Regulatory Cooperation Forum activities in CETA

Proposals on Animal Welfare

Animal welfare is listed in CETA's chapter 21 ("Regulatory cooperation") as one of the possible activities that can be carried ("*exchanging information, expertise and experience in the field of animal welfare in order to promote collaboration on animal welfare between the Parties")* to achieve the objectives laid in the chapter.

With CETA now in provisional application, both partners will aim at setting up the Regulatory Cooperation Forum established by CETA's chapter 21. This note represents Eurogroup for Animals' contribution to the thinking process carried by the Commission ahead of their first meeting with Canada on the matter.

Eurogroup for Animals will present here four fields in which the EU and Canada could work together towards higher animal welfare regulations that could impact millions of animals.

In general, activities under the Regulatory Cooperation Forum should serve to improve animal welfare standards in one or both partners' territories. The discussions should not only involve trade experts but also animal welfare specialists – in the case of the EU, DG SANTE – and where possible, civil society representatives.

1. Farm animals

Canada has no federal legislation regulating animal welfare protection besides basic anti-cruelty provisions contained in their criminal code, as well as few public health rules linked to animals. The level of law existing at provincial level varies greatly and reliance is mostly placed in Codes of Practice referring to voluntary standards, usually rudimentary.

The EU does not condition imports of animal-based products on the respect of all animal welfare standards it has set for its own market; only few needs to be respected by the exporting partner (i.e. criteria established by the EU Regulation on the protection of animals at the time of killing).

Within the EU, consumers strongly support the imposition of EU equivalent standards to imported products.[1] In the absence of adequate provisions in CETA, the Regulatory Cooperation Forum should be

[1] 93% of surveyed Europeans support the fact that "imported products from outside the EU should respect the same animal welfare standards as those applied in the EU", according to the Eurobarometer 442 on Animal Welfare published in March 2016

used by the Commission to strive towards fulfilling that wish of EU consumers, by improving certain standards in specific industries.

The following topics could be explored with Canadian counterparts:

- **Gestation stalls/sow stalls:** this practice, which implies the prolonged individual confinement of sows, is prohibited in the EU. The Canadian Code of Practice also bans continuous confinement in new builds and leading North American producers have policies moving away from gestation crates.[2] The EU could work with Canada towards a new binding regulation aiming to phase out that practice (not only for the exports to the EU but for the entire industry).
- **Veal crates**: this practice, which implies the individual confinement of veal calves during fattening is prohibited in the EU. The EU could work with Canada towards a new binding regulation aiming to phase out that practice (not only for the exports to the EU but for the entire industry).
- **Battery cages:** barren cages are banned in the EU. Many key retailers in both the EU and Canada are phasing out sales of caged eggs, whether from barren or enriched cages, by 2025.[3] The EU could work with Canada towards a new binding regulation to phase out caged systems for hens and to share best practice for achieving good production and welfare in alternative systems.
- **Tail docking of dairy cows**: this practice is no longer allowed in the EU. It has absolutely no welfare benefit to the animal and is done for human convenience only, unless for therapeutic reasons. the EU could work with Canada towards a new regulation aiming to phase out this practice (not only for the exports to the EU but for the entire industry).
- **Live transport of animals:** the EU could share its experience with Canada, as it does have legislation aimed at protecting animals during live transport. However, given that shortcomings have been witnessed in the EU when it comes to the implementation of such legislation, both countries could also cooperate to find more efficient ways to implement such rules and to protect the welfare of transported animals.
- **Labelling system:** the EU and Canada should work towards equivalent labelling systems that would reflect the methods of production of animal-based products, using both local and national experiences as a basis.

2. Equines & horsemeat

Another field that would be worth exploring with our Canadian counterparts relates to residency periods imposed to equines. At the moment, many horses are transported from the US – where slaughtering them is prohibited – into Canada. There they are slaughtered and their meat is sold into the European market.

Currently EU legislation imposes six-month residency and during that time, horses are not allowed to get any medication. This is designed to allow for certain residues of medicines, which may have been administered whilst they were in the US, to work their way out of the horses.

