ENFORCEMENT OF EUROPEAN ANIMAL WELFARE RELATED LEGISLATION

12-13 June 2012, Brussels
Our deepest gratitude goes out to the Permanent Representation of the Federal Republic of Germany to the European Union for making their premises available for this conference and we also wish to thank the State of Baden-Württemberg to the European Union for hosting the evening reception.

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CONCLUSIONS OF THE CONFERENCE

The principle of Art 13 TFEU shall be respected not only in formulating legislation but also in implementing and enforcement.

Inadequate enforcement is a problem in almost every animal welfare related EU legislation.

The enforcement part of the Animal welfare strategy 2012-2015 is welcome as the conference discussed a broad variety of enforcement problems and –crucially - solutions.

The conference highlighted the need for a common European understanding of animal welfare and an enhanced culture of compliance and enforcement.

The conference highlighted the urgent need for
• Better regulation in particular clearer and more precise legislation
• EU Commission to develop an enforcement strategy including
  » a communication strategy
  » developing networks (a EU network of animal welfare lawyers and commissioners was established in the framework of the conference)
  » Education, information and training
  » Considering NGOs as partners
  » Providing adequate resources at the EU and national level
  » Requiring full compliance with intermediate stages of legislation enforcement
• Key supporting mechanism for improved compliance is transparent information for consumers including labelling and traceability

“Without strong enforcement, rules and regulations cannot achieve their goals.”

Brochure of the EU Commission
Animal Welfare Strategy 2012-2015, page 4
Dear colleagues,

Dear ladies and gentlemen,

Dear speakers, chairpersons and participants from all political, practical, scientific veterinarian and legal fields,

Dear Mr Snell, dear representatives of Member States,

Dear Mr Vassallo,

Mrs Volpi, Mr Gavinelli, Mr Cassidy and Mr Wils from the EU Commission,

Dear Mr Snell, dear representatives of Member States,

Dear speakers, chairpersons and participants from all political, practical, scientific veterinarian and legal fields,

Dear colleagues,

First of all, in the name of all conference partners I would like to thank Dr Snell from the German Ministry for Food, Agriculture and Consumer Protection for the kind hospitality of the Permanent Representation of Germany to the European Union. It is an honour for us to be here in your impressive Permanent Representation in the heart of the European Quarter.

I also wish to thank all speakers, chairpersons for travelling to Brussels for this conference, and I warmly welcome you all to work with us over these two days.

A conference limited to the issue of enforcement may seem unusual at the first sight. Nevertheless, when for example we look at the enforcement of the cage ban for laying hens in Europe on the one hand, and at the future animal welfare framework law on the other hand, we and our conference partners see the need to strengthen this part of the legislation for the future by taking into consideration lessons learned and also current legal issues.

We are starting on the status quo, analysing the influencing factors for enforcement problems on the vertical level (EU/Member States) and on the horizontal level the gap of compliance within the national and regional governmental structures.

The goal of this conference is first to analyse the wide variety of problems of compliance in the animal welfare field and to find solution strategies. However, we want more for the animals than the former, purely technical understanding of legal compliance. We want to create a “culture of compliance” with the respective policy and other policies, such as sustainability. And here we see ourselves, as NGOs, as partners of the EU Commission and also partners of the national Competent Authorities, following the general principle of Animal Welfare, based on Art. 31 TFEU, addressing both political levels – the EU and the national level.

In the course of these two days, we hope to bring together criteria to develop an adequate future-oriented community control system and understanding for the field of animal welfare, based on discussion of diverse experiences from all viewpoints.

We do hope that you each take home some new perspectives on your area of responsibility – to the benefit of billions of sentient beings in Europe.

I wish you all an inspiring conference, with a fruitful exchange of information and experience.

There are a number of indications that the enforcement of European animal welfare related legislation needs to be improved. Over the years the reports from inspections carried out by the Food and Veterinary Office to check compliance with the requirements of EU legislation on animal welfare have shown that the level of enforcement varies considerably between Member States, and that there is a lack of enforcement measures in a number of areas. Recently the Commission has concluded in its report on the impact of Regulation (EC) No. 1/2005 on the protection of animals during transport that enforcement of the Regulation remains a major challenge. Better enforcement can be achieved through a number of different actions.

This conference addresses a variety of important issues, which hopefully can contribute to an improved situation in the future.

For more than 30 years, Eurogroup for animals has been working successfully on the improvement of the welfare and health of animals in Europe. Representing 40 different European Animal Welfare Organisations and millions of European citizens standing behind them, we get as close to the problems within the Member States as it can get. We have seen poorly implemented EU legislation and failed enforcement ever since our inception and today is no different. With the input of our member organisations, Eurogroup for Animals receives the information first hand and, therefore, has a great overview of the different stages and difficulties of enforcement in the Member States today.

As the European umbrella organisation for animal welfare, we feel honoured to contribute together with VIER PFOTEN/FOUR PAWS to this two day conference and we hope that together we will be able to find ways to tackle enforcement problems and improve the welfare and health of animals across Europe.

With a warm thank you to our host, the German Representation of the Federal Republic of Germany, to the organiser of this conference VIER PFOTEN/FOUR PAWS, and to its honorary conference partners, I would like to welcome you all to this important conference.

On behalf of all the partners I would also like to thank the representatives of the European Commission for their contribution to this conference and for showing their interest in this issue.

For more than 30 years, Eurogroup for animals has been working successfully on the improvement of the welfare and health of animals in Europe. Representing 40 different European Animal Welfare Organisations and millions of European citizens standing behind them, we get as close to the problems...
ENFORCEMENT - CRUCIAL PART OF THE NEW EU ANIMAL WELFARE STRATEGY AND THE IMPORTANCE OF SINCERE CO-OPERATION (ART 4 TFEU)

Harry Vassallo
Member of Cabinet, DG SANCO, EU Commission, Belgium

Ladies and Gentlemen,

The Commission attaches to the proper enforcement of EU animal welfare legislation. Over the years, the EU has shown a strong commitment towards improving the welfare of animals, and has acquired a worldwide reputation for producing food from animals raised with high welfare standards.

Proper and comprehensive enforcement of current EU animal welfare laws is one of the key objectives of EU Strategy for the protection and welfare of animals 2012 – 2015.

We need to ensure that enforcement is better respected and widely secured before considering further steps.

A general framework law could contribute to better enforcement through different and complementary approaches:

• First, the law could introduce outcome based indicators so that business operators would become more responsible and accountable for animal welfare;

• Second, the law could streamline requirements for competence so that all animal owners understand the underlying principles and requirements of the legislation;

• Third, the law could establish a European network of reference centres to ensure proper transfer of knowledge and innovation in order to make animal welfare easily applicable and economically competitive;

• Finally, we would like to encourage greater transparency so that consumers are better informed on animal welfare standards when they purchase food.

In addition to a proposal for a new framework, the strategy also envisages reinforcing a number of non-legislative tools in order to optimise enforcement.

In particular it foresees the development of several EU guidelines and specific implementing measures.

The Commission expects to adopt the proposal simplifying the current rules on the official controls Regulation by the end of this year or the beginning of next year.

However please maintain that now is not the time to propose changes to the animal transport Regulation such as a suggested 8 hour limit on journey times for animals destined for slaughter. Indeed, the Commission is not planning any such action.

The main focus for most Member States, stakeholders as well as the Commission is – once again, first and foremost – to ensure proper enforcement of the current legislation.

To do otherwise would risk dilution and fragmentation, and even weaken our law-making credibility, which would clearly not be in anybody’s interest.

The Commission took all possible measures to encourage Member States to comply, by 1 January 2012, with the ban on unenriched cages for laying hens.

The Commission launched infringement procedures against the non-compliant Member States concerned and continues to monitor the situation on a monthly basis with the collaboration of the Member States.

From the information received so far, we expect that the ban on unenriched cages will be fully implemented by the end of this year.

As you will know, we have a parallel situation to that of laying hens as regards the Directive on the protection of pigs and group housing of sows.

From the information that we have received so far from the Member States, only 16 Member States currently foresee full compliance by the deadline of 1 January 2013.

The Commission’s position is clear and firm – full compliance of the Directive by the agreed deadline.

The new Regulation on the protection of animals at the time of killing will come into force on 1 January 2013.

In order to ensure the effective implementation of this Regulation, the Commission has started to collect information from the Member States on their level of preparedness to enforce the new provisions. Results and other works on the implementation of this new Regulation will be presented at an international conference to be held on 24 October, in Brussels. In addition, the Commission will develop EU guidelines for the implementation of this Regulation in 2014.

I wish you all an enjoyable and fruitful conference.

Thank you.
EXPERIENCE BY INSPECTIONS OF THE FOOD AND VETERINARY SERVICE ON ANIMAL WELFARE

Terence Cassidy
Head of Sector (Animal Welfare), Food and Veterinary Office, European Commission, Ireland

CLASSIFICATION OF ANIMALS AS GOODS OR SENTIENT BEINGS – A LEGAL HISTORICAL INDICATOR FOR ANIMAL WELFARE ENFORCEMENT

Tereza Gimenez-Candela
Law Professor, Initiator of the Master Study “Animals in Law and Society”, Free University of Barcelona, Spain

Since its inception in 1998, the Food and Veterinary Office of the European Commission’s Directorate General for Health and Consumers has carried out inspections/audits of animal welfare controls carried out by the Competent Authorities (CA) in the Member States. There has been major progress over the intervening years, especially in those Member States who gave almost no priority to animal welfare issues at the time of the first FVO inspections. Nevertheless there are still many obstacles to obtaining an overall good level of compliance with animal welfare requirements.

Insufficient ownership of welfare requirements by the operators charged with their implementation is a major issue. In Member States where commercial concerns have already been a driver for animal welfare, it has been easier to obtain compliance and effectively phase out un-enriched cages for laying hens and ensure the introduction of group housing of sows, as operators have taken greater responsibility for meeting the standards. The more integrated farming sectors, such as the veal meat sector, also facilitated a more straightforward move to more welfare-friendly production systems.

The level of funding provided under programmes such as rural development has been another incentive to encourage the move to better housing systems in the intensive livestock sectors. The possibility to reduce funding, such as the amount of single farm payment through cross-compliance rules, has also helped resolve some perennial problems. The best way to make continued progress should certainly involve further engagement with the livestock sectors so that they recognise and are fully involved in solving animal welfare problems.

Competent Authority resources have a major implication for enforcement, but it is often the organisation of the official services that presents a more important obstacle to enforcement action. Inspectors working in a well organised control system can expect to find model letters for notifying operators of infringements and standardised procedures to inform other services involved in enforcement actions. Where inspectors do not have recourse to proper enforcement measures, this can give rise to a general malaise in official controls, as staff feel frustrated or tolerate deficiencies. The application of penalties is necessary for those operators who cannot be encouraged to comply by other means. It is necessary therefore to ensure that prosecution officials are well briefed on the impact of the legal breaches on animal welfare, and the higher level of the CA needs to have clear policies so that those at the local level of the CA are clear that they are supported in following certain actions.

In recent years, legal reflection on animals has been making its way around the world. There is proof of this in the changes that the traditional legal status of animals as goods (“animal-things”), dominant in civil law countries, has experienced in some countries in our immediate neighbourhood. It is known that since Austria introduced a change to its Treaty of Property of the Civil Code (ABGB) to the effect that animals “are not things” and are governed by special laws, the imprint of this change had an immediate impact in Germany, which amended its own Civil Code (BGB) in the same direction, and the same happened a little later with the Swiss Civil Code. Therefore, in the 1990s there was a major change, which came to call into question the continued existence of a category which came from Roman law: animals as things in property, as goods.

Science has recognised for quite some time that animals are “sentient beings”. Only one legal text, programmatic in nature, has incorporated this scientific term, so expressive in content and respectful of the status of animals as beings that share our ability to feel and suffer. I refer to the Treaty of Lisbon, which is not a Constitution for Europe (though improperly, it should be named such) but is the framework that Member States have accepted as inspiration for our own laws.

The aim of this presentation is to rethink the importance of these legal categories applied to animals. Above all, it is to suggest some questions that remain open and can facilitate the enforcement of new strategies in EU animal protection.
My contribution examines whether the statutory qualification of cruelty against animals as a criminal offence has had positive effects on the enforcement of animal protection in a social and cultural sense.

Generally speaking, criminal law in continental Europe regards the statutory criminalisation of citizens’ behaviour as the “ultima ratio” of legislation. In all national constitutions, the state seeks to protect the freedoms of the citizen whenever it takes action. This is clear from Art. 2 of the Lisbon Treaty.

The first statutes directed towards animal welfare were purely ethical laws protecting animals. This resulted in the “Brambell-Report” which established minimum conditions for keeping animals (the five freedoms). These were reflecting the biological and behavioural needs of animals. In Germany, the “Animal Protection Act” of 1972 was a detailed piece of legislation that protected animals according to ethical principles. Its standards were based on the results of scientific investigations into animal behaviour.

This development already reveals that animal welfare law (and thereby the criminal law on this subject) is intimately connected to advances in scientific knowledge.

The criminal law on animal welfare takes the form of a typically modern preventative criminal law which prevails throughout the world. It combines criminal law and police enforcement in order to prevent both risks and criminal acts. Criminal law is being utilised as an instrument of improving human behaviour, as can be seen from the example of environmental offences. Modern animal protection is formative in nature, insofar as it demands conduct which goes against the prevailing social norms – some of which have existed for centuries. This serves to increase the options open to the legislator in enacting criminal sanctions. This development is justified by ethical development as well as new scientific findings. The broad result of such research provides biological evidence of the ability to sense suffering which underpins ethical understanding and serves to promote the protection of animal integrity.

This legal development has been well-expressed in the judgments of the higher courts in those countries which have advanced their national law on animal welfare in light of these findings.

In October 2009, the Swiss Federal Court justified its prohibition of extremely painful experiments on Rhesus monkeys by pointing to the infliction of disproportionate pain and fear as well as an infringement of the animals’ dignity by deliberately causing thirst.

In a case concerning the prohibition on using wild animals in circuses on 01.12.2011, the Austrian Constitutional Court noted that values had changed over recent decades with the result that nowadays animal protection was recognised as an important public interest. In the past, the use of wild animals in circuses was not objected to or considered particularly significant. Nowadays, however, it was no longer acceptable.

In its first judgement on laying hens in 1999, the German Federal Constitutional Court considered such profane issues as the right of hens to scratch, dust bathing, protected egg laying as well as sleeping and feeding conditions in light of constitutional principles.

