

Animal Welfare Excellence in Europe



ENDCAP

A communication to the European Commission, the European Parliament and the Council seeking clarification that European policy to ensure higher animal welfare standards does protect wild animals in captivity.



The Community Action Plan on the Protection and Welfare of Animals (2006 – 2010) has made an important contribution to the welfare of animals in Europe. This has resulted in improvements for certain categories of animals. However, ENDCAP's findings indicate that wild animals in captivity have been marginalised. Now, with the planned revision of the Action Plan, and the newly proposed **European Network of Reference Centres** (ENRC) for the protection and welfare of animals, there is the opportunity to give these animals the protection they need.

A European brown bear in a Bulgarian zoo bites the bars – an oral stereotypic behaviour, similar to that seen in intensive pig farming or cribbing in horses. Abnormal behaviour is commonly seen in animals confined in barren environments that offer little or no stimulation.

Introduction

Since the Amsterdam Treaty in 1997, the European Union has demonstrated a commitment to animal welfare recognising that animals are sentient beings¹ (with the ability to experience pain, suffering and distress). Despite all Member States acknowledging this commitment, the extent to which it has been practically interpreted has varied considerably between Member States.

The establishment and subsequent adoption of the Action Plan on the Protection and Welfare of Animals by the European Community in 2006 confirms that the protection and welfare of animals in the European Union is of important ethical value in modern society. Although the Action Plan is largely aspirational and does not impose mandatory requirements on Member States, it does demonstrate a desire by the Community to seek greater welfare provisions for animals and this has been valued by industry, NGOs² and the public.

In 2009/10, the Commission will be evaluating the Community Action Plan on the Protection and Welfare of Animals. This provides an opportunity to further develop and improve the document and include new objectives for the European Community, and countries overseas, to aspire to during the next term, from 2010 to 2014.

An objective of the 2006-2010 Community Action Plan on the Protection and Welfare of Animals was to undertake preparatory work on the establishment of a European 'Centre of Excellence' to encourage the active exchange of information in all areas of animal welfare³. A feasibility study proposing the establishment of such a Centre was carried out in 2008, results of which were provided to the Commission in January 2009 and the Commission published the Report⁴ on 21st October 2009. In response to positive feedback from the stakeholder consultation process, the Commission is proposing the establishment of a European Network of Reference Centres (ENRC) for the protection and welfare of animals, coordinated through a central institute, which will provide an independent source of information on animal welfare issues and support the development and implementation of policy.

Aim of this document

This document, compiled on behalf of ENDCAP*, aims to raise awareness about certain animals and their use within the European Community yet to be fully acknowledged by the Action Plan or receive effective protection. Wild animals held in captivity, mainly for the entertainment of European Citizens, do not enjoy the same degree of protection as other categories of animals within the Community. Knowledge within Member States is often limited, application of existing legislation is often inconsistent and indications are that many of these animals are kept in sub-standard conditions. This document aims to provide the necessary information to substantiate the inclusion of wild animals in captivity within the remit of the Action Plan and, further, to propose that the welfare of these animals is incorporated into the mandate of the European Network of Reference Centres for the protection and welfare of animals.

ENDCAP

*ENDCAP is a pan-European coalition of animal welfare NGOs and wildlife professionals from over twenty countries in

Europe, whose members specialise in the welfare and protection of wild animals in captivity. While ultimately aiming to end the keeping of wild animals in captivity, the coalition works with the European Community, national governments and other stakeholders to raise awareness of and address the needs of these animals.

In 2007, ENDCAP launched an initiative at the European Parliament called 'Europe's Forgotten Animals' to improve the protection currently given to wild animals in captivity within Member States.



¹Protocol annexed to the Treaty of the European Community - Protocol on protection and welfare of animals. Official Journal C 340 , 10/11/1997 p. 0110

²Non-Government Organisations

³Community Action Plan on the Protection and Welfare of Animals 2006 – 2010. SEC(2006)65 Strategic basis for the proposed actions, 2.2

NB. Mag. vet. Stefan Moser, M.A. vet, General Secretary of Aktiver Tierschutz Steiermark (the Austrian animal welfare organisation), Austria, submitted a paper to the Commission in 2007, which proposed a European Animal Welfare Center of Excellence. This was based on a concept by Habersack & Gaster (2006).

