



European
Commission

Transatlantic Trade & Investment Partnership Advisory Group

Sub-group meeting on animal welfare

Meeting report, 18 March 2015

1. Introduction and presentation by Humane Society International and World Animal Protection

The Commission (W. Martin-Maier) made some introductory remarks covering the strategic perspective of the EU on sanitary and phyto-sanitary standards (SPS) in the TTIP negotiations, and explained the EU's approach in the past to animal welfare provisions in trade agreements. He underlined that the EU has high ambition in this area for TTIP and welcomes the engagement of non-governmental organisations to help ensure that the issues can be tackled in the right way.

Dr Joanna Swabe (**Humane Society International – HSI**) and Emily Rees (**World Animal Protection – WAP**) then worked through a presentation on regulations concerning animal welfare, with a special focus on WTO, EU and US legislation. They explained the main differences between the two legislative systems and practices on both sides; mentioned cases of free trade agreements with animal welfare elements and gave illustrative examples.

Presentation:

- Within **EU law** animal welfare is covered by Art. 13 of Lisbon Treaty and is therefore one of the key EU values. A Eurobarometer poll (conducted in 2006/2007) showed that 89% of Europeans believe that EU animal welfare standards should be applied to products imported from outside the EU. The same poll indicated that Europeans believe EU producers should not be disadvantaged by unfair competition as a result of imports to which lower animal welfare standards have been applied.
- In the **multilateral context** the situation of animal welfare is complex. Within the WTO system there are three agreements which concern animal welfare to a greater or lesser extent: those on SPS, Technical Barriers to Trade (TBT) and Agriculture. The World Organisation for Animal Health (OIE) recognises that animal health and animal welfare are linked.
- WTO case law has recognised the EU's "public moral concern" for animal welfare as a "legitimate objective" since 2000. Therefore Art. XX of the General Agreement on Tariffs and Trade (WTO GATT, general exceptions) may apply.
- The EU has used its bilateral trade negotiations to advance animal welfare objectives, largely within SPS chapters (e.g. EU-Chile and EU-South Korea), but also in the context of regulatory cooperation (CETA).

- Recently, in advance of the December European Council, the Danish, Dutch and German governments signed a Joint Declaration on Animal Welfare, in which they called for the full recognition of animal welfare as a non-trade concern in the framework of the WTO, and for the setting of conditions should be set in the framework of trade agreements to promote the welfare of animals when related products may be imported into the EU.
- With regards to farm animals, it is important for HSI and WAP that the concept of animal welfare covers all stages of production (breeding, handling, holding, transport and slaughter). All these stages should preferably be mentioned explicitly in a TTIP Agreement.
- Beyond SPS-related concerns about farm animals and food production, there are two other key issues that affect animal welfare and trade: Laboratory animal testing (e.g. use of animals to test cosmetics, pharmaceuticals, chemicals, plant protection products, biocides, pesticides), and the protection of wildlife e.g. through the prevention of illegal trafficking and IUU fisheries.
- HSI and WAP believe that a key achievement of TTIP with regards to scientific testing could be to align the best practices known as the "3Rs" – the **reduction, refinement, and replacement** of the use of animals to conduct tests. This is already enshrined in EU legislation, but better collaboration may help to disseminate best practices. Also for wildlife protection, more regulatory cooperation would be desirable. In this area the US is considered more advanced than the EU with respect to legislative provisions.
- It is already well known both in industry and in public opinion that there are significant differences between EU and US practices on animal welfare. This has led to the questioning of whether TTIP will lower the EU's standards (e.g. continuous confinement in individual sow stalls vs. group housing). Evidently this is not the objective of TTIP but it is important to address the issue of imports of products produced under lower-welfare standards. For example, zoning principles could be applied in the same way as they are for animal disease outbreaks.
- HSI and WAP reported recent developments on animal welfare in the USA:
 - **Eggs:** California has banned barren battery cages for egg production and also banned the sale of eggs produced under such conditions in other Federal States since January 2015. However, these eggs can still be exported and sold in the EU, particularly as part of supply chain for processed foods. Eggs used in California would comply with higher welfare standards than those exported to the EU from elsewhere in the US.

- **Pig production:** The continual confinement of sows during gestation is banned in EU and in a growing number of US states, but not all. Again, products from lower welfare farms may be exported to the EU.

2. Discussion

Following the presentation by HSI and WAP, the group discussed a wide range of questions concerning how animal welfare could be addressed within the TTIP agreement.

The following points were raised in discussion:

- **Location of animal welfare provisions in TTIP:** Members and experts discussed the merits of including potentially more detailed provisions on animal welfare outside the SPS chapter, versus potentially less detailed provisions within the SPS chapter (or elsewhere). One member pointed out the short and long term implications of either approach, noting that trade interests tend to be short term whereas animal welfare is an important principle. HSI and WAP noted that the ongoing development of an international standard for animal welfare would create a link to TBT, in addition to SPS. This could be a significant positive development. However, SPS provisions should remain central to animal welfare owing to the inextricable link between animal health and welfare, as recognised by the OIE and EFSA.
- **Enforcement of animal welfare provisions in TTIP:** Members and experts discussed how animal welfare provisions in TTIP should be enforced. Past EU and US approaches differ here and it depends on the location of the provisions. Depending on the chapter involved and the language used, either a "soft" approach of complaints to the relevant authorities, naming and shaming and eventual diplomatic measures could be taken, or a more legalistic approach leading to trade sanctions which could take many years. It was generally agreed that there must be a clear means to enforce any provisions and that the primary goal is to protect animal welfare, so swift action would be desirable. The Commission took note.
- **Art. XX GATT:** Members and experts discussed the application of Art. XX GATT in the context of animal welfare in TTIP. One member warned that the ruling of the WTO panel in the seals case must not be over-interpreted.
- **Sustainable development aspects:** HSI and WAP noted the historically strong approach of the US to wildlife issues such as illegal trafficking in trade deals. Two international agreements, the Convention on International Trade in Endangered Species of Wild Fauna

and Flora (CITES) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CMS), as well as a number of others, already cover these issues and can be referenced in TTIP. Compliance and enforcement of these agreements should be mandated by TTIP. The Commission took note.

- **Equivalence:** Members and experts discussed the question of equivalence for animal welfare standards.
- **Laboratory practices and animal testing:** The Commission noted that to properly tackle continued use of animals in testing in other countries, a multilateral approach (for example via the OECD) may be more effective than a bilateral solution through TTIP.

3. Next steps

The Commission suggested that HSI and WAP make detailed proposals to the Commission on how to improve the approach taken so far in TTIP. Participants in the meeting agreed to reflect on any questions or concerns that they would like to work through in more detail. A report would be produced for the Advisory Group's attention.

Attendees

Members of the TTIP Advisory Group and their associated experts

BASSO Daniele (Labour, on behalf of Tom Jenkins)
CATELLA Eleonora (Business, on behalf of Luisa Santos)
HINZEN Louis (Food and drink, on behalf of Mella Frewen)
PETIT Arnaud (Agriculture, on behalf of Pekka Pesonen)
QUICK Reinhard (Manufacturing)

Additional experts

SWABE Joanna (Humane Society International)
REES Emily (World Animal Protection)

Commission officials

MAIER Wolf-Martin	Official
DALLA VILLA Paolo	Official
DAWKINS Miranda	Official
ROZESLANIEC Katarzyna	NEPT