

Address for reply:  
**Philip Lymbery**  
Chief Executive  
Compassion in World Farming  
River Court, Mill Lane, Godalming, GU7 1EZ,  
UK

25 April 2012

José Manuel Barroso  
President  
European Commission  
B-1049 Brussels  
Belgium

Mette Gjerskov  
President  
European Council of Agriculture and Fisheries  
Rue de la Loi 175,  
B-1048 Brussels  
Belgium

Martin Schulz  
President  
European Parliament  
Rue Wiertz 60  
B-1047 Brussels  
Belgium

Dear Presidents of the Parliament, the Council and the Commission

### **Formulation of CAP after 2013 disregards TFEU, Article 13**

Compassion in World Farming and Eurogroup for Animals believe that the current process of formulating the Common Agricultural Policy after 2013 is being carried out in disregard of Article 13 of the Treaty on the Functioning of the EU (TFEU).

Title II of the Treaty lists a number of key principles that should be respected by the EU. Article 13 (part of Title II) provides that "in formulating and implementing the Union's agriculture ... policies, the Union and the Member States shall, since animals are sentient beings, **pay full regard to the welfare requirements of animals**".

Although a certain amount of legislation on the welfare of farm animals is in place, the core element of EU agriculture policy is the Common Agricultural Policy (CAP) and this must play an effective part in meeting the Treaty obligation to pay full regard to animal welfare. Despite this Treaty obligation, very little regard is being paid to animal welfare in the formulation of the CAP after 2013.

The Commission's CAP proposals published on 12 October 2011 – and the consideration they are receiving from the Parliament and the Council – are inconsistent with TFEU, Article 13 in that:

- they are weaker than the current CAP Regulations in several important respects
- they do far too little to help livestock farmers adopt improved welfare standards. In this context it must be noted that much of the EU pig, meat chicken and dairy sectors operate in ways that fall far short of the recommendations on animal welfare contained in scientific reports by the European Food Safety Authority.

The need for the CAP after 2013 to do more to improve the sustainability – including the animal welfare standards – of the livestock sector has been emphasised by a study published in 2012 by the PBL Netherlands Environmental Assessment Agency.<sup>1</sup> The study, entitled *Greening the CAP*, identifies animal welfare as one of the key challenges facing the EU livestock sector.

The study concludes that “The persistent problems of sustainability in the livestock sector require a major change in production systems. The current CAP proposals have not seized the opportunity to actively support such a change. It would take an estimated 5% to 10% of the total CAP budget to support investments in improved animal housing systems and improved management practices in the coming budget periods.”

#### **Failure to refer to TFEU, Article 13 in proposed recitals**

The recitals to the proposed CAP Regulations do not refer to TFEU, Article 13 and this omission is reflected by the failure of the substantive provisions to properly address animal welfare.

#### **Proposals regarding Pillar 1**

The current Pillar 1 enables (Article 68) Member States to use up to 10% of their national ceiling to support farmers who, inter alia, practise “enhanced animal welfare standards”. This option has been removed altogether in the proposed Regulation on direct payments.

#### **Proposals regarding Pillar 2**

Article 5 of the proposed Regulation on rural development (RDR) sets out in detail the Union priorities for rural development. Animal welfare is not included in these priorities.

The current Pillar 2 enables Member States to grant support to farmers who have to meet new legislative welfare standards. This measure has been removed altogether in the proposed RDR.

At present *Animal Welfare Payments* can be made to help farmers with the extra running costs of a higher welfare system for 5 to 7 years whereas under the proposal they can only be made for “a renewable period of one year”. Farmers will be reluctant to move to a better system if they may receive support for only one year. *Animal Welfare Payments* should be available, as now, for 5 to 7 years. Under the proposed RDR, agri-environment-climate and organic payments can be made for 5 to 7 years so it is clear that there is no objection in principle to payments being made for 5 to 7 years rather than for just one year.

