

Animal Welfare in the Implementation of the EU-Ukraine DCFTA

Introduction

In June 2014, the EU and the Ukraine signed a deep and comprehensive free trade agreement (DCFTA), as part of a wider association agreement. Almost two years later, in January 2016, the provisional application of the DCFTA started, considerably liberalizing the trade flows between both countries. The agreement fully entered into force in September 2017.

While the EU-Ukraine DCFTA does not condition the imports of Ukrainian animal-based products to the respect of animal welfare standards equivalent to those applied in the EU, it does include a commitment that Ukraine will align with EU's legislation in the field (emphasis added):

Article 64

1. Ukraine shall **approximate its** sanitary and phytosanitary and **animal welfare legislation** to that of the EU as set out in Annex V to this Agreement.
2. The Parties shall cooperate on legislative approximation and capacity-building.
3. The SPS Sub-Committee shall regularly monitor implementation of the approximation process, set out in Annex V to this Agreement, in order to provide the necessary recommendations on approximation measures.
4. **Not later than three months after the entry into** force of this Agreement, **Ukraine shall submit** to the SPS Sub-Committee a comprehensive **strategy for the implementation** of this Chapter, divided into priority areas that relate to measures, as defined in Annex IV-A, Annex IV-B and Annex IV-C to this Agreement, facilitating trade in one specific commodity or group of commodities. The strategy shall serve as the reference document for the implementation of this Chapter and it will be added to Annex V to this Agreement (1).

The agreement presents two steps: first, Kyiv must establish a strategy on how the Ukraine will approximate the EU acquis on animal welfare. This will take the form of a schedule, agreed with the EU. Second, it must move towards implementing that strategy. At the time of writing, the schedule is still being discussed by both partners. The EU foresees it should be approved by the end of 2019 (with more than a two year delay compared to the timeline planned in the DCFTA).

The EU-Ukraine DCFTA also includes an interesting provision in its article 404 on cooperation in the field of agriculture and rural development, which promotes the use of sustainable methods, respectful of animal welfare. This is a recognition of the strong interlinkage between sustainable development and farm animal welfare.

Article 404

(...)

- (c) promoting modern and sustainable agricultural production, respectful of the environment and of animal welfare, including extension of the use of organic production methods and the use of biotechnologies, inter alia through the implementation of best practices in those fields;

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This report presents the situation in Ukraine regarding animal welfare standards and demonstrates the need for the Domestic Advisory Groups¹ created in the framework of the DCFTA to address the lack of progress in the field. The report will start by presenting the case for animal welfare to be linked to the “Trade and Sustainable Development” (TSD) chapter contained in the EU-Ukraine DCFTA.

Animal Welfare and TSD chapters

The Domestic Advisory Groups created on both sides under the EU-Ukraine DCFTA have the mandate to monitor the implementation of the “Trade and Sustainable Development” (TSD) chapter contained in the EU-Ukraine DCFTA. The TSD chapter of the EU-Ukraine DCFTA refers – as every other EU FTAs - to commitments the parties have undertaken in various Multilateral Environmental Agreements (MEAs) which include provisions that have the effect of improving the welfare of wild animals. It thus requires the effective implementation of the international environmental agreements, notably related to wildlife, to which the EU and Ukraine are parties such as the Convention on International Trade in Endangered Species (CITES) and the Convention on Biological Diversity. This report will thus present issues related to wildlife conservation, which is generally understood as part of TSD chapter, and welfare of wildlife animals in Ukraine.

However, the report will also make the case for the need to address animal welfare in a broader sense when discussing progress related to the TSD chapter. The provisions on animal welfare cooperation, following the practice of EU trade policy until recently, are located in the chapter on sanitary and phytosanitary (SPS) measures. From a strict point of view, one could thus claim that the implementation of such provisions does not fall under the remit of the Domestic Advisory Groups. Eurogroup for Animals would argue the opposite, based first on the substance of these provisions, and second on the current practice under newer trade agreements.

