

# ANIMALS AND BREXIT

**A report for Keith Taylor MEP,  
Green Party Animals Spokesperson**

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# FOREWORD BY KEITH TAYLOR MEP



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Britain's status as a nation of animal lovers has been a proud hallmark for centuries. And the UK can largely be proud of its contribution to positive animal welfare action in the European Union. We have actively engaged with animal welfare concerns, for many years now, and generally used our significant power in the EU to champion animal protection. The same can't be said of other progressive issues, of course.

Almost 20 years ago, the UK used its presidency of the Council of the European Union to push for a groundbreaking change in the way animals are treated across the continent. A protocol adopted in 1999 meant that, for the first time, animals were to be regarded as sentient beings, not just agricultural 'goods'. This historic moment for animal protection was to ensure all future legislation took account of the fact animals, like us, feel pain and experience stress. In its wake, the European Union has passed more than 20 additional animal welfare laws, including the ban on conventional battery cages and the ban on cosmetics testing on animals.

This report sets out why Brexit, in any formulation, invariably means abandoning the achievements the UK has worked with the EU to build; namely, membership of a collaborative body that has worked to secure animal welfare safeguards over 45 years. Leaving the EU, consequently, will be one of the most defining political events for the protection of animals in the UK, particularly for the estimated one billion animals farmed in Britain every year.

When it comes to farmed animals, and indeed animals used in research, the overwhelming majority of the policies governing these industries, including funding, regulation, and trade, are derived from the UK's membership of the EU. But, as this report makes clear, the European Union's influence on animal welfare in the UK is more than just directly legislative. From the freedom of movement for EU vets to access to

EU-wide research networks developing alternatives to animal testing, so many UK animal welfare advances are inexorably linked with our membership of the EU.

While the Government claims the EU (Withdrawal) Bill will roll over almost half a century's worth of hard-won animal welfare safeguards this report shows that the assertion, both technically and practically, fails to stand up to scrutiny. Scrutiny, incidentally, is something the Bill denies Parliament when it comes to amending and scrapping EU laws post-Brexit.

My report, therefore, lays bare the urgent work we animal advocates in the UK must do to ensure that, inter alia, farmed animals aren't sacrificed on the altar of free trade, animals used in research aren't sacrificed to doubly unnecessary studies, and wildlife protections aren't lost to a reckless development drive.

I'm honoured to represent a party that has consistently and unwaveringly defended animals. Compassion for animals is in our DNA. I will continue to stand shoulder to shoulder with animal advocates across the UK in the face of a challenging future. I and fellow Greens, alongside animal protection groups, will not only be working to ensure exiting the EU isn't a backward step for animals but calling for stronger legislation to better protect animals.

A handwritten signature in black ink that reads "Keith Taylor". The signature is written in a cursive style with a long horizontal stroke underneath the name.

MEP for South East England  
Vice-Chair of the European Parliamentary Intergroup for Animal Welfare  
Green Party Animals Spokesperson

# INTRODUCTION

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Around 80% of UK animal welfare laws originate from the EU<sup>1</sup> with more than 40 different laws relevant to animal welfare covering farmed animals, wildlife, animals used in research and, to a lesser extent, companion animals. Furthermore, the Treaty of Lisbon was groundbreaking when it enshrined in law the recognition that animals are sentient beings and all policymaking should pay due regard to that fact.

The first animal welfare law was passed in 1974, setting standards on the slaughter of animals, and the most recent legislative development came in March 2016, with the European Parliament passing the Animal Health Regulation which leads the way for new legislation to harmonise rules on dog registration in response to concerns about the puppy trade. During that period, the European Union has led the way globally in many important areas, such as introducing bans on:

- animal testing for cosmetics and the sale of products newly tested on animals
- banning the import of seal products and
- banning barren battery cages and veal crates

to name but a few.

There is a groundswell of support for the European Union to keep leading the way on animal welfare. Concern for animal protection continues to grow amongst EU citizens. The three latest Eurobarometers, pan-European opinion polls, on animal welfare have shown widespread interest in improving the lives of animals, in particular, those farmed for food. In 2007, 62% of EU citizens said they would change their shopping

habits to buy more higher welfare products<sup>2</sup>, and in 2016, 59% said they would be willing to pay more for products sourced from higher welfare systems. At the same time, the overwhelming majority of citizens across Europe, 82%, believe the welfare of farmed animals should be better protected<sup>3</sup>.

The UK's membership of the EU over the last 45 years has ensured it has had an influence on regulations that positively impact the lives of billions of animals not only in the UK but across all member states. Exiting the EU puts at risk a whole raft of animal welfare and wildlife protections built up over the last four decades.

Post-Brexit, the UK will need to decide how to replace the farming subsidy system currently provided through the Common Agricultural Policy (CAP). Without any clear proposals for a replacement system, there is a risk that public money will be increasingly used to prop up intensive farming.

The shape of future trade agreements will also be crucial to the strength of UK animal welfare standards and conservation measures post-Brexit. Outside of the Single Market, any bilateral trade deals struck by the Government risk opening up the UK to cheaper food imports from countries, like the US, which have lower animal welfare standards. British farmers exposed to the harsh realities of a free international market may push for domestic welfare protections to be significantly weakened, in a bid to remain competitive; signalling a hugely damaging race to the bottom on animal welfare safeguards. Post-Brexit, UK trade deals will be governed by World Trade Organisation (WTO) rules, which may also have a negative impact on animal protection aspirations.

The EU (Withdrawal) Bill, Agriculture Bill, Customs Bill, Animal Welfare (Sentience) Bill and Trade Bill are some of the legislative tools the UK Government is urgently attempting to force through the Commons in support of its vision of a hard Brexit. The detail of these Bills will have an impact on animal welfare standards in the UK.

This report seeks to outline the biggest risks Brexit poses to the wealth of animal welfare standards and laws the UK currently enjoys as a member of the European Union. It also seeks to highlight any opportunities that leaving the EU might offer to strengthen domestic animal welfare protections.

