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Centre for Agricultural Strategy

# Farm animals: it pays to be humane

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## European Community – implications for animal welfare of the 'single internal market'

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### INTRODUCTION

The previous speakers have had no great difficulty in reflecting the theme of today's Conference in their papers, but the task the organisers have set me is more onerous. At first sight there seems to be no obvious connection between the title of my paper and the Conference theme. However, the far reaching effects of the single market on our daily lives are becoming much more widely appreciated, and it is now difficult to find a conference on any subject which does not include a paper on the implications of 1992. In that respect the conference organisers are swimming with the tide, but it would have been better had they started several years ago. We cannot claim we have been taken unawares by what is about to happen. In 1973 when the UK joined the Community we accepted the Treaty of Rome and the single market was already implicit in that Treaty. The only question really outstanding was the date when harmonisation would take place, and that was fixed by the Single European Act of 1987. The harmonisation of animal welfare legislation in 1992 will ultimately create the standard by which all the Community's other trading partners will be judged. It is, therefore, probably the most important milestone in animal welfare ever to have been reached. The outcome depends on a variety of factors and many people. At this stage we cannot predict how successful the outcome will be. But we cannot simply sit back and wait to see what happens, we can and must influence the final decisions in every possible way.

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## HARMONISATION

Let us be quite clear what we mean about the harmonisation of welfare legislation. The UK Government has stated its position very plainly on many occasions. It seeks:

- (i) the upward harmonisation of welfare throughout the Community;
- (ii) the uniform implementation of that legislation.

It would be very easy to harmonise to the lowest common denominator, but there is no welfare advantage in that. Upward harmonisation is bound to be difficult to achieve and it is something that the Government and Civil Service cannot do entirely on their own. UK welfare organisations, farming organisations, food processors, retailers and consumer organisations all have their separate roles to play.

During the negotiations towards the single market we must avoid damaging our negotiating position by taking unilateral action on welfare issues before agreement has been reached in the Community even if these issues happen to concern us greatly. Unilateral action will not persuade other countries to follow our lead – it is more likely to have the opposite effect because it would open the UK market to cheaper imports, and, moreover, imports produced under the very conditions we had sought to limit.

Harmonisation inevitably involves an element of compromise. Setting our sights too high will almost certainly result in disappointment, but it is often possible to achieve one's aims by accepting something less than ideal, but which in its application has the same effect. For example we will not persuade all our Common Market partners to stop veal production, but we can achieve much the same effect if, by increasing the width of the crates to allow calves to turn round, veal crates become calf pens, and changes to the diet mean veal calves become ordinary calves.

Neither can we expect to legislate for every single aspect of welfare. The Agricultural Commissioner, Ray McSharry, recently said: "The Commission's concern must be related primarily to conditions of competition and trade. The Commission would prefer to have a basic set of animal welfare rules which were fully observed than a wide range of rules and recommendations that, in practice, were little more than aspirations". This is an important statement. It recognises the difficulty that very detailed legislation would be almost impossible to implement properly throughout the Community. If we are to harmonise successfully then what comes out of the Brussels negotiations must be capable of being enforced uniformly, and must be seen to be enforced uniformly.

## BACKGROUND TO EC WELFARE LEGISLATION

Before looking at welfare legislation within the Community we need to start by looking, not at a Community institution, but at the Council of Europe. A variety of Conventions on animal welfare have been agreed under the auspices of the Council and perhaps the most important of these is the

Convention for the Protection of Animals kept for Farming Purposes. This Convention, which has been ratified by 18 nations, including all EC Member States and the Commission, sets out basic welfare objectives. These objectives are elaborated into a series of recommendations for each of the various species, and countries which have ratified the Convention are required to implement these recommendations either in legislation or administratively. The Commission, as a contracting party to the Convention, also has this obligation and does so by making EC Regulations or Directives. In this way the Council of Europe recommendations form the basis of much of the EC welfare legislation currently under discussion. The Commission could simply adopt the wording of the Recommendations unchanged as the Member States have already agreed to them, but, in practice, it seeks to extend them.

