

FITNESS CHECK ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.

TITLE OF THE EVALUATION/FC	Fitness check of the EU legislation on animal welfare of farmed animals
LEAD DG – RESPONSIBLE UNIT	DG SANTE – Unit G2 – 'Animal health and welfare'
INDICATIVE PLANNING (PLANNED START DATE AND COMPLETION DATE)	Planned start date: Q2 2020 Planned completion date: Q4 2021
ADDITIONAL INFORMATION	https://ec.europa.eu/food/animals/welfare_en

The Roadmap is provided for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the document, including its timing, are subject to change.

A. Context, Purpose and Scope of the Fitness Check

Context

The EU has one of the world's highest standards of animal welfare. The first EU legislation on the welfare of animals (henceforth referred to as *'the EU legislation'*) was adopted in 1974 and dealt with the protection of animals at slaughter. In response to political, market and citizens' demands as well as scientific evolutions, animal welfare legislation was further developed and it covers today animal welfare on farms, during transport and at killing. The main body of EU legislation on animal welfare applies to food producing animals and to animals used for experimental purposes.

The aims, principles and scope of the animal welfare policy of the EU derive from Article 13 of the Treaty on the Functioning of the EU, which recognises animals as sentient beings.

The EU animal welfare legal framework for food producing animals consists of a [1998 Directive concerning the protection of animals kept for farming purposes](#) and applies to all farmed animals, providing them with protection through general principles. This Directive is complemented by sector specific legislation. Four Directives on the keeping of certain species were adopted between 1999 and 2008, governing the welfare of [laying hens](#), [broilers](#), [pigs](#) and [calves](#) and thus covering in total 48% of the EU farmed mammals and 80% of the birds. Furthermore, a [Regulation on animal transport](#) in the context of an economic activity was adopted in 2005 and a [Regulation on the protection of animals at the time of killing](#) in 2009.

In 2012, the European Commission adopted an [EU Strategy for the Protection and Welfare of Animals 2012-2015](#) driven by the objective to ensure uniform application and enforcement of the legislation in all Member States. The Strategy was a continuation of the [2006-2010 Community Action Plan on the Protection and Welfare of Animals](#). Following a recommendation made by the European Court of Auditors in its [Special Audit Report no 31/2018](#), the Commission has launched an evaluation of the Strategy which is due by the end of 2020.

In 2019, the Council issued [conclusions on animal welfare - an integral part of sustainable animal production](#). It invited the Commission to assess the need for and potential impact of new legislation covering the following aspects:

- all animals kept in the context of an economic activity,
- EU regulatory framework for animal welfare labelling,
- revising the rules on the protection of animals during transport.

The European Parliament has also been actively calling the Commission to review the existing legislation (especially on transport) and/or to propose a framework law on animal welfare.

Stricter animal welfare standards are among the sustainable agricultural practices necessary to achieve the objectives of the Farm to Fork Strategy. This strategy, amongst other actions, anticipates to perform a Fitness Check of the EU animal welfare legislation for food producing animals. The results of this Fitness Check will be used for reviewing the animal welfare *acquis* as well as other Commission initiatives in the area.

Purpose and Scope

The Fitness Check will evaluate the EU legislation applicable to the protection of the welfare of farmed animals. It will do so using the criteria of overall effectiveness, efficiency, relevance, added value, and coherence. This will be done while taking

into account the interactions with other related EU policies, notably with other agri-food chain rules, with environmental legislation, and with the functioning of the single market.

The report will assess whether the legislation in question remains fit for purpose and effective to pursue the EU's animal welfare objectives, considering the evolution of scientific knowledge. It will also assess the animal welfare needs and citizens' expectations since the adoption of the legislation. The Fitness Check will also seek to identify possible shortcomings in the design, scope or implementation of the existing rules, look at potential for simplification and reduction of regulatory costs and burdens, and at possible gaps and areas for improvement.

The results of the Fitness Check will be part of the follow up to the Farm to Fork Strategy and inform the reflection on what further action (legislative and non-legislative) might be necessary to align the EU's animal welfare objectives to the sustainability goals of the Green Deal and of the Farm to Fork Strategy.

The Fitness Check will cover the period from the adoption of each legal act up until 2020 and it will cover all EU Member States, including the UK up to and during its EU exit transition period.

