

Animal Welfare in Trade Negotiations How to assess the risks and the results?

The case of the UK-Australia Free Trade Agreement

Trade agreements can have a massive impact on animal welfare. While they do not generally explicitly lower animal welfare standards, they aim at liberalising trade, including in animal products. As the UK only applies rules related to welfare at the time of slaughter to imports, free trade agreements are thus likely to contribute to an increase in imports of lower welfare animal products. By stimulating productions abroad, the agreements can also further fuel models of production that are detrimental not only to animals, but also to the environment and the people. Therefore, it is important to assess trade agreements from an animal welfare perspective.

This briefing has been prepared by the Trade & Animal Welfare Coalition (TAWC) UK as a tool to achieve such an exercise in the case of the future UK-Australia Free Trade Agreement (FTA). The first section aims at evaluating the specific risks presented by a trade negotiation with Australia, and the second at evaluating the concluded trade agreement, on the basis of the [Agreement in Principles](#) (AiP) that was published on 16 June 2021.

1. Assessing the risks presented by the UK-Australia negotiations

When evaluating the risks presented by a trade negotiations, it is important to consider:

- the **trade patterns**: is the country an important source of imported animal products for the UK? Is an ambitious trade agreement likely to lead to more animal-based imports from this country?
- the **production patterns**: is it an important producer of animal products at global level? Trade agreements are made to last and trade patterns can evolve once a trade agreement is signed. In addition, this analysis can also underline the sectors that could be a priority for future cooperation around animal welfare, to maximise the positive impact the UK can have.
- the **methods of production** used in the partner country: some methods of production can be banned in the UK, but not in imported animal products

In the case of Australia:

- **Australia's main agri-food exports to the UK are in beef and lamb. For these products, the Agreement in Principles suggests a period of 10 years with increasing Tariff-rate quotas, followed by full liberalisation:**
 - Beef: the 10 year phase in means that the volume of imports available to Australia in 2031 will be of 100,000 tonnes, duty free. In 2022 this could lead to a 60x rise in beef imports **if** Australia upscales its production and fills the TRQ. In 2020 we imported under 1000 tonnes of beef from Australia.
 - Lamb: the 10 year phase in means that the volume of imports available to Australia in 2031 will be of 75,000 tonnes, duty-free. This could lead to a 4x rise in lamb imports **if** Australia fills this TRQ.
 - Dairy: the Agreement in Principles foresees a 7-year transition period, but as cheese imports from Australia are very low, this should not raise much concerns.

As the Agreement in Principles indicates that “transitional quotas will be single quotas for the products indicated above, with no additional conditions”, it seems very unlikely that this generous offer on market access will be accompanied by animal welfare-based conditions.

- Australia is the largest beef exporter and a large lamb exporter, although most exports go to countries such as Japan and South Korea with which Australia already has FTAs.
- Australia is also an important global producer of wool.
- Australia uses several methods of production that are banned in the UK, but not in imported products.
 - For instance, in the beef sector, transport times are longer; hot branding is used; one million cattle are kept on feedlots with no shade; there are no mandatory animal model standards. While the UK imposes standards on welfare at the time of slaughter, it will be crucial to ensure proper enforcement of these standards through audits. In Australia, standards in abattoirs are much poorer and there is no CCTV in the establishments.

- In the sheep meat sector, transport times are also much longer than in the UK. In addition, lambs from which the meat destined for the UK is derived, are often bred from either merino sheep or merino crosses. These sheep are thus most often mulesed. Mulesing, which consists in removing strips of the sheep's skin located near the buttocks in order to prevent the infection by a particular fly, is prohibited in the UK. (see more details on method of productions in the Annex below)

2. Analysing the future UK-Australia FTA

The table below provides elements to assess the impact of an FTA on animal welfare, and the application to the UK-Australia FTA. As the agreement has not been published yet, this assessment is based on the Agreement in Principles.

