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**BRIEFING: INDIA**

# Animal Protection in EU Trade Negotiations

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# EUROGROUP FOR ANIMALS' RECOMMENDATIONS

The EU and India are facing an unprecedented number of challenges that can only be resolved through international cooperation – climate change, biodiversity loss, antimicrobial resistance, spread of zoonoses – and at the heart of these challenges often lies the food system, and animal welfare. Improving animal welfare will play a crucial role in building back more sustainable and resilient societies.

Political developments relating to the European Green Deal mean now is a propitious time for the EU and India to start cooperation on these issues, building on both partners' tradition of caring about animal welfare. Eurogroup for Animals has identified several ways the EU could cooperate with India to improve animal welfare:

- Both partners should agree on a comprehensive cooperation mechanism on animal welfare. This could take the shape of a standalone political dialogue, or of a dialogue under the future Free Trade Agreement (FTA). The fields listed in this report could be used as priorities for this cooperation, covering all animals. In that context, the parties could also explore knowledge exchange and capacity building programmes to improve animal welfare practices and aim at upward regulatory alignment.
- The EU should only grant better trade preferences to products that respect animal welfare standards equivalent to those applied in the EU (during transport and on farm).<sup>1</sup>
- The future EU-India Free Trade Agreement should include a comprehensive and enforceable Trade and Sustainable Development chapter that contains detailed language on:
  - the link between animal welfare and sustainable development;
  - sustainable agriculture, or sustainable food systems;
  - wildlife conservation and trafficking (positive lists, rescue centres, including new species in CITES), with mention of species-specific concerns;
  - the importance of ensuring fish welfare to make aquaculture sustainable;
  - enforcement, providing access to the dispute settlement mechanism for external stakeholders, creating clear roadmaps, identifying priority issues and monitoring them, and including last-resort sanctions.
- The Parties should also integrate an animal welfare dimension to any dialogue they might establish on antimicrobial resistance

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<sup>1</sup> Standards on welfare at the time of slaughter are already imposed on all imports of meat.

# INTRODUCTION

The EU and India have been discussing a comprehensive trade agreement for almost 15 years and one of the main stumbling blocks remains the inclusion of provisions on Trade and Sustainable Development. While these trade negotiations are on hold, the political context is rapidly changing. The EU has launched its European Green Deal and a new Trade Strategy – which will have to “unequivocally support the Green Deal in all its dimensions”.<sup>2</sup> In addition, the world is facing an increasing number of challenges that can only be resolved through international cooperation – climate change, biodiversity loss, antimicrobial resistance, spread of zoonoses – and at the heart of these challenges often lies the food system, and animal welfare.



This report examines what is at stake for animals in the EU-India trade negotiations, calling for the talks to include a strong animal welfare dimension when they restart, and on the EU to use existing political channels to set up cooperation on animal welfare with India in the meantime. It will first look into the state of play of livestock production in India, of trade flows in animal products between both partners, as well as describing existing Indian animal welfare legislations. It will then focus on key sectors where the EU has good reason to strive to establish animal welfare cooperation with India – either because the EU imports some of these products or because India is a key global producer. The report will then turn to recommendations for the content of future provisions on trade and sustainable development to be included in the FTA.

## Political state of play

The EU and India entered into a Strategic Partnership in 2004 and both sides started negotiations towards a comprehensive FTA in 2007. However, after 12 formal rounds and several technical meetings, these discussions “were brought to a de facto standstill in the summer 2013 due to a mismatch of the level of ambitions”.<sup>3</sup>

The EU institutions are still committed to reaching an agreement with the sub-continent, while repeatedly emphasising the importance of sustainability-related commitments.<sup>4</sup> At the latest EU-India Summit in July 2020, the two sides agreed to establish a High-Level Dialogue at ministerial level “to provide guidance to the bilateral trade

<sup>2</sup> European Commission, [Trade Policy Review – An Open Sustainable Assertive Trade Policy](#), February 2021.

<sup>3</sup> European Commission, [“Overview of FTA and other trade negotiations”](#), Updated February 2020.

<sup>4</sup> See European Parliament, “EU political relations with India”, Resolution adopted on 13 september 2017, and [“Elements for an EU strategy on India: A partnership for sustainable modernisation and the rules-based global order”](#), Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council”, JOIN(2018) 28 final, 20 November 2018, and Council of the European Union, “EU Strategy on India–Council conclusions”, 10 December 2018.

and investment relations and to address multilateral issues of mutual interest”.<sup>5</sup> The leaders also endorsed a new EU-India Strategic Partnership for 2020-2025 in which they agreed to promote cooperation on issues like climate change, biodiversity loss and antimicrobial Resistance (AMR), on strengthening sustainable food systems and on developing sustainable aquaculture.<sup>6</sup> Such an agenda clearly provides opportunities for exchanges on animal welfare.

The current Trio Presidency of the EU (Germany, Portugal and Slovenia) reiterated in their joint programme the willingness to work towards “a possible re-launch of the negotiations”<sup>7</sup> and the Portuguese (January-July 2021) have put a strong emphasis on the forthcoming EU-India Summit in Portugal in May 2021. The statement published after the first High-Level Dialogue on Trade and Investment, organised on February 5<sup>th</sup> 2021, clarified that both partners were looking at the possibility of opening new areas of cooperation “for instance in relation to the resilience of global value chains”.<sup>8</sup> It also seems that the EU and India are now willing to discuss an investment agreement, following the model of what the EU negotiated with China.<sup>9</sup>

## Advantages of EU-India cooperation on animal welfare

The COVID-19 crisis has painfully highlighted the detrimental impact of economic and trade policies that prioritise profits above all.<sup>10</sup> At this moment, EU trade policy is blind to the production model it fosters and to the nature of the economic sectors it stimulates. Global markets and further trade liberalisation tend to favour bigger companies that can withstand competition, and has led, in the dairy and meat sector, to increased integration and intensification.<sup>11</sup>

In addition to being intrinsically detrimental to animal welfare, the intensification of animal agriculture fostered by unconditional trade liberalisation has also fuelled the three key challenges the planet is facing: zoonoses, antimicrobial resistance and the climate crisis. Promoting animal welfare in trade policy – including in negotiations with India – would thus contribute to lessen the risks of future pandemics, and help fight the rise of antimicrobial resistance and the climate crisis:

- ➔ **Zoonoses are favoured not only by the increasing trade in wild animals, be it legal or not, but also by the spread of intensive animal farming.** The change in land-use – notably linked to the spread of animal agriculture and to the production of animal feed – and the subsequent loss of habitat have made encounters between animals (wild and farmed), humans and ecosystems closer and much more frequent. This pressure on biodiversity has been a major cause of the spread of zoonoses. In addition, farmed animals kept by the billions (trillions, if we consider fish in aquaculture) are reservoirs and pathways for diseases that can be dangerous, if not devastating, for humans. A recent study found that “since 1940, agricultural drivers were associated with >25% of all – and >50% of zoonotic – infectious diseases that emerged in humans, proportions that will likely increase as agriculture expands and intensifies.”<sup>12</sup> In October 2020, a public poll showed that 52% of Indian citizens were deeply concerned that the next pandemic could come from farmed animals.<sup>13</sup>
- ➔ **The overuse of antimicrobials in livestock production is the primary cause of the surge in antimicrobial resistance (AMR).**<sup>14</sup> This phenomenon is not due to small-scale productions, but to the spread of intensive farming systems, in which antimicrobial products are routinely and increasingly used. The EU’s “One Health” Action Plan against AMR already recognises the link between this issue and poor farm welfare practices, underlining the importance of addressing this concern in trade policy (see box on antimicrobial resistance page 15).

<sup>5</sup> [Joint Statement – 15th EU-India Summit, 15 July 2020.](#)

<sup>6</sup> [EU-India Strategic Partnership: A Roadmap to 2025.](#)

<sup>7</sup> [Programme of the Trio Presidency of Germany, Portugal and Slovenia \(1 July 2020 – 31 December 2021\)](#)

<sup>8</sup> <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2242>

<sup>9</sup> <https://timesofindia.indiatimes.com/business/india-business/india-eu-interim-trade-deal-likely-at-may-summit/articleshow/80757435.cms>

<sup>10</sup> IPBES – <https://ipbes.net/covid19stimulus> – “As with the climate and biodiversity crises, recent pandemics are a direct consequence of human activity – particularly our global financial and economic systems, based on a limited paradigm that prizes economic growth at any cost.”

<sup>11</sup> Clay, N., Garnett, T. & Lorimer, J. Dairy intensification: Drivers, impacts and alternatives. *Ambio* 49, 35–48 (2020) and <https://bit.ly/3vMUIRT>

<sup>12</sup> <https://www.nature.com/articles/s41893-019-0293-3#Ack1>

<sup>13</sup> Express News Service, [Over 50 per cent Indians concerned next pandemic could come from farm animals: Report](#), The New Indian Express, 16 October 2020.

