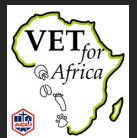


LAW PILLS AND FUNDAMENTALS OF ANIMAL WELFARE

Dr. Mariana Roccaro

Veterinary capacity building in the context of the "One Health"
INTERNATIONAL VETERINARY LEGISLATION

4th July 2022





HELLO!

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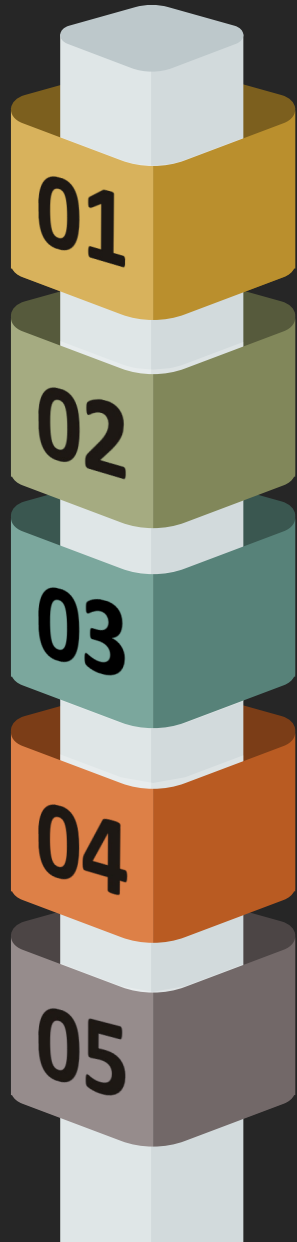
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ROADMAP



Law pills

The “value” of animal welfare

The legal framework for animal protection

Fundamentals of animal welfare

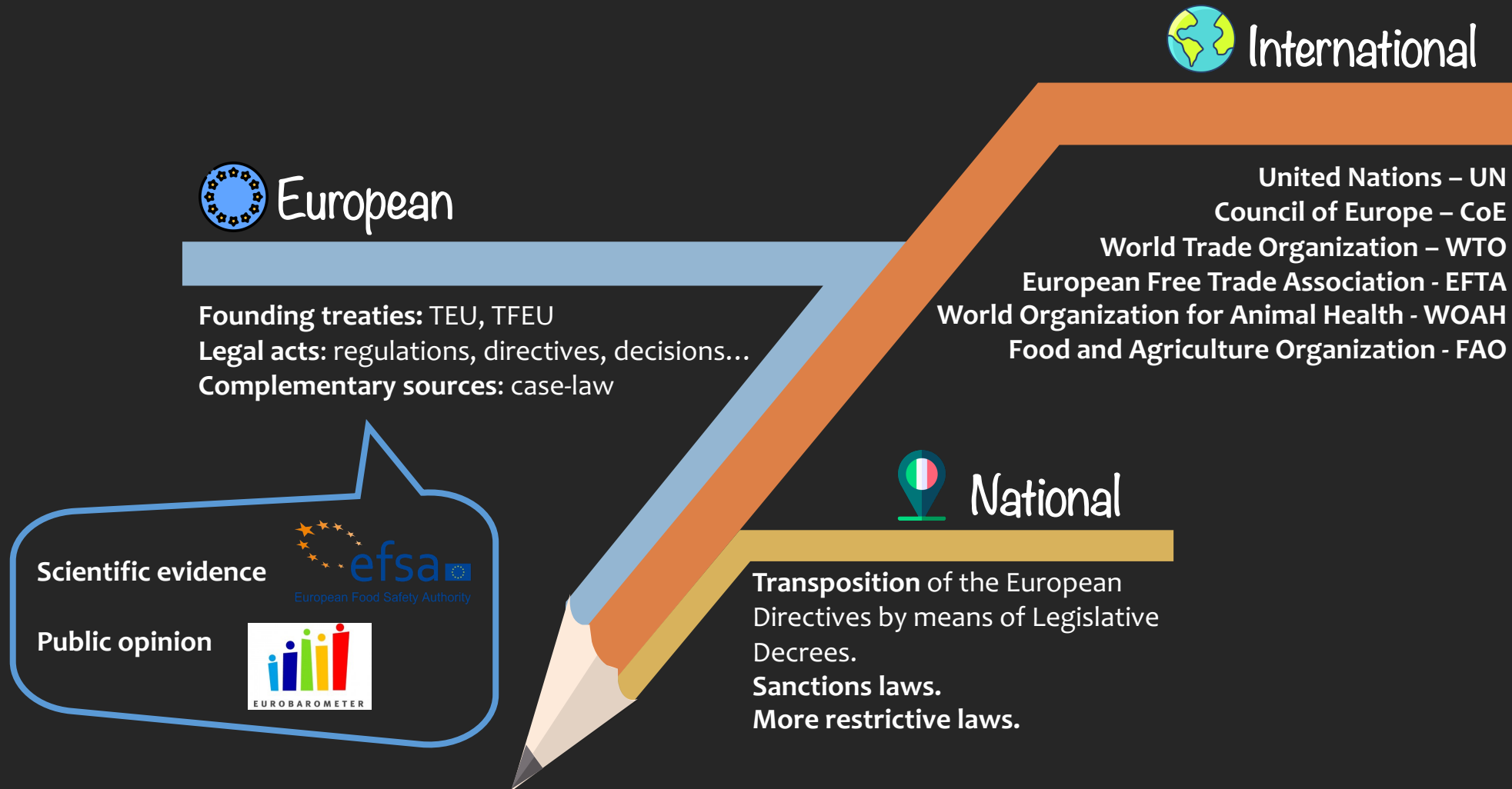
Animal welfare assessment criteria and tools





LAW PILLS

THE OVERALL FRAMEWORK

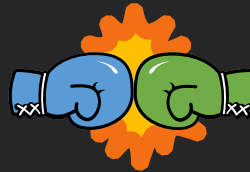


NATIONAL LAW SYSTEMS

Civil law



- There is generally a written constitution based on specific codes (e.g., civil code, crime law, administrative law, etc.) enshrining basic rights and duties;
- ***Jurisprudence constante doctrine***: judges tend to follow previous judicial decisions;
- Only legislative enactments are considered binding for all.