FREE TRADE AGREEMENTS	AUSTRALIA-UK PiF
RED = UNACCEPTABLE	
<ul style="list-style-type: none"> ● Market access: Lowering of tariffs without animal welfare-based conditions ● No reference to the link between animal welfare and Sustainable Food Systems ● SPS Chapter: No recognition of the precautionary principle or of the right of the UK to uphold existing import bans based on animal health, but also benefiting animal welfare 	<ul style="list-style-type: none"> ● The UK-Australia FTA is set to liberalise the trade in animal products (at least beef and sheep meat) without any condition related to animal welfare standards. Discussions are still ongoing for eggs and pig meat. ● The AiP does not refer to animal welfare being linked to sustainable food production systems ● The AiP indicates that the SPS chapter will indicate that both parties recognise that their SPS measures should be based on scientific principles, but it does not seem to include any language on the possibility to apply the precautionary principle (on which several animal health-based trade restrictions benefitting animal welfare are based).
AMBER = QUESTIONABLE ACCEPTABILITY	
<ul style="list-style-type: none"> ● SPS Chapter: language animal welfare stating animals are sentient beings ● SPS Chapter: encourages cooperation on scientific research especially around farm welfare, breeding, transport and slaughter ● SPS Chapter recognises One Health approach ● SPS Chapter: language on antimicrobial resistance stating that there should be cooperation to implement OIE Guidelines, recognise threat to human and animal health ● SPS Chapter: each country able to adopt own standards and level of protection based on risk assessments and in a transparent manner 	<ul style="list-style-type: none"> ● It is unclear whether the Animal Welfare/AMR chapter will include a recognition that animals are sentient beings, a mention to One Health, or a reference to cooperation around scientific research ● The exact wording of the provisions on AMR is unclear but it's unlikely to make a specific reference to the OIE guidelines ● The Animal Welfare/AMR chapter is foreseen to include non derogation and non regression language. These provisions are usually found in chapters on labour and environment and indicate that parties cannot lower, or derogate to their existing standards, here on animal

	<ul style="list-style-type: none"> • TBT Chapter: language respecting each country's labelling systems and permitting mandatory MoPL on animal welfare without prior approval and accepted by Parties if it respected TBT; 	welfare, in order to attract trade or investments. It is unclear what impact these provisions will have considering Australia already has low standards, as well as the difficulty to prove the trade impact of a change in standards.
GREEN = ACCEPTABLE (includes all of the amber points above plus below)		
	<ul style="list-style-type: none"> • Published UK position on animal welfare standards prior to FTA showing how equivalence will be measured (outputs and inputs) • Published qualitative Impact Assessment on lowering tariffs against UK production costs • Published risk audit assurance compliance system to ensure standards adherence • Animal Welfare Chapter: stating animals are sentient beings; language on cooperation on animal welfare in international fora such as WTO, OIE; stating connection between improved welfare of animals and sustainable food production systems; language on exchanging information on animal welfare; cooperation on research into farm breeding, transport and slaughter with the aim of regulatory alignment for developed countries • Animal Welfare Chapter recognises One Welfare Approach and detailed provisions on animal welfare cooperation based on meeting at least the OIE's 15 farm land animal welfare global standards and the 3 farm aquatic standards • SPS Chapter: language on antimicrobial resistance stating that there should be cooperation to implement OIE Guidelines, phase out use of certain substances such as growth promoters, and share results with WTO SPS Committee / also language linking AMR to poor animal welfare practices • SPS Chapter: each country able to undertake own standards and level of protection based on risk assessments and in a transparent manner 	<ul style="list-style-type: none"> • The UK will publish an Impact Assessment in the Autumn but as there is no conditionality foreseen in the FTA, there has not been discussions on how to assess equivalence. • Unclear if the impact assessment will include a risk audit to assure standards equivalence • There will be an Animal Welfare/AMR Chapter. It will include language on cooperation in international fora, language on exchanging information through a working group. • The SPS Chapter allows for each country able to undertake own standards and risk assessments