<sup>14</sup> <https://www.cddep.org/wp-content/uploads/2017/10/science.0929PolicyForum-1.pdf>



→ **The livestock supply chain also accounts for 14.5% of global greenhouse gas (GHG) emissions.** There is an issue of quantity, but the way we raise animals also matters. According to the IPBES, “approximately 25% of the globe’s GHG emissions come from land clearing, crop production and fertilization, with animal-based food contributing 75% of that. Intensive agriculture has increased food production at the cost of regulating and non-material contributions from nature”. In addition to potentially allowing for higher animal welfare standards, grass-based and mixed-farm systems, less dependent on additional feed, also have better capacities for carbon sequestration.<sup>15</sup>

In addition, animal welfare is strongly linked to achieving the UN SDGs, now a key objective in all Commission portfolios, including Trade. While protecting animal welfare is essential to sustainable development in its own right (and is recognised as a dimension of a sustainable agriculture),<sup>16</sup> it is also complementary to a number of other aspects of sustainable development. Among the UN SDGs, several are either directly connected to animals or cannot be achieved without addressing animal welfare related issues.<sup>17</sup>

The first academic study on this topic, published in October 2019,<sup>18</sup> scored the interactions between SDGs and Animal Welfare, in both directions. The conclusion of the exercise – since then reiterated with roughly the same results – was

that, even if animal welfare is not explicitly mentioned in the SDGs, it is positively linked with all of them, to various degrees. Higher welfare does not impede any SDG. On the contrary, the mutually beneficial effect is strong in some cases (**SDG 12 “Sustainable Consumption and Production”** and **SDG 14 “Life Below Water”**), while in others, it would have a direct positive impact on efforts to achieve the SDGs (**SDG 1 “End Poverty”, SDG 2 “Zero Hunger”, SDG 3 “Good Health and Wellbeing”**). Eurogroup for Animals’ 2019 report on “Animal Welfare, Trade and SDGs” explains these interactions in depth.<sup>19</sup>

“ [EU Member States] recognise the importance of promoting the welfare of animals globally as well as the competition that EU farmers are facing in global trade and, consequently, stresses the importance of including animal welfare in free trade agreements as far as possible and sees these agreements as one of the ways in which to promote animal welfare globally.”

EU Council Conclusions on Animal Welfare, 2019.<sup>20</sup>

The EU Farm to Fork Strategy calls for trade policy not only to further enhance cooperation with partners, but also to obtain commitments on animal welfare. The new Trade Strategy also recommends new EU trade agreements include a chapter on ‘Sustainable Food Systems’ and which should cover animal welfare.<sup>21</sup>

<sup>15</sup> Canu & Forabosco (UNEP DTU 2018), [Greenhouse gas emissions of livestock raised in a harsh environment](#), International Journal of Global Warming, 2018 Vol.15 No.4, pp.431 – 446.

<sup>16</sup> Speech by Dacian Cioloş (then European Commissioner for Agriculture and Rural Development), [Europe’s path towards sustainable agriculture](#), G20/Rio De Janeiro, 21 June 2012.

<sup>17</sup> Eurogroup for Animals, [Animal Welfare, Trade and Sustainable Development Goals](#), October 2019 & Linda Keeling et al., “[Animal Welfare and the United Nations Sustainable Development Goals](#)”, Frontiers in Veterinary Science, 6:336, October 2019.

<sup>18</sup> Linda Keeling et al., “[Animal Welfare and the United Nations Sustainable Development Goals](#)”.

<sup>19</sup> Eurogroup for Animals, [Animal Welfare, Trade and SDGs](#), October 2019.

<sup>20</sup> Council of the European Union, “[Council conclusions on animal welfare – an integral part of sustainable animal production](#)”, 16 December 2019.

<sup>21</sup> European Commission, [Trade Policy Review – An Open Sustainable Assertive Trade Policy](#), February 2021

# 1

## INDIA AND ANIMAL WELFARE



*India has a long history addressing animal welfare, with its Constitution mandating all citizens to “have compassion for living creatures” and its anti-cruelty law dating back to 1960. Yet, there is a lack of regulation of the rearing of farmed animals, and concerns about enforcement. This first section will thus look into the state of play in Indian livestock production, meat consumption and animal welfare legislation.*

### 1.1

#### INDIA – A KEY PLAYER IN ANIMAL-BASED AGRI-FOOD PRODUCTION

**Over the past decades, India has become one of the global leaders in the production of hen eggs, buffalo, goat and cow milks and buffalo, goat, sheep and chicken meats.**

While a majority of Indians eat meat (60 to 70%), the per capita consumption of meat remains low and even meat eaters’ meals comprise mostly vegetarian food on a day-to-day basis. However, as the second most populous nation with one of the fastest-growing economies of the world, it is also a global leader in the production of several animal-based products.

## PRODUCTION ON THE RISE

Between 1993 and 2017, India was the leading producer of buffalo and goat milk, representing respectively more than two thirds and 28% of the world's annual output.\* In the same period, it was also the second producer of cow milk, behind the US. According to the OECD and the FAO, milk production in the world is forecast to increase by 22% by 2027, compared to 2015-2017 levels, with India becoming the largest player in the sector (25% of the production, mostly for the domestic market).\*\*

**3rd** WORLD'S THIRD LARGEST PRODUCER OF **HEN EGGS**

India is the world's third largest producer of hen eggs, after China and the US.\* Indian production of eggs and egg products has increased significantly and constantly: by 43% between 2010 (61.4 billion eggs) and 2017 (88.1 billion eggs).\*

**1st** WORLD'S PRODUCER OF **BUFFALO MEAT**

India is the world's top producer of buffalo meat (11.8 million animals slaughtered per year); the second of goat meat (around 50 million animals); and the ninth of sheep meat (around 20 million animals).

**5th** WORLD'S PRODUCER OF **CHICKEN MEAT**

India has become the world's fifth producer of chicken meat\* and has seen a 295% increase in the slaughter of chickens, with numbers rising from 860 million in 2000 to 2.5 billion in 2017.\* This, along with a surge in chicken meat consumption in the country is a source of concern.

**MILLIONS SLAUGHTERED (2013)**

**20.6** BUFFALOS | **20.8** CATTLE | **80.4** GOATS | **31.9** SHEEPS

India is also one of the largest producers of buffalo and cattle hides and of goat skins. These are typical by-products of the meat and dairy industry, with, in 2013, the slaughter of 20.6 million buffaloes, 20.8 million cattle, 80.4 million goats and 31.9 million sheep.

\* FAOSTAT.

\*\* OECD/FAO (2018), *OECD-FAO Agricultural Outlook 2018-2027*, OECD Publishing, Paris/Food and Agriculture Organization of the United Nations, Rome.

## 1.2 MEAT CONSUMPTION IN INDIA

**India is the country with the highest proportion of vegetarians.<sup>22</sup> However, the national consumption of chicken meat per capita is forecast to increase in the forthcoming years.**

Thanks to cultural reasons, around one third of Indians – roughly 400 million people – define themselves as vegetarian.<sup>23</sup> Nevertheless, India's total meat consumption and total livestock counts are some of the highest globally.<sup>24</sup>

**Meat consumption in India and OECD countries in 2018 (kg/capita)<sup>25</sup>**

Meat	India whole population	India non-vegetarian population <sup>26</sup>	OECD
Beef and veal	0.5	0.75	14.5
Pork meat	0.2	0.3	23.7
Poultry meat	2.4	3.6	30.6
Sheep meat	0.5	0.75	1.3
<b>Total</b>	<b>3.6</b>	<b>5.4</b>	<b>70.1</b>

**Trends in Indian meat consumption (kg/capita)<sup>27</sup>**

Types of meat	1990	2000	2018	2028 (estimations)
Beef and veal	1.65	1.30	0.5	0.55
Pork meat	0.370	0.345	0.2	0.159
Poultry meat	0.40	0.76	2.40	3.09
Sheep meat	0.61	0.567	0.464	0.463

<sup>22</sup> <http://bit.ly/393ONIW>.

<sup>23</sup> Key, T.J., Appleby, P.N., Rosell, M.S., February 2006. Health effects of vegetarian and vegan diets. *Proc. Nutr. Soc.* 65 (1), 35-41.

<sup>24</sup> Kritika Singh, "In Veg-Friendly India, Meat Consumption Is on the Rise", Sentient Media.

<sup>25</sup> OECD/FAO (2019), *OECD-FAO Agricultural Outlook 2019-2028*, OECD Publishing, Paris/Food and Agriculture Organization of the United Nations, Rome.

<sup>26</sup> Based on the estimation that 1/3 of the whole Indian population is vegetarian.

<sup>27</sup> OECD/FAO (2019), *OECD-FAO Agricultural Outlook 2019-2028*, OECD Publishing, Paris/Food and Agriculture Organization of the United Nations, Rome.

According to the FAO-OECD data, India's per capita consumption of chicken meat and fish is expected to grow by about 12% in the period 2018–2027, only being overtaken by China (13%). For comparison, per capita consumption of meat and fish is expected to rise by only 3% globally, with stark variations across regions. Rising incomes are “mostly expected to lead to higher consumption of dairy products as the preferred source of animal proteins”.<sup>28</sup> Urbanisation, greater exposure to newer cultures, and increasing disposable incomes are other factors explaining a potential shift towards higher meat consumption in India.

