

ANIMAL WELFARE IN EUROPE

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Animal welfare legislation in Europe had, at its beginnings, mainly been elaborated giving priority to the principle that the internal European market needed to be harmonised. Today, when elaborating animal welfare legislation, more sophisticated objectives such as social interest and economic concerns, public and animal health issues are also taken into account. In a few words, this evolution appears to reflect the changes of EU society and the new approach to food safety policies.

The first European legislation protecting animal welfare was adopted in 1974 and was created to protect animals at slaughter¹. This directive illustrates the beginning of concerns about improving the welfare of animals: "Whereas the Community should also take action to avoid in general all forms of cruelty to animals; whereas it appears desirable, as a first step, that this action should consist in laying down conditions such as to avoid all unnecessary suffering on the part of animals when being slaughtered;". This preoccupation of reducing unnecessary suffering in animals has now become prominent in the legislative instruments, with several other legislative documents produced since.

The EU legislative process is always based on the relevant articles that are part of the Treaty and it is important to know that these articles refer to general issues regarding the European Union and not specifically to the protection of animal welfare. For example, the legal basis for most legislation on animal welfare refers to common agricultural policies, harmonisation of internal market and international policies². Despite legal bases are still the same and not directly related to animal protection, we have assisted to an important evolution in the European Union Treaty. At present, the role of animals and their protection is declared as complementary to the other objectives of social interest, such as food security, food quality, environmental protection and environmental sustainability.

The protection of animals became, for the first time, part of the Treaty in 1999, when it was included as a protocol annexed to the Treaty of Amsterdam³, stating that the welfare of animals, as sentient being, should be taken into account when creating European laws. A major milestone was attained very recently with the Treaty of Lisbon, which entered into force on the 1st of December 2009⁴, where animal welfare protection has now become a stand alone article. The following quotes Title II of Article 13 of the Lisbon Treaty: "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." Furthermore, the decision making process to adopt new legislation on Animal Welfare, as any other agricultural issue, will become part of the co-decision process. This means that both the European Parliament and the European Council need to agree on legislation before it can be adopted (keeping in mind that the role of the European Commission is to propose the legislation in the first place).

Once an EU legislation is adopted, which is done in Brussels, it is then the responsibility of each member state authority to enforce it, while the Commission is responsible for ensuring

¹ Council Directive 74/577/EEC of 18 November 1974 on stunning of animals before slaughter, *Official Journal L 316, 26 November.1974, p. 10–11*

² Articles 37, 95 and 137 of the Consolidate version of the treaty on the functioning of the European Union. *Official Journal, C115, 9 May 2008.*

³ Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts. Protocol annexed to the Treaty of the European Community - Protocol on protection and welfare of animals. *Official Journal, C340, 10 November 1997.*

⁴ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007. *Official Journal, C306, 17 December 2007.*

that Community legislation on animal welfare is properly implemented and equally enforced. Created in 1997, the Food and Veterinary Office (FVO - DG Health and Consumer) works to assure effective control systems and to evaluate compliance with EU standards within the EU, and in third countries, in relation to their exports to the EU. In relation to welfare, the FVO does this mainly by carrying out inspections in Member States⁵.

Scientific research and advice is an important tool for the creation of legislation on animal welfare. The European Food Safety Authority (EFSA) was established and funded by the European Community in 2002, as an independent source of scientific advice on food and feed safety, including the welfare of food producing animals. A large part of EFSA's work is undertaken in response to specific requests for scientific advice. Requests for scientific assessments are received from the European Commission, the European Parliament and EU Member States. The European Commission also seeks scientific advice from Universities and other research organisation specialised in animal welfare. The Commission has funded several research projects with the aim of evaluating what is important for creating efficient laws for improving animal welfare.

Animal Welfare legislation in Europe is the most comprehensive one in terms of standards and it is applied in 27 countries, thus protecting a large number of animals⁶. These legislations protect a wide range of animals such as laying hens, calves, and laboratory animals and regulate actions such as killing and transport, insuring that animals do not suffer unnecessarily. The process of establishing legislations requires large amounts of competence and technology, and these standards may be reached more readily by integrating animal welfare into a variety of political areas, thus allowing access to more resources. Therefore, one of the keys for a successful evolution of animal welfare legislation is its integration into different political areas which will result in the production of more comprehensive legislation. This also means consultations with an enlarged number of stakeholders resulting in a stronger consistency between European policies in different areas.

⁵ http://ec.europa.eu/food/fvo/index_en.cfm

⁶ http://ec.europa.eu/food/animal/welfare/references_en.htm