Many Member States have since enacted general animal welfare laws which contain provisions which sound impressive and are comprehensive and often very casuistic in nature.

The following provides some examples of statutory animal protection rules and criminal sanctions for breaches which are in force in some countries.

New statutes protecting animal welfare such as those passed in Latvia, Austria, Great Britain and Sweden recognise the capacity of animals to feel pain, stress ethical animal protection and make acts of cruelty to animals a criminal offence.

Although there is often no recognition of an animal’s right to life.

The disjointed impression of purely anthropocentric animal welfare, a pathocentric-ethical animal protection (reflecting the strong influence of property law), the modern bio-centric animal welfare (which may or may not recognise an animal’s right to life) in the otherwise very stringent criminal law, is not conducive to creating a uniform cultural and social standard of animal welfare. For this reason, harmonisation is necessary.

Important points of view and decisive criteria are the statutory recognition of the dignity of animals as well as the basic prohibition of the killing of animals for the first time in Germany and then Austria represent important milestones in the social and cultural protection of animals in criminal law. The aforementioned countries show that this has not disproportionately restricted the use of animals. On the contrary, the special emphasis on the animal’s right to life has produced positive effect on the relationship between man and animal and thereby on effective enforcement in the long term.

Ultimately, it forms the basis for the recognition of the right to life >> well-being >> integrity >> and thereby offers preventative protection for all animals in relation to cloning.

Conclusion
In view of these considerations, the EU animal welfare legislative envisaged in 2014 is necessary. It is planned that the legal framework will contain a small number of severe provisions and call on Member States to introduce strict criminal rules in the case of breach. The legislation should apply to animals kept for agricultural and domestic purposes.

It appears impossible to prevent a conflict with the economic interests of industrial animal owners. However, if standards are passed which enable a humane quality of life for animals, then enforcement cannot simply be left to administrative law and officials but must be encouraged by the sanctions of criminal law.

In particular, the effective enforcement of animal welfare depends on the “inclusion of domestic animals” as referred to in the strategy. This is how I understand the demand of the “Committee for Agriculture and Rural Development” of the European Parliament.

On the other hand, the Committee’s decision to limit the generally-applicable definition of animal protection to that adopted by the World Organisation for Animal Health (OIE) appears too limited. The definition of animal welfare as formulate by the OIE does not correspond to that in Germany or in general.

Animal welfare does not only include the condition of animals (as an object of value or production), but also and particularly the manner in which they are treated and kept.

This comprehensive definition should form the basis of the envisaged legislation and only by ensuring consistent and comprehensive compliance can there be harmonized standards which will thereby create economic equality.
ANIMAL WELFARE AS AN ETHICAL CONSTITUTIONAL AIM OF A STATE AND ITS IMPACT ON THE JUDICIARY – SELECTED EXAMPLES

Gieri Bolliger
Director and Attorney at Law, Stiftung für das Tier im Recht (TIR), Switzerland

More and more countries are going to consider animal welfare an important part of their legal framework. In some states the judicial protection of animals is deeply rooted, while other countries gradually introduce single regulations concerning the husbandry and handling of animals. The following remarks focus on societies showing a long tradition of legislative animal welfare but still facing the challenge of implementation. In that connection, the constitutional anchoring of ethical aims constitutes a major contribution to the enforcement of animal welfare regulations.

The particular constitutions of Germany, Austria and Switzerland not only empower but obligate the respective federations to enact provisions concerning the welfare of animals. In Switzerland, some animal welfare aspects have already been anchored in the Federal Constitution for nearly 120 years. In 1973 a special article was adopted declaring animal welfare in general to be a state matter. Since 1992, the article has been strongly augmented by a constitutional provision warranting the protection of the “dignity of creatures”, explicitly according esteem to all non-human living beings, namely animals, at the highest legal level. The principle encompasses all legal aspects of human-animal interrelations and is supposed to restrict treatment of animals that compromises their interests.

Constitutionalising the protection of animals – as well as their dignity, as prescribed in Switzerland – has a far-reaching significance. It represents a considerable evaluation, since animal welfare becomes an interest protected by law with constitutional standing and a state goal that as a matter of principle is accorded the same status as other state goals. It becomes an important part of the national legal system and must therefore be taken into consideration in all other areas of governmental or private activity.

In Switzerland, the constitutional status of animal welfare as an essential principle for society resulted in an Animal Welfare Act which is based upon the dignity and well-being of animals and which prohibits both cruelty to animals and disrespect for their dignity. Harsh punishment is described and the respective enforcement is getting better year by year. The protection of animals’ dignity has also found its way into other orders, such as the Act on Genetic Engineering.

To be mentioned as a showcase for the implementation of the basic principle of the protection of animals’ dignity is the prohibition of zoophilia (sexual activity with animals) in the Animal Welfare Act in 2008. First judgements are already available in which the subject of conviction is not the physical harm of animals but disregard for their dignity. In 2009 the Federal Supreme Court decided in favour of the dignity of primates instrumentalised in fundamental research experiments. As a further example, the recent resolution on the ban on the import of dolphins is noted, which is possible because constitutional basic rights such as economic freedom are not given more weight than animal welfare aspects. Other issues are in progress: worth mentioning as indicative examples are so-called torture breeding as well as the dehorning of cows and calves.

A constitution always reflects the overall values of a nation. The inclusion of animal welfare measures does not indicate a revolution in human-animal interrelations, but is rather an official and clear acknowledgement at the highest level of law that people cannot deal with animals at will and with no limitations set. Animals must be respected as sentient beings with a great capacity for suffering.

One of the primary goals when working to improve animal welfare standards worldwide is for countries to have comprehensive, well-enforced animal welfare legislation in place. Such laws provide a framework to ensure animals are adequately protected. However, although more countries are developing animal welfare legislation, effective enforcement remains a major challenge. This presentation outlines the main issues surrounding enforcement and proposes recommendations for ‘best practice’ which will ensure proper implementation of animal laws.

The lack of adequate laws protecting animals is often cited as one of the root causes of animal welfare problems. However, the existence of legislation alone is not sufficient to improve animal welfare – it needs to be properly implemented and robustly enforced. Legislators are motivated to see laws implemented, not only for the purpose for which they were created, but also because failure to ensure legislation is followed undermines its role in society. However, the practicalities of effective enforcement are often overlooked and poorly monitored.

At the World Society for the Protection of Animals, the Policy and External Affairs department manages an ongoing project looking at the content of animal protection legislation across the world, using indicators to monitor the existence and quality of formal safeguards for animals. It shows that the content and structure of laws regarding animal welfare vary greatly between countries. However, even if thorough legislation exists, without enforcement there will not be an associated improvement in the welfare of animals. At present we are considering a system of monitoring enforcement on a global scale which would work in conjunction with the current legislation research project.

In researching the area of enforcement, the following ten factors have been identified as necessary for effective enforcement of animal welfare legislation: the adoption of suitable legislation; relevant government structure and supportive government; appropriate consequences for breaching or abiding by the law; clear responsibility for enforcement; education of animal welfare issues and the law; allocation of sufficient resources; cultural appropriateness and relevance; societal support for the legislation; mechanisms to monitor enforcement and process for amending policy instruments.

This presentation will consider these factors in detail and draw out recommendations which can be created for Governments seeking advice to create new animal welfare legislation, or for those countries wishing to improve enforcement of their current animal protection laws.
COMMUNICATION AND COOPERATION ON THE JURIDICAL AND VETERINARY LEVEL – KEY ELEMENT FOR EFFECTIVE ENFORCEMENT

Jan Vaarten
Executive Director, Federation of Veterinarians of Europe (FVE), Belgium

STRENGTHENING ENFORCEMENT BY GOVERNMENTAL, LEGAL AND CIVIC TOOLS

Madeleine Martin
Commissioner of Animal Welfare in the State of Hesse, Ministry for Environment, Energy, Agriculture and Consumer Protection, Germany

For an effective implementation of rules and standards in society, it is essential that these rules are known and understood and that they have the support of large groups of people – people who can be persuaded to follow these rules by means of the proverbial carrot. However, generally speaking, the carrot needs to be backed up with a stick, the stick of enforcement. If no such measures are taken, people ignoring the rules will continue to do so, and their numbers will be likely to increase.

The effectiveness of enforcement measures is closely related to the chances of offenders being caught, the chances that this will be followed by a successful legal action against them, and the severity of the measures taken. The quality of the legislation, together with the quantity and quality of the resources available for supervising, are critical factors in the effectiveness of the legislation.

Looking more closely at animal welfare related legislation, the situation is further complicated by what one could call language and interpretation issues. Public concerns, legal texts, scientific articles, the interpretation of welfare related symptoms and the assessment of an animal’s well-being are not easy to translate from one into another. The facts needed for clear and convincing proof in a juridical procedure have to be extracted from observations made of the animals and the circumstances in which they live. In particular, the assessment of animal related welfare criteria can be very challenging.

Special juridical knowledge and expertise are needed to develop, draft and use legal provisions for the protection of animal welfare. At the same time, other specific knowledge and skills are required to assess how animals cope with the situations and conditions they face and how much these affect their well-being. Since the combination of both fields of expertise in one person is extremely rare, it is obvious that communication and collaboration between legal and veterinary professionals is indispensable.

During each step of the whole process, from the early stages of development of animal welfare legislation through to the application of relevant articles on individual cases, communication and cooperation between the two fields is indispensable.

Veterinary practitioners, who work at the interface between the interests of the animals, their owners and society, are in a key position to explain and communicate these different interests – to diagnose the welfare status of the animals, to speak with the owners about the animals’ needs, to explain and advise on the implementation of relevant legislation, to report back on practical experiences regarding the implementation of the legislation, as well as on animal welfare problems and infringements of the legislation in force.

Changing societal expectations with regard to the roles and responsibilities of the veterinary profession require a clear and up-to-date legal framework for the veterinary profession, its responsibilities and the mandate necessary to fulfil these. In particular, in cases where the public interest prevails over the interest of an individual animal or individual client, the mandate should be clear, recognised and supported by the authorities.

First of all, we have to look at the different reasons for a lack of compliance or unsatisfactory compliance with animal welfare related European legislation in the Member States. These include clearly missing formulated directives and regulations at the EU level, financial or personnel capacities at the respective local, regional and national offices in the Member States, a lack of knowledge in the Member States, a lack of preparedness to manage and resolve conflicts on the part of the relevant responsible person at the local level.

Regarding solution strategies, there are various possibilities for solving these problems. Some examples include applying new management tools like Quality Management within the administrative bodies, establishing expert departments for animal welfare in the prosecution area, specific chambers in the courts of justice, establishing a class action lawsuit in the interests of animals – of the kind that has successfully existed for many years in Germany in the field of environmental law and enforcement – or regional Animal Welfare commissioners.

Nevertheless, enforcement can only be implemented successfully if there are politically responsible people active at these different levels – people who actually want the enforcement to be effective.
CONSUMERS’ DECISION ON VISIBLE ANIMAL FRIENDLY PRODUCTS AS ENFORCEMENT SUPPORT

Marijke de Jong
Senior Policy Adviser-Livestock, Dierenbescherming, The Netherlands

In 2007 the Dutch Society for the Protection of Animals (Dierenbescherming) launched a label to appear on more animal welfare friendly products. It is called the ‘Better Life’ label, and is based on three levels of animal welfare, indicated with one, two or three stars. The more stars, the better the welfare of the animals. One star means a significant improvement of animal welfare, above minimum legal requirements: the most important specific welfare problems are tackled. Two stars mean free range and that some other further improvements are made. Three stars are for organic products or products from animals with a comparable level of welfare. An example of the latter is the Roundel stable for laying hens, which is not organic but nevertheless has been granted three stars.

The aim of the Dierenbescherming in introducing the Better Life label is to improve the welfare of a large number of animals. In order to reach that goal, it was necessary to introduce a segment in the market between regular livestock products with the minimum animal welfare level, and organic with the highest animal welfare level. The price difference between regular and organic meat and eggs is large, especially for chicken meat. For a lot of consumers recognising and reliable, the most important specific welfare problems are tackled. Two stars mean free range and that some other further improvements are made. Three stars are for organic products or products from animals with a comparable level of welfare. An example of the latter is the Roundel stable for laying hens, which is not organic but nevertheless has been granted three stars.

The standards of the Better Life label are based on scientific research, expert opinions, other animal welfare labels and legislation, and were set up in consultation with farmers, the industry and supermarkets. The standards of the Better Life label are audited by independent, accredited inspection bodies. The inspections are carried out on the farms and through the whole chain – such as slaughterhouses, egg packing stations, processing plants – up to the moment when the Better Life label is put on the package. New farms get an entrance inspection before they are allowed to produce for the label, and receive a certificate for one year. Every year they are audited. This is combined with the audit which takes place every year for an acknowledged quality assurance system, like IKB (Dutch) or KAT (German). The organisation of the authorisation procedure for the Better Life label is performed by a separate organisation. This organisation takes in new applications for the label and sees to it that the inspection organisations perform the audits, provide certificates and impose sanctions where necessary. The Better Life organisation manages a database with the addresses of all the farmers, businesses and supermarkets and all the inspection reports. Based on these reports, risk-based shadow inspections can be performed.

Five years after the introduction of the Better Life label to the market, the label has proved to be a success. Every year the number of animals with a better life has (more than) doubled; as has the turnover. Many farmers keep animals according to the Better Life standards and many businesses sell products with the Better Life label. In most supermarkets in the Netherlands a broad range of products with the label are on sale.

The Better Life label is now well accepted by farmers, companies, supermarkets and consumers, and there has been a lot of attention in the media. Different studies amongst consumers show that they recognise and understand the Better Life logo. About 50% of consumers in the Netherlands say that they are willing to pay more for more animal-friendly products.

INFORMATION, EDUCATION AND TRAINING ON ANIMAL WELFARE – TOWARDS A COMMON EU-WIDE CONCEPT OF RESPONSIBILITY FOR SENTIENT BEINGS

Silvia d’Albenzio
Senior Training Manager, Istituto G. Caporale Teramo, Italy

Animal Welfare represents one of the most relevant scientific areas Istituto G. Caporale is focused on. An Animal Welfare programme was formally established in 2003, when the Animal Welfare Research Centre was set up. Since the adoption of that strategy, Istituto G. Caporale has spread animal welfare culture mainly through research and training, but also through mass dissemination to the public at large and different stakeholders.

