

The case for a Common Veterinary Area under the UK-EU Trade & Co-operation Agreement





INTRODUCTION

This paper aims to explore the feasibility of a Common Veterinary Area agreement between the UK and the EU, similar to the one currently in place between EU and Switzerland.

The Swiss model has seen positive effects in the movement of animals and veterinary inspections with the reduced procedures resulting in faster and more effective trading. However, to enable a successful Common Veterinary Area, there are questions about the degree of conformity required between domestic animal health laws with those of the EU and the potential for departure from those rules, which this overview seeks to address. A fuller more technical report sits behind this paper.

When the post-Brexit transition period ended, Great Britain (GB) became a “third country” in EU trade terms and GB to EU trade became subject to sanitary and phytosanitary (SPS) controls. These controls include the use of export health certificates (EHCs), advanced electronic notification procedures, and inspections at border control posts (BCPs), as well as customs and contractual procedures for the movement of animals and animal products between the UK and EU. There are valid concerns that inspections at ports of entry into the EU and at Larne (the point of entry for the movement of animals from Great Britain or the Crown Dependencies to Northern Ireland) will pose a risk to animal welfare by prolonging transport stress and exposure to confined conditions. If the movement of animals were deemed to be non-compliant (e.g. carrying

incorrect paperwork), animals could either be re-dispatched to their country of origin, placed into quarantine, or destroyed entirely. These concerns of course relate to the export of breeding animals and we are clear that the consideration of **a CVA should not be used to re-establish the trade in live exports** from Great Britain for slaughter or fattening which the current Government supported by the Opposition have pledged to ban.

The EU-UK Withdrawal Agreement¹ entered into force on February 1, 2020 to provide a legal framework for the UK's withdrawal from the EU. It covered a range of issues including the Northern Ireland Protocol. Under the Agreement, the UK agreed to maintain high standards of animal welfare, including regulations on the use of antibiotics, animal transport, and animal testing. The agreement also recognised the importance of animal welfare in relation to trade and called for the parties to consider animal welfare in their future trade negotiations.

The Northern Ireland Protocol² allows Northern Ireland to remain in the EU single market for goods despite the region being part of the UK customs territory. The Protocol mandates checks on any animals or animal derived products travelling from Great Britain to the island of Ireland in accordance with EU regulations. Commission Implementing Regulation (EU) 2019/2129³ establishes rules for the uniform application of frequency rates for identity checks and physical

¹The EU-UK Withdrawal Agreement.

https://commission.europa.eu/strategy-and-policy/relations-non-eu-countries/relations-united-kingdom/eu-uk-withdrawal-agreement_en (Accessed on 26/04/23).

² European Union (Withdrawal Agreement) Act 2020.

<https://www.legislation.gov.uk/ukpga/2020/1/enacted/data.htm>

³ Commission Implementing Regulation (EU) 2019/2129 of 25 November 2019 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R2129&rid=7> (Accessed on 12/10/22).

checks on certain consignments of animals and goods entering the EU and specifies that live animals should be subject to 100% identity and physical checks.

The main species of animals transported across the Irish Sea from Great Britain to Northern Ireland include cattle, sheep, pigs, and poultry.⁴ These are primarily livestock animals that are being transported for commercial purposes, such as to be sold at market or to be raised for meat production. While some pets, fish and equids may also be transported in this manner, they are likely to represent a small portion of the total number of animals transported and most pets will be transported with their owners.

The impact of Brexit on animal welfare in the UK is complex and multifaceted. The UK government changed a number of laws to improve the legal basis for animal welfare. For instance, the maximum term for animal cruelty offences was raised from six months to five years under the Animal Welfare (Sentencing) Act 2021. Along with these initiatives, the government has also introduced a range of measures to improve the welfare of animals in transit and at slaughter, such

as increased regulation of live animal exports and mandatory CCTV in slaughterhouses. The future of animal welfare rules in the UK has come into question, nevertheless, as a result of the UK's exit from the EU and there are worries that the UK would decrease standards in order to secure trade agreements with other nations.

