

Animal Welfare in EU-Chile trade negotiations

Background

When the EU-Chile association agreement was signed in 2002, it represented a turning point in EU trade policy. The agreement was the first to contain provisions on sanitary and phytosanitary measures and on animal welfare cooperation. The provisions were contained in an annex of the treaty entitled “agreement on Sanitary and Phytosanitary Measures Applicable to Trade in Animals and Animal Products, Plants, Plant Products and other Goods and Animal Welfare”. The text recognized the importance of animal welfare as well as the link with veterinary matters, and stated the aim of both parties to reach a common understanding on animal welfare standards, more specifically in relation with slaughter. The cooperation between the EU and Chile was based on OIE standards.

More than fifteen years later, it is interesting to list the achievements of this cooperation.

- In 2009, Chile enacted its first comprehensive legislation on animal welfare, which sought to ensure less unnecessary animal suffering. The law also trusted the Chilean Agriculture and livestock services with the drafting of implementing regulations; three of them came into force in 2015 (on the protection of animals providing meat, hides, feathers and other products during utilisation in industrial establishments; on the protection of animals during their industrial production, marketing and in other animals maintenance enclosures and on the protection of livestock during transport). All are based on OIE standards.
- However, Chilean law still mostly consider animals as semi-movable goods, and not sentient being.
- Enforcement is still an issue. A report published by DG SANTE in November 2017 on the impact of EU’s international animal welfare activities states that “the degree of actual enforcement of these provisions varies substantially. A part of the national industry currently goes well beyond mandatory requirements in terms of [animal welfare]”; however “there are also still portions of the industry where implementation of mandatory [animal welfare] standards is less advanced, mainly due to the distance and the geographical dispersion of operators” and “to the greater number and the lower educational level of operators.” In addition, there is no dedicated management system (human and/or financial resources) to regularly monitor the implementation of these rules in Chile.
- The EU and Chile are still working to help Chile reach equivalence with the EU slaughter regulation. This is currently the main focus of their cooperation, which is appreciated as EU standards on slaughter go further than OIE standards in the field.

DG SANTE study previously quoted dedicated a chapter to EU-Chile's work in the context of the FTA. According to the study, "there is general consensus on the fact that the EU-Chile FTA has been of great importance as a driving force for the development of national legislation on [animal welfare]. It is widely acknowledged that Chilean legislation on [animal welfare] was already being developed some years before the agreement, but the existence of cooperation greatly contributed to create the right framework conditions for the law 20,380 to be approved and subsequently enacted. An even more direct enabling impact can be seen in the drafting and approval of the underlying three Regulations that were clearly shaped by the provisions in the EU-Chile Association Agreement and EU Regulation 1099/2009, by incorporating the OIE AW standards up to the point of being very similar to the text of the original OIE recommendations."

In 2009, Chile also started with Uruguay and Mexico an OIE collaborating centre for animal welfare research. Only two other centres exist – one in Europe (Italy) and one in Australia/New Zealand¹. This underlines the role Chile wanted to play as a lighthouse in the field of animal welfare in South America. The aim of the centre is to promote training on animal welfare at all levels (technicians and scientists), dissemination of good practices (at regional and local level) and to foster research through projects and academic thesis.

The 2002 EU-Chile agreement has thus had a positive impact on Chile's animal welfare policy. Sixteen years later, it is time to step up ambitions and to address the matter more comprehensively.

EU-Chile Trade and Chilean animal-based industries

Between 2000 and 2013, Chile's production of poultry meat has grown by around 110%. In 2001, most of the exports in this sector were going to Mexico (42%), with the EU as second destination (25%). In 2016, 42% went to the US, 22% to Mexico, 18% to China and 16% to the EU. Import of frozen cuts and offal from Chile into the EU are stable since 2009 (between 10 and 13,000 tons) - with a jump in quantity in 2002, following the FTA, from around 2000 tons to 8,000, and above 10,000 from 2005 onwards. Main importers are the UK, the Netherlands and Germany. Chile is the third source of EU's poultry meat (frozen cuts and salted chicken breasts), behind Ukraine and Brazil (both exporting in 2017 roughly five times more than Chile in terms of quantity).

