Environment, Climate Change and Land Reform - EU Environmental and Animal Welfare Principles

Who we are

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 17,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom’s veterinary profession. We, therefore, take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.

2. BVA Scottish Branch brings together representatives of local veterinary associations, BVA's specialist divisions, government, and research organisations in Scotland. The Branch advises BVA on the consensus view of Scotland members on local and United Kingdom issues.

3. We welcome the opportunity to respond to this inquiry on EU Environmental and Animal Welfare Principles.

Introduction

4. Approximately 80% of UK animal welfare legislation originates from the EU via 44 EU animal welfare laws. As part of the European Union (Withdrawal) Bill this existing EU law will be translated into UK law. In Scotland the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill seeks to do the same. However, in both cases the underlying principle of animal sentience and the duty on the state to have due regard for animal welfare within decision making is absent. BVA believes that these provisions contained in Article 13 must be brought into domestic legislation.

5. The veterinary profession is an animal welfare-focused profession, providing strong and visible leadership on animal welfare in society.1 Consequently, 1,194 individual veterinary surgeons, veterinary nurses and veterinary students added their names to an open letter calling on the UK government to ensure there is a duty on the state to have due regard for animal welfare in the development and

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1 British Veterinary Association, Vets speaking up for animal welfare: BVA animal welfare strategy 2016
implementation of policy,² as Article 13 of the Treaty on the Functioning of the European Union (TFEU) sets out.³ We have welcomed steps taken by the UK Government to introduce legislation that will meet this need.

6. BVA has argued existing animal welfare standards must at least be maintained at the same level, or a level equivalent to current EU standards, while seizing the opportunity to improve standards in accordance with evidence. To ensure there is no reduction in animal welfare standards, it will be essential for the principle of animal sentience and the accompanying duty on the state to consider animal welfare to be incorporated within Scottish law and have effect on the date the UK leaves the EU.

7. It will be essential that the principles captured in Article 13 have effect on the date the UK leaves the EU to ensure continuity in animal welfare standards. On this date responsibility for highly significant areas of policy will be handed to the UK and Scottish Government. These policy areas are of particular concern for animal health and welfare including agriculture and international trade.

Why should Article 13 be transposed into Scottish Law?

8. Animal welfare concern arises as a result of welfare harms sustained by sentient animals. It is essential that government, within the policy making process, identifies and assesses these harms to determine the extent to which animal welfare is compromised. Identifying negative consequences of policy on animal welfare at an early stage will allow appropriate mitigation to be applied before harm is experienced.

9. By rejecting the principles enshrined in Article 13, Scotland would be sending the wrong message to the global community about our ongoing commitment to high animal welfare standards. High animal welfare standards have proven a unique selling point for international trade. With 80% of Scotland’s land mass used for agricultural production and 1 in 10 of all Scottish jobs dependent on agriculture in some way,⁴ the value in maintaining this reputation is clear. Scotland’s farmers, crofters and growers produce output worth around £2.9 billion a year, and are responsible for much of Scotland’s £5 billion food and drink exports. Exports of Scottish salmon to the EU were valued at £204million for 2016.⁵

10. The Animal Health and Welfare (Scotland) Act 2006 is one of the best pieces of welfare legislation in the world. Under the Act accountability for the treatment of an animal focuses on the owner or those who are responsible for that animal’s condition, but not on the state. Therefore, the provisions in Article 13, which focus on the role of the state when formulating and implementing policy, compliment the domestic animal welfare legislation.

Definition of animal

11. BVA recommend that New Zealand’s legislation provides an appropriate model for how animals should be defined within any domestic legislation which transposes Article 13 into domestic legislation. The New Zealand Animal Welfare Act 1999, as originally enacted, defines ‘animal’ as:

(a) means any live member of the animal kingdom that is—

(i) a mammal; or
(ii) a bird; or
(iii) a reptile; or
(iv) an amphibian; or
(v) a fish (bony or cartilaginous); or
(vi) any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
(vii) any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of this Act;

12. This model would recognise the growing consensus, based on evidence, that species of octopi and crustaceans are sentient. This model would future-proof domestic legislation allowing animals to be added to the list of sentient beings as new evidence emerges.

13. As with the New Zealand legislation, we would recommend a named individual within government who would be tasked with engaging with research and declaring when the evidence suggests sentience exists.

14. We also support the inclusive nature of this definition where: wild animals, animals

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used in laboratories, farm animals and companion animals are all included equally for the purposes of this legislation.

Opportunities to improve upon Article 13

15. BVA believes that there are opportunities to improve upon the current duties embedded in Article 13. Animal welfare can be impacted directly and indirectly by all policy areas, not only those explicitly linked to animals. Therefore, BVA supports placing the duty to consider animal welfare across all policy areas. This would be an extension beyond Article 13 which is limited to stated policy areas: ‘agriculture, fisheries, transport, internal market, research and technological development and space.’

16. Article 13 of the TFEU balances animal welfare against ‘the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.’ The draft legislation proposed by the UK Government improves upon this by considering animal welfare alongside the public interest.