## 1.3 ANIMAL WELFARE LEGISLATION IN INDIA

**Thanks to its cultural heritage and religious traditions, India has developed legislation that addresses animal welfare in different contexts. Indian and EU standards on the slaughter and transport of animals are now similar in some ways, but EU rules remain stricter in several aspects.**

Under the Animal Protection Index,<sup>29</sup> India ranks “C”, as do several EU countries such as France or Germany. However, regarding protection of farmed animals more specifically, India only scores “E”, which is much lower than all EU countries, apart from Romania.

Yet, the Indian population shows considerable concern for animal welfare. According to a survey conducted by IPSOS in India, 86% of the respondents agreed that animals killed for food should not be tortured; 68% agreed or strongly agreed that “slaughtering of animals is unfair” and 78% that the government should make stronger laws so that animals used for food are not tortured.<sup>30</sup> India also banned the import of foie gras in July 2014, following campaigns launched by the NGO Animal Equality, underlining the country's readiness to adopt concrete measures based on concerns for animal welfare.<sup>31</sup>

## INDIA, ONCE A LEADER IN ANIMAL WELFARE

India could be considered as the first country to have addressed animal welfare in its own Constitution.<sup>32</sup> Initially, the 1950 text only referred to that notion implicitly by calling for animal husbandry to be organised following modern and scientific lines and by banning slaughter of cattle and dairy animals,<sup>33</sup> but in 1974, another article was added making it a duty for every Indian citizen “to have compassion for living creatures.”<sup>34</sup>

In 1960, the national Parliament adopted the Prevention of Cruelty to Animals Act (PCA Act), with an objective “to prevent the infliction of unnecessary pain or suffering on animals”. The text contains a general chapter referring to sanctions in case of cruel behaviour against animals, and parts dedicated to animals used in science and performing animals. The fines attached to the law are currently very low (less than €1), but they might be increased soon.<sup>35</sup> The main innovation of this Act is certainly the creation of a new advisory body on animal welfare, the Animal Welfare Board of India (AWBI).

Established in 1962, the Board still exists today and its main role is to promote animal welfare and to protect animals from unnecessary suffering. The AWBI advises the government on amendments to existing legislation and also provides guidance for any local or federal government – or individual – in relation to the design or maintenance of slaughterhouses, to ensure that animals are killed in the most humane manner.

Since its creation, the AWBI has laid down a wide range of rules to improve Indian animal welfare standards, notably on pet shops, dog breeding and marketing and animal birth control, but also on the transport of animals and on slaughterhouses.

<sup>28</sup> Ibid.

<sup>29</sup> This [Index](#) was developed by the NGO World Animal Protection in 2014. It was updated in 2020.

<sup>30</sup> Survey carried out by IPSOS for Animal Equality India, 2018

<sup>31</sup> Animal Equality India, Press release, “[Indian Government Bans Foie Gras!](#)”, 4 July 2014.

<sup>32</sup> Jessica Vapnek and Megan Chapman, for the Development Law Service FAO Legal Office, “[Legislative and regulatory options for animal welfare](#)”, FAO legislative study 104, 2010.

<sup>33</sup> [Constitution of India](#), Article 48

<sup>34</sup> [Constitution of India](#), Article 51 A9(g)

<sup>35</sup> <http://bit.ly/392RLO5>



## Transport

The Central Government of India adopted rules on animal transport in 1978,<sup>36</sup> defining necessary veterinary measures as well as a legal framework for the transport by rail, road, inland, waterway, sea or air of various animals including cattle, equines, sheep and goats. It also includes rules concerning the welfare of animals. Two amendments were adopted in 2001 and 2009 to create a legal framework on the transport of poultry and pigs.

The Indian and EU rules<sup>37</sup> on the transport of animals contain some similarities insofar as both target similar farmed animals and establish tailored space allowances per species. Nevertheless, the EU regulation is stricter and fixes a maximum journey time of 8 hours, with specific conditions to enable longer journeys. Additionally, it forbids the transport of new-born mammals and of animals at 90% of their pregnancies.

## Slaughterhouses

India adopted its “Slaughterhouse Rules” in 2001 and these rules apply to every slaughterhouse wherein at least 10 animals are slaughtered per day. Other legislation provides information on the standards to be respected at the time of slaughter, which though not intended to improve animal welfare, occasionally makes a positive contribution. This is the case of the Food Safety & Standards laws, which elaborate on the standards contained in the Slaughterhouse Rules while increasing the fines connected to their violations.

In India, slaughterhouses must be inspected by the State Animal Welfare Board (or by a qualified veterinarian authorised by the Animal Welfare Board of India) at least once every six months, during working hours.<sup>38</sup> Every slaughterhouse is required to provide a separate space devoted to the stunning of animals prior to slaughter, bleeding and dressing of the carcasses – which appears to outlaw slaughter without stunning. However, slaughter without stunning is still practiced in numerous illegal and unlicensed slaughterhouses.<sup>39</sup> According to PETA India, there are approximately 30,000 unlicensed and illegal slaughterhouses in the country, and only a few states (Bihar, Madhya Pradesh, Chhattisgarh, Jharkhand, Uttarakhand, Uttar Pradesh, and Rajasthan) have taken initiatives to shut them down, or to sanction those establishments breaking the law.<sup>40</sup>



<sup>36</sup> Transport of Animals, Rules, 1978.

<sup>37</sup> EU rules on the transport of animals, initially designed since 1991, are now governed by Regulation No 1/2005#.

<sup>38</sup> Contrary to the EU legislation (Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing), the Indian text prohibits the slaughtering of pregnant animals, of animals under the age of three months and of those with an offspring younger than three months old. Every animal must undergo veterinary inspection and stay 24 hours in lairage before slaughter. No animal shall be administered any chemical, drug or hormone before slaughter, except in case of treatment for a specific disease or ailment. The EU legislation also establishes a system of inspections on animal welfare at both national (by a competent authority) and EU level (by DG Sante).

<sup>39</sup> Michelle Sinclair, Zulkifli Idrus, Georgette Leah Burns and Clive J. C. Philipps, “Livestock Stakeholder Willingness to Embrace Preslaughter Stunning in Key Asian Countries”, 8 May 2019.

<sup>40</sup> PETA India, Petition, “[Ask States to Close Illegal Slaughterhouses](#)”.

# 2

## FARM ANIMAL WELFARE IN EU-INDIA TRADE NEGOTIATIONS



***Eurogroup for Animals considers that there are opportunities for impactful cooperation between the EU and India. In the case of broiler chickens and laying hens, these opportunities arise from the importance of the sectors for both partners, and from the discussions that are currently taking place in both regions to improve the welfare of these animals. In the case of the welfare of cattle and dairy cows, the EU has an interest as it imports by-products of this production. Fish welfare is also a priority, not only as the EU imports a fair quantity of Indian farmed fish and shrimps, but also because it is a growing sector, both in India and the EU.***

Although several Indian establishments are approved to export dairy, egg and fishery products to the EU, as well as animals' stomachs, bladders and intestines, there are none approved to export meat. A major export is frozen *Penaeus* shrimps,<sup>41</sup> for which India is the third source of EU imports, behind Vietnam and Ecuador. The EU does not import live animals from India, and only sends around 100,000 live fowls each year to the sub-continent.

However, trade agreements are negotiated to last, and the implementation of a trade agreement can lead to an increase in exchanges of animal-based products, once sanitary criteria are satisfied. It is thus important to incorporate an animal welfare dimension in these discussions, especially as most EU animal welfare standards do not currently apply to imported goods.

<sup>41</sup> HS code 03061792.

Eurogroup for Animals would thus recommend to grant better trade preferences only to animal-based products that respect animal welfare standards equivalent to those applied in the EU (during transport and on farm), and to include ambitious provisions on animal welfare cooperation in the agreement. Interestingly, India has already adopted a trade restriction based on the approach that imported food products should respect rules that have applied in India since it banned the import of foie gras. Back then, it was a key argument by animal protection organisations pushing for the measure.

## 2.1 OPPORTUNITIES TO IMPROVE THE WELFARE OF LAYING HENS

***Indian authorities are currently debating opportunities to phase out battery cages in egg production, as well as to introduce space requirements. As the EU has already taken these steps and as discussions on fully banning cages are also ongoing, this could be a field for fruitful cooperation. The EU and India could share their experience and the EU could provide India with technical assistance and capacity building to transition towards more humane systems.***

### State of play

India is the third global producer of hen eggs, after China and the US, and this sector has grown dramatically over the past few years. India mostly exports egg products. In 2014, the EU was the leading destination for such exports, value-wise, with a share of 26.5%. The main destinations of Indian egg products in the EU were Denmark, the Netherlands and Germany. Eurostat figures, however, show a drastic drop after 2015, with India only exporting less than a hundred tonnes to the EU in the past three years, even though, overall, EU's imports of egg products have increased over that period.<sup>42</sup>

In India, about 80% of eggs are produced industrially in battery cages, with only 20% coming from rural areas that rely on cage-free housing systems. Yet, a few retailers have begun sourcing cage-free eggs and several important egg producers support this change.<sup>43</sup>

### Animal welfare concerns

Animal Equality India published a report identifying several concerns related to animal welfare in the sector such as the practice of debeaking, the lack of veterinary care, forced moulting (despite this practice being prohibited in India) and the use of battery cages.<sup>44</sup>

Indian society, politicians and experts have been debating a ban on battery cages for years. In 2012, reacting to the entry into force of the EU ban on battery cages,<sup>45</sup> the Animal Welfare Board of India advised their authorities “to issue suitable directions to poultry farmers to prohibit the use of battery cages in egg production, so that poultry farms keeping egg laying hens adhere to the provisions of the Prevention Cruelty to Animals Act, 1960”. Indeed, the PCA Act equates the confinement of animals in any cage that does not provide reasonable opportunity for movement with animal cruelty. In July 2017, following a request by the Ministry of Law and Justice, the Law Commission of India<sup>46</sup> published a report on the “Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens”, which recommended new space allowance standards for egg laying hens.<sup>47</sup>

Another battle to ban battery cages took place in front of the Indian Courts. On the basis of the PCA Act, the High Court of Delhi ruled, in 2018, that the creation of new establishments using battery cages should be prohibited. It also called on the government to phase out the use of battery cages for laying hens and to use that period to develop minimum standards for the sector.

