



Wildlife and
Countryside



A Review of Brexit:

getting the best Brexit
deal for animals.

June 2023



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FOREWORD

The UK Government's Action Plan for Animal Welfare in England (2021) set out ambitious plans to strengthen protection for animals. Many of these changes were heralded as a Brexit benefit.

Unfortunately, many of these plans have stalled or been dropped, including a commitment to ban the export of live animals and to explore potential action to ban the import of fur and foie gras. The Animal Welfare (Kept Animals) Bill (which would have delivered important animal welfare benefits aimed at tackling problems such as ear cropping and puppy farming, improving zoo regulation, restrictions on keeping primates as pets, banning live exports, and addressing livestock worrying) has been dropped since we started working on this report, while the Animals Abroad Bill was not even published.

There has been progress in some areas, such as the new farming subsidy system, which introduces the concept of 'public money for public goods' and can potentially deliver improved animal welfare standards for animals used in agriculture. In other areas, such as trade policy, progress has been disappointing.

In some areas, such as wildlife, protections have stayed broadly the same, but opportunities have not been taken to introduce improvements. There is also real concern across the sector about animals in science, including a perceived inertia about moving away from animal models of testing. Companion animals have also fared badly, with long awaited border reforms that protect animals and reduce disease transmission risk not delivered.

Overall, there is a huge contrast between the vision painted by the Action Plan for Animal Welfare and the reality as the end of the Parliament approaches. The Government must act swiftly to deliver its promise of a new era of animal welfare advances.

Richard Benwell, Chief Executive of Wildlife and Countryside Link

Paula Sparks, Chairperson of the UK Centre for Animal Law

General Introduction

This report takes stock of progress on animal welfare in the post-Brexit period, taking as its starting point recommendations made in the 2018 report 'Brexit: Getting the Best Deal for Animals', and evaluating what progress has been made in the five years since that time. The 2018 report was produced by a coalition of animal protection groups brought together through the Wildlife and Countryside Link and the UK Centre for Animal Law. This report has been prepared on behalf of the #BetterDealForAnimals coalition of animal protection groups who bring a wealth of legal and scientific expertise on matters related to animals.

The report starts by looking at the overarching changes to the legislative framework in the post-Brexit period, and then takes a series of thematic views: animals used in research, wild animals, animals in agriculture and domesticated animals. Within each, it takes each of the key policy recommendations from the 2018 report and looks in some depth at efforts that have been made to address the issues, gaps remaining and new issues arising.

We also chart progress on key commitments in the Conservative Party manifesto to make good on opportunities arising from Brexit to improve animal welfare and subsequently, those commitments appearing in the UK Government's Action Plan for Animal Welfare in England.

Each section is headed with a barometer marking to what extent improvements have been made. Disappointingly, our analysis of risk points towards either orange or red across a range of sectors. The authors of this report hope that the specific and practical suggestions made here can assist the Governments of the United Kingdom, Scotland, Wales and Northern Ireland in introducing necessary measures to make good on opportunities arising from leaving the EU to improve animal welfare and regain the UK's previous global leadership on animal welfare.



Giraffe 3 © Born Free.

Between writing and publication, the UK government dropped the Animal Welfare (Kept Animals) Bill, referred to throughout this paper and indicated an intention to introduce the provisions contained in it through a series of single issue bills. We would urge the drafting and introduction of such bills as a matter of urgency, the need for the provisions of the Kept Animals Bill being a critical gap in the current animal welfare landscape. Its provisions command strong support among the UK population and farming industry bodies, and formed part of the Conservative party's 2019 manifesto and the Prime Minister Rishi Sunak's commitment on coming to office.

SECTION 1

Overall risk assessment of animal protection post Brexit.



Image by Forsyth/RSPCA



WAM9936 Sheep arriving at the sale yards

General Animal Welfare framework

The European Union (Withdrawal) Act 2018

The European Union (Withdrawal) Act 2018ⁱⁱ ('the Withdrawal Act') ratified the Brexit Withdrawal Agreementⁱⁱⁱ and made provision for the repeal of the European Communities Act 1972^{iv}, which occurred on 31 January 2020, when the UK formally left the EU. However, the 1972 Act remained in effect until the end of the Brexit implementation period on 31 December 2020.

The effect of the Withdrawal Act means that future judgments of the European Court of Justice (ECJ) will no longer be binding on the UK (the position under the Northern Ireland protocol is uncertain at the time of writing), although the precedents and interpretations of law emanating from the ECJ will remain relevant to retained EU law (REUL).

The Withdrawal Act also made provision to convert retained EU law into domestic law and provided the legal power for national authorities to amend REUL, as a temporary measure to ensure there were no legislative gaps immediately upon leaving the EU.

The Retained EU Law (Revocation and Reform) Bill

The Retained EU Law (Revocation and Reform) Bill ('the REUL Bill') aimed to scrap all retained EU laws unless otherwise approved via a sunset clause on 31 December 2023. It was introduced in Parliament on 19 January 2023, and includes all devolved legislation as well. This includes around 44 pieces of REUL legislation on animals' welfare of which around three quarters is devolved.

Substantive concerns have been expressed about the REUL Bill, most particularly arising from the inclusion of a so-called 'sunset clause', which will see most REUL revoked unless it has been expressly retained (in original or amended form) within UK domestic law as of December 31, 2023. Given the sheer volume of REUL, there was significant doubt about the ability of government departments, and particularly devolved governments, to properly scrutinise this process.

Further, and related, the REUL Bill proposes wide powers for amendment or revocation of REUL by statutory instrument, meaning that there will be less opportunity for Parliamentary scrutiny of proposed changes to current regulations.

On May 10 the Government dramatically undertook a U turn by proposing an amendment to the Lord's Committee stage which would reverse the principle that all Retained EU legislation would be scrapped to only scrap those laws that were proposed in a Schedule. This meant at a stroke the 3,500 or so laws including the 44 animal welfare laws that were under threat have been replaced by around 600 laws to be scrapped which do not include any of the 44 animal welfare retained laws though there are concerns that some of the environmental laws on air and water quality may be caught.

The UK Government published a new retained EU law dashboard as well as in the Bill Schedule on May 11 2023, which lists REUL subject to revocation. It includes now around 600 pieces of legislation none of which are related to the animal welfare ones covered by this report.

The Government has left decisions on how to filter the EU Retained legislation to Ministers' own discretion within their Ministries, which may mean that there will be differences in how teams in individual Ministries will approach this issue, let alone the differences that will inevitably arise between England, Scotland, and Wales.

The scrapping of the December 2023 cliff edge also applies to devolved laws. Scotland refused legislative consent and on 28 March 2023, the Senedd also voted to refuse consent to the REUL Bill for Wales. However, this does not prevent the U.K. legislature legislating on these issues.

The Bill still contains wide powers for Ministers to amend laws. The Bill also has potential for powers created by the REUL Bill to be used to make improvements to animal welfare standards in retained EU laws, such as banning enriched cages for hens and farrowing crates for pigs.

It is not clear however, what the final Act will look like as the Bill still has to pass its remaining stages in the Lord's. It is also not clear whether the ambitions set by the government in its 2021 Action Plan for Animal Welfare will guide and support prioritisation of this opportunity.

Article 13 of the Treaty on the Functioning of the European Union

Prior to leaving the EU, the UK was subject to the Treaty on the Functioning of the European Union, Title II, Article 13^v which states that:

“...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”.

Article 13 has two important functions; first, it explicitly recognises in law that animals are sentient, and second, it imposes a duty upon the EU and its member states to have full regard to the welfare needs of animals when formulating and implementing policy in the areas listed.

Article 13 was not transposed into domestic law by the Withdrawal Act and a proposed amendment to the bill laid down by Caroline Lucas MP was not supported by the UK Government. A public outcry led to an apparent U-turn as then Secretary of State for EFRA, Michael Gove MP announced that legislation carrying across the principles of Article 13 would be brought forward.

The Draft Animal Welfare (Sentencing and Recognition of Sentience) Bill, was published in 2017, largely replicating the Article 13 provisions. Criticised by the EFRA Committee, the bill stalled and failed to complete its passage through Parliament.

In 2021 the Animal Welfare (Sentience) Bill was introduced, which received Royal Assent 28 April 2022 to become the Animal Welfare (Sentience) Act 2022 (‘the Sentience Act’).

The Sentience Act does retain the symbolic recognition that animals are sentient in its title and the body of the legislation references ‘the welfare of animals as sentient beings’, however it does not recognise that all animals are sentient; its provisions apply to ‘sentient animals.’ This definition currently includes vertebrate animals, cephalopod molluscs, and decapod crustaceans. As a result, all other invertebrates (which form much of our wildlife) are excluded from its scope.

Within this restricted approach, an amendment tabled to the Animal Welfare (Sentience) Bill, to expand the definition of ‘animal’ to include cephalopod molluscs and decapod crustaceans was however much welcomed. According to the Department for Environment, Food and Rural Affairs (DEFRA) Press Office:

‘The move follows the findings of a government-commissioned independent review by the London School of Economics and Political Science (LSE) which concluded there is strong scientific evidence decapod crustaceans and cephalopod molluscs are sentient.’

Then Animal Welfare Minister Lord Zac Goldsmith stated:

“The Animal Welfare (Sentience) Bill provides a crucial assurance that animal wellbeing is rightly considered when developing new laws. The science is now clear that decapods and cephalopods can feel pain and therefore it is only right they are covered by this vital piece of legislation.”^{vii}

However, no commitment has been given to widening the scope of animal protection legislation (including the Animal Welfare Acts of the UK or slaughter regulations) for decapod crustaceans or cephalopods. The Government has committed, once the Sentience Committee is in place, to review with stakeholder groups, the legal protection of crustaceans and cephalopods under Regulations protecting their welfare in transport (Welfare of Animals During Transport, or WATEO) and those governing welfare at slaughter (Welfare at the Time of Killing, or WATOK).

There have been no moves in the European Union to widen the scope of protection for decapod crustaceans and cephalopods. The United Kingdom has an opportunity to be a world leader for animal welfare in this area.

In respect of the Article 13 duty to pay full regard to the welfare needs of animals when formulating and implementing policy, the Sentience Act does not limit the policy areas to those listed in Article 13 but requires regard to be paid to policy impacts on sentient animals across government. In this respect, it is arguable that its reach goes beyond that of current EU legislation.

The Sentience Act achieves its objectives by requiring the Secretary of State to establish and maintain an Animal Sentience Committee which may produce a report about any government policy that is being or has been formulated or implemented. The purpose of any such report is to consider the extent to which ‘the government is having, or has had, all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings.’ Any such report must be published, and the Secretary of State must respond to Parliament within three months of its publication.

Criticisms of the Sentience Act include^{viii} its use of discretionary powers but limited legal duties on Ministers (setting up and maintaining the Animal Sentience Committee and responding to any report it publishes); the Animal Sentience Committee’s lack of independence from government; and the paucity of detail about the composition and functioning of the Committee. More generally, it was disappointing to see the UK Government not make prescriptive direction on the requirement to use such tools as prospective Animal Welfare Impact Assessments.

The ability to scrutinise and report on government policy refers only to that of the government of the United Kingdom and excludes policy areas within the legislative competence of the devolved nations.

The Scottish Government has set up the Scottish Animal Welfare Commission (SAWC) ‘to provide advice to the Scottish Government on animal welfare, including, specifically, consideration of how Scottish Government policies take account of animal sentience, the wider welfare needs of animals and the type of improvements that could be made.’^{ix}

The SAWC is an independent body chaired by Professor Cathy Dwyer, Professor of Animal Behaviour and Welfare at Scotland’s Rural College, who leads 12 commissioners with animal welfare and ethics expertise. Details of its composition and function are laid out in the Scottish Animal Welfare Commission Regulations 2020^x.

The SAWC also carries out retrospective reviews of relevant Scottish Government policy, in order to ‘go some way towards replacing the requirement, previously placed upon the UK government (and thereby, the four administrations) by Article 13 of the Treaty on the Functioning of the European Union (TFEU), to pay full regard to animal welfare.’

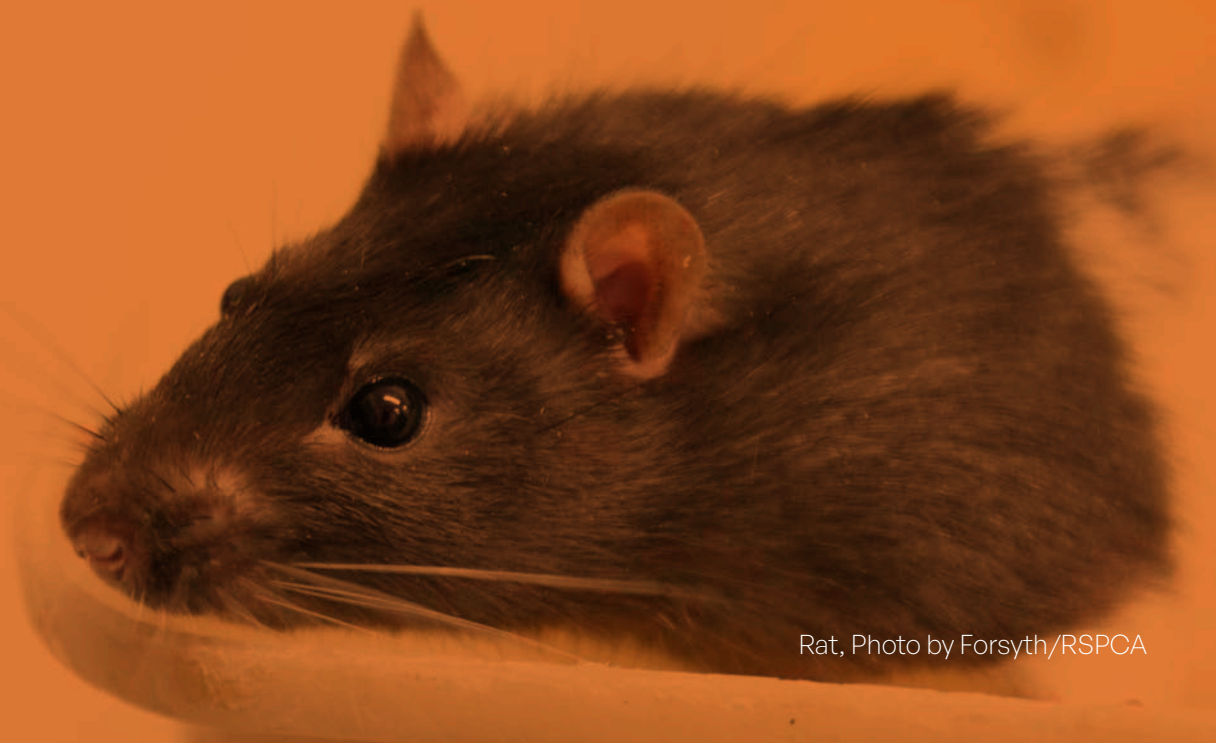
Given its independence, constitutional framework, wide scope and wealth of animal welfare and ethics expertise amongst its members, the SAWC is arguably superior to its equivalent in England.

A Chair was selected for the Committee in September and on May 25 2023 DEFRA finally implemented the Sentience Act and confirmed the remaining five members of the Committee who have a wide range of expertise including on farm, wild animals and animals in science. The Committee is expected to start its work over the summer. The Sentience Act 2022 has the potential to be a world leading piece of legislation to assess how Government takes into account animal welfare issues when deciding new policy considerations.

The Sentience Act has the potential to compare favourably to Article 13 in certain key respects, although it should be noted that its substantive provisions have not come into force and will not do so until the minister so elects.

SECTION 2

Animals used in research:
welfare post-Brexit.



Rat, Photo by Forsyth/RSPCA

Executive Summary

Around three million animals are used in research and testing every year and there has been no indication from the government that it has any intention of doing more to replace and reduce animals in science. Concerns have been expressed that the government's Change Programme has weakened rather than strengthened the regulatory environment. The opportunity to use the country's developing focus on innovation has not yet been seized by government to do more to replace the use of animals.

The regulation of the use of animals in scientific procedures is reserved to the UK Government. This chapter therefore refers to developments across the United Kingdom.

Unlike other areas pertaining to animal welfare, there were no commitments in the Conservative Party manifesto to maintain or improve standards for animals used in scientific procedures after leaving the EU. There was also no manifesto commitment to an action plan to accelerate the transition away from using animals in research and testing, with a phase-in of Non Animal Methods ('NAMs').

There has been a change in regulatory procedures post Brexit, as part of the 'Change Programme' brought in by the Animals in Science Regulation Unit ('ASRU'). Stakeholders from within both the scientific and animal protection communities have raised concerns that the changes brought in have weakened, rather than strengthened

the regulatory regime, including removal of well-established safeguards. The recently established Home Office Policy Unit on animals in science could have a positive or negative impact on these animals, depending on its ultimate mission, ambition, powers, and resourcing, as well as the Government department within which it will eventually sit (this is currently the Home Office, but is subject to change).

The lack of access to data held by the European Chemicals Agency and the establishment of a parallel regulatory regime through UK REACH (registration, evaluation, authorisation and restriction of chemicals), continue to mean that there remains a lack of clarity regarding duplication of animal tests for chemical substances already registered for EU REACH.

The use of animals to test chemicals used as ingredients for cosmetics has been contentious, however a recent decision to reinstate a policy ban on the testing of chemicals exclusively used as ingredients in cosmetics under REACH is a step up from the current position in the EU.

In relation to trade, the text in the UK-Australia free trade agreement, that is likely to form the basis of future agreements, does not explicitly recognise the rights of parties to ban the production, import or sale of cosmetics tested on animals.

In other areas flagged in the report 'Brexit: Getting the Best Deal for Animals', there has been no action.

Enhancing protection for animals used in research

Animal research and testing is a matter of huge concern to the British people. The use of animals in science has been the subject of recent petitions (including a petition to phase out animal experiments with 101,420 signatures), triggering Parliamentary debates due to the high public support these petitions attracted.

Introducing a debate on 16 December 2021 Margaret Ferrier MP noted that: 'It was only two months ago that my constituency broke into the top 10 for the number of signatories to an e-petition that prompted a Westminster Hall debate on this very issue,' also citing recent opinion polls demonstrating similar concern about animal experiments.

Therefore, it is disappointing that there has been no action plan or written strategy to transition from

the use of animals to non-animal models and no shift in spending patterns that would suggest this is happening in any event.

By contrast, the European Parliament has voted in favour of establishing an action plan to phase out reliance upon animals in scientific research, testing and education, alongside replacement with cutting-edge technologies and approaches to enable humane science in the 21st century. This is not about stopping important research – it is about avoiding negative impacts on animals, improving science, human health and environmental protection, and enabling the UK to exploit new economic opportunities. Unless the Government and scientific community commit to clear and ambitious strategies for phasing out animal experiments, and phasing in non-animal methods, the UK will be left behind.



Rat, Photo by Forsyth/RSPCA

We recommended if leaving the EU, the UK consider how to mirror EU regulatory oversight.

While not ostensibly triggered by Brexit, there have been changes to regulatory practice since the manifesto was drafted. These changes would have been possible had Britain stayed a member of the EU and have not necessitated any change in the law itself, which remains the same.

The Animals in Science Regulation Unit (ASRU) is part of the Home Office and responsible for administering and enforcing the Animals (Scientific Procedures) Act 1986 (ASPA) in England, Scotland, and Wales. It is through ASRU that the Home Secretary fulfils the role of evaluating licence applications under ASPA and providing advice on the law and practice.