⁴COM(2009)584. Options for animal welfare labelling and the establishment of a European Network of Reference Centres for the protection and welfare of animals.

A Common Position on Animal Welfare

For the purposes of this document, all references to animal welfare refer to the standards and norms relating to the well-being and health of animals. Furthermore, standards operate on the basis that all individual animals of the same species have the same specific, inherent needs for their long-term well-being, regardless of the circumstances under which they are kept (e.g. farm, zoo, pet, laboratory, circus, etc.).

As a minimum requirement, all animals need:

Food & water

Ready access to fresh water and a diet suitable to maintain full health and vigour.

Suitable living environment

A living environment that provides shelter, privacy and mental and physical stimulation.

Opportunity to exhibit natural behaviour

Provision of sufficient space, facilities and enrichment to permit natural behaviours.

Health care

Prevention of injury, illness, disease or infection.

Protection from fear and distress

Ensuring conditions and treatment to avoid mental suffering.

These are commonly known as the 'Five Freedoms'. They form the minimum requirements for numerous articles of animal welfare legislation and guidance around the world, including the UK Zoo Licensing Act of 1981, Farm Animal Welfare Council (UK), EU policy, the World Organisation for Animal Health (OIE) and the Travelife Animal Attractions Handbook (Federation of Tour Operators, 2008). Due to varying interpretations of 'animal welfare' and 'biological needs', particularly between the different Member States, it is recommended that any legislation or guidance aimed at upholding recognised standards in animal wellbeing should advocate the Five Freedoms as an **absolute minimum requirement** and that keepers of animals should have significant knowledge of the animal species under their care and ensure that the housing conditions meet their species-specific needs.



A jaguar in a Bulgarian zoo. Far from the rainforests of South America, it has a bleak future. The conditions in which it is kept offer little opportunity to express normal behaviour - a situation common to many enclosures in European zoos.

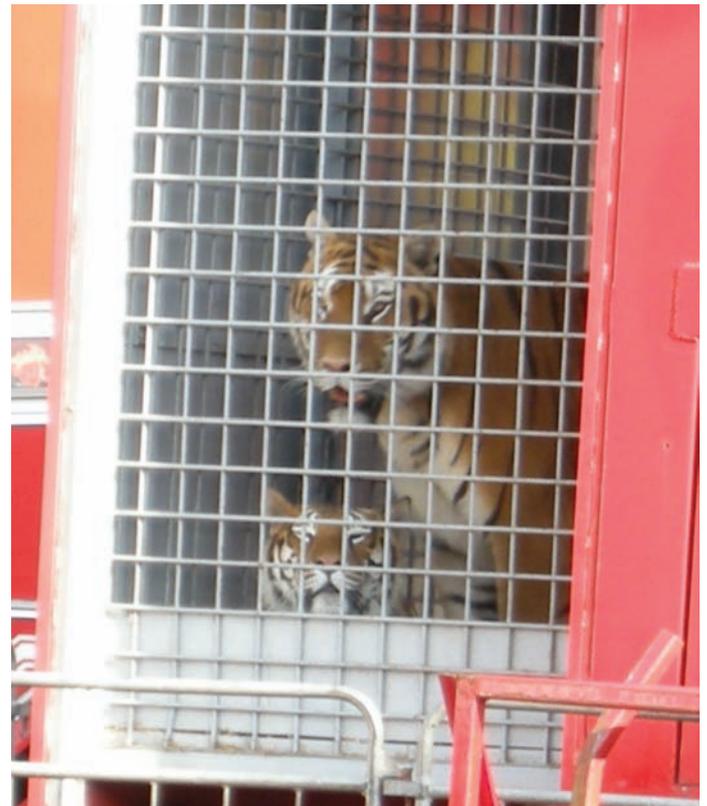
Wild animals in captivity - *Europe's Forgotten Animals*

ENDCAP launched the initiative Europe's Forgotten Animals in 2007 to encourage the effective application of legislation concerning the welfare of wild animals in captivity and to improve and harmonise animal welfare standards in the European Community.

