



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2011)

Opinion

Title **DG SANCO - Impact Assessment for a Communication on the second EU strategy for animal welfare**

(Resubmitted draft version of 5 August 2011)

(A) Context

Within the last 30 years the European Union has adopted a series of legislation concerning the protection of animals. The main body of this legislation has been developed for food producing animals as well as animals used for experimental purposes. Animal welfare is not in itself an objective of the EU Treaties and the initial motivation for legislating in those areas has been to prevent distortion of competition between activities involving animal use. In 2006, the Commission adopted a Community Action Plan on the Protection and Welfare of Animals 2006-2010 where strategic lines and future actions were described. Following this action plan, the European Parliament adopted on 5 May 2010 a resolution expressing its opinion on the achievement of this action plan, as well as the future prospects for a new strategy on animal welfare. This impact assessment considers in particular the policy options suggested by the European Parliament (better enforcement, international awareness, general animal welfare law, network of reference centres, further research and education, etc.).

(B) Overall assessment

While the report has been improved to some extent along the lines recommended by the Board in its first opinion, it still needs to be strengthened in several important respects. First, although the report now provides a more comprehensive description of existing EU legislation in this field, it should much better describe the nature, the scale and the evolution of the problem and should strengthen the evidence base for the problems cited. Second, the report should better explain the EU value-added of the proposed measures. Third, it should better explain the scope and content of options and should better link them to the problems identified to establish a clear intervention logic. Finally, a more comprehensive assessment of the economic impacts should be provided, including an indication that any subsequent legislative proposals should be supported by a separate impact assessment.

(C) Main recommendations for improvements

(1) Better define the problem and develop a full baseline scenario. While the report now provides a more comprehensive description of the current EU framework, it should nevertheless better explain the linkages between the actual problems encountered in relation to animal welfare (e.g. poor transport conditions) and the underlying drivers (e.g.

lack of enforcement or gaps in the current Framework). Also, the scale of the problem is not clear and the specific problems should be backed up by more concrete evidence. For example, the primary problem identified in the problem section is the lack of enforcement of existing EU rules however the underlying driver of this problem is cited as Member States' *lack of coherent implementation* of current rules. A deeper analysis of the underlying issues should be provided. The existence of a market failure whereby compliant producers are apparently not rewarded for high welfare standards needs to be better justified. For the problem of 'low levels of knowledge', it should be made clear who the problem relates to: animal handlers, consumers, professionals in the industry? Further explanation is needed as to how, and in what ways, low levels of knowledge have resulted in a production system that compromises the welfare of animals. The problem of dogs and cats not being subject to adequate welfare conditions due to an absence of legislation should be accompanied by stronger evidence of the existence and extent of welfare problems in domestic animals. The baseline scenario should be developed further by discussing what would happen in the event of no further action therefore allowing for a clearer assessment of the impacts of the proposed options.

(2) Better demonstrate the EU value added of a horizontal animal welfare strategy. With the exception of animal transport between member states and competition on the internal market, the report does not demonstrate clearly enough why the main objective, to ensure animal welfare, could better be dealt with at EU level. It introduces new and unsupported arguments which do not feature in the problem definition section, such as the potential for the current levels of animal welfare to contribute to the spread of animal diseases. The meaning of the first general objective i.e. 'to reflect the welfare of animals' should be clarified. The report should be clearer on the legal basis for any proposed legislative action given the acknowledged limitations of Article 13 of the Treaty in that context and should consider whether there are subsidiarity issues in relation to any possible extension of the scope to new categories of animals.

(3) Present clear intervention logic by better explaining the design, choice and content of options. The report should consider a holistic strategic approach as a separate option in its own right alongside the more specific policy options (as recommended in the Board's first opinion) or explain why such an option is not considered appropriate. Option 1 should set out a 'no EU action' scenario. Policy option 3, establishing a European network of reference centres, should be better explained and justified by closer linkage to a clearly defined problem in the problem definition section, such as lack of investment in research or lack of coordination or exchange of scientific data on animal welfare. The report should be clearer on the intended scope of the proposed options in terms of animals included and in that context should clarify whether policy option 4+ (a future investigation into quantifying the welfare problems in the EU etc.) is intended only to cover animals outside the scope of the current framework.

(4) Improve the assessment of impacts. The report needs to be clearer on what levels of costs are envisaged for each of the options and how these would translate into tangible benefits in terms of realisation of the objectives; in this context, indicators for specific objective 4 (coherence) should be proposed in annex 5A. A summary table of the costs and benefits per option should be included. Furthermore, the report should include a more in-depth assessment than the current rather general overview, of the economic impacts (in terms of administrative burden, compliance costs) of the specific measures proposed on market players and authorities in Member States. Given the focus on worker training under various options, the report should also outline the views of worker representatives in the sectors concerned, if available. The report should be much clearer on how the preferred combination of measures will address the core problem of enforcement of

existing animal welfare rules. Given that this impact assessment is intended to support a Communication on an EU strategy for animal welfare, the report should clearly indicate that any subsequent legislative proposals arising from this initiative will be supported by a separate impact assessment(s).

(D) Procedure and presentation.