<ul style="list-style-type: none"> ● SPS Chapter: encourage cooperation in food safety and farm system to achieve sustainable food production ● TBT Chapter has language respecting each country's labelling systems and permitting mandatory MoPL on animal welfare without prior approval and accepted by Parties if it respected TBT; cooperate on new emerging issues requiring labelling and promote mandatory labelling at TBT Committee and WTO ● Trade and Sustainable Development chapter: recognises the link between animal welfare and sustainable development/ includes language on animal welfare in sustainable agriculture and aquaculture/ lists verifiable commitments and includes a dispute settlement mechanism allowing for penalties/sanctions if these commitments are violated ● Public procurement Chapter: language confirming that each Party shall ensure that its procuring entities may take into account environmental, animal welfare and social considerations throughout the procurement procedure ● CSR Chapter: acknowledges that animal welfare is a CSR issue ● Committees: Committee on animal welfare established to give advice on implementation of animal welfare Chapter / obligation to establish an action plan for this cooperation / opening the meetings to external stakeholders. 	<ul style="list-style-type: none"> ● The status on Public Procurement is unclear ● A working group should be established on Animal welfare. Details are not yet laid down.
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3. Conclusions

The animal health standards will not change and the import bans of certain farm practices such as using hormones will remain though the specific language has yet to be made public so it is uncertain how the precautionary principle will apply to the UK standards which are not in compliance with Codex and so WTO standards. It is good that there will be an animal welfare Chapter separate to the SPS Chapter which contains some warm words on cooperation. This is progressive and could be even better than the Chapter in the EU-UK Trade and Cooperation Agreement and the best to date in any FTA. However the FTA contains some large increases in tariffs in sensitive products such as beef and lamb where animal welfare standards in Australia are well below those in the UK. Whilst it is welcome that the UK has confirmed they will only import meat slaughtered in line with UK standards¹, in accordance with UK legislation, there appears to be no equivalence language in the AiP that would stop imports of products produced to lower standards. There are no import controls in this area in UK legislation unlike the animal health and slaughter import controls. As TRQs are being hugely increased for sensitive products such as beef and lamb, without any conditionality language this increases the opportunity for products to enter the UK that are not produced in accordance to UK standards. It also sets a difficult precedent for future FTAs with countries such as Canada and USA where the opportunity is greater to export other sensitive products such as chicken, pigmeat and eggs.

¹ PQ 21/6/21

Annex 1 - details on methods of production in Australia and the UK

Situation in the UK	Situation in Australia
Ruminant Meat (cattle, lamb and sheep)	Banned under UK legislation / Allowed in imported Goods
<p>While being reviewed, at present, UK laws impose a maximum journey time of 28 hours for beef cattle and sheep with a 1 hour rest in between each 14 hours.</p> <p>The UK does not have yet a species-specific legislation but productions must respect the Code of Recommendation for the Welfare of Livestock:Cattle²</p>	<p>Australian cattle and sheep can be transported for 48h without food or water.</p> <p>A proportion of Australian beef cattle are produced in feedlots and whilst the figure of 4% of the cattle population is used this does not cover the amount who spend at least part of their lives with zero grazing. This system of zero grazing does not occur in the UK. Welfare of cattle on feedlots is seriously harmed and these systems do not respect most of the criteria expressed in the UK Welfare Code.³</p>
	Banned under UK legislation, also for imported Goods
<p>UK standards on welfare at the time of slaughter apply to imported meat.⁴</p> <p>The UK has banned the import of meat derived from hormone-fed beef.</p>	<p>There is no compulsory CCTV in abattoirs and no Model Conditions for animal welfare. Standards are lower in Australia on the level of training required for auditors and those working in abattoirs and animal welfare is not prioritised as an objective of Australia's export legislation.</p> <p>Australia permits the use of hormones, which is relied upon in around 40% of cattle farmed for beef production.</p>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69368/pb7949-cattle-code-030407.pdf

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69368/pb7949-cattle-code-030407.pdf

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955031/welfare-animals-time-of-killing-regs-2015-post-implementation-review.pdf

The mulesing of sheep is banned in the UK.	In Australia, 66% sheep population is of merino breed and 34% xbreed or other breed (eg Border Leicester). Lambs for export are bred from pure-bred merino and cross breed merino which tend to be mulesed. Only non-merino sheep are not mulesed. Mulesing is thus also an issue in relation to the trade in sheep meat. 44% of all Australian sheep are still mulesed without anaesthetic and an additional 40% with pain relief.
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The UK does not import much of the following products directly from Australia yet, however, trade agreements are made to last and trade liberalisation can modify trade patterns. In addition, the UK intends to improve its standards in the near future. It is thus important to include animal welfare-based conditions in new trade preferences.