Of the 24 main Community legislative provisions associated with animal welfare and protection within the European Community, the majority are dedicated to animals used in food production⁵. Only one, EC Directive 1999/22/EC (relating to the keeping of wild animals in zoos), is specific to wild animals in captivity and this is primarily aimed at conserving biodiversity. It stipulates that zoos should 'aim to satisfy the biological needs' of animals. This is a vague requirement and allows inconsistencies in interpretation and application. There is no explanation or guidance available as to what constitutes the 'biological needs' of an animal or how these needs can be best provided for. By requesting zoos to 'aim to satisfy' the biological needs of their animals, no mandatory requirements are implied and the language is ambiguous.



A tiger in a Romanian zoo, whose enclosure lacks any form of enrichment, paces endlessly in circles.



Housed in cramped beastwagons, the only exercise these tigers in a French circus will get is in the circus ring. Austria has banned the use of wild animals in circuses due to welfare concerns, while other countries in the EU are considering similar actions.

The outcome and the delivery of animal welfare standards is therefore dependent upon the will, knowledge, experience and available resources of each Member State and this has resulted in enormous variation in the standards delivered to animals in captivity. Preliminary research has indicated that this Directive has not been implemented or enforced effectively or consistently in the majority of Member States, where numerous animals remain in conditions that do not even meet minimum standards⁶. The European Commission has taken action against some Member States for their lack of compliance⁷, but without further training and guidance being provided, effective implementation and enforcement is unlikely.

Investigations by ENDCAP in European Member States have revealed that some authorities, enforcement agencies and veterinary services lack the necessary understanding, skills and experience to ensure the effective implementation of the law. Knowledge of the specific requirements of wild animal species, in contrast to farm animals, is often extremely limited.

⁵http://ec.europa.eu/food/animal/welfare/references_en.htm. Accessed 31/10/09

⁶ENDCAP - European Survey of Zoos 2009. In preparation

⁷Commission of the European Communities v Kingdom of Spain (Case C-340/09)

Community Action Plan on the Protection and Welfare of Animals

The Action Plan is an 'aspirational', non-mandatory document that sets out a programme for the European Community that ultimately aims to improve animal protection and guarantee standards of animal welfare. The document recognises animal welfare as an ethical and moral issue that the European Community should adhere to and, in theory, brings an issue not adequately addressed by the EC Treaty to the attention of the Community.

The previous work of the Action Plan appeared to focus predominantly on those animals of economic importance, such as in food production and laboratories etc. Other animals owned by, managed by or kept by European Citizens, such as animals in zoos and circuses, used for work, in sporting or hunting activities, or those kept as pets, appear to have been largely marginalised.

As the Action Plan on the Protection and Welfare of Animals 2006–2010 draws to a close, the Commission has been reviewing its scope and objectives, and drafting the Action Plan for the next Commission term (2010 – 2014). ENDCAP and its Membership are keen to ensure that the new agenda for the next five years reflects the desires of European Citizens and aspires to protect and improve welfare standards for *all captive wild animals*, regardless of their use or circumstance.

Evidence gathered by ENDCAP within Member States during 2009 indicates that there is a widespread lack of expertise relating to animal welfare, which undermines their ability to effectively implement relevant legislation. The Action Plan should therefore seek to support Member States and, where necessary, provide leadership to help them achieve their desired goals.

Building on its proven track record, and in consultation with NGOs and other stakeholders, the Action Plan 2010 to 2014 must continue to encourage greater protection for all animals owned by, managed by and kept by European Citizens.



An elephant in a UK zoo. Elephants in captivity suffer from high mortality, low breeding success and often develop psychological and physical disorders.

RECOMMENDATIONS

Whilst the EC Treaty does not adequately recognise and protect the wellbeing of animals in the European Community, the EC Action Plan on the Protection and Welfare of Animals does present the opportunity to increase the scope of the Community's commitment to animal protection and welfare without compromising the mandate of the Treaty. The inclusion therefore of actions applicable to wild animals in captivity is possible, particularly in relation to existing EC legislation, by further extending it to issues that demonstrate the future direction of Community policies on animal protection and welfare.