The Fitness Check will cover the following basic acts and their possible subsequent amendments and implementing rules:

- Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes;
- Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens;
- Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production;
- Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs;
- Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves;
- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport;
- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

Among others, the Fitness Check will assess the extent to which the above-mentioned legislation:

- was relevant to address the problems identified at the time of adoption;
- is still relevant to pursue the objective of ensuring a high level of animal welfare in the context of the Farm to Fork Strategy;
- has delivered on the intended objectives; and whether it did so in an efficient manner, having regard to the costs and benefits it has generated;
- has ensured the intended level of protection of farmed animals;
- has taken new scientific evidence and knowledge emerged after its adoption into account;
- is comprehensive, and allows uniform implementation by stakeholders and enforcement by Member States' authorities;
- provides a coherent and comprehensive set of rules, and is coherent with other EU actions and policies (including with other agri-food legislation);
- allows for coordination and complementarity with EU actions; and with Member States' actions in the field of animal welfare;
- has contributed to the competitiveness of the EU farmers and producers in the global market.

B. Better Regulation

Consultation of citizens and stakeholders

A comprehensive consultation strategy will be designed at the onset of the process to secure the involvement of all relevant stakeholders, including:

- competent authorities of the EU Member States responsible for animal welfare;
- business and professional organisations having activities at EU level in the food supply chain where animals or animal products are involved, as well as in the keeping of animals for other farming purposes;
- EU citizens and consumers and organisation representing them;
- organisations from the civil society active at Union level in relation to animal welfare;
- independent experts from academic and research institutes active on animal welfare sciences which have an impact on Union policies;
- European bodies, including the European Food Safety Authority (EFSA);
- international intergovernmental organisations active on animal welfare;
- third countries.

The consultation process will include the following actions :

- a 12-week questionnaire-based, online public consultation giving any interested party the possibility to contribute to the Fitness Check; it will be available on the Commission's '[Have Your say Portal](#)'.
- a set of targeted consultation activities tailored for particular stakeholders' groups, including surveys, interviews and focus groups will be conducted;
- a stakeholder conference will take place during the Fitness Check to complement the process, and further gather the views of relevant interested parties;

- the [EU Platform on animal welfare](#) will also be used where relevant to complement the consultation process.

A synopsis report, summarising the results of all consultation activities, will be published on DG SANTE's consultation page.

Data collection and methodology

The Fitness Check will be supported by an external study which will collect existing evidence, gather new data where needed, and provide a critical analysis of the available information to respond to the evaluation questions.

The Fitness Check will use evidence obtained through stakeholders' consultation, literature research, audit reports, and relevant studies. It will look among other things at the following:

- Commission proposals for the EU legislation concerned, e.g. the proposal for a Council Regulation on the protection of animals at the time of killing (COM (2008) 553 final)
- EU Treaties and European Conventions, e.g. the [European Convention \(1976\) for the Protection of Animals kept for Farming Purposes](#), and Protocol No 33 on protection and welfare of animals, annexed to the Treaty establishing the European Community (OJ C 321 E, 29.12.2006, p. 314).
- EU studies, e.g. the Commission Communication on the protection of animals during transport (COM(2003) 425 final) and the Impact Assessment Report on the protection of animals at the time of killing (SWD, SEC(2008)2424).
- Academic reports, scientific opinions and recommendations, e.g. by the European Food Safety Authority and by the Standing Committee of the European Convention for the Protection of animals kept for farming purposes.
- EU level data on compliance and enforcement, e.g. the Commission report on the implementation of Council Directive 98/58/EC on the protection of animals kept for farming purposes (COM(2016)558 final), and DG SANTE audit reports and overview reports, such as the overview report (2019-6834) on "Welfare of animals exported by road".
- Results of the evaluation of the EU Animal Welfare Strategy.
- Case law of the European Court of Justice, complaints, NGO reports and Eurobarometer surveys.
- Member States' annual implementation reports on farm animal welfare, on transport and on slaughter and Member States' data on official controls.
- [OIE standards on animal welfare](#) and third country legislation on the welfare of farmed animals.

Additional sources of information may be identified during the course of the Fitness Check.

The choice of methodology will observe the Better Regulation principles.