The Trade and Animal Welfare Coalition (TAWC) and many other stakeholders support the concept of “a standalone Veterinary Agreement negotiated, between the UK and the EU, establishing a Common Veterinary Area covering the EU and Northern Ireland (NI) on one side and Great Britain on the other”.⁵ Such an agreement would be mutually negotiated by the UK and EU, would allow equivalent trading conditions for both parties, would maintain trade-flow, and would overcome or potentially remove non-tariff trade barriers. This would all improve animal welfare outcomes and ensure a position of **stability for those concerned about animal welfare but also for businesses in understanding the requirements**. The purpose of this short report is to outline how a CVA would work and what challenges there are for the UK in considering this approach.

Existing veterinary agreements and common veterinary areas



The EU has signed veterinary agreements (VA) with other countries such as Andorra, Canada, Central America, Chile, Columbia and Peru, Faroe Islands, Liechtenstein, Mexico, New Zealand, San Marino. These agreements do not extend to the establishment of a Common Veterinary Agreement (CVA). A CVA differs from a VA in that it aims to **harmonise and integrate the regulatory frameworks of the participating countries to create a shared veterinary area with a high level of animal health and welfare protection**. A CVA does not establish a shared regulatory framework or a single set of rules and standards for animal health and welfare. Instead, it focuses on mutual recognition of each other's veterinary standards and certifications to facilitate trade.

Switzerland (CH) is the only ‘third country’ that is included in the same Common Veterinary Area as EU member states. This is regulated by the Agreement on Trade in Agricultural Products (Agricultural Agreement)⁶. Annex 11 of the Agreement sets out measures applicable to animal health, food safety, animal protection and animal husbandry, and trade in live animals and animal products. For the UK we would be talking about movements of breeding stock and not slaughter and fattening. The veterinary agreement between Switzerland and the EU is a bilateral agreement that aims to ensure the protection of animal and human health, as well as facilitate the free movement of live animals, animal products, and other related products. Under this agreement, Switzerland is part of the EU's single market for animal products but is not a member of the EU. The notification of the agreement led

⁴ DAERA (2022). Moving live animals into Northern Ireland from Great Britain. <https://www.daera-ni.gov.uk/articles/moving-live-animals-northern-ireland-great-britain> (Accessed on 12/10/22).

⁵ Ibid

⁶ Accord entre la Confédération suisse et la Communauté européenne relatif aux échanges de produits agricoles. <https://www.fedlex.admin.ch/eli/cc/2002/323/fr> (Accessed on 12/10/22).

to the suspension of veterinary border controls on the movement of animals and Products of Animal Origin (POAO) between Switzerland and the EU from the first of January 2009. Consignments from third countries are controlled on entry into the CH-EU Common Veterinary Area and can then be freely traded. In Switzerland, corresponding inspection posts have been set up for this purpose at the airports in Geneva and Zurich.

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The creation of the Common Veterinary Area between the EU and Switzerland is based on the principle of mutual recognition of animal health measures. This means that **Switzerland has adopted animal health and welfare standards that are equivalent to those of the EU, and vice versa**. The agreement provides for the harmonisation of animal health regulations and procedures, including veterinary checks and controls, to ensure the **free movement of live animals and animal products**.



- **Equivalence of animal health standards:** The CVA requires Switzerland and the EU to maintain equivalent animal health and welfare standards, as well as equivalent inspection and control procedures.
- **Joint committees:** The agreement establishes joint committees to monitor and review the implementation of the CVA and to resolve any disputes that may arise.
- **Recognition of certificates:** The CVA provides for the mutual recognition of veterinary certificates and other animal health documents issued by Switzerland and the EU.
- **Coordination of disease control:** The agreement provides for the coordination of disease control measures, including surveillance, early warning systems, and emergency preparedness.
- **Information sharing:** The CVA requires Switzerland and the EU to share information on animal health and welfare, including the reporting of disease outbreaks.