During a Westminster Hall debate on 7 February 2022, Home Office Minister, Kit Malthouse MP, heralded changes to the operation of the regulatory regime, noting that:^{xv}

‘Since January 2021, the Government have been implementing a reform programme, which has resulted in improvements to the way compliance is assessed by the Animals in Science Regulation Unit, which is the regulator in Great Britain. That includes systematically reviewing reports required under ASPA and conducting systematic team-based audits, thematic audits across all establishments, inspections based on specific triggers and investigations of potential non-compliance. Collectively, the reforms seek to improve compliance and therefore the protection of animals used. We will continue to oversee the implementation of further improvements and monitor and report on the regulatory outcomes achieved.’

On 9 April 2021, ASRU announced the ‘Change Programme’ to stakeholders. This new model, introduced on 5 July 2021, altered how ASRU performed its regulatory functions with the stated aim of better alignment of ASRU activities to deliver its purpose, with a strategic focus on governance.

ASRU suggested this would lead to increased efficiency and effectiveness^{xvii} and in response to a written question on 28 March 2022, Damian Hinds MP, Minister for the Home Office, described it as ‘a change programme to benchmark itself against leading regulatory practice.’^{xviii}

The RSPCA has however raised significant concerns, summarised as:^{xix}

1. FEWER official visits

The system for assessing whether labs comply with the law has moved from a programme of regular, often unannounced and mainly ‘in person’ visits - to a less frequent, ‘audit’-based system, often carried out remotely.

2. MORE paperwork

There’s now a focus on assessing the processes and paperwork, rather than the animal welfare outcomes, with less emphasis on actually inspecting the animals, meeting the staff and seeing how things are done.

3. REDUCED standards

ASRU is only focussing on ensuring that establishments comply with the basic ‘minimum standards’ required. ASRU Inspectors no longer play a role in helping to promote ‘good practice’ that will improve animal welfare and the quality of UK science.

4. Expertise may be DROPPED

The requirement for ASRU inspectors to have specialist qualifications in either veterinary science or medicine may be dropped in the future (this is permissible under ASPA, as the requisite qualifications are at the Secretary of State’s discretion).

5. LESS PRIORITY may be given to animals

Key aspects of the legislation, and how they’re implemented, will likely be reviewed and could be weakened. This includes the ‘harm-benefit analysis’ - the requirement to consider the potential benefits of each proposed scientific study against the likely harms to animals, enabling a judgement as to the justification for the study.

The RSPCA was not the only stakeholder to raise concerns. Professor David Main, Chair of the Animals in Science Committee (an independent non-departmental public body which advises the Home Secretary on matters concerning the use of animals in scientific procedures) wrote to Baroness Williams of Trafford on 28 March 2022, citing *'concerns that have been expressed both from within the regulated community, and from wider stakeholders, about the recent and ongoing implementation of ASRU's Change Programme.'*^{xx}

It would thus appear that despite assurances from the Minister, stakeholders concerned with animal welfare are concerned that the Change Programme represents a regressive step that could roll back existing safeguards within the regulatory system.

If key aspects of the legislation are reviewed (including notably the harm-benefit analysis), there is a risk of further weakening of legislative safeguards.

The Home Office has now established an Animals in Science Regulation Policy Unit, which is separate from ASRU. Its remit is to develop policy, strategy, and vision for the use of animals in science, and to engage with the regulated sector and other life science and animal welfare stakeholders.

Unfortunately, the overall vision for UK policy on animal use is not yet clear, and there are already concerns that it does not aspire to accelerate the replacement and reduction of the use of animals in science.

In October 2022, ASRU published its annual reports for 2019-2021.^{xxi} These heightened existing concerns about the adequacy of the current regulatory regime in enforcing ASPA

and ensuring that even the most basic welfare standards are consistently maintained. The report highlights a significant increase in instances of non-compliance with ASPA or standard licence conditions since the 2018 report. ASRU states that this can be explained by the new inclusion of cases that only resulted in inspector advice. However, even when these lower-level cases are discounted, the number of non-compliances still increased by 117% between 2018-2021.

The breaches in question include deeply troubling incidents such as boxes of 112 live rats being moved in error to a compactor where they were crushed; a non-human primate dying after becoming trapped behind a device in their enclosure and not noticed; 16 rats dying from suffocation after an isolator alarm and fan were switched off in error; and 1,300 fish dying after a chlorine tablet was added to a reservoir tank in error. There were numerous incidents of animals being left without food or water. None of the breaches that were identified resulted in any form of prosecution and were mostly dealt with by measures such as 'letters of reprimand' or inspector advice, with licences being suspended or revoked in rare cases. The report also highlights a significant decrease in the total number of inspections of laboratories that use animals (from 470 in 2019 to 214 in 2021).

While ASRU states that the yearly figures are not comparable due to the regulatory changes described above, we remain extremely concerned by this decrease, particularly given the significant increase in cases of non-compliance and the gravity of many of these incidents. It should also be noted that the vast majority of non-compliances continue to be self-reported – over 95% in each of the three years covered by the report, so it is not clear how many others may be going undetected.

Thematic reviews

We recommended the Government implement a programme of thematic reviews of the 3 Rs (replacement, reduction, and refinement) would take place with the Commission if the UK remained within the EU.

Under Directive 2010/63/EU, the Commission is required to work with member states on thematic reviews of the 3Rs (replacement, reduction and refinement). From 2014 “Guidance on the Operation of ASPA” states:

“Article 58 of the Directive requires the Commission to carry out periodic, thematic reviews of the 3Rs in consultation with Member States. Although the obligation to carry out reviews is on the Commission, and does not require transposition, we believe that similar reviews can play an important part in ensuring the effective operation of ASPA. We therefore propose to carry out our own thematic reviews and to consult the Animals in Science Committee, practitioners and other interest groups, including animal welfare and patient advocacy groups, in determining suitable topics as well as on the reviews themselves. We will also encourage the Commission to ensure that Europe-wide thematic reviews are carried out.”

There is no information in the public domain about any structured programmes of thematic review with timetables for reporting and actions to be taken. Thematic reviews are not mentioned in the Animals in Science Regulation Unit reports from 2019 to 2021 (published in October 2022), although the Animals in Science Committee has been commissioned to provide policy advice on a number of topics including the Forced Swim Test^{xxiii}, the supply of non-human primates for use in scientific procedures, and the use of animals in the development and production of antibodies.^{xxv}

Improved standards

We recommended that the UK work towards ending the permitting of “severe” suffering, as defined in UK law.

The Government has not given any commitment to ending the ‘severe suffering’ category of animal use or to reviewing severity and re-use. This is notwithstanding the fact that there is considerable support from the scientific community for reducing and avoiding severe suffering and that the numbers of procedures involving animals experiencing severe suffering are falling in the UK and EU (see focusonseveresuffering.co.uk). We believe that change would be accelerated if a time frame was introduced to end the ‘severe’ suffering of animals used in science procedures; for example, an end to severe suffering by 2030.



Rat, Photo by Forsyth/RSPCA

We recommended that the UK Government undertake a stringent review of defined areas in regulatory testing with the aim of eliminating avoidable tests,

There has been no such review, nor is there one planned that has been made public knowledge. The National Centre for the Replacement, Refinement and Reduction of Animals in Research (NC3Rs) itself has called for “... more robust evidence to demonstrate minimal risk/impact for human risk assessment”^{xxvi} and has initiated the Virtual Second Species project,^{xxvii} through its CRACK-IT initiative. This project, awarded Phase I funding in 2021, aims to develop a virtual suite of tissues that could reduce the use of dogs in toxicological assessment of new chemical entities.
^{xxviii}

The success of this approach will depend on user confidence in, (regulatory) acceptance of data, and the availability, of this virtual suite and therefore it is vital that the government also commits to a systematic review of the use of second species to reinforce where toxicological testing on one species provide sufficient valuable data for human risk assessment. However, there appears to have been little activity from the Government since the NC3Rs completed its report.

In 2022, in response to the unavailability of non-human primates, the US Food and Drug Administration (FDA) issued guidance that said it would consider single species only toxicity studies to be scientifically supported on a case by case basis. The FDA also recommended the use of independent sources of relevant information in place of new studies. This could be an initiative that could be replicated in the UK.

We recommended the UK Government introduce greater transparency in relation to animal use in research and testing.

Section 24, ASPA^{xxiv} prevents (and indeed criminalises) the disclosure of confidential information obtained through the regulatory process.

In a Ministerial Foreword to a ‘Consultation on the review of Section 24 of the Animals (Scientific Procedures) Act 1986’^{xxx} in 2014, Home Office Minister, Norman Baker MP stated:



Mouse, Image by Forsyth/RSPCA

'The confidentiality requirements of Section 24 are out of step with Coalition policy on openness and transparency. The current provisions of Section 24 mean we cannot disclose information the Home Office receives in confidence, even in circumstances where the provider of the information subsequently has no objection to us releasing it. This paper therefore sets out the Government's proposed options for amending Section 24.'

'The Coalition Government believes the existing Section 24 should be replaced and I am fully committed to making a change. Maintaining public trust in this field is essential. By being more open and transparent we will establish greater public understanding and engender a more informed and balanced debate. Following analysis of the responses to this consultation, we will work quickly to propose a final option with which to proceed.'

The consultation responses have not been published and section 24 of ASPA remains in operation. However, during the Westminster Hall debate on 7 Feb 2022, Home Office Minister, Kit Malthouse MP, replied to a question about the 2014 consultation on section 24, ASPA giving reassurance that: 'the consultation response will be issued later this year.'

The announcement that the consultation response will finally be published is of course welcome and animal advocacy groups look forward to engaging with proposals for reform. However, despite reassurance that the policy would be published in 2022, this target was missed, and it is concerning that it has taken successive governments nine years (so far) to publish a response to a consultation that aimed to engender public trust by introducing greater transparency and openness in the regulatory framework.

Research Technologies

We recommended that the UK Government used 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.

The withdrawal from the EU presented an opportunity for the Government to take greater control of expenditure on research enabling the UK to shift the direction of funding to projects using NAMs.

There is a specific legal obligation on Member States of the European Union (Article 47 of the 2010 Directive) to 'contribute to the development and validation of non-animal methods.'

This obligation no longer applies in the UK post-Brexit, but there is an equivalent provision set out at section 20B, ASPA^{xxx}.

The obligation to fund the development and validation of non-animal methods (NAMs under both EU (Article 47) and UK (s.20B, ASPA) law provides a wide discretion to governments about the extent of funding for NAMs and there are no specific provisions about what this entails or the extent of funding as a percentage of total funding for life sciences or otherwise.

In the period leading to withdrawal from the EU, several animal advocacy groups made written submissions to the House of Lords, Science and Technology Committee Life Sciences and the Industrial Strategy inquiry. These urged greater commitment post Brexit to investment in non-animal technologies and approaches for scientific research and a clear strategy for phasing out animal experiments and phasing in NAMs.

No animal advocacy group was invited to give oral evidence to the inquiry and the report (published 26 April 2018) did not address this issue^{xxxiii}.

In light of the wide discretion that is afforded governments to invest in NAMs, it is necessary to look at the reality of funding patterns and investment in NAMs.

During the Parliamentary debate on 16 December 2021, Margaret Ferrier MP provided the following summary, which is worth setting out in full:

'We have heard this Government's exclamations about how Brexit presents opportunities untold. Whether that is true remains to be seen, but I ask them to seize this moment: let us make this issue one of those opportunities to cement ourselves once more as a world leader. The European Parliament recently voted in favour of an action plan to accelerate the move away from animal testing across the bloc. It backed the establishment of a high-level group to work with member states to draw up an ambitious plan, with concrete actions. Germany has committed to a plan to support innovation through animal-free research. The Netherlands has initiated its transition programme for innovation without the use of animals, in order to become a front runner in this area. The US Environmental Protection Agency has released its first update to its plan for reducing animal testing, with concrete steps towards its goals and metrics to monitor progress. We must be proactive here.'

“Funding is crucial. Current funding through NC3Rs is not enough if we are to replace animal testing. Its annual budget is about £10 million. By comparison, it is estimated that in 2019 the Medical Research Council and the National Institute for Health Research together provided £1.8 billion in funding for UK medical research, and medical research charities provided £1.9 billion. NC3Rs does not even focus solely on animal experiment replacement. The Chancellor’s autumn Budget committed £5 billion to health research. I encourage the Minister today to commit some of this funding to the development of human-relevant science. In tandem with funding, a clear and ambitious strategy is essential. That means a joined-up approach across Government and stakeholders. We can see the approach the international community is starting to take. Some good suggestions from animal charities that I have heard include the use of target setting, as we have seen with our climate change commitments, and the immediate discontinuation of funding for projects using animal experiments in areas that have proven poor translation rates to human trials. Research techniques need the space to continue modernising. Continuing to rely on outdated principles, legislated for half a century ago, is stifling development. If we look back into history at all the advances made in medicine and technology, we see that they are filled with methods and practices that were seen as innovative and state-of-the-art at the time, but that we would not dream of using now. That is precisely where animal testing should lie: necessary in the past maybe, but necessary no more—it is not ethical.”

Invariably, answers to parliamentary questions about funding for non-animal tools, which would enable full replacement of animals, are met with a response quoting the funding programmes offered by the NC3Rs, implying that this is satisfactory so no further actions are required. The NC3Rs has stated that it will increase its target commitment in replacement technologies to at least £6M annually to fund a minimum of eight new projects each year, representing approximately 75% of its commitment budget for research and innovation^{xxxiv}. This is a positive step, but this £8m commitment budget is just 2.5 % of the BBSRC’s core budget from 2023 to 2025^{xxxv}. Additionally, the 4.7million awarded by NC3Rs

with the Biotechnology and Biological Sciences Research Council (BBSRC) to specifically develop non-animal technologies (NATs)^{xxxvi} is a welcome advance, but this figure constitutes just over 1% of the total BBSRC budget for 2023-2025^{xxxvii}. It is obvious that more significant funding is needed.

The issue of post Brexit investment and strategy to support transitioning away from non-animal models has also recently been the subject of a report (‘Bringing back the human: transitioning from animal research to human relevant science in the UK’) launched in March 2022 by the All-Party Parliamentary Group on Human Relevant Science. The report found that:

‘...human relevant NAMs [non-animal models] funding represents between 0.2% and 0.6% of total biomedical research funding in the UK and ~0.02% of the total public expenditure (£10.45B for 2019-2020) on R&D. This is woefully inadequate and will impede the UK’s efforts to improve human health and retain its status as a world leader in the life sciences arena.’

‘Increased funding in strategic areas devoted to the development and adoption of NAMs is patently needed. Until the development and use of NAMs is prioritised by the Government, UK science and the health of our nation will lag behind those of other countries, with devastating consequences. The APPG strongly believes that human relevant science offers a golden opportunity for the UK to make more effective use of its substantial expenditure on biomedical sciences to enhance the productivity of industry, improve public health and cement its status as a global science superpower.’

Given the vote of the European Parliament in favour of an action plan to accelerate the move away from animal use in research, regulatory testing and education (and similar commitments from other European nations outside the EU), if the UK does not keep pace, there is a real risk that Brexit could impact negatively upon the impetus for phasing out the use of animals in research. Whilst it has repeatedly been stated that the UK will be a science and technology ‘superpower’, without significant investment in non-animal models this country will be left far behind.

Regulatory regime and cosmetics testing

In 1998 the Government introduced a policy ban on the use of animals to test finished cosmetic products and ingredients, which was achieved through the licensing regime, such that licences were no longer issued for animal testing for this purpose.

In a Westminster Hall debate on 'Cosmetics Testing on Animals' on 1 May 2018^{xxxviii}, George Eustice reaffirmed commitment to the cosmetics ban, stating that:

"...in 1998 the UK was the first country in the world to implement a ban on the use of animals in cosmetic testing. The European Union's ban on the use of testing in cosmetics was first introduced, I think, in 2013. Ever since we introduced our ban, the UK has shared our knowledge and expertise in this area with other countries. Most recently, for example, we provided support and advice to China on ending unnecessary cosmetics testing on animals and advised on a science-based approach for the use of non-animal alternative testing. In 2015, the Government implemented a similar ban on the testing of finished household products on animals as well as a qualified ban on ingredients. We therefore continue to make progress in this area in terms of both tightening our regulations and sharing our expertise with other countries."

In 2020, the European Chemicals Agency (ECHA) Board of Appeal upheld the decision to require a German supplier (Symrise AG^{xxxix}), to submit animal data from toxicity tests, to verify the worker safety of two chemicals, notwithstanding that these chemicals were intended solely for use in cosmetic products.

The testing of ingredients to be used in cosmetics is banned under the EU Cosmetics Regulation No. 1223/2009. However, the Board decided that animal testing was required (where no alternative method is available) to establish consumer, worker, and environmental safety under REACH (Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals).

The decision has been criticised by both industry and animal welfare stakeholder groups.

The UK now runs the UK-REACH scheme and is not required to follow the Board's decision. However, in response to a Judicial Review taken by Cruelty Free International against the UK Government in 2023 the Government confirmed that it had granted ten project licences, or amendments to licences, that specifically authorise the testing on animals of chemicals for use as ingredients in cosmetics under the REACH regulations. The Government then announced it was implementing an immediate ban on licensing the testing of chemicals exclusively used as ingredients in cosmetics under REACH. They achieved this by seeking alternatives to animal testing for worker and environmental safety of chemicals used exclusively as cosmetic ingredients.

This is a position that is contrary to that adopted by ECHA and so can be regarded as a step up from the approach of EU Member States who have followed the ECHA position. This change in policy confirms the UK ban on sale of cosmetics tested on animals but it is unclear how this impacts on or correlates with the import of cosmetics under the Australian FTA which would permit the import of Australian cosmetics that still use this loophole of permitting testing on animals for worker and environmental safety.

Trade and international partnerships

We recommended the incorporation of animal welfare objectives into trade policy.

The Draft UK-Australia FTA (Paragraph 22 of Annex 7A on Cosmetics) does not explicitly recognise the rights of both parties to fully ban the production, import or sale of cosmetics tested on animals. This is notwithstanding the fact that the testing of cosmetic products and ingredients used exclusively for cosmetics is banned in the UK (subject to the exemptions under REACH, which qualify the 1998 policy ban on cosmetics testing, as above) and this includes a ban on the marketing and sale of such products.

Animal advocacy groups have asked that the UK Government make a clear statement that ‘nothing within these trade agreements prevents the UK from maintaining and extending current policies.’

The sensible course would be for the UK to maintain those standards (as a minimum) in its own law and, in the case of REACH, negotiate continued access to the EU dispute resolution mechanism.

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals and establishing a European Chemicals Agency (“the EU REACH Regulation”) regulate the use of chemicals within the EU.

The REACH scheme was not carried over into UK law when Britain left the EU, but it continued to have effect in the UK for a transition period following withdrawal from the EU. Since the end of the transition period, the access of substances to the market in Great Britain has been through UK REACH^{xii}, although Northern Ireland continues to have access to EU REACH (see REACH (Amendment) (EU Exit) Regulations 2020)^{xiii}.

Opportunities to be better were not taken e.g., amendments to the now Environment Act on REACH and animal testing were not supported by the Government.

For example, an amendment tabled at committee stage (on 24 November 2020) which would have required the government to set targets for the replacement of types of tests on animals within the scope of REACH and to set measurable targets to replace the use of animals in research, were rejected as unnecessary, as the legislation permitted (by powers set out in schedule 19 of the Bill) targets to be set, if desirable.^{xiiii}

On 26 January 2021 at report stage in the Commons, Caroline Lucas moved NC 18^{xlv} and said:

‘My new clause 18 would require the setting of targets for the reduction and replacement of animal testing under REACH regulations. It has been estimated that, by mid-2019, tests had been performed on about 2.4 million animals. In the last reporting period, the UK used the highest number of animals in experiments of any country in Europe. Although the Government have protected animal testing as a last resort principle from REACH in the Bill, this is an opportunity to go further and demonstrate real leadership by setting targets to replace animal testing. Tests on animals are notoriously unreliable and are increasingly being questioned by the science. The scientific advancement of non-animal tests and approaches allows us better to predict hazard and manage risk while avoiding or significantly reducing the use of tests on animals—all in a shorter timeframe, with fewer resources used. That is better for human health and animals. I therefore urge the Minister to look again at this important issue and support the new clause.’