The highest international acknowledgement of Istituto G. Caporale’s Animal Welfare programme came in 2004, when the OIE awarded it the mandate of Collaborating Centre for Veterinary Training, Epidemiology, Food Safety and Animal Welfare.

In the last two decades, Istituto G. Caporale has invested consistently in testing innovative training methods, developing learning programmes and validating training management models capable of responding to the ever-changing and constantly increasing demand for veterinary training at the international level, mainly focusing on official veterinary services. Animal Welfare is one of the main focuses of interest, not only aiming to satisfy the assessed and known learning demands of official veterinarians, but also trying to address solutions to anticipate future needs.

Nowadays, all practicable solutions should be adopted to enhance the spreading of knowledge and sharing of expertise not only at the European level, but worldwide. Traditional training methods such as courses, workshops, seminars and conferences represent unique opportunities for knowledge sharing, but they also show a number of undeniable weaknesses that have to be taken into account when/if a mass approach has to be adopted.

New training methodologies based on Information & Communication Technologies (ICT) – such as e-learning – might overcome some of these relevant shortcomings: access of limited number of final beneficiaries, logistics barriers and costs. Innovation also offers a significant contribution to learning processes through social networks, scientifically applied for facilitating web-based knowledge transfer within peer-to-peer collaborative communities.

A combined approach to information, education and training on Animal Welfare issues probably represents the most appropriate strategy, in which different classic and modern methodologies are blended.

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THE LEGISLATIVE PROCEDURE AND THE LAYING HENS DECISION OF THE GERMAN FEDERAL CONSTITUTIONAL COURT

Christoph Maisack
Preident, German Juridical Association for Animal Welfare Law (DJGT);
Vice Commissioner for Animal Welfare of the State of Baden-Württemberg, Germany

In Germany there is a long history of legal discussion of the animal welfare conditions of laying hens, starting in the 1970s. In several civil and criminal court decisions, the keeping of laying hens in standard battery cages was defined as cruelty towards animals: however due to a lack of evidence of criminal guilt, no keeper sentenced.

In 1987 Germany’s Laying Hens Regulation was established, and in 1990 the State of North Rhine-Westphalia made an application to the Federal Constitutional Court against the keeping conditions laid down in that Regulation. In 1999 the judgement of the German Federal Constitutional Court confirmed that the Laying Hens Regulation of 1987 was unconstitutional regarding the keeping standards, infringing Art. 2 No. 1 German Animal Welfare Law, whose content was close to the text of Directive 98/58/EEG Annex 7, Sentence 2. The principles developed by the German Federal Constitutional Court for interpretation of Art. 2 No. 1 German Animal protection law should also be applied for the interpretation of Annex No. 7. However, this decision could be taken exclusively by the European Court of Justice.

Based on a political change at the federal level, the Laying Hens Regulation was revoked in 2002.

In 2006 a new type of cage – the so-called “Kleingruppenhaltung” (“small-group cage”) – was permitted by a new adaptation of the German Animal Welfare Farm Animals Regulation, and conventional cages were permitted only until 31 December 2008. Again, one federal state, this time Rhineland-Palatinate, filed a claim to declare these keeping conditions unconstitutional. The court decision in 2010 was based on the infringement of formal proceedings, since the animal welfare committee had not been consulted correctly and the result had already been decided. This meant that the German constitution’s goal of animal welfare (Art. 20a Grundgesetz), whereby the balance of interests must be discussed in an open way, had not been considered properly.

In February 2011 the German Agriculture minister announced the ban on the Kleingruppenhaltung, and in May 2011 this ban was legally implemented – however with a transition period until 2015. The second chamber of the Parliament applied for a reduction of the transition period to 2023, but the Agriculture minister has not yielded to this demand.

The current legal situation is as follows: permission for the Kleingruppenhaltung ended formally in 31 March 2012. New farms with Kleingruppenhaltung are not permitted, but existing farms can be maintained – which currently means 14% of all laying-hen farms in Germany.

The critical aspect – beyond the ethical animal welfare concerns – is the legal uncertainty prevailing in Germany, as each court of justice within the 16 federal states can decide independently whether or not a farm can continue farming with the Kleingruppenhaltung, under what conditions and for how long. Member States need clear formulation of EU directions and regulations and specific enforcement conditions.

THE ENFORCEMENT PREPARATION OF THE EU COMMISSION AFTER THE LAYING HENS EXPERIENCE

Andrea Gavinelli
Head of Unit Animal Welfare, DG SANCO G3, European Commission, Belgium

The political decision to ban battery cages was taken in 1999 on the basis of strong scientific evidence proving that the welfare of laying hens is severely compromised in these cages. It was a decision taken jointly by the Member States, the Commission and the Parliament. To enable farmers to adapt and to invest in new housing systems, a transitional period of 12 years was granted.

This transition to enriched cages or alternative housing systems represents a milestone for animal welfare. The phasing out of un-enriched cages was also a result of pressure from concerned citizens/consumers. The ban on un-enriched cages represents the first major step to higher animal welfare standards, and it is important to show that the Commission takes the issue seriously. It is furthermore important to maintain consumer confidence in EU decision-making and to ensure that those farmers who have invested in time are not disadvantaged.

However, despite the long transitional period provided it was noticeable by 2010 that sufficient progress had not been made by a number of Member States. Today, almost half a year after the ban came into force, around one third of the Member States have yet to completely phase out un-enriched cages. Infringements are therefore still ongoing.

There are lessons to be learned from the laying hen experience. In cases where the transitional period lasts for many years, a step-by-step implementation plan with set deadlines for each step should exist. The Commission should be granted powers to monitor current status or progress made by each Member State and to ask for data.

Additionally, to facilitate Member States’ work, there should be tools to disseminate information on the new requirements to the farmers who have to make the change. Training programmes could perhaps be made available as well, which would include information on the different alternative systems that they need to invest in for the future.

Also, an advantage existed and still exists with regard to laying hens, as it is possible to trace eggs due to the mandatory labelling of eggs. Thus all eggs must be marked according to housing system and since 1 January 2012 eggs marked with the number 3 should derive from legal cages. This labelling scheme also enables Member States to trace eggs and egg products and to remove illegal eggs from the internal market. In this manner it is possible to ensure that farmers who have not made the transition do not profit by undercutting those farmers who have invested in new systems. However, this labelling system for eggs is unique, and no other labelling system pertaining to animal welfare exists. How the mandatory labelling scheme could be used to advantage in others cases is for this reason difficult to assess.

The Commission has assessed whether some of the experiences gained on laying hens may be used to develop a strategy for the proper implementation of the up-coming ban on individual sow stalls. Given some of the differences and the fact that the hens are relatively close in time, only a few elements have proved useful. Throughout 2012 the Commission is asking the Member States for continual updates on the degree of implementation and on actions they are taking to introduce group housing of sows. The Commission has furthermore stated that infringement proceedings will be launched in January 2013 against non-compliant Member States.
THE INFRINGEMENT PROCEDURES - FINES FOR NON-COMPLIANCE

Günter Wilms
Legal Service, European Commission, Belgium

The rule of law requires that legislation is respected. In order to ensure compliance of Member States with EU legislation, the European Commission disposes of a powerful tool: it can ask the European Court of Justice to impose financial sanctions on non-compliant Member States. The presentation will concentrate on the main aspects of the procedure, the different types of sanctions and how they are calculated.

FINANCIAL INCENTIVES TO FACILITATE ENFORCEMENT

Véronique Schmit
Executive Policy Officer, Eurogroup for Animals, Belgium

The EU Common Agricultural Policy (CAP) includes several mechanisms which can be used to improve enforcement with legal standards on animal welfare. Some of the measures aim at helping farmers to adapt to new standards, while others provide support for farmers who decide to implement animal welfare commitments going further than the minimum legal provisions, thereby ensuring that these are respected in the first place. Through rural development, farmers have the possibility to participate in training or to receive advice on how to improve their understanding and skills in relation to respecting the minimum legal standards of animal welfare included in cross-compliance, or concerning national animal welfare standards. Support can also be given for investments made to modernise a farm with the purpose of improving animal welfare.

In addition, through cross-compliance, farmers who do not respect the minimum legal requirements of the pigs, the calves and the general farm directives face the risk of losing their CAP subsidies reduced partially or totally withdrawn. This mechanism of conditionality is thus providing an incentive, albeit negative, for farmers to respect the law.

SPECIFIC PROBLEM OF ENFORCEMENT: ILLEGAL EGGS AND THE KLEINGRUPPENHALTUNG (SMALL GROUP HOUSING)

Gabriel Paun
Director of Campaigns, VIER PFOTEN International, Austria

For the husbandry of laying hens, there are three types of rearing systems:
- non-enriched cages
- enriched cages
- non-cage systems

The non-enriched cages, so-called “conventional cages”, provide each laying hen with 550 cm² of space. This type of husbandry has been banned in all EU Member States since 1 January 2012. In the so-called “enriched cages”, a laying hen is given a living space of 750 cm². The third way of keeping laying hens is the non-cage systems like barn or free-range husbandry.

There are two major problems that occur with Council Directive 1999/74/EC: the delay in the implementation and the escape of the hidden eggs.

The delay in the implementation of the Directive might lead to a negative precedent for other Animal Welfare initiatives. Furthermore, farmers who have made efforts to comply with the ban by investing in alternative systems in time have to face unfair competition and price disruption, and therefore severe market disadvantage, as against farmers who still illegally trade using battery cages. What is more, it leads to confusion among consumers.

Eggs are part of the ingredients of a lot of products. About 30% of the EU production of eggs is consumed as processed egg products in the form of egg powder, liquid eggs or whole eggs. These hidden eggs may be found in pasta, sauces, mayonnaise, sweets, liqueurs or as coloured Easter eggs. Producers of processed food do not have to disclose the origin of the eggs. Thus, consumers do not have an overview of which type of husbandry they are supporting when buying certain food products.

FOUR PAWS conducted an opinion poll on the labelling of eggs in food products in 15 European Countries. Considering the results of this opinion poll, it cannot be denied that most consumers want an extended labelling system.
AUSTRIA – THE IMPLEMENTATION OF THE CAGE BAN BY AN INTEGRATED CONCEPTION

Claudia Wöhry
Jurist for animal welfare affairs, Austrian Federal Ministry of Health, Department II/B/10 - Veterinary legislation, animal health and trade in live animals

In Austria, the ban on cages for laying hens already entered into force on 1 January 2009, three years before Council Directive 1999/74/EC became effective for all EU Member States.

Overview of the relevant Austrian legislation pertaining to laying hens:

§ 18 (3) Animal Protection Act
Annex 6 of the 1st Regulation on the Keeping of Animals (Z. Tierhaltungsverordnung)

For amendments concerning farm animals, the Austrian Ministry of Health has to achieve an agreement with the Federal Ministry of Agriculture, Forestry, Environment and Water Management

Concept for the implementation of the ban before 2009:

The ban was already legally stipulated in the Animal Protection Act 2005

2005-2008: the food store chains abandoned eggs from hens in battery cages

2008: CCA discussed the issue during its regular meetings with the heads of provincial veterinary services several times, based on surveys in the provinces

A common approach was adopted with regard to the enforcement measures to be taken in the case of farmers not keeping to the ban Aids paid by the Federal Ministry of Agriculture, Forestry, Environment and Water Management to promote the changeover

Before the deadline for the phasing-out of un-enriched cages ended, all laying hen establishments with cage systems which were registered in the central database of the CA responsible for keeping the laying hen register (Qualitätsprüfungsverband – QGV) were checked and the animal keepers informed of the deadline

After 1 January 2009, inspections of all farms which used to have un-enriched cages were performed, and two farms (one in Carinthia and one in Lower Austria) required subsequent enforcement action on behalf of the CA

At the end of 2011, there were 1,856 farms with laying hens in Austria. 792 (43%) were free-range, 747 (40%) were barn, 17 (1%) were farms with enriched cages and the remaining 310 (17%) were organic farms. Since 2005 national legislation requires that no new farms with enriched cages can be put in operation and those already in operation may continue to operate for up to 15 years after they had been put in operation, but no later than 2020

In 2010 the Animal Welfare Council was reorganised. In addition to the Animal Welfare Council (Tierschutzrat), two other advisory bodies to the Ministry of Health have been established: the Animal Welfare Commission (Tierschutzkommission) and the Advisory Committee on Enforcement (Vollzugsbeirat). The Animal Welfare Commission comprises two experts appointed by the Ministry of Health, two experts appointed by the Ministry of Agriculture and one representative from each of the parties represented in the Austrian Parliament.

The Advisory Committee on Enforcement comprises one representative from the Ministry of Health, one representative from the Ministry of Agriculture, the heads of the provincial veterinary services and the animal welfare ombudsman of the respective province which is chairing the conference of provincial governors. The Animal Welfare Council is the committee of scientific experts

48.5 million is the number of dogs owned in European households. To this number should be added the 120 million stray and abandoned dogs living in Europe. Among this canine population, a significant proportion of them will have to cross intra-European borders to accompany their owners, or to be sold or adopted.

Facing the health risks which might occur due to these movements, and in order to simplify the movement of European citizens – the owners of these dogs – the European Commission adopted an “EU Pet Passport Regulation”, No. 998/2003 in 2003.

Following the rules of this regulation, every EU citizen moving within the EU with their own dog for non-commercial purposes has to present a Pet Passport, which certifies a valid rabies vaccination and identification by chipping. Concerning the commercial movement – trade – of animals, Regulation 998/2003 has briefly amended some older texts, related to trade of farm animals, to make them apply to trade of cats and dogs.

After several years it was evident that the enforcement of the Regulation was not satisfactory. The EU Commission, informed by Member States and by animal welfare organisations, recognised that the non-commercial movement of dogs in the EU has not been simplified: on the contrary, the legal situation is on the one hand too complex for EU citizens, and also leads to legal uncertainty. For these reasons, the need for the registration of dogs is being intensively discussed, and the market with its traffic, and in consequence the illegal dog trade has increased.

Consequently, in 2012 the EU Commission has published a proposal to replace Regulation 998/2003 with another regulation, with the main goals of a better understanding of EU rules for citizens, stronger sanctions and inspections. There are several positive aspects. Nevertheless, there are also deficiencies to be addressed to make the revision operational – to make progress as compared with the existing regulation. And a Europe-wide system of registration in the EU Member States has to be at least strongly recommended. The political goal is a culture of “Responsible Dog Ownership” – this means an appropriate number of owned dogs, owned by responsible and well informed owners. On the way to this goal, the revision has a chance to be one of the success factors in achieving better enforcement for healthy dogs owned by responsible owners.