The report frequently makes reference to the UK, however, it is worth noting that powers relating to animal health and welfare have increasingly been devolved. England, Northern Ireland, Scotland and Wales have their own budgets and powers to tackle animal welfare issues. In 2011,

animal welfare officially became a matter of the National Assembly of Wales, excluding hunting and animal experimentation.

The devolved administrations have called for a greater devolution of powers after the UK leaves the European Union. However, the UK Government's Great Repeal Bill White Paper made clear its position that it does not accept powers returned from Brussels should be automatically devolved. Instead, it stressed the need for "common frameworks" across the devolved administrations to limit divergence and allow for the smooth operation of the UK Single Market – and to simplify the negotiation of future trade deals.

*"The UK does have its own membership of six Council of Europe Conventions which set animal welfare standards but we all know the problems of ensuring sanctions occur to ensure these standards are met. Replacing the role traditionally taken by the European Court of Justice, if that is where we end up, may be a tough ask."*

**RSPCA**

*"As Brexit negotiations continue, it's important to remember one particular constituency that never got to vote in the referendum, but for whom the implications could be profound. We're talking of course about animals."*

**Born Free Foundation**

*"Each nation should be an active participant in the Brexit negotiations and the ability of devolved powers to develop more rigorous standards on animal health and welfare must not be put at risk."*

**Grenville Ham, Leader of the Wales Green Party**



## Key EU achievements for animal protection

1997	Animals recognised as sentient beings
2004	Eggs must be labelled by method of production e.g. eggs from caged hens
2005	End of subsidies for live cattle exports
2005	Minimum standards set for animal transport
2007	Ban on veal crates (UK ban in 1999)
2009	No animal testing for cosmetics purposes (UK ban in 1998)
2010	Ban on the import of seal products
2012	Ban on barren battery cages
2013	Ban on use of sow stalls (UK ban in 1999)
2013	No cosmetics newly tested on animals can be imported into EU
2016	Animal health law to prevent animal diseases

*“The UK, a longstanding champion of animal welfare, and the MEPs it returns to Strasbourg will be missed. We are committed to ensuring that any shrinking of the agricultural budget doesn’t adversely impact on animal welfare and that any reform resulting from UK departure only strengthens animal welfare measures instead.”*

**European Parliamentary Intergroup  
on Animal Welfare**

# BREXIT: THREATS TO ANIMAL PROTECTION

## ANIMAL PROTECTION LAWS

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Around 80% of UK animal welfare laws originate from the EU, with legislation linked to issues affecting the operation of the internal market and the free movement of animals. These laws span over 40 years and cover four groups of animals: farmed, research, companion and wildlife (see Figure 1 on page 44).

The European Union implements animal welfare legislation through a number of vehicles including Directives, Regulations, and Decisions. Of the more than 40 EU animal welfare laws, thirteen are Directives, which have already been given effect by existing UK legislation. However, each of the remaining pieces of animal welfare legislation is put at immediate risk by the uncertainty surrounding the way in which the UK will leave the EU. The EU (Withdrawal) Bill aims to provide legal continuity by transposing EU law into UK law, however, at the same time, the process also hands Ministers the power to adapt and remove any transposed laws post-Brexit without full Parliamentary scrutiny<sup>4</sup>.

At the macro level, the Government has already earmarked important EU protocols and principles for abandonment. For example, the groundbreaking recognition that animals are sentient beings is enshrined in the Lisbon Treaty but omitted from the Withdrawal Bill. Although the impact of this recognition is varied across member states, it has an important symbolic as well as legislative importance; sending a strong message to lawmakers that any and all legislation impacting on animals must take into account and pay full regard to their welfare needs and capacity to suffer.

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## Case Study: Government U-turn on animal sentience

In 1997, the UK, during its Presidency, convinced the other EU members that the European Union needed to legally recognise that animals were sentient beings, not agricultural goods and that governments had to consider this issue when drawing up laws.

This protocol changed the way that animals were regarded, ensuring that future European governments, when making legislation, would take animal sentience into account<sup>5</sup>. The original Protocol was incorporated into the Treaty of Rome as part of the Lisbon Treaty in 2009 as Article 13 of Title II:

*“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 was absent from the first draft of the EU (Withdrawal) Bill, formerly the Great Repeal Bill, put before the House of Commons. In response, Caroline Lucas MP tabled an amendment, with cross-party support, calling for the Bill to maintain the recognition of animal sentience. The amendment was rejected, with every Conservative and Democratic Unionist Party (DUP) MP voting against it<sup>6</sup>.

However, following a high profile backlash and a PR disaster which saw Ministers and Tory MPs scrambling to justify their vote against Caroline’s amendment by claiming the provision already existed in UK law - it doesn’t<sup>7</sup> - we saw the Government embark on a hugely humiliating U-turn<sup>8</sup>. The subsequent draft Animal Welfare (Sentencing and Recognition of Sentience) Bill, announced on 12 December 2017, is now progressing through Parliament. The bill states that the Government will have to consider animal sentience in the future when they draw up new laws<sup>9</sup>.

The Government’s climbdown represented a big victory for campaigners and Greens. EU recognition of animal sentience was groundbreaking and, animal advocates argued, dropping it should never even have been

an option post-Brexit.

In January, during the EU (Withdrawal) Bill's report stage, a slim majority of MPs once more voted against transferring into UK law the EU obligation on the Government to pay regard to animal sentience, using Michael Gove's draft law as a justification<sup>10</sup>. However, there is a real risk of a gap in legal protection for animals opening up as there is no guarantee the new animal welfare bill, which is already being opposed by industry groups<sup>11</sup>, will reach the statute book nor become effective before Brexit.

Furthermore, the Bill does not go far enough. Despite the wealth of scientific evidence and campaigners' pleas<sup>12</sup>, it fails to acknowledge the sentience of decapod crustaceans, including crabs and lobsters, and cephalopods, including squid and octopuses.