Animal Welfare and Sustainable Development

The EU-Ukraine DCFTA includes in its TSD chapter an article calling for trade to favour sustainable development (article 293). These provisions underline that trade “should promote sustainable development in all its dimensions” and that “the Parties shall strive to facilitate trade in products that contribute to sustainable development.” Animal welfare is connected both directly and indirectly to sustainable development.² First, the UN *2030 Agenda for Sustainable Development* states that “we envisage a world (...) in which humanity lives in harmony with nature and in which wildlife and other living creatures are protected.” Protecting animal welfare is thus essential to sustainable development in its own right. Second, several dimensions of sustainable development, illustrated by the UN Sustainable Development Goals, are either directly connected to animals or cannot be achieved without addressing animal welfare related issues. Intensive farming practices, in addition to be detrimental to farm animal welfare, usually result in more environmental pollution. They are also one of the main drivers of deforestation, leading to biodiversity loss. In addition, the daily use of antibiotics in intensive farms fuels the development of antimicrobial resistance which is considered a great threat to both human and animal health. Finally, according to article 404 of the EU-Ukraine DCFTA, animal welfare is explicitly recognized as being one of the features of sustainable agriculture.

¹ See below for more explanations on Domestic Advisory Groups

² Eurogroup for Animals, [Animal Welfare, Trade and Sustainable Development](#), October 2018

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The EU-Ukraine DCFTA should thus favour, among other, trade in sustainable agricultural products, meaning respectful of animal welfare. As the DCFTA granted Ukraine numerous trade preferences on animal based products, the trade in such products has strongly increased (see the following section) it is therefore important for Ukraine to progress towards aligning its animal welfare standards with the EU's from a 'sustainable development' perspective, to avoid favouring a trade in unsustainable agricultural products.

Recent Developments in the scope of DAGs

At the moment, TSD chapters are the only chapters in EU Free Trade Agreements for which the involvement of civil society is foreseen in their implementation process, and this regardless the existence of many provisions interconnecting with the objectives of the TSD chapter outside its boundaries. Over the past couple years, civil society has fought to expand the scope of the DAGs, allowing them to monitor the implementation of the entire agreement. The European Commission has recognised the validity of such approach, adopting that language in the most recently concluded EU-Mexico Agreement. This has led civil society to push for this change of approach to be reflected in the practice of DAGs created under existing FTAs. Again, the European Commission has recognised the need the need to do so orally when discussing the work of the DAG created under the EU-Canada Comprehensive Economic and Trade Agreement (CETA). The Commission should thus be open to wider monitoring in the framework of the EU-Ukraine DCFTA.

EU-Ukraine Trade in Animal Products

The preferences that were granted notably to poultry meat, dairies, eggs and egg products, even if in the form of tariff-rate quotas, made with no condition linked to animal welfare, have led to a huge increase of Ukrainian imports of these products into the EU.

For instance, imports in poultry meat have been multiplied by 2 between 2015 and 2017 (from 29,551 to 61,973 tons), and the first 8 months of 2018 already amount to 73,026 tons. Eggs and egg products imports were roughly multiplied by 2.6 (869 to 2,298 tons), but again imports from January to August 2018 already reach 4,250 tons. Ukraine is now one of our first sources of imports for eggs and egg products. Dairy imports went from almost none to 3,780 tons in 2017, and 4,286 tons in the first months of 2018. Ukraine is also one of the main source of EU casein (a protein found in the milk) imports, but it was already the case long before both partners started negotiating a trade agreement. The increase in imports, notably of eggs and egg products, reflect progress on sanitary conditions. However, Ukrainian animal welfare legislation is still very weak (see next section).

<i>Imports from UA to EU in tons</i>	2014	2015	2016	2017	2018
Uncut fresh/chilled poultry meat			1,285	416	159
Uncut frozen poultry meat	1,683	4,533	8,114	5,076	11,405
Fresh and chilled cuts and offal of poultry meat	7	8,382	13,174	39,249	66,517
Frozen cuts and offal of poultry meat	12,373	16,330	12,172	16,366	26,581

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Salted poultry meat		306	783	814	843
Total	14,063	29,551	35,529	61,922	105,504
Shell Eggs			3	1,729	2,686
Egg Products	36	870	2,122	569	3,045
Total	36	870	2,125	2,298	5,731
Milk and Cream, not concentrated	22		-	319	1,306
Milk and cream, concentrated	-		443	600	729
Whey		-		340	420
Butter, including dairy spread			690	2,521	4,080
Total	22	-	1,133	3,780	6,535

This is even more an issue as poultry meat and egg productions are most often intensive factory farms where animals are denied the most basic welfare conditions. Intensive farming practices also have negative impact on the environment and their daily use of antibiotics fuels the development of antimicrobial resistance which is considered a great threat to both human and animal health. The DCFTA has thus so far stimulated a trade in unsustainable products and both parties should work to correct that trend.