DOG MOVEMENT AND TRADE IN THE EU – NEW LEGAL PERSPECTIVES

Sophie Duthoit
EU Legal Research Officer, VIER PFOTEN – Stiftung für Tierschutz, Belgium

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After several years it was evident that the enforcement of the Regulation was not satisfactory. The EU Commission, informed by Member States and by animal welfare organisations, recognised that the non-commercial movement of dogs in the EU has not been simplified: on the contrary, the legal situation is on the one hand too complex for EU citizens, and also leads to legal uncertainty, for example, in the differentiation between commercial and non-commercial purposes of transport. Finally the need for the registration of dogs is being intensively discussed, and the market with its traffic, and in consequence the illegal dog trade has increased.

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SPECIFIC ENFORCEMENT PROBLEMS OF REGULATION 998/2003 IN GERMANY

Max Walleitner  
German Juridical Association for Animal Welfare Law (DJGT), Germany

This presentation wants to point out the specific enforcement problems and the legal uncertainty that exists in relation to the movement of companion animals in the so-called Pet Regulation (EG) 998/2003 in Germany. The problems are caused by an imprecise legal formulation and insufficient level of detail within the Regulation. German animal welfare charities save dogs and cats – in other Member States or Third Countries and bring them over to Germany, to give them for adoption to other persons in the framework of a specific agreement. Ownership is not transferred in this case, but only the possession and the obligation to care for the animals.

In a recent decision of the Administrative Court of Schleswig Holstein was stated that in the case of transfers from other countries Regulation 998/2003 is not applicable, and that the case has to be examined at the light of the stricter rules both of Directive 92/65/EEC and of Transport Regulation EC 1/2005. This leads to legal uncertainty.

The core legal problem is the interpretation of the distinction between private and commercial movements in Regulation 998/2003. Precise terms, definitions and clauses at the EU level are needed in order to avoid legal uncertainty in the Member States.

IDENTIFICATION AND REGISTRATION AS ENFORCEMENT TOOL

Paolo Dalla Villa  
Head of Animal Welfare Research Laboratory, Istituto G. Caporale, Teramo, Italy

Companion animal population management in Europe is regulated at the national, regional or even municipal level, and dog identification and registration (I&R), often linked to zoonotic surveillance disease programmes and mandatory rabies vaccination, is promoted at the global level as a fundamental part of responsible pet ownership.

Several European countries have adopted the electronic transponder (microchip) as a unique way of dog identification, but a widespread implementation of integrated systems for data recording and management is still lacking. In Italy, the legislative framework regarding companion animal protection and dog I&R started in 1991, when a national law instituted dog regional databases (DRDBs). The dog national database (DNDB) was introduced later on, in 2003, along with the adoption of the microchip as the only system of dog identification and with the computerisation of the DRDBs. Thanks to the enforcement of these laws, dog I&R finally became a practical tool for the implementation of animal health and welfare legislation, yet some areas for improvement remain. Firstly, the communication between the regional and central databases is effected by sending periodic batch files. This organisational model leads to low efficiency and to mismatches between local and national data. Secondly, the amount of information that the DRDBs periodically provide to the DNDB is sparse and does not cover either the vacinal status or the medical history of animals. These deficiencies lead to an impairment of the whole traceability system and weaken the potential of this tool for disease control and epidemiological purposes.

To further improve and harmonise the existing I&R system, in 2008 the Italian Ministry of Health adopted an “urgent and necessary ordinance” with the aim of strengthening the enforcement of the existing legislation, starting from the interoperability between DRDBs and DNDB. Thanks to its experience in DPM and in the management of livestock national registers, the Istituto G. Caporale of Teramo (ICT) was asked by the Molise region to develop a tailor-made DRDB. For this purpose, the ICT developed a web-based information system: this easy-to-use infrastructure allows the current operating applications to exchange data via the web, without changing the pre-existing systems. Moreover, it allows the standardising of the operational procedures by obtaining a common and structured dataset, which enables the update of the DNDB and hence ensures traceability at a national level. Since multiple web services can be connected together to make an integrated and comprehensive system, this approach could be the solution to collecting, storing and managing dog population data even at international level. Furthermore, this real-time interoperability model will allow a better traceability process without considerable effects of the renovation costs, and will offer an efficient tool to companion animal population management programmes.
Live plucking has been banned in the EU for more than a decade, nevertheless year after year hundreds of thousands of geese are victims of live plucking in several Member States of the European Union. The legislation is not clear, and this is used by parts of the industry to continue this cruel practice. The problem is so-called harvesting (of down). After widespread protests and public outrage in the EU by citizens represented by Animal Welfare organisations over the issue of live plucking in Hungary and Germany, the EU Commission became aware of the problem and mandated the European Food and Agriculture Agency (EFSA) with a report.

EFSA started expert hearings to examine the legal situation. The result was a report which does in fact support the legalising of feather-gathering with brushing methods. Unfortunately, farmers and authorities in goose-producing Member States interpreted the EFSA report as ‘a green light’ for live plucking. In consequence, after this heavily criticised position, live plucking continues to be common and is even increasing. Clearly documented cases of wounded and seriously injured plucked geese on a mass scale were ignored, using the excuse of the EFSA position and the permission to take feather and plucked geese on a mass scale were ignored, using the excuse of the legal situation.

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Enforcement is the responsibility of local authorities, and obviously they very often cover up animal cruelty. Inspections of the EU are announced and therefore do not lead to a result. Authorities often have a lack of resources and knowledge concerning these activities. In consequence, in countries such as Poland, plucking machines created for dead (just slaughtered) animals are used for living birds.

In Germany, to give another example, a live-plucking machine was used for living geese for many years until animal welfare investigators stopped this illegal activity. Furthermore, the result of the subsequent court case was an extremely low fine for the producer. This was the worst that could have happened for the animals, setting a very bad example for the business sector, motivating illegal activities and ultimately having the effect of inviting other producers to ignore compliance. This court case points out a tremendous lack of will at the juridical level – or a knowledge gap in respect of European Animal Welfare Law principles – to take into consideration Art. 13 TFEU (formerly Protocol No. 21 of the Amsterdam Treaty) and to impose adequate penalties on such producers.

Finally, the controversy on live plucking shows that legal uncertainty created by unclear legislation at the European level, giving more consideration to the interests of the producing industry than the field experience of farmers and animal welfare groups, is leading to enormous suffering in the respective Member States and serious animal welfare problems – not to mention the ignorance of the basic principle of Animal Welfare in the Lisbon Treaty (TFEU).

The requirement to use satellite navigation systems has not delivered the anticipated improvement in enforcement. Implementing measures are needed to require systems to have the capacity to transmit data in real time to an EU database to which CAs have access. This will help CAs to verify if journeys are being carried out in compliance with the Regulation.

More effective liaison needs to be developed between Member States (MS). Regulation 1/2005 requires MS of transit or destination, when it discovers a breach, to notify the MS of departure, the MS that granted authorisation to transporter, the MS that granted certificate of approval for vehicle, and MS that granted driver’s certificate of competence. The purpose of this is to prevent recurrence of breaches. Penalties for breaches are often too low. By law they must be “effective, proportionate and dissuasive”. Commission must ensure that penalties are effective and dissuasive.

Many MS are not properly complying with their obligation to submit to the Commission an annual report on their inspection activities together with an analysis of major deficiencies detected and an action plan to address them. These reports, analyses of deficiencies and action plans, if taken seriously by the MS and Commission, would be valuable tools for improving enforcement.

Non-governmental organisations (NGOs) are playing a constructive role. Several NGOs deliver training courses to MS police. NGOs are also working with trade bodies to improve compliance, for example in the production of Practical guidelines to assess fitness for transport of adult bovines.

Enforcement would be easier if long journeys were brought to an end. The Federation of Veterinarians of Europe states that “Animals should be reared as close as possible to the premises on which they are born and slaughtered as close as possible to the point of production”. In order to convert this principle into practical reality, a maximum overall limit of 8 hours should be placed on journeys to slaughter or for further fattening.

**LIVE TRANSPORT AND ENFORCEMENT – AN NGO PERSPECTIVE**

**Peter Stevenson**
Chief Policy Advisor, Compassion in World Farming (CIWF), United Kingdom

Regulation 1/2005 and Regulation 882/2004 on official controls provide the instruments needed for effective enforcement of the legislation on the protection of animals during transport but they are poorly used by many Member States. Regulation 882/2004 requires competent authorities (CAs) to carry out controls in accordance with documented procedures. These must contain information and instructions for staff performing controls.

The main non-compliances include: deficient journey logs, often with unrealistically short estimated journey times, no food, water or rest given during long journeys, insufficient floor space and headroom, failure to meet standards for journeys over 8 hours, transport of unfit animals. CAs should give instructions to local officials as to how to check that the requirements of Regulation 1/2005 are being met and the action to be taken in the event of non-compliance. It would be helpful for the Commission to produce model written procedures which Member States could draw on.

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PIG WELFARE – WAYS TO COMPLIANCE?

Spanish pig farmers are, like all their colleagues in the other EU Member States, facing a great challenge this year: the adaptation of their production structures and husbandry practices to the new animal welfare standards that will be obligatory as of 1 January 2013.

The phasing out of individual stalls for pregnant sows is not the only challenge that Directive 2008/120/EC has set, but it is surely the most visible one. Sows and gilts are to be kept in groups during a period starting from four weeks after the service to one week before farrowing. That sentence is not very long on the page and is very impressive when put into a headline, but it implies an extraordinarily big structural and management change if we descend to the real world of an actual pig farm.

We must bear in mind that the aim of this legislation is to improve the welfare of European sows and gilts and to meet the demands of a significant proportion of European citizens. On the other hand, we must also take into account that the adaptation to these requirements has an important economic impact on our farmers, their families and employees, and that unfortunately this is coordinating with the regional authorities the publication of a legal instrument that would enable compliance while avoiding undesired and undesirable consequences (like, for example, the culling of pregnant sows in January 2013).

We hope that these measures, the engagement of the Spanish pig producers and the coordination among all competent authorities and stakeholders will get us to the desired result: full compliance by 1 January 2013.

Mark Jones
Executive Director, Humane Society International (HSI), United Kingdom

Directive 2010/63 EU on the protection of animals used for scientific purposes provides enforcement challenges as well as opportunities. As well as setting out a number of clearly defined requirements, the directive stipulates that ‘the principles of replacement, reduction and refinement should be considered systematically’ (Recital 11), and goes on to identify specific aspects within the scope of the Directive to which these principles must be applied. However, correct application of the 3Rs is necessarily dynamic and responsive to developing scientific and animal welfare knowledge, so the Directive foresees animal breeders, suppliers and users, as well as regulators, committing to the shared objective of minimising harm caused to animals at all stages of their lives, and replacing and reducing their use whenever possible. While this is a laudable aim – backed up by legal requirements – achieving such a culture of compliance is far from easy and monitoring success is almost impossible.

Sound enforcement should be underpinned by regular inspections and measures to ensure transparency. Responses to the Commission’s consultations on revision of Directive 86/609 indicated that animal welfare organisations as well as members of the public lacked confidence in authorities to enforce existing legislation and that this was in part due to excessive secrecy surrounding the use of animals in laboratories. Transposition of Directive 2010/63 EU provides an opportunity for Member States to improve reporting on inspections and levels of compliance.

The inspection regime described in Article 34 of the Directive requires breeders, suppliers and users of non-human primates to be inspected at least once a year, and other establishments to be inspected ‘regularly’ applying a risk-based system with ‘an appropriate proportion’ of the inspections being carried out without prior warning. This minimum requirement is clearly not sufficient to ensure public confidence and it is hoped that Member States will exceed the minimum wherever possible. The European Commission may undertake ‘controls’ of the infrastructure and operation of national inspections when concerns arise (Article 35), and Member States will report to the Commission on inspections and compliance issues (Article 54). It is necessary for the reports to the Commission to be made public, along with details of infringements and penalties applied.

Along with potential for inspections to be sparse and poorly reported, another major problem to be faced is the potential for differing application of severity classifications. A number of measures depend on the severity classification assigned to a project before authorisation is granted, yet systems to ensure uniform interpretation of the upper and lower limits of each classification are needed. It is hoped that the Commission will actively monitor the way in which severity classifications are assigned in the Member States because failure to do this could result in wrongly assigned projects being inadequately regulated.

Application of replacement, reduction and refinement methods as required by Articles 4 and 13 depends to a large extent on good communication, so networks connecting the ‘single contact point’ described in Article 47 to designated veterinarians (Article 25), personnel (Article 21), Animal Welfare Bodies (Article 27), National Committees (Article 49) and the Commission will be essential.

Oscar Dignoes Torres-Quevedo
Veterinary Officer, Animal Welfare Unit of the Ministry for Agriculture, Food and Environment, Spain

PROTECTION OF ANIMALS USED FOR SCIENTIFIC PURPOSES: ENFORCEMENT CONSIDERATION
The Food and Veterinary Office (FVO) was established in Ireland in September 1997, and has been located in Grange since 2002. It is Directorate F of DG SANCO.

The FVO is responsible for monitoring compliance with EU legislation in the fields of food safety, animal health, animal welfare and plant health. Through its audits and missions, it is therefore the “eyes and ears” of the Commission. It also helps EU policies to be developed and refined with the lessons from on-the-ground audit findings. It provides the Commission with an effective and transparent control systems and stimulates enforcement in the fields of food safety, animal health, animal welfare and plant health.

Animal welfare topics are mainly farm animals (laying hens, broilers), transport and slaughter, which are linked with food safety and trade; at present, companion animals are not included yet.

Animal welfare definitely is a societal issue, and perfectly falls within the field of competence and expertise of the veterinary profession. However, in a number of cases veterinary expertise alone appears to be insufficient to get things right. In these cases, the veterinarian needs the support of the national competent authority to encourage animal owners and keepers to take action. To ensure that national authorities fulfil their role and adhere to EU legislation, the FVO’s missions, expert reports and recommendations are indispensable. Their objective and transparent evaluation of national Veterinary Services, including the quantity and quality of resources, are critical for what can finally be achieved in the field, at the level of the animals.