- **Facilitated trade:** The CVA enables the free movement of live animals and animal products between CH and the EU, without the need for additional veterinary checks or controls.
- **Harmonisation of regulations:** The agreement ensures that animal health and welfare standards, as well as inspection and control procedures, are harmonised between Switzerland and the EU.
- **Increased cooperation:** The CVA promotes increased cooperation between Switzerland and the EU in disease control and other areas related to animal health and welfare.
- **Reduced costs:** The agreement reduces costs for exporters and importers, as well as for regulatory authorities, by streamlining procedures and reducing duplication of effort.

Since the conclusion of the Agriculture Agreement in 1999 and its implementation in 2002, trade flows between Switzerland and the EU have increased. In 2021, 50% of Swiss agricultural exports went to EU member states, while 74% of Swiss imports came from the EU. The level of alignment is very high, as Switzerland does not have voting rights, and decisions made by the EU in the areas of animal health and food safety affect Swiss legislation through the Veterinary Agreement.

⁷ Veterinary Agreement between Switzerland and the EU. <https://www.blv.admin.ch/blv/en/home/das-blv/kooperationen/internationale-abkommen/veterinaerabkommen-schweiz-eu.html> (Accessed on 12/10/22).

⁸Recueil de textes juridiques sur les accords sectoriels avec l'UE. <https://www.fedex.admin.ch/fr/sector-specific-agreements/joint-committees-decisions-register/4> (Accessed on 12/10/22)

The Windsor Framework and border target operating model



During and after the transition period stipulated by the EU-UK Withdrawal Agreement, the SPS controls that apply to animals and POAO entering the UK from the EU have been in a state of flux. The original proposals for border controls followed those applied by the EU (i.e. Regulation 2017/625, the Official Controls Regulation, or OCR) and the UK Government had intended to implement these by the end of 2022. However, in a written statement⁹ published on 28 April 2022, Her Majesty's Government pushed back all further checks on SPS imports to the end of 2023 and suggested that the new regime of border import controls would be 'based on a proper assessment of risk, with a proportionate, risk-based and technologically advanced approach'.

The Windsor Framework describes a new system of green and red lanes at Northern Ireland ports for movements from Great Britain, in order to protect the UK's internal market, whilst also providing reassurances on goods destined for the European Union. At the same time, Northern Ireland businesses and citizens will continue to be able to purchase goods from the European Union with no new barriers. Whilst the Framework provides little clarity on the movement of livestock, it does make certain provisions relating to the movement of pets. Plans governing the movement of livestock were provided shortly afterwards by the draft Border Target Operating Model (BTOM).

In the UK, enforcement of biosecurity controls is within devolved responsibility. Therefore, the Scottish, Welsh and UK Governments have worked together to develop a new model for the import of Sanitary and Phytosanitary goods. On April 2023, a draft Border Target Operating Model¹⁰ for the importation of goods into the UK from countries inside and outside the EU was published.

The Border Target Operating Model outlines a new approach to security controls (applying to all imports), and Sanitary and Phytosanitary controls (applying to imports of live animals, germinal products, animal products, plants and plant products) at the border.

For SPS controls, the new model proposes:

- A **new global risk-based approach** for live animals, germinal products, products of animal origin, animal by-products, plants and plant products. Each will be categorised as high, medium or low risk, with controls appropriately weighted against the risks posed both by the commodity and the country of origin;
- **Simplified and digitised health certificates** from 2023 with take-up depending on the readiness of UK trade partners. Simplified export health certificates will be introduced in Spring 2023 for animal products, and digitised export health certificates will be introduced in 2024 leading to more automated use of data;
- A **trust-based approach** where authorised importers of plants, plant products and some animal products may be eligible for streamlined controls. To qualify they will need to provide the enhanced assurances and evidence that they are meeting the regulatory requirements and standards.