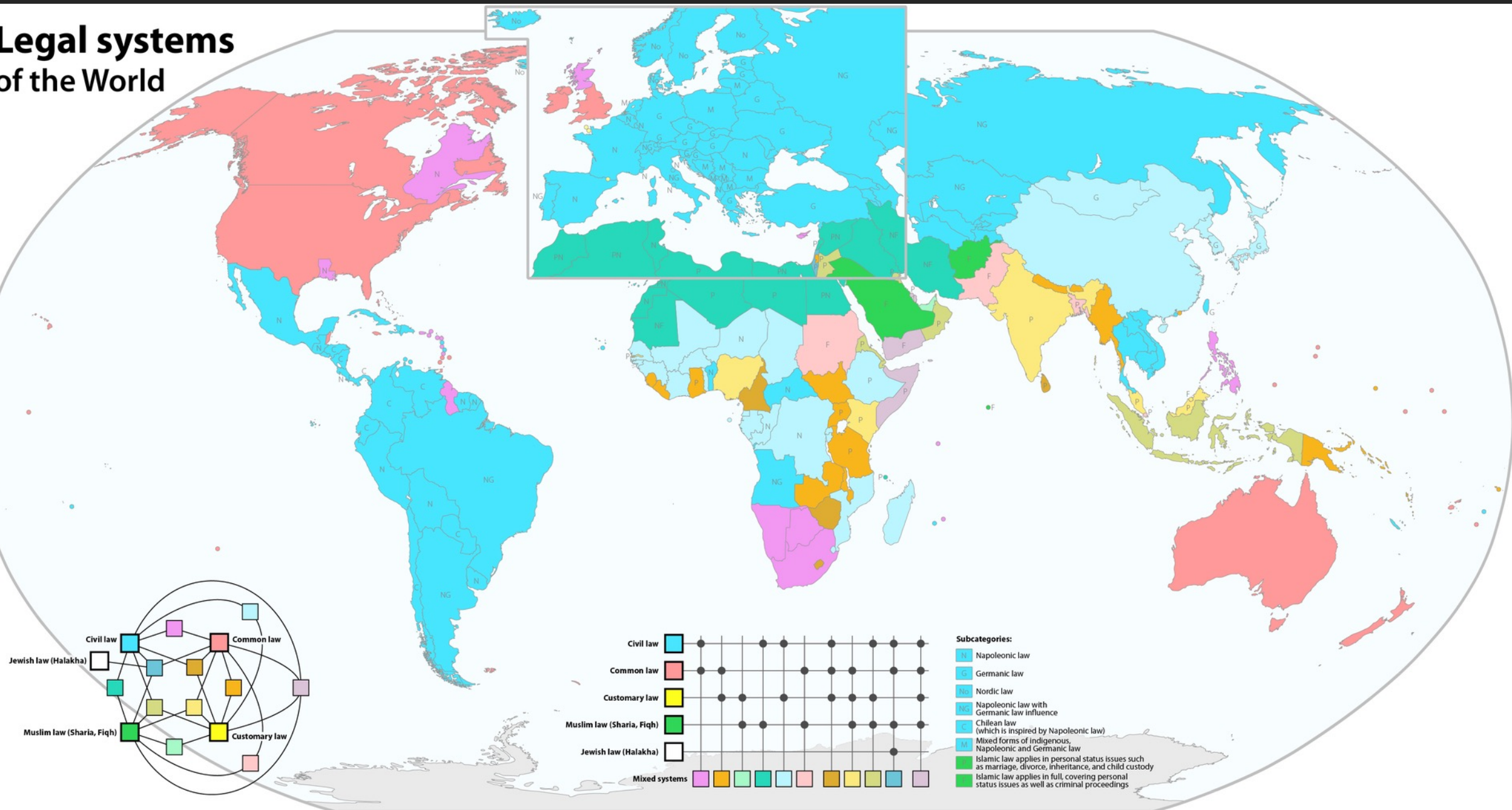


Common law



- There is not always a written constitution or codified laws;
- ***Stare decisis principle***: judicial decisions are binding – decisions of the highest court can generally only be overturned by that same court or through legislation;
- Generally, everything is permitted that is not expressly prohibited by law.