The 2010 evaluation of the Community Action Plan on the Protection and Welfare of Animals found that the scope of the EU welfare legislation should be extended and other groups of animals could benefit from higher welfare standards. This can be simply achieved by the action of good veterinary services in each country, based on complementarity and collaboration between public and private veterinarians.

First, this presentation will not give an overview of all academic jurists’ expectations on the sensitive topic of animal welfare, as most of them do not really care about the issue. However, the presentation does convey the expectations of a French Law teacher, who is not the only one in France to care about animal welfare, but one who would be very lonely if he had failed to bring together some willing colleagues to create in 2009 the Biannual Review of Animal Law (Revue Semestrielle de Droit Animalier; RSDA).

Some of these colleagues have shown in their own way, by criticising the concept of animal welfare at the national and European level, that this concept is more considered to be an absence of discomfort, which is not the same as animal welfare. It is necessary, however, to show the importance of the link between the juridical protection of animal welfare and the recognition of animals as sentient beings. In this regard, it should not be forgotten that it is only with the coming into force of the Lisbon Treaty that the European legislative explicitly requires the respect of animal welfare, since animals are sentient beings.

According to this, what we should expect from the legislative body is the implementation of a clear legal status. Otherwise, the recognition of animals as sentient beings will only be a red rag instead of a real social issue which would upset breeders, transporters or scientists using animals for testing.

In the short-term view and in a more pragmatic way we can expect from the legislative body a better transposition and implementation of Directive 2010/63 of 22 September 2010 on the protection of animals used for scientific purposes, where the Preamble declares that animal welfare is a value of the European Union.
EXPECTATIONS OF LAWYERS IN PRACTICE TO THE EU ENFORCEMENT SYSTEM AND TO COMPETENT AUTHORITIES

Noor Evertsen
Legal Consultant, Dier&Recht, The Netherlands

The development of new, simplified legislation for animal welfare is one of the proposed actions in the EU Strategy for the Protection and Welfare of Animals 2012-2015. Lack of enforcement of existing EU legislation, however, is considered one of the main problems compromising the welfare status of animals in the EU. The establishment of general principles in a revised EU legislative framework “may ultimately facilitate enforcement”, but it will probably take more time for this framework to take shape than the urgency of strengthening enforcement allows. What can be done in the short term?

The development of a network of reference centres for animal welfare, which aim to support the competent authorities with information, is a promising point of departure – if the offer is expanded beyond technical information.

The experience and expertise gathered by practising lawyers, especially those associated with non-governmental organisations (NGOs), might be part of the solution. Yet these professionals are not mentioned as possible partners in relation to information centres or education strategies.

They are knowledgeable not only in EU-based welfare legislation but also in the national legislation of the Member States, they routinely track successes and omissions in enforcement, they elicit and study case law, they have long worked for companion animals and they are dedicated to the legal advancement of animal interests.

Some NGOs are ready to share their experience with enforcement officials, others might be unwilling to compromise their independence. But it seems a waste of effort not to cooperate, and the competent authorities should take the initiative to close this communication gap.

Lawyers expect the competent authorities – of course – to pursue transparency and accountability, to pay more attention to animal welfare, to show commitment to permanent education, to retain their independence. They are supposed to work like that, but in the experience of (NGO) lawyers they are not always living up to expectations. And in the not too distant future, we would want them to take part in the rethink of the position of animals in economics and the legal system.

EXPECTATIONS OF THE EUROPEAN COMMISSION WITH REGARD TO MEMBER STATES’ STRUCTURES OF ENFORCEMENT

Francesca Volpi
Legislative Officer Enforcement, DG SANCO E5, European Commission, Belgium

The responsibility to enforce EU animal welfare legislation lies with Member States, whose authorities monitor and verify that the relevant requirements are effectively implemented, complied with and enforced across the Union. In doing that, Member States verify that operators’ activities, animals and goods placed on the EU market are compliant with EU animal welfare standards.

For such a key task to be effectively accomplished, Regulation (EC) No. 882/2004 provides the Member States with a broad range of tools to assist and guide them in the enforcement activities. Proper enforcement of animal welfare rules depends on the capacity of Member States to use the instruments established by EU law, and in particular those laid down in Regulation (EC) No. 882/2004, efficiently and at their full potential.

The main instruments at the disposal of Member States are the preparation of a plan of controls to be carried out at a frequency depending on the risk, a set of enforcement actions that can be taken by competent authorities within their territories and a mechanism for administrative cooperation between Member States in case of cross-border non-compliance.

Article 54 of Regulation (EC) No. 882/2004 provides the Member States with powers and authority to take action in case of non-compliance identified by their competent authorities, with a view to eliminating such non-compliance. The Article lists a number of possible measures that can be taken by competent authorities for that purpose, among which are possible restrictions or prohibition of the marketing of certain products, but also the suspension or withdrawal of the establishment’s approval, the suspension or closure of the business, and any other measure the competent authority deems appropriate.

Ensuring enforcement of animal welfare legislation is extremely challenging because often non-compliances cannot be detected by checking animals and their products. Therefore, particular attention should be paid in taking measures which are appropriate but also proportionate to what is necessary to ensure the enforcement.

Thus, the prohibition of placing on the market products produced through a non-compliant process could be considered an appropriate measure to obtain compliance. The same goes for the suspension or closure of the business. Considering the purpose of the measure, competent authorities would only be able to issue measures under Article 54 in respect of operators which are subject to their enforcement powers and which are found to be non-compliant. The same applies to sanctions issued in accordance with Article 55 of the same Regulation.

When the authorities of a Member State have reasons to believe that serious non-compliances are ongoing in another Member State which require action from them or from the authorities in that Member State in order to ensure full implementation of the animal welfare rules, they should resort to the mechanisms for administrative cooperation between Member States. In other words, their efforts should focus on apprehending the source of the non-compliance, and on asking the competent authorities in the Member State of origin to take action to terminate it.
European citizens expect animals to be treated as sentient beings. However, minimum legal standards are often not sufficient to ensure that every animal’s basic requirements are met. Therefore the enforcement of these minimum rules is not the only answer. Enforcement is only one element of an animal welfare strategy, and it needs to be linked with other measures such as training, information dissemination, sharing of best practice and, where needed, funding to create lasting improvements in animal welfare.

In times when resources are scarce it is also necessary to look at new approaches, new partnerships between authorities, NGOs and the production sector involved. It is vital that new technology and alternative solutions which involve and mobilise the producers and the broader industry are adopted and encouraged.

In this respect, NGOs have an important role to play in highlighting non-compliance and gathering evidence, but also in delivering expertise, training and assistance to authorities.

In other EU policy areas, such as the environment and consumer protection and the fisheries policy, some interesting examples are already in place which can be used as a basis for a much-needed animal welfare enforcement strategy.

Enforcement is one of the main points of the New EU Animal Welfare Strategy – and it is more than a road map but a real strategy working on animal welfare on different levels.

Without strong enforcement, rules and regulations cannot achieve their goals. Regulations and guidelines can work, but only if they can be understood by everyone who must comply with them. So the European Commission is making it easier for EU countries to enforce animal welfare rules and improve training for veterinarians who inspect farms, while also encouraging countries to share tips on ideal husbandry practices. If animal welfare rules are not respected, the European Commission has the power to bring legal action before the EU Court of Justice against countries that do not respect EU law.

To make sure that farmers and animal welfare officials are properly trained and informed, the European Commission is considering establishing a network of “Reference Centers.” Their many role would include coordinating EU applied research, providing officials with the information they need to implement EU legislation, and supplying the Commission and EU countries with updated technical information. The centers would also establish training courses on animal welfare and other cooperative projects with non-EU countries.
EUROGROUP FOR ANIMALS

Eurogroup for Animals represents more than 40 animal welfare organisations from nearly all EU Member States. Since its launch in 1980, the organisation has succeeded in encouraging the EU to adopt higher legal standards for animal protection. Eurogroup represents public opinion through its membership organisations across the Union, and has both the scientific and technical expertise to provide authoritative advice on issues relating to animal welfare.

ISTITUTO ZOO PROFILATTICO SPERIMENTALE DELL’ABRUZZO E DEL MOLISE “G. CAPORALE”

(Istituto G. Caporale, ICT)

ICT pursues a scalable and sustainable approach to AW to produce, develop, and disseminate science-based knowledge. Some examples are:

- www.sancotraining.izs.it: ICT is training provider of the DG SANCO of the EC on animal welfare issues, since 2007. In 2011, ICT became the first eLearning provider of DG SANCO’s courses and 2012 it was reappointed for further 5 eLearning modules. Both contracts include inclusion of AW;
- www.calipso-project.eu: as an example of networking, knowledge dissemination and collaborative knowledge management on zoonoses transmitted by companion animals;
- www.carnidog.eu: as an example of multitasking and multidisciplinary platform developed by Vier Pfoten International with the technical contribution of ICT (Companion animal protection and welfare is a key research area. ICT has a consolidated experience in urban veterinary hygiene, dog population management (DPFM) and animal traceability);
- www.controlpost.eu: web site of the two SANCO funded projects on “Renovating and promoting high quality control posts in the European Union” and “Promoting high quality control posts: development of scientific basis of certification schemes for animal transport”.

FEDERATION OF VETERINARIANS OF EUROPE

The FVE (Federation of Veterinarians of Europe) is an umbrella organisation of veterinary organisation in 38 countries. The FVE contains 4 sections each of which representing key groups within our profession: Practitioners (UEVP), Hygienists (UEVH), Veterinary State Officers (EASVO) and veterinarians in Education, Research and Industry (EVERI).

The FVE is of opinion that the current legislation and new legislation is only useful when correctly implemented and enforced on all levels. The veterinarian plays a vital role in animal related law enforcement; they are the objective center between the animal, the owner and society. The FVE strives to create equal and good working conditions for all veterinarians now and in the future. Currently a curriculum is formed to improve the competences especially related to animal welfare, relevant ethics and legislation by the animal welfare curriculum working group. The aim is to introduce a uniform competences based study program at all veterinarian universities in Europe. Together we can increase the implementation and enforcement of European animal welfare related legislation and improve the life of animals.

UNIVERSITAT AUTÒNOMA DE BARCELONA

As one of the first animal welfare-related study programmes in Europe, the master Animal Law and Society of the Free University of Barcelona builds a bridge between law studies and scientific approaches in the field of animals. Established by Prof. Dr. Teresa Gimenez-Candela, the master study aims to train experts in animal-related professions and while its based on a comparative law perspective, it bears in mind the needs of society as a whole.

The master Animal Law and Society is a professional specialisation programme, addressed to those, who are interested in developing a profession related to animals. It provides its students with the necessary practical and theoretical skills which are demanded by society, and due to its interdisciplinary approach, the master gives training in knowledge of animals in the fields of law, ethology, nutrition and welfare, ethical dimensions, organisation and social responsibility, artistic representations and entertainment.

Next to many practical sessions, the programme aims to prepare and train professionals in handling the new challenges posed by society and its relation with animals. The students shall stand in constant communication and be increasingly aware of the role a humane treatment to animals represents for sustainable development and for a peaceful coexistence.

Since January 2011, when the Free University of Barcelona offered the graduate course for the first time, the master Animal Law and Society has done an important step towards closing the gap in animal welfare education in Europe.
The Deutsche Juristische Gesellschaft für Tierschutzrecht e.V. ("DJGT", translation: German Juridical Association for Animal Welfare Law) is an association whose members – primarily lawyers – specialise in German, European and international animal welfare law (www.djgt.de).

The association was founded in April 2010 in Berlin.

The aim of the DJGT is to promote the development of animal welfare law and its enforcement.

In 2002, the inclusion of animal welfare in the Grundgesetz (German Basic Law) as an aim of the state elevated animal welfare to a constitutionally protected legal asset. The same is also true of animal welfare in the European constitution. In light of this development, it is our aim to promote the continuous development of animal welfare law and the effective enforcement of existing provisions by means of legal argument and expert opinion.

Through its own efforts as well as its cooperation with other animal welfare organizations, the DJGT engages in legal and political debate in order to increase the awareness of animal welfare amongst the public, politicians and the administration. Thereby, the DJGT concentrates its efforts on influencing political will within the framework of the legislative process.

Another official aim of the DJGT is to promote awareness and distribute information to colleagues within the legal profession, veterinarians and other parties who are interested in animal welfare.

Furthermore, the DJGT is keen to develop a network in order to enable jurists interested in animal welfare to exchange views and information.

The German Jurists’ Association for Animal Welfare Law pursues its aims neutrally and independently using serious legal arguments and opinions. The DJGT sees itself as an independent body, unaffiliated to any political party and free from commercial interests, which campaigns to increase animal rights. We use the law as a means to change attitudes and practices in the interests of animal welfare.

Our activities include the drafting, publication and distribution of opinions, expert reports, statements and contributions to animal welfare law at national, European and international level. Among our projects of particular importance are the drafts of a new Animal Welfare Act and Vivisection Regulation. Furthermore, representatives of the DJGT have participated in the parliamentary hearings of various federal states concerning the introduction of a class action related to animal welfare.

Our expert report on the possibility of imposing a legal obligation to neuter cats was instrumental in persuading a number of cities to introduce such an obligation.

The DJGT’s also supports seminars for veterinarians, judges, state prosecutors and trainee lawyers, hosts legal events and jointly organises conferences on animal welfare law at national and European level.

The core of the foundation is its specialised library with about 14,000 publications (as of 2012) on animals in the law, ethics and society. It probably forms the most comprehensive collection of literature on this issue in the German-speaking area, offering scientists, students and media people an enormous information pool for their work. The “virtual library”, which can be accessed at www.tierimrecht.org, offers bibliographic information on more than 10,000 works. In addition, a media archive which is attached to the library encompasses newspaper and magazine articles on more than 200 animal welfare topics.

With the work it is doing, Stiftung für das Tier im Recht has achieved some important successes for animal welfare. For example, TIR was a major contributor in the shift of perception in Swiss law towards seeing animals no longer as “things” but as independent beings, and it also helped to ensure that since 2008 the dignity of animals has been protected in Switzerland through the animal welfare law. Moreover, TIR contributed significantly to the ban on sexually motivated acts with animals, which has applied since 2008.