The production of pig meat in Chile has increased by around 51%. In 2001, most of the exports in the sector went to Japan (65%) and less than 1% to the EU. In 2016, 80% went to Asia and around 8% to the EU. Between 2003 and 2009, the quantity of pig meat exported by Chile into the EU increased five-fold (from 4,400 to 23,000 tons), but then decreased to reach around 2,000 tons in 2017; Chile remains the first source of EU's pig meat imports. Main importers are Germany, Italy and Sweden.

¹ <http://oldrpawe.oie.int/index.php?id=279>

Chile is also a source of sheep meat, third but far behind New Zealand and Australia, and of fish fillets (third source of pacific salmon frozen fillets (with 17,000 tons, behind China – 38,000 tons – and Norway – 20,000 tons), which is a farmed species).

Modernisation of EU-Chile Association Agreement

Towards a standalone chapter on animal protection

Eurogroup for Animals calls on the EU to propose to Chile a comprehensive standalone chapter on animal protection. The chapter would cover cooperation on farm welfare standards, as well as on further enhancing the protection and welfare of wild animals and of those used in science.

The EU should consider the groundbreaking chapter established with Mexico as a baseline and develop these provisions to fully cover all animals, better define animal welfare, and include the objective of regulatory alignment with EU standards. Eurogroup for Animals has developed and presented to the Commission model provisions on animal welfare² that could serve as a basis for the Commission's proposals.

The provisions must go further than OIE standards where EU ones exist and trade preferences should be used as incentives to promote the development of more welfare-friendly industries in Chile. Looking at the past decade, the country developed mostly its pig and broiler industries, both of which are generally very intensive, with animals suffering from poor treatments. At the moment, EU rules provide a more humane death for animals that are slaughtered to produce meat exported to the EU. It does not affect animals used to produce meat for the local market or other importing countries, and it does not improve their lives, as transport or housing are not covered.

The study published by DG SANTE in November 2017 is quite telling : the most efficient tool the EU has used to promote animal welfare abroad is the EU regulation on slaughter, which imposes standards both to European and to imported products. In addition, the study also found out that most non-EU producers consider that adapting to EU required standards (in this case, to the EU slaughter regulation) was not a burden and that the cost thereof was offset by the gain made by accessing the European market. The EU must build on these findings to make the case for imported animal-based products to respect all EU animal welfare standards. This approach, called conditional liberalisation, has already been defended by the Commission on eggs in the framework of negotiations with the US and with Mercosur. It must now be expanded to all animal products.

Animals and TSD chapters

Animal welfare is strongly connected to sustainable development, intrinsically but also through the connection the welfare of animals has with food security, biodiversity, health (antimicrobial resistance) or climate

² Eurogroup for Animals, [Model Animal Welfare Provisions for EU Trade Agreements](#), October 2017

change.³ This must be recognised explicitly in the “Trade and Sustainable Development” chapter. The Commission already makes this connection in certain documents (for instance, in the study recently published by DG SANTE on the impact of the EU international animal welfare activities) but this link needs to be streamlined into the whole range of DG Trade’s work.

According to an FAO report, intensive meat and dairy industries are the first contributors of greenhouse gas emissions, which cannot be disregarded considering the EU’s strong commitment in the fight against climate change. The EU needs to give proper priority to its objective of sustainable development, and thus to ensure the modernised association agreement does not stimulate such industries. This trend to intensify animal rearing is both detrimental to the environment and to the animals, be them confined in farms or living in the wild.

The Trade and Sustainable Development chapter should include stronger options for enforcement, with deeper cooperation mechanisms (including the establishment of roadmaps) and last resort sanctions. Civil Society Organisations should be allowed to trigger the mechanism setting up a panel to address specific TSD-related disagreements. Organisational details of the Domestic Advisory Groups should also be improved: the groups should be ready to operate when the agreement enters into force – even only provisionally. If necessary, technical assistance should be provided to Chile to ensure a balanced group is put into place.⁴

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³ Eurogroup for Animals, [Animal Welfare, Trade and Sustainable Development](#), October 2017