As a result, the Indian Agriculture Ministry published draft rules on egg laying hens in April 2019, and opened a consultation on the text.<sup>48</sup> However, the space allowance indicated (550cm<sup>2</sup>) is not only inferior to what was suggested in the report prepared by the Law Commission of India, but also similar to what was applied in the EU when battery cages were still allowed. In other words, this suggested space allowance has been forbidden in the EU since 2012.

On other criteria, the EU and the Indian rules are more similar. For instance, the Indian rules also foresee the prohibition of feeding hens with remains of dead chickens

<sup>42</sup> According to Eurostat, from 3.3 to 5 tonnes between 2014 and 2018.

<sup>43</sup> Animal Equality India, News, “[Indian food companies take critical first step to end animal cruelty](#)”, 11 June 2019.

<sup>44</sup> Animal Equality, Report on poultry welfare in India, 2016

<sup>45</sup> Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens. The EU ban on conventional (“barren”) battery cages for laying hens was adopted by this directive but entered into force in 2012.

<sup>46</sup> The Law Commission of India is an executive body established by an order of the Government of India and chaired by retired judges from the Supreme Court. Its major function is to recommend reforms and new laws where needed.

<sup>47</sup> Government of India, Law Commission of India, Report No, 269, “Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens”, July 2017.

<sup>48</sup> The Gazette of India is the Indian Official Journal.

and a ban on using growth promoters. They also indicate that antibiotics may only be administered for therapeutic purposes and under supervision of a veterinarian.

The EU could make the granting of any trade preferences on egg and egg products conditional on the respect of animal welfare standards equivalent to those applied in the EU. It could also suggest setting up a cooperation mechanism on the welfare of laying hens, including technical assistance and capacity building mechanisms to assist India with this transition. Looking ahead, Eurogroup for Animals would even call on both parties to consider a full transition towards higher welfare cage-free systems, following recommendations laid down in our report entitled “*Optimising laying hen welfare in cage-free systems: Working towards a smooth transition in European egg products production*”<sup>49</sup> and the standards set in ‘The Hens’ Asks’.<sup>50</sup>

## 2.2 OPPORTUNITIES TO IMPROVE THE WELFARE OF BROILER CHICKENS

***No Indian slaughterhouse is currently certified to export chicken meat to the EU, but both partners face several similar challenges in ensuring higher broiler welfare. There is also rampant overuse of antibiotics in the Indian chicken industry, which contributes to feed antimicrobial resistance (AMR). As poor animal welfare is linked to this overuse, it merits consideration in any EU-India dialogue on AMR.***

### State of play

India is the world’s sixth producer of chicken meat.<sup>51</sup> Between 2013 and 2018, India’s annual chicken meat production jumped from 2.8 to 3.5 million tonnes. In 2018, that translated into the slaughter of 2.5 billion chickens, with exports of chicken meat mostly going to Vietnam and Bhutan.

### Animal Welfare concerns in the sector

Given the sharp increase in consumption of chicken meat in India, the sector has seen growing attention from animal welfare NGOs.<sup>52</sup> The Indian poultry industry has rapidly industrialised and animal protection organisations often denounce the suffering endured by chickens due to inhumane treatment.<sup>53</sup> The Law Commission of India<sup>54</sup> also expressed serious concerns about this “massive industry”.<sup>55</sup> In its report published in 2017 both on egg laying hens and broiler chickens, the Law Commission identified several welfare problems connected to the broiler sector, such as bone and ligament disorders, leg deformities and lameness. While the Commission considered that Indian procedures and standards on chicken welfare – as defined in legal texts such as the Slaughterhouse Rules – are satisfactory, it noted that “these rules/regulations are violated blatantly in roadside meat shops and outlets”. The report also deplores the lack of regulation on stocking density and housing conditions and calls for “the entire process from housekeeping to transport to slaughter” to “be made humane”.

Following this report, the Law Commission of India proposed new rules on broiler chicken welfare, including requirements for space allowance and stocking density. The stocking density suggested is of 30 kg/m<sup>2</sup>; this is lower than the minimum one set in EU law (i.e 33kg/m<sup>2</sup>) and is in line with the requirements of the European Chicken Commitment.<sup>56</sup> However, only 34% of EU broiler chickens are kept at the stocking density of 33 kg/m<sup>2</sup>. Indeed, the majority of these birds (66%) are still raised – thanks to derogations that are difficult to check – at stocking densities of up to 42 kg/m<sup>2</sup>. A recent study<sup>57</sup> written by six independent scientists and coordinated by Eurogroup for Animals highlighted the many welfare issues experienced by industrially reared broiler chickens in the EU and stressed that these animals face animal welfare challenges during all stages of their lives, from breeding to slaughter. Broiler breeders (the parent birds) and new-born chicks in hatcheries are not legally protected by minimum animal welfare rules; broiler chickens are mostly reared in barren conditions and suffer from health problems (heart disease, lameness) derived from genetic selection for fast growth;

<sup>49</sup> Eurogroup for Animals, Report, “[Optimising laying hen welfare in cage-free systems: Working towards a smooth transition in European egg production](#)”.

<sup>50</sup> Eurogroup for Animals, Pledge “[The Hens’Asks](#)”.

<sup>51</sup> Figures from FAOStat & <https://www.statista.com/statistics/263961/top-countries-worldwide-by-chicken-stock-2007/>

<sup>52</sup> Animal Equality, Report on poultry welfare in India, 2016.

<sup>53</sup> <https://animalequality.in/action/chicken-production-violates-animal-welfare>

<sup>54</sup> The Law Commission of India is an executive body established by an order of the Government of India. Its major function is to work for legal reform.

<sup>55</sup> Government of India, Law Commission of India, Report No, 269, “Transportation and House-keeping of Egg-laying hens (layers) and Broiler Chickens”, July 2017.

<sup>56</sup> <https://welfarecommitments.com/europeletter/>

<sup>57</sup> <https://bit.ly/3cZ05PQ>



the catching and transport of chickens are phases in which the birds can be injured and suffer from cold or heat stress as well as hunger and dehydration; last, but not least, slaughter practices and parameters vary widely and are likely causing unnecessary suffering to millions of birds every year due to incorrect handling and stunning.

In the near future, it is expected that the EU will revise animal welfare standards for broiler chickens (e.g. lower maximum stocking density, use of slower growing breeds, access to outdoor, access to natural light, and provisions of enrichment material) and introduce rules for broiler breeders and hatcheries. The EU and India could exchange views on these topics and cooperate towards higher broiler welfare systems.

At the end of their short life cycle, broiler chickens are also often slaughtered at wet markets in India without any stunning, rather than in licensed slaughterhouses. As Indians tend to prefer fresh meat, this is the case for roughly 90% of slaughtered chickens. As discussions around the origin of the COVID-19 pandemic have revealed, such practices are not only detrimental to animal welfare, but they can also contribute to the spread of zoonoses, and thus to jeopardising global public health.

Finally, it is still common in India to use antibiotics as growth promoters, mixed in with animal feed. Some products like colistin, which were commonly used, have been recently banned.<sup>58</sup> The ban on colistin followed an investigation that exposed the excessive and irresponsible use of this antibiotic in the Indian poultry sector. Colistin is a 'last resort' antibiotic,<sup>59</sup> meaning it is central in human medicine to fight pathogens that are resistant to all other antimicrobials. However, the enforcement is still weak. The use of antibiotics is not only a public health concern – as it contributes to the surge in antimicrobial resistance<sup>60</sup> – but it also impacts the welfare of the chickens as it causes leg problems due to the abnormal weight gained by the animal.

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<sup>58</sup> The Bureau of Investigative Journalism, Madlen Davies, Ben Stockton, "[India bans use of "last hope" antibiotic on farms](#)", 22 July 2019.

<sup>59</sup> Sarah Evans, "[Colistin: an antibiotic of last resort](#)", 18 November 2016.