The amendment was not supported by the UK Government.

Amendments put down in the Lords which would have required greater specificity about how the government would ensure that the principle of ‘last resort’ animal use would be upheld and how enforcement functions would apply in the event of breaches of protected provisions, were also not accepted as necessary.

At the time of writing, it is uncertain whether the establishment of a parallel UK regulatory regime that lacks a mechanism to access data held by the European Chemicals Agency will lead to wholly unacceptable duplication of animal testing, with no benefit to human health or the environment. While Ministers have expressed a wish to avoid this scenario, the Government has so far failed to put forward a solid plan for preventing animal tests from being repeated for UK REACH. It is, however, in the process of elaborating an “Alternative Transitional Registration” approach

that could potentially mitigate this concern by requiring a modified registration data package for substances already registered under EU REACH (i.e., transitional substances). In order to give itself time to finalise this approach, the Government recently consulted on plans to postpone the UK REACH registration deadlines for transitional substances by up to three years, potentially taking the deadlines to 2026, 2028 and 2030, depending on the volume at which a substance is produced and its known hazards. At present, the outcome of this consultation is not known.

Accountability and Scrutiny

We recommended that the UK Government increase transparency around the activities of the Animals in Science Committee and increase funding.

The primary role of the Animals in Science Committee (ASC) is to advise the Secretary of State on all matters concerning the use of animals in scientific procedures. The ASC Working Protocol also states that it may advise, support and provide constructive challenge to the Home Office; all of which is critically important, especially given the major shift in regulatory practice as a result of the Change Programme.

We acknowledge that the membership of the ASC is published. However, the available information in the public domain about the workings of the ASC is grossly inadequate, and it is impossible to assess whether any progress has been made regarding the above recommendations. At the time of writing, no minutes have been uploaded to the ASC website since the meeting of 13 December 2021 (the Committee meets in full four times a year) and the last Annual Report is for 2013-2014.

This is totally unacceptable for a public body addressing an issue of such concern to the public, where transparency, and current, good quality information, are essential. The Home Office, as the sponsoring department, should ensure this is rectified without delay.

SECTION 3

Wild animals: welfare
post-Brexit.



Executive Summary

While EU wildlife protections have thus far been retained post-Brexit, the opportunities for the UK to raise the bar and set a strong international precedent have not been taken. Commitments on biodiversity protection and recovery have been diluted and delivered late and promises to address welfare issues affecting both free-living and captive wild animals remain largely unfulfilled with Government legislation either languishing in Parliament or dropped altogether. On some issues Government has ended up relying on Private Members Bills to deliver on its electoral promises. Hence the Government's performance in relation to wildlife has been rated orange.

The vast majority of retained EU law pertaining to wildlife protection and welfare has been incorporated into UK law through the European Union (Withdrawal Act) 2018 and relevant secondary implementing legislation.

There are many instances of this legislation being amended or introduced post Brexit but the aim behind most amendments has been to make the legislation UK specific rather than EU relevant.

The UK has retained its membership of international wildlife conventions in its own name, including the Bern Convention, Bonn Convention, Convention on Biological Diversity, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), International Whaling Commission (IWC), and Convention on the Conservation of Migratory Species of Wild Animals. As yet, associated implementing legislation remains largely unamended. Any future

amendments to UK implementing legislation (such as the UK Wildlife Trade Regulations) should be conducted in a transparent and inclusive way and should adopt a highly precautionary approach to wildlife exploitation with a focus on wildlife protection, nature recovery and animal welfare improvements.

Measures to implement the legally binding targets announced for the Environment Act should be set out as a matter of urgency. In addition, the government should provide further detail of its financial commitments for its 10 Point Plan for financing biodiversity, with due consideration of the recommendations in the government-commissioned Dasgupta Review on the Economics of Biodiversity.^{xiv}

Many of the objectives in DEFRA's Action Plan for Animal Welfare (for England), published in May 2021, remain unfulfilled. The government should commit to revisiting key elements with a view to ensuring the introduction of legislation and policy in order to meet its stated objectives, including (but not limited to) objectives relating to the keeping of exotic (non-native, wild animals) as pets, the import of animal fur, the use of traps and snares, and the rules on zoo licensing. Parliamentary time should be urgently found to enable the progression of the Animal Welfare (Kept Animals) Bill, which was introduced by the government in June 2021 but is currently stalled in the House of Commons.

In addition, the government should commit to revisiting the recommendations in the Law Commission's review of wildlife law, published in 2015.

We recommended that the Birds and Habitats Directives should be fully implemented in domestic legislation.

The 2019 Conservative Party Manifesto^{xlvi} pledged to protect and enhance the Green Belt, improve poor quality land, increase biodiversity, and increase accessibility to the countryside for community use. It also pledged to prioritise brownfield development, focusing on regeneration of cities and towns, in an effort to safeguard green spaces.

The Manifesto also stated:

- 'Our Environment Bill will guarantee that we will protect and restore our natural environment after leaving the EU. Because conservation has always been at the very heart of Conservatism. We will set up a new independent Office for Environmental Protection and introduce our own legal targets, including for air quality. We will invest in nature, helping us to reach our Net Zero target with a £640 million new Nature for Climate fund. Building on our support for creating a Great Northumberland Forest, we will reach an additional 75,000 acres of trees a year by the end of the next Parliament, as well as restoring our peatland.'^{xlvii}
- 'We welcome the Glover Review and will create new National Parks and Areas of Outstanding Natural Beauty, as well as making our most loved landscapes greener, happier, healthier, and open to all. We will make the coast-to-coast path across the most beautiful areas of the North a National Trail.'^{xlviii}
- 'We will set up new international partnerships to tackle deforestation and protect vital landscapes and wildlife corridors.'^{xlix}

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Rebecca Pow MP stated at the seventeenth sitting of the Environment Bill on 17th November 2020:¹

- "New clause 25 will allow Natural England to create species conservation strategies, which are innovative approaches to safeguard the long-term future of species that are at greater risk. The strategies will be developed using up-front surveying, planning and zoning across a wide area. Natural England will then develop measures to mitigate, or compensate for, the impact on species— from building projects, for example.

In 2019, the Conservation of Habitats and Species Regulations 2017ⁱⁱ and the Conservation of Offshore Marine Habitats and Species Regulations 2017ⁱⁱⁱ, which transpose the EU Nature Directives (Habitats and Wild Birds Directives) into law in England and Wales, and to a limited extent in Scotland (primarily with regard to reserved matters), were amended to ensure they continue to operate effectively from 1 January 2021. A policy document was published to explain the changes made to the Conservation of Habitats and Species Regulations 2017 (as amended)ⁱⁱⁱⁱ. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance remains relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The main changes to the 2017 Regulations are:

- the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations;
- the establishment of management objectives for the national site network (the 'network objectives');
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives;
- an amended process for the designation of Special Areas of Conservation;
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission;
- arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species;
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK; and
- a requirement for the Secretary of State and Welsh Ministers to secure compliance with the requirements of the Nature Directives. Any new powers in the 2019 Regulations must be exercised in line with the Directives and retained EU case law up to 1 January 2021.

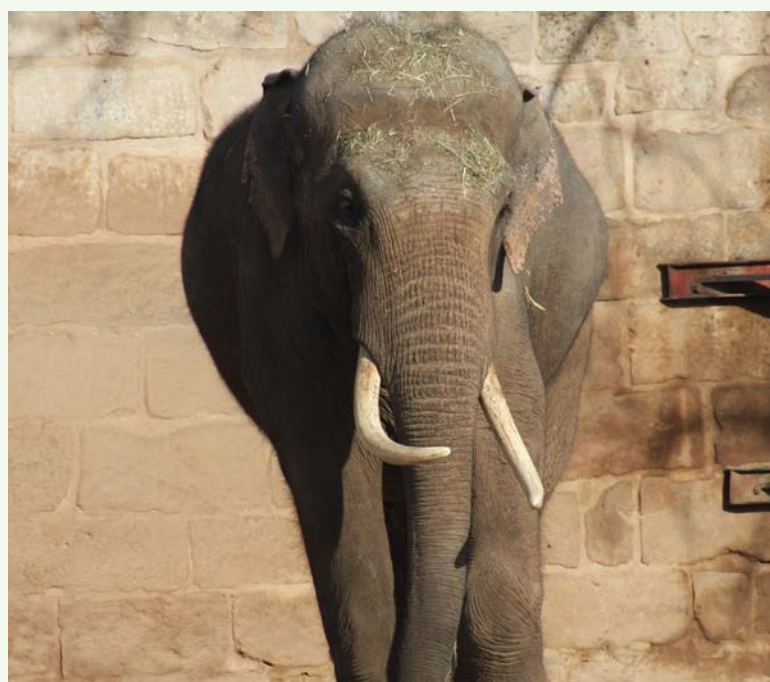
Recent comments from Ministers, and the provisions of the Retained EU Law Bill currently before Parliament, suggest that the Habitats and Species Directives may now be under threat.^{iv}

During the debate on the draft Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019^v, the Parliamentary Under Secretary of State, Dr Thérèse Coffey MP stated: "New regulations set out by the Northern Ireland Department of Agriculture, Environment and Rural Affairs make it its responsibility to manage and, where necessary, adapt the national site network in cooperation with other authorities. The network's management objectives look to

secure compliance with the aims of the Habitats Directive and the Wild Birds Directive as retained EU law."

In addition, in its Action Plan for Animal Welfare (for England) published in May 2021, DEFRA (Executive Summary, p5) states:^{vi}

- 'The UK Government provides global leadership in protecting and improving biodiversity. We are taking international action to protect endangered species and to drive higher standards abroad. Examples include our agreement and implementation of the global biodiversity framework at the Convention of Biological Diversity in 2021 ...with the commitment to protect 30% of our land by 2030. We are leading the charge in advocating for the 30-by-30 target to be adopted globally at the Convention on Biological Diversity COP15.'
- 'We are implementing our 25-year Environment Plan, taking our landmark Environment Bill through Parliament, hosting the essential COP26 summit in Glasgow, and delivering our 10-point plan for a Green Industrial Revolution. COVID-19 has also put the spotlight on global health and biosecurity, demonstrating the delicate balance between the human and animal kingdoms.'



Zoo elephant 1 © Born Free

With regard to the Convention on Biological Diversity, the UK Government advocated strongly for a stand-alone target on One Health to be included in the Kunming-Montreal Global Biodiversity Framework, for which it must be commended. Although the final Framework document did not contain a stand-alone One Health target, it does promote the adoption of the One Health approach, and measures are to be introduced to reduce the risk of pathogen spill-over from wildlife exploitation, a major risk factor for the emergence of pandemic diseases.

However, many of the pledges outlined above remain unfulfilled, and although the Environment Bill received Royal Assent in 2021, the Government did not publish binding targets until mid-December 2022, two months after its own binding deadline. These targets, which are a cornerstone of the Environment Act, include:

- Halting the decline in species populations by 2030, and then increasing populations by at least 10% to exceed current levels by 2042;
- Restoring precious water bodies to their natural state by cracking down on harmful pollution from sewers and abandoned mines and improving water usage in households;
- Delivering net zero ambitions and boosting nature recovery by increasing tree and woodland cover to 16.5% of total land area in England by 2050;
- Halving the waste per person that is sent to residual treatment by 2042;
- Cutting exposure to the most harmful air pollutant to human health – PM2.5; and
- Restoring 70% of designated features in our Marine Protected Areas to a favourable condition by 2042, with the rest in a recovering condition.

In February 2023, DEFRA published its 10 Point Plan for financing biodiversity, which includes financial contributions by Government, an end to or repurposing of harmful subsidies, and the need for contributions from the private sector and international financial institutions. However, the documentation released to date lacks detail.

The Government should publish further detail alongside financial and other commitments, taking full account of the recommendations in the Dasgupta Review of the Economics of Biodiversity, commissioned by the Government and published in 2021.

The Government should commit to revisiting key elements of its Action Plan for Animal Welfare, with a view to ensuring the introduction of legislation and policy in order to meet its stated objectives therein.

We recommended that the Law Commission's wildlife law review should be reconsidered.

The Law Commission carried out a comprehensive review of wildlife law in England between 2012 to 2015.

According to the Law Commission^{lxii}:

‘Over the last decade, wildlife protection and the sustainable management of our natural heritage have become increasingly regarded as key policy aims for Government.’

However, the legal framework for wildlife management is overly complicated, frequently contradictory, and unduly prescriptive.

Consequently, the law creates unnecessary barriers to effective wildlife management, including the efficient implementation and enforcement of Government policy.’

In responding to the Law Commission's report in November 2016, the Parliamentary Under Secretary of State, Dr Thérèse Coffey MP wrote that^{lxiii}:

‘Exit from the EU provides an opportunity to re-examine our regulatory framework and how it works, so that it is fit for purpose to meet our national needs in future and fulfil our international obligations. It means we need to consider the implications of EU Exit for our approach to wildlife policy before deciding whether and how to implement your proposals, and whether some of your proposals would need amending in the light of EU Exit.’

Pressure on parliamentary time also means it is likely to be very difficult to find time to bring forward legislative proposals for major reform in the near future. However, I am happy to support the principle of looking at wildlife legislation as a whole to provide a coherent system which achieves better outcomes. The Law Commission's work will be invaluable in informing Government thinking.'

The Law Commission's review included the identification of some areas of UK law that do not fully comply with the EU Habitats Directive. Its recommendations should be re-considered to ensure that UK legislation, as a minimum, fully meets the requirements of and standards established by the EU Nature Directives.

We also repeat the recommendation of the Law Commission's review of wildlife law in England, that a presumption of protection should be expanded to all wild animal species, and exceptions subjected to a strict system of specific licensing specifying the scope, circumstances and methodologies that should be adhered to. Provisions should also be made to incorporate an offence of vicarious liability into UK wildlife protection legislation. Furthermore, the European Court of Justice's expansion of the word "deliberate", as discussed in the Law Commission's review (recommendation 26), should be incorporated into UK law to ensure all species protected by the Habitats Directive enjoy, as a minimum, the same level of protection as they did prior to the UK's departure from the EU.

Important recommendations made by the Law Commission have not been actioned since the acknowledgement of the findings in 2016 (see above). We conclude therefore that an unintended effect of Brexit has been to delay the reform of wildlife law, which is implicitly recognised as being unfit for purpose.

Wildlife Trade

We recommended that on leaving the EU, the UK should adopt measures within the EU Wildlife Trade Regulations that go beyond CITES requirements. Restrictions on importing wild-caught birds for the pet trade should be maintained, the Government should explore adopting positive lists for trade in live animals, and should develop a UK-relevant Action Plan Against Wildlife Trafficking which as a minimum adopts equivalent measures to those specified in the EU's Action Plan.

The UK continues to be a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)^{xiii} in its own right following Brexit, although it no longer participates in the process of determining a collective EU position on CITES issues.

CITES is implemented in the EU by the Wildlife Trade Regulations^{xiv}, which impose a number of additional requirements on Member States that go beyond CITES requirements. These include a requirement for import permits to be issued for specimens of Annex B-listed species, and the determination that the intended accommodation for a live specimen of an Annex A or B-listed species is adequately equipped to conserve and care for it properly (CITES only applies these requirements to Appendix I listed species). The EU Wildlife Trade Regulations also establish higher standards for intra-EU movement of wild animals. The European Commission has the ability to restrict imports of species that suffer high levels of mortality in trade.

Import of exotic (non-native, wild animals) as pets

The Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018^{lxv} broadly retain the EU Wildlife Trade Regulations in UK law, although DEFRA has indicated its intention to review and revise the UK's provisions in the coming months. The UK can and should go further than strictly enforcing CITES, including by retaining stricter measures included in the EU regulations, and by prohibiting the importation of and trade in wild animals or wildlife products that have been taken illegally from the country of origin. The UK should also introduce much stricter measures to curb wildlife trade that presents significant risks to animal or human health or environmental safety.

Importing certain bird species into the EU is governed through a separate regulation, which sets requirements for the importation of species other than poultry. Equivalent restrictions on importing wild birds should, as a minimum, be maintained by the UK Government.

Both the 2019 Conservative Party manifesto and the Action Plan for Animal Welfare (for England) committed to introduce a ban on imports of hunting trophies. The anticipated legislative vehicle for this, and a number of other measures in the Plan, was the Animals Abroad Bill^{lxvi} but this was abandoned in early 2022.

The Government is at the time of writing backing the Trophy Hunting (Import Prohibition) Bill,^{lxvii} a Private Members' Bill, introduced by Henry Smith MP. As drafted, the primary legislation applies to trophies derived from species listed in Annex A or B of the Principal Wildlife Trade Regulation. Limiting the legislation to this scope would omit a number of species frequently targeted by trophy hunters, including black bears and buffalo, so for the legislation to have the intended effect it will be imperative for Government to introduce secondary legislation that extends the list of species covered to include all species that have the potential to be hunted and that are classified on the International Union for Conservation of Nature (IUCN) Red List^{lxviii} at the level of near threatened and above.

While the Animal Welfare (Kept Animals) Bill would introduce restrictions on the keeping of primates as pets and includes provisions that would enable such restrictions to be placed on the trade in and keeping of additional taxa, there is currently no indication that the Westminster Government is planning on introducing any such restrictions. The Animal Welfare (Kept Animals) Bill was introduced to Parliament on 8th June 2021, but at the time of writing is stalled at report stage in the House of Commons, meaning that important commitments to address the keeping of primates and zoo licensing reforms have not been enacted.

The Scottish Animal Welfare Commission published its review of the trade in and keeping of exotic pets in November 2022, following recognition by the Scottish Government of the potential associated threats to animal health and welfare, human health and native species. The Commission recommended, inter alia, that a single list of permitted species of animal that may legally be kept as pets (a "positive list") should be created, drawing on the experience of other countries where such lists have already been compiled and applying it where relevant to Scotland. It has also advised a ban on the importation of wild-caught animals for the pet trade.

The European Commission is undertaking a feasibility study for a European Union-wide positive list for the keeping of animals after seven Member States including Belgium, Cyprus and Croatia adopted national positive lists. The European Parliament agreed on a Resolution on 24 November 2022 for an EU positive list.

The adoption of similar measures by the Westminster Government could help to prevent trade in species that are threatened by collection from the wild, are considered to be a risk to the UK's biodiversity or are not suitable to be kept as pets on animal welfare or health and safety grounds.

Wildlife crime

In November 2022, the EU published its revised Action Plan Against Wildlife Trafficking^{lxix} which contains some important policy provisions that no longer apply to the UK. Although the Police, Crime, Sentencing and Courts Act 2022^{lxx} contains new tougher offences to deter hare coursing, the National Police Chiefs Council (NPCC)'s Wildlife Crime Strategy from 2018 was largely unimplemented, and was replaced in September 2022 by the NPCC Wildlife & Rural Crime Strategy for 2022-2025. In Scotland a report from a Tasking Committee into wildlife crime is expected to make recommendations for improving enforcement in this area in early 2023.

In supporting the delivery of the Wildlife & Rural Crime Strategy for 2022-2025, the UK Government, in collaboration with the National Police Chiefs' Council (NPCC) and relevant agencies, should focus on pledges and commitments made through the series of international conferences on the illegal wildlife trade (two of which the UK hosted), as well as incorporating key elements from the EU's Action Plan and building on the 2018 NPCC Wildlife Crime Strategy, while recognising that not all wildlife crimes are conducted in rural locations. The Strategy also fails to emphasise the importance of tackling disturbance, which is a significant issue affecting many wildlife taxa and should be given due consideration. Implementation should include: making all wildlife crimes notifiable and recordable in the UK^{lxxi}; providing sufficient long-term funding for the National Wildlife Crime Unit, the UK Border Force CITES team, and other relevant agencies; ensuring wildlife crimes are prioritised by police forces including through the designation and resourcing of specialist wildlife crime officers across every force; improving the provision of relevant information and expert assistance for duty prosecutors by the Crown Prosecution Service in relation to wildlife crimes; and encouraging the Sentencing Council to develop specific wildlife crime sentencing guidelines for judges and magistrates. As these are mainly devolved functions, similar actions should be encouraged across devolved administrations.