Currently, goods from the EU can enter the UK without requiring certification or testing, except for live animals, germinal products, and high-risk plants. However, with the implementation of the BTOM (Border Operating Model), certain goods will be categorised based on their level of risk. This includes live animals, genetically modified foods, products derived from animals, and animal by-products. Each category will have a corresponding level of control. The classification will be based on the inherent risk posed by the product to animal health and welfare, food safety, biosecurity, and public health. Factors such as the frequency of pests and diseases and the quality of official health regulations in the country of origin will also be considered.

A country-level risk assessment model is currently being developed. The model's outputs for EU-UK trade have been published, categorising most live animal imports as "high risk," with some exceptions for high-health equines, certain zoo animals, and specific live aquatic species. All live animals are likely to be classified as high risk.

⁹<https://questions-statements.parliament.uk/written-statements/detail/2022-04-28/hcws796>.

¹⁰The Border Target Operating Model.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1148852/The_Border_Target_Operating_Model_Draft_for_Feedback.pdf

Consequently, pre-notification, streamlined health certificates, paperwork checks, and increased physical and ID checks will be required for importing livestock. Live animals undergo thorough identity and physical checks. However, certain animals, such as high-health equines from low-risk countries, some zoo animals, and specific live aquatic species, may be exempt from the need for 100% testing.

The BTOM bases the SPS border controls on information regarding regulated goods. This will enable the targeting of more intensive checks, ensure official certification, and conduct physical inspections to confirm that the certification of the items is accurate. The following three elements are crucial to import health controls systems:

- **Pre-notification** which supports action at points of entry, allowing officials to target their activities at shipments posing the biggest risk. The detail allows traceability, enabling animal, plant and public health authorities to identify and respond to an outbreak or emerging threat;
- **Health certification that requires authorised officials** in exporting countries to certify that the goods have been produced to the safe standards required by the importing country as well as a process to monitor those through documentary checks;
- **Physical inspection**, usually at a border control post, allows health officials to check that goods match the health certification, to identify any trends of concern in non-compliance and to sample the goods for any pests and diseases.

The UK has ratified World Trade Organisation (WTO) treaties that provide for SPS restrictions to be applied equally to all international trading partners. The WTO Sanitary and Phytosanitary Agreement recognises the right of each member to implement the appropriate safeguards to safeguard their public, animal, and plant health. It is crucial that the BTOM maintains the methods recognised and used throughout the world as the fundamental building blocks for animal, public, and plant health import controls since measures cannot be applied arbitrarily or discriminatorily.

The BTOM aims to ensure that Northern Ireland businesses have unrestricted access to their most significant market in Great Britain (c.f. the Windsor Framework). The intent is to codify such agreements in UK domestic law to prevent burdens for Northern Irish goods travelling both directly between Northern Ireland and Great Britain and indirectly between Northern Ireland and Ireland and Great Britain. However, businesses from Ireland will face new checks and controls when transporting Irish goods (i.e., any goods which are not Qualifying Northern Irish goods) from Irish ports (e.g., Dublin Port and Rosslare Europort) directly to Great Britain (e.g., Liverpool Port and Holyhead Port). Irish goods travelling directly from Ireland to Great Britain will be subject to the new biosecurity and security controls outlined in the BTOM, as well as full customs controls, which will alter the current rules that apply when these goods enter GB ports receiving traffic from Irish ports.

It should be noted that none of the additional checks or controls set out in this BTOM will apply to imports into Northern Ireland from the EU, providing Northern Ireland traders with full access to the EU market.

The intent of the UK signatories is to implement the Border Target Operating Model between the end of October 2023 and 31st October 2024.