Legal systems of the World





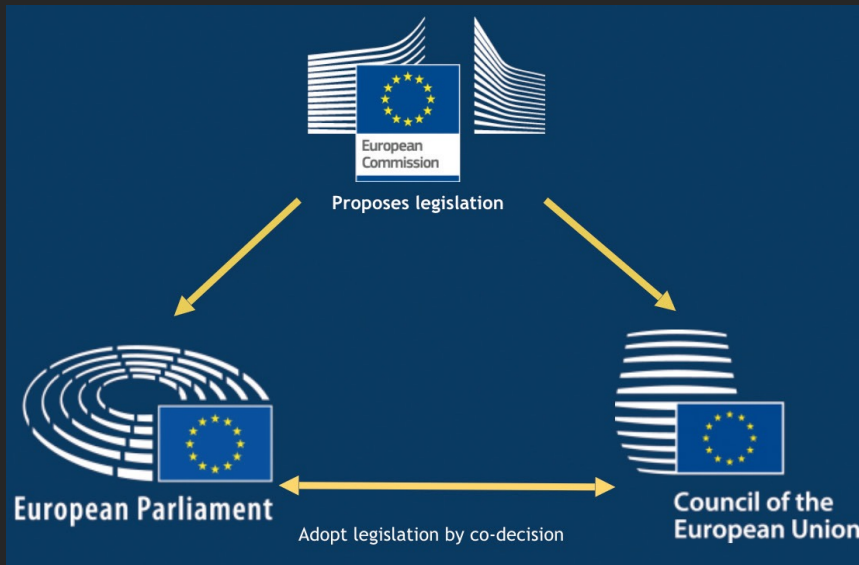
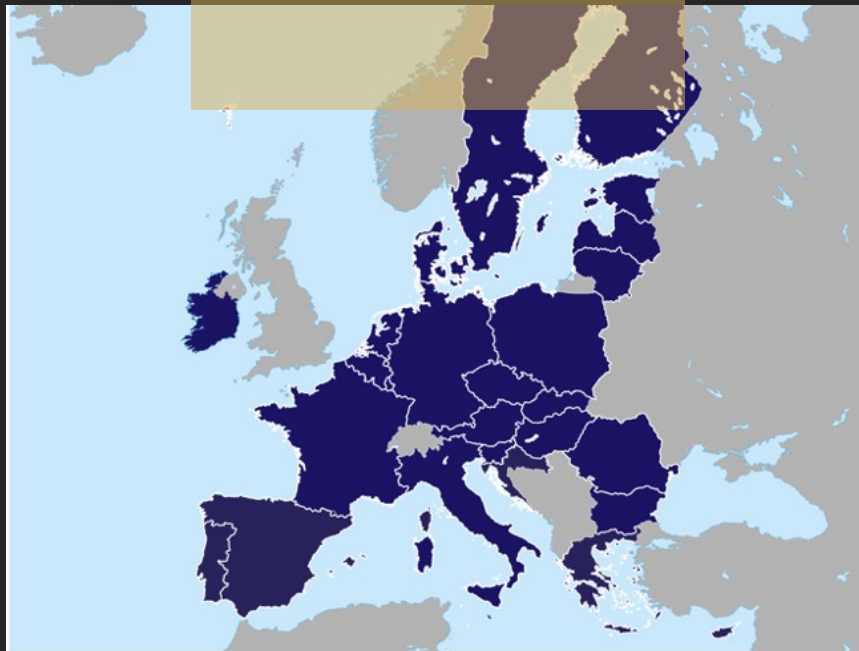
THE EUROPEAN UNION (EU)

Economic and political union between ~~28~~ 27 **Member States** in Europe. These countries have **pooled some of their sovereignty** in order to gain strength and the benefits of size.



The **Member States** **delegate some of their decision making powers** to the **shared institutions** they have **created**, so that decisions on specific matters of joint interest can be taken democratically at the European level.

The EU sits between a fully federal system (e.g., United States), and the loose, intergovernmental cooperation system seen in the United Nations.





THE INSTITUTIONAL TRIANGLE

European Parliament

- The EU's **law-making body**.
- **Directly elected by EU voters** every 5 years.
- The number of MEPs for each country is roughly proportionate to its population (**max 705 members**)
- Three main roles:
 1. **Legislative**
 2. **Supervisory**
 3. **Budgetary**

European Commission

- The EU's **politically independent executive arm**.
- Team of **27 members** (1 from each EU country) – led by the Commission President
- Functions:
 1. **Proposes new laws**
 2. **Manages EU policies & allocates EU funding**
 3. **Enforces EU law**
 4. **Represents the EU internationally**

Council of the European Union

- Together with the European Parliament, the Council is the **main decision-making body** of the EU.
- **Government ministers from each EU country** meet to discuss, amend, adopt laws, and coordinate policies.
- Functions:
 1. **Negotiates and adopts EU laws,**
 2. **Coordinates EU countries' policies**
 3. **Develops the EU's foreign & security policy**
 4. **Concludes agreements**
 5. **Adopts the annual EU budget**



HOW DOES IT WORK (NOT ALL THE EU INSTITUTIONS ARE LISTED)





FUNDAMENTAL PRINCIPLES OF EU LAW



Principle of conferral

The possibility for the EU to act on specific subject areas to pursuit agreed targets but “within the limits of the competences conferred upon it by the Member States”... Competences not conferred upon the Union in the Treaties remain with the Member States”.

Principle of subsidiarity

In those domains where the EU has shared competence with one or more Member, the Union “shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

Principle of proportionality

«The content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties».



AREAS OF EU ACTION

Supporting competencies

- Protection and improvement of human health;
- Industry;
- Culture;
- Tourism;
- Education, vocational training, youth and sport;
- Civil protection;
- Administrative cooperation.