<sup>60</sup> The World Health Organisation defines "antimicrobial resistance" as the following: "Antimicrobial resistance happens when microorganisms (such as bacteria, fungi, viruses, and parasites) change when they are exposed to antimicrobial drugs (such as antibiotics, antifungals, antivirals, antimalarials, and anthelmintics). Microorganisms that develop antimicrobial resistance are sometimes referred to as 'superbugs'. As a result, the medicines become ineffective and infections persist in the body, increasing the risk of spread to others." (<https://bit.ly/3rcqhvww>).

At the EU-India Summit held in 2020, both partners agreed on a common roadmap to strengthen their partnership,<sup>61</sup> and this roadmap includes the promotion of cooperation on antimicrobial resistance. With the EU implementing stricter rules on the use of antibiotics in animal production from 2022 onwards, this dimension is likely to become a more important part of the EU-India political agenda. The European Commission recognises the link between animal welfare and AMR in its 'One Health' Action Plan against AMR, which also underlines the importance of considering these issues when negotiating trade agreements: "as one of the largest markets for agricultural products, the EU can play a major role in promoting its AMR-related standards, measures in food production, and standards on animal welfare". The recent conclusions published by the Council of the EU on animal welfare<sup>62</sup> also emphasised that "good animal welfare in general improves animal health and reduces the need to use antibiotics, and consequently reduces antimicrobial resistance". Outside the EU, the tripartite alliance between the FAO, WHO and OIE, launched in 2010 also include animal welfare in their objective to limit the emergence of antimicrobial resistance.<sup>63</sup>

Eurogroup for Animals therefore calls for an animal welfare dimension to be included in any discussions related to the use of antibiotics and AMR with India. Both countries could adopt important steps to combat the surge in AMR including the implementation of higher animal welfare standards on farms. It remains key to avoid intensive systems, given that, as concluded by the European Food Safety Authority and the European Medical Agency, "the stress associated with intensive, indoor, large scale production may lead to an increased risk of livestock contracting disease."<sup>64</sup>

<sup>61</sup> [EU-India Strategic Partnership – A Roadmap to 2025](#), July 2020.

<sup>62</sup> Council of the European Union, "Council conclusions on animal welfare – an integral part of sustainable animal production", 16 December 2019.

<sup>63</sup> <https://www.oie.int/en/for-the-media/amr/international-collaboration/>

<sup>64</sup> EMA & EFSA, [EMA and EFSA Joint Scientific Opinion on measures to reduce the need to use antimicrobial agents in animal husbandry in the European Union, and the resulting impacts on food safety](#), 2017

## EU-INDIA COOPERATION ON ANTIMICROBIAL RESISTANCE

The EU institutions have a strong interest in working to reduce antimicrobial resistance, for public health but also economic reasons. According to DG Sante, "AMR is responsible for an estimated 33,000 deaths per year in the EU. It is also estimated that AMR costs the EU EUR 1.5 billion per year in healthcare costs and productivity costs".<sup>65</sup>

*"India accounts for 3% of the global consumption of antimicrobials in food animals and is the fourth highest in the world, behind China 23%, the United States 13% and Brazil 9%. The consumption of antimicrobials in the food animal sector in India is expected to double by 2030."*

National Action Plan on Antimicrobial Resistance

India will be one of the countries most affected by antimicrobial resistance in the years to come and its leaders have expressed interest in collaborating with other partners on this issue. In 2017, the government identified AMR as a serious concern, blaming "inappropriate use in human, animal, food and agriculture sectors".<sup>66</sup> It also adopted a 2021 "National Action Plan on Antimicrobial Resistance", which recognises the lack of data available on antibiotic overuse in the livestock sector: only 3.3% of over 2,000 studies published by Indian institutions on AMR were carried out on animals.<sup>67</sup> The plan criticises the absence of "stringently framed and implemented regulatory frameworks to limit the use of antimicrobials in livestock and food animals, especially for non-therapeutic purposes, like growth promotions", calling it a driver of antibiotic overuse.

The newly adopted "EU-India Strategic Partnership – Roadmap to 2025" includes a commitment by the Parties to promote cooperation on antimicrobial resistance. Such discussions should always include a farmed animal welfare dimension, including when considering the aquaculture sector.

<sup>65</sup> DG SANTE website on Antimicrobial resistance – [https://ec.europa.eu/health/amr/antimicrobial-resistance\\_en](https://ec.europa.eu/health/amr/antimicrobial-resistance_en).

<sup>66</sup> <https://ncdc.gov.in/WriteReadData/linkimages/AMR/File670.pdf>

<sup>67</sup> Taneja N, Sharma M. Antimicrobial resistance in the environment: The Indian scenario. *Indian J Med Res.* 2019;149:119–28.

## 2.3

### WORKING TOWARDS HIGHER FISH WELFARE

**India does not send large amounts of farmed fish to the EU, but it is a key source of shrimps for the continent and the Indian government strongly encourages the development of the aquaculture sector in the country. The EU and India could cooperate on fish welfare, a key component of sustainable aquaculture, notably towards reducing the use of antibiotics in the shrimp sector, while the future EU-India FTA could incentivise higher welfare standards.**

#### State of play

Already a leading country in the production and export of fisheries and aquaculture products,<sup>68</sup> India published a draft of its new Fisheries Policy in February 2020, which further emphasises the development of the aquaculture sector.<sup>69</sup>

India is not an important source of fish products for the EU. Yet, in 2018, in addition to being the EU's 3rd supplier of *Penaeus* frozen shrimps<sup>70</sup> (41,894.1 tons), after Ecuador (102,064.5 tons) and Vietnam (42,006.9 tons), it was the EU's 5th source of frozen tilapia,<sup>71</sup> 7th of fresh or chilled yellowfin tuna<sup>72</sup> and 18th of frozen yellowfin tuna.<sup>73</sup>

#### Animal welfare concerns

Several inhumane practices have been identified in Indian fisheries and aquaculture industries. Firstly, fish and other aquatic animals are not stunned before slaughter. They are killed using methods such as live chilling; asphyxiation in air or on ice; gill-cutting without prior stunning; and allowing the fish to bleed to death. Transport conditions are also non-satisfactory. According to investigations led by Animal Equality India, fish that are transported suffer from overcrowding, lack of oxygen in the water and as a result of constant movement during a prolonged period, in

an environment with noise and vibrations that can become significant stressors. Alongside limited capacity to control the water quality in the transported tanks, there is little to no veterinary care at the farms.

The unregulated use of antibiotics in the aquaculture industry for the production of farm-raised fish and shrimp poses human health and food safety concerns that remain largely unaddressed in many countries.<sup>74</sup> The aquaculture industry is also responsible for the contamination of the environment due to the overuse of antibiotics. The fish, shrimp and other aquatic animals kept in farms are fed with antibiotics both to control diseases and to increase their stock in the shortest possible time. The use of antimicrobials in India is projected to almost double by 2030, compared to 2010 levels, and this is without taking into account antimicrobials used in the aquaculture sector.<sup>75</sup>

The overuse of antibiotics in the Indian shrimp industry has also had an impact on EU-India shrimp trade. Over the past two years, the EU – as well as the US – have rejected many shipments of Indian shrimp due to the detection of salmonella or banned antibiotics.<sup>76</sup> In India, the regulations on the use of antibiotics in seafood production stipulate that antibiotics should only be sold on prescription. However, a study conducted by the Indian Centre for Science and Environment found that many antibiotics used in aquaculture – including ampicillin, amoxicillin, tetracycline, oxytetracycline, azithromycin, cephalexin, streptomycin and kanamycin – were found to be sold 'over the counter' in many districts.<sup>77</sup>

The EU could work with India on improving welfare at all stages of the production cycle, to minimise distress and damage to the fish, resulting in greater productivity and more natural production involving the use of fewer or no chemicals and antibiotics. The relationship between higher welfare and health (as well as productivity) in aquaculture is explicitly established in the EU's Organic Regulation, and is also confirmed by two opinions published by the European Food Safety Authority (EFSA): "All disease conditions

<sup>68</sup> Indian farmed fish production has increased from 1.7 million tonnes in 1995 to 5.7 million tonnes in 2016, or 7.1% of total world production. The FAO estimates that the Indian fish production (live weight equivalent) for both fisheries and aquaculture will have increased by 24.6% between by 2030, and its exports of fish and fish products by 61.2%.

<sup>69</sup> <http://bit.ly/3c6N6fN>

<sup>70</sup> HS code 03061792.

<sup>71</sup> HS code 030323.

<sup>72</sup> HS code 030232.

<sup>73</sup> HS code 030342.

<sup>74</sup> Okocha, R.C., Olatoye, I.O. & Adedeji, O.B. Food safety impacts of antimicrobial use and their residues in aquaculture. *Public Health Rev* 39, 21 (2018)

<sup>75</sup> Van Boeckel TP, Brower C, Gilbert M, Grenfell BT, Levin SA, Robinson TP, Teillant A, Laxminarayan R., Global trends in antimicrobial use in food animals. *PNAS*, 112(18) (2015) – Aquaculture was not considered by this study although the sector has been found in other countries like Vietnam to be linked with high rates of antimicrobial consumption.

<sup>76</sup> For the US: dozens of shipments; for the EU: five times in 2016, fifteen times in 2017, thirteen times in 2018 and four times in 2019.