Animal Welfare in Ukraine

Animal Welfare Legislation in Ukraine

Ukraine has been awarded an 'E' ranking by the World Animal Protection index which ranks countries based on animal welfare criteria. This is a particularly poor ranking, similar to that of China, Nigeria, Thailand, Turkey and Venezuela.

Existing legislations

Ukraine does have an anti-cruelty legislation. The Ukrainian Law on the Protection of Animals from Cruelty³ was adopted in 2006 with the aim to protect animals from suffering and death as a consequence of cruel treatment, to preserve the animals' natural rights, and to reinforce morality and compassionate behaviour in society. The law covers farm, domestic and wild animals as well as animals used in research, in zoos and circuses. However, despite this positive legal framework, the authorities have failed to introduce the secondary legislation that would be required to meet their obligations. Therefore, few animal welfare advances have been made as a result of this law.

In addition to the Law on the Protection of Animals from Cruelty, Ukraine has additional legislation regarding its commitments to the World Organisation for Animal Health (OIE), which also covers animal welfare.⁴ However, while Ukraine has a history of good involvement with the OIE on animal health, this has not translated into engagement specifically on animal welfare.

³ Law of Ukraine n°3447-IV

⁴ i.e. Order No. 464/2011 on the Approval of Regulation on the State Veterinary and Phytosanitary Service of Ukraine

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Administrative organisation and implementation

Ukraine struggles with its international obligations on animal welfare due to a lack of effective governance, national leadership and accountability on the issue. The administration responsible for animal welfare is located in the Ukrainian State Service for Food Safety and Consumer Protection, under the department of Food Safety and Veterinary Medicines. The list of responsibilities of this “animal health and welfare” unit set that the administration “organizes and carries out, within the limits of the powers stipulated by the legislation, state supervision (control) of health and welfare of animals.” While the unit has been created in 2016, it has not been very active yet, except on organising training sessions for veterinarians within the framework of the twinning project that took place between March 2014 and December 2016, funded by the EU’s European Neighbourhood Partnership Instrument. The unit is likely to become more active once Ukraine will have adopted new legislation on animal welfare related topics. Alongside, the Ministry of Ecology is in charge of wild animal control and the State Veterinary Services are responsible for disease control, stray animal control, and police investigations for cases of animal cruelty.

Animal protection campaigners and politicians in Ukraine however often cite corruption as a significant barrier to the improvement of animal welfare legislation and its better implementation. One specific example where Ukraine has failed to comply with OIE standards is in the killing of stray dogs. OIE guidelines state that euthanasia of stray dogs must be used as a last resort measure in the case of, for example, dangerous dogs. Yet this practice is not being followed in Ukraine. One of the primary contributors to this problem is the lack of system for the identification and registration of cats and dogs in Ukraine.

Lack of progress in approximating EU animal welfare legislation

Under Article 64(1) of the Association Agreement, Ukraine has an obligation to approximate its law with the EU acquis on animal welfare. Article 64(4) even states that Ukraine shall submit to the European Commission, within three months after the entry into force of the agreement, a comprehensive strategy to align its sanitary and phytosanitary law with EU law, including animal welfare provisions. As mentioned in the introduction, more a year after the entry into force of the agreement (and more than two years after its provisional application started), a schedule for the alignment process regarding animal welfare – or “strategy” - has not yet been approved by both partners.

There is a wider problem of political motivation for animal welfare in Ukraine; no political party programme currently contains any animal welfare proposals. In March 2015, Ukraine’s Ministry of Agrarian Policy and Food formally agreed to establish a Working Group with the task of approximating Ukraine’s animal welfare law to that of the EU. The Director of the Ministry’s Livestock Department agreed to this in December 2014 during a Round Table in Kyiv organised by the Ministry of Agrarian Policy and Food, and Compassion in World Farming (CIWF). Back then, Ukrainian authorities prepared the drafts to align Ukraine’s law with that of the EU on farm animal welfare. The process was finalised in 2018 with the publication by the Working Group of a document entitled «Welfare Requirements for Animals used in Agriculture», which covered alignment with EU directives on farm animals, on broiler chickens, laying hens, pigs and calves. The document realised an approximation at around 95%. However, the progress on getting these rules approved by Ukrainian authorities, and then incorporated into their law, has been slow. The final approval of the Ministry for agriculture is awaited, and is foreseen at the moment for February 2019.