The baseline scenario (option 1) should be allocated zero in the comparison table and the other options should be scored vis-à-vis the baseline.

(E) IAB scrutiny process

Reference number	2011/SANCO/017
External expertise used	No
Date of IAB meeting	Written procedure The present opinion concerns a resubmitted draft IA report. The first opinion was issued on 10 June 2011.



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2011)

Opinion

Title

Impact Assessment for a Communication on the second EU strategy for animal welfare – DG SANCO

(draft version of 12 May 2011)

(A) Context

Within the last 30 years the European Union has adopted a series of legislation concerning the protection of animals. The main body of this legislation has been developed for food producing animals as well as animals used for experimental purposes. Animal welfare is not in itself an objective of the EU Treaties and the initial motivation for legislating in those areas has been to prevent distortion of competition between activities involving animal use. In 2006, the Commission adopted a Community Action Plan on the Protection and Welfare of Animals 2006-2010 where strategic lines and future actions were described. Following this action plan, the European Parliament adopted on 5 May 2010 a resolution expressing its opinion on the achievement of this action plan, as well as the future prospects for a new strategy on animal welfare. This impact assessment considers in particular the policy options suggested by the European Parliament (better enforcement, international awareness, general animal welfare law, network of reference centres, further research and education, etc.).

(B) Overall assessment

The report needs to be strengthened significantly in several important respects. First, the report should better describe the nature of the problem(s) by more clearly defining what is meant by animal welfare and by describing the current strategy and related legislative requirements in a clear manner. The report should identify the gaps in the current strategy/legislation, showing how problems manifest themselves in practice and should support this problem analysis with concrete evidence and data. The report should provide a fully developed baseline scenario by clearly describing how animal welfare would evolve in the absence of any change in policy. On that basis the report should much better demonstrate the need for, and EU value added of, a horizontal EU animal welfare strategy notwithstanding the sector-specific measures already in place. The report should be much clearer on the basis for EU action, including the legal basis, clearly differentiating between problem areas where the EU has competence and where it cannot act. The report should present a clear intervention logic by better explaining the choice and content of options. Finally the report should provide a much better assessment of the impacts in particular by clarifying what legislative changes may be necessary, how these can be justified and their implications for existing legislation.

Given the nature of these recommendations, the Board asks DG SANCO to submit a revised version of the report, on which it will issue a new opinion.

(C) Main recommendations for improvements

(1) Better define the problem and problem drivers and develop a full baseline scenario. The report should describe all aspects of the EU's current animal welfare strategy/action plan and the range of legislative measures (both specific and related to other policies). The report should then better describe and provide credible evidence of how animal welfare is adversely affected under the current framework. The report should clearly identify the gaps in the current strategy/legislation, and should support this problem analysis with concrete evidence and data on animal welfare. The report should better analyse the underlying drivers of the problem. For example, using supporting evidence, the report should provide a more thorough explanation as to why existing measures in the current strategy (e.g. for enforcement, communication, training) have not been fully effective. The report should provide a fully developed baseline scenario by describing how animal welfare would evolve in the absence of any change in policy.

(2) Better demonstrate the need for, and EU value added of, a horizontal animal welfare strategy. The report should clarify the purpose of the proposed Communication by better explaining the aims of the envisaged review of animal welfare policy in light of sector-specific measures already in place and the relationship between these and other policy areas such as agriculture, trade and fisheries. The report should better explain the added-value of a horizontal animal welfare strategy in particular explaining the basis for EU-level action, the role of Member States, and should clearly differentiate areas of EU competence. In particular, the report should clarify the legal basis for a horizontal animal welfare strategy and distinguish the problems associated with EU competence, such as distortion of competition on the internal market, from other problems where action by Member States would be more appropriate. The report should clarify the objectives and in particular should ensure that outcomes are not pre-judged by the inclusion of specific options in the objectives, for example, by assuming that animal welfare can only be enhanced 'through legislation'.

(3) Present a clear intervention logic by better explaining the choice and content of options. The report should ensure a much better logical flow between the problems, objectives and options ('intervention logic'). Specific objectives should be defined without references to the instruments and actions. Following on from the clarification of the problem(s) and objectives referred to above, the report should further ensure that the choice and design of options better matches the specific problems identified. In particular the report should consider a holistic strategic approach to animal welfare as a separate option in its own right alongside alternative more specific policy options. In this respect, the report should better ensure that measures to address education, lack of research funding, lack of inter-governmental and international cooperation or problems in public procurement are fully justified by reference to specific problems which should be clearly elaborated in the section on problem definition. Given that insufficient and uneven enforcement is cited as a significant problem, an option of 'improved enforcement' should also be considered.

(4) Improve the assessment of impacts. The report should provide a much better assessment of the revised set of options referred to above in particular by clarifying what legislative changes may be necessary, how these can be justified and what the implications are for the broad range of legislative measures already in place. For example the report should make clearer how, under option 2, better communications, audits etc.

may help to improve enforcement problems. The report should also strengthen the assessment of the impacts of the options on employment.

(D) Procedure and presentation

A glossary with technical terms and abbreviations should be added.

(E) IAB scrutiny process

Reference number	2011/SANCO/017
External expertise used	No
Date of IAB meeting	8 June 2011