Exclusive competences

- Customs union;
- The establishing of rules for the functioning of the internal market;
- Monetary policy;
- Conservation of marine biological resources under the common fisheries policy;
- Common commercial policy;
- Conclusion of international agreements.



Shared competences

- **Internal market;**
- Social policy, economic, social and territorial cohesion;
- **Agriculture and fisheries environment;**
- Consumer protection;
- Transport;
- Trans-European networks;
- Energy;
- Area of freedom, security and justice;
- Shared safety concerns in public health matters;
- Research, technological development, space;
- Development cooperation and humanitarian aid.



SOURCES OF EU LAW

Primary law

Treaties

- Treaty of the EU (TEU)
- Treaty on the Functioning of the EU (TFEU)
- Treaty on the European Atomic Energy Community – Euratom

Charter of Fundamental Rights

General principles of law established by the Court of Justice of the EU (CJEU)

Secondary law

- **Legislative acts:** regulations, directives, decisions
- **Non-legislative acts:** simple legal instruments, delegated acts, implementing acts
- **Non-binding instruments:** opinions, recommendations
- **Acts that are non legal acts:** interinstitutional agreements, resolutions, declarations and action programmes

EU's International agreements

Supplementary sources of law

- Case-law
- International law
- General principles of law





TYPES OF EU LEGAL ACTS

REGULATIONS

Regulations are legal acts that apply automatically and uniformly to all EU countries as soon as they enter into force, without needing to be transposed into national law. They are binding in their entirety on all EU countries.

B

DECISIONS

A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

B

IMPLEMENTING ACTS

Implementing acts are legally binding acts that enable the Commission – under the supervision of committees consisting of EU countries' representatives – to set conditions that ensure that EU laws are applied uniformly.

B

OPINIONS

An "opinion" is an instrument that allows the institutions to make a statement in a non-binding fashion, in other words without imposing any legal obligation on those to whom it is addressed.

NB

DIRECTIVES

Directives require EU countries to achieve a certain result, but leave them free to choose how to do so. EU countries must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive.

B

DELEGATED ACTS

Delegated acts are legally binding acts that enable the Commission to supplement or amend non-essential parts of EU legislative acts, for example, in order to define detailed measures.

B

RECOMMENDATIONS

Recommendations allow the EU institutions to make their views known and to suggest a line of action without imposing any legal obligation on those to whom it is addressed. They have no binding force.

NB



THE "VALUE" OF ANIMAL WELFARE

THE “VALUE” OF ANIMAL WELFARE

 **Sustainability and product quality**

 **EU legislation on animal welfare**



 **Consumers and animal user industries**

 **International dimension of animal welfare**



Sustainability

A system or procedure is sustainable if it is acceptable now and if its expected future effects are acceptable.

Animal use is not sustainable when:

- I. it causes **resource depletion** (e.g., water or land)
- II. a **product** of the system **accumulates** to a high degree (e.g., manure)
- III. an **activity** or an **event** is found **unacceptable** by people (e.g., mutilations)



Product quality

Not only safe, secure and tasty food, but also intrinsic values.

Factors now considered by consumers also include:

- I. **animal welfare**
- II. **environmental impact**, including wildlife conservation
- III. fair **payment for producers**, especially in poor countries
- IV. preservation of **rural communities**
- V. **carbon footprint**



*To adapt to the new market
opportunities
and to provide for what
consumers want is
an opportunity
for the livestock industry.*

Trade, public morality

The rules of the W.T.O. do not specify that animal welfare is an accepted ground for restricting trade, but they do specify **public morality** as such a ground.

Funding

The IFC published a Good Practice Note entitled “Animal Welfare in Livestock Operations” and issued guidelines on Creating Business Opportunity through Improved Animal Welfare.



International standards

The first WOAH international standards on animal welfare were published in 2005 and new standards are added and regularly updated in light of developments in scientific knowledge.

People welfare

Improving animal welfare in food producing systems can play a role in improving the welfare of people by increasing the availability of food of animal origin and reducing the risk to human health through improved food safety and animal health.



THE LEGAL FRAMEWORK FOR ANIMAL PROTECTION

THE LEGAL FRAMEWORK FOR ANIMAL PROTECTION

European



Scientific evidence



Public opinion



Founding treaties: TFEU artt. 13 and 38

Legal acts: regulations, directives, decisions...

Complementary sources: case-law

EU laws on the protection of...

- **Farm animals**
- Animals used for scientific purposes
- Companion animals
- Fur animals
- Wild animals

National



Transposition of the European Directives by means of Legislative Decrees.



International

COUNCIL OF EUROPE: International Convention for the Protection of Animals during International Transport (1968), on Farms (1976) and for Slaughter (1979).