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Civil society has been active in Ukraine in raising this topic in the context of EU-Ukraine relations. In November 2015, Compassion in World Farming (CIWF) organised an international conference entitled «Farm Animal Welfare in the Context of Ukraine and European Union Legislation Harmonization», in partnership with Bila Tserkva National Agrarian University. On 27 September 2016, CIWF also organised a more specific Poultry Welfare Legislation Working Meeting in Kyiv which was attended by representatives from Ukraine’s poultry sector, officials from the Ministry of Agrarian Policy, the Veterinary Service, and academics from Bila Tserkva National Agrarian University. There, CIWF gave presentations on what would be required to implement the EU Directives on the welfare of laying hens and chickens reared for meat. CIWF later held a conference on 13 October 2016 at Lviv National University of Veterinary Medicine which examined how greater attention could be given to farm animal welfare in courses provided in Ukrainian Agrarian and Veterinary Universities. More recently, in October 2018, CIWF, Open Cages and Ecoaction organised a round table entitled “Sustainable and Humane Animal Farming: New Tendencies and Trends Formation”, with various experts and representatives of the Ministry of Agrarian Policy and Food. This was the first occasion to gather experts, ecologists, investors, animal protection and customer protection NGOs and government representatives to discuss farm animals, product safety, and environmental problems connected with industrial farming.

More recently, the Ukrainian Parliament has been considering two laws that would amend the existing legislation on the implementation of international and EU directives in protection of animals and plant (Law n° 6598) and on other topics like the preparation of hunting dogs (Law n°8256).⁵ The draft law 6598 contained numerous positive amendments that would have raised Ukrainian animal welfare standards closer to those of the EU. These amendments would have introduced useful novelties in the text (the notions of “animal abuse” or “injury of animals”), prevent the practice of bear baiting (see below), introduce administrative and criminal liability for abuses. The text was recommended for adoption in November, but unfortunately, it got rejected. The second text has not been put to vote yet, but contains provisions that go further than the one that was already rejected.

In its latest report on the implementation of its Free Trade Agreements, the EU foresaw an adoption of the schedule for alignment of animal welfare legislation before the end of 2018, a deadline that has now passed.

Animal welfare concerns in EU-Ukraine trade relations

Concerns related to sectors exporting to the EU

The animal welfare problems inherent in Ukraine’s poultry meat and egg production will be highlighted below. In this regard, the rise in imports to the EU of poultry meat from Ukraine is staggering. Ukrainian poultry meat exports to the EU represented a volume of 14,000 tons in 2014, but they reached one of 105,500 tons in 2018.⁶ The Netherlands are the main destination for Ukrainian poultry meat, with a lesser quantity going to Germany and Romania. This surge is especially worrying in the light of the ban on poultry imports from Ukraine enacted

⁵ <https://112.international/ukraine-top-news/ukraines-parliament-to-consider-punishment-for-animal-abuse-34235.html>

⁶ Eurostat figures collected on 28 February 2019

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by the EU on 6 December 2016 due to avian influenza. In 2016, the EU accounted for around 20% of all Ukrainian chicken exports. Ukraine is now second only to Brazil as top exporter of poultry meat to the EU, and close to becoming the first.

This is very concerning when one notes that the obligation for Ukraine to align itself with the EU acquis on animal welfare, which is also contained in the EU-Ukraine Association Agreement, has not been complied with. Rising imports of animal products from Ukraine into the EU mean that low-welfare products are increasingly finding their way onto supermarket shelves in Europe. As mentioned above, it also means that the EU-Ukraine DCFTA favours an unsustainable trade. This causes a number of problems for animal welfare and for fair competition in the market.

In that context, it is useful to look into the situation of livestock and farming in Ukraine, first in the sectors where exports to the EU are located.

Battery cages and laying hens

Ukraine exports significant quantities of its battery-farmed eggs (and derived egg products) to the EU. In 2017, it became the first source of imported shell eggs for the EU, ahead of Albania and the US; and in 2016 it was the first source of egg products (in 2017 it ranks second behind the US). It is thus a significant trading partner for the EU both for eggs and egg-related products. These go mostly to Latvia and Denmark.