The EU Strategy for the protection and welfare of animals states that in recent years the EU has dedicated on average nearly €70 million per year to support animal welfare. 71% of this is paid to farmers as *Animal Welfare Payments* under the RDR. A further 8% is granted under other RDR measures e.g. farm investments, training, advisory services and the participation of farmers in quality schemes.

Thus 79% of the €70 million per year granted to support animal welfare appears to be paid under the CAP i.e. €55,3 million per year. This means that just 0.1% of the CAP budget of €55 billion per year is being spent on supporting improved animal welfare.

This figure is unlikely to increase and may even decrease as under the proposals the *Meeting Standards* measure has been removed and *Animal Welfare Payments* can only be granted for one renewable year. Moreover, Member States are unlikely to make significant use of the RDR measures to improve animal welfare as welfare is not included in the Union priorities and Article 7 of the proposed RDR requires Member States' rural development programmes to focus on the Union priorities for rural development.

Researchers have analysed the use of subsidies based on the RDR *Modernisation of agricultural holdings* measure in Germany. Alarming, they report that in 40% of pig housing facilities built with these subsidies, the welfare of the pigs deteriorated.<sup>iii</sup> Accordingly, the modest proportion (0.1%) of the CAP budget spent on supporting animal welfare must be revised downwards to account for that part of the CAP expenditure which results in reduced welfare.

Regrettably, the proposals do nothing to prevent grants being made under the RDR that may be harmful to animal welfare. Subsidies that are harmful to animal welfare— like investment support for new industrial livestock buildings – would still be possible under the competitiveness objective and the *Investments in physical assets* measure of the proposed new Pillar 2.

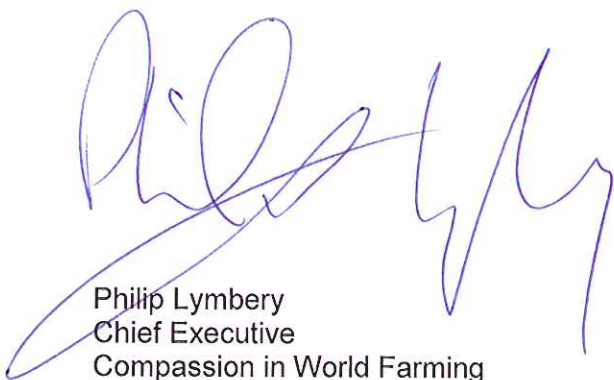
### **Cross-compliance**

We are often assured that the cross-compliance requirements help ensure that farmers comply with animal welfare legislation. However, the majority of livestock farmers who receive direct payments are cattle and sheep farmers. As there is no species-specific EU welfare legislation for these species, cross-compliance with animal welfare legislation is relatively meaningless in practice for cattle and sheep farmers. They have to cross-comply with Directive 98/58 but its provisions are very broad-brush and of limited value; this is acknowledged by the Strategy for the protection and welfare of animals.

We would be grateful if you would let us know what steps the Union proposes to take to respect its Treaty obligation to pay full regard to animal welfare in formulating the CAP after 2013.

We would also be grateful if we could have a meeting with you to discuss this issue.

Yours sincerely,



Philip Lyubery  
Chief Executive  
Compassion in World Farming



Sonja Van Tichelen  
Director  
Eurogroup for Animals

<sup>i</sup> PBL Netherlands Environmental Assessment Agency, 2012. Greening the CAP: an analysis of the effects of the European Commission's proposals for the Common Agricultural Policy 2014-2020.

<sup>ii</sup> Bergschmidt A and Schrader L (2009). Application of an animal welfare assessment system for policy evaluation: Does the Farm Investment Scheme improve animal welfare in subsidised new stables? Landbauforschung Volkenrode 59: 95–103. [http://literatur.vti.bund.de/digbib\\_extern/bitv/dk041902.pdf](http://literatur.vti.bund.de/digbib_extern/bitv/dk041902.pdf)

