



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
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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

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