States". Consequently, the Treaty of Lisbon gives equal regulation to animal welfare as with other principle areas such as the protection of human health, promotion of gender equality, guarantee of social protection, protection of personal data, etc.

Interestingly, though the EU does not have any legal mandate to consider ethics in relation to animals, decisions made at the European level fully integrate with

¹ Head of Unit: Animal Welfare. Directorate General for Health and Consumers. EU Commission, Brussels. Website: http://ec.europa.eu/food/animal/welfare/index_en.htm

² Article 13 of the Lisbon Treaty TFEU

abovementioned ethical concerns. Moreover, they are tailored so as to recognise the rights of different nations and religions (e.g. derogation from stunning based on the religious exemption). Such an approach is very much in line with a new perception of the human – animal relationship which as a result of political decision is meant to be made to all members of the society in order to maintain the sustainability of the system. At the same time the protection of animals is becoming a "public value" for European citizens demanding public institutions to care about appropriate legislative or non-legislative initiatives in order to protect it. The legislation defines the minimum standards for animal welfare in the EU, granting fair competition between producers and accessibility to products that respect animal welfare for all citizens without extra costs.

There are particular negative drivers that have penalised the evolution of the European legislation in this area. The first one is the lack of proper enforcement by certain Member States in particular in the past years, the consumers' lack of appropriate information on animal welfare aspects affecting also their purchasing behaviour, the lack of sufficient knowledge by the main food chain stakeholders and the lack of clarity of certain principles in some parts of European legislation.

The considerations made on these drivers during an evaluation of EU animal welfare policies³ carried out in 2010 led to the development of the recent EU Animal Welfare Strategy 2012-2015⁴.

The strategy is based on two complementary approaches; firstly the simplification of European animal welfare legislation to facilitate its enforcement and secondly to support Member States and take action to improve compliance, to support

³ http://ec.europa.eu/food/animal/welfare/actionplan/evaluation_key_messages_low_resolution_en.pdf

⁴ http://ec.europa.eu/food/animal/welfare/actionplan/docs/aw_strategy_19012012_en.pdf

international cooperation; to provide consumers and the public with appropriate information, to optimise synergistic effects from other EU policies such as the current Common Agriculture Policy.