Practicalities of a UK/EU Common Veterinary Area



The success of a veterinary agreement, or Common Veterinary Area, hinges on a number of variables, including the degree of agreement between the parties regarding regulatory standards, the level of trust and cooperation between regulatory agencies, and the willingness of the parties to address newly emerging problems and challenges. Several obstacles have been noted:

- **Alignment of policy outcomes:** The creation of a CVA would be contingent on a high level of alignment in the outcomes of UK and EU policies, particularly in regard to requirements for animal welfare and health, which is complicated by the divergent regulatory frameworks of the UK and the EU.

- **Political will:** The UK and the EU would need to work together and have the political will to establish a CVA. It is uncertain whether there is enough political will to work towards an amicable compromise on animal welfare and cross-border transportation given how complex the Brexit negotiations have been.
- **Trade agreements:** The UK has previously signed trade agreements with other nations, including Australia and New Zealand. These pre-existing agreements could conflict with the creation of a UK-EU CVA by making it difficult to achieve complete alignment of SPS outcomes. However, the parties (UK and EU) might be encouraged to look at animal health and welfare (and so the movement of live animals) as being distinct from the broader SPS border controls, and to relax/tighten movement controls on a dynamic risk basis, (separate from the controls on POAO).
- **Infrastructure:** To facilitate the movement of animals and POAO between the UK and the EU, the development of a CVA would seem to require execution of the recently proposed Border Target Operating Model. However, the uncertain nature of BCP infrastructure on the west coast of Britain, suitable for the trade in live animals, which would only be breeding stock, between Ireland and GB, may also indicate that there is political will from the UK’s side to look at alternative means to control of animal diseases etc.
- **Public perception:** Concerns about animal welfare and national sovereignty may affect how the establishment of a CVA is seen by the general public. Obtaining public approval for a deal that cedes some authority over animal health and welfare regulation to the EU may be challenging.

Implementation of a CVA

In the case of the EU-CH CVA, negotiations started in 1999 as part of the ‘Bilateral I’ package, and it was not until 1 January 2009 that border veterinary controls for trade in animals and animal products between Switzerland and the EU were finally abolished. However, it may be erroneous to assume that a similar timescale would apply to negotiations between the EU and UK for a similar arrangement. The European Union has urged the UK to consider a Swiss-style Common Veterinary Area. In 2021, European Commissioner Maroš Šefčovič suggested that “This could be negotiated very quickly and would address many concerns... ..The UK continuing to apply EU SPS rules will do away with a vast majority of the checks in the Irish Sea and would not require checks elsewhere, say in Northern Ireland”.

2024	Pre-negotiation: The UK and EU engage in preliminary discussions on the feasibility of establishing a CVA. Technical working groups are established to examine the technical requirements of a CVA, including the development of IT systems and exchange of information between veterinary authorities.
2025-6	Negotiation: Formal negotiations on the establishment of a CVA between the UK and EU take place. Key issues to be negotiated include alignment of policy outcomes, technical requirements, and trade agreements that may impact the feasibility of a CVA.
2027	Agreement: The UK and EU reach an agreement on the establishment of a CVA. The agreement includes provisions for alignment of policy outcomes, technical requirements , and the development of IT systems to facilitate the exchange of information between veterinary authorities.
2028	Implementation: The technical requirements of the CVA are implemented, including the development of IT systems and the exchange of information between veterinary authorities. The CVA is rolled out across the UK and EU, with appropriate training provided to stakeholders involved in livestock transport.
2029-32	Monitoring: The CVA is monitored over a three-year period to assess its effectiveness. Any necessary adjustments to the CVA are made during this period to ensure its continued improvement.
2033	Review: The CVA is subject to a formal review to evaluate its impact and identify any areas for improvement. The review includes consultation with stakeholders involved in livestock transport, veterinary authorities, and the general public.

Figure 1: A potential (conservative) estimate of the timescale and steps involved in creating a EU-UK CVA. Of course, this is just one potential timeline, and the actual timeline for establishing a EU-UK Common Veterinary Area may be influenced by a range of factors, including political will, technical requirements, and public opinion.