*“There's absolutely no doubt in my mind that this legislation wouldn't have emerged without the pressure of thousands of people who have taken action after the Government voted against my amendment. One only needs to remember the horrific badger cull to be reminded that the Government is far from perfect on animal protection, but I'm more than happy to give them credit for finally coming good on the issue of sentience.”*

**Caroline Lucas, Co-leader of the Green Party for England and Wales.**



*Keith Taylor MEP visiting Lakeview Monkey Sanctuary.*



*The Eurasian Badger at British Wildlife Centre.*

# BREXIT: THREATS TO ANIMAL PROTECTION

## FARMED ANIMALS

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The largest body of EU animal welfare legislation concerns the protection of farmed animals, with 18 relevant laws adopted. Five laws set minimum standards on the way farmed animals are reared and produced. There are species-specific laws for laying hens, veal calves, meat chickens, and pigs. There is also consumer-focused legislation in place to ensure EU citizens can make informed choices at the supermarket, such as the mandatory labelling of the provenance of eggs and beef, the labelling of poultry meats, and legislation regarding the country of origin of certain meats and animal products. One law sets rules on the live transportation of animals and another the minimum welfare standards for the slaughter of farmed animals. Certain veterinary products have also been prohibited to promote higher welfare standards for farmed animals, including bans on the use of hormones in cattle, including BST, which can have a negative impact on their welfare and washing chicken carcasses in chlorine and other substances to reduce the levels of bacteria in their meat. Brexit puts a significant number of farmed animal welfare provisions at risk and also threatens to silence the UK's influential voice as an advocate for improving the lives of billions of farmed animals across the EU.

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## Case Study: US-UK trade agreement would threaten advancements in farmed animal welfare

Harmonised legislation across the EU Single Market has created a level playing field for farmers and facilitated the frictionless trade in agri-products between member states. The same standards are also applied to the trade in products from outside the Single Market, to ensure a high degree of consistency on the standards of animal products found on EU shelves and menus.

However, the security currently offered to British farmers and consumers through membership of the Single Market is threatened by the UK's post-Brexit desire to forge a free trade deal with the US. The UK's membership of the European Union ensures animal welfare standards in Britain are far higher than in the US.

Post-Brexit, however, there is little confidence an 'America First' US President will sign-off on a free trade deal that forces American producers to raise standards to avoid barriers to trading with the UK<sup>13</sup>. At the same time, UK Ministers are openly divided over whether protecting animal welfare standards should even be a trade concern<sup>14</sup>.

With that in mind, a UK Government desperate to conclude post-Brexit bilateral trade deals as quickly as possible, in order to minimise the impact of losing its biggest trading partner, also inspires little confidence among animal welfare campaigners.

Should a UK-US trade deal be agreed without specific welfare protections, UK farmers would be forced to compete against cheaper, lower welfare imports. In that scenario, domestic animal welfare standards in the UK would be at risk of being eroded in the scrabble to level the playing field.

Although the UK's farmed animal welfare standards are higher than in many other countries, it still has a long way to go to address the unnecessary suffering of the billions of animals farmed for meat, dairy, and eggs. While animal welfare science, consumer demand, and EU membership have been moving standards in the right direction, for example, the UK ban on foie gras production and the EU ban on barren battery cages, a UK-US trade deal could see the UK take a step backward in animal welfare protections.

For example, under US federal law<sup>15</sup>, confining hens in barren battery cages, crating pregnant pigs in sow stalls and crowded long-distance journeys to slaughterhouses with no provisions on temperature control,

ventilation and access to water are all legal practices.

Over 8.7 billion meat chickens are killed each year for food in the US while over 337 million egg laying hens are kept in battery cages<sup>16</sup>. Yet, despite these numbers, the use of animals in agriculture is the most lightly regulated area of animal use in the US. Of the regulations that do exist, chickens and other poultry are typically excluded. The Humane Slaughter Act, Animal Welfare Act and the transport regulation named the Twenty-Eight Hour Law all exclude chickens from their protections.

Some states have introduced their own farmed animal welfare legislation to address this limited progress in the US, such as California's Prevention of Farm Animal Cruelty Act which bans eggs produced in battery cages and Article X, Section 21 in the Constitution of the State of Florida which prohibits pigs being confined in sow stalls. However, with a UK-US trade deal that does not include animal welfare restriction, eggs from hens kept in the barren battery cages currently banned by the EU and California, as they severely compromise animal welfare, could be exported to the UK, six years after we have successfully rid them from our domestic food system.

Additionally, across the US there is still widespread use of artificial growth hormones such as Recombinant Bovine Somatotrophin (rBST) in cows and Ractopamine in pigs. The EU has banned these hormones, with a European Union report by the Scientific Committee on Animal Health and Animal Welfare finding the use of rBST often results in cows experiencing "severe and unnecessary pain, suffering and distress [and] such poor welfare, associated with serious mastitis, foot disorders and some reproductive problems"<sup>17</sup>. A UK-US trade deal puts more animals and consumers at risk of being exposed to these artificial growth hormones.

Maintaining the UK's position in the Single Market is the simplest way to maintain the animal welfare protections we currently enjoy as members of European Union. However, outside of the Single Market, to ensure farmed animal welfare standards are preserved, the Government must include enforceable legal protections in any free trade agreements on animal welfare.



*“This is about maintaining standards. If you want us to compete economically with [non-EU] countries, you are going to have to say that you will reduce those standards. No farmer in my association wants to reduce our standards just to compete with world trade.”*

**The British National Beef Association, 2017**



*Middle White piglets from the UK.*

# BREXIT: THREATS TO ANIMAL PROTECTION

## WILDLIFE

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The key pieces of EU law that concern the welfare of wild animals and their environments include legislation on habitats, wild birds, invasive species, wildlife trade, zoos, and fisheries bycatch. The 2005 law prohibiting the import of wild-caught birds, in particular, has been responsible for a 90% dramatic drop in the global trade<sup>18</sup>.

There is also an import ban on seal products owing to welfare concerns about the manner in which the animals are kept and slaughtered. There is legislation setting standards on the management of wildlife which covers hunting, trapping and the protection of natural habitats. Certain traps used for wildlife management are banned on the grounds of animal cruelty.