The Government should also seek to continue its support for and engagement with the EU- Trade in Wildlife Information Exchange (EU-TWIX)^{lxxii} – the centralised EU database containing data on wildlife seizures and offences – in order to maintain its full cooperation in investigations of cross-border wildlife trafficking incidents.

The Ivory Act 2018, described by the then Animal Welfare Minister Lord Goldsmith as “one of the world’s toughest bans on elephant ivory sales”, was finally implemented in June 2022. Plans to extend the act beyond elephants have not yet come to fruition, despite the responses to the Call for Evidence on non-elephant ivory trade being published in November 2020. However, DEFRA announced in May 2023 that the Ivory Act will be extended to help protect the hippo, walrus, narwhal, killer whale and sperm whale. There remain concerns that the failure to make the provision of evidence of certification of exempt items a requirement when such items are offered for sale, particularly through online auctions and outlets, could undermine the effectiveness of the Act. The Government should review the Act's implementation alongside emerging evidence for increased trade in non-elephant ivory products and strengthen the Act accordingly.

In addition, the UK should lend its full support to the development and implementation of an international agreement aimed at tackling illicit wildlife trafficking, with the preferred instrument being an additional protocol under the UN Convention against Transnational Organised Crime, through its implementation of the Resolution adopted by the UN Office on Drugs and Crime's Commission on Crime Prevention and Criminal Justice in May 2022. The development of such a protocol is already supported by several countries and the European Commission.

Zoo licensing

We recommended that 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.

While the Zoo Licensing Act 1981^{lxiv} is considered to satisfy (and in some respects exceed) the requirements of the EU Zoos Directive 1999^{lxv}, nevertheless concerns remain in relation to its implementation. A review of the effectiveness of the Zoo Licensing Act and its monitoring provisions should be undertaken, with a view to ensuring rigorous and effective enforcement.

In the 2021 Animal Welfare Action Plan (for England) DEFRA states:

- ‘We will increase protections for kept wild animals by... improving standards in zoos,’ and
- ‘We plan to improve current requirements applying to zoos including in relation to their conservation work.’

The Zoos Licensing Act remains part of British law.

The UK Zoos Expert Committee (advising DEFRA and the Scottish, Northern Irish, and Welsh Governments on zoo matters) was instructed to undertake a comprehensive review and update of the Secretary of State’s Standards of Modern Zoo

Practice to safeguard standards of animal welfare and public safety in zoos. Draft revised standards were published and subjected to consultation, which closed in June 2022. As yet, the Government’s response has not been published.

The Animal Welfare (Kept Animals) Bill^{lxvi} introduced in the House of Commons in June 2021 would make compliance with the Standards for Modern Zoo Practice a zoo licensing requirement, and increase conservation, education and research requirements on zoos, alongside removing the now redundant licence exemption for wild animals in circuses. However, the Bill is currently stalled at Report stage in the Commons.

Animal sanctuaries that are open to the public are also required to have a zoo licence, but under the Act this requires them to participate in captive breeding or wider ex-situ conservation programmes for endangered or threatened species. However, genuine animal sanctuaries do not usually engage in such programmes. Genuine sanctuaries should therefore be exempt from these requirements within the Zoo Licensing Act.

In addition, while the UK has remained free of dolphinarium for some four decades, the Government should consider developing and adopting legislation to ensure the UK maintains its dolphinarium-free status in perpetuity.

Primates as ‘pets’

The Government claims that the Animal Welfare (Kept Animals) Bill includes provisions that will deliver on its commitment to ban the keeping of primates as pets in England, in recognition of the fact that primates are highly intelligent animals with complex biological, nutritional, social and health needs and require specialist care. However, the stalled Bill does not introduce a ban on the keeping of pet primates; rather it introduces a licensing system that would perpetuate the private keeping and breeding of non-human primates by ‘specialist keepers.’ It is currently unknown whether this will significantly reduce the numbers of kept primates.

Fur

We recommended that in leaving the EU, the UK should adopt the EU Seal Products Regulation 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 leghold traps into domestic legislation.

The 2021 Animal Welfare Action Plan (for England) states: “Fur farming has been banned on ethical grounds in England and Wales since 2000, and since 2002 in Scotland and Northern Ireland. Whilst there are existing import restrictions on seal, cat and dog fur, it is still possible to import other fur from abroad, so we will explore potential action in this area.”

In addition, commenting on the launch of a Call for Evidence on the UK Fur Market in May 2021, the then Environment Secretary George Eustice stated:^{lxvii}

“We already have some of the highest animal welfare standards in the world and as an

independent nation we are now able to re-examine some of our animal welfare laws, including the import of fur for use in fashion products. The views, data and case studies we receive will be vital to helping to inform future government policy in this area including by better understanding the trade both at home and abroad.”

The Cat and Dog Fur (Control of Import, Export and Placing on the Market) (Amendment) (EU Exit) Regulations 2019^{lxviii}, the Seal Products (Amendments) (EU Exit) Regulations 2018,^{lxix} and the Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019,^{lxx} maintain the bans on fur imports that existed under EU law. However, while the Government’s consultation on a potential ban on the import of animal fur, which carries overwhelming public support, received some 30,000 responses at its conclusion in June 2021, DEFRA has yet to publish a summary of findings or a policy position.

The Government should extend the existing species-specific bans on fur from certain species or caught using certain methods, to achieve a comprehensive ban on the import and sale of animal fur in Great Britain.



Traps and snares

The Leghold Trap and Pelt Imports (Amendment etc) (EU Exit) Regulations 2019 transposed EU legislation prohibiting the use of leghold traps and the importing of furs originating in countries using (non-padded) leghold traps or trapping methods which ‘do not meet international humane trapping standards’^{xxxix}. In EU law such standards are defined by the Agreement on International Humane Trapping Standards, ratified by the EU in 1998. Through its membership of the EU, the UK was a party to the Agreement, but since leaving the EU it has not sought independent membership of the Agreement. Since the Agreement falls short of ensuring acceptable welfare outcomes in a number of areas, and Parties have proven extremely resistant to attempts to update and strengthen the standards, the UK Government should not seek independent membership. As a minimum, and notwithstanding our preference for a comprehensive ban on the import of animal fur, it should instead amend the Leghold Trap and Pelt Imports Regulations to refer to a revised set of UK-determined humane trapping standards, established through expert input and consultation.

In 2019 the UK implemented principles within the Agreement on International Humane Trapping Standards through the Humane Trapping Standards Regulations 2019^{xxxix}, which included a positive change to permissible trapping standards for stoats.

In the 2021 Action Plan for Animal Welfare for England, DEFRA stated:

‘We will also launch a call for evidence on the use of snares. Some people consider that snares are an inhumane and unnecessary means of trapping wild animals, while others maintain they are an essential tool in controlling foxes and rabbits. The Government considers it timely to open this call for evidence to make sure it has the very latest understanding on this issue.’

A 2022 parliamentary petition^{xxxix} ‘to make the use of free-running snares illegal for trapping wildlife’ attracted 102,617 signatures. However, to date no call for evidence has been published, and in a response to a letter from NGOs in July 2021 the Government indicated that it had no plans to ban the use of snares.

In December 2020 the Welsh Government published a White Paper^{xxxix} on the Agriculture

(Wales) Bill^{xxxix} outlining plans to amend the Wildlife and Countryside Act 1981 to allow Ministers in Wales to regulate the use of snares. In September 2022 the Welsh Government announced its intention to ban cruel snares in the Welsh Government’s Agriculture (Wales) Bill. This is now going through the Senedd and will be enacted in mid-2023.

The Scottish Animal Welfare Commission published its position paper on Trapping of Terrestrial Wild Mammals Using Snares in December 2022^{xxxix}, recommending a complete ban on snares on welfare grounds. The Scottish Government is currently undertaking a wider review of welfare implications of snaring, including whether there should be a ban on the use of snares.

At a Westminster Hall debate on snare use on 9th January 2023, the Parliamentary Under-Secretary for DEFRA conceded that while there had been “multiple calls for me to give further confirmation on the call for evidence that was identified in the animal welfare action plan”, she was “not able to provide any further information on that in this debate”. She went on to say: “I am aware that Wales has recently taken the decision to prohibit the use of snares and note that Scotland is reviewing its approach. I reiterate that I will work with the devolved Administrations to understand the implications, but I am also aware that we must protect lapwings, curlew and other ground-nesting birds, so we will take a balanced approach.

We will observe how friends in the devolved Administrations implement their proposed changes to snaring. I hope we can learn from the different approaches. I will certainly keep an open mind about whether any new rules and regulations are required in England in the future.”^{xxxix}

In early 2022, England passed the Glue Traps (Offences) Act in 2022^[i]. This legislation makes it an offence for glue traps to be used without a licence (which may be granted by the Secretary of State to pest controllers) but has no effect on the continued sale of glue traps to the public. However, the Act has a ‘sunrise clause’ which has not yet been triggered and will only come into force on ‘such day or days as the Secretary of State may by regulations made by statutory instrument appoint and different days may be appointed for different purposes.

In early 2022 the Scottish Government, acting on recommendations from the Scottish Animal Welfare Commission, has committed to introducing a comprehensive ban on the use of glue traps by both members of the public and professional pest controllers, in addition to a ban on the sale of rodent glue traps in Scotland if this can be achieved under the terms of the United Kingdom Internal Market Act 2020^{lxxxix}. The vehicle

for this is the Wildlife Management and Muirburn (Scotland) Bill, which also contains measures for further regulating other forms of traps, such as spring traps, and measures on snares pending the outcome of the snaring review by the Scottish Government. The Welsh Government's Agriculture (Wales) Bill will, when passed, will create an offence of setting a glue trap, with no provision for a licensing exemption.

Invasive alien species

We recommended that in leaving the EU, 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.

The Invasive Alien Species (Enforcement and Permitting) Order 2019^{xc} came into legal force on 1 December 2019. Schedule 2 of the Invasive Alien Species Order lists species which cannot be commercially imported or sold in the UK.

Non-native species that are potentially invasive are often also involved in the fur and pet trades. Recent EU regulations around prohibiting the trade in such species could protect them from entering these trades. This includes species such as the raccoon dog, recently added to the EU prohibited trade list, and the American mink, proposed for

future inclusion on the list. Raccoon dogs were added to the list of species on the Invasive Non-Native (alien) Animal Species: Rules in England and Wales^{xcii}, in Feb 2019, but there is no sign of American mink being added.

In addition to transposing the EU Invasive Alien Species Regulation into UK legislation, a list (or lists) of priority species of concern should be developed and regularly reviewed and updated, to better identify those non-native species that might become invasive in the UK, taking account of differing priorities among devolved administrations. The Government should also produce detailed guidelines and set strict criteria to protect the welfare of target and non-target animals affected by interventions, focussing on aspects not covered by existing animal welfare legislation. Recognised principles, including the International Consensus Principles for Ethical Wildlife Control^{xciii}, should be considered in the development of such criteria.

Marine

We recommended that in leaving the EU, 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 Conservative Party Manifesto 2019 states:

- 'We will maintain funding for fisheries across the UK's nations throughout the Parliament and support the regeneration of our coastal communities.' [p42]
- 'We will crack down on the waste and carelessness that destroys our natural environment and kills marine life. We will increase penalties for fly-tipping, make those on community sentences clean up their parks and streets, and introduce a deposit return scheme to incentivise people to recycle plastic and glass.' [p43]
- 'We will continue to lead the world in tackling plastics pollution, both in the UK and internationally, and will introduce a new levy to increase the proportion of recyclable plastics in packaging. We will introduce extended producer responsibility, so that producers pay the full costs of dealing with the waste they produce, and boost domestic recycling. We will ban the export of plastic waste to non-OECD countries, consulting with industry, NGOs and local councils on the date by which this should be achieved.' [p43]
- 'We will establish a new £500 million Blue Planet Fund to help protect our oceans from plastic pollution, warming sea temperatures and overfishing, and extend the Blue Belt programme to preserve the maritime environment. We will continue to lead diplomatic efforts to protect 30 percent of the world's oceans by 2030.' [p55]

The 2021 Action Plan for Animal Welfare for England states:

- 'We have.... banned plastic microbeads and straws which harm marine life.'
- 'The UK Government provides global leadership in protecting and improving biodiversity. We are taking international action to protect endangered species and to drive higher standards abroad. Examples include our agreement and implementation of the global biodiversity framework at the Convention of Biological Diversity in 2021 and protecting over 30% of our waters.... We are leading the charge in advocating for the 30by30 target to be adopted globally at the Convention on Biological Diversity COP15.'
- 'The UK has a strong track record in marine conservation, and we have been pressing for stronger international action to protect sharks against unsustainable fishing practices and shark finning. Shark finning is the practice of removing a shark's fins at sea and discarding the finless body back in the water. It is a barbaric practice that has rightly been banned in the UK for nearly 20 years, but we do still import shark fins which may contribute to the practice. To this end, we will bring in legislation to ban the import and export of detached shark fins.'
- 'We will undertake significant work to focus on marine biodiversity and conservation, such as championing conservation measures at the Regional Fisheries Management Organisations (RFMOs), and through the Convention on the Conservation of Migratory Species and Convention on International Trade in Endangered Species (CITES).'

It was good to see UK support for the successful proposals to list all hammerhead, bonnet and requiem sharks and a number of ray species on the CITES appendices in November 2022.

A ban on the import of detached shark fin and shark fin products to the UK was heralded in the Animals Abroad Bill, which has not been published. Christina Rees MP's Sharks Fins Private Member's Bill (Ballot Bill)^{xciii} is currently progressing through Parliament.

In early 2022, the Scottish Government consulted on priorities for a refreshed Marine Litter Strategy for Scotland, and it is currently consulting on further protection of marine sites to be known as Highly Protected Marine Areas. In June 2022, the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021 came into force, prohibiting the manufacture and supply of items such as plastic straws and cutlery. As this cut across the market access principles of the UK Internal Market Act, an exclusion process was agreed by the UK Parliament to allow the legislation to take full effect - the first use of this procedure.

Within the EU, the Marine Strategy Framework Directive (MSFD)^{xciv} provides a framework for an ecosystem-based approach to the management of human activities supporting the sustainable use of marine goods and services. The UK Government should continue to implement the MSFD, incorporating any amendments beneficial for our marine wildlife that stem from its review.

Fishing practices

Measures to prevent or prohibit deleterious fishing practices can be found within the UN FAO Compliance Agreement^{xcv}, which the EU is a signatory to. Post-Brexit, it is imperative that this Agreement is recognised by the Government, maintaining internationally agreed minimum standards to protect marine biodiversity.

The Conservative Party Manifesto 2019 states:

'This future relationship will be one that allows us to... ensure we are in full control of our fishing waters.' [p5]

'There will be a legal commitment to fish sustainably and a legal requirement for a plan to achieve maximum sustainable yield for each stock.' [p42]

'A post-Brexit deal for Scottish fishing: As outlined above, we will leave the Common Fisheries Policy, become an independent coastal state, and take back control of our waters in December 2020.' [p46]

Baroness Hayman of Ullock at Environment Bill Volume 813: debated on Wednesday 30 June 2021^{xcvi} :

"We have also been debating the extent to which the marine environment is provided for in the Bill and how it is not clear enough. The marine environment must be seen as an integral part of the process of environmental conservation. Our legislation includes substantial activity to enable environmental protection and conservation to take place in these zones, but, as other noble Lords have said, this is not always effective enough. So, in addition to the need for the marine environment to be included in the Bill's scope, Clause 43 needs to be amended to make it explicit that the "natural environment" includes the marine environment."

Bycatch

A new regulation (the Technical Conservation Measures^{xcvii}) is currently being proposed, which will either strengthen or weaken existing flawed measures, and this is likely to repeal the existing Cetacean Bycatch Regulation^{xcviii} retained following the UK's departure from the EU. As a minimum, the Cetacean Bycatch Regulation, or the new Technical Conservation Measures, should protect marine mammals, seabirds and turtles, and should be transposed into domestic law. In addition, improved measures to continually monitor and reduce bycatch should be incorporated into domestic laws. Outside of the EU Common Fisheries Policy, international requirements on incidental catch should be fully embraced and implemented, in order to protect all marine wildlife affected by fishing activities.

In August 2022, DEFRA published the UK Bycatch Mitigation Initiative (BMI), which outlines how the UK will achieve its ambitions to minimise and, where possible, eliminate the bycatch of sensitive marine species. The BMI brings together existing work such as the UK Bycatch Monitoring Programme and Clean Catch UK, identifying five policy objectives that will be important in achieving the overall aim. For the BMI to be effective and bycatch minimised or eliminated, specific, measurable and time bound actions need to be incorporated into the policy.

The Scottish Government in collaboration with DEFRA, the Welsh Government, DAERA (Department of Agriculture, Environment and Rural Affairs, Northern Ireland) and the UK Statutory Nature Conservation Bodies, is preparing the UK Dolphin and Porpoise Conservation Strategy which aims to ensure effective management to achieve and/or maintain favourable conservation status for nine species of cetaceans most commonly found in UK waters. This strategy underwent public consultation in early 2021, closing in June 2021, yet almost two years on no progress has been made.

International Whaling Commission

The International Whaling Commission (IWC) is recognised under the United Nations Convention on the Law of the Sea (UNCLOS) as the appropriate intergovernmental organisation for the management and conservation of cetaceans. The UK is one of the original signatories to the International Convention for the Regulation of Whaling (which established the IWC) and the host government to the IWC's secretariat.

In order to maintain its global ban on commercial whaling, continue its critical research and advance its growing threat-mitigation and conservation agenda, the IWC must balance its budget in the face of a current shortfall in assessed contributions from some contracting governments. The UK recently made a voluntary contribution towards the Secretariat's operating costs as well as significant donations to voluntary funds, including for the IWC's conservation work. These contributions are welcomed and should be renewed annually.

We recommended development of 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.

There is no EU legislation to protect the welfare of wild fish during capture and processing, despite it being a requirement of Article 13 of the Treaty on the Functioning of the European Union that fisheries policies should pay full regard to animal welfare. Detailed legislation is also lacking to protect the welfare of farmed fish, though the three general pieces of EU legislation on the farming, transport and slaughter of farm animals all require that fish suffering is avoided. However, a Kept Animals Regulation is expected to be announced in 2023 which could include measures to improve the transport and slaughter of farmed fish and other species covered by the Sentience Act. There is a clear opportunity for the British Governments to take the lead in protecting wild fish welfare at slaughter, by developing suitable legislation. This now appears to be an imperative in England given the inclusion of vertebrate fish, decapod crustaceans, and cephalopods in the Animal Welfare (Sentience) Act 2022 .

We recommended the Government develop a strategy to phase out the shooting of seals th the name of aquaculture and fisheries protection.

The Animals and Wildlife (Protection, Penalties, Powers) (Scotland) Act 2020^c bans the shooting of seals in Scotland by repealing the provision in the Marine (Scotland) Act 2010 to grant licences to shoot seals to protect fisheries and fish farms. This was put in place to comply with the US Marine Mammal Protection Act 1972 which prohibits imports of fish that have been caught with negative consequences to marine mammals. Exports of Scottish salmon to the USA are the second most important food export to the Scottish economy.