There is a good reason for this. The Council of Europe recommendations have to be adopted unanimously, so that a single dissenting vote prevents a recommendation being accepted. This means they are weaker than many would wish to see. In Brussels, however, voting by qualified majority makes it more difficult to block any proposal. Qualified majority voting can have much to commend it in the move towards upward harmonisation – at least as long as the majority of Member States wish to move in that direction – and this is where we must influence other Governments to ensure that this is the direction in which they move.

Because some of the Commission's welfare proposals start life in the Council of Europe, the views of non-EC member states are also important and we should not confine our attention to EC member states and the Commission. The net must be spread much wider and involve those countries which might not have such impeccable welfare credentials.

## **IMPLICATIONS OF 1992**

### **Implications for animals**

#### *Introduction*

What then are the implications of 1992 for animals? Clearly it is not easy to make predictions until the proposals are finally agreed. And 1992 will not only have implications for animals: it will also have implications for welfare organisations, the farming industry, and consumer organisations, as well as the Government. Let us look first at the implications for animals. Here I want to concentrate on two particular areas – the transport of animals and husbandry systems.

#### *Transport*

Until now British welfare legislation on the transport of animals has effectively divided transport into domestic transport – which includes transport across the Irish Sea and from the Scottish Islands – and transport

of livestock for export. The division is arbitrary because, from the welfare view, a journey is a journey wherever it takes place.

The UK requires animals to be rested prior to export, although this requirement is mainly (although not entirely) limited to animals going for slaughter or for further fattening. No similar requirement exists for animals leaving Northern Ireland or the Scottish Islands for slaughter in Great Britain – a fact which has not gone unnoticed in Europe. The statutory export rest period has served the industry well and although large number of animals have been exported losses have been exceptionally low. As Great Britain is an island, welfare lairages provide the ideal location for the inspection of animals for fitness to travel, situated as they are, close to ports and airports. The geography of Great Britain dictates that exit points are few in number. On mainland Europe, border crossing points are rarely restricted to a few geographical locations. Roads – many of them minor roads – cross borders everywhere. One only has to look at the difficulties of policing the land border which the UK shares with another member state to realise why other member states have little enthusiasm for export lairages. Welfare inspections for fitness to travel in these countries have to be carried out at the premises of origin although this adds to costs as it is cheaper to inspect one batch of a thousand animals at an export lairage than ten batches of a hundred at the premises of origin. The export lairage system offers better protection to animals by virtue of the statutory rest period and, if it disappears in 1992, I believe we can expect an increase in welfare problems and an increase in the number of losses during transit. We must therefore fight hard to retain our present system.

1992 also carries with it other risks to animals during transport. At the present time only two-tier vehicles can be used for journeys from the UK on cross-channel ferries, so that livestock have sufficient air space above their heads to allow for adequate ventilation. This is vital as lorries are parked tightly alongside one another on the ferry vehicle deck and cross ventilation is restricted. Cross-channel ferries vary in design and in the ventilation capacity of vehicle decks. Our present requirements may not continue after 1992, leading to the use of three- or four-tier vehicles which, because of their lower headroom, will increase the risks to livestock. The solution may be to develop vehicles which have either forced ventilation or which are controlled environment vehicles.

For many years the export of horses for slaughter has been controlled through the use of minimum values to prevent low-value animals being exported. This is a deliberate barrier to trade and was intended to be so. As such, it is a prime target for the Commission to abolish. No other Member State has similar provisions, and, despite the Government's very firm commitment to fight for the retention of minimum values, the prospects of succeeding are not good. Two other factors have recently entered the equation. Should BSE be confirmed on the Continent, and this seems quite likely, it could well lead to a move back towards the consumption of

horsemeat, largely, it must be said, as a consequence of the alarmist coverage of BSE problems in the UK media. If the demand for horsemeat rises, this will only increase resistance from other Member States to the idea of retaining minimum values. On the other hand, events in Eastern Europe will lead to the rapid mechanisation of agriculture in those countries at the expense of the European farm horse. Such animals will be more attractive to the Continental meat market than the UK pony, but their journey to the EC frontier will not even have the benefit of EC legislation. The future therefore for some horses after 1992 does not look good.