Thanks to the ambitions of TIR, animal welfare law is no longer a marginal topic among professionals in Switzerland, but has developed more and more into an independent expert field. Finally, the TIR run database has already achieved more transparency in criminal practices, which prompts the responsible authorities to take animal welfare-related offences more seriously and to open criminal proceedings on this issue more of ten.
Helmut Dungler, President of VIER PFOTEN International, and his Conference Partners would like to invite you to an

Animal Welfare Evening Reception

On 12 June 2012 at 19.00h
at the Representation of the State of Baden-Württemberg to the European Union
60-62 Rue Belliard
1040 Brussels

Corresponding to our Conference issue
the new and very first Animal Welfare Commissioner of the State of Baden-Württemberg,
Dr. Cornelie Jäger, and her colleague Dr. Christoph Maisack will be presented,
Dr. Jäger will give an outlook of the work on enforcement.

We would be delighted to welcome you not only for a dinner with special regional delicacies and drinks but also for the Collegium Musicum Veterinarium “Syrinx”.

Programme

Animal Welfare Evening Reception
at the Representation of the State of Baden-Württemberg
on 12 June 2012 at 19:00

19:00  Reception with aperitif and „schwäbischen Laugenbrezeln“

19:30  Welcome Speech
Eyke Peveling, Deputy Chief of the Representation of the State of Baden-Württemberg to the EU, including a short introduction of the new Animal Welfare Commissioner of the State of Baden-Württemberg, Dr. Cornelie Jäger.
Helmut Dungler, President of VIER PFOTEN International

19:50  Collegium Musicum Veterinarium “Syrinx”

20:30  Walking Dinner

21:00  Collegium Musicum Veterinarium “Syrinx”
get together
THE ANIMAL WELFARE COMMISSIONER IN THE STATE OF BADEN-WÜRTTEMBERG, GERMANY

Cornelie Jäger

As laid down in the coalition agreement of the “Red-Green” government, a Commissioner for animal welfare, or more specifically a staff unit for animal welfare, was established in the Ministry for Agriculture, Rural Development and Consumer Protection of the State of Baden-Württemberg in Germany on 12 April 2012. Together, veterinarian Dr Cornelie Jäger and lawyer Dr Christoph Maisack form an interdisciplinary unit which functions as the central point of contact in the federal state for citizens, animal welfare organisations, animal keeper organisations, as well as for the administration.

Although the functions of the Animal Welfare Commissioner in the State of Baden-Württemberg are purely advisory and do not include official rights, the Commissioner acts independently, is not bound to the usual work paths and has direct access to the head of the Ministry. Accordingly, the animal welfare unit is expected to deliver independent professional positions on individual cases as well as general questions. In conflicting cases related to animal welfare, the unit shall provide support with professional solution strategies. Its main goal is to bring together as much knowledge and experience on animal welfare as possible in one network.

Against this organisational background, the Animal Welfare Commissioner has set out two main objectives which are continuously worked on. The first objective is to strengthen animal welfare in slaughterhouses. Here the unit offers professional educational training to butchers and personnel in cooperation with a veterinary authority. At the same time, the unit wants to create more public awareness of this rather unpopular topic. This difficult and at the same time practical aspect of animal welfare should be in the interest of consumers and therefore valuable. Regional slaughter with highly qualified staff fulfilling this responsibility without the usual time pressures is seen as an important part of animal welfare in the State of Baden-Württemberg.

The second objective arises from the State’s status as a strong research region where many extensive experiments on animals are carried out. Here the unit wants to promote an objective, unbiased debate on how to implement the legal provisions of the so-called ‘Three Rs’ in everyday research.

Besides this, there are a few more project topics and individual cases which are dealt with in the unit. The scope extends from local commandments for the castration of free-ranging cats to the so-called immune-castration of piglets, to housing provisions for animals in zoos and circuses.

Moreover, individual cases can dictate the day-to-day tasks undertaken, such as mediating for better animal keeping, clarifying legal aspects of animal shelters, recording animal welfare-related legal proceedings or supporting animal welfare authorities with legal appraisals and positions.

For further information: http://www.ml.baden-wuerttemberg.de/Landesbeauftragte_fuer_Tierschutz/108211.html

THE EUROPEAN ENFORCEMENT NETWORK FOR ANIMAL WELFARE LAWYERS AND COMMISSIONERS

The network in general

The European Enforcement Network of Animal Welfare Lawyers and Animal Welfare Commissioners was created on 13th June 2012 as an outcome of the “Enforcement of Animal Welfare Related Legislation” Conference. The conclusion of the Conference underlined that inadequate enforcement is a problem in almost all animal welfare related EU legislation. The need to take better account at all levels of the general EU animal welfare principle laid down by Article 13 of the Lisbon Treaty (TEL) was also outlined, as well as the need for a common European understanding of animal welfare and an enhanced culture of compliance and enforcement.

The new Animal Welfare Strategy of the EU Commission intends to focus on proper enforcement of animal welfare legislation in the coming years. Nonetheless, better enforcement is first and foremost a national issue, as Member States have first responsibility. Past experiences have shown that lack of enforcement is often due to a lack of systematic cooperation between official veterinarians and lawyers and a lack of animal welfare education among jurists (lawyers, prosecutors, judges, etc.) due to a lack of animal welfare legal studies courses on offer.

Considering all these points, a group of animal welfare lawyers have decided to establish a professional and dynamic network in order to improve enforcement of EU animal welfare legislation at the national level. This network aims to share knowledge about the enforcement of EU animal welfare legislation in Europe in order to identify best practices and contribute towards the development of the EU’s first Enforcement Strategy in line with the upcoming EU Animal Welfare Framework Law and the EU Animal Welfare Strategy. Several educational tools might be used for this purpose, including the organisation of roundtables, conferences, etc.

In the long term, the main goal of this network is to strengthen animal welfare in all Member States.

Dr Andrea Gavvelli (DG SANCO Unit C3), in a letter addressed to the European Policy Office of VIER PFOTEN / FOUR PAWS, has expressed the EU Commission’s enthusiasm for our network which, according to him, will “certainly provide important intellectual resources to support and strengthen the new EU Strategy for the Protection and Welfare of Animals”.

All lawyers working in animal welfare or having an animal welfare education can become active members of the network, at their own request or by invitation. Veterinarians can also become observer members if they have done practical work on animal welfare legislation.

The Website

One tool of the network is the website, which has as its main aim the exchange of legal knowledge related to animal welfare enforcement. The website aims to be a practical educational tool for practitioners and students.

The website has the following committed partners:
- VIER PFOTEN – Stiftung für Tierschutz (European Policy Office), Brussels
- The German Juridical Association for Animal Welfare Law (DJGT), Berlin
- Stiftung für das Tier im Recht, Zürich
- The Research Group ADS/ALS of the Free University of Barcelona

These are all law-focused organisations or persons including, for example, those working at a scientific level or a current Animal Welfare Commissioner, and representing all lawyers working in this field and official functions in several EU Member States.

The European Policy Office of VIER PFOTEN is covering the website costs and providing technical maintenance. Partnership does not involve any financial contribution from partners, but rather their active support for the content.

For further information: www.vier-pfoten.eu (website launch early 2013)
SILVIA D’ALBENZIO  
Senior Training Manager, Istituto G. Caporale – Teramo, Italy

Having worked for 20 years in the Human Resources Management sector – both for public authorities and private companies – Silvia D’Albenzio joined the Istituto G. Caporale about five years ago.

She has acquired strong experience in team building and team management, research on training needs, skills balance and vocational guidance, and planning and management of research and training pilot projects focused on traditional and e-learning methods. She is also well experienced in the implementation, organisation and management of national and transnational partnerships, in teaching through traditional and innovative e-learning tools, in organising press conferences, congresses and workshops at national and European levels, and also participating in them as a speaker.

Since 2007 Silvia has been the planner and event manager of DG SANCO training courses on animal welfare issues (transport, stunning and killing in slaughterhouses, killing for disease control, farming of pigs, farming of layer hens and broiler chickens).

Since 2011 she has been leading, in parallel, all the project phases concerning international e-learning activities on animal welfare, such as: “Renovating and promoting high quality control posts in the EU” – , and modules for e-learning training courses under the “Better Training for Safer Food” initiative.

She is also coordinating the information and dissemination strategy based on learning communities, as foreseen by the project “Development of EU wide animal transport certification system and renovation of control posts in the European Union”, financed by DG SANCO.

DR. GIERI BOLLIGER  
Director and Attorney at Law, Stiftung für das Tier im Recht (TIR) – Foundation for the Animal in the Law, Switzerland

Since 2000 Gieri Bolliger has worked for the Foundation for the Animal in the Law (Stiftung für das Tier im Recht, TIR, www.tierimrecht.org) in Zurich – a Swiss animal welfare organisation which focuses on legal and ethical aspects – first as a Research Associate, and since 2007 as Executive Director.

He is a Doctor of Law and an attorney at law. He finished his studies at the University of Zurich in 1994 and received his PhD in 2000 with his “summa cum laude”-awarded thesis on European Animal Welfare Law (“Europäisches Tierschutzrecht – Tierschutzbestimmungen des Europarats und der Europäischen Union”).

He gained admission to the Zurich bar in 2003. Since 2005 he has held a teaching assignment on animal welfare law at the University of Zurich.


Gieri Bolliger is a frequent speaker at congresses on issues of animal welfare law. From 1999 to 2009 he was a member and Animal Welfare Deputy of the Animal Experiment Committee of the canton of Zurich. Since 2011 he has been a member of the Committee of Animal Welfare of the canton of Zurich.

DR. BIRTE BROBERG  
Senior Veterinary Officer, Danish Veterinary and Food Service, Denmark

Birte Broberg is a Senior Veterinary Officer at the Danish Veterinary and Food Administration. She graduated in 1974 from the Royal Veterinary and Agricultural University (now the Faculty of Life Sciences, University of Copenhagen). From 1974 to 1982 she was involved in the control and eradication of certain diseases.

She joined the Danish Veterinary and Food Administration in 1982, and until the mid-1990s her main areas of activity were import/export of live animals, transport of animals, and exotic diseases, including contingency planning. Since then she has particularly focused on animal welfare and to a lesser extent on zootecchnical matters.

With regard to animal welfare, her main responsibilities are the preparation of national legislation, and enforcement and control of the legislation, including audits and arranging training courses. She has taken part in most negotiations on animal welfare legislation in the EU and the Council of Europe. From 1999 to 2006 she was Chair of the Standing Committee of the European Convention for the Protection of Animals Kept for Farming Purposes. She has been a speaker at a number of training courses and workshops arranged by INEX concerning legislation on animal welfare, has been involved in twinning projects, and has participated as a national expert in FVO inspections in Member States with the aim of checking compliance with EU legislation on animal welfare.

CARLA BROWN  
Legislative Affairs Manager, World Society for the Protection of Animals (WSPA), United Kingdom

After years carrying out voluntary work and fundraising for animal welfare organisations in her spare time, Carla decided to leave the media world where she had previously worked and made the switch to work for an animal charity full-time. While working as an RSPCA Inspector in the area of law enforcement, she was able to see first-hand the impact of cruelty to animals, the need for proper education of the public with respect to animals’ needs and the requirement for adequate legislation and enforcement. This has driven her passion to ensure that legislative safeguards exist in every country of the world and that they deliver suitable protection to all animals, regardless of species.

Carla works as Legislative Affairs Manager for the World Society for the Protection of Animals (WSPA), based at their international office in the UK. Prior to this, she has worked in a variety of roles with animals both through voluntary and paid employment, and has extensive hands-on experience with wild, farmed and domestic animals. Her knowledge of animal welfare and understanding of animal needs help her to apply her legal knowledge in order to specialise in the development of animal protection legislation in countries around the world.
DR CHRISTOPHE Buhot
President of the Federation of Veterinarians of Europe (FVE), Belgium


Dr Buhot worked in a large animal practice in Ambazac (central France, near Limoges), in a mixed practice of three vets in Gaillac (south-west France, between Toulouse and Albi), in various canine practices in Arcachon (on the Atlantic coast) and in Bordeaux, during his studies and after his graduation.

He started his own mixed practice in 1987 in Castelnau de Médoc, near Bordeaux. This is now mainly a small animal practice with three assistants and three nurses.

Dr Buhot has been a Board Member and Treasurer of the SNVEL (Syndicat National des Vétérinaires d’Exercice Libéral), French association of practitioners, since 1998.

From 2001 to 2005 he was Secretary General of the UEVP (Union of European Veterinary Practitioners, a section of the FVE), and President of the organisation from 2005 to 2009.

From 2009 to 2011 he was Vice-President of the FVE (Federation of Veterinarians of Europe). He is now President of the FVE.

DR TERENCE CASSIDY
Head of Sector (Animal Welfare), Food and Veterinary Office, European Commission, Ireland

Dr Terence Cassidy gained a Bachelor’s degree in Veterinary Medicine from University College Dublin in 1989. He gained a Master’s degree (with distinction) in applied animal behaviour and animal welfare from the University of Edinburgh in 1997.

He has been carrying out audits on animal welfare controls since 1999 in his current post at the Food and Veterinary Office, and has been Head of Sector since 2002.

PROF DR TERESA GIMÉNEZ-CANDELA
Law Professor, initiator of the Masterstudy “Animals in Law and Society”, Free University of Barcelona, Spain

Teresa Giménez-Candela has an LL.B. and Ph.D. (Special Prize for Merit) in Law from the Universidad de Navarra, Pamplona. She completed her thesis in Roman studies and since 1985, she worked at the Leopold Wenger Institut (München) and was granted by the Humboldt Foundation. She also studied Latin Philology at the Universidad Literaria de Valencia and has a good command of principal scientifical languages.

She is full Professor on Roman Law since 1998; since 1998, she has been called full Professor at the Faculty of Law, Universitat Autònoma de Barcelona, where she currently resides. Since 2007-2008 she also teaches at the Faculty of Law, Universitat Autònoma de Barcelona, “Animal Law. Comparative Law” (this course is given for the first time in a Spanish Faculty of Law) and “Global Law”. She is the Director of the Postgraduate Program: “Animals, Law and Society” which started the academic year 2010-2011. She is the Director of the Master in Animal Law and Society which starts in the academic year 2011-2012.

She is the Director of the Research Group ADS (Animales, Derecho y Sociedad). Is the founder and editor of the web page (www.derechoanimal.info), which includes the first database in Spain about animal legislation and case Law. She has been Visiting Professor in many Universities in Europe, Latin-America, Asia and the USA. She has given courses, seminars and lectures in Spanish and foreign Universities. She is a member of the many highly scientific and academic societies; she has held many academic positions and she was acting Judge at the “Tribunal Superior de Justicia de Cataluña”.

In her spare time she enjoys listening to opera, gardening and outdoor sports.

