

Brexit getting the best deal for animals

Recommendations for enhancing animal welfare, British industries,
and consumer confidence and choice in post-Brexit Britain



Executive summary



As the UK prepares to leave the EU, the welfare of animals is at a critical crossroads and selecting the route ahead will determine the welfare of billions of animals. We have a once in a lifetime opportunity to either define or undermine our country's identity and reputation as a global leader in animal welfare science and standards.

While taking no position on the merits of Britain's departure from the EU, signatories to this briefing believe that Brexit presents many excellent opportunities to improve the welfare of animals, both in the UK and overseas, in the coming years and decades. We also recognise that Brexit carries risks of dilution and erosion of hard-won animal welfare standards enshrined in EU law.

This briefing provides a summary of the current EU and international animal protection measures that we believe should be maintained in UK law, as well as the opportunities for the UK to make real improvements for animals, post-Brexit. We summarise our detailed analysis under four headings: (1) wild animals; (2) animals in agriculture; (3) companion and equine animals; and (4) animals in research. In addition to highlighting the

specific EU protections that must be 'banked' and the opportunities to build higher standards, we also identify the infrastructure and resources necessary to ensure continued progress in animal welfare science, independent scrutiny, and enforcement of regulations, that will help to maintain the UK's reputation as a global leader in animal welfare.

We underline the importance of preserving Article 13 of the Treaty on the Functioning of the EU, which recognises animals as 'sentient beings' and requires the EU and Member States, when formulating and implementing EU policy on, inter alia, agriculture and transport, to "pay full regard to the welfare requirements of animals". The recognition of animals as sentient beings and the requirement for the Government and other public bodies to pay full regard to the welfare requirements of animals when formulating and implementing policy in the areas specified by Article 13, must be incorporated into UK law post-Brexit.

We envisage a future for UK farming and fishing that thrives on the highest welfare standards, producing safe and healthy products, meeting increasing consumer demand and reinforcing public confidence in the quality of British production. We strongly believe that it would not be in the UK's economic interest to allow

domestic producers to be undercut by foreign imports, produced to lower animal welfare standards, in a race to the bottom.

Our chapters on wildlife, use of animals in research, and companion animals all highlight important areas in which the UK needs to ensure current EU welfare standards are maintained or improved. Examples include reducing and replacing tests on animals, the protection of wildlife and their habitats, and ensuring protection from diseases arising from the movement of cats, dogs and horses.

Whatever the UK's future relationship with the EU, we urge both parties to continue to work in partnership to safeguard and advance animal welfare by, for instance, developing and approving alternatives to the use of animals in safety testing and research; sharing intelligence about the trade in endangered and exotic animals; and funding and sharing research to improve farm animal welfare.

We call on the Government to commit that the UK will continue to use its membership of international agreements and treaties, such as the World Organisation for Animal Health, to advocate and resource strategies to improve animal welfare protections. We also highlight the opportunities for the UK to help improve the welfare

of many billions of animals around the world, by offering trading partners bilateral assistance to develop and enforce animal health and welfare laws, or by creating trading opportunities for higher welfare products.

Good animal welfare makes good business sense for the UK's future position in global markets. Across the world, including in markets such as in East Asia and South America, increasing numbers of consumers are concerned about animal welfare, demanding higher welfare products in the food they eat, the products they use, and the goods they buy.

And finally, good animal welfare matters at home, to voters. The British people's concern for animals is as strong as ever, and what Brexit means for our animal welfare standards will be an issue keenly observed by many millions of people. We welcome DEFRA's recent announcements that, post-Brexit, CCTV will be made mandatory in slaughterhouses in England, and more humane solutions found to the live export of farm animals. These examples show that the Government is alive to the animal welfare challenges and opportunities ahead. All of the signatories to this briefing look forward to working with politicians of all political colours, and with industry, to make the UK a beacon of high, science-based, animal welfare standards.