The final point I want to make about transport is on the question of feeding and watering intervals and journey times. Animals must be offered food and water at appropriate intervals during a journey, and if they cannot be fed on the vehicle then they must be unloaded. The question is simply how often they should be fed and, therefore, how frequently they should be unloaded. Housed farm livestock are usually fed twice a day so a feeding interval somewhere between 12 and 24 hours might seem reasonable, but this time would not be the same for each species nor for different ages of livestock within the same species. What these intervals are, has yet to be determined, and there is a dearth of scientific evidence on which to base judgements.

Limiting journeys on the basis of feeding and watering intervals is quite justified, but restrictions on journey length or journey time which are not linked with an animal's physiological needs, quite clearly are not. Any move to limit journeys in this way, such as by linking them to driver's working hours will only be seen as a barrier to trade. The outcome of the current proposals will almost inevitably be that feeding and watering have to take place after a specified period, and this period will lie somewhere between 8 and 24 hours. For ruminants, the time may be longer than for horses, poultry and pigs.

Prescribed feeding and watering intervals implies that staging posts must be developed across the Community where animals can be fed and watered. The throughput of livestock through the staging posts presents the risk of disease spread. Collection points, such as staging posts and markets, are well recognised as having the potential for dissemination of disease, and this is one of the reasons for proposing to limit the number of times that calves in the United Kingdom may be sent to markets. Cleansing and disinfection of staging posts between consignments may limit, but will not eliminate, risks. On the other hand, to introduce stock, particularly young animals, into a lairage which is still wet following cleansing and disinfection can pose welfare problems in itself. Special problems exist with poultry; in particular the risks associated with unloading and reloading birds, particularly if these have come from battery systems. The solution may need more poultry slaughterhouses throughout the Community, for example, in the north of the United Kingdom. But who will operate a slaughterhouse which may not have a sufficiently high throughput to be profitable? Is welfare to be subsidised in the Community, and, if so, by whom?

### *Husbandry*

The EC proposals for animals on farms have several areas of concern, but I will focus on only one of these. This concerns the date when certain systems are to be phased out. As the proposals currently stand the replacement of existing systems might be delayed at least until the end of this century and possibly well into the next. This is based on the assumption that alternative systems are not yet viable and trouble free. There may be an element of truth in this, but many alternative systems are now proven and there is no real reason why some systems cannot be phased out at the earliest possible date.

As an example let us look at the review of battery cage sizes. I do not expect the Community will ever need to ban battery cages. Cages will start to disappear as soon as they become uneconomic. This will happen when the increase in space allowances reduces the profitability of cages to the extent that it makes alternative systems competitive. This effect will probably come into play when the cage size is around 800cm<sup>2</sup>. What concerns me is that those who own aged battery houses and cages, where the depreciation has fallen to zero and whose profitability is at the top of the scale, will be able to continue to operate them with minimal maintenance and with greatly increased welfare problems, merely because a lengthy phase-in period is planned.

Similar considerations apply to stall and tether systems for pigs. A lot of producers in the UK are trying out new systems, particularly group housing in straw yards or in outdoor systems. Neither of these are new systems and the impetus comes from consumer and welfare pressure. Currently around 55% of the UK pig breeding herd is kept in stalls and tethers, but this percentage will almost certainly fall below 40% by 1992 without any legislative change. This is encouraging as it shows that farmers are making alternative systems work, and a prolonged phase-in period may be unnecessary.