WOAH: International standards on animal welfare



THE EU LAWS CONCERNING THE PROTECTION OF FARMED ANIMALS

FARMING



Horizontal
directive

Dir. 1998/58/EC



Specific
laws



Laying hens

Dir. 1999/74/EC



Broilers

Dir. 2007/43/EC



Pigs

Dir. 2008/120/EC



Calves

Dir. 2008/119/EC

*“adequate”
“appropriate”
“sufficient”
etc.*

TRANSPORT



Reg. (EC) No 1/2005



SLAUGHTER



Reg. (EC) No 1099/2009

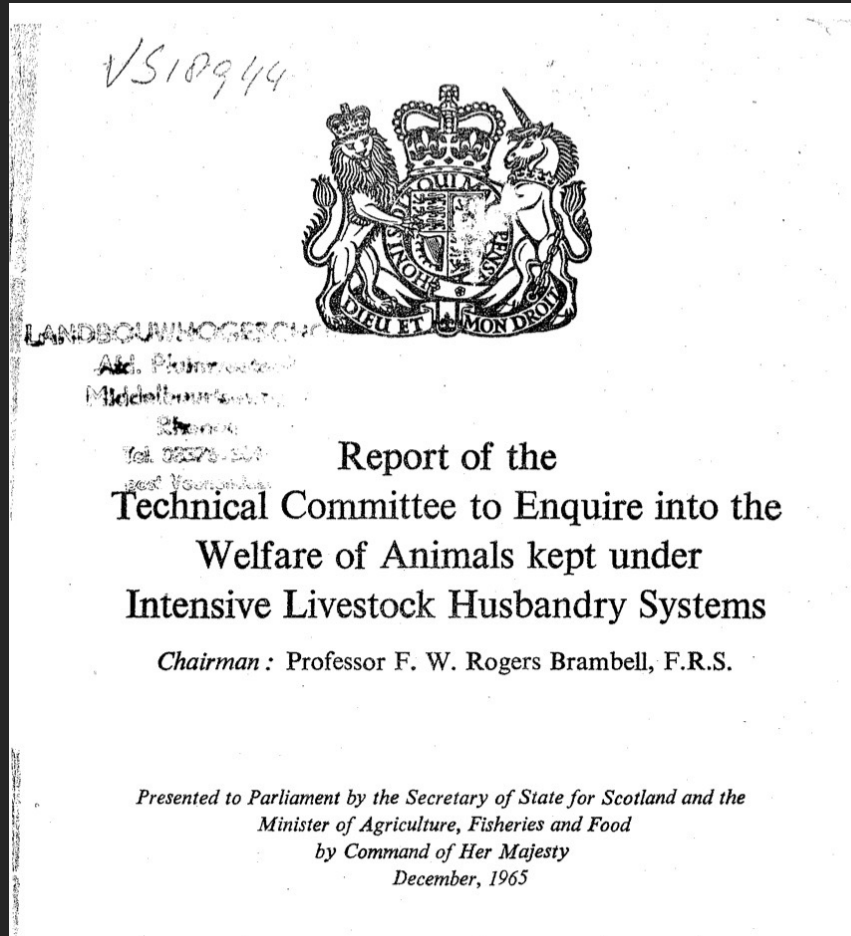
A close-up, high-contrast photograph of a dark horse's eye. The eye is large and expressive, with a deep brown iris and a prominent blue reflection. The surrounding fur is dark and textured. A yellow rectangular box is overlaid on the right side of the image, containing the title text.

FUNDAMENTALS OF ANIMAL WELFARE

THE RISE OF THE ANIMAL WELFARE DEBATE

1964

1965



Rachel Carson



FROM THE FIVE FREEDOMS...



Freedom from discomfort

by providing an appropriate environment including shelter and a comfortable resting area



Freedom from hunger and thirst

by ready access to fresh water and a diet to maintain full health and vigour



Freedom from pain, injury or disease

by prevention or rapid diagnosis and treatment



Freedom to express normal behaviour

by providing sufficient space, proper facilities and company of the animal's own kind