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There is a strong business, political and ethical case for the Government to commit to protecting and enhancing animal welfare regulations, post-Brexit

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The UK's positive impact on animal welfare both domestically and globally can continue to be achieved by ensuring that:

- All protection measures currently afforded to animals under EU regulations are transposed into UK law;
- Public funds, where used, incentivise and reward best practice in animal welfare in the UK, thus setting the highest standards for our internal markets;
- UK welfare standards are met in trade deals and overseas investment policies, and where possible trade deals support enforcement of animal protection laws;
- The UK continues to use its membership of international agreements and treaties, such as the World Organisation for Animal Health, to advocate and resource strategies to improve animal welfare protections.

Recommendation to extend the definition of protected species

The definition of “animal” in the Animal Welfare Acts and in the EU-derived regulations on Welfare at the Time of Killing should be extended to include decapod crustaceans and cephalopods, in line with the approach taken by countries such as Norway, New Zealand and Switzerland.

A note on devolved legislatures

For the sake of brevity, the manifesto uses ‘the UK’ as shorthand when it discusses all four legislatures’ animal protection laws. Much animal welfare law is, however, the responsibility of the devolved legislatures. Specifically, whilst farm animal welfare laws are the responsibility of the devolved institutions, in practice, the scope for different parts of the UK to adopt different standards has been relatively small as UK legislation has been required to implement the same substantive requirements set out in EU legislation.

In other areas – for example, in relation to companion animals and wild animals – there has been more scope for the devolved legislatures to make different choices from one another. However, UK trade policy post-Brexit is very unlikely to be devolved and therefore the importance of ensuring animals are protected in all areas of trade is likely to remain at a UK level. Whilst we do not take any position on how legislative powers should be distributed within the UK post-Brexit, we note the need for animal welfare to continue to be a focus in all of the UK’s legislatures, not only in Westminster.

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Wild animals: welfare post-Brexit



The welfare of wild animals is a matter of significant public concern, and poor welfare can lead to poor conservation outcomes for threatened species.

Whilst the UK as a whole will continue to be a signatory to many international agreements outside of the EU – such as the Bern Convention, Bonn Convention, Convention on Biological Diversity, and CITES – much of the implementing legislation which underpins vital protections for wildlife has evolved through collaborative work within the EU.

A number of EU Directives and Regulations contain provisions that relate to the protection and welfare of wild animals, both on land and at sea, and in many respects these go further than international commitments require, setting world-leading precedents for the welfare of wild animals. The Government must now ensure that key EU principles and laws are maintained and improved upon after Brexit.

The principal pieces of EU law that concern or impact wild animal welfare include legislation on habitats (terrestrial and marine), wild birds, invasive species, wildlife trade, zoos, and fisheries bycatch.

Recommendations for specific animal welfare reforms

- The Birds and Habitats Directives should be fully implemented in domestic legislation, and the recommendations from the Law Commission's wildlife law review reconsidered
- The EU Invasive Alien Species Regulation should be converted into domestic legislation, and a list (or lists) of priority species of concern should be developed, taking account of differing priorities among devolved administrations
- Measures within the EU Wildlife Trade Regulations that go beyond CITES requirements should be adopted domestically, and mechanisms developed to continue to adopt stricter measures. Restrictions on importing wild-caught birds for the pet trade should be maintained. Additionally, the Government should explore adopting positive lists for trade in live animals, and should fully implement the EU Action Plan Against Wildlife Trafficking. The Government should also continue its support for, and its engagement with, the EU-TWIX (Trade in Wildlife Information Exchange) – the centralised EU database containing data on wildlife seizures and offences - in order to assist with investigations

- The EU Seal Products Regulation should be adopted into domestic legislation, and the opportunity and public morality case for extending a prohibition on fur imports to all species farmed and trapped commercially for fur should be examined, as well as adopting the EU ban on leg-hold traps into domestic legislation
- The Government should continue to apply and enforce the Zoo Licensing Act, improving its implementation to ensure the highest level of animal welfare in zoos and for all captive animals
- The Government should continue to develop and implement its Marine Strategy, improving the welfare of all wild animals in UK waters, particularly through transposing and improving the relevant EU fisheries measures (which are presently in review), to continually reduce cetacean and other bycatch and seek its ending
- The Government should develop a strategy to improve the welfare of wild-caught fish. This includes the development of systems for humane slaughter preceded by measures to reduce stress during capture and handling
- The Government should develop a strategy to phase out the shooting of seals in the name of aquaculture and fisheries protection.