Large group housing systems have been operated on farms in East Germany for many years, but these systems are highly labour intensive and East Germany, under the former regime, could operate them with cheap and plentiful labour. With the flight of so many East Germans to the West these inherently good welfare systems may well now break down and there is a danger that this will be seized upon by some as an excuse for further delay.

### *Conclusion*

In summary, therefore, I see the major implications for 1992 for animals as:

- (i) an unnecessary delay in phasing out unsatisfactory systems;
- (ii) an increase in the losses amongst animals being exported if welfare lairages disappear;
- (iii) increasing welfare risks to low value animals which are being exported;
- (iv) increasing risks due to inadequate ventilation on vehicle ferries;
- (v) increased disease risks through inadequately controlled staging posts.



### **Implications for Government**

What are the implications of 1992 for the UK Government? Apart from its efforts in the Community to continually improve welfare standards and harmonise upwards which I have already described, the Government is concerned that the standards agreed are enforced uniformly throughout the Community. So too, will be the Commission. If standards are not implemented uniformly the result will be a distortion of trade, and the Commissioner has already said that his major concern is over competition and trade. The proposed EC welfare inspectorate is, therefore, of major importance and it is essential that it has, not only the number of staff to allow it to do its job properly, but also a budget which is adequate for its purpose. The Government will continue to be concerned to ensure that these conditions are met.

The Government will also need to monitor EC legislation, and keep it under review so that changes may be introduced, either in the light of new scientific evidence, or to take account of changes in farming methods. This will be an ongoing commitment for the future.

### **Implications for welfare and other organisations**

#### *Introduction*

What are the implications for welfare organisations in 1992? I have outlined the possible implications for animals, but it need not necessarily be like this if we can persuade other member states to adopt a more positive approach. This requires a concerted effort on the part of all who are concerned about animal welfare; and this is not just welfare organisations, it includes farmers and farming organisations, food processors, retailers and consumer organisations. This concerted effort must be directed at the man and woman in the street of all our Common Market partners. But it has to be a disciplined exercise and is one that cannot be operated centrally by Government. There are four areas where efforts have to be concentrated: research, consumer pressure, assistance to organisations in other member states, and welfare publicity.

#### *Research*

Animal welfare is long on opinions, but often short on facts. Scientific evidence which stands the test of scrutiny is so often lacking in the areas where it is most needed. Despite the tremendous amount of research which has already been done, we still do not know how long cattle, or pigs or sheep or horses can travel without needing food and water. We still do not know for certain what the inside cage temperatures are on the third tier of a poultry transporter travelling at 60 miles an hour on the M5 on a sunny July day when the ambient temperature is 21°C, or in winter when it is -5°C.

What is certain is that Governments cannot fund all this research themselves. Money has to come from industry, welfare organisations, retailers and consumers to help provide some of the answers. There is an

urgent need for some form of research clearing house so that work is not unnecessarily duplicated, and to impose financial control by setting realistic targets and deadlines. I see no reason why this has to be the function of Governments or the EC Commission. Charitable and industry organisations are quite capable of setting up such an organisation to monitor the use of the funds they supply. However, it must operate EC wide and not be just a UK body. In fact, for the reasons I explained earlier, perhaps such a clearing house should be based on a wider community than the EC.

### *Consumer pressure*

Many of those concerned about animal welfare put a lot of faith in consumer pressure to change farming systems. It is an attractive proposition and one in tune with the moment. To work it needs two components – producers willing and able to produce welfare friendly products, and consumers willing and able to buy them. The limited success of free-range eggs, environmentally friendly foods and even vegetarianism does not give great cause for optimism that welfare friendly foods will achieve more than a significant, but minority, share of the market leading to the development of a two-tier system – a high price, welfare friendly market and a lower price, intensive product sector. I see the decision of a major supermarket chain in the USA to withdraw from the organic market as ominous. The development of a two-tier market is not necessarily a bad thing. It will exist for a considerable time whilst consumer attitudes are being changed. The difficulty is to persuade sufficient people to demand welfare friendly foods. But this is not impossible: the food processing industry is adept at changing the demands of consumers. However, what is vital is that these demands must be changed not just in the UK, but over the EC as a whole.