EU legislation also governs the keeping of animals in zoos and prohibits the use of driftnets due to their impact on marine animals.

Exiting the EU threatens many of the important wildlife laws and principles that have been protecting animals' welfare and habitats and promoting conservation in the UK for many years.

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## Case Study: Threat to the precautionary principle and wildlife habitats

UK environmental laws are predicated, to a significant degree, on a number of key European Union environmental principles including prevention, precaution and polluter pays. As such, British wildlife has enjoyed the protection of two important pieces of EU legislation: the Conservation of Habitats and Species Regulations and the Birds Directive. The laws safeguard European Protected Species (EPS) including, inter alia, bats, great crested newts, and dormice and both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

As Brexit draws closer, the future of British conservation is uncertain. The UK government has already indicated the Precautionary Principle, a key precept in EU law which provides a robust legal backstop against the destruction of the environment, does not feature in its post-Brexit plans<sup>19</sup>. This principle came into effect in 1992, as part of the Maastricht Treaty:

*“Community policy on the environment shall aim at a high level of protection.... It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.”*

Based on the idea that the environment is unowned, the precautionary principle demands that developers, for example, prove, to a legal standard, that their plans will not damage the environment nor the habitats of wild animals. With 271 special protection areas for birds (SPAs) and 658 special areas of conservation for other species (SACs) across the UK, this principle is vital for the protection of vulnerable species, from the leatherback turtle to the hen harrier.

Of utmost concern is that the current version of the EU (Withdrawal) Bill specifically rejects the precautionary principle as a safeguard that must be retained post-Brexit<sup>20</sup>. Without this important principle, industry and developers will no longer be required to prove their actions will not harm wildlife or habitats.

Unless the precautionary principle is specifically given effect by a new UK law, proposals for which are not forthcoming from the UK government, Brexit will end the vital role it currently plays in conservation and development decisions.

“This situation is slightly different for Wales than for the rest of the UK, whereby the Wellbeing of Future Generation (Wales) Act 2015 already insists public bodies think more carefully about the long-term, look to prevent problems and take a more joined-up approach to mitigation. Reversing the decision to exclude the precautionary principle from the EU (Withdrawal) Bill is the simplest means by which to protect its role post-Brexit. However, implementing meaningful legislation similar to that in place in Wales in other UK nations could also embody the spirit of the vital EU precept.

*“Take out principles like precaution and polluter pays  
and you rip out the heart of environmental law.”*

**Wildfowl & Wetlands Trust**



*The Senegal parrot, one of the world's most traded wild birds.*

# BREXIT: THREATS TO ANIMAL PROTECTION

## ANIMALS USED IN RESEARCH AND TESTING

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The protection of animals used in research and testing is governed by an EU law requiring national regulators to approve animal use on a case-by-case basis. EU legislation sets basic standards, such as minimum cage sizes, and scientific objectives, including the requirement that all member countries work together to ensure the replacement of animal testing. UK legislation follows the EU framework, and domestic regulators benefit from various European Union networks seeking to promote and implement ‘best practice’ in areas such as personnel training and severity assessment.

EU laws covering product testing include sector-specific legislation on, *inter alia*, chemicals, pesticides, biocides, and medicines. Non-animal alternatives are promoted where alternatives to animal testing are available. At the same time, the EU cosmetics regulation includes a complete ban on animal testing. Outside of the Single Market and EU-wide research networks, Brexit could see the UK duplicate animal testing if it creates parallel and divergent regulatory systems to the ones already in place in the EU. A failure to incorporate EU data-sharing requirements into new UK legislation would also put more animals at risk.

The UK has made a significant contribution towards the replacement of animals used in research and testing, but Brexit threatens to remove it from vital coordination carried out at EU level, promoting the replacement of animal testing internationally. Not only would the EU networks lose UK influence but the UK would lose access to scientific collaborations that have made the EU a world-leader in replacement science<sup>21</sup>.

The EU has prioritised funding for the replacement of animal use through the Framework Programmes for Research and Technological Development. Post-Brexit, the UK would no longer benefit from these funds.

While there is little to indicate the UK is planning to scrap the ban on cosmetics testing on animals, the EU Cosmetics Regulation goes further in also banning the sale of products that have been newly tested on animals anywhere in the world. The UK Government's regard for the maintenance of the ban post-Brexit is uncertain, as there is little clarity, and even disagreement among Ministers, over future UK trade policy.



*Mouse in laboratory.*

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## Case Study: More animals at risk of being used in research

In the UK, around four million animals are used in scientific procedures linked to the creation and breeding of genetically manipulated animals, and medical, veterinary, scientific and environmental research. The animals typically used are mice, fish, rats, and birds and, less frequently, dogs, cats, and primates. Such experiments cause suffering ranging from mild to severe and in some cases non-recoverable.

The UK is still one of the biggest users of research animals in the EU, despite the 2010 commitment made by the coalition government to reduce the number of animals used in research. In 2010, there were 3.87 million animals used and, six years on, in 2016, 3.94 million animals were used<sup>22</sup>.

These numbers are unforgivably shocking but both at the EU and UK level, there's a general trend to move away from animal testing wherever possible. Regulations have been hard fought for to ensure that while these procedures are taking place there is increased consideration for the welfare of the animals. However, after Brexit, a number of factors could, in fact, lead to a further increase in animal testing, including:

- Research duplication across the UK and the EU
- Loss of EU funding and coordinated research into alternative methods
- Delay in alternative testing procedures achieved in the EU reaching the UK

Furthermore, the loss of EU regulation is a direct threat to animals used in research. Article 47 of the relevant EU Directive requires member states such as the UK to contribute to the development, validation, and implementation of non-animal approaches and methods which use fewer animals or entail less suffering. Although by the virtue of its EU membership the UK currently subscribes to these objectives, there is no clarity on any post-Brexit legislative or government-led policy in this area. UK policy in this area could be left lacking post-Brexit, especially without the continued influence of the European Union Reference Laboratory for alternatives to animal testing (EURL-ECVAM), a world leader in the



validation of methods which reduce, refine or replace the use of animals for safety, efficacy and potency testing of chemicals, biologicals, and vaccines<sup>23</sup>.