Recognising this potential, ENDCAP proposes the following actions for the Community Action Plan on the Protection and Welfare of Animals 2010 to 2014,

The European Community should:

- Acknowledge that the welfare and protection of animals is an ethical, moral, social and scientific issue that all Member States should address and, through the implementation of national legislation, uphold the highest of standards.
- Undertake measures to ensure that all animals owned by, managed by and kept by European Citizens are housed in conditions that *satisfy* their biological and welfare needs (as a minimum, represented by the Five Freedoms).
- Undertake measures to ensure all European legislation established to protect animals and their welfare is fully understood by, and effectively transposed, implemented and enforced within, Member States.
- Establish comprehensive documents to provide guidance and instruction on the measures necessary to satisfy the welfare needs of animals in different circumstances (e.g. zoo, farm, laboratory, companion, circus, etc).
- Provide information to Member States to inform and educate the public on how to responsibly keep animals as pets and to identify those animal species that may pose a risk and should not be owned or kept by a private person.
- Ensure that all facilities with captive wild animals in Member States are licensed and regularly inspected.
- Advocate that Member States ensure captive wild animals in licensed facilities are kept in conditions that meet their species-specific needs.
- Produce guidance and supporting information to Member States to facilitate animal confiscations, rescue, rehabilitation and zoo closure (Article 6 of Directive 1999/22/EC), should animal wellbeing in licensed facilities fail to be maintained.
- Encourage Member States to establish a contingency fund that will guarantee that high welfare standards would be maintained should a captive wild animal establishment be closed, or have its licence revoked.
- Encourage Member States to establish undergraduate educational courses to ensure veterinary surgeons, environmental/animal health inspectorate and professional animal keepers are provided fundamental and applied animal welfare education.

European Network of Reference Centres. Concept Note.

The effective development and application of consistent animal welfare standards across the EU presents a number of challenges. Levels of expertise relating to animal welfare vary as do legislative provisions and enforcement capacity. Consequently animals may be subject to a wide variety of conditions within the EU.

It is proposed that one important way of addressing this issue, which affects every Member State and is a matter of public concern, is to establish a European Network of Reference Centres (ENRC) for the protection and welfare of animals, coordinated through a central institute, that develop and implement animal welfare policies within the European Community.

The Reference Centres' remit must cover⁸:

- Livestock
- Animals used in Research
- Companion Animals (including wild animals kept as pets)
- Captive Wild Animals in licensed facilities that are open to the public (e.g. zoos, dolphinariums and circuses)
- Animals used for other consumer products (e.g. fur)
- Working Animals
- Animals used in Sport

The role of the European Network of Reference Centres would be to harmonise animal welfare standards, undertake research and provide impartial expert guidance and assistance to Member States in order to deliver consistently high quality animal welfare standards in accordance with all relevant legal requirements, based on internationally-accepted 'Best Practice'.

It is envisioned that activities undertaken by ENRC should include but not be limited to:

1. Production of 'Best Practice' protocols aimed at providing Member States with the tools for delivering consistently high animal welfare standards across all target animal categories.

2. An assessment service to assist Member States in the direct application of these 'Best Practice' protocols.

3. An effective and complimentary animal welfare interface with other European institutions such as the European Food Safety Authority (EFSA), Joint Research Centre (JRC) and the Bureau of European Policy Advisers (BEPA).

4. Provision of impartial scientific, technical, legislative, policy and implementary expertise to Member States, regulatory authorities and other stakeholders in relation to animal welfare across the target animal groups.

The European Network of Reference Centres for the protection and welfare of animals represents an important step forward in delivering on the European Community's obligations and responsibilities to those animals, domesticated or wild, that are owned by, managed by or kept by people.

ENDCAP strongly recommends that the creation and development of the ENRC is incorporated into the EC Action Plan on the Protection and Welfare of Animals 2010–2014.