As of 1 March 2021, amendments made to the Conservation of Seals Act 1970^{ci} by Schedule 9 of the Fisheries Act 2020^{cii} came into force to remove the ‘netsman’s defence’ for shooting individual seals.’ This applies across the United Kingdom (although superfluous in Scotland where seal shooting is banned) and is a positive change.

Low welfare activities abroad

The Action Plan for Animal Welfare (in England) also made the following commitment:

‘In line with setting a global example on animal welfare, we also want to make sure that businesses do not benefit from selling attractions, activities or experiences to tourists involving the unacceptable treatment of animals. For example, animals such as Asian elephants may be subjected to cruel and brutal training practices to ensure their obedience. We will legislate to ban the advertising and offering for sale here of specific, unacceptable practices abroad. Our intention is that this will steer tourists towards visiting attractions that involve animals being cared for and treated properly.’

The plan to legislate for a ban on selling and promotion of low welfare activities abroad was part of the Animals Abroad Bill, which has now been dropped, but is at the time of writing, the subject of a private members bill^{ciii} [Angela Richardson’s](#) Private Members’ bill which has recently progressed to the House of Lords, with support from the government.

This is an important piece of legislation but concerns exist with how effective it will be at achieving its aims; it lacks consent from the Scottish and Welsh governments and thus only extends to England and Northern Ireland, important questions about its enforceability remain. The Bill will create a power for the Secretary of State to specify regulated low welfare activities but there is no detail about how this power will be discharged.

SECTION 4

Animals in agriculture: welfare post-Brexit



Image by Forsyth/RSPCA

Executive Summary

Progress has been made on improving farm animal welfare standards through repurposing farm subsidies away from area-based payments to those based on ‘public money for public goods, and the introduction of the Animal Welfare (Sentience) Act. However, little – often no – progress has been made in the areas of trade, live animal exports, method of production labelling, welfare at slaughter, the use of crates and cages, dairy farming, new species-specific legislation (including the welfare of broilers or farmed fish), legislation reducing antibiotic use in farming, or the sale or import of foie gras.

Brexit provided the opportunity for a fundamental rethink about the UK’s approach to food and farming, offering greater possibilities to produce nutritious food and encourage healthy diets, and help to ensure that the climate, water, soils and biodiversity are passed in good shape to future generations. Decent livelihoods for farmers and respect for animals as sentient beings were also seen as core elements of the UK’s post-Brexit farming policy.

The move away from the EU’s Common Agricultural Policy to a farm subsidy scheme based on the principle of ‘public money for public goods’ was a particular potential benefit of the UK’s departure from the EU, and one which we hoped would see a move away from industrial livestock production towards higher animal welfare farming practices.

However, as animal welfare is a devolved matter, progress in this area has occurred at varying paces across the UK, if at all. The UK Government has made significant progress on rolling out a new post-CAP Subsidy scheme (ELMS), and this is to be welcomed. That said, whilst the general direction of travel has been encouraging, the roll-out has been slow and the level of support that will be provided for assisting farmers in moving from low animal welfare systems and up the welfare scale remains unclear at the time of writing.

An Agriculture Bill is expected to be adopted for Wales by the Senedd in the summer of 2023 and

will also offer subsidy payments to improve animal welfare. A Scottish Bill on Agriculture is expected to be published in 2023.

Furthermore, trade policy (a matter reserved to the UK Government) means that farmers’ appetite to move to higher welfare systems is being undermined. This is most easily seen in the free trade agreement between the UK and Australia, whereby products that might not be legal to produce in the UK could be permitted into the UK at reduced or zero-tariff. The risk of undercutting domestic producers further weakens the incentive for farmers to operate to UK standards (the Department for International Trade’s own Impact Assessment of the Australia deal alone estimates that “agriculture, forestry and fishing” would see a negative impact of almost £100m in 2035 compared to 2019). Given the UK Government’s manifesto commitment not to “compromise on our high environmental protection, animal welfare and food standards”.

One area that should help improve animal welfare is the introduction of the Mandatory Method of Production labelling. The Call for Evidence, initiated by Defra in autumn 2021, was a welcome first step, and we were encouraged by the announcement in August 2022 that a full consultation on mandatory animal welfare labelling will follow. Subsequent Ministerial responses have also suggested this continues to be an area where legislative improvements will occur. However, in light of the trade agreements already struck (particularly with Australia and the Comprehensive and Progressive Agreement for Trans-Pacific ie ... Partnership) (CPTPP), and those the UK Government identifies as priority (Canada, India and, longer term, the USA), any labelling scheme must: a) be genuinely ‘mandatory’; b) apply to both domestic and imported products; and c) apply across all species to protect against sub-standard imports (e.g. egg and pig imports from CPTPP nations).

There are several other areas where the UK, post-Brexit, can and should go further than it currently does with regard to animal protection.

In the UK, halal and kosher slaughter is permitted under a derogation from transposed EU law. Some halal and all kosher slaughter is conducted without stunning, which raises serious welfare concerns. The derogation is intended to ensure that religious groups within the UK can consume meat that meets their beliefs - it is not meant to facilitate the export of that meat to other countries (that might share those beliefs), nor to open the general UK market to meat derived from non-stun slaughter. However, both these loopholes continue to exist, despite the UK having left the EU. We believe the law should require all animals to be effectively stunned before slaughter.

However, an FSA survey from 2022^{civ} found that 23% of sheep are slaughtered without stunning and that 32% of that non-stun sheep meat was then exported. As such, at the moment many more animals are slaughtered without stunning than are needed to provide for the relevant religious communities in England and Wales. We therefore request that the UK Government follow the lead of France, Ireland and Germany, which have requirements in place designed to ensure that no more animals are slaughtered without stunning than are needed to provide for their religious communities.

Similarly, the UK's departure from the EU means that the UK Government can further improve the welfare of animals in transport by finally banning the live export of livestock for slaughter or fattening. During the referendum campaign, this was given as a tangible example of the UK regaining its sovereignty and has, subsequently, been included in the 2019 Conservative Manifesto^{cv} and DEFRA's Action Plan for Animal Welfare (as well as being commitments in the 2019 Labour Manifesto^{cv} and the 2021 SNP Manifesto^{cvii}). The subsequent publication of the Animal Welfare (Kept Animals) Bill, having provisions to this effect, was therefore warmly welcomed by animal protection groups when it was introduced in the 2021/22 Parliamentary session. As discussed above, despite broad cross-party support, at the time of writing, the Bill has not been seen in Parliament since November 2021. We urge the UK Government to ensure the Animal Welfare (Kept Animals) Bill is now given the priority it deserves, so it can be speedily passed into law.

The UK Government must act on this issue if it is not to fall behind other countries in this area of animal welfare. Germany^{cviii} and Luxembourg^{cvix} have already prohibited the cruel trade of live animal exports and together with the Netherlands, Sweden, Belgium and Denmark (the Vught countries)^{cx}, have called for an EU-level ban on this.

The UK Government claims to want to be a global leader in animal welfare, but it appears to be increasingly lagging behind on the use of crates and cages on British farms where, every year, over 16 million farm animals in the UK are confined to cages for all or part of their life. In the case of laying hens, all the UK's main supermarkets have either already stopped selling eggs from caged hens or committed to do so by 2025, and the Government must now reinforce this progressive development by banning the use of these cages. EU Member States have prohibited enriched cages (Luxembourg and Austria); a ban is committed (Germany, from 2025, and Slovakia, which signed memorandum between government and industry for a ban from 2030); in September 2020 Czech MPs voted to ban the cage farming of laying hens from 2027; in France, President Emmanuel Macron announced in October 2017 that by 2022, all shell eggs sold in French supermarkets will be free-range. That means less than half of the EU's egg laying hens still live in cages. Countries outside the EU, such as Taiwan and Israel are also beginning the process of phasing out cages.

With pigs, whilst sow stalls have been banned in the UK since 1999, in turn leading to an EU-wide partial ban that came into effect in 2013, over 50% of UK sows are placed in farrowing crates a few days before giving birth and they are kept there during farrowing and until the piglets are weaned at three to four weeks of age. This means that, every year in the UK, over 200,000 sows are confined in these systems for some nine to ten weeks of each year - in some cases for longer. 30 years ago, the UK took the lead in protecting sow welfare. Yet today, we still permit the use of farrowing crates for sows and find ourselves falling behind nations where laws are either in place or due to come into effect to end the use of farrowing crates either altogether or to limit their use to just a few days around farrowing. Switzerland, Sweden, Norway, Austria and, most relevant of all in light of it being a major pig farming nation, Germany, have all enacted such legislation. New Zealand has also announced it will phase out farrowing crates by 2025.

In 2019, a European Citizens' Initiative secured over 1.4 million signatures. In response the EU Commission committed to bring forward a legislative proposal, in 2023, that could end the use of all cages, across the EU27, by 2027.^{cxii} Should post-Brexit Britain fall behind the best European practice?

A petition on the UK Parliament website, calling for an end to caged farming, secured over 109,000 signatures.^{cxiii} and follows a similar petition, from 2019, which secured over 106,000 signatures.^{cxiiii}

The UK Government should now recognise the public support for this and take all necessary steps to end the cage age.

The use of fast-growing breeds of broiler chickens is increasingly controversial, and currently the subject of a Judicial Review sought by The Humane League. Over a billion broiler chickens are slaughtered in Britain each year, with an estimated 90% being fast-growing breeds. These have been genetically selected to maximise growth and can suffer from a wide range of health and welfare issues, including heart attacks, lameness, green muscle disease, hock burns and organ failure. The Government should require an end to the use of these breeds.

As a step in this direction, we welcome the UK Government's support for the Better Chicken Commitment (which requires slower-growing breeds) and the intention to include assistance in conversion from fast-growing breeds in ELMS.

The European Union introduced new rules on the use of antibiotics on 28 January 2022. These rules ban: routine farm antibiotic use; antibiotic use to compensate for inadequate animal husbandry/poor hygiene and; purely prophylactic antibiotic treatments of animal groups. The UK government is currently consulting on welcome proposals for new regulations, including no routine use, no administering to compensate for poor hygiene or husbandry and limited prophylactic use. Whilst this is a positive step if implemented, it would not go as far as the EU's rules, as there are no proposals to ban preventative group treatment, nor imports of animal foods produced using antibiotic growth promoters. To achieve truly sustainable levels of farm antibiotic use, the UK Government must embrace more health-orientated husbandry practices.

In summary, whilst the UK has made some positive steps in the area of farm animal welfare, most notably with the publication of the Kept Animals Bill and the ongoing changes to farm subsidies, it still has a long way to go in order to genuinely claim to be a world leader in this field.





Farming Subsidies

We recommended that Brexit should be used as an opportunity to design post-CAP farm support payments to provide funding for public goods that the market cannot, or can only partially, deliver, such as high environmental and animal welfare standards.

Leaving the EU provides an opportunity to significantly drive-up standards of animal welfare in farming through farm support payments that reward animal welfare standards above the legislative minimum and free trade agreements (FTAs), with potential benefits both domestically and internationally, through the inclusion of core standards in FTAs.

The Conservative Party manifesto 2019^{cxiv} stated:

'Once we have got Brexit done, we will free our farmers from the bureaucratic Common Agricultural Policy and move to a system based on 'public money for public goods'. To support this transition, we will guarantee the current

annual budget to farmers in every year of the next Parliament. In return for funding, they must farm in a way that protects and enhances our natural environment, as well as safeguarding high standards of animal welfare...' [p42]

The Agriculture Act 2020^{cxv} introduces new powers to enable Ministers to provide support payments to agricultural businesses in England. This framework will eventually replace the support provided by the EU's Common Agriculture Policy (CAP), which is due to be phased out by 2027 in England as part of a seven-year agricultural transition period. The Act heralds a significant change in the approach to subsidies: Instead of basing support payments on the amount of land farmed (as happens under the CAP's Direct Payment scheme, which accounts for around 80% of payments currently made to UK farmers), the new framework aims to reward farmers for the delivery of 'public goods.' This can include protecting or improving the health or welfare of farmed animals.

The Explanatory Notes^{cxvi} to the Agriculture Act 2020 state that this specific measure:

‘...enables the Secretary of State to support action by farmers, vets and other organisations to improve animal health and welfare, reduce endemic disease and keep livestock well maintained and healthy. This subsection could, for example, be used to fund measures to encourage participation in animal health or disease control schemes or support the financing of testing for a particular disease. It could also be used to strengthen animal welfare outcomes, such as ensuring animals have access to materials that allow them to express their natural behaviours..’

Animal welfare is one of the ‘public goods’ recognised at section 1(1)(f) of the Agriculture Act 2020.

The Act provides for several new powers given to the Secretary of State. These new powers include: the ability to intervene in agricultural markets in the face of exceptional market conditions that affect farmers in England; to introduce regulations relating to Marketing Standards to which agricultural products must conform in England; and to make regulations to ensure the UK is complying with its obligations under the World Trade Organization (WTO) Agreement on Agriculture.

The Act deals with both devolved and reserved matters. Support payments are devolved and so the ‘public goods’ approach to farm payments will apply in England only. Schedule 6 to the Act outlines powers that will apply to DAERA in Northern Ireland and are broadly similar to those given to the Secretary of State in relation to England. The Welsh Government is expected to publish a White Paper explaining its proposals for a Welsh system in due course.

The Scottish Government is not expected to make any significant policy changes until 2024, although it has stated that it does not expect to diverge wholly from the CAP approach, as “the Scottish Government remains of the view that Scotland’s

interests are best served by remaining in the EU.”^{cxvii} The Agriculture (Retained EU Law and Data)(Scotland) Act 2020 enables the continued operation of current CAP schemes and policies, while allowing them to be progressively improved and simplified, enables pilot projects for the development of longer term future rural policy, and reinforces GDPR principles in collecting agricultural data.

In February 2023, the Scottish Government announced a new payment scheme for farmers and crofters to support health and welfare in sheep and cattle by covering specific interventions such as veterinary screening of livestock for certain diseases. A new Scottish Veterinary Service (SVS) is also being created to carry out the field animal health and welfare functions currently delivered by the Animal and Plant Health Agency in Scotland.

On 30 November 2020 the Government announced its pathway to sustainable farming, in a press release^{cxviii} stating:

‘Plans to deliver a better, fairer farming system in England have been set out by government today. They will transform the way we support farmers, in the most significant change to farming and land management in 50 years.

The roadmap outlines changes that will come into force over a period of seven years to help farmers adapt and plan for the future. Outside the EU and no longer bound by the EU’s bureaucratic Common Agricultural Policy, the plans set out how government plans to introduce a new system that is tailored in the interests of English farmers, centred on support that rewards farmers and land managers for sustainable farming practices.

The changes will be designed to ensure that by 2028, farmers in England can sustainably produce healthy food profitably without subsidy, whilst taking steps to improve the environment, improve animal health and welfare and reduce carbon emissions.’

The Press Release summarised the key changes introduced by the Path to Sustainable Farming^{cxix} as:

‘Introducing the Environmental Land Management scheme to incentivise sustainable farming practices, create habitats for nature recovery and establish new woodland to help tackle climate change.

Investing in improving animal health and welfare as part of our sustainable farming approach. This will initially focus on controlling or eradicating endemic diseases amongst cattle, pigs and sheep.

Direct Payments will be reduced fairly, starting from the 2021 Basic Payment Scheme year, with the money released being used to fund new grants and schemes to boost farmers’ productivity and reward environmental improvements.

Launching a Farming Investment Fund, which will support innovation and productivity. This will open for applications next year and will be used to offer grants for equipment, technology and infrastructure for the future.

Simplifying and improving existing schemes and their application processes further from January 2021 to reduce the burden on farmers, and we will take a modern approach to regulation, cutting unnecessary red tape for farmers and working together with industry to design a more targeted regulatory system.’

The Animal Welfare Pathway has been open as of February 2023.^{cxx}

The means by which farm support payments can be used to drive up animal welfare standards was enunciated at ministerial level. Speaking at the National Union of Farmers (NFU) Conference in 2022 Environment Secretary George Eustice set out plans for an Animal Health and Welfare Pathway,^{cxxi} providing financial support for farmers, described in a DEFRA Press Release (Feb 2022)^{cxvii} as:

‘...a programme of financial support for farmers in the pig, cattle, sheep and poultry sectors, based around key animal health and welfare priorities. These include measures such as reducing mastitis and lameness in dairy cattle, improving biosecurity to control pig diseases endemic to the UK and improving the feather cover of laying hens. To help farming sectors make these improvements, Animal Health and Welfare Grants will be launched within the next year to fund investments such as equipment and technology or larger projects like upgrading housing for dairy cattle to deliver improvements in lameness, cow comfort and calf mortality.’

The 2019 manifesto commitment and inclusion of animal welfare as an objective within the Animal Health and Welfare Pathway was reflected in the Action Plan for Animal Welfare 2021^{cxviii} (for England), which also reiterates support for livestock farmers via the Animal Health and Welfare Pathway.

As part of the Pathway, the Government will initially offer cattle, sheep and pig farmers who are eligible for the Basic Payment Scheme funding for an annual visit from a vet of their choice to carry out diagnostic testing, review biosecurity and responsible use of medicines, and provide advice relating to the health and welfare of their animals^{cxvii}. These visits were launched in 2022 and the offer will be further extended over time to other types of livestock farmers.

Animal advocacy groups representing more than one million citizens have ‘warmly’ welcomed DEFRA’s Animal Health and Welfare Pathway, including the reform of the farm subsidies scheme, Better Chicken Commitment and phasing out of crates and cages (see below); these groups have sought assurance from the then-Secretary of State Ranil Jayawardena, and Minister of State Mark Spencer, that ‘the Animal Health and Welfare Pathway will continue to play an important and central part of the Government’s plans to improve animal welfare.’ (October 2022)^{cxvii}

Farming Subsidies

The European Commission has also recognised the reward of certain animal welfare and environmental objectives, in particular to support a move to cage-free systems. It is proposed that the new Common Agricultural Policy will support such initiatives.

Responding to the Compassion in World Farming End the Cage Age European Citizens Initiative^{cxvii} the European Commission said^{cxviii} that, alongside legislation on cages:

‘In parallel to the legislation and to facilitate a balanced and economically viable transition to cage-free farming, the Commission will seek specific supporting measures in key related policy areas, such as trade and research and innovation. In particular, the new Common Agricultural Policy will provide financial support and incentives – such as the new eco-schemes instrument – to help farmers upgrade to more animal-friendly facilities in line with the new standards. Additionally, Member States can draw from the Just Transition Fund and Recovery and Resilience Facility to support farmers in the adaptation to cage-free systems.’

In October 2022 the European Commission also published the Staff Working Document on the Fitness Check of animal welfare legislation.^{cxviii}

Key findings of the report include:

- Sub-optimal protection of animals not subject to species-specific protection.
- Vagueness and gaps in legislation leading to differences in application and enforcement and use of cages, which hampers animal welfare.
- Outdated legislation which has not kept up with scientific findings.
- A lack of monitoring.
- Weak enforcement.

- Challenges with enforcement of transport rules to protect animals during live transportation.
- A lack of rules on fish slaughter methods and harmful stunning methods such as waterbath stunning and high CO2 concentrations for pigs.
- Insufficient information provided to consumers.
- The need for better coherence between the objectives of the Farm to Fork and CAP and trade policy to achieve animal welfare goals.

The report also recognises that intensive indoor production systems can give rise to animal welfare issues:

“Animal welfare issues can arise from intensive indoor production systems. i.e., systems with animals in high stocking density, when increased pressures on animals are not managed properly (unbalanced diet, use of rapid-growth breeds, use of antimicrobial group treatments, inappropriate flooring and manure management, mutilations, etc.).”

Importantly, the report also recognises that animal welfare is part of sustainability:

“In the context of the Green Deal, the model of food production has to be shifted from a policy primarily driven to ensure food security in Europe (after World War II), to a policy driven by environmental challenges, without compromising food security. Animal welfare is a cornerstone of such a sustainable food system.”