There are some who put much faith in labelling as a means of enabling consumers to exert pressure. Here one must be cautious, as it depends what is written on the label. There is an assumption that all intensive systems are inherently bad. What concerns me is the opposite assumption that all extensive systems are good. If that were true then we would have no need to worry over the plight of the urban horse, or about moorland ponies, cattle and sheep in winter. Labelling products by the system under which they are produced does not always mean that welfare conditions in these systems are always satisfactory.

### *Assistance to other organisations in the EC*

The lobbying of EC institutions has been a success story for welfare organisations. There can be no doubt that the co-operation achieved by international collaboration in Brussels, Strasbourg and elsewhere has proved enormously effective. The Commission, and European Members of Parliament, are well aware of what welfare organisations want to see achieved. But this has been the easy part; what is more difficult, and has to be achieved quickly, is to convince the man and woman in the street in all

countries of the Community of the need for change. Members of Parliament in every country are sensitive to public opinion. But that sensitivity is largely confined to public opinion coming from their own electorates.

The demonstration about the current EC negotiations organised at the end of June in the UK was impressive. But it was directed at the UK Government and UK MPs and MEPs, the vast majority of whom are already in sympathy with aims of the demonstration. There is nothing to be gained from preaching to the converted, and the demonstration did little to help the UK in Brussels. However, it would have done precisely that if it had been held in another member state, with its citizens demonstrating their support for the UK case.

There are several approaches which can be followed. Welfare organisations in this country, which are generally more affluent and have many more members than their continental counterparts, particularly those in Southern Europe, have to assist their fellow organisations in these countries in this work. It is not as spectacular, and as an ego trip it is nothing like lobbying Members of the European Parliament, but this is where pressure has to be exerted. This is the major challenge facing welfare organisations for the rest of the decade.

Food retailers and farming organisations also have a role to play in persuading farmers and food processors in other countries that certain systems, and certain methods of operating these systems are no longer acceptable and have to be changed.

### *Welfare Publicity*

The publicity provided by welfare organisations in this country is highly effective. In most cases their arguments are persuasive. What is needed is similar publicity in other member states. I believe it is only in this way that sufficient pressure can be brought to bear on other Governments to follow the UK lead. But to be effective this pressure has to be led by the welfare organisations in these member states, and this means UK welfare organisations playing a strongly supportive role, both financially and in a variety of other ways, to develop publicity material which can be used all over the Community. Perhaps a Community welfare logo could be devised which all welfare organisations might share as part of this united approach.

### *Conclusions*

In summary then what are the implications for welfare, farming and consumer organisations in 1992? If the UK is to achieve its aims then these organisations must help to change attitudes in other member states. There are four things that need to be done:-

- (i) Maintain the awareness of EC institutions and the European Parliament of the UK views.
- (ii) Welfare and other organisations in the UK must develop links with similar organisations in other member states and other states in the

Council of Europe. These organisations must be supported financially, by training, if necessary and with publicity material to influence the citizens of other countries.

- (iii) Relevant welfare research projects in the UK and other member states must be funded and co-ordinated.
- (iv) Welfare farming, retailing and consumer organisations must continue to work closely with the UK Government.

#### CLOSING REMARKS

What then are the prospects for animal welfare following 1992? Despite the problems we face during the negotiations I believe that the outcome can be turned to the advantage of animals. But the Government and its officials will not succeed unaided. They need the help of all who profess to be concerned about animal welfare – and this includes farmers, retailers and consumers as well as welfare organisations. If these groups work together quickly to influence public opinion in other member states we shall succeed in achieving our aims. If we fail, those who profess to care for animals will carry much of the responsibility by letting the opportunity slip through their fingers.