SUMMARY

The establishment of a Common Veterinary Area would ease the need for additional checks, provide a common space for the control of animal diseases, and sustain the movement of animals and animal derived products whilst reducing unnecessary animal stress and ensuring high standards of animal welfare are maintained at all times. This is

about helping movement between GB and NI (in which case any purpose for livestock transport) or GB and EU - and in these cases should not be a means to evade a live export ban. When the Target Operating Model is eventually implemented, it will add another level of complication, delay and extra cost to UK trade with the EU and may also discourage some EU exporters from supplying into the UK market, preferring instead to sell to markets with fewer trade barriers. A Common Veterinary Agreement would remove some of the SPS requirements for goods moving between the EU and Great Britain, and between Great Britain and Northern Ireland. In doing so it would restore the UK and EU's two-way trade in food to the efficient, cost-effective system it was before without being a member of the EU.

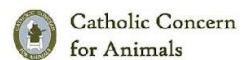
The obstacles lie mainly around political will and public perception, however this is an issue of trade and supporting UK business as much as it is about animal welfare and the public understand the importance of exports and links to economic recovery. The re-joining of the Horizon programme is comparable and was a highly welcomed decision by the public.

This also demonstrated that there is a presence of political will and a rebuilding of trust between the EU and UK. The CBI, after consultation with businesses and organisations in the retail, agricultural, and food and drink sector called for a CVA so there is clearly a strong will to go in this direction. The creation of a CV modelled after the Swiss veterinary accord, would mean the UK has to adopt the same animal health and welfare standards as the EU because member states agree to harmonise outcomes of their animal health laws and practices. This could make it more difficult for the UK to negotiate trade agreements with nations that have differing standards for animal welfare and health; however, these standards would be lower and would undermine the UK's commitment to high welfare.

There would also be coordination of disease control measures, including surveillance, early warning systems, and emergency preparedness and information sharing, including the reporting of disease outbreaks. These are positive measures in regard to protecting the biosecurity of the UK and is an area that should be collaborative and co-ordinated. When it comes to one territory adopting new legislation to raise the bar of animal health in a certain sector, there should be no concern about the other territory ensuring it provides for a similar standard according to their own requirements as ultimately the common goal is to prevent disease outbreak.

Brexit has enabled a change to the way we manage our land and food production based on the principle of public money for public goods. A CVA does not undermine Brexit but it reaffirms the Government's commitment to upholding our high environmental, food safety and animal welfare standards outside the EU and to supporting trade between the UK and EU.

Coalition members



Key sources of information

1. Accord entre la Confédération suisse et la Communauté européenne relatif aux échanges de produits agricoles.
<https://www.fedlex.admin.ch/eli/cc/2002/323/fr>
2. State of play Animal Health Law (AHL) Switzerland) SCOCA, 23 March 2023 Standing Committee on Plants, Animals, Food and Feed Section Animal Health and Welfare, 23.03.2023.
https://food.ec.europa.eu/horizontal-topics/committees/paff-committees/animal-health-and-welfare/presentations_en
3. State of play Animal Health Law (AHL) Switzerland) SCOCA, 9 Sept 2023 Standing Committee on Plants, Animals, Food and Feed Section Animal Health and Welfare, 23.09.2020 .
https://food.ec.europa.eu/system/files/2020-10/reg-com_ahw_20200923_pres_ahl_che.pdf
4. Veterinary Agreement between Switzerland and the EU.
<https://www.blv.admin.ch/blv/en/home/das-blv/kooperationen/internationale-abkommen/veterinaer-abkommen-schweiz-eu.html>
5. Consolidated text: Agreement between the European Community and the Swiss Confederation on trade in agricultural products.
[http://data.europa.eu/eli/agree_internation/2002/309\(4\)/2023-01-01](http://data.europa.eu/eli/agree_internation/2002/309(4)/2023-01-01)