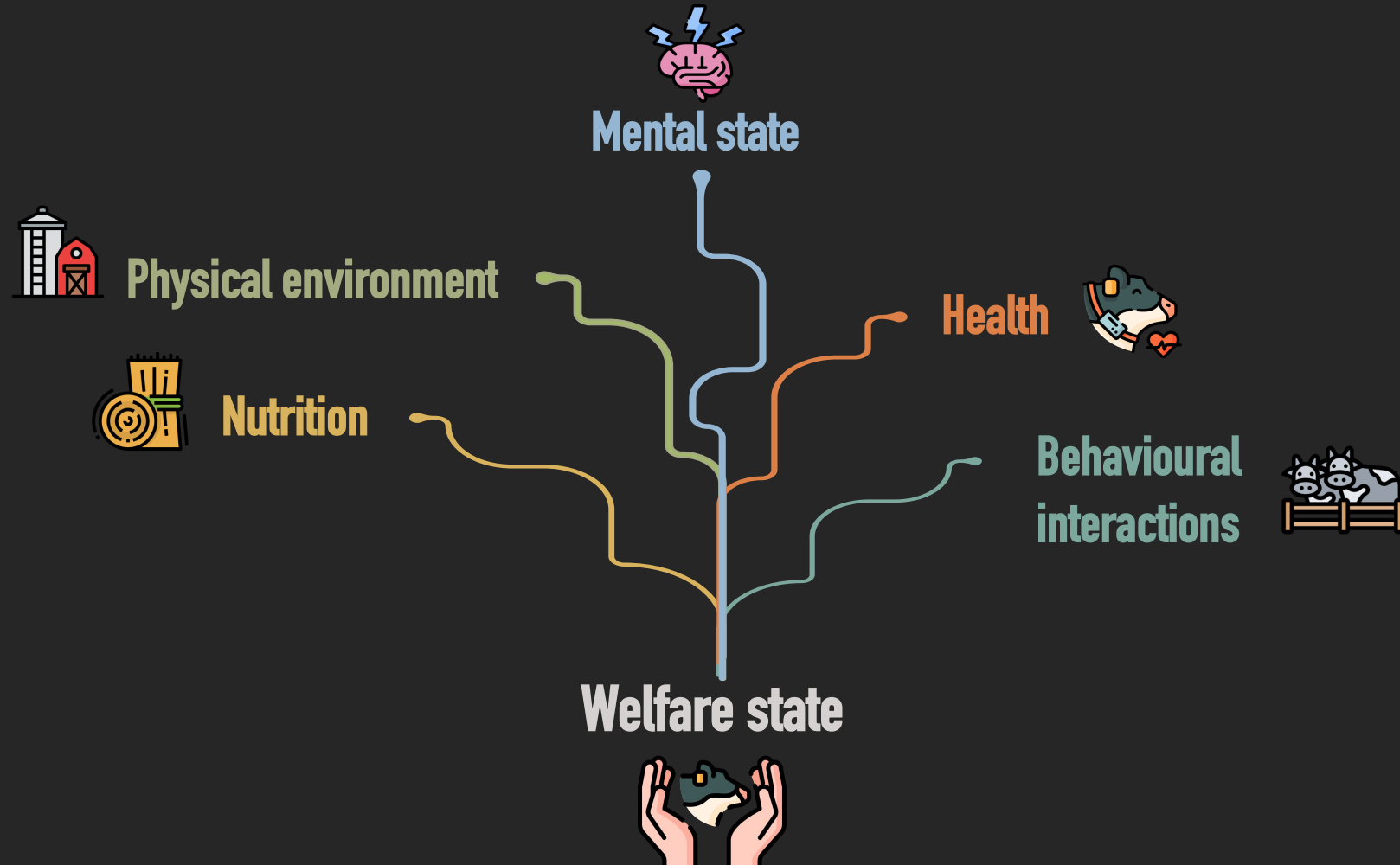
Freedom from fear and distress

by ensuring conditions and treatment which avoid mental suffering



...TO THE FIVE DOMAINS

(Mellor, 2020)



DIFFERENT APPROACHES TO ANIMAL WELFARE

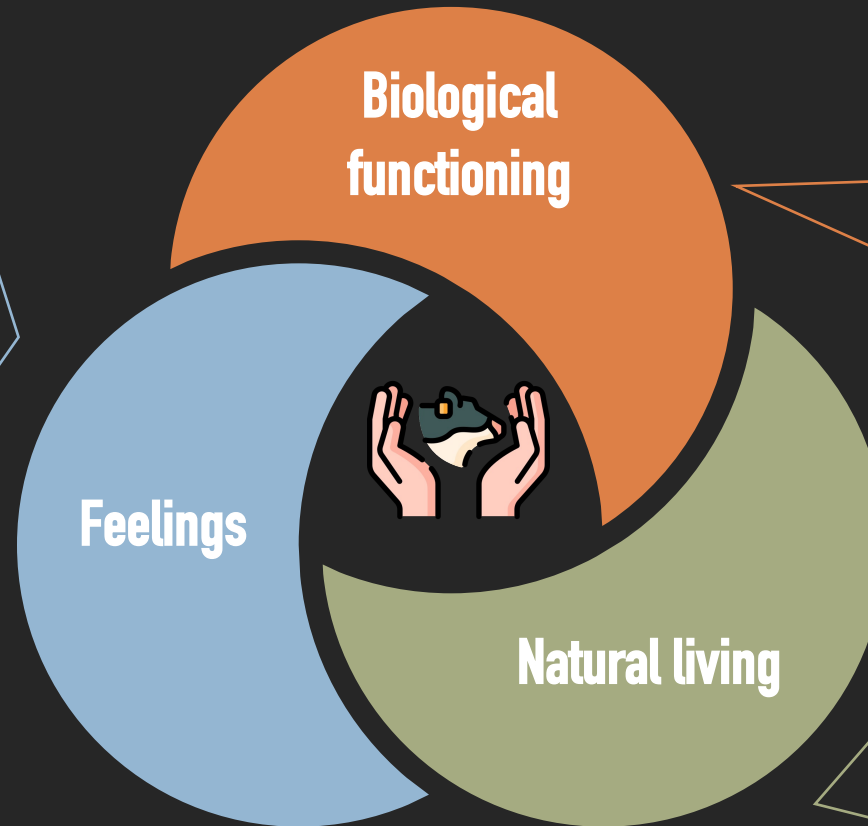
Welfare corresponds to the absence of “negative subjective emotional states” (SUFFERING) and the presence of “positive subjective emotional states» (PLEASURE).



Feelings are impossible to be directly measured because subjective experiences are not available for scientific investigation.



Avoid anthropomorphic interpretations!!



Welfare corresponds to the absence of (di)stress, coping success, fulfilment of needs



Approach applied by the EU legislator.

Animals should be allowed to live according to their natural attitudes and behaviour.



Domestic animals differ in many ways from their co-specifics in nature due to the domestication process!

WHAT IS ANIMAL WELFARE?