The UK should make full use of its seat at wildlife treaties and agreements to promote and resource improved animal welfare



Brexit could give the UK the opportunity to extend current fur trade bans to all species. Seals and other marine mammals will benefit from enhanced protection from bycatch and other threats

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Animals in agriculture: welfare post-Brexit



Both Theresa May and Michael Gove have stressed the need to maintain and where possible enhance UK animal welfare standards.

Two factors will be decisive in determining the post-Brexit level of animal welfare for farmed animals: trade issues and the arrangements for farm support payments that replace the Common Agricultural Policy (CAP).

Trade: If the UK is unable to protect farmers from lower welfare imports, farmers are likely to resist welfare improvements and may press for existing standards to be lowered. Accordingly, when negotiating new trade agreements, the UK must insist on the inclusion of a clause permitting it to require imports to meet UK animal welfare standards.

Where the UK does not conclude a trade agreement, trade will be governed by the rules of the World Trade Organisation (WTO). The common assumption is that the WTO rules do not permit trade restrictions on animal welfare grounds. However, this ignores WTO case law which indicates that countries can require imports to meet welfare standards equivalent to their own, provided that there is no element of discrimination.

Designing post-CAP farm support payments: There should be a major rethink on the purpose of public support for agriculture. Taxpayers' principal role should be to provide funding for public goods that the market cannot, or can only partially, deliver, such as high environmental and animal welfare standards. Farmers should be incentivised to move to enhanced welfare and environmental standards by a combination of premium prices from the market, where these are available, and support from public funding.

Recommendations for specific animal welfare reforms

- **Live exports:** The UK should, post-Brexit, ban live exports for slaughter or fattening. Cross-border trade between Northern Ireland and the Republic of Ireland should be able to continue, but safeguards must be put in place so that this does not become a 'back-door' route for live exports to the continent
- **Dairy cow welfare:** The UK should become a world leader in pasture-based livestock and the skilful management of such systems
- **Slow farrowing crates:** These should be replaced by free farrowing systems



Leaving the EU gives the UK opportunities to raise standards, particularly for farm animals such as broiler chickens, and to end the export of calves to the continent

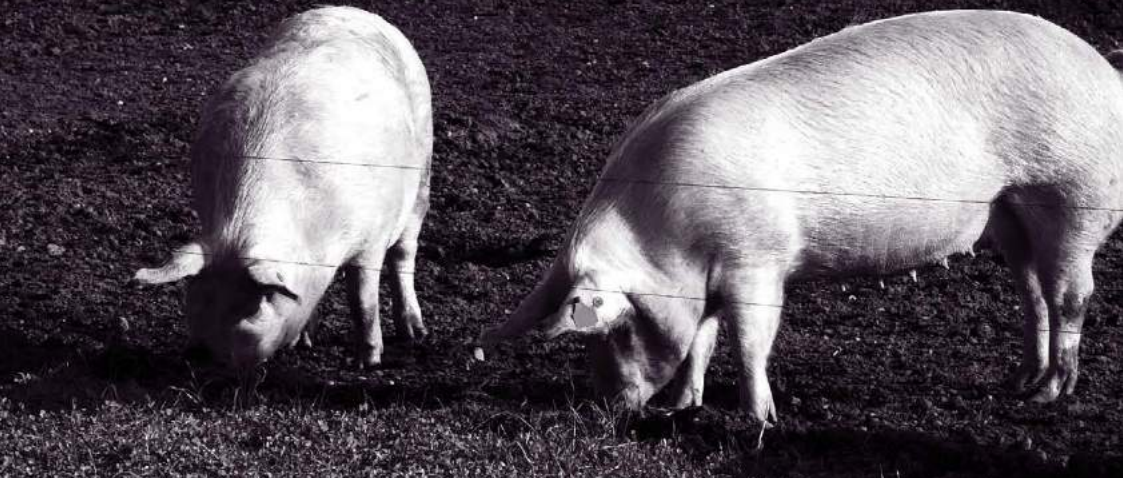
- **Providing legislation for species not currently covered by specific welfare legislation:** Detailed Regulations should be made to safeguard the welfare of dairy cows, beef cattle, sheep, ducks, turkeys, farmed fish, decapod crustaceans and cephalopods
- **Welfare of broiler chickens:** The maximum permitted broiler stocking density should be reduced. Post-Brexit, farm support payments should encourage a move to higher welfare systems, shifting away from fast growing birds towards slower growing, more robust breeds
- **Enriched cages for laying hens:** In line with other EU countries, a ban on the use of enriched cages should be put into place
- **Mandatory labelling of meat and dairy products as to farming method:** Meat and dairy products should be labelled as to farming method, so that consumers can make informed choices
- **Routine preventive use of antibiotics:** The routine preventive use of antibiotics in farming should be prohibited to reduce antibiotic resistance in both humans and animals
- **Welfare at slaughter:** The use of high levels of CO₂ for stunning pigs should be phased out as soon as possible, as should the use of electrical water bath systems for stunning poultry. All animals should be stunned before slaughter. The proposal to introduce mandatory CCTV is both welcome and supported
- **Foie gras:** The import of foie gras should be prohibited.