Another concern is that the UK has a particularly strong lobby acting on behalf of the animal user community. As a result, there is less openness, less access to information and a weaker system of transparency when it comes to license applications and the regulation of animal experiments. The European Union networks already mentioned above, and those in more progressive member states such as Sweden, Denmark, and Finland, are currently driving the replacement of animal testing forward from within the EU. The voices of vested interests defending animal research are likely to only get louder in the UK post-Brexit as they sniff an opportunity to take on just one solitary, already sympathetic, national government rather than a collective of 28, the EU.

*“There are particular concerns that Brexit could harm the development of alternative methods and lead to an increase in duplication of animal experiments if not addressed.”*

**National Anti-Vivisection Society (UK)**

# BREXIT: THREATS TO ANIMAL PROTECTION

## COMPANION ANIMALS

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Pet welfare is one of the least regulated areas of EU law, with companion animal welfare legislation largely devolved to member states. However, EU legislation does regulate various areas relevant to the health and welfare of companion animals in the UK, including dogs, cats, and equines.

In addition to the laws directly covering companion animals, Brexit could have a wider impact on the welfare of companion animals in respect of the provision of veterinary care. The Royal College of Veterinary Surgeons (RCVS) currently registers around 1,000 overseas vets a year, with the vast majority coming from the EU<sup>24</sup>. Meanwhile, the British Veterinary Association (BVA) has reported that EU-qualified vets are turning down jobs in the UK citing Brexit uncertainty<sup>25</sup>. There will also be a significant impact on veterinary research and medicines post-Brexit, as many are funded and regulated by the EU.

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## Case Study: Access to veterinary medicine and animal health professionals

The welfare of animals is of great importance to EU citizens and the 2016 Eurobarometer found 74% of Europeans believe that companion animals need greater protection. In addition to the humane management of stray animals, there is a need to improve the health of those animals living under the care of humans.

The EU's Veterinary Medicinal Products Directive sets out controls on the manufacture, authorisation, marketing, distribution and post-authorisation surveillance of veterinary medicines applicable in all member states. The legislation has ensured veterinary medicines are not only safe but are more readily accessible to Europe's 80 million pet-owning households<sup>26</sup>.

The Directive provides the basis for the UK controls on veterinary medicines, which are set out nationally in the Veterinary Medicines Regulations (VMR). Brexit, as veterinary bodies have warned, will have a severe effect on the licensing, production, import and export of veterinary medicines. In a nutshell, our beloved pets such as cats and dogs may have no, or significantly delayed, access to vital medicines.

The UK government has already insisted it will no longer be part of the European Medicines Agency (EMA), the decentralised EU agency responsible for the scientific evaluation, supervision and safety monitoring of medicines in the EU. EMA enables medicines licensed in member states to then be licensed for use throughout the EU, making them available to millions more animals without unnecessary delays.

In addition to the EMA relocating their headquarters from London to Amsterdam, outside the auspices of the EMA and without any kind of associate agreement, the vast majority of medicines used to treat animals up and down the country will suddenly be pushed into regulatory limbo; having never been separately authorised by the UK's own VMD<sup>27</sup>. In this scenario, the short-term impacts would be extremely severe; veterinary practices in the UK could be forced to the brink of completely shutting down on the day the UK leaves the EU.

Continued access to veterinary medicine is essential for animal health and welfare in the UK. The veterinary industry needs continued access to the medicines currently licensed by the EU. Veterinary bodies, such as the British Veterinary Association, have already made clear their deep concerns about the potential impacts of Brexit. Particularly, the

hard Brexit supported by the UK Government.

*“For animal health and welfare, public health and food safety and trade, the veterinary profession in Great Britain and across the island of Ireland must continue to have access to medicines for the treatment of animals that meet standards that ensure safety, quality and efficacy.”*

**British Veterinary Association**

Throughout Europe, an estimated 900,000 direct and indirect jobs are generated by pet ownership including, inter alia, veterinarians, breeders, and connected supply industries<sup>28</sup>. Free movement throughout the EU has allowed the UK to access some of the best veterinary professionals and the latest figures available reveal that at least 20% of the UK veterinary workforce is made up of vets who graduated from non-UK EU universities<sup>29</sup>.

Brexit, the UK's efforts to deter EU migration in the future, and uncertainty over the status of EU citizens already in the UK, will have ramifications on the numbers of vets working in the UK now and in the future. The most immediate effect is a huge post-Brexit shortfall in the number of vets working in Britain.

According to a post-EU referendum survey by the Royal College of Veterinary Surgeons (RCVS), almost 20% of EU veterinary staff working in Britain are already actively looking for work outside the UK while the majority admit to feeling less welcome<sup>30</sup>. The latter group is waiting to see how Brexit negotiations go before deciding on their future. Moreover, the number of EU students taking up UK veterinary courses, and the number of EU citizens teaching them, is also likely to fall dramatically post-Brexit.

The short and medium-term future of veterinary services and the number of vets working in the UK is, therefore, bound up with both the UK and EU's negotiations over the rights of EU citizens and the Government's post-Brexit migration plans.

Veterinary practices may have to adapt by closing down surgeries, stripping back services and, as veterinary practice in the UK is a for-profit industry, pet owners may feel the brunt of not only reduced access but

also higher costs. Despite the British Veterinary Association's warnings and extensive lobbying, the UK government has not yet put forward plans to address the situation.

*"As we move forwards, we must be careful to maintain the important achievements reached together in the past decades."*

**Federation of Veterinarians of Europe**



*Keith Taylor MEP visit to Brighton PDSA with Caroline Lucas.*

# BREXIT: THREAT OF DAMAGING TRADE AGREEMENTS

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Free Trade Agreements (FTAs) present one of the biggest post-Brexit threats to animal protection in the UK. As the government is insistent that leaving the EU will also involve leaving the Single Market and the Customs Union, the UK will likely have to renegotiate, bilaterally, all of the free trade agreements it currently enjoys as a member of the European Union.