In response to this report, the European Commission is working on a package of proposals to address on-farm welfare, transport, slaughter and labelling. This package of reforms is expected to be published in October-November 2023 following a period of consultation. The UK Government should consider the findings of the report.

Trade policy

We recommended that 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.

A late amendment to the Agriculture Bill (now the Agriculture Act 2020) requires the Secretary of State to lay before Parliament a report which outlines (where applicable) how any proposed Free Trade Agreement (FTA) that the UK wishes to enter into is consistent with the maintenance of UK levels of statutory protection in several key areas of moral concern, including animal welfare.

Whilst the ‘public goods’ approach to farm payments has received broad support, a significant outstanding concern in relation to trade is that animal derived products imported into the UK as part of an FTA could be produced to lower welfare standards than would be permitted under domestic law.

Campaign groups lobbied during the passage of the Agriculture Bill for an amendment that would only allow for the ratification of FTAs that require importing producers to meet UK food standards. However, such amendments were resisted by the Government and do not form part of the Act. The Government’s reasons for rejecting these amendments were that they would create uncertainty or burdens for trading partners, and that existing mechanisms to control imports (such as retained EU law, Parliamentary scrutiny of trade deals, and consumer pressure) are sufficient. However, as noted above, there remains much uncertainty about the future of retained EU law, including the process by which decisions are made about whether it remains incorporated in national legislation.

The Government’s concession to these concerns was its late amendment to the Bill, which requires the Secretary of State to produce a report on whether measures in proposed FTAs are consistent with UK levels of statutory protection in relation to: human, animal or plant life or health; animal welfare; and the environment (see s.42, Agriculture Act 2020)^{cxix}. Whilst this is a welcome addition that will improve transparency, it alone will not prevent lower-welfare imports from entering the UK. It is also notable that there is no need to report on the consistency of measures with UK food safety standards.

The RSPCA, among many other organisations, called for an amendment to reflect the Government’s repeated reassurances that it would not compromise on food, animal welfare, and environmental standards during the negotiation of trade deals. They noted that, far from incorporating this pledge, the House of Commons have instead objected to amendments that would have achieved this outcome. The RSPCA along with Compassion in World Farming have highlighted the economic risks of allowing lower welfare products to compete with higher welfare UK products and explained that the retained EU law that prevents specific practices – such as chlorine washing chicken and injecting beef cows with hormones – is not enough to protect UK welfare standards.^{cxix}

In July 2020 a Trade and Agriculture Commission (TAC) was established to advise the Government on matters of trade policy, including animal welfare. The Commission was intended to be time-limited for six months and to act in an advisory capacity only. A new Commission was established in 2021 with a narrow remit to report to the Secretary of State on the impacts of any FTA on lowering the UK’s animal welfare standards and legislation. Despite its role in advising on animal welfare matters, the Commission’s membership does not include any representatives from animal welfare charities.

The Action Plan for Animal Welfare (for England) 2021 reiterates commitments to maintaining animal welfare standards in trade negotiations.

‘Our manifesto commitment made clear that in all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards. To support the reforms set out elsewhere in this action plan, UK farmers should not be undercut by unfair competition. The government will use the most suitable tools available to make sure this commitment is upheld.’

Kemi Badenoch, Secretary of State for International Trade, in September 2022, also stated that “We will not compromise on our high environmental and labour protections, public health, animal welfare and food standards...”^{cxixi}

The Trade (Australia and New Zealand) Act^{xxxxii} implements the procurement Chapters of Free Trade Agreements (FTA) with Australia and New Zealand.

The Government did not allow debate on the Australia deal as part of ratification and implementing legislation progressing. This is contrary to the legal position in Australia, which requires debate in Parliament to be ratified.

The Trade and Agricultural Commission (TAC) has found no significant issues in the Australia trade deal - and considers that neither low import quantities nor variation in standards are significant enough to be of concern.

Animal advocacy groups disagree and have expressed concern that the deals set a bad precedent for future deals. This has indeed turned out to be the case. The CPTPP Agreement in Principle allows imports into the UK of eggs, pig meat, chicken and beef from countries such as Canada and Mexico, where the barren battery cage is still permitted and sow stalls allowed risking agri-food goods produced to lower standards than permitted in the UK entering the British market.

The Trade and Animal Welfare Coalition (TAWC)^{xxxxiii} - a group of organisations who have come together to share their knowledge and expertise on matters

relating to international trade and animal welfare, and which aims to scrutinise and comment on current trade negotiations and on concluded trade agreements, as well as set a vision for an emergent British trade policy that cares for animals - has been a leading voice in advocating for protection of animal interests in trade deals.

TAWC has identified that currently the only import controls the UK has are on animal health standards such as beef-hormones or chlorine-chicken, as well as standards on welfare at the time of slaughter. This means that our animal welfare standards such as the battery hen cage ban are not safeguarded by import controls. The TAWC report identifies how to do this by addressing core animal welfare standards in UK trade policy.^{xxxxiv}

TAWC argues that, if the UK is truly committed to protect animals, as well as British farmers, it should, in the future, make its animal welfare standards part of the “core standards it wants to see protected in trade policy”. This echoes what the Trade & Agricultural Committee (TAC) also recommended in its March 2021 report to the Government.

As above, the EU 'Fitness Check' recognises that better coherence between the objectives of the F2F and the CAP and trade policy (including Imports of animal products) to achieve animal welfare goals is needed.^{xxxxv}



light-brown-chicken-garden-blurred-background-growing-chickens

Live Exports

We recommended a ban on export of live animals for fattening and slaughter.

The welfare problems associated with the international transportation of live animals is well documented, including by the government's own advisory body on the welfare of farmed animals, (see Opinion on the Welfare of Animals during Transport, FAWC (2019)^{cxvii}).

The Conservative Party manifesto 2019 states: 'From freeports to free trade deals, from abolishing the cruel live shipment of animals...we in the UK will be able to remain close to our European friends and partners; but where we choose, we will be able to do things differently and better.' [p3]

'We will end excessively long journeys for slaughter and fattening – one of the many benefits of leaving the European Union.' [p54]

The UK Government consulted on ending the live export of animals for slaughter and fattening^{cxviii} and Environment Secretary George Eustice announced an intention to end the same.

The commitment to ending live exports was included in the Action Plan for Animal Welfare 2021 (for England):

'Our departure from the EU has provided us with an opportunity to do things better. We can take action to ban the live exports of animals for slaughter and fattening...' 'We will protect and enhance animal welfare for farm animals by ending the export of live animals for slaughter and fattening.' 'Taking advantage of our status as an independent trading nation, we will legislate to end the export of live animals for fattening and slaughter. Our departure from the EU has provided us with a much-awaited opportunity to address this long-standing ambition.'

'The government has consulted on a number of other welfare in transport reforms, such as setting maximum journey times, space allowances for animals and temperature controls. We are now considering this policy area in further detail to determine what will be taken forward in future legislation to improve transport conditions for animals.'

The Animal Welfare (Kept Animals) Bill^{cxviii} proposes a ban on the export of live animals for slaughter and fattening, which includes equines who can be considered both 'livestock' and 'companion animals.'

The 'relevant' animals captured by the legislation do not include all species, with some such as rabbits and chickens not covered by these provisions.

It has nevertheless been welcomed by animal advocacy groups. As noted elsewhere, the Bill has not completed its passage through Parliament yet and may run out of time in this [2022/23] session. Having passed its Committee Stage in the House of Commons in Nov 2021 it has not progressed since.

Mark Spencer, DEFRA Minister of State acknowledged^{cxix} that "The Bill will have a positive impact in relation to pets, puppy smuggling, livestock and live exports, and it will continue its passage as soon as Parliamentary time allows." HC Deb, 31 October 2022.

Other European countries have already moved to placing restrictions on the export of live animals beyond EU legislative requirements. Germany has banned live export beyond EU^{cx} and Luxembourg has banned the export of live animals to slaughterhouses in third countries.^{cxii}

In the July 2022 Council of Ministers' meeting, the Vught countries presented the position paper on transport, supporting stricter rules on various aspects of live transport.^{cxiii}

From the position paper:

‘Millions of animals are transported in the EU every day. Several well-documented incidents where animals have suffered during transportation have put such transports high on the public agenda in recent years. The political level in the EU has likewise shed light on the transport of animals; e.g. with the European Parliament’s establishment of the Committee of Inquiry on the Protection of Animals during Transport.’

‘The ministers responsible for animal welfare during transport in Belgium, Denmark, the Netherlands, Germany and Sweden, share the concerns of the European citizens and strongly support revising animal transport legislation in the EU.’

‘In order to uphold focus on the protection of animals during transport in the EU, as well as to ensure that the future legislation is ambitious and in line with scientific evidence, a joint position paper for a revision of Council Regulation (EC) No. 1/2005 was sent to the Commission on 7 June 2022.’

‘The existing legislation dates back to 2005 and is in dire need of being revised. An update is necessary for the legislation to “align with the latest scientific evidence, broaden its scope, make it easier to enforce and ultimately ensure a higher level of animal welfare” as rightly stated in the Farm to Fork Strategy.’

The position paper includes what they call ‘key issues.’ ‘These include journey time, definition of “economic activity”, destination outside of the European Union, distance to ceilings (decks) and requirements for watering and feeding intervals. In addition, important issues such as transport in extreme temperatures are included.’

Subsequently, a report published by the EFSA^{cxliii} in Sept 2022 highlights that:

‘Providing more space, lowering maximum temperatures, and keeping journey times to a minimum are all needed to improve the welfare of farmed animals during transport, according to recommendations published today by EFSA. The advice by EFSA is provided to the European Commission in a series of five scientific opinions intended to support its ongoing review of animal welfare legislation in the European Union (EU) – a key element of the EU’s Farm to Fork (F2F) Strategy.’

‘EFSA has developed quantitative thresholds for the temperatures that should be maintained in a vehicle as well as minimum space allowances for the animals. EFSA also describes the development or progression of various other welfare consequences over time during transport, such as hunger, thirst, and fatigue.’

‘For example, for animals transported in containers (poultry and rabbits), EFSA recommends that the journey duration should be considered as the whole time the animals are kept in the containers. The only way to avoid welfare consequences in day-old chicks is to transport fertilised eggs and hatch them on the farm of destination.’

The Australian government (Australia has a large live export trade)^{cxliiv}, has recently announced the appointment of an independent panel to oversee the pathway to phasing out the live sheep export trade. This means that the process to bring the export of live sheep from Australia to an end is finally underway - an election commitment of the Australian Federal Government.

The UK must use the freedoms afforded by Brexit to finally ban this trade.



Labelling

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.

Kerry McCarthy MP at Agriculture Bill Committee Stage (Tenth sitting) debated on Tuesday 13 November 2018^{cxlv} proposed new clause 15:

"...that would strengthen the Bill by requiring the Secretary of State to make labelling regulations that require meat, milk, dairy and egg products, including those that have been produced intensively, to be labelled as to farming methods. Eggs are not included in the legislation because they are already labelled. Surveys show that eight out of 10 consumers in the UK would like to know how farm animals are reared."

There was no commitment in the Conservative Party manifesto 2019 to improve consumer choice through better labelling on animal welfare. However, the Action Plan for Animal Welfare 2021 (for England) lays out the following plan:

'We will consult on how labelling can be reformed to make it easier for consumers to purchase food that aligns with their welfare values.... To reinforce this, we will consult on how food labelling can be reformed making it easier for consumers to purchase food that aligns with their values. For example, by clarifying confusing and misleading terms. We are also exploring complementary market interventions that could sit alongside labelling reforms to stimulate market demand for higher welfare products. For example, we are looking at animal welfare in our update to the Government Buying Standards for Food and Catering Services.'

A Call for Evidence on labelling for animal welfare relating to England, Wales and Northern Ireland ('This is a call for evidence relating to England, Wales and Northern Ireland only. Animal welfare and food labelling are devolved, and we will discuss the responses to this with the Scottish government') ran from September to December and states:^{cxlvi}

'There will be a wider review of food labelling as part of the UK Government's Food Strategy White Paper where there may be a need for future public consultation. For now, we are looking for some

preliminary evidence with regards to how labelling for animal welfare may align with wider labelling reform, including nutrition and eco-labelling.'

In August 2022, George Eustice announced that the Call for Evidence had shown the need for work on labelling and stated that the Government would consult in 2023.^{cxlvii}

Ensuring Welfare at Slaughter

We recommended improving welfare at slaughter: the use of high levels of CO2 for stunning pigs should be phased out, 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.

Pigs

EU Slaughter Regulation – though allowed for in the Regulation, a recent report from the European Food Safety Authority^{cxlviii} has again shown that high levels of CO2 cause great suffering in pigs and so their use is arguably in breach of Article 3.1 of the Regulations which provides: "Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations". It also arguably does not constitute stunning which is defined in Article 2 as "'stunning' means any intentionally induced process which causes loss of consciousness and sensibility without pain."

The welfare problems associated with high dose CO2 have been well documented over many years, with a Farm Animal Welfare Committee (FAWC) report in 2003 stating (para 154 -160) that, 'We conclude that the use of high concentrations of CO2 to stun and kill pigs is not acceptable and we wish to see it phased out in five years.'^{cxlix}

Leaving the EU is an opportunity to move away from the use of high concentration carbon dioxide for stunning/killing of pigs. There was however no commitment in either the Conservative Party manifesto 2019 or the Action Plan for Animal Welfare 2021 (for England) to phasing out the use of this method of killing.

A Post implementation Review of the Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK)^{cl} was published by the Government. In January 2021. (Regulation 46 of WATOK requires a review to be carried out five years after the regulations came into force). The

report reveals that the number of pigs stunned with high concentration carbon dioxide has increased from 50% in 2013 to 86% in 2018.

This lack of progress – indeed an increase in use of this inhumane method – is disturbing given DEFRA and the industry are fully aware of the science highlighting the suffering involved and the government’s own scientific advisory body (FAWC) recommended that it should be phased out within five years of its report in 2003.

In the European Union, the EU Fitness Check^{cli} listed this as an area that needs addressing. There is, therefore, a risk that Britain will fall behind their EU counterparts in this area.

Water bath stunners

A survey published in 2022 by the Food Standards Agency^{clii} reveals that 17% of broiler chickens and 9% of hens in England and Wales are stunned in the electrical water bath even though for many years scientific research has shown that this stunning method often results in very poor welfare.

These problems were again highlighted by the Scientific Opinion published by the European Food Safety Authority (EFSA) in October 2019^{cliii}. Their Opinion sets out the serious welfare problems that are inherent or common in the stunning of poultry in the electrical water bath.

There was no commitment in either the Conservative Party manifesto 2019 or the Action Plan for Animal Welfare 2021 (for England) to reducing or phasing out shackling and/or water bath stunning, despite well documented animal welfare detriments. As above, the EU Fitness

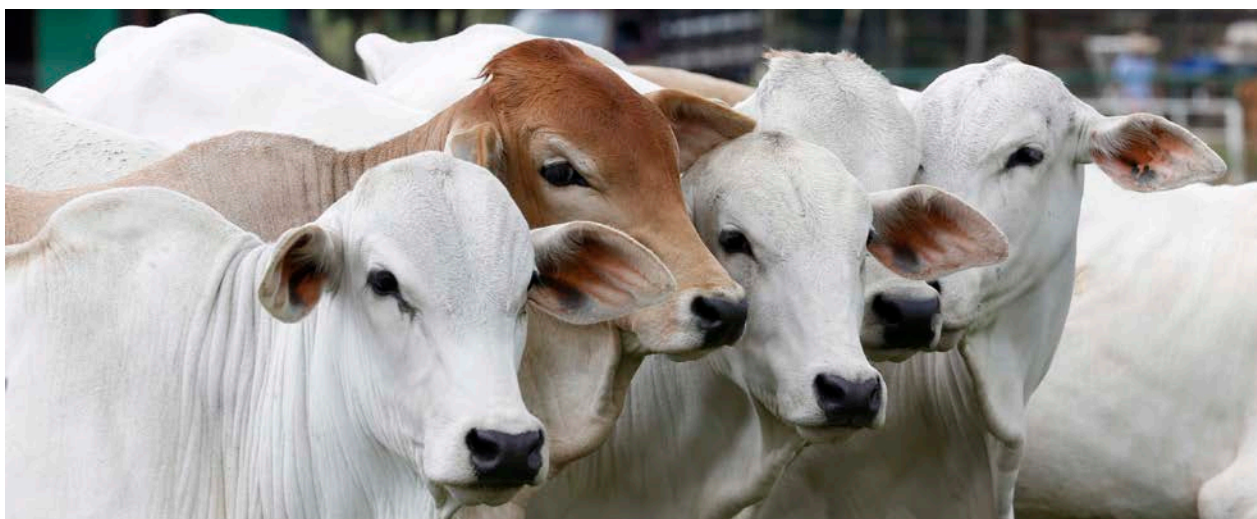
Check^{cliv} listed this as an area that needs addressing. Again, there is, therefore, a risk that Britain will fall behind their EU counterparts in this area also.

Mandatory CCTV

The Mandatory Use of Closed-Circuit Television in Slaughterhouses (England) Regulations 2018^{clv} makes provision for the mandatory use of CCTV in all slaughterhouses in England. The Mandatory Use of Closed-Circuit Television in Slaughterhouses (Scotland) Regulations 2020 came into force in Scotland in July 2021.

The Welsh Government has committed to require CCTV in all slaughterhouses in the current work programme and a consultation on this issue has recently closed.^{clvi}

This requirement is very welcome. However, to be effective it is essential that a mechanism is in place to enable bad practice filmed by the CCTV to be spotted in practice. Since 24-hour monitoring of CCTV for all slaughterhouses is unrealistic, a well-publicised scheme for whistleblowing to draw attention to problematic behaviour would be welcome, as well as a practice of inspection of randomly-selected footage by a veterinary surgeon, especially in slaughterhouses where poor behaviour has been reported in the past. Additionally, there should be greater use of online CCTV so that it is not necessary to visit in person, and greater use of artificial intelligence to pick up anything that is outside of normal practice, which can then be reviewed by a person: AI is being used in such a way in the United States, and some EU Member States are looking at it.



Non-stun slaughter

There was no commitment in either the Conservative Party manifesto 2019 or the Action Plan for Animal Welfare 2021 (for England) to ending or limiting non-stun slaughter.

DEFRA and the Welsh Government commissioned the Food Standards Agency (FSA) to carry out a survey of slaughter methods in England and Wales.^{clvii} The FSA slaughter survey was published in August 2022 and contains information about the proportion of animals slaughtered using non-stun methods.

The [most recent] 2022 FSA survey^{clviii} reported that 23% of sheep are slaughtered without stunning. And 32% of non-stun sheep meat is exported. Even allowing for the fact that 32% of non-stun sheep meat is exported (which, as previously discussed, shouldn't be permitted within the rules set out in this area), it would appear that many more sheep are being slaughtered without stunning than are needed to provide for the relevant religious communities in England and Wales.

Australia exports a considerable amount of meat to Muslim countries and, by Australian law, animals must be stunned before slaughter. There are a number of halal certification bodies in Australia that certify that slaughter is carried out in accordance with their interpretation of halal requirements, e.g., that the stunning is reversible.

In France, slaughterhouses can only slaughter animals without stunning when they have a commercial order for non-stunned meat for the religious communities. Ireland and Germany have similar requirements in place designed to ensure that no more animals are slaughtered without stunning than are needed to provide for the religious communities.

We believe the UK should follow the lead of France, Ireland and Germany. This would ensure that religious groups in the UK can get Halal / Kosher meat, whilst safeguarding that no more animals are slaughtered without stunning than is needed for those [UK] communities. Any meat that is for export must all be stunned before being slaughtered (as is the case in Australia and New Zealand).