<<The welfare of an individual is its state as regards its attempts to **cope** with its environment.>>

-- Donald Broom, 1986

- A characteristic of an **individual**
- **Scientific** Concept
- **Measurable**

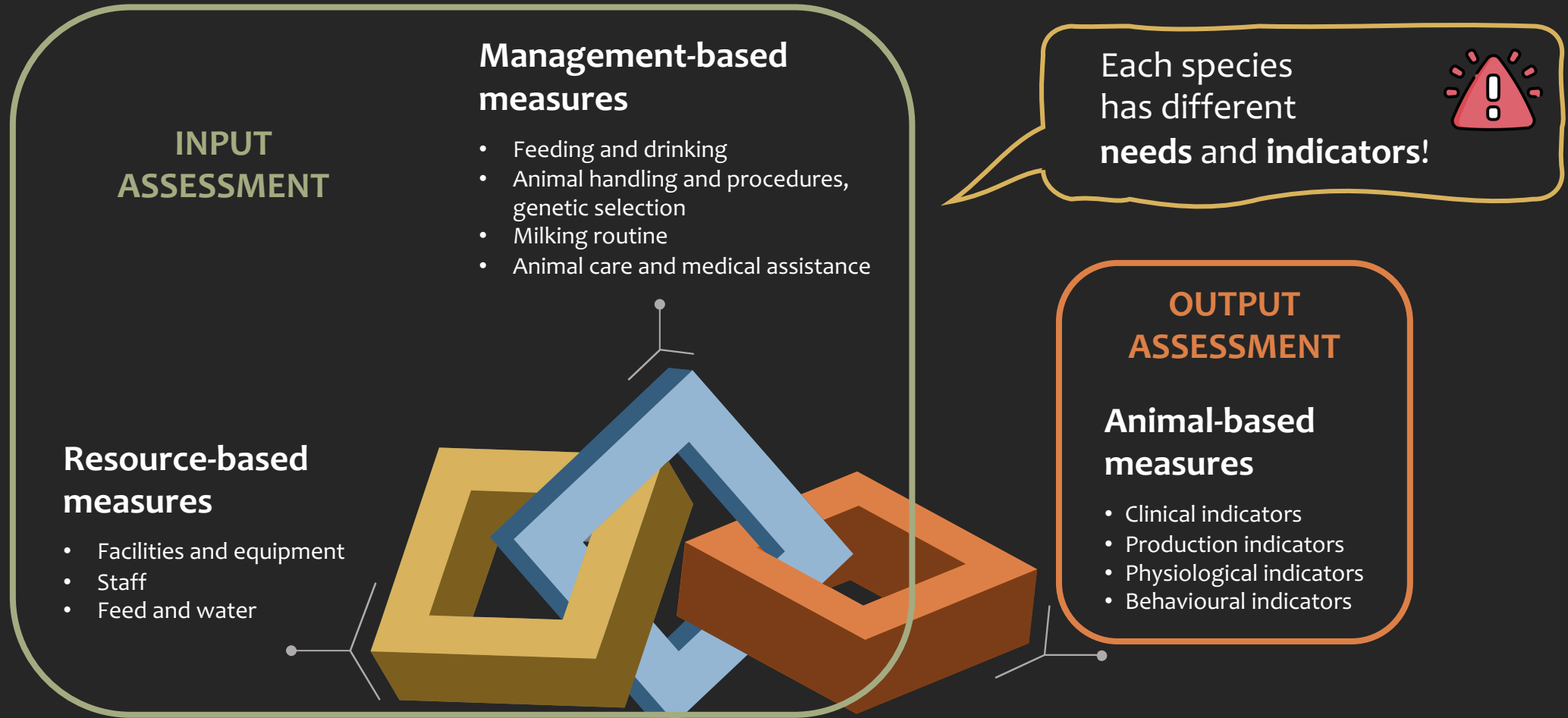
very poor ← **welfare** → very good





ANIMAL WELFARE ASSESSMENT CRITERIA AND TOOLS

ANIMAL WELFARE ASSESSMENT





INPUT VS OUTPUT



INPUT ASSESSMENT



Staffing



Inspection
and handling



Record keeping



Freedom
of movement



Buildings and
accommodation



Animals not kept
in buildings (shelters)