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The UK must maintain and enhance its farm animal welfare standards, encouraging higher standards in trading countries

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Domesticated animals: welfare post-Brexit



EU legislation regulates various areas of relevance to the health and welfare of domesticated animals, including cats, dogs and horses, amongst other animals who are kept as 'pets' in the UK. This legislation covers issues including: pet travel, commercial pet movements, the welfare of animals during transport, and, the sale and import/export of cat and dog fur.

The Pet Travel Scheme (PETS) rules were changed in 2012 to harmonise travel across Europe, resulting in a relaxation of the UK's quarantine and animal health controls. Since then, there has been a noticeable increase in imports of puppies, dogs and cats from certain central and eastern European countries, and investigations have provided evidence of PETS being regularly used as a cover to import puppies into Great Britain for commercial purposes. It is crucial that the Government addresses problems around the importation of dogs and cats from disreputable breeders and the potential disease risk that presents to human and non-human animal health.

Other important European protections relating to animal transport, animal

health and importation of cat and dog fur should also be retained and, where possible, improved upon and loopholes closed.

The UK has one of the highest quality equine industries in the world, and is internationally recognised as the leading source of equine expertise. It is crucial that the protection of equines is not diminished as the UK leaves the EU. We feature a number of specific recommendations relating to equine welfare.

Recommendations for specific animal welfare reforms

- Reintroduction of rabies blood testing with an appropriate (extended) wait period before entry into the UK
- Reduction in the number of animals which can be moved under the PETS by one person
- Reintroduction of a requirement for dogs and cats to be treated against ticks before entering the UK
- Reduction in the window for tapeworm treatment before entry into the UK from 120 hours to 48 hours and reintroduction of the tapeworm treatment for cats
- Development of a database logging pets' microchip numbers, owners

details and the date of entry into the UK

- Checks at ports to be undertaken by a qualified animal professional from a Government agency
- Provisions for non-commercial movements of dogs, cats and ferrets entering the UK also implemented for commercial movements
- Improved intelligence-led checks both at the point of destination and, particularly for equines, departure in the UK
- The UK to retain or develop a system to trace all the movements of animals into and out of EU Member States, maintaining current monitoring levels
- The UK to continue sharing relevant information in the event of a disease outbreak
- The UK to maintain free movement provision on equines under the Tripartite Agreement with France and Ireland
- Specific requirements to ensure the welfare of dogs and cats during transport introduced in future legislation
- Retention of the ban on cat and dog fur being imported into the UK
- Continue to implement and enforce equine identification
- Preventing the non-compliant export and import of equines and puppies, in particular by strengthening controls at ports
- Continuation of the agreements for the approval of veterinary medicinal products, to ensure that the UK continues to have access to the full armoury of medicines.



There are complex rules on the identification of horses and cats transported between the UK and EU which need to be maintained, and strengthened where possible



Enhancing regulations for cross-border movements of domesticated animals will improve animal welfare and disease control

4 Animals used in research: welfare post-Brexit



Many people are deeply concerned about animal experimentation on ethical and animal welfare grounds, and there is also increasing scientific concern about the translatability of animal 'models'. The development and use of humane alternatives is increasing.