UK law should therefore prohibit slaughter without prior stunning unless the slaughterhouse has a written order from a meat trader for a specified quantity of meat from animals slaughtered without stunning and the order states that the meat:

- will not be exported, and
- is required to provide food for consumption by members of a religious community living in the UK.

However, the Government has not announced any plans to reduce the proportion of animals slaughtered by non-stun methods.

Welfare at slaughter is a devolved issue but there is thought to be little or no non-stun slaughter taking place in Scottish abattoirs.

This would arguably fall under the Animal Welfare (Sentience) Act 2022, the relevant animals not being adequately protected at the time of killing.

Dairy Cow Welfare

We recommended the UK become a world leader in pasture-based livestock and the skilful management of such systems.

The then Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Victoria Prentis, at the debate of Caging of Farmed Animals on 16th March 2020^{clix}, acknowledged that: "For dairy cattle, the enhanced freedom to exhibit natural behaviours could involve increased access to stimulating loafing or outdoor space, and the freedom to access and graze good-quality pasture."

More recently, at the NFU Conference in February 2022^{clix}, addressing plans for the Animal Health and Welfare Pathway^{clxi} (which provides for a programme of financial support for farmers for animal health and welfare enhancements), George Eustice mentioned plans for measures to include projects such as upgrading housing for dairy cattle to deliver improvements in lameness, cow comfort and calf mortality.

The UK has the potential to be a world leader on dairy cow welfare and we would encourage further steps towards this.

Sow Farrowing Crates

Sow farrowing crates: These should be replaced by free farrowing systems.

The Action Plan for Animal Welfare 2021 (for England) states:

'Alongside this work we will introduce other reforms to improve farm welfare, including examining the use of farrowing crates for pigs.' 'We have a strong track record for raising the bar when it comes to farm animal welfare standards, such as banning battery cages for laying hens, sow stalls for pigs and veal crates for calves. We want to continue to build on this and we are currently considering the case for introducing further reforms, in areas such as the use of farrowing crates for pigs.'

Sir David Amess MP presented a 10 Minute Rule Bill - the Pig Husbandry (Farrowing) Bill, 10th March 2021^{clxii}, but sadly this did not progress during that Parliamentary session.

A clause proposed to the Animal Welfare (Kept Animals) Bill in 2021 by the Shadow Minister for Environment, Food and Rural Affairs, Daniel Zeichner MP, to 'end the use of farrowing crates' was not supported by DEFRA. Responding to the amendment, the then-minister, Victoria Prentis, said^{clxiii} that:

'Moving overnight entirely to free-farrowing systems would require a fundamental change for pig producers and significant investment.

I am keen to ensure we have a realistic phasing out period that is sustainable for the industry, so that we can achieve the welfare goals shared by members from across the House.'

In June 2022, at the Farmed Animals: Cages debate, Victoria Prentis updated that^{clxiv}:

'Our consultation on pig farrowing crates is not quite ready, particularly the impact assessment on costs, and this is an industry that has really struggled over the past year. The consultation is still being worked on and clearly further work is needed. I am very much in touch with the pig industry, as we come through what has been a very difficult period. We are also in the middle of a serious supply chain review, looking at how contracts could be made to work better for the industry as a whole.'

While it was encouraging that the Government announced it would bring forward consultations on the use of cages for laying hens and crates for farrowing sows, Compassion in World Farming has asked that a firm timeline is laid out.^{clxv}

In September 2021 the Scottish Government announced^{clxvi} proposals to consult on various farmed animal welfare issues, including farrowing crates for pigs. This is still awaited.

Species specific legislation

We recommended legislation for species not currently covered by specific welfare legislation (dairy cows, beef cattle, sheep, ducks, turkeys, farmed fish, decapod crustaceans and cephalopods).

The European Commission's Fitness Check^{clxvii} of animal welfare legislation recognises the sub-optimal protection of animals not subject to species-specific protection.

As a consequence, the European Commission has announced^{clxviii} that:

'We will overhaul the EU's animal welfare laws to broaden their scope and ensure a higher level of animal welfare. This responds to the recommendations of the Conference on the Future of Europe and the European Citizens' Initiative, 'End the Cage Age'^{clxix}.

There has been no announcement that the Governments of the United Kingdom will introduce species specific legislation for those mentioned above.

Welfare of farmed fish

In relation to the welfare of farmed fish in particular, Luke Pollard, debating the Draft Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019 on 27 February 2019^{clxxx} highlighted that:

"There is no reference to the welfare or suffering of the species concerned. Could the Minister not have a wider responsibility to ensure good animal husbandry and disease-free environments for those fish and species, regardless of the economic consequences? I realise that this SI transfers current EU regulations, but the Minister knows that there is cross-party concern to ensure that high levels of animal husbandry for all species are transferred appropriately into UK law after we leave the EU. I hope the Minister will take into account the increasing evidence that fish that are farmed in an aquaculture environment that closely replicates their natural environment and are kept disease-free are less stressed, more productive and more robust in the longer term. There is a benefit all round to ensuring that the regulatory environment is appropriate."

UK Parliament written questions and answers on Fish Farming: Animal Welfare: 16 May 2022^{clxxi}

'The Animal Welfare Act 2006 makes it an offence to cause unnecessary suffering to any protected animal, or to fail to provide for the welfare needs of an animal, including fish, for which that person is responsible. Regulations also require that farmed fish are spared avoidable pain, distress or suffering during their killing and related operations. As part of the Government's Action Plan for Animal Welfare, we are currently considering a number of improvements that could be made to the welfare of farmed fish at the time of killing and have asked the Animal Welfare Committee to update its 2014 Opinion on the welfare of farmed fish at the time of killing. Any allegations of welfare or health issues will be investigated by the Animal and Plant Health Agency (APHA) and Cefas (Centre for Environment, Fisheries and Aquaculture Science), and where there are non-compliances with the regulations, appropriate action is taken against anyone who breaks the law when non-compliances are disclosed.'

In answer to a written question on Slaughterhouses CCTV on 20 June 2022, it was said on behalf of DEFRA that^{clxxii} :

'The Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 requires slaughterhouses to provide official veterinarians with access to CCTV footage. Official veterinarians will view CCTV footage daily. As there are no official veterinarians or routine animal welfare inspection programmes in farmed fish processing premises CCTV footage, were it to be mandated, would not be viewed. Any allegations of welfare or health issues are investigated by the Animal and Plant Health Agency and Cefas, and where there are non-compliances with the regulations, appropriate action is taken. As part of the Action Plan on Animal Welfare we are considering general improvements that could be made to the welfare of farmed fish at the time of killing. We have also asked the Animal Welfare Committee to update its 2014 Opinion on the welfare of farmed fish at the time of killing and look forward to receiving Animal Welfare Committee's updated advice later this year.'

Meanwhile, the European Commission's Fitness Check^{clxxxiii} of animal welfare legislation recognises that:

“Scientists have recognised fish as sentient beings, which is not reflected in the EU animal welfare legislation in the sense of specific requirements. As regards the killing of fish, some processes are pointed out to be particularly inhumane.”

As a consequence, the European Commission has announced that it will carry out an overhaul of the EU's animal welfare laws. A similar review in the UK would be very welcome.

Welfare of broiler chickens

We recommended reducing the maximum permitted broiler stocking density and using farm support payments to encourage a move to higher welfare systems, and shifting away from fast growing birds towards slower growing, more robust breeds.

Daniel Zeichner, Shadow Minister for Environment, Food and Rural Affairs, at Agriculture Bill (Eighth sitting)^{clxxxiv} debated on 27 February 2020 argued that:

“For broiler chickens, the key issue is often substantial overcrowding. Many UK broilers are stocked at 38 kg per square metre. As chickens in the UK often weigh around 2.2 kg at slaughter, that means approximately 17 chickens are kept per square metre. Without going into the wider points, we know the British public want to see higher welfare standards and many would probably be shocked to see those conditions. As Government

Members have pointed out, people want food at affordable prices. We agree with that, so there is a tension and a balance in this, but if one has £3 billion to spend, to some extent one has choices. At such high densities, sadly broilers can have high levels of infectious pathogens, leg disorders, foot-pad dermatitis and mortality. We believe that to be granted financial assistance, the maximum permitted broiler stocking density could be reduced to a specific number.”

The then-Farming Minister, Victoria Prentis, speaking on 20 June 2022, at the End the Cage Age debate in Parliament^{clxxxv} acknowledged that:

‘Broiler chickens perhaps do not fall quite so neatly into this debate, but they comprise a significant proportion of the animals reared in this country, so it is important to recognise that almost all of them—nearly 95%—are reared in barns, in confinement. Although we have better stocking densities than much of the EU, there is a great deal more to do in this area, some of which I will set out later.’

According to then Environment Secretary, George Eustice speaking at the National Farmers Union conference in 2022,^{clxxxvi} priorities on poultry welfare are to: implement the Better Chicken Commitment (BCC) which requires slower-growing breeds, lower stocking densities and restrictions on thinning birds. These all contribute to improved health and welfare outcomes, such as fewer leg disorders.....adopt welfare-improving technology to support environmental and behavioural monitoring and better stockmanship. Support payments were also promised to producers changing to the BCC. Further progress needs to be made in this area.

Enriched cages for laying hens

We recommended banning the use of enriched cages for laying hens.

Kerry McCarthy MP, at the debate of Caging of Farmed Animals on 16 March 2020,^{clxxxvii} spoke in support of the petition to ban cages for all farmed animals, including enriched cages for laying hens. At the subsequent End the Cage Age debate in Parliament on 20 June 2022, MPs further outlined the problems with enriched cages.^{clxxxviii}

The Action Plan for Animal Welfare 2021 (for England) and the Scottish Government's Programme for Government 2021-2022 include commitments to examining the use of cages for laying hens and the Scottish Government announced in September 2021 that it planned to start consultation during that parliamentary year on proposals which would include phasing out cages for game birds and laying hens.^{clxxxix}

Both consultations on the phasing out of enriched cages remain unpublished.

Following the recommendations of the Conference on the Future of Europe^{clxxx} and the European Citizens' Initiative, 'End the Cage Age'^{clxxxix}, the European Commission in a press release on 30 June 2021^{clxxxii} heralded positive changes stating:

'Today, the Commission decided to positively respond to the European Citizens' Initiative (ECI) "End the Cage Age", the sixth successful initiative supported by over 1 million citizens across the EU. In its reply, the Commission sets out plans for a legislative proposal by 2023 to prohibit cages for a number of farm animals. The proposal will come as part of the ongoing revision of the animal welfare legislation under the Farm to Fork Strategy.'
'While all farm animals benefit from current

legislation on the protection of animals, only laying hens, broilers, sows and calves are covered by rules on caging. In its response to the ECI, the Commission commits to table, by the end of 2023, a legislative proposal to phase out, and finally prohibit, the use of cage systems for all animals mentioned in the Initiative.'

In order not to fall behind its European counterparts, the UK needs to make progress in this area.

Routine preventative use of antibiotics.

We recommended the Government prohibit the routine preventative use of antibiotics in farming to reduce antibiotic resistance in both humans and animals.

EU Regulation 2019/6 (known as the new veterinary regulation) came into effect on 28 January 2019 and 'legislates for the authorisation, use and monitoring of veterinary medicinal products in the European Union'.

New EU legislation, which was agreed in 2018 when the UK was an EU member, prohibits all all forms of routine antibiotic use in farming, including preventative group treatments. The new EU legislation also makes it illegal for EU farmers to use antibiotics to compensate for inadequate husbandry, poor hygiene and lack of care of animals.

The new EU legislation is motivated by the global antibiotic resistance crisis, which scientists say is causing over one million deaths a year globally. However, the rules also have the potential to improve the health and welfare of hundreds of millions of farm animals across the EU.

The EU has also introduced a new ban on the importation of animal foods produced with antibiotic growth promoters.

There was no commitment in the Conservative Party manifesto or Action Plan for Animal Welfare 2021 (for England) to end the routine preventative use of antibiotics in farming. However, the Veterinary Medicines Directorate has recently concluded a consultation on strengthening rules around antibiotic use in farm animals,^{clxxxiii} and a response from them is pending.

The Earl of Dundee, speaking at the Agriculture Bill debate on 9 July 2020,^{clxxxiv} laid an amendment to encourage through financial support, the outdoor rearing of animals, in part to reduce the need for antibiotics and reduce pandemic risk:

"Amendment 44, which is in my name, seeks financial assistance to encourage the rearing of livestock outside as opposed to factory farming. Outdoor rearing of animals reduces the use of antibiotics. Too many of those in farming have already undermined the efficacy of antibiotics in British medicine. Equally, animal-to-human transmission of diseases is far more likely to occur when animals are farmed indoors—for example, Covid-19, SARS, swine flu, avian flu et cetera. The grazing of animals outdoors also benefits crop rotation, since they keep soils healthy without the overuse of synthetic fertilisers. Animals reared on good quality pasture also produce less CO₂ and methane compared to those reared indoors and fed on animal feed."

The UK 5-year action plan for antimicrobial resistance 2019 to 2024^{clxxxv} sets out the Government ambitions and actions for the next 5 years, supporting the 20-year vision for antimicrobial resistance (AMR). The UK's AMR National Action plan states: "Aligning with EU legislation, we will implement the provisions of the new EU Veterinary Medicines legislation on the use of antibiotics, subject to the official public consultation process and through collaboration with stakeholders to agree how it can be applied in practice."

The APPG on Antibiotics called for a Minister for

AMR, in 2020.^{clxxxvi}

A Parliamentary debate about the use of antibiotics on healthy farmed animals and antimicrobial resistance took place on 18 January 2023 and in February 2023^{clxxxvii} the Veterinary Medicines Directorate launched a public consultation on proposed revision to the Veterinary Medicines Regulations, as they apply in Great Britain.^{clxxxviii}

Foie gras

We recommended that the import of foie gras should be prohibited.

The 2021 Action Plan for Animal Welfare (for England) recognises the inherent cruelty involved in the production of foie gras and states:^{clxxxix}

'The government has made clear that the production of foie gras from ducks or geese which have been force fed raises serious welfare concerns. The production of foie gras by force feeding is already illegal in the UK. Now the transition period has finished, we are committed to building a clear evidence base to inform decisions on banning the import or sale of foie gras and other products derived from low-welfare systems.'

The Animals Abroad Bill was heralded as the vehicle by which the Government would incorporate a ban on the import of foie gras, however, this bill has not been published and media reports suggest that it has been dropped. A DEFRA written question – answered on 30 September 2022 – states that:

'The Action Plan for Animal Welfare noted that HM Government has made clear that the production of foie gras from ducks or geese which have been force fed raises serious welfare concerns and that the production of foie gras by force feeding is already illegal in the UK. The Action Plan also noted that now that the UK has left the EU, we are committed to building a clear evidence base to inform decisions on banning the import or sale of foie gras and other products derived from low-welfare systems. HM Government is currently continuing to build this evidence base. No specific deadline has been set for this exercise, and further evidence that people may wish to share with HM Government would be gratefully received.'

SECTION 5

Domesticated companion animals: welfare post-Brexit.



Executive Summary

As the Government has failed to deliver on the Animal Welfare (Kept Animals) Bill which contains measures to crack down on the illegal puppy trade, stop the import of dogs with cropped ears and end the live exports of horses, it has failed to materialise the Brexit opportunities. Positive changes to cat microchipping and equine identification are welcome but could have happened without Brexit. The new SPS rules due to be imposed on the borders by 1 October 2024 may improve enforcement but will arrive too late to turn the dial from the red to yellow.

Although most legislation for companion animal welfare is devolved, Brexit did give the UK Government the opportunity to improve the legislation on trade in animals and clamp down on the illegal puppy trade. This opportunity, written into the Animal Welfare (Kept Animals) Bill,^{cxv} would have brought in restrictions on the puppy trade for all three GB countries. It has not been taken and the Bill still languishes without any indication it will be delivered before the King's Speech in the autumn.

Commercial imports of puppies and adult dogs peaked in 2021 and then reduced, however overall imports continued to rise, suggesting that importers may be reverting to illegally importing via PETS^{cxvi} rather than incur the cost of commercial importing. The risk of zoonotic diseases such as canine brucellosis entering the UK is still high due to the trade in adult rescued street dogs. The increase in importation of heavily pregnant bitches is a significant concern due to the increased risk

of transmission of brucellosis if they are carrying the disease. Whilst legislation remains stuck, enforcement continues to be a problem both at border controls and within the country. The Windsor Framework has provided a solution to facilitating the internal UK movement of cats and dogs without the need for additional checks and vaccinations but could also provide the green light for illegal movements of dogs and cats not only from the island of Ireland into the UK but also as a route from the continent to avoid enforcement action at the channel ports.

The same issues as highlighted above for dogs and cats equally apply to the movement of equines, including around the Windsor Framework and non-compliant movements moving via Northern Ireland. Equines of concern that are being imported into Great Britain are meant to be checked at destination. However, any inspections that take place at the border do not identify that the paperwork accompanying the animal matches both the animals in the load and the paperwork submitted to APHA. It is therefore challenging to identify these 'risky' movements. On the other hand, the paperwork is complex, and guidance is confusing, which is a barrier to compliance and again makes it harder to identify those moves that are truly a risk from both a biosecurity and welfare perspective.

Improvements in England to equine identification, including moving to a digitised system, are expected to be announced in 2023 and the UK Government has now announced the Target Operating Model for feedback.^{cxvii}

Movement of pets

We recommended that the Government should strengthen provisions for disease transmission risk and illegal smuggling for commercial and non-commercial travel.

These animal welfare-focused objectives also support human-relevant objectives such as consumer protection (purchasing low welfare bred dogs or cats from unscrupulous dealers) and human health (transmittable disease reduction).

In a parliamentary debate in May 2018, the Parliamentary Under-Secretary of State for DEFRA, Lord Gardiner of Kimble acknowledged the need to heighten biosecurity under the Pet Travel Scheme ('My noble friend Lord Lexden mentioned the Pet Travel Scheme. We need to work on that to heighten biosecurity and to ensure that matters run smoothly.')

The Conservative Party manifesto 2019^{cxciiv} included a commitment to '...crack down on the illegal smuggling of dogs and puppies.' [p54].

This commitment was reflected in the Action Plan for Animal Welfare 2021^{cxcv} (for England).

'One of our key reforms here is to end the abhorrent, cruel practice of puppy smuggling and low-welfare pet imports. Now the Transition Period has finished, and we have left the EU, we have the opportunity to go further than ever. We have been working closely with our colleagues across the Devolved Administrations and NGOs to provide protection for those animals brought in by these unscrupulous traders, and to prevent the trade as much as we can.



We committed to cracking down on puppy smuggling in our manifesto and we will legislate to:

- Reduce the number of pet dogs, cats and ferrets that can be moved under the pet travel rules which apply to non-commercial movements, in order to prevent unscrupulous traders from exploiting our pet travel rules.
- Bring in powers which enable us to go further, to:
- Increase the minimum age that dogs can be non-commercially moved or commercially imported into Great Britain.
- Restrict the ability of unscrupulous traders to move heavily pregnant dogs into Great Britain both commercially and non-commercially.
- Prioritise the health and welfare of dogs by prohibiting the importation and non-commercial movement of dogs into Great Britain that have been subject to low welfare practices, such as ear cropping or tail docking, in line with our domestic legislation on these practices.’

The legislative framework to implement these objectives is the Animal Welfare (Kept Animals) Bill, heralded by DEFRA^{cxvii} in relation to travel rules for the movement of dogs from abroad, as below:

‘Puppy smuggling: The Government will introduce new powers to tackle the unethical trade of puppy smuggling by reducing the number of pets (dogs, cats and ferrets) that can travel under pet travel rules. It will also include powers for the Government to bring in further restrictions on the movement of pets on welfare grounds, for example by increasing the minimum age of imported puppies and restricting the import of pregnant dogs and dogs with mutilations such as cropped ears and tails.’

