Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol | External Affairs and Additional Legislation Committee
Y goblygiadau i Gymru wrth i Brydain adael yr Undeb Ewropeaidd | Implications for Wales of Britain exiting the European Union
IOB 11
Ymateb gan RSPCA
Evidence from RSPCA

1. The RSPCA is dedicating time and resources on the impact on animal welfare following the United Kingdom's decision to leave the European Union. The following consultation response constitutes issues that have so far been considered.

Question 1: What should be the top priority for Wales in advance of the UK Government triggering of Article 50?

2. According to Welsh Government data, 47 percent of households in Wales have a pet[1] and there are approximately 9.5 million sheep and lambs, 510,000 dairy and non-dairy cows and 25,000 pigs being farmed in Wales.[2]

3. RSPCA Cymru is concerned that the range of legislation protecting animals from the European Union may not be treated as a priority, as well as any opportunities to improve animal welfare post Brexit. In particular, the classification that animals are "sentient beings" under the Lisbon Treaty. Domestic animals and horses under current UK legislation, the Administration of Estates Act 1925,[3] are classed as a personal chattel - or property.

4. However, RSPCA Cymru believes that there are opportunities to improve animal welfare following the United Kingdom's exit from the European Union, including restricting the time allowed for animals to be transported, improving the living conditions and slaughter of animals and abolishing Pillar One payments and putting funding into a reformed Pillar Two scheme.

5. In Wales by improving, or at least maintaining, animal welfare standards, produce from Wales can target growing markets as 72 percent of people in the UK said they would be willing to pay more for products with higher animal welfare standards.[4]

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[1] http://gov.wales/docs/statistics/2015/150914-national-survey-wales-2014-15-headline-results-revised-en.pdf
[2] http://gov.wales/docs/statistics/2016/160628-farming-facts-figures-2016-en.pdf
[3] http://www.legislation.gov.uk/ukpga/Geo5/15-16/23/section/55
[4] Special Eurobarometer 442, Attitudes of Europeans towards Animal Welfare, November - December 2015, http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/search/animal%20welfare/surveyKy/2096

Question 2: Can you provide examples of where the UK's proposed approach to transferring the acquis communautaire, through the proposed Great Repeal Bill, into domestic law might have particular implications for Wales?

6. There are a number of animal welfare laws that have been implemented due to directives from the European Council or the European Parliament. RSPCA Cymru have listed particular pieces of legislation and their impact if they were repealed following Wales leaving the European Union.

7. ### The Treaty of Lisbon

   The Treaty of Lisbon puts into law that animals are sentient and their welfare must be regarded. Article 13, Title II 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".*[5] This is contrary to existing Welsh legislation, as explained above, domestic animals and horses are classed as personal chattel. The Animal Welfare Act 2006, despite making it clear the responsibilities of owners and the needs of the animal, does not make it explicit that animal are sentient.

8. RSPCA Cymru believes that it is essential that the sentiment of Article 13 of the Lisbon Treaty is replicated in any future legislation after Wales leaves the EU adding it into legislation that is inherently about animals, which helps to protect the welfare of these sentient beings.

9. ### The Equine Identification (Wales) Regulations 2009

   The EU directive 2009/156/EC laid down the basic requirements for all equines, born within the EU, to be identified by an identification document, a method to link the passport with the equine, a database of passports and a central database[6] which was implemented in Wales through the Equine Identification (Wales) Regulations. The UK had a National Equine Database but was closed in September 2012 due to a cut in funding from the UK Government. However, due to the EU directive and horse meat being found in human food in 2013, the UK Government has introduced the Central Equine Database to record all horses across the UK which went live in July 2016.

10. RSPCA Cymru is concerned that, without compulsory passports for horses and ponies in Wales, the ability of Local Authorities, the Police and the RSPCA will be hampered and cause a rise again in abandoned, fly grazed and tethered equines in areas across Wales where, due to the Control of Horses (Wales) Act 2014 and passports, these issues have been substantially reduced and managed.