MARIJKE DE JONG
Senior policy adviser at Dutch Society for the Protection of Animals (Dierenbescherming), The Netherlands

Marijke De Jong studied in the Wageningen Universiteit en Researchcentrum. After working for the Research Centre of the University of Wageningen, she currently works as senior policy adviser at the Dutch Society for the Protection of Animals (Dierenbescherming).

She is managing the animal welfare label “beter leven”.

Privately, she is a horse rider, trainer and instructor.
Dr Oscar Dignoes gained a Degree in Veterinary Medicine from the Universidad Complutense (Madrid, 1987) and a Bachelor in Law from UNED (Madrid, 2005).

He entered the Civil Service in 2007. He was initially appointed as Official Veterinary Inspector at the BIP (Border Inspection Post) in Alicante. Since April 2010 he has been assigned to the Animal Welfare Unit at the Ministry of Agriculture, Food and Environment, which is responsible for elaborating national legislation at the central level, and for coordinating the implementation of legislation related to the welfare of production animals in the farm, during transport, the killing of animals not destined for human consumption, and also for the protection of animals used for scientific purposes.

Sophie Duthoit is a European Legal Research Officer at the VIER PFOTEN/FOUR PAWS European Policy Office in Brussels and parallel she is doing her PhD on Animal Traffic in France.

With her legal background and her formal experience as a volunteer at shelters and animal welfare associations in France, Ms. Duthoit has specialised in covering animals under the European legal framework and free market policies.

After five years studying European law in Lille (France), Sophie Duthoit pursued her great interest in European law and animal welfare while working for one year in the VIER PFOTEN/FOUR PAWS EPO in Brussels, firstly nine months as an intern and later as a full team member. During her last year of university studies and her internship in the EPO, she wrote a legal thesis in 2011 addressing the commercial and non-commercial movement of companion animals within the European Union.

Helmut Dungler worked for one year at the Red Cross, then he started to study veterinary medicine at the University of Vienna, worked for Greenpeace as a campaigner for the protection of species, and on the study “Animal suffering in our society” for the Ministry for Environmental Protection, Austria. He has a degree in “Psycho-social and socio-economic crisis and disasfermangement” at the UMIT University, Hall in Tirol.

In 1988 Helmut founded the animal welfare organisation VIER PFOTEN in Vienna. Six years later the first office in Germany was opened, and today the organisation has representations in 11 countries (9 European countries, South Africa and USA).

Helmut Dungler has been a member of the board of directors in the following organisations: “Öko-Büro”, the Austrian organisation for environment, nature and animal welfare (1994-1999); “Fundraising Manager Austria”, Vienna (1996-2003); “Kontrollstelle für artgemäße Tierhaltung”, Bruck/Mur, Austria (1996-2005).

He has been a member of the advisory board of the World Society for the Protection of Animals in London since 2003, and a member of the executive committee of Eurogroup for Animals in Brussels since 2007.

In 2008 Helmut Dungler received the “Order of Merit for services rendered to the Republic of Austria” from the Federal President of Austria in honour of his work.

When Noor Evertsen was lecturing at the School for Library and Information Science in The Hague, animals kept crossing her path, and she decided to attend law school so she might help improve animals’ lives by promoting better laws and better enforcement of those laws. For the first Dutch Professor of Animal Law, Dirk Brou, she co-developed a course on enforcement.

After that, she worked with Dier&Recht and for associated NGOs, preparing cases, doing research on constitutional law and welfare and health law for many different kinds of animals (e.g. wild animals in circuses, parrots, pigs, puppies and stray dogs) and contributing to the evaluation and critical analysis of national (draft) laws.

From 2005 to 2011 she was the Editor-in-Chief of the Dutch online journal ROAR (Review of Animal Rights: case law and literature) and now she is one of the editors of an online database offering current awareness on animal welfare policy, legal developments and case law (national and EU) and one of the editors of and regular contributors to the bimonthly journal Dier & Milieu (Animals and the Environment), which is read by enforcement professionals.

Animals she has worked for in various volunteer jobs include badgers, bison (those living in Yellowstone National Park), monkeys and porcupines.
**DR ANDREA GAVINELLI**  
Head of Animal Welfare Unit G3, DG SANCO, European Commission, Belgium

Dr Gavinielli is a veterinarian and has been a policy official at the European Commission since 1999. He is currently in charge of the Animal Welfare Unit in the Health and Consumers Directorate General of the Commission.

Since 2001 he has been an active member of the “Working Group on Animal Welfare” of the World Animal Health Organisation (OIE), and he is a member of specific working groups at the international level with EU trading partners. Mr Gavinielli is a member of the editorial board of the “FAO Gateway to Farm Animal Welfare” and member of the editorial board of CAROdog.

**ALEXANDRA HAMMOND-SEAMAN**  
Senior Programme Manager (Europe), The Royal Society for the Prevention of Cruelty to Animals (RSPCA), United Kingdom

Alexandra was born in Croatia. She completed her secondary education and studied Literature at the University of Zagreb. She has been in the UK since 1993, and graduated from UCL (University College London) with a social science degree in Central and East European history, languages and regional studies.

Prior to joining the RSPCA, Alexandra worked for the Local Government International Bureau (LGIB) in the UK, managing the Know-How Fund in the Balkans, which was largely intended for developing the efficiency and strength of local government institutions.

Alexandra joined the RSPCA in 2001. She was brought in as a regional expert to develop the RSPCA’s international work in Europe, primarily in the CEE countries heading for EU accession. In her eleven years with the organisation, Alexandra has driven the RSPCA’s strategy in Europe and has developed and managed a number of animal welfare projects across Europe: in Portugal, Spain, Bulgaria, Romania, Croatia, Hungary, Czech Republic, Slovakia, Estonia, Latvia, and others.

In 2008 she initiated the development of a regional veterinary forum for AW in the Balkans. The Western Balkans Veterinary Network (WBVN) is a unique platform for the advancement of animal welfare through research, education and professional training, and its members are currently participating in a number of regional and European projects. The programme of work developed in the framework of the WBVN is primarily focused on strengthening the enforcement mechanisms in the candidate and potential candidate countries. Over the last couple of years Alexandra has developed a programme of work in Turkey concentrating on the implementation of the EU legal framework.

In 2011 Alexandra was invited as an expert to the FAO expert meeting on Dog Population Management.

She is currently working on setting up an animal welfare agency in Croatia, in collaboration with the Croatian government, which would provide support to the countries in the region and collaborate with the existing European platforms, including the Coordinated Network of AW reference centres. Alexandra is fluent in several Slavonic languages in addition to English.

**DR MARK JONES**  
Executive Director, Humane Society International (HSI), United Kingdom

After qualifying as a veterinarian at the University of Liverpool in 1985, Mark spent three years in companion animal practice, before gaining a Master’s degree in Aquatic Animal Health and working for 15 years in association with Scotland’s fisheries and aquaculture industries.

In 2003 Mark headed overseas with his wife Melanie, and spent several years travelling and working in wild animal rescue and rehabilitation centres in South America and Southeast Asia, before returning to the UK in 2007 to complete his Master’s degree in Wild Animal Health at the Institute of Zoology in London.

Most recently, Mark held senior management positions at animal welfare NGOs based in Hong Kong and the UK. Mark brings with him a passion for the welfare of all animals, along with extensive experience in wild and aquatic animal health and conservation. He also has a keen interest in bringing animal welfare issues to the forefront of the political agenda. His primary focus is to help develop the profile of Humane Society International (HSI) in the UK and beyond, and to extend the organisation’s work with wildlife and the rapidly expanding aquaculture sector.

**DR CHRISTOPH MAISACK**  
President, German Juridical Association for Animal Welfare Law (DJGT), Vice Commissioner for Animal Welfare of the State of Baden-Württemberg, Germany

Upon finishing the Law and Economy Studies in 1987, Dr Christoph Maisack started his judicial service at the State of Baden-Württemberg. He worked as administrative law judge and as a prosecutor. From 1993 until 31 March 2012 he was civil and family court judge at the County Court in Bad Säckingen and at the Higher Regional Court in Freiburg. Since 1 April 2012 he is acting as a Vice Commissioner for Animal Welfare in the Ministry of Rural Affairs, Food and Consumer Protection Baden-Württemberg.

For many years, Dr Maisack has been engaged in animal welfare law. He received his doctorate from Universität Hamburg, Germany. With two other authors, Dr Maisack wrote a legal commentary on the German Animal Welfare Law (”Hirt/Maisack/Moritz, Animal Welfare Law”) published in 2003. The second edition was published in 2007.

Dr Maisack is president of the German animal welfare association „Deutsche Juristische Gesellschaft für Tier schutzrecht e. V.“ (DJGT). He is also board member of „Internationale Gesellschaft für Nutztierhaltung“ (IGN).
Jean-Pierre Marguénaud is a Law Professor, currently working for the Law University of Limoges, France, in the Observatory of Institutional and Legal Change (OMIJ). He specialises in human rights, and especially in the European Convention on Human Rights.

Personally interested in animal welfare, in 2009 he created a Biannual Review on Animal Law, with other colleagues. This legal review, called “RSDA” (“Revue Semestrielle de Droit Animalier”), aims to provide an overview of all new legislation and Court decisions in public, private, European or international law, related to animal welfare.

Jean-Pierre Marguénaud has been recognised for his knowledge and experience in the animal welfare field. He was even consulted in 2005 for an official Report to the French National Assembly about the legal status of companion animals.

In addition to his participation in several animal welfare conferences, and his contribution to many legal articles, Mr Marguénaud has inter alia edited a book about animals and European Law (2009), and in 2011 he wrote a book about animals used for experiments.

Marcus Müller is an investigative journalist working for German and international media, specialising in animal welfare and environmental issues.

He was Campaign Coordinator for the FOUR PAWS rabbit farming campaign between 2006 and 2010, and for the last six years has been Campaign Coordinator for FOUR PAWS International on live feather-plucking and foie gras production.

He coordinates the “positive list” programme of FOUR PAWS International (a programme for farms without live feather-plucking and force-feeding), and is head of Farmwatch, an investigation, documentation and research group on animal farming.

Dr Madeleine Martin is a veterinarian by profession. She has worked for years in various animal hospitals and clinics in Germany and the USA, and also as a state veterinarian in the Federal State of Rhineland Palatinate, Germany.

Since the end of 1992 she has been Commissioner for Animal Welfare in the Federal State of Hesse, Germany. In addition, from 2007 to 2008 she worked at the EU-Representation of Hesse in Brussels.

Jost-Dietrich Ort is Deputy President of the German Juridical Society for Animal Welfare Law. He was co-author of the Commentary of Hans-Georg Kluge and Others on the German Animal Welfare Law (2002).

As a Senior District Attorney for over 25 years he has been a case worker and Chief of Department for criminal cases pursuant to the “Protection of Animals Act” at the Public Prosecutor’s office in Hanau, Germany.
Gabriel Paun concluded high school (biology-chemistry profile) with a degree in 1996. After that, he studied Biology and Ecology at the University of Bucharest, and obtained his diploma in 2001, and gained in 2009 a Master in Ecotourism. He worked for Greenpeace and Agent Green as a campaigner for the protection of forests and wild animals, and against GMOs. He obtained a national ban on the cultivation of GM soy and stopped the cultivation of GM maize. He also stopped the construction of a modern national road in the Reteața mountains, Europe’s last Intact Forest Landscape.

Gabriel joined FOUR PAWS as a campaigner on farm animals in the Romanian branch of the organisation in 2009, and managed to create a dynamic change of the market in the laying hens sector. In January 2011 he was appointed Head of the Competence Centre for Farm Animals and Nutrition at FOUR PAWS International. One year later he became the International Director of Campaigns.

Since 2009 he has been a board member of GENET (European NGO Network on Genetic Engineering).

Dr Véronique Schmit is an agronomist with a Doctorate in agricultural sciences from the Faculté des Sciences Agronomiques, Gembloux, Belgium.

She joined Eurogroup for Animals in November 1998 as Communications Officer. Since 2000 she has worked as Policy Officer on the reform of the Common Agricultural Policy (CAP), as well as on topics related to the welfare of wild animals.

She is currently coordinating policy work (farm, research, wild and companion animals) at Eurogroup for Animals, and is responsible for specific topics such as CAP, the 7th Environment Action Programme and the Quality Package.

Adolfo Sansolini has been active in animal welfare since he was a teenager. He is now a highly respected leader in this field and an expert advisor. He has successfully led campaigns at the national and international level, managed high-profile conferences and coordinated international coalitions.

He also has more than twenty years’ journalistic experience, contributing to a variety of publications and appearing on Vatican Radio and the BBC, among others.

He has led NGOs in Italy and in the UK as CEO and President, represented international animal welfare organisations at the United Nations in New York, and at the WTO in Geneva.

Adolfo has been an invited speaker at conferences, workshops and events in over 25 countries, has chaired international meetings and conferences, and has spoken in press conferences and given media interviews around the world.

Born in Rome, Adolfo has lived in London since 2004. He is presently working as a freelance consultant, with a special focus on animal welfare.

He is part of the CAROdog team (www.carodog.eu) and some of the activities associated with it, and is the coordinator of the 8hour campaign (www.8hours.eu), which aims to achieve a maximum overall journey time of 8 hours for the transportation of live animals destined for slaughter, to be established at the EU level.

Educated at Trinity College Cambridge, Peter Stevenson is a qualified lawyer. He is the Chief Policy Advisor of Compassion in World Farming. In 2004 Peter was the joint recipient of the RSPCA Lord Erskine Award in recognition of a “very important contribution in the field of animal welfare”.

Peter leads Compassion in World Farming’s lobbying at the EU and the OIE. He played a leading role in winning the EU bans on veal crates, battery cages and sow stalls as well as a new status for animals in EU law as sentient beings. In addition, he has written comprehensive legal analyses of EU legislation on farm animals and also of the impact of the WTO rules on animal welfare. Peter has also written many well received literature reviews and reports on the welfare of chickens reared for meat and farmed fish, welfare at slaughter, welfare during transport and the economics of livestock production.
Dr Mitja Šedlbauer’s current position is at the Veterinary Administration of the Republic of Slovenia, where he works as Senior Advisor for animal welfare. He is involved in policy-making activities and national legislative work in all areas of animal welfare. As regards the harmonised EU legislation, his focus is mostly on the protection of animals at time of slaughter and during transport. In relation to non-harmonised legislation, his area of expertise is the protection of pet animals.