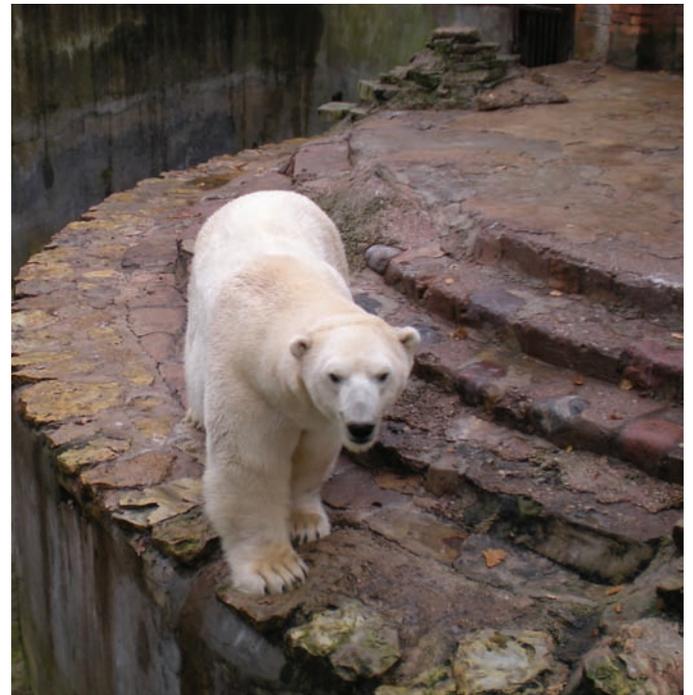
⁸Feasibility study on animal welfare labelling and establishing a Community Reference Centre for Animal Protection and Welfare. Part two: Community Reference Centre, p68
<http://ec.europa.eu/food/animal/welfare/farm/aw_labelling_report_part2.pdf>



A cockatoo in a Spanish zoo. In some European zoos wild animals are objects of ridicule and made to perform humanised behaviour such as riding bicycles, wearing clothes, jumping through hoops, balancing balls and dancing to music, with little reference to their natural attributes. Training methods are often through negative, and occasionally abusive training methods.



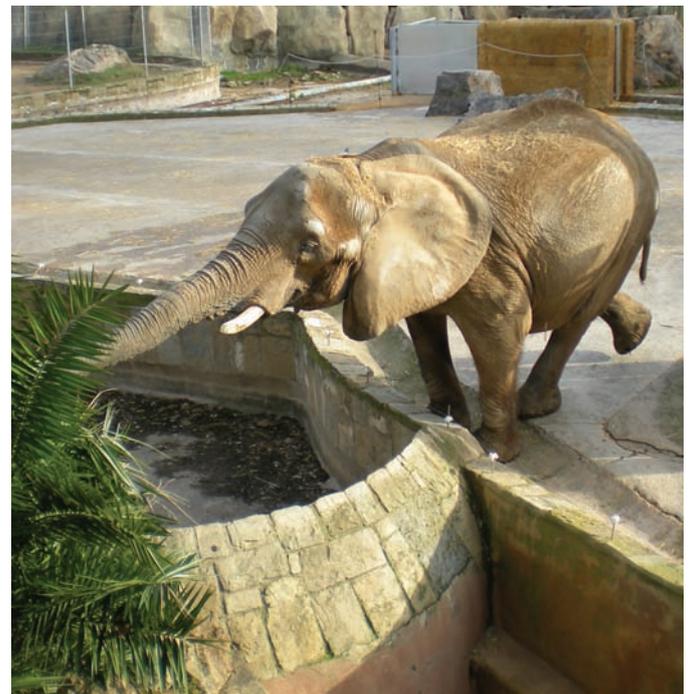
An African grey parrot in a zoo in Cyprus. The parrot is obviously unwell and faces a uncertain future at the zoo, which also sells many of its wild animals to the public.



A polar bear in a Lithuanian zoo. A conservative estimate puts the number of zoos in the EU at over 5,000. Wide ranging carnivores such as polar bears are particularly prone to behavioural problems and infant mortality in captivity.



A Spanish Dolphinarium. Research indicates that the stress of confinement for dolphins often results in behavioural abnormalities, illness, decreased resistance to disease and premature death. Dolphin shows lack any credible education or conservation value. There are currently 33 captive dolphin facilities in the EU.



This elephant in a Spanish zoo risks falling into the moat as she stretches for some vegetation. Elephants in the wild live in large multi generational matriarchal groups. One 5th of elephants in EU zoos live alone or with only one companion.

**Produced for the ENDCAP coalition www.endcaptivity.org
by international wildlife charity the Born Free
Foundation, Charity No: 1070906 www.bornfree.org.uk**

**To discuss the issues raised in this document, or for further
information on ENDCAP and the European's Forgotten
Animals initiative, please contact Daniel Turner -
daniel@bornfree.org.uk
C/o Born Free Foundation, 3 Grove House, Foundry Lane,
Horsham, W.Sussex RH13 5PL, UK. + 44 (0)1403 240 170**

Photos © Born Free, WDCS