<sup>77</sup> Chandra Bhushan, Amit Khurana, Rajeshwari Sinha, 2016, [Antibiotic use and waste management in aquaculture: CSE recommendations based on a case study from West Bengal](#), Centre for Science and Environment, New Delhi.

can constitute a cause for poor welfare, but it should be noted that poor welfare, often resulting from negative husbandry factors, can also enhance the susceptibility to disease by various mechanisms.”<sup>78</sup> “Environmental and hygienic conditions (related to water temperature, salinity, chemicals, organic matter, oxygen levels, etc.) and practices at pre-harvest level (inadequate feeding or antimicrobial usage) could increase the prevalence of certain biological hazards at farm level, and may also have an effect on fish welfare and physiological condition (stress). Both these aspects impact on fish health, and subsequently may influence the safety of the end product.”<sup>79</sup>

Recent breakthrough research on alternatives to eyestalk ablation in shrimp<sup>80</sup> has demonstrated that the shrimp have a similar connection between stress and immune function as fish. The technical and economic modelling work is complete and technical and financial cooperation between the EU and India would support and speed up the transition to these higher welfare hatchery practices that are proven to reduce disease and use of medications on farms.

The MFN tariffs on frozen tilapia and *Penaeus* shrimps are respectively 8% and 12%, but India benefits from preferential tariffs (respectively 4.5% and 4.2%) under the EU’s General System of Preferences (GSP).<sup>81</sup> In the context of trade negotiations, the EU could make the decrease in tariff for such products conditional on respect of higher fish welfare standards.

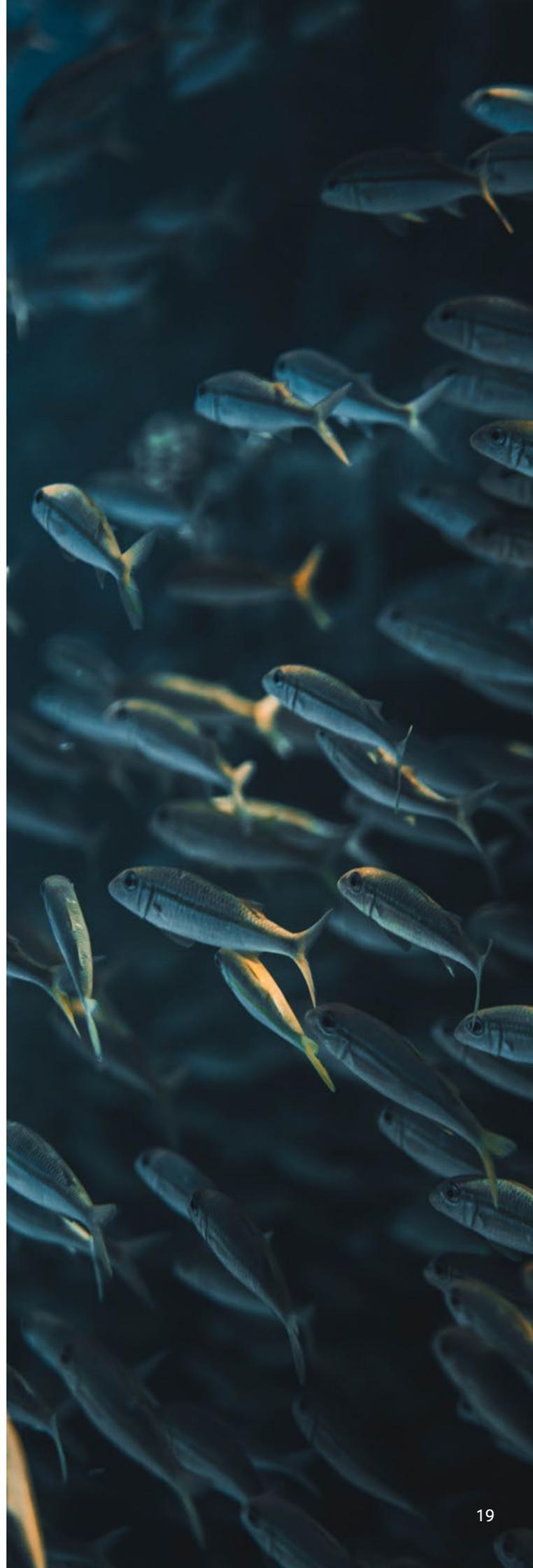
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<sup>78</sup> EFSA Opinion, Animal welfare aspects of husbandry systems for farmed Atlantic salmon, June 2008

<sup>79</sup> <https://www.efsa.europa.eu/en/efsajournal/pub/867>

<sup>80</sup> <http://bit.ly/2OUuirv>

<sup>81</sup> There is also currently a duty free autonomous tariff quota (ATQ) open for penaeus shrimps (2019-2020)



## 2.4 OPPORTUNITIES TO IMPROVE CATTLE AND DAIRY COW WELFARE

***In India, cattle and dairy cows are often treated poorly and slaughtered in cruel, and illegal, conditions. As India is an important source of casein, gelatine and raw hides, skins and leather for the EU, the EU has ample reason to ensure that trade preferences provided for these by-products in the future EU-India FTA incentivise better welfare practices.***

The Indian dairy, meat and leather industries are interdependent. In India, cattle are not specifically bred for meat. The dairy industry churns out a large number of unproductive animals for slaughter every day, which, in turn, helps the meat and leather trade to thrive.

Given India's cultural heritage, cows raised for milk traditionally roamed free and were milked by hand. These animals were treated well and were recognised as part of the Indian population's culture and ecosystem. Nevertheless, the sector has hugely industrialised over recent decades and the number of cows milked by machines has enormously increased. In addition, due to the ban on cow slaughter, dairy farmers have increasingly started to rear buffaloes, as buffaloes do not fall under the scope of the ban.

According to animal welfare organisations based in India, dairy cows and buffaloes suffer from severe animal welfare problems. Firstly, most of them are confined to tiny stalls and tethered by short ropes, thus unable to move freely. Calves are also kept tethered, which is illegal in the EU. Secondly, they are given large doses of hormones such as oxytocin and somatotropin<sup>82</sup> that cause them to produce unnaturally large quantities of milk, even though their use is illegal. Treatment with oxytocin also induces severe stomach cramps for the cows as oxytocin stimulates gastro-intestinal motility. Machine-milked dairy cows and buffaloes undergo specific welfare challenges: unscrupulous and unskilled workers often do not switch off the milking machines on time, which then continue their suction on the animals' empty udders, which is extremely painful.<sup>83</sup>

The NGO Animal Equality India exposed a series of painful mutilations still taking place in this industry, such as identification by hot-iron branding (which burns the flesh of young cows); dehorning (cutting grown horns) or disbudding (burning off the horn buds) and tail docking (using shears).<sup>84</sup> In comparison, tail docking is not allowed for dairy cattle in the EU; other painful procedures are regulated, and several Member States have introduced national bans or stricter requirements (e.g. use of anaesthesia/analgesia and/or the intervention of a veterinarian).

The Federation of Indian Animal Protection Organizations (FIAPO) also conducted investigations in dairy farms in Indian states that revealed inadequate floor space for dairy animals, lack of proper ventilation, farms without proper infrastructure to protect animals from natural elements, animals tied to short ropes and lack of hygiene. On many farms the animals did not have ready access to fresh drinking water and fodder (illegal under EU rules). Beating with sticks and kicking were some of the common practices observed during the time of milking. Indiscriminate use of antibiotics was also a serious concern.

In general, unproductive animals from the dairy industry are sold for meat through cattle markets where dairy cows, buffaloes and male calves are bought for slaughter. The animals are generally transported in terrible conditions, with evidence that cattle trucks sometimes transport up to five times the number of animals allowed under Indian rules. In general, male calves of dairy cows are dragged away from their mothers shortly after birth to be sold at these markets. Investigations led by the NGO Animal Equality India revealed that these animals are often slaughtered in conditions that do not respect Indian animal welfare legislation. Indeed, animals are often marked as 'fit for slaughter' by slaughterhouse workers, and not by veterinarians – as required by law, which is a public and animal health risk. Animals are also often slaughtered in front of each other and sometimes without stunning.<sup>85</sup>

While not importing dairy products, bovine or ovine meat from India at the moment, the EU does import by-products of these industries: the hides and skins of these animals as well as gelatine and casein.

<sup>82</sup> <https://bit.ly/3r3LQyo>

<sup>83</sup> PETA India, Report, [Inside the Indian Dairy Industry: A Report on the Abuse of Cows and Buffaloes Exploited for Milk](#), 2013.

<sup>84</sup> <https://animalequality.in/issues/dairy/>

<sup>85</sup> <https://animalequality.in/india-deadly-dairy/>

## Gelatine

In 2018, India was the fourth source of gelatine<sup>86</sup> for the EU (2,793 tonnes), behind Brazil, Switzerland and Turkey. According to two audits carried out by the European Commission,<sup>87</sup> the Indian gelatine imported by the EU is used for human consumption and technical purposes (mainly glue) and may be destined for pharmacological and technical purposes. The raw materials used are bovine bones from buffaloes.

While India currently benefits from duty free access through the EU's GSP, the MFN tariff on this product is 7.7%.