Automatic or
mechanical equipment



Feed, water and
other substances



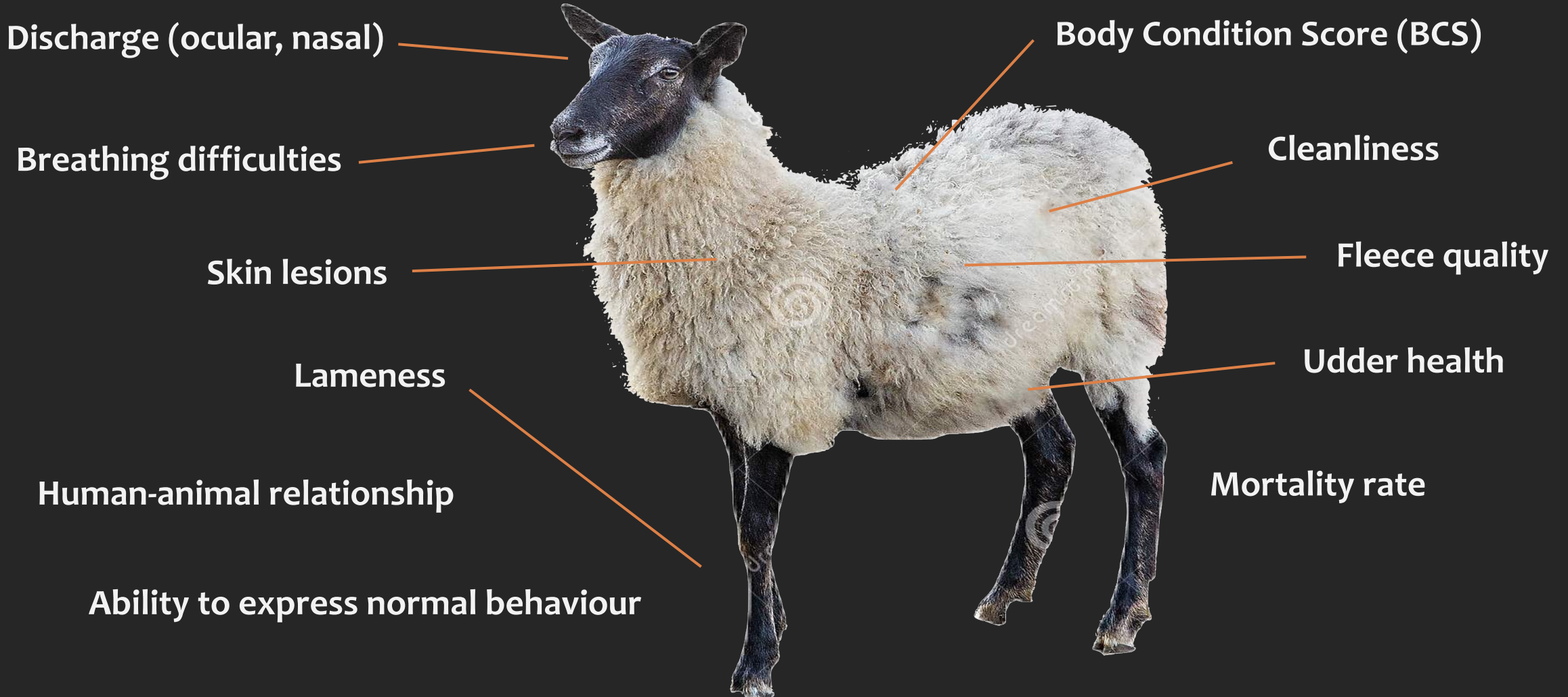
Mutilations



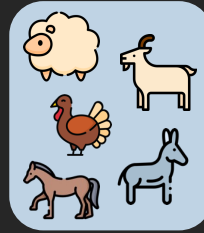
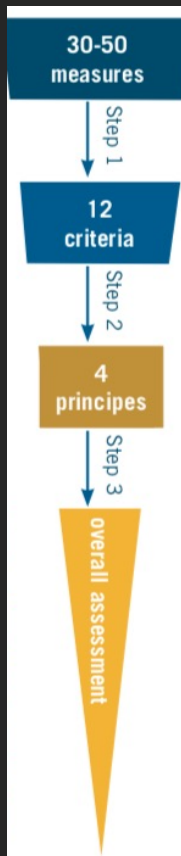
Breeding procedures



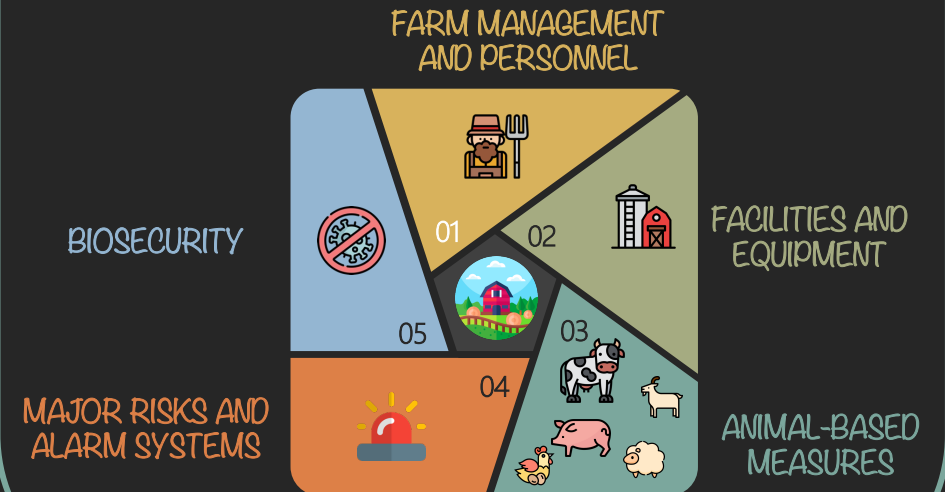
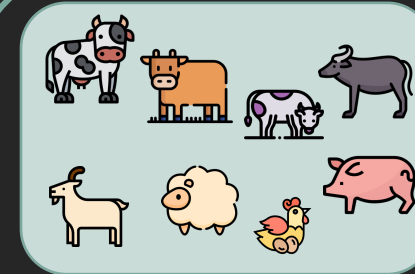
ANIMAL-BASED MEASURES (OUTPUT ASSESSMENT)



ANIMAL WELFARE ASSESSMENT PROTOCOLS



| PRINCIPLES | CRITERIA | |
|-----------------------|----------|--|
| Good feeding | 1 | Absence of prolonged hunger |
| | 2 | Absence of prolonged thirst |
| Good housing | 3 | Comfort around resting |
| | 4 | Thermal comfort |
| | 5 | Ease of movement |
| Good health | 6 | Absence of injuries |
| | 7 | Absence of disease |
| | 8 | Absence of pain induced by management procedures |
| Appropriate behaviour | 9 | Expression of social behaviours |
| | 10 | Expression of other behaviours |
| | 11 | Good human-animal relationship |
| | 12 | Positive emotional state |



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- Classyfarm protocol [IT]: <https://www.classyfarm.it>



ANY QUESTIONS?

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