Situation in the UK	Situation in Australia
Eggs and Egg products (Laying Hens)	
	Banned under UK legislation / Allowed in imported Goods
Use of conventional barren battery cages is banned in the UK The UK has a baseline stocking density of 750sq cm per hen.	An estimated 9 million laying hens in Australia – 70 per cent of the country's egg-laying flock are confined to tiny barren battery cages. ⁵ There is an ongoing process to review the minimum standards for poultry, but there are no substantial plans to ban battery cages. Australia has a baseline stocking density of 550sq cm per hen (cage)
Banned under UK legislation, also for imported Goods	
In the UK, the use of antibiotic growth promoters, ionophore antibiotics as growth promoters is banned, as well as routine antibiotic use, including all preventative group treatments, are banned in egg production.	Antibiotic use per animal in Australian poultry is over 16 times higher than in the UK.
Pig meat (pigs and sows)	
Banned under UK legislation / Allowed in imported Goods	

⁵ <https://www.independent.co.uk/news/uk/politics/rspca-farmers-brexit-australia-mulesing-b1850143.html#r3z-addoor>

<p>Use of sow stalls has been banned in the UK.</p> <p>Tail docking is restricted in the UK</p> <p>.</p> <p>The UK has the highest percentage of pigs on some straw: around 60% of weaned pigs and 40% of pigs being outdoor</p>	<p>Australia has not yet moved towards banning sow stalls; rather the current Code of Practice (adopted by some states) has restricted the use of sow stalls to 6 weeks of each pregnancy since 2017. A voluntary (total) phase out has been proposed by the industry, but an estimated 10 to 20% of pig farmers are still using stalls.</p> <p>The Australia Model Code of Practice for the Welfare of Animals: Pigs⁶ suggests that where tail docking is performed as a routine preventative measure, it should be carried out before pigs are 7 days of age. It is estimated that 88% of pigs raised in Australia are tail docked.⁷</p> <p>In Australia, 90% of pigs are reared indoors and 5% outdoors.</p>
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Banned under UK legislation, also for imported Goods

<p>In the UK, the use of antibiotic growth promoters, ionophore antibiotics as growth promoters is banned, as well as routine antibiotic use, including all preventative group treatments, are banned in pig meat production.</p> <p>The UK has a 23 year ban on the use of the drug ractopamine (a growth promoter), and the import or sale of any pig meat containing this 'yield-enhancing' drug.</p>	<p>Antibiotic use per animal in Australian pigs is nearly three times higher in Australian pig productions.⁸</p> <p>Ractopamine is used in the pig industry in Australia.</p>
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Chicken meat (broiler chicken)

Banned under UK legislation / Allowed in imported Goods

<p>Maximum stocking density in Great Britain is 38kg/m² under the Schedule 5a of Welfare of Farmed Animals (England) (Amendment) Regulations 2010. The RSPCA Assured UK standard is 30kg/m²⁹</p>	<p>Australian broiler stocking density is up to 40kg/sqm. RSPCA Australia standards (34 kg/sqm) cover 78% of chicken flock.</p> <p>Even those chickens now raised 'free-range' (as consumer demand has increased) will usually only have access to an outdoor area for up to half their short lives, as they are kept indoors until feathered.</p>
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Banned under UK legislation, also for imported Goods

⁶ <http://australianpork.com.au/wp-content/uploads/2017/05/MCOP.pdf>

⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7552632/>

⁸ <https://www.saveourantibiotics.org/media/1864/farm-antibiotics-and-trade-could-uk-standards-be-undermined-asoia-nov-2020.pdf>

⁹ <https://www.rspcaassured.org.uk/frequently-asked-questions/red-tractor-enhanced-welfare/#:~:text=chickens%20to%20be%20housed%20in,2%20kg%20per%20square%20metre>

In the UK, the use of antibiotic growth promoters, ionophore antibiotics as growth promoters is banned, as well as routine antibiotic use, including all preventative group treatments, are banned in chicken meat production.

Chlorine or acid-washed poultry is banned in the UK market.

Antibiotic use per animal in Australian poultry is over 16 times higher than in the UK.

Some chicken processing plants in Australia use chlorine to wash their chicken meat