

16 October 2003

**HOW ANIMAL PROTECTION SHOULD BE INCLUDED IN THE NEW
EUROPEAN CONSTITUTIONAL TREATY**

COMMENTS BY COMPASSION IN WORLD FARMING

Animal welfare has become a subject of great importance to many European citizens.

This is recognised by the Protocol on “Improved Protection and Respect for the Welfare of Animals” enacted by the Treaty of Amsterdam. The Protocol recognises animals as sentient beings and requires the Community and the Member States, when formulating and implementing certain policies, to pay full regard to the welfare requirements of animals.

However, it is not clear whether the Protocol will continue in force, i.e. whether it will be annexed to the new Constitutional Treaty. Compassion in World Farming (CIWF) believes that it is vital that the Protocol continues to be part of EU law by being annexed to the new Treaty.

Considerable progress has been made in the last 10 years to improve the welfare of farm animals; much, however, still remains to be done. The Protocol’s requirements are all too often ignored. Future progress needs to be underpinned and facilitated by giving animal protection a proper legal foundation in the Treaty. In particular, CIWF believes:

1. The protection of animals should be included among the Union’s objectives.
2. Animal protection should be included among the areas of shared competence.
3. Animal protection should be included in the Title on Solidarity in Part Two of the new Treaty; environmental and consumer protection are already included in this Title.

4. The welfare of farm animals should be added to the list of factors which must be taken into account in working out the common agricultural policy.
5. The existing Protocol must remain part of Union law, either as a Protocol annexed to the new Treaty, or by being incorporated into the body of the new Treaty.

Inclusion of the protection of animals among the Union's objectives

Many European citizens view the humane treatment of animals as one of Europe's central values. As such, CIWF believes that it should be included among the Union's objectives.

Article 3 of the Convention's proposed text already includes the analogous issue of environmental protection; we believe it is reasonable for animal protection to also be included in this Article.

As early as 1995, the European Parliament called for the Treaty to be strengthened to make concern for animal welfare one of the fundamental principles of the EU. (Para. 10 (vii) of the report by David Martin MEP and Jean-Louis Bourlanges MEP on the 1996 Inter-Governmental Conference adopted by the European Parliament at its May Plenary, 1995).

Inclusion of animal protection among the areas of shared competence

It has sometimes proved difficult for the EU to legislate on animal protection as in certain areas its powers to do so are unclear.

This difficulty could be resolved by including animal protection in the areas in which the Union shares competence with the Member States. This would give the Union a clear ability to legislate on animal protection.

Agriculture

The current Treaty sets out a list of factors which must be taken into account in working out the common agricultural policy. CIWF believes the welfare of farm animals should be added to this list.

Amendments

The following section of this paper sets out amendments showing how our suggestions could be incorporated into the text of the new Treaty.

SUGGESTED AMENDMENTS TO PROPOSED EUROPEAN CONSTITUTIONAL TREATY

[Suggested amendments are bold and underlined]

AMENDMENT 1

Part One:

Title I: Definition and objectives of the Union

Article 3: The Union's objectives

1. (...)
2. (...)
3. The Union shall work for the sustainable development of Europe based on balanced economic growth, a social market economy, highly competitive and aiming at full employment and social progress, and with a high level of protection and improvement of the quality of the environment **and a high level of animal protection.**

Justification

The humane treatment of animals is increasingly viewed by many European citizens as one of the EU's central values. Accordingly, the promotion of animal protection should be included among the Union's objectives alongside environmental protection, which is already included in the proposed text.

AMENDMENT 2

Part One:

Title III: Union competences

Article 13: Areas of shared competence

1. (...)
2. Shared competence applies in the following principal areas:
(...)
animal protection

Justification

The Union's powers to legislate on animal protection are unclear in certain areas. Including animal protection in this Article would give the Union a clear legal basis for adopting legislation on animal protection.

AMENDMENT 3

Part Two: The Charter of Fundamental Rights of the Union

Title IV: Solidarity

New Article II - 38A: Animal protection

Union policies shall ensure a high level of animal protection

Justification

The Title on Solidarity already provides that Union policies must ensure a high level of both environmental and consumer protection. Animal protection should be given a similar importance in this Part of the Treaty.

AMENDMENT 4

Part Three: The Policies and Functioning of the Union

Chapter III, Section 4 – Agriculture and fisheries

Article III - 123:

2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:

(...)

(d) the welfare of farm animals

Justification

We believe that the welfare of farm animals is one of the factors which must be taken account of by the Union's agricultural policy.