Ukraine uses battery cages for hen rearing on a large scale and those cages are particularly detrimental to hen welfare. Conventional battery cages are so narrow that hens cannot walk, stretch their wings or carry out other basic natural behaviours. In the EU, such cages have been banned since 1999, but the legislation does not impose the same criteria to imported products, which means that the Ukrainian eggs and egg products can enter the European market, regardless of the type of cages – or environment - in which the hens were reared. In addition, Ukraine imports part of those cages from Germany, an ironic situation as using the cages in the EU would be illegal. According to organisations present in the country, around 98% of the production is caged eggs, with only 2% of free-range ones.

The increase of imports in eggs and egg products that followed the trade liberalisation with Ukraine has not only led to more hens reared in conditions that are generally worse than in the EU, but it is also harming the competitiveness of European producers who must use at least enriched cages. This situation is also detrimental to European consumers who overwhelmingly consider that imported products should comply with the same animal welfare standards as the ones that are applicable in the EU.⁷

In October 2015, Martin Häusling MEP quizzed the European Commission on this matter in a parliamentary question.⁸ He noted that there have been several cases where EU member state export credit agencies have

⁷ European Commission, Special Eurobarometer 442: Attitudes of Europeans towards Animal Welfare (2016). 93% of Europeans strongly agree that imported products from outside the EU should respect the same animal welfare standards as those applied in the EU.

⁸ European Commission, Answer to Written Question from Martin Häusling on Animal Welfare Standards in Ukraine, 2016 < <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2015-013996%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>>.

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provided export credit guarantees for exports to Ukraine of farm animal housing equipment that does not meet EU standards. This, Häusling stresses, will negatively impact the progress of Ukraine in approximating its animal welfare law to that of the EU. The European Commission noted, in its response, that it provides technical and financial assistance to Ukraine in the sanitary and phytosanitary field in order to help develop and implement quality schemes aiming at bringing the sector closer to EU policies and legislation on agricultural policy and rural development.

Welfare in the poultry meat sector

Back in 2014, Compassion in World Farming carried out an investigation on Myronivsky Hliboproduct (MHP), which is Ukraine's largest agro-industrial company, and the main one currently exporting poultry meat into the EU, revealing the company's detrimental impact on the environment and on its workers.⁹

The Netherlands are the first destination of Ukrainian poultry meat in the EU. The surge in Ukrainian poultry meat imports led Dierenbescherming, a Eurogroup for Animals member organisation based in the Netherlands, to raise particular concerns regarding broiler chickens, and also laying hens, in Ukraine. An intense political debate occurred surrounding investments made by Dutch companies and by the Dutch government into MHP. The Dutch Parliament forced the government not to support an additional loan from the European Bank for Reconstruction and Development (EBRD) to this company for the reason that it did not respect European-like animal welfare standards. In May 2019, the EBRD will discuss granting another €100 million to the company.

These international financing institutions are another path to influence the development of higher animal welfare standards in the Ukraine. International financial institutions have invested heavily in Ukrainian agriculture because they regard the Ukraine as playing a vital role in the global food security agenda. MHP alone has received nearly 0.5 billion EUR in financing from development banks. Back in 2013, a report published by Humane Society International denounced the lack of criteria imposed by these institutions on animal welfare when granting loans. Since then, the situation has only slightly improved. Most of these institutions refer to the Animal Welfare Good Practice Note published by the International Finance Corporation – which is part of the World Bank Group. However, this note only contains vague standards and does mostly refer to OIE standards, which are often below EU level but also inexistent for certain species of interest at the moment, such as broiler chickens or laying hens. The European Bank for Reconstruction and Development (EBRD) has however included in its latest “Environmental and Social Policy” (May 2014, currently under review) a requirement for clients involved in farming, transporting or slaughtering animals to “adopt and implement national regulatory requirements, relevant EU animal welfare standards and GIP, whichever is most stringent, in animal husbandry techniques.” The implementation of this criteria seems unfortunately poor.

⁹ Compassion in World Farming. 2014. Evidence report: following the money trails that finance factory farming. May. www.ciwf.org.uk/media/5880729/follow_the_money_ebrd_investigation_synthesis_report.pdf. Accessed 9 January 2016.

