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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Evaluation of the EU animal welfare legislation (Fitness check)  
- *Information from the Presidency and Commission*  
- *Exchange of views*

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Delegations will find in the annex the Presidency background document containing questions for ministers for an exchange of views on the above-mentioned subject at the Agriculture and Fisheries Council on 11-12 December 2022.

**Evaluation of the EU animal welfare legislation (Fitness check)****- Presidency background document**

The Presidency considers the issue of animal welfare to be very important, supports improvements at all levels and welcomes the publication of the scientific opinions of the European Food Safety Authority (EFSA). These opinions are clearly expressed, summarise current scientific knowledge and will serve as a useful basis for the development of new legislation in this field.

The Council has adopted a number of sets of conclusions in recent years, specifically on:

- animal welfare as an integral part of sustainable animal production (14975/19);
- the Farm to Fork Strategy (12099/20);
- animal welfare labelling (13692/20);
- animal welfare during maritime long distance transport to third countries (10235/21).

In these conclusions, the Council has stressed the importance of animal welfare and, inter alia, invited the Commission to review existing animal welfare legislation as soon as possible, with a focus on areas not yet covered by specific EU legislation.

In response, the Commission has committed to reviewing EU animal welfare legislation by the end of 2023. The purpose of this review is to ensure higher levels of animal welfare, bring the existing rules into line with the latest scientific knowledge, broadening their scope and facilitating their enforcement, and build a more sustainable food system. On 4 October 2022, the Commission finalised the evaluation (fitness check) of the following pieces of legislation:

- Council Directive 98/58/EC of 20 July 1998 on the protection of animals kept for farming purposes;
- Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens;
- Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves;
- Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs;

- Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production;
- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/976;
- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

The aim of this evaluation was to assess whether the existing rules are still fit for purpose and, in particular, the extent to which they are relevant, effective, efficient, coherent and benefit the EU.

### **Key findings**

In comparison with the period before its adoption, EU animal welfare legislation has improved the welfare of many European animals, mainly in the specific categories covered, such as pigs, calves, laying hens and broilers. The protection of animals during transport and at slaughter has also been significantly improved.

However, in general, the EU has still not achieved optimal levels of animal welfare. This is particularly true for animals for which there is currently no specific legislation, such as dairy cows and farmed fish. Even where there is specific legislation, it still allows for laying hens, sows and calves to be kept in confined housing systems that severely restrict their movement and worsen their welfare. Also, the keeping of cats and dogs is not covered by the current legislation.

EU legislation on animal welfare has to some degree helped to ensure equal conditions for operators and their economic activities. However, differences in application and enforcement still create barriers to trade and to achieving comparable levels of animal welfare across the EU. This is partly due to the lack of clarity of some provisions.

EU animal welfare legislation, which has not been amended for more than 10 years, has not kept pace with the evolution of national legislation in Member States. Furthermore, considerable differences in terms of ambition in the implementation of the Directives have led to different levels of animal welfare on farms in each Member State, whereas the Regulations on animal transport and slaughtering ensure greater harmonisation.

Enforcement of current legislation does not meet the expectations of today's citizens. Compliance is still very challenging in areas such as the transport of animals, especially over long distances, the transport of young or pregnant animals and the export of livestock, although some progress has been made. Certain stunning methods and routine tail docking of pigs also pose major problems in terms of compliance. There is a lack of reliable indicators to monitor and encourage improvements in animal welfare.

EU animal welfare legislation has brought many benefits to animals and society, such as increased animal productivity, reduced use of antibiotics and improved public health. Although the animal welfare requirements also entail additional costs for food business operators and public authorities, the available evidence, albeit limited, suggests that the benefits outweigh the costs.

However, many operators consider that the costs associated with animal welfare requirements are too high and the market returns from food produced in accordance with higher animal welfare standards are insufficient. Due to differing public expectations, ethical concerns and market demands, the situation varies between Member States and from one sector to another. Better returns on investment in animal welfare can be achieved by providing consumers with better and more comprehensive information to enable them to make informed decisions in line with their animal welfare concerns.

The various components of EU animal welfare legislation complement, support and are consistent and compatible with other EU policies. The objectives of the Farm to Fork Strategy and the need for a sustainable EU food system may require support from the common agricultural policy and EU trade policy. There are calls for greater coherence between the EU's internal legislative framework and its approach to imports of animal products from third countries.

Some stakeholders consider that better animal welfare standards are in conflict with environmental objectives. This is based on an assumption that the consumption of animal products will remain unchanged. However, the transition to more sustainable food systems will not be achieved without changes in food consumption.

To protect animal welfare and create fairer competition for farmers and other food business operators in the Member States, a harmonised approach should be taken at EU level. Activities at national level alone would lead to a situation where each country has its own, different, legislation. Further distortions of competition and unequal levels of animal welfare would follow.

## **Conclusion**

Current EU animal welfare legislation does not fully meet current and future needs. It was an appropriate response to the needs and challenges in animal welfare based on the best available science at the time of its adoption. The existing rules need to be amended to better reflect increasing societal expectations, ethical concerns, scientific and technological developments and future sustainability challenges.

Given the current situation in Europe, changes in animal welfare need to be approached gradually and judiciously so as not to jeopardise the economic viability of farmers and undermine the sustainability of food production in the EU.

**In order to structure the discussions at the Agriculture and Fisheries Council meeting in December, the Presidency suggests focusing on the planned revision of animal welfare legislation. The Presidency also welcomes an update from the Commission on the main areas of the revision.**

The Presidency proposes the following two questions:

- 1) What are Member States' views on the planned revision of animal welfare legislation in the context of the current economic situation in Europe?
- 2) What are your main priorities regarding the revision of animal welfare legislation?

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