Slovenian legislation concerning the protection of pet animals covers several aspects of pet ownership, including mandatory annual vaccinations of dogs against rabies, mandatory registration of dogs, dangerous dog issues, travelling with pets, abandoned pet animals, conditions for shelter operations, etc.

Dr Šedlbauer is a firm believer that the public needs to be well informed not only about the legislation on animal welfare but also about the reasons underlying legislative provisions. In other words, animal owners need to know why they are required to care for their animals in a certain way. Sanctioning of offenders is therefore important, but should not be considered the only means of improving responsible ownership of animals. This is also the most important reason for the Slovenian veterinary administration to be very proactive in organising public outreach in the form of various campaigns, with the purpose of building public awareness of animal welfare problems and ways to prevent them.

Stemming from this commitment, several projects have evolved with Dr Šedlbauer’s help, such as the booklet “On responsible ownership of dogs”, aimed at existing and future dog owners in Slovenia, which includes answers to dog owners’ everyday questions, and other information of relevance to them. The latest project he was involved in was the creation of a TV advertisement promoting the spaying and neutering of cats.

After graduating in veterinary medicine from the University of Pisa, Dr Dalla Villa worked in Italy as Veterinary Officer at the Pescara province Local Health Unit.

Later on he moved to the Istituto G. Caporale in Teramo – OIE Collaborating Centre for Veterinary Training, Epidemiology, Food Safety and Animal Welfare – where he has been leading the animal welfare research team, providing scientific support and technical assistance to the OIE Member Countries as well as to the National and Regional Veterinary Services. In this position Dr Dalla Villa has been coordinating research projects on farm and companion animal welfare, human-animal interaction and stray dog population control. During the L’Aquila earthquake emergency in 2009 he was actively involved in the Italian Civil Protection veterinary task force.

Currently he is working as Legislative Officer at the DG SANCO Animal Welfare Unit in Brussels, on issues related to the EU Policy on Animal Welfare development and implementation, with particular reference to the international area.

After graduation from the Veterinary Faculty of the University of Utrecht (NL), Jan Vaarten started his career in a mixed practice in the eastern part of the Netherlands. He then joined the pharmaceutical industry, where he worked on the development of animal vaccines.

After 11 years, he changed industry for the Royal Netherlands Veterinary Association, where he worked as Veterinary Policy Officer. From there he went to the Ministry of Agriculture, Nature and Food Quality in The Hague. Here his main area of attention was zoonotic diseases.

Since 2003 he has been Executive Director of FVE (www.fve.org), a federation of 44 veterinary organisations in 36 European countries, representing over 200,000 veterinarians. He is also Executive Secretary of the World Veterinary Association.

Sonja Van Tichelen joined Eurogroup for Animals in 1992 as Campaigns Coordinator, and has been its Director since 2004.

She initiated and implemented successful European public affairs and consumer campaigns on farm animals, animal testing and wildlife protection.

She expanded Eurogroup’s reach to include relevant policies such as trade, companion animals and supply chain work, and developed an enlarged network of 40 member organisations.

Sonja Van Tichelen has twenty years’ experience working in policy development, implementation and enforcement.
DR ERIC VAN TILBURGH  
Head of Animal Welfare Division, Federal Services of Public Health, Belgium

Eric Van Tilburgh is head of the Animal Welfare Division of the Federal Services of Public Health.

He started his professional career at the veterinary inspection services of the Ministry of Agriculture in 1984. During his training he produced a report on the situation of laboratory animals in Belgium.

He worked initially on CITES and animal welfare, but with the creation of the Animal Welfare Division in the late nineties he became head of that service.

He was a member of the Standing Committee of the Convention for the Protection of Farm Animals of the Council of Europe, and Vice-Chairman of the European Convention for the Protection of Pet Animals.

With his team of eight veterinarians, Eric Van Tilburgh is responsible for animal welfare policy in Belgium in the field of farm animals, pets, laboratory animals and exotic animals.

DR FRANCESCA VOLPI  
Legislative Officer Enforcement E5, DG SANCO, European Commission, Belgium

Francesca is a lawyer and has been a Legislative Officer at the European Commission since 2007. She is a member of the unit responsible for enforcement matters and she is in charge in particular of coordinating the work related to the revision of Regulation (EC) No 882/2004 on official controls along the food chain.

Francesca graduated with a Doctor’s degree in European Law with a thesis work in the area of European food law.

MAX WALLEITNER  
German Juridical Association for Animal Welfare Law (DJGT), Germany

After having finished his studies in law at the Ludwig-Maximilians-Universität in Munich, he started to work in a tax office, where he is currently the director.

As a volunteer, he is member of the German Juridical Society for Animal Welfare Law (DJGT) from the beginning, before he was active in the network of lawyers for animal welfare in Germany.

He is engaged in several political animal welfare committees on the regional and federal level as well as in animal welfare projects and for animal welfare organisations.

DR MARLENE WARTENBERG  
Director, VIER PFOTEN/FOUR PAWS European Policy Office, Belgium

Marlene Wartenberg is a qualified lawyer and has her PhD in Political science. She has started in the German Parliament and has working experience in Public Affairs in Germany and on European level. In 2002 she became Executive Director of VIER PFOTEN in Hamburg, established the VIER PFOTEN representation in Berlin and built up in 2007 the European Policy Office in Brussels.

Starting with the EU Animal Health Strategy she worked on companion animals on EU level and initiated three international conferences on stray dog population management and responsible ownership in 2008 – 2011, also built up the first platform for dog responsible ownership CAROdog (www.carodog.eu) together with the Istituto G. Caporale Teramo, the EU Commission and FVE in 2010. She has been working on enforcement of Animal Welfare related legislation and on several national Animal Welfare Laws in Eastern Europe and the Baltics and founded the EU Network for Enforcement with Animal Welfare Lawyers and Animal Welfare Commissioners. She is Member of the German Juridical Association for Animal Welfare Law, and, among others, she gives seminars on EU Animal Welfare Law in the Masterstudy “Animals in Law and Society” at the Free University of Barcelona.
Dr Günter Wilms
Member of the Legal Service, European Commission, Belgium

Dr Wilms holds a PhD in Administrative Sciences. He has been a member of the Legal Service at the European Commission since 1994, first within the budget team and afterwards within the internal marketing team. He also worked for several years at DG Enterprise, as well as DG Information Society in Luxembourg. So far, he has acted as an agent for the Commission in more than 140 cases, in fields as diverse as environment, medicines, personnel, structural funds and public procurement and free movement of goods.

Dr Wilms also has teaching experience as a trainer for national judges and civil servants, and also as a lecturer at universities in Germany, Spain and France.

Since 1990, he has published several articles on subjects such as Human Rights, the Financial Perspectives for the European Union and the Role of the European Commission following the Treaty of Lisbon.

MAG IUR MAG PHIL CLAUDIA PETRA WÖHRY
Jurist for Animal Welfare Affairs, Austrian Federal Ministry of Health, Department II/B/10 – Veterinary Legislation, Animal Health and Trade in Live Animals, Austria

In 1996 Claudia Petra Wöhry took the school-leaving examination at the Higher College for Mechanical Engineering (Höhere Technische Bundeslehranstalt, Ausbildungszweig: Allgemeiner Maschinenbau) in Salzburg.

From 1996 to 2002 she studied Law at the University of Salzburg, and from 2004 to 2008 she studied Political Science at the University of Salzburg and the University of Bergen, Norway.

Since 2010 she has been Jurist for animal welfare affairs at the Austrian Federal Ministry of Health.

Her fields of activity include legal propositions/preparations for legal acts in the animal welfare sector, and providing legal advice for the Austrian Animal Welfare Council and for the Austrian Advisory Committee on Enforcement (Vollzugsbeirat). She also responds to enquiries in the area of animal welfare, participates in working groups on animal welfare, and creates public information materials.
AGENDA

ENFORCEMENT OF EUROPEAN ANIMAL WELFARE RELATED LEGISLATION
12-13 June 2012, Brussels

Day 1 – Tuesday, 12 June 2012

10:00 Registration

WELCOME AND KEYNOTE SPEECH

11:00 Welcome notes

Birte Broberg, Senior Veterinary Officer, Danish Veterinary and Food Service, Denmark (EU Presidency)
Helmut Dungler, CEO and President, VIER PFOTEN International, Austria
Sonja van Tichelen, Director, Eurogroup for Animals, Belgium

11:30 Keynote speech: Enforcement - crucial part of the new EU Animal Welfare Strategy and the importance of sincere co-operation (Art. 4 TFEU)

Harry Vassallo, Member of Cabinet European Commission Directorate General Health and Consumer Policy (DG SANCO), Belgium

Moderator: Adolfo Sansolini, Journalist, Animal Welfare Consultant

PART I FRAMEWORK FOR ENFORCEMENT – THE EU LEVEL

Chair: Birte Broberg, Senior Veterinary Officer, Danish Veterinary and Food Administration, Denmark

11:45 The Animal Welfare Strategy and enforcement

Andrea Gavinelli, Head of Unit Animal Welfare DG SANCO G3, European Commission, Belgium

12:00 Experience by inspections of the Food and Veterinary Service on Animal Welfare

Terence Cassidy, Head of Sector Animal Welfare, European Commission Directorate General Health and Consumer Policy (DG SANCO), Food and Veterinary Office, unit F5, Belgium/Ireland

12:15 Discussion

12:30 Lunch break

PART II INDICATORS FOR ENFORCEMENT: EU AND MEMBER STATES - THE VERTICAL PERSPECTIVE

Chair: Marlene Wartenberg, Director European Policy Office, VIER PFOTEN – Stiftung für Tierschutz, Belgium

13:30 Classification of Animals as goods or sentient beings – a legal historical indicator for Animal Welfare enforcement

Tereza Gimenez-Candela, Law Professor, initiator of the Masterstudy “Animals in Law and Society”, Free University of Barcelona, Spain

13:45 Legal qualification of cruelty against animals as a crime – a social and cultural indicator for Animal Welfare enforcement

Jost D. Ort, Senior Prosecutor ret., Board Member, German Juridical Association for Animal Welfare Law (DJGT), Germany

14:00 Animal Welfare as an ethical constitutional aim of a state and its impact on the judiciary – selected examples

Gieri Bolliger, Director and Attorney at Law, Stiftung für das Tier im Recht (TIR), Switzerland

14:15 Indicators for Enforcement – a global perspective

Carla Brown, Legislative Affairs Manager, World Society for the Protection of Animals (WSPA), United Kingdom

14:30 Discussion

PART III INDICATORS FOR ENFORCEMENT PROBLEMS ON MEMBER STATE LEVEL – THE HORIZONTAL PERSPECTIVE

Chair: Mitja Sedlbauer, Senior Advisor, Veterinary Administration of the Republic of Slovenia

14:45 Communication and Co-operation on the juridical and veterinary level – key element for effective enforcement

Jan Vaarten, Executive Director, Federation of Veterinarians of Europe (FVE), Belgium

15:00 Strengthening enforcement by governmental, legal and civic tools

Madeleine Martin, Commissioner for Animal Welfare in the State of Hesse, Germany

15:15 Consumers’ decision on visible animal friendly products as enforcement support

Marijke de Jong, Senior Policy Officer – Livestock, Dierenbescherming, The Netherlands

15:30 Information, Education and Training on Animal Welfare - towards a common EU wide concept of Responsibility for sentient beings

Silvia d’Albenzio, Senior Training Manager, Istituto G. Caporale Teramo, Italy

15:45 Discussion
Day 2 – Wednesday, 13 June 2012

09:00  Registration and coffee

Part V  SPOT ON OTHER SELECTED ENFORCEMENT ISSUES: DOGS, GEESE, LIVE ANIMAL TRANSPORT, PIGS, ANIMALS USED FOR SCIENTIFIC PURPOSES

Chair: Eric van Tilburgh, Head of Animal Welfare Division, Federal Services of Public Health, Belgium

09:30  Dog movement and trade in the EU – new legal perspectives
Sophie Duthoit, EU Legal Research Officer, VIER PFOTEN – Stiftung für Tierschutz, Belgium

09:40  Specific enforcement problems of the Regulation 998/2003 in Germany
Max Walleitner, German Juridical Association for Animal Welfare Law (DJGT), Germany

09:50  Identification and Registration as enforcement tool
Paolo Dalla Villa, Head of Animal Welfare Research Laboratory, Istituto G. Caporale Teramo, Italy

10:00  Discussion

10:30  Coffee break

11:00  Live Feather Plucking: the EFSA report and consequences for enforcement
Marcus Muller, Expert Campaigns Poultry, VIER PFOTEN International, Austria

11:15  Live transport and enforcement – an NGO perspective
Peter Stevenson, Chief Policy Advisor, Compassion in World Farming (CIWF), United Kingdom

11:30  Pig Welfare – ways to compliance?
Oscar Digneses Torres-Quevedo, Veterinary Officer, Animal Welfare Unit of the Ministry of Agriculture, Food and Environment, Spain

11:45  Protection of Animals Used for Scientific Purposes: Enforcement Consideration
Mark Jones, Executive Director, Humane Society International (HSI), United Kingdom

12:00  Discussion
Part VI  CRITERIA FOR EFFECTIVE EU AND NATIONAL ENFORCEMENT -
THE VERTICAL AND HORIZONTAL VIEW

Chair: Peter Stevenson, Chief Policy Advisor, Compassion in World Farming (CIWF), United Kingdom

13:30  Expectations of veterinarians in the Member States to the FVO inspection system

Christophe Buhot, President, Federation of Veterinarians of Europe (FVE), Belgium

13:45  Expectations of academic jurists to the legislative bodies

Jean-Pierre Marguénaud, Law Professor, Law and Economical Sciences University, Limoges, Director,
Revue Semestrielle du Droit Animalier (RSDA), France

14:00  Expectations of Lawyers in practice to the EU enforcement system and to Competent Authorities

Noor Evertsen, Legal Consultant, Dier&Recht, The Netherlands

14:15  Expectations of the European Commission to Member States’ structures of enforcement

Francesca Volpi, Legislative Officer Enforcement, ES, DG SANCO, European Commission, Belgium

14:30  Expectations of EU citizens represented by NGOs to the EU and the Member States

Sonja van Tichelen, Director, Eurogroup for Animals, Belgium

14:45  Discussion: Conditions and Components for better compliance of Animal Welfare related
EU Legislation

Plenary

15:00/15:30  Conclusions and end of the Conference