The public will want to be assured that leaving the EU will not result in any diminution in the level of regulation of animal use in research and testing, and that the regulatory conditions of the Animals (Scientific Procedures) Act 1986 will not be diluted.

Indeed, the UK has an outstanding international reputation in scientific endeavour and there is an opportunity for the UK to lead the world in the development of non-animal techniques and technologies to replace animal use, and in the ethical debate.

The 'protection' of research animals must remain a priority as the UK prepares to leave the EU.

We want to see the UK:

- Maintain standards that at least keep pace with the EU's efforts to reduce and replace the use of animals in research
- Seek to influence the EU and other trading partners to raise their standards of animal welfare and regulation
- Consider how to mirror the EU regulatory oversight that currently operates to scrutinise, and ensure the UK's compliance with, the legally applicable standards
- Use leaving the EU as an opportunity to improve standards and invest in research that is both more humane and scientifically valid, with the objective of phasing out the use of harmful experiments on animals.

Recommendations for specific animal welfare reforms

- For the UK to end, within a challenging yet achievable time frame, the permitting of 'severe' suffering, as defined in UK law
- Undertake a stringent review of defined areas in regulatory testing (including the use of a second species and multiple routes of administering substances) with the aim of identifying and eliminating avoidable tests

The UK should take Brexit as an opportunity to lead the world in the development of non-animal techniques, technologies to replace animal use, and in the ethical debate

- Retain, or commit to, effective legislative or policy bans on the licensing of procedures that would (if the UK were still part of the EU) have involved the UK invoking one of the so-called 'safeguard clauses' in Article 55 of the Directive, which allows Member States to adopt provisional measures permitting certain procedures that would otherwise not be authorised under the Directive
- Commit to a ban on the export of animals for use in research, save with Home Office consent to be granted where there would otherwise be a greater welfare detriment
- Introduce much greater transparency in relation to animal use in research and testing
- Support and encourage the scientific community to advance valid, non-animal research technologies
- Insist that Government-funded research councils ensure that all research in third countries is conducted at least according to UK standards
- Prohibit the import of products developed using animals in ways which would not be permitted in the UK
- Maintain the EU cosmetics bans in any trade agreements the UK negotiates
- Take steps to increase public awareness and transparency with respect to the remit, membership, and activities of the Animals in Science Committee (ASC), and to increase funding, in order to enable the Committee to effectively fulfil its remit and provide greater challenge to the status quo regarding replacement, reduction, refinement and ethical scrutiny of animal use.

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Testing for cosmetics on rabbits and importing such products
from abroad is now prohibited in the EU; the UK should maintain
these provisions in any trade agreements it negotiates
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Together, the UK Centre for Animal Law (A-Law) and Wildlife and Countryside Link (Link) brought together individuals and organisations to produce this manifesto for animal welfare.

A-Law is an organisation of lawyers interested in animal protection law, pioneering a better legal framework for animals and ensuring that the existing law is applied properly. Wildlife and Countryside Link brings together 46 environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment.

The position and recommendations in this briefing are supported and advocated by the following organisations:

All Dogs Matter

Animal Equality

Animal Interfaith Alliance

Animal Protection Agency

Battersea Dogs and Cats Home

Bhagvatinandji Education and Health Trust

Born Free Foundation

Catholic Concern for Animals

Cats Protection

Change for Animals Foundation

Christian Vegetarian Association

Compassion in World Farming

Cruelty Free International

Crustacean Compassion

Dogs Trust

Donkey Sanctuary

Environmental Investigation Agency

Four Paws

Humane League

Humane Society International UK

International Animal Rescue

International Fund for Animal Welfare

League Against Cruel Sports

Mahavir Trust

Mayhew

National Anti-Vivisection Society

Naturewatch Foundation

OneKind

People for the Ethical Treatment of Animals

People's Dispensary for Sick Animals

Quaker Concern for Animals

Royal Society for the Prevention of Cruelty to Animals

Run Free Alliance

Save Me Trust

UK Centre for Animal Law

VIVA!

Whale and Dolphin Conservation

World Animal Protection

World Horse Welfare

Worldwide Veterinary Service

To find out more, contact emma@wcl.org.uk at Link, or paula.sparks@alaw.org.uk at A-Law

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