However, this practice has raised many concerns in terms of horse welfare, as the animals are often kept in conditions where they would actually need the prohibited medication. In addition, there are also

[2] http://www.hsi.org/world/canada/news/releases/2014/03/canada-gestation-crates-ban-30614.html?referrer=https://www.google.co.uk/

[3] http://www.cbc.ca/news/business/retail-council-cage-free-eggs-1.3497958 (on Canadian hens)
https://www.compassioninfoodbusiness.com/our-news/2016/10/is-europe-ready-for-the-cage-free-revolution (European examples)

concerns regarding traceability and health. In the EU, no horse that has been injected with certain substances (notably Phenylbutazone) can ever be sent into the human food chain. The use of those substances prohibited in the EU is widespread in the US and Canada horse industry, and unfortunately there is no proper way to ensure that horses raised in those countries did not receive the prohibited substances, at any point of their life.

Subsequently, Eurogroup for Animals would recommend to study with Canada how both countries could move towards a common system that would provide benefits similar to those offered by the Equine Passport Regulation. The six-month residency system should **absolutely not** be reproduced in the EU and efforts should be made so that this rule can be phased out with Canada. The new common rules should allow for lifetime identification and traceability requirements, including medical histories. In addition, a system of individual carcass testing for residues could be set up to ensure the meat imported into the EU respects SPS criteria put in place by the European Commision.

3. Genetically Modified Salmon

In the second half of 2017, a company based in the US sold the first genetically modified animals into the human food chain.[4] This took place in Canada. The animals in question were Atlantic Salmon into which genes from faster growing species had been engineered. This raises the prospect of welfare issues in these salmon, and of genetically modified salmon entering the EU market from Canada.

The New Animal Drug Application process in the US which approved the product as safe for human consumption was based on a small sample which excluded severely deformed or unhealthy fish.[5] Animal welfare aspects have therefore not been assessed. The limited animal health observations made showed genetically modified salmon are prompter to succumb to disease sooner than comparators. Canadian authorities assessed the product only from a human health and environmental impact perspective. Physiological, survival, and well-being impacts on the fish themselves are unknown.

Imports into the EU market are currently not permitted. To import genetically modified salmon into the EU an application would have to be made to a Member State, and the European Commission can use implementing powers to approve the product (with input from the Standing Committee on Plants, Animals, Food and Feed, EFSA, and others). Until now, no application has been made.

The EU and Canada could cooperate in the field of fish welfare. Developments in welfare research should be shared, and the forum used to discuss animal welfare concerns related to farmed salmon (genetically modified or not), to ensure higher level of welfare are applied to fish. Both partners would benefit from such work, as the EU also has to improve legislation in the field. Alongside the impact on human health that is likely to receive attention from the public, one should not disregard the huge impact genetic modifications can have on the welfare of animals involved in the process. One of the dimensions that

[4] https://www.theguardian.com/world/2017/aug/09/genetically-modified-salmon-sales-canada-aqua-bounty

[5] https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm472487.htm
https://www.canada.ca/en/health-canada/news/2016/05/health-canada-and-canadian-food-inspection-agency-approve-aquadvantage-salmon.html
https://www.centerforfoodsafety.org/files/ge-salmon-comments-for-vmac-meeting-aavs-and-farm-sanctuary-09-16-10.pdf

should be studied with Canada is the labeling of such genetically-modified salmon. So far, those products are not distinguishable, which makes the control of importations according to EU rules more difficult.

4. Animal Testing

Canada has no national legislation or regulation for the protection of animals used for scientific purposes. In the late 60's the Canadian Council on Animal Care[6] (CCAC) was created to provide standards and a quality assurance program for all aspects of the care and use of experimental animals. While compliance with CCAC standards is voluntary, access to two major funding agencies demand that institutions that carry out experiments on animals are certified by CCAC.

Canadian provinces have different levels and approaches for the protection of animals used for scientific purposes. The only province that has its own Animals for Research Act[7] is Ontario. The Act creates a system of control based on the registration of research facilities and the issuance of licenses for supply facilities.

The European Union has a Directive[8] for the protection of animals used for scientific purposes, which has been translated into national legislations. As the standards of CCAC, it aims to ensure the application of the 3R principles. It has however a great focus on the replacement of animals in research, education and testing, and it aims to increase the development, validation and uptake of alternatives to animal procedures.

Eurogroup for Animals would recommend to study with Canada possible ways to ensure that, like in the Canadian province of Ontario, the welfare of animals that are used for scientific purposes is legally protected and enforced in Canada. Likewise, sharing of best practices and replacement approaches between the EU and Canada would ensure a level playing field that could, at the same time, significantly reduce the suffering and the number[9] of animals used for scientific purposes.

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[6] https://www.ccac.ca/
[7] https://www.ontario.ca/laws/statute/90a22
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