11. ### The Welfare of Animals at the Time of Killing (Wales) Regulations 2014

    European Council directive 1099/2009, passed in September 2009, laid down the basic protection of animals are the time of killing stating that "pain, distress and suffering should be considered as avoidable".[7] The directive was introduced to Wales as the Welfare of

[5] http://ec.europa.eu/food/animals/welfare_en
[6] http://ec.europa.eu/food/animals/identification/equine_en
[7] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=en

Animals at the Time of Killing (Wales) Regulations 2014. Although RSPCA Cymru support many aspects of the law to improve the welfare of animals, it fails to protect the slaughter of animals when religious rites, cultural traditions and regional heritage are considered. The Lisbon Treaty under Article 13 and the directive under Chapter 1, Article 15, exempts the pre-stunning of animals for religious and cultural groups as long as it takes place in an abattoir.

12. The general public in Wales overwhelmingly support an end to current exemptions. 80 percent of those polled support an end to non-stun slaughter, with 59 percent strongly in favour of this move,[8] with well over 5,000 people in Wales signing the RSPCA Cymru petition "Stun before slaughter: No exceptions". RSPCA Cymru would like to see the welfare of animals at the time of killing maintained in Welsh law but that the exemptions for religious, cultural and regional heritage are removed as even the directive itself states that "killing animals may induce pain, distress, fear or other forms of suffering to the animals even under the best available technical conditions."[9] The British Veterinary Association (BVA) state that "scientific evidence supports the use of pre-stunning to improve animal welfare."[10]

13. The Zoo Licensing Act 1981 (Amendment) (Wales) Regulation 2003
Directive 1999/22/EC contains provisions on the keeping of wild animals in zoos and required each Member State's licensing system to ensure that zoos met the new conditions which include participating and sharing research on conserving the species, breeding and repopulation of the species into the wild and promoting public education and awareness in relation to conservation. Most importantly among these, is ensuring they are accommodating their animals under conditions which aim to satisfy the biological and conservative requirements of the species and maintaining a high standard of animal husbandry.[11]

14. RSPCA Cymru recommends that animals need to be kept in a way which is appropriate to the normal biological requirements of their species, in sufficient space containing the necessary shelter, cover and environmental stimulus so as not to cause distress or suffering. RSPCA Cymru believes that for some species this may never be possible. However, without an outright ban on zoo in Wales, it is important that legislation ensures the highest possible welfare standards for animals.

15. The Non-Commercial Movement of Pet Animals Order 2011
The Order puts in place a plethora of European Union directives and regulations introducing a pet passport for dogs, cats and ferrets to ensure the easy movement between EU countries and conditions on preventing the spread of diseases such as rabies, nipah, hendra, echinococcus multilocularis and avian influenza.[12]

16. RSPCA Cymru would like to see these conditions maintained to ensure the welfare of domestic animals during travel between the UK and EU countries and that pets aren't

[8] These figures are from YouGov Plc. Total sample size was 1,001 Welsh adults (aged 18+). Fieldwork was undertaken between 4th - 8th September 2014. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+).
[9] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=en
[10] https://www.bva.co.uk/News-campaigns-and-policy/Campaigns/An-end-to-non-stun-slaughter/
[11] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0022&from=en
[12] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003R0998&from=EN

abandoned in the UK due to people moving to other countries and the restrictions imposed.

17. ### The Trade in Animals and Related Products (Wales) Regulations 2011

The regulations cover a myriad of directives on the trade between Member States, and some countries outside of the EU, of live animals and genetic material requiring them to be accompanied by a signed health certificate and requirements at border checks and quarantine.[13]

18. ### Conclusion

European legislation has had a significant impact on the welfare of animals in Wales, covering domestic pets, wildlife and farmed animals. RSPCA Cymru will continue to look at European Union directives and regulations that have an impact on animal welfare in Wales and will work to ensure that the welfare of animals is not forgotten during the negotiations between the United Kingdom and the European Union.

[13] http://www.legislation.gov.uk/wsi/2011/2379/contents/made