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To improve its access to the European market, MHP opened a chicken meat processing facility based in the Dutch village of Veenendaal in July 2016. The company has been under the spotlight in Europe more recently as it became known that they abused the terms of the DCFTA to flood the European chicken market. They decided to import “double boned” chicken breast using a duty-free tariff line reserved for “other cuts” of poultry meat (Chicken breasts themselves were not granted such preferences as it is a sensitive product on the European market), before deboning them in their Dutch facility and putting them back as chicken breast on the European market. The surge in imports of these “other cuts” quickly raised alarm among European producers who denounced the bad faith of their partner. This pushed the EU to request a renegotiation of the relevant provisions in the DCFTA, which led to an agreement on an increase of the volume of chicken breasts allowed in the EU at a preferential rate (from 20,000 to 70,000 tonnes).

There are also further concerns relating to the current regulatory environment in Ukraine. It is noteworthy to underline that the Ukrainian government imposed a moratorium on all government inspections of businesses, including all environmental inspections, in 2014 (with an extension announced one year later) which has had a production and trade distorting effect, reportedly saving agribusiness millions of euros.

Farm Animal welfare and level playing field

In addition to favouring unsustainable production and a trade in unsustainable products, increasing market access for Ukrainian animal products without effectively ensuring that Ukraine progresses towards regulatory approximation in animal welfare standards is detrimental to animal welfare both in Ukraine and in the EU.

First, as these products are getting cheaper, the demand for them in the EU should increase and therefore the production in Ukraine should intensify to meet this growing demand. This means that more animals will be used in production systems that do not apply animal welfare standards equivalent to those imposed in the EU.

Second, the liberalisation of the EU market to low-welfare animal products from Ukraine soon results in a distortion of the level-playing field. This harms European producers who are required to meet high European animal welfare standards and thus often operate at higher production costs. Finally, because of this market distorting effect, the Ukrainian imports are likely to have a chilling effect on the regulation of animal welfare in the EU. If European producers continue to be exposed to imports of cheap, low-welfare animal products, it will become more difficult politically for the EU to push better regulation of animal welfare in the EU. This is because it may put the livelihoods of European farmers at risk. The chilling effect created by the fear of competitiveness loss is demonstrated by the facts: the EU has not enacted any new farm animal welfare legislation in the past seven years.

Finally, this is also harmful for European consumers, who believe – at least over 90% of them according to a recent Eurobarometer survey on animal welfare - that they want imports of animal products to meet the same animal welfare standards as those applicable in the EU. Without effective labelling systems, consumers are unable to determine the welfare standards associated with the products they purchase.

The only workable solution to safeguard European producers and to safeguard animal welfare on the whole is to do more to improve the animal welfare situation in Ukraine.

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Concerns related to other sectors in the Ukraine

In 2016, the Ukraine farmed over 203 million poultry birds (with over 1 million tonnes of poultry meat produced), over 7 million pigs, and almost 4 million cattle.¹⁰ These numbers have fallen slightly from the 2014 figures reflecting the fact that the Russian military entered Crimea on 12 November 2014.

A report by the US Department for Agriculture notes that red meat production in Ukraine will fall in 2017.¹¹ Cattle numbers were expected to fall as well but high milk prices could stabilise them. Decrease in pork production in 2017 was forecast to be drastic. the report did not cover poultry. Another report puts the reduction in meat production between 2013 and 2016 at 60.6 million kg.¹² However, this same report states that pork and poultry production, as well as milk yields, increased in the same period.

Nonetheless, there are reportedly some new growth areas in the Ukrainian agricultural sector.¹³ Poultry meat is said to be becoming an export-oriented sector in Ukraine with foreign currency revenues almost doubling at the beginning of 2017 compared to the same period in 2015. 43.3% of this poultry is produced by a single company: Myronivsky Hliboproduct (MHP).

Factory Farming in the Ukraine

A report at the end of last year highlighted the current challenges to Ukrainian livestock.¹⁴ It underlined a trend towards more intensive production systems. Many small and medium farms are reported to have reduced their number of pigs and cattle to 20%, while several dozen market leaders to have increased their numbers. Profitability is currently thought to be low in Ukrainian livestock, and this makes it more difficult for producers to take positive welfare measures. Corruption remains an important issue and there might even be fraud operating to falsify medicines which can be particularly damaging for animal health and welfare.¹⁵

Ukrainian live exports

It is also interesting to note that Ukrainian exports of cattle for slaughter were projected to increase to 55,000 units in 2016. This would be the highest level of live animal exports since 1996 and the sector was spotted as one of the ones growing the fastest. This reinforces the need for better regulations on the transport of live animals.