## Raw hides and skins (other than furskins) and leather

In 2018, while in terms of volume, India was the EU's tenth source of raw hides, skins and leather, value-wise it ranked third, just behind Brazil and the US (14,346 tonnes worth €183,377,893). India was also the EU's second source of bovine-based grain split leather (from a whole hide<sup>88</sup> or a piece<sup>89</sup>); its first of goat-based prepared leather<sup>90</sup> and second source of goat-based crust skins.<sup>91</sup> These products mostly went to Italy, Spain, Germany and France.

While India currently benefits from cheaper access (between zero and 2% tariff) through the EU's GSP, the MFN tariffs on these products oscillate between zero and 5.5%.

## Casein

Casein is a family of proteins that can be found in milk. In 2018, India was the fourth source of casein<sup>92</sup> imports in the EU, behind Ukraine, New Zealand and Belarus. Over the past five years, only three EU Member States have imported Indian casein: Poland, Germany and France. India was also the third EU source of caseinates and other casein derivatives<sup>93</sup> imports to the EU, after New Zealand and the US, which went to the United Kingdom and Greece.

There is a 9% MFN tariff on casein (only lifted if the product is used to build ships and platforms), but India benefits from a 5.5% tariff thanks to the EU's GSP. The situation is similar for caseinate derivatives: the MFN tariff is 6.4% but India benefits from a 2.9% tariff.

For all these by-products – casein, gelatine, hides and skins – it would therefore be possible to link animal welfare standards to the lowering of these tariffs. This could be done by ensuring that the by-products only originate from farms and slaughterhouses certified by the EU not only on sanitary criteria, but also on standards related to welfare during rearing as well as at the time of killing and transport. Cooperation mechanisms established with the trade agreement could also focus on these sectors.

In conclusion, the EU must ensure it will use conditional liberalisation, wherever possible, to provide the best incentive for producers to improve their animal welfare standards. The future EU-India FTA could also include in a standalone chapter a comprehensive cooperation mechanism on animal welfare, covering not only farm animals but also animals used in science and wildlife, with the clear objective to improve the protection and welfare of animals by enacting and implementing stronger legislation.

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<sup>86</sup> HS code 3503.

<sup>87</sup> European Commission, DG Sante, [“Final report of a mission carried out in India from 14 to 24 October 2018 in order to evaluate the implementation of measures concerning requirements for gelatine”](#), 6 May 2009, DG(SANCO)/ 2008-7734 – MR – FINAL ; European Commission, DG Sante, [“Final report of an audit carried out in India from 07 to 19 September 2011 in order to evaluate the operation of controls over the production of casings and gelatine \(and raw materials for gelatine\) for human consumption destined for export to the European Union, as well as certification procedures”](#), 19 January 2012, DG(SANCO)2011-6137 – MR FINAL.

<sup>88</sup> HS code 41071291.

<sup>89</sup> HS code 41079210.

<sup>90</sup> HS code 4113100.

<sup>91</sup> HS code 410622.

<sup>92</sup> HS code 35011090 – casein not used for the manufacture of regenerated textile fibres or for industrial uses other than manufacture of foodstuff and fodder.

<sup>93</sup> HS code 35019090 – products other than casein glue (non-edible sodium caseinate or others).



## ANIMALS USED IN SCIENCE

India started showing signs of interest in the welfare of animals used in science in the 1990s. In 1998, it adopted specific rules on the “Breeding of and Experiments on Animals (Control and Supervision)”, which were amended in 2001 and 2006, and established, a year later, a “Committee for the Purpose of Control and Supervision of Experiments on Animals” (CPCSEA), which introduced the 3Rs principles (Replacement, Reduction and Refinement) in India.

Considering India’s policies and legislation on animals used in science, the EU-India cooperation on this topic would be welcome, either within the context of the future trade agreement or by establishing a specific dialogue between both partners on animal welfare. The future EU-India FTA could also contain provisions calling for the Parties to ban duplication of tests carried out on animals.

Four areas could provide ground for fruitful cooperation between the EU and India:

- Both partners could cooperate to promote the best 3R practices.
- The EU and India could cooperate to promote an international ban on animal testing in cosmetics in international fora. As the EU, India banned animal testing of cosmetics in 2013, as well as the imports of such products in 2014, therefore becoming the first South Asian country to do so.<sup>94</sup>
- Both the EU and India have imposed setting up a registration system for establishments performing experiments on animals. Therefore, they could work together to promote, in international fora, the establishment of common reporting rules on the use of animals for scientific purposes. It would be a first step in gaining better global knowledge on animals used in science and would allow the identification of areas where the promotion of non-animal methods is most needed.
- India and the EU could cooperate on non-animal methods in international guidelines (e.g. OECD<sup>95</sup> and International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH)) by establishing a partnership to ensure the best scientific level of international safety testing standards.

<sup>94</sup> Vishwa Mohan, “[India bans import of cosmetics tested on animals](#)”, The Times of India, 14 October 2014.

<sup>95</sup> The OECD Guidelines for the Testing of Chemicals.

# 3

## ANIMAL WELFARE WITHIN THE TRADE AND SUSTAINABLE DEVELOPMENT CHAPTER



Aspects related to sustainable development are key in EU-India discussions. The mismatch in ambitions around the future Trade and Sustainable Development (TSD) chapter in the future EU-India FTA is one of the obstacles preventing the EU and India from re-starting formal negotiations. The EU and India could seek to use their future FTA to set strong commitments around sustainable agriculture (or food production systems), wildlife welfare and conservation, and sustainable aquaculture. The TSD chapter in the future EU-India FTA could also be linked to a strengthened enforcement mechanism.

### 3.1

#### ANIMAL WELFARE AS PART OF SUSTAINABLE DEVELOPMENT

The TSD chapter of the future EU-India FTA should explicitly recognise the strong link between animal welfare and sustainable development, and more specifically between improving animal welfare standards and achieving the UN Sustainable Development Goals. According to the preamble of the UN 2030 Sustainable Development Agenda, protecting animal welfare is essential to sustainable development in its own right.

## THE WELFARE OF WORKING ANIMALS AND SUSTAINABLE DEVELOPMENT<sup>96</sup>

Around 200 million working animals are essential to the livelihoods of some of the poorest communities. These animals and their socioeconomic value are often taken for granted, and most do not recognise the long-term benefits from ensuring better health and welfare for these animals. In rural areas, working animals facilitate farming and transportation; they pull ploughs and carts, deliver goods to market, herd livestock and collect water from wells. Urban uses include construction, the transport of people and goods and refuse collection.

By enabling their owners to participate in work, they boost economic capacity and further benefit communities by enabling education, providing access to basic services and supporting gender equality. Simple interventions, such as improved access to good, affordable harnessing, hoof care and veterinary services, can empower owners to keep their animals healthy, therefore ensuring they remain productive, as well as increasing overall awareness of animal health and welfare.

Healthy and well-treated working animals contribute more to achieving numerous SDGs. India still relies on 500,000 donkeys and mules<sup>97</sup> and a study of its construction industry showed that equid-based opportunities generated 80% of

income. Other research underlined that rural communities ranked working equids as their most important livestock due to their capacity to provide and support regular income generation (SDG 1 – End Poverty and 8 – Decent work and Economic Growth). Extreme weather events such as flooding and cyclones have left Indian communities vulnerable as the loss of working animals restricts their access to resources and therefore the capacity to rebuild their livelihoods (SDG 2 – Zero hunger and 13 – Climate Action). Training women to act as change agents for communities has also led to female-led equine welfare groups being set up in India (SDG 5 – Gender Equality). Well-treated working animals can also be essential to access and carry fresh water (SDG 3 – Ensure Healthy Lives and 6 – Clean Water and Sanitation). Finally, the lack of enforcement of Indian pharmaceutical legislation, which requires principal vendors in medical stores to be suitably qualified and licensed to dispense drugs and medical prescriptions for antibiotics, has a negative impact on the welfare of working equines as well as contributing to the increase in cases of antimicrobial resistance in working animals – notably in north of the country, but also in neighbouring regions and countries as donkeys and mules are mobile animals<sup>98</sup> (SDG 3 – Ensure Healthy).

“ We envisage a world in which (...) humanity lives in harmony with nature and in which wildlife and other living species are protected.”

UN 2030 SD Agenda<sup>99</sup>

Animal welfare is also complementary to a number of other aspects of sustainable development. Among the UN SDGs set by the UN 2030 Agenda for Sustainable Development, several are either directly connected to animals or cannot be achieved without addressing animal welfare related issues (read more on this in our report on ‘Animal Welfare, Trade and Sustainable Development Goals’).<sup>100</sup>

## 3.2 SUSTAINABLE AGRICULTURE AND AQUACULTURE

The implementation of an agreement between the EU and India could increase agricultural trade, and as trade policy has been blind to the production model it fosters and to the nature of the economic sectors it stimulates, the agreement could thus play a role in mainstreaming intensive animal farming.