The Animal Welfare (Kept Animals) Bill was introduced in the House of Commons on 8 June 2021 and had its second reading on 25 October 2021^{cxviii}

The Secretary of State for Environment, Food and Rural Affairs (George Eustice) stated:

‘Secondly, our departure from the EU also means that we are able to bring in measures to tackle the serious issue of puppy imports into Great Britain. The number of cats, dogs and ferrets brought into GB through non-commercial and commercial routes has increased significantly over the years. That has been accompanied by an increase in young puppies being illegally landed in the UK. For example, the number of dogs intercepted rose from 390 in 2019 to almost 1,300 in 2020.

There is growing evidence that commercial importers currently abuse our non-commercial pet travel rules to bring in lots of puppies at once to maximise profit, and that the welfare of those puppies is frequently compromised. The Bill therefore reduces the number of pets that can be brought into the country for non-commercial reasons by a person who is coming into or returning to the country. The maximum number of pets will be reduced to five per motor vehicle on ferry and rail routes, and three per person where someone is arriving by air or as a foot passenger. That will deter traders from abusing the non-commercial pet travel rules to bring in puppies for onward sale.....

‘The Bill includes an enabling power that will allow us to implement further restrictions on the importation of dogs, cats and ferrets on welfare grounds through secondary legislation. We have recently conducted a consultation on the detail of those measures, including proposals to raise the minimum age for importing puppies and to prohibit the import of heavily pregnant dogs and dogs with cropped ears and docked tails. That consultation closed on 16 October, and we will be working to analyse the responses over the coming weeks.’



The Animal Welfare (Kept Animals) Bill sets out powers for the reduction in limit on non-commercial movement of dogs, cats and ferrets (clause 45) and power relating to importation of certain dogs, cats and ferrets (clause 46).

Clause 45 proposes limiting the number of dogs, cats and ferrets that may be moved into Great Britain in a motor vehicle to five animals. The number of pets that may accompany a person when travelling by any way other than by motor vehicle (i.e., by air or as a foot passenger by train or ferry) is reduced from five to three.

Clause 46 provides the national authority power to make regulations relating to the importation of ‘certain’ dogs, cats and ferrets for the purpose of ‘promoting the welfare of relevant animals so imported.’

Clause 46(2) specifically provides a legal power to make regulations that prohibit or restrict the importation of a ‘relevant animal’ which is below a specified age, has been mutilated, or is more than a specified number of days pregnant.

Animal advocacy groups have welcomed these legal powers which would enable the national authority to prohibit the import and sale of dogs with cropped ears or docked tails (with a tightly worded exemption to allow such dogs to be rehomed via animal welfare organisations) or are heavily pregnant. Such regulations would also help tackle low welfare/high output breeders importing young puppies and heavily pregnant bitches. However, the sector is pushing for a further reduction to three per non-commercial vehicle. This is to further reduce the likelihood of puppy smuggling (or bringing in pregnant bitches) whilst not inconveniencing the public, as most owners have fewer than three dogs.^{cxcviii}

A Legislative Consent Motion was passed by the Scottish Parliament on 11 January 2022, confirming the Parliament's assent to the U.K. Parliament legislating for Scotland on this matter.

There has already been a consultation on the potential areas that Regulations under the Kept Animals Bill would cover, this took place in 2021, between August and October.^{ccix} It covered a wide range of areas including the import of pregnant animals (at what gestation phase the cut off should be), what mutilations should be banned, and enforcement rules. There has however been no Government response to the consultation.

In 2021 the Environment Food and Rural Affairs Select Committee also ran an inquiry into the movement of animals into the UK and in their report *Moving Animals Across Borders* they made the following recommendations^{cc}:

'The Animal Welfare (Kept Animals) Bill will reduce the number of pets that an individual can bring Great Britain from five to three. This is a positive step, which should help to reduce pet smuggling. However, there is evidence that the current rules are not being enforced at the border making it easy for pets to be illegally brought into the country. Prosecution rates and the sentences for pet smuggling are low, and do not act as an effective deterrent. The Government should increase the sentences given to pet smugglers, including greater consideration of custodial sentences. Increasing prosecution rates must also be a priority, as prosecution rates are proportionately low given the estimated size of the trade. Furthermore, DEFRA should include a ban on animals younger than six months, heavily pregnant animals, and animals which have been subject to poor welfare practices on the face of the Bill, rather than in secondary legislation. The Bill should also include a clear definition of 'heavily pregnant'. A number of non-endemic canine diseases are on the rise in the UK. These pose a serious health risk to the UK pet population. The Government should introduce pre-import screening for non-endemic diseases which threaten the UK pet population. This should be accompanied by the reinstatement of tick and tapeworm treatment requirements and a rabies titre test for pets when they are being brought into the UK.'

The Animal Welfare (Kept Animals) Bill went through its Committee stage between 9 and 18 November 2021 and was awaiting its Report stage in the House of Commons before the end of the parliamentary session and was carried over into the 2022-23 Session. However, it has been over a year and a half since it was last debated, and it remains uncertain whether it will be allocated sufficient parliamentary time to progress in this session. At a Westminster Hall debate on the Bill in February the Government only reiterated the line that they were waiting for parliamentary time to bring it back for its final stages.

In the meantime, the UK has been classed by the EU as a Part II listed country under the Pet Travel Scheme since the end of the transition period. This means that people travelling from Great Britain with pets (including assistance dogs) will need to follow new requirements to travel to the EU and Northern Ireland. Each time you go out of Great Britain including to Northern Ireland you need an Animal Health Certificate, which requires the travel to begin within 10 days of being issued,^{cci} because UK pet passports are no longer valid.

The UK Government is pressing for Part I listed status^{ccii}, but this is all tied up in the EU-UK Trade and Cooperation Agreement^{cciii} negotiations.

A new model for imports from Ukraine, Belarus, Poland and Romania 'the Quad', was announced on October 29 2022 to introduce new restrictions such as a trusted trader scheme and limited time portals for entry to the UK. Import from these four countries are restricted to 10-4 Monday-Friday to ensure that these imports will be properly enforced as they are the times APHA are present at ports.

The temporary ban on imports of puppies and rescue dogs from the Quad for eight months (April-Oct 29 2022) and has been rescinded under a trusted trader scheme but still not permitting anything other than rabies testing - there has been a rise in brucellosis cases from 3 in 2019 to 107 in the first six months of 2022 and the United Kingdom had its first zoonotic crossover to a human catching brucellosis from a rescue dog from Belarus that they were fostering. DEFRA are exploring if they can widen the testing from rabies to include other zoonotic diseases such as Brucellosis. If this is implemented, it will require *Brucella canis* reference laboratories, as is the case for rabies serology.

The UK has not put in its Sanitary and Phytosanitary Controls (SPS) import controls but has postponed it four times whereas the EU has SPS controls on UK exports. Under the UK's draft proposals for border controls, controls are expected to start in October 2023 and be completed by the end of the year^{cciv}. These will increase paperwork. To prevent this, it would be necessary to negotiate a Common Veterinary Agreement with the EU (CVA) as Switzerland has.

In relation to the microchipping of owned cats the Cat Microchipping regulations have been passed and will come into force on 10th June 2024.^{ccv} However, there has been a growth in databases supporting the microchip data, which have grown from 4 to 22 in six years since dog microchipping was introduced in 2016.^{ccvi} There are now 22 compliant databases according to DEFRA.^{ccvii} The draft regulation bringing in statutory cat microchipping effectively mirrors current dog requirements with the only major change being kittens requiring to be microchipped by 20 weeks. There are concerns at how the Regulations, which only apply to owned cats, not feral or community cats, will be enforced.

The UK Government has confirmed that it will agree proposals for having a single point of access to the 22 databases in existence^{ccviii}. The proposals consulted on in regard to database operation, single point of access are not covered in the draft regulations and it is unclear when or if this will be addressed.^{ccix}

Enforcement

We identified Brexit as an opportunity to strengthen provisions for enforcement, by retaining or developing a system to trace all the movements of animals into and out of EU Member States, maintaining current monitoring levels; preventing the non-compliant export and import of equines and puppies, in particular by strengthening controls at ports and improving intelligence-led checks both at the point of destination and, particularly for equines, departure in the UK.

The UK no longer has access to TRACES. The UK now has its own system, 'Import of products, animals, food and feed system' (IPAFFS). Importers and import agents must use IPAFFS to notify authorities in Great Britain before certain goods arrive from EU and non-EU countries, including live animals.^{ccx}

World Horse Welfare has found that it is not mandatory to state the port of entry in IPAFFS (some enter destination, instead of the entry port) - meaning the government currently does not know which port where animals originate. The system is currently therefore much more flawed than TRACES.

The establishment of two different data systems has meant that, as BDFA feared in 2016, seamless border crossings has been more difficult with more forms to fill out and a possibility that enforcing the illegal trade in dogs has been more problematic. This creates problems of delay due to paperwork that is detrimental to animals. For equines, for example, they are held at EU Border Control Posts for genuine errors in paperwork (because of the complexity), or for customs declarations, while there are limited animal based checks, unnecessarily lengthening the animals' journey.

The EU is tackling the trafficking of pet animals across Europe. The European Commission and the EU/EFTA countries launched an enforcement action in July 2022 aimed at 'detecting irregularities and falsification of official documents', identifying commercial animal trade disguised as non-commercial and detecting fraud.^{ccxi}

Cats And Dogs

We recommended the Government strengthen provisions to ensure the welfare of dogs and cats during transport.



The Animal Welfare (Kept Animals) Bill introduces provision for national transport rules including on cats and dogs. DEFRA is continuing to consult on new internal transport rules and standards and a formal consultation is expected in 2023. However, as previously noted, there is uncertainty about the political will to progress this Bill through Parliament. The Commission could release proposals on transport in 2023^{ccxii}, so it is likely that there will be divergences of standards and maximum transport journey limits when the new transportation standards are agreed in Great Britain and Europe in the coming few years.

The ban on cat and dog fur being imported into the UK was retained under the EU (Withdrawal) Act 2018 but will also need to be carried over once the Retained EU Law (Revocation and Reform) Bill is passed in 2023.

Regulation (EC) 1523/2007 bans the placing on the market and import to, or export from, the Community of cat and dog fur, and products containing such fur.^{ccxiii}

The Cat and Dog Fur (Control of Movement etc.) (EU Exit) Regulations^{ccxiv} 2022 ensures that the UK will continue to ban the import of cat fur now the UK has left the European Union.

The REUL Bill could permit overturning or assessing this ban. However, the UK Government has said it will keep the bans.^{ccxv}

We recommended the UK continue sharing relevant information in the event of a disease outbreak.

On 21 April 2021 the EU's new Animal Health Law (Regulation (EU) 2016/429)⁸⁹ (AHL)^{ccxvi} came into force. It aims to prevent and control animal diseases that can be transmitted to animals or humans.'

'This Regulation lays down rules for the prevention and control of animal diseases which are transmissible to animals or to humans. These rules aim to ensure (i) improved animal health to support sustainable agricultural and aquaculture production in the European Union; (ii) the effective functioning of the internal market; and (iii) a reduction in the adverse effects on animal health, public health and the environment of certain diseases.

The Regulation takes into account not only the relationship between animal health and public health, the environment (including biodiversity and valuable genetic resources, as well as the impact of climate change), food and feed safety, animal welfare, antimicrobial resistance and food security; but also the economic, social, cultural and environmental consequences arising from the application of disease control and prevention measures.'

The UK has agreed it will introduce its SPS animal health import controls on imported products from the end of the year^{ccxvii}. It also has to decide if it wishes to adopt equivalent measures to the EU on animal health controls to reduce the paperwork and controls that will have to be put in place. One proposal would be to adopt a Common Veterinary Area with the EU, similar to the one the EU has with Switzerland.

Specific Recommendations applying to Equidae

We recommended that the UK maintain the free movement provision on equines under the Tripartite Agreement with France and Ireland and continue to implement and enforce equine identification.



Tripartite Agreement

During the transition period after leaving the EU, the movement of high health status horses between France, Ireland and Great Britain continued under the Tripartite Agreement.

Horses not covered by the Tripartite Agreement were transported under the Balai Directive, which enabled horses and other Equidae to move freely, if complying with requirements under the Directive to travel with identification and health certification documents.

These arrangements have not continued since the end of the transition period.

Equine identification.

Equine Identification (England) Regulations 2018 require all equines to be identified by a microchip and identification documents.

Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019^{ccxviii} were made under the power of the European Union (Withdrawal Act) 2018 and replace the EU system of equine identification set out in Commission Implementing Regulation (EU) 2015/262 (Equine Passport Regulation). According to the Explanatory Memorandum^{ccxix}, these 'Regulations will ensure that equines continue to be identified both by way of a single lifetime document and Central Equine Database.'

The movement of horses between Great Britain and Northern Ireland or EU now takes place under EU Sanitary and Phytosanitary regulations^{ccxx} which require relevant documentation and border control inspections. The exporters of horses must also comply with the Animal Health Law (Regulation (EU) 2016/429), which requires horses to be protected for diseases that may pose a risk to humans or other nonhuman animals.

In 2021 the EFRA Committee carried out an inquiry^{ccxxi} into the movement of animals across borders post Brexit. In relation to the movement of horses and other equines, it acknowledged

concerns of World Horse Welfare and others about illegal transportation of horses across the border into Europe for slaughter or sale into the food chain.

In summary, the EFRA Committee made the following determinations and recommendations:

'54. We have been told that there are horses being illicitly moved across Britain's borders and being sent to slaughter under the guise of being sold for other purposes. DEFRA should investigate non-compliant horse movements and quantify the scale and causes of the practice. This work should take place in collaboration with industry groups like World Horse Welfare who have developed intelligence and expertise on horse smuggling. Once the scale of the issue has been identified, DEFRA should set out a plan to address it within a year, and no later.

'62. The current system of equine ID is not fit for purpose. Its outdated and fragmented paper systems enable fraud. A digital identification system would help to prevent horse smuggling and enable the expedited movement of 'high health status' horses. The mandatory microchipping of equines facilitates a digital identification system, which we believe is available at the moment. DEFRA should move to this system as a matter of urgency. The proposals put forward in DEFRA's upcoming equine identification consultation should be digital by design and easy to use, except in exceptional circumstances, such as the studbook network which is vital for the support of native, rare and indigenous breeds. It is our understanding that these systems already exist within the industry. The Government should embrace these systems or guarantee interoperability with them. Alongside this new identification system DEFRA should develop a funded action plan to enforce the identification rules. The consultation should be published within the next three months and the action plan should be published within three months of the consultation's conclusion.'

In response, DEFRA^{ccxxii} referred to proposed changes in the Action Plan for Animal Welfare 2021 (for England), including further digitisation.

Clause 40 of the Animal Welfare (Kept Animals) Bill proposes to end the live export of horses and other equines for slaughter. A ban on export for slaughter and fattening will go some way to addressing this 'under the radar' movement. But as no equines have been officially declared as going for slaughter in years, this ban will only be effective if appropriate control measures are put in place and enforced. An improved Equine ID system will also help and DEFRA's response to a consultation on Equine ID, DEFRA states :^{ccxxiii}

"There is clear strong support for this proposal from the majority of respondents, including most of our stakeholder groups. We will therefore engage further with key stakeholders to develop this proposal (for updates to identification that is, not studbook data)."

In this aspect, England could be further ahead compared to the EU as it has recommended moving to a digitised equine identification system. However, Scotland and Wales have yet to consult or commit to making the same improvements and, as previously noted, there is uncertainty about the political will to progress the Animal Welfare (Kept Animals) Bill through Parliament.

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.

The UK has agreed it will introduce its SPS animal health import controls on imported products from the end of the year^{ccxxiv}. It also has to decide if it wishes to adopt equivalent measures to the EU on animal health controls to reduce the paperwork and controls that will have to be put in place. There are concerns that the additional paperwork will impact on access to veterinary medicines. One proposal would be adopt a Common Veterinary Area with the EU, similar to the one the EU has with Switzerland.



Marmoset by Forsyth/RSPCA

Glossary

Action Plan for Animal Welfare	Action Plan for Animal Welfare (for England) 2021, DEFRA, May 2021
AMR	Antimicrobial resistance
APHA	UK government Animal and Plant Health Agency
APPG	All Party Parliamentary Group
ASPA	Animals (Scientific Procedures) Act 1986
ASC	UK government Animals in Science Committee
ASRU	Animals in Science Regulation Unit, Home Office, responsible for enforcing the Animals (Scientific Procedures) Act 1986
BBSRC	UK Biotechnology and Biological Sciences Research Council
BDFA	British Deer Farmers Association
CAP	EU Common Agricultural Policy 1962
Cefas	Centre for Environment, Fisheries and Aquaculture Science, UK government agency
CCTV	Closed-circuit television
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP15	Fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, Montreal, Canada, 7 - 19 December 2022
COP26	26th United Nations Climate Change conference, Glasgow, Oct-Nov 2021
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership, a free trade agreement among Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.
DAERA	Department of Agriculture, Environment and Rural Affairs, Northern Ireland
DEFRA	UK Department for Environment Food and Rural Affairs
EFRA	UK Environment, Food and Rural Affairs

ECHA	European Chemicals Agency
ECI	European Citizens' Initiative
EFSA	European Food Safety Authority
EFTA	European Free Trade Association, the 4 EFTA countries Iceland, Liechtenstein, Norway, Switzerland
ECJ	European Court of Justice
IROPI	European Commission's functions as regards the imperative reasons of overriding public interest in relation to the Habitats Directive
EU Habitats Directive	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora
EU Nature Directives	EU Habitats Directive and Wild Birds Directive
EU-TWIX	Trade in Wildlife Information Exchange, an online tool for the implementation of international wildlife trade and CITES regulations.
EU Wild Birds Directive	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds
F2F	EU Farm to Fork Strategy
FSA	UK Food Standard Agency
FTA	Free Trade Agreement
Green Deal	The Green Deal initiative is the European Commission's roadmap to make the EU climate neutral by 2050.
IPAFFS	The UK's, 'Import of products, animals, food and feed system'
IUCN	International Union for Conservation of Nature (governments and civil society)
MSFD	EU Marine Strategy Framework Directive
NPCC	UK National Police Chiefs Council
NC3Rs	National Centre for the Replacement, Refinement and Reduction of Animals in Research

NATs	Non-Animal Technologies
OECD	Organisation for Economic Co-operation and Development
REACH	Registration, evaluation, authorisation and restriction of chemicals (UK and EU)
REUL	Retained EU Law
The REUL Bill	Retained EU Law (Revocation and Reform) Bill
RSPCA	Royal Society for the Prevention of Cruelty to Animals
NAMs	Non-Animal Models
SAWC	Scottish Animal Welfare Commission (governmental)
SARS	Severe acute respiratory syndrome
The Sentience Act	Animal Welfare (Sentience) Act 2022
TAC	UK Trade and Agriculture Commission, established July 2020
TAWC	UK Trade and Animal Welfare Coalition (non-governmental)
TRACES	Trade Control and Expert System. The EC's online platform for sanitary and phytosanitary certification required for the importation of animals, animal products, food and feed of non-animal origin and plants into the European Union, and the intra-EU trade and EU exports of animals and certain animal products.
Tripartite Agreement	Tripartite agreement facilitating the movement of horses between the United Kingdom, Ireland and France
TFEU	Treaty on the Functioning of the European Union, 1957
UN FAO	United Nations Food and Agricultural Organisation
WATEO	Welfare of Animals (Transport) (England) Order 2006
WATOK	The Welfare of Animals at the Time of Killing (England) Regulations 2015
The Withdrawal Act	European Union (Withdrawal) Act 2018
Zoos Directive	EU Zoos Directive 1999
Zoo Licensing Act	Zoo Licensing Act 1981

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Introduction

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