Membership of the EU has ensured a high degree of consistency on standards and a level playing field for the trade in products, in particular, farmed animal products. However, unless there is specific language in any new FTAs on animal welfare there is a danger that the pursuit of low tariffs and trade deals with countries with fewer welfare protections will lead to an increase in imported animal products for sale in the UK, produced to lower animal welfare standards.

Furthermore, if the Government doesn't effectively copy across all EU legislation post-Brexit, there is a risk the UK could begin importing products currently prohibited by the European Union, including seal products, certain Genetically Modified Organisms, the bovine growth hormone BST, other hormones in beef and pork such as Ractopamine and chlorine-washed chicken. These EU restrictions have long been a target for countries like the USA which has been prevented from trading various agricultural products with EU member states on animal welfare and public health grounds<sup>31</sup>.

It is possible to trade with other countries and not compromise animal welfare. In fact, in 2002, the EU signed an FTA with Chile which actually led to improved practices in Chilean slaughterhouses; as the Chilean industry was required by the terms of the agreement to raise its standards to trade with the EU<sup>32</sup>. The UK must include animal welfare protections in any FTA to not only ensure its own standards are maintained but also as a means to promote animal welfare standards internationally.

If this approach isn't implemented, the effects on animal welfare could be deeply concerning as demand for animal products could be met by sourcing from countries with lower standards. With the government pursuing a free trade world-leader agenda, there is a real threat to animal protection, including, inter alia, a rise in the number of pigs being farmed using the hormone Ractopamine to meet UK import demands. This hormone has been found to increase stress and lameness in pigs<sup>33</sup>. We could also see trade deals with countries where slaughter standards are much weaker than our own, which are far from perfect, with the resulting meat on our shelves coming from animals who have experienced increased suffering.

While the UK has provided little clarity on its post-Brexit trade plans, it has been the EU that has made it clear it is exploring the inclusion of a 'punishment clause', including the use of tariffs, in any future trade deal with the UK to ensure the Government doesn't seek to gain a commercial advantage by lowering regulatory standards<sup>34</sup>.

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## Global obligations

The UK will still be required to meet international obligations such as those imposed by the World Trade Organisation (WTO) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

WTO rules dictate what a country can and cannot do when it comes to international trade and they will impose restrictions on the UK Government's post-Brexit trade agenda. If the UK attempts to vastly improve animal welfare under the WTO framework, it could meet unforeseen hurdles as there are currently no grounds for using animal welfare as a restriction to trade under WTO rules. However, there is a limited precedent for using moral objections, following the EU's successful appeal for a ban on seal product imports.

CITES is a multilateral treaty to protect endangered plants and animals and the UK will still need to impose the trade restrictions relating to the 5,000+ animal species protected by the convention. As a member of the EU, the provisions in the Wildlife Trade Regulations (EC No. 338/97) ensures the UK goes beyond CITES in a number of respects, for example giving some species greater protections than is required under CITES and extending the requirement for EU import permits to not only species

listed in Annex A, but also for species listed in Annex B. Therefore, as the UK prepares to exit the EU, it would be permitted, under CITES, to fall back on the weaker standards in the international obligation.

Political will is required to ensure these international regulations don't become an excuse for not pursuing animal welfare improvements. We have already seen the UK government's promise to 'end live exports' watered down in recent months. It is also important to note that the UK voted against many of the non-tariff border measures (NTBs) to protect animal welfare when agreed within the EU, including the NTB which prohibits the import of meat from cows injected with the bovine growth hormone BST.

*"The Government should guarantee that it will not trade away environmental protections, animal welfare and food safety standards, as part of the negotiations to leave, or as part of future trade deals."*

**Environmental Audit Committee Report**

*"The only effective way to resist the hard Brexiteers calls for a regulation-slashing race to bottom on animal welfare standards is for the Government to enshrine, in law, animal protection in all future Free Trade Agreements. Animal welfare safeguards must not be sacrificed on the altar of free trade, post-Brexit."*

**Jean Lambert, MEP for London**



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## Case Study: International regulations on live exports

Tens of thousands of live farmed animals are being exported from the UK every year<sup>35</sup>. Animals such as calves and sheep are enduring long journeys only to be slaughtered at their final destination.

Greens want to bring about an end to live exports from the UK and have been campaigning at the EU level to bring about maximum journey times as a step towards ending the UK trade but also to ensure the millions of farmed animals in the EU are not forced to endure this long distance transport.

Some campaigners have suggested that by leaving the EU, the UK will be able to ban exports of live animals. However, the issue is not that black and white. Whether in or out of the EU, the UK is bound by the rules and regulations that come from being a member of the World Trade Organisation (WTO). WTO rules, much like the rules of the Single Market, enshrine the principle of the free movement of trade. Should the UK attempt to ban live exports, it is possible such a trade restriction would be overruled by the WTO, i.e. the General Agreement on Tariffs and Trade (GATT) Article XI that prohibits countries from imposing quantitative bans or restrictions on imports or exports.

Proposals for a ban on the live export of farmed animals for slaughter would have to be defended at the WTO. If a ban was challenged, the UK would have to seek to justify the measure as an exemption. There are a number of exceptions the WTO could uphold that may be relevant when considering a UK ban on live exports. They include measures necessary to protect public morals and measures necessary to protect human, animal or plant life or health. The concept of ‘public morals’ has been used successfully in a trade context to cover animal-welfare related restrictions previously<sup>36</sup>, for example:

- The U.S. Dog and Cat Protection Act of 2000 states in its preamble that “the trade of dog and cat fur products is ethically and aesthetically abhorrent to U.S. citizens”.
- The EU Regulation banning the trade in seal products in the European Union was upheld by the public’s concerns on seal welfare.

Each trade measure is different and so its compatibility with the WTO regime can only be assessed once a panel has met and agreed on a decision. However, the UK may be able to provide evidence that over many years animal welfare has been an issue of major concern for the UK public and that the suffering involved in the live exports trade has, for a long time, been one of the public's principal concerns.