The TSD chapter in the future EU-India FTA should thus contain an article on ‘Sustainable Agriculture’ or ‘Sustainable Food Systems’, covering animal welfare. Intensive industrial farming has a very negative impact

<sup>96</sup> The Donkey Sanctuary & World Horse welfare, *Sustainable Development Goals – How the welfare of working equids delivers for development & ICWE, Achieving Agenda 2030: How the welfare of working animals delivers for development*

<sup>97</sup> Watson TL, Kubasiewicz LM, Chamberlain N, Nye C, Raw Z and Burden FA, Cultural “Blind Spots,” *Social Influence and the Welfare of Working Donkeys in Brick Kilns in Northern India*, *Front. Vet. Sci.* 7:214, 2020

<sup>98</sup> Nye, C. et al., No Prescription, No Problem! A Mixed-Methods Study of Antimicrobial Stewardship Relating to Working Equines in Drug Retail Outlets of Northern India, *Antibiotics* 2020, 9, 295, June 2020.

<sup>99</sup> <http://bit.ly/3cU9atn>

<sup>100</sup> Eurogroup for Animals, [Animal Welfare, Trade and Sustainable Development Goals](#), October 2019.



on the environment (air, water and ground pollution), biodiversity (as related land-use changes lead to a loss of habitat), public health (as it favours the spread of zoonoses and antimicrobial resistance) and climate change (as animals emit greenhouse gases, and also because of the related deforestation). Intensive farming also leads to huge volumes of waste (i.e. high level of water use, animal remains, excrement, water and soil pollution). In addition, this type of farming implies a confinement of the animals that makes it impossible to respect their welfare, cramming them into tiny and barren spaces where they cannot express natural behaviour, and where they are more vulnerable to disease. This is why, since 2012, the EU explicitly considers animal welfare as a dimension of sustainable agriculture.<sup>101</sup>

Stimulating intensive farming industries through trade liberalisation will have consequences in the short term for many animals, but it also contradicts the EU's longer-term objective of promoting sustainable development, as also expressed in the European Green Deal.

While the most effective tool to ensure the future trade deal between the EU and India does not stimulate the intensification of animal agriculture is conditional liberalisation – making preferential tariffs conditional on the respect of higher animal welfare and sustainability-related standards – the Trade and Sustainable Development (TSD) chapter should also contain language confirming the Parties' commitment to avoid such stimulation and encouraging cooperation on the issue.

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<sup>101</sup> Speech by Dacian Cioloş (then European Commissioner for Agriculture and Rural Development), [Europe's path towards sustainable agriculture, G20/Rio De Janeiro, 21 June 2012](#).

### 3.3 WILDLIFE WELFARE AND CONSERVATION

The EU would be well-served in working towards the inclusion of a ground-breaking TSD chapter in the future EU-India Free Trade Agreement, with proactive and detailed language on wildlife conservation and fighting illegal wildlife trade. During recent CITES CoPs, India and the EU joined forces to increase the protection of endangered species. The stronger language included in the modernised EU-Mexico Global Agreement, notably on promoting the inclusion of new species in CITES' Appendices, could serve as a basis. The EU could also consider species-specific commitments and strong provisions on deforestation and preventing the introduction of invasive alien species – both clear drivers of biodiversity loss.

As the EU remains a main destination for both the legal and illegal exotic pet trade, special attention needs to be paid to this trade. Although CITES<sup>102</sup> is a powerful tool to reduce or even ban the international trade of threatened species, there are several criminal ways to circumvent it – export quotas may be systematically exceeded or inappropriately set and captive breeding can serve as a cover for the illegal trade of wild-caught specimens. In addition, endangered Indian species which are not protected under CITES, could be legally traded in the EU. To avoid such a situation, Eurogroup for Animals recommends that both partners move towards a 'positive list' approach, listing all species that can be traded rather than those that cannot. Such an approach would facilitate enforcement by customs authorities and ensure a more precautionary procedure is adopted.

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<sup>102</sup> India became a Party to CITES in 1976.

## WILDLIFE AT RISK

In 2018, a third of the 388 cases of wildlife-related crimes registered in India concerned leopards or tigers.<sup>103</sup> According to the Wildlife Institute of India, there are around 12–14,000 leopards in the country and the species suffers from poaching, habitat loss and conflict with humans. A total of 4,539 cases of leopard poaching were recorded in the country between 1994 and 2017.<sup>104</sup> More than half of the wild tigers in the world still live in India, though the population decreased dramatically from around 100,000 individuals at the beginning of the 20th century to 3,200 individuals living in the wild in 2010. Numbers remain low, but thanks to huge efforts made to reduce consumer demand, India's wild tiger population has started increasing again. It grew by more than 30% between 2015 (2,226 individuals) and 2019 (2,967 individuals).<sup>105</sup> Tigers have been protected under Appendix I of CITES since 1987, but they still suffer from poaching and illegal trade. According to the NGO TRAFFIC,<sup>106</sup> there were 463 seizures of tiger bones and skins in India between 2000 and 2018. Other species suffer from illegal trade and poaching, such as Indian pangolins, mongooses, and star tortoises, the latter feeding the exotic pet trade.

Another issue is linked to the conservation of crocodile species. In 1972, India banned the hunting of its three main crocodile species, as they were on the verge of extinction. A few years later, the government started a captive breeding programme, with the help of the United Nations Development Programme (UNDP) and the Food and Agriculture Organisation of the UN (FAO). While this programme initially aimed at releasing the crocodiles in the wild, concerns over the impact on fish populations led to many being kept in captivity and the pressure grew to allow the 'harvesting' of the animals for their skin.<sup>107</sup>

In recent years, India has exported crocodile leather products (species: *Alligator mississippiensis*, *Caiman crocodilus fuscus* and *Caiman crocodilus yacare*), mainly to Germany, France and Italy. This situation raises concerns as it is very hard to ensure that skins come from captive-bred crocodiles, rather than from animals poached in the wild. In addition, slaughtering methods are often highly inhumane, so EU-India cooperation to ensure the welfare and conservation of crocodiles is critical.

## 3.4 ENFORCEMENT OF TSD CHAPTER

One of the key challenges regarding the interplay between trade and sustainable development is in the implementation of any agreement. As requested by the European Parliament and several Member States, it is key to ensure an "effective" implementation of the provisions. So far, the European Commission has suggested several ideas to improve the EU's approach to the TSD chapter, such as listing priorities with countries or better coordinating with Member States, but they have not put a significant change to the model on the table.

The Trade and Sustainable Development chapter in the future EU-India FTA should include more detailed commitments, stronger options for enforcement, with deeper cooperation mechanisms (including the establishment of roadmaps) and last-resort dissuasive sanctions. Civil Society organisations should be allowed to trigger the available dispute settlement mechanism and Domestic Advisory Groups – which are the civil society groups that are tasked with monitoring the implementation of the trade agreement – should be ready to operate when the agreement enters into force – even only provisionally. If necessary, technical assistance should also be provided to India to ensure a balanced group is put into place.<sup>108</sup>

<sup>103</sup> Express News Service, "Telling Numbers: 388 wildlife crime cases last year, over 20% were about leopards", The Indian Express, 7 December 2019.

<sup>104</sup> Mayank Aggarwal, "With tigers getting the spotlight, is poaching of leopards increasing in the blind sport?", Mongobay, 27 December 2018.

<sup>105</sup> Rebecca Ratcliffe, "India's wild tiger population rises 33% in four years", The Guardian, 29 July 2019.

<sup>106</sup> Wong, R. and Krishnasamy, K. (2019). *Skin and Bones Unresolved: An Analysis of Tiger Seizures from 2000–2018*. TRAFFIC, Southeast Asia Regional Office, Petaling Jaya, Selangor, Malaysia.

<sup>107</sup> <http://www.bwcindia.org/Web/Awareness/LearnAbout/Crocodiles.html>

<sup>108</sup> Eurogroup for Animals, *Animal Welfare, Trade and Sustainable Development – Eurogroup for Animals' response to the European Commission proposals on Trade & Sustainable Development chapters in Free Trade Agreements*, October 2018.

# 5

## CONCLUSIONS AND RECOMMENDATIONS



Eurogroup for Animals identified several ways the EU and India could cooperate to improve animal welfare, in case negotiations for an FTA were to restart or through any other political dialogue that can be established under the Strategic Partnership:

- ➔ The EU should only grant better trade preferences to products that respect animal welfare standards equivalent to those applied in the EU (during transport and on farm).
- ➔ Both partners should agree on a comprehensive cooperation mechanism on animal welfare. This could take the shape of a standalone political dialogue, or of a dialogue under the future FTA. The fields listed in this report could be used as priorities for this cooperation, covering all animals and not only farmed ones. In that context, the parties could also explore knowledge exchange and capacity building programmes to improve animal welfare practices and aim at upward regulatory alignment.
- ➔ The future EU-India Free Trade Agreement should include a comprehensive and enforceable Trade and Sustainable Development chapter that contains detailed language on:
  - the link between animal welfare and sustainable development;
  - sustainable agriculture, or sustainable food systems;
  - wildlife conservation and trafficking (positive lists, rescue centres, including new species in CITES), with mention of species-specific concerns;
  - the importance of ensuring fish welfare to make aquaculture sustainable;
  - enforcement, providing access to the dispute settlement mechanism for external stakeholders, creating clear roadmaps, identifying priority issues and monitoring them, and including last-resort sanctions.
- ➔ The Parties should also integrate an animal welfare dimension to any dialogue they might establish on antimicrobial resistance.



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