Wildlife Welfare and Conservation in Ukraine

Bear baiting

Bear baiting is a particularly brutal form of animal abuse, which involves a dogs being set on chained brown bears, attacking and biting them. The bear is chained to a tree and will have had its claws removed. It is

¹⁰ Data sourced from State Statistics Service of Ukraine

¹¹ [USDA Foreign Agricultural Services, Ukraine – Livestock and Products annual, UP 1720, September 2017](#)

¹² [Kramar, O., Cultivating change: production and export transformations in Ukraine's agricultural industry, The Ukrainian Week, 18 August 2017](#)

¹³ *ibidem*

¹⁴ <http://ciab.expert/news/five-key-challenges-to-ukrainian-livestock-in-2017/>

¹⁵ *ibidem*

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therefore unable to defend itself. This cruel practice of using of bears as bait objects to train hunting dogs has been banned in Ukraine since 2015, following years of campaigning efforts by NGOs. The law bans the organisation and staging of bear baiting contests, or the running of so called bear baiting stations that keep bears as baiting objects. This had been a very positive step but the enforcement of the law, ensured by the State Ecological inspection, has been quite low. In addition, as hunting stations are still allowed to keep bears, they are still at risk to be used for hounding. The use of bears for “entertainment purposes” in restaurants, hotels and other leisure facilities is also still legal, even though a law banning it is currently being looked at in the Ukrainian Parliament (see above section).

NGOs that are active in Ukraine, notably Vier Pfofen, have been receiving signals that baiting farms are still operating but getting any footage of the abuses has turned out very difficult. This problem is clearly linked not only to the general lack of enforcement described in the previous section, but also to corruption. Baiting farms often belong to wealthy owners who are well connected with the authorities. There is thus a clear need for the EU to cooperate with the Ukraine to strengthen the enforcement of existing legislation, but the EU should also ensure that any other relevant EU legislation is included in the schedule of regulatory alignment.

What role should the EU adopt?

The EU should do whatever is within its power to hold Ukraine accountable to its animal welfare obligations. The lack of progress shown by Ukraine reflects poorly on the EU’s choice of a soft strategy in the field of regulatory approximation. While the benefits of trade liberalisation have been enjoyed since the provisional application of the agreement (January 2016), there has been a general lack of efforts in regulatory approximation on the Ukrainian side, and in matters related to the TSD chapter. This is clearly exemplified by the only very recent establishment of a Ukrainian Domestic Advisory Group.¹⁶ EU NGOs and business representations have thus been unable to meet their Ukrainian counterparts to achieve their joint monitoring purpose for almost 2 years.

Ukraine and the EU have not yet agreed on the schedule that should serve as Ukraine’s strategy to approximate EU’s animal welfare standards, while this document had to be prepared within three months of the entry into force of the agreement. The EU should monitor the situation more closely, report more transparently to civil society about this, and put more pressure on Kyiv, especially in the light of the recent poultry crisis that led to an increase in the volume of the associated tariff-rate quota. The EU could also offer to provide more technical assistance to help the country set a clear roadmap toward approximation, with an emphasis on implementation mechanisms. The EU could also assist in improving the Ukrainian governmental control over animal welfare, possibly through the creation of a dedicated governmental body.

The EU should also help increase interest to improve animal welfare amongst Ukrainian law-makers. This could be fostered through specific activities such as workshops in the country, or visiting programmes in the EU or at Member State level.

¹⁶ The Group was only set up on 8 November 2018

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Regarding specific dossiers, the EU should, as a priority, work with Ukraine to encourage the improvement of farming standards for broilers and for laying hens, as well as to ensure Ukraine supports a catch, neuter, release programme for strays.

This report is published by Stephanie Ghislain, Trade & Animal Welfare Project Leader, in collaboration with Open Cages Ukraine, Compassion in World Farming, and VIER PFOTEN.

Eurogroup for Animals represents 65 animal advocacy organisations in 24 EU member states, the USA, Australia, Serbia, Switzerland and Norway. Since its inception in 1980, the organisation has succeeded in encouraging the EU to adopt higher legal standards for animal protection. Eurogroup for Animals reflects public opinion through its membership organisations' affiliations across the Union, and has both the scientific and technical expertise to provide authoritative advice on issues relating to animal welfare.

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