European Greens will continue to support the EU-wide campaign to introduce maximum journey times. The #StopTheTrucks campaign has gathered signatures of support from more than a million European citizens<sup>37</sup>. The petition and campaign call for a maximum journey time of eight hours. The restriction would, in practice, stop the UK exporting live animals to the continent. It would also prevent millions of farmed animals across the EU enduring long distance journeys. It is a campaign backed by a number of European states, but, conspicuously, not the UK.

*“Political will is required to ensure that these international regulations don’t become an excuse for inaction and we must effectively face the WTO challenges that a country may take against at the UK, which will hold less negotiating weight outside the EU membership.”*

**Keith Taylor, MEP for South East England.**

*“Often animal welfare is marginalised in the debate around Brexit, but decisions made now will have a profound impact for decades to come.”*

**Compassion in World Farming**



*Group of sheep being transported.*

# RECOMMENDATIONS

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Greens believe the following steps should be taken to protect the lives of animals post-Brexit:

- There must be no weakening of EU laws that would lead to Brexit being a backward step for animal welfare.
- Recognition of animal sentience must be explicitly incorporated into UK law and the protection defended from industry attempts to water it down.
- Opportunities to review animal protection legislation should result in strengthened standards and policies in line with recent animal welfare science.
- The UK must include legally enforceable animal welfare protections in any Free Trade Agreements to ensure UK animal welfare standards are safeguarded and conditions are improved in other countries.

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## Animals in research

- There should be no weakening of regulatory controls by the Home Office on animal research and testing in the UK.
- Opportunities to review this legislation must end or, at the very least, move us closer towards the end of animal testing, in particular, we must see a ban on research that causes severe suffering to animals.

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## Companion animals

- Steps should be taken to ensure that veterinary medicines available today will remain available post-Brexit and that action is taken to ensure access to animal health professionals remains.
- Reintroducing enforcement and veterinary controls for pet imports, in particular reintroducing tick treatment for cats and dogs entering the UK, reintroducing treatment for echinococcus multilocularis for cats and introducing a proper database for all imported dogs and cats with more stringent border checks.
- Opportunities to review companion animal legislation should lead to a reduction in the number of dogs that can be imported per person and better border enforcement, as a step to end the cruel puppy trade.

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## Farmed animals

- New agricultural funding schemes must incentivise UK farmers to implement practices that improve the lives of animals and their environment. Public money must not prop up intensive farming.
- The UK must ban live animal exports for slaughter and begin preparations to defend this move at a WTO panel.

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## Wildlife

- Continued data and intelligence sharing across borders must continue unimpeded in order to combat the illegal trade in animals and to ensure the conservation aims of the EU wildlife trafficking programme are met.

- The UK must ensure that wildlife legislation provides equivalent or higher levels of protection for animals' habitats, conservation and welfare.
- The precautionary principle must be specifically incorporated into and made enforceable under UK law.



*Free Range high welfare chicken and poultry farm in Pembrokeshire, Wales, UK.*

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## Case Study: End subsidies for factory farming

The Common Agricultural Policy (CAP) is the EU framework under which financial support is delivered to farmers in member states. The most recent figures show that in 2015, UK farmers received €3.08 billion in direct support back from Europe under the CAP<sup>38</sup>. The current government says it will continue to make payments to UK farmers at the same level until 2020<sup>39</sup>. However, the UK will need to decide whether it wants to continue paying income support to farmers on the basis of the CAP or whether there is an opportunity to reinvent farming subsidies to, for example, focus payments on the provision of certain practices.

Farmed animal welfare is a devolved issue and it will be up to each of the devolved administrations to propose and oversee their rural development programmes. At the moment, CAP money flows from the EU and passes onto the devolved nations, all of whom receive significantly more CAP funding per capita than England<sup>40</sup>. The UK Government will have to reach agreement with the devolved administrations on how agriculture spending fits into any future framework.

The Government's Agriculture Bill is, it claims, designed to provide a system of stability for the farming sector and to support farmers in the marketplace while also protecting the environment post-Brexit. The actual substance and nature of this system is unclear for now.

As the Bill progresses through Parliament, animal welfare representatives will be calling for any payments to farmers be made contingent on supporting the delivery of specific animal welfare-related requirements. Examples include having a farm-specific veterinary health and welfare plan in place for the farm, funding for welfare training and capital costs related to farm modernisation, with payments increasing in line with increased welfare standards.

Greens believe public funding should not be given in support of farms which facilitate intensive practices such as the use of enriched battery cages, farrowing crates or farmed chickens who have been bred to grow at an unnaturally fast rate. Public funding should also not be given to those farmers who sell their sheep to be exported live for slaughter or do not adequately safeguard their welfare during slaughter.

Payment support for farmers provides a unique opportunity to support better farming and raise the standards for the hundreds of millions of farmed animals in Britain. Incentives should be given to

programmes that have beneficial impacts on the lives of animals and their environment, for example, payments for planting trees on a free-range hen farm would benefit both wildlife and the hens through range enhancement. Furthermore, in a scenario whereby the UK has implemented sustainable farming methods and improved farmed animal welfare, the Government must ensure that future trade agreements do not undermine those improvements.

*“We need a significant focus on driving more innovative and sustainable production that is resilient to external shocks, and embeds high standards of animal health and welfare as standard practice.”*

**Wildlife and Countryside Link**

*“Taxpayers’ money should not be handed over to wealthy landowners nor to support farming practices that cause suffering to animals. While animals are being farmed in their hundreds of millions in the UK, financial support must only be directed towards rewarding farmers for ensuring the highest possible welfare standards and providing genuine public benefits.”*

**Molly Scott Cato, MEP for the South West and a member of the European Union’s Agriculture Committee**





*Free range outdoor pig farm in North Norfolk, England, UK.*

# ANIMAL PROTECTION: GREEN GUARANTEES

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Animal protection measures face a series of threats from Brexit. The EU has been an effective driver of positive change for animals, and we are now entering a period of profound uncertainty which could lead to the downgrading of many key standards.

Rising to the complex and interrelated challenges of transposing legislation, agriculture funding and trade agreements requires bravery and vision. To ensure the lives of animals are protected, Green MEPs are pushing for a number of 'Green Guarantees' that will safeguard the lives of animals both in the UK and abroad.

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## #1: All eyes on the animals

A guarantee that no opportunity to address animal protection issues slips through the net. With the complexity, speed and uncertainty of Brexit negotiations and differing priorities, the Greens promise to ensure the lives of animals are represented at each stage and opportunity. Greens continue to call on the government that any principal measures of law will not be changed without such scrutiny.

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## #2: No watering down

A guarantee that protections in place for the welfare and rights of animals are upheld. Brexit must not result in a backward step for animals. Legislation that has been developed over the last 40 years of EU membership must continue post-Brexit.

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### **#3: Recognition of animals as sentient beings**

A guarantee that animal sentience will be at the core of animal protection policies. EU recognition of animal sentience was groundbreaking – dropping it should never even have been an option for the UK government post-Brexit. The 2018 Animal Welfare (Recognition of sentience) Bill might be an attempt to turn around yet another Conservative Party animal welfare PR disaster, and we must remain vigilant. However, if it is implemented in a way that offers genuine recognition of the fact that animals think and feel and affords them extra protection, accordingly, then the motivation matters little.

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### **#4: Policy underpinned by the precautionary principle**

A guarantee that we will continue to protect our wildlife and their habitats through the precautionary principle and that there will be a robust legal framework in place to stop the destruction of the environment and the homes of our vulnerable wild animals.

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### **#5: A new system of farming support that rewards higher welfare standards.**

A guarantee that any payments to farmers support the delivery of higher welfare standards. Public money must not be used to prop up factory farming but must instead incentivise improvement of practises that enhance the lives of animals and their environments.

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### **#6: Free trade agreements that prohibit products being imported with lower welfare standards**

A guarantee that the UK will remain in the Single Market and the Customs Union and push for any future Free Trade Agreements to include language

on animal welfare to ensure our animal welfare standards are protected and a guarantee that the government will defend such measures at the relevant body e.g. World Trade Organisation.

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## #7: Improvements to all animal welfare laws

A guarantee that further improvements are legislated for animals. As each piece of EU law is transposed and eventually reviewed, steps must be taken to ensure laws relevant to animal welfare are based on animal welfare science and recent advancements in our understanding of animal suffering.

*“For some Brexit offers hope, for others despair, but for wildlife and animals it continues to throw up massive uncertainty.”*

**International Fund for Animal Welfare**

*“We must protect the hard-won animal protection laws we have built up as members of the EU over half a century. We must also push the Government to strengthen those laws. The process of copying and pasting a raft of EU animal protection safeguards will reveal how, far too readily, the Government has used minimum European Union welfare standards as a ceiling on its aspiration rather a foundation for the future. There is so much more the Government can and must do to improve the welfare of animals in Britain.”*

**Jonathan Bartley, Co-leader for Green Party for England and Wales**



*Sheep grazing near the outskirts of Manchester, England, UK.*

# EU LEGISLATION AFFECTING THE GOVERNMENTS IN THE UK

Below is a list of EU legislation relevant to animal welfare, compiled by the House of Commons library. It encompasses all major pieces of legislation. In addition there is the 2009 Lisbon Treaty which recognises animals as sentient beings (Article 13 of Title II).

Figure 1: EU legislation relevant to animal welfare.

Legislation adopted at the EU level	EU Legislation
<p><b>Farmed Animals</b></p> <ul style="list-style-type: none"> <li>• General protection</li> <li>• Laying hens</li> <li>• Meat chickens</li> <li>• Veal calves</li> <li>• Live transport</li> <li>• Pigs</li> <li>• Slaughter</li> <li>• Dairy</li> <li>• Bans on BST and hormones</li> <li>• Farm subsidies</li> <li>• Country of origin Labelling</li> <li>• Poultry meat marketing standards</li> <li>• Beef labelling</li> <li>• Egg labelling</li> <li>• Organic Production</li> <li>• Horse identification</li> <li>• Feed and food law</li> </ul>	<p>98/58            1999/74            2007/43            2008/199            1/2005            2008/120; 2016/336            1099/2009</p> <p>1999/879            1305/2013, 1307/2013 1169/2011            543/2008            566/2008            1097/90, 5/2001            834/2007            90/426, 504/2008*            1804/1999*</p>

Legislation adopted at the EU level	EU Legislation
<p><b>Wildlife</b></p> <ul style="list-style-type: none"> <li>• Trade in endangered species</li> <li>• Whaling</li> <li>• Habitat protection, hunting and trapping</li> <li>• Wild birds protection</li> <li>• Driftnet bans</li> <li>• Seal import ban</li> <li>• Zoos</li> <li>• Traps management</li> <li>• Wild bird import ban</li> <li>• Invasive alien species</li> <li>• Fur labelling</li> </ul>	<p>338/97 812/2004 92/43, 82/72  2009/147 1239/98 2015/1850 1999/22 3254/91 139/2013 1143/2014 1007/2011</p>
<p><b>Research animals</b></p> <ul style="list-style-type: none"> <li>• The use of animals in research, testing and education – general</li> <li>• Making the EC party to Council of Europe Convention ETS 123</li> <li>• Allows for updating of the appendices to Convention ETS 123</li> <li>• REACH</li> <li>• Plant Protection Products</li> <li>• Biocidal Products</li> <li>• Cosmetics</li> <li>• Novel foods</li> </ul>	<p>2010/63  1999/575  2003/584  1907/2006 1107/2009 528/2012 1223/2009 258/1997*</p>
<p><b>Companion animals</b></p> <ul style="list-style-type: none"> <li>• Non commercial trade dogs, cats</li> <li>• Pet Imports</li> <li>• Commercial trade in animals</li> <li>• Imports on dog and cat fur</li> </ul>	<p>576/2013 2015/561 2013/31 92/65 1523/2007</p>

\* laws being updated but not yet adopted that would fall on Brexit





*Cows grazing near Windermere Lake, Cumbria, England, UK.*





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