

TCA09 RSPCA Cymru

Senedd Cymru | Welsh Parliament

Adolygiad o weithrediad y Cytundeb Masnach a Chydweithredu rhwng y DU a'r UE | UK-EU implementation review of the Trade and Cooperation Agreement

Ymateb gan: RSPCA Cymru | Evidence from: RSPCA Cymru

Consultation response

UK-EU implementation review of the Trade and Cooperation Agreement

Introduction

RSPCA Cymru welcomes the opportunity to respond to the Economy, Trade and Rural Affairs Committee's call for evidence on the Trade and Cooperation Agreement (TCA). With the TCA having been in force since May 2021, its five year review is due to be undertaken in the near future. Should the TCA be continued once it has been reviewed, it provides an important opportunity to improve animal welfare standards via the introduction of a Common Veterinary Agreement (CVA) under its provisions, as outlined within this response. To date, the implementation of various components of the TCA have been delayed several times - including the changes relevant to Welsh ports. As such, the potential benefits of the TCA in terms of improving animal welfare have not materialised as of yet. With the changes relevant to the TCA having the potential to speed up the movement of live animals - including pets - between Wales and EU countries such as Ireland and lead to better, more efficient welfare checks, these ongoing delays are likely having an adverse effect on welfare as it stands. However, the introduction of a CVA between Great Britain (GB) and the EU has the potential to solve some of the relevant issues, offer a credible alternative to the Target Operating Model (TOM) and lead to much-needed improvements.

In its election manifesto, the new UK Government made a commitment to: *improve the UK's trade and investment relationship with the EU, by tearing down unnecessary barriers to trade... to negotiate a veterinary agreement to prevent unnecessary border checks and help tackle the cost of food¹*. The RSPCA is supportive of such action as it could also enhance the welfare of travelling and traded animals. We therefore encourage the Welsh Government and Members of the Senedd to consider how such an agreement could eventually lead to improvement in the welfare of animals moving to and from Wales, as well as offering trade benefits.

Implementation of the TCA to date

Since the introduction of the TCA in 2021, the UK has postponed implementing SPS (Sanitary and Phytosanitary Standards) import controls on live animals and animal products via the agreement five times. Meanwhile, the European Union immediately implemented import controls from the UK on food and live animals under their own SPS provisions. 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. These border controls include the commercial and non-commercial trade in live animals, as well as their products, including those being exported to Northern Ireland, which remains part of the EU through the Northern Ireland Protocol² and the Windsor Framework Agreement³.

¹ <https://labour.org.uk/wp-content/uploads/2024/06/Labour-Party-manifesto-2024.pdf>

² <https://www.legislation.gov.uk/ukpga/2020/1/enacted/data.htm>

³ <https://www.gov.uk/government/publications/the-windsor-framework>

In response to the TCA, a set of additional customs rules and checks were due to be implemented gradually via a Border Trade Operating Model (BTOM). The published Border Trade Operating Model (BTOM)⁴ was originally due to be implemented from October 2023. However, this has also been postponed and the next implementation date of January 2025 currently seems unlikely with there being just two months to go and not enough progress having been made to date. The BTOM should eventually see new trade and customs controls carried out at Welsh ports, with Border Control Posts (BCP) planned for Holyhead, Fishguard and Pembroke Dock. While the implementation of the BTOM for these three ports for trade from Ireland was due to take place in Spring 2025, this is also expected to be postponed with any progress towards the tail end of 2025 also not necessarily guaranteed according to the Welsh Government⁵.

As well as impacting animal welfare by prolonging and requiring additional border checks, the current difficulties in introducing SPS import controls for the UK may also add to business costs through additional paperwork and border checks, which has the potential to impact food security and food prices⁶. However, the introduction of a CVA could 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 protections by focusing on mutual recognition of each country's veterinary standards and certifications to facilitate trade. A CVA would replace the Target Operating Model (TOM) which, even when implemented, will likely add another level of complication, delay and extra cost to UK trade with the EU while also potentially discouraging some EU exporters from supplying into the UK market, preferring instead to sell to markets with fewer trade barriers. According to research by UK in a changing Europe, a veterinary agreement could result in a 22.5% increase in exports and a 5.6% increase in imports⁷.

How a Common Veterinary Agreement (CVA) could improve animal welfare

Any veterinary agreement has the potential to reduce enforcement checks as an agreement is implemented. The establishment of a Common Veterinary Area could 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 while reducing unnecessary animal stress and ensuring high standards of welfare are maintained at all times. While increased enforcement arising from additional checks at border control points via the TCA has the potential to decrease the illegal trade in live animals and products, there are valid concerns that inspections at ports of entry into the EU and at Great Britain will also impose a risk to animal welfare by prolonging transport stress and exposure to confined conditions through waiting time at the BCP. Additionally, 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.

From a disease prevention perspective, there are clear advantages for more border controls which would deter illegal trade and also be able to filter any live animals with diseases, particularly zoonotic diseases. Still, there are clear animal welfare advantages to fewer border controls on the trade in live animals as the potential to hold up animals at a border due to incorrect paperwork or other non-compliances could increase welfare problems. However, a CVA could lead to better coordination in terms of disease control measures, including surveillance, early warning systems, emergency preparedness and information sharing, including the reporting of disease outbreaks. This would be a positive outcome in terms of protecting the UK's biosecurity, as well as that of our neighbouring countries.

Although the TCA has a non-regression clause on environmental legislation and standards (which forbids a country from weakening their legislation), there are no such restrictions relevant to animal

⁴ <https://www.gov.uk/government/publications/the-border-operating-model>

⁵ <https://senedd.wales/media/gnojwltq/cr-ld16768-e.pdf>

⁶ <https://www.theguardian.com/business/2024/oct/29/post-brex-it-border-checks-putting-food-security-at-risk-produce-sellers-warn>

⁷ UKICE UK in a changing Europe, Would a veterinary agreement be a boost for UK-EU agri-food exports?, June 2024

welfare⁸. This allows divergence on animal welfare from legislation in Great Britain and the EU, with the ban on live exports which has been applied to Wales via legislative consent and is due to come into force on the 1st of January 2025 being a particularly noteworthy example. The installation of CCTV in slaughterhouses in Wales is now a mandatory requirement too, with such measures also in place in England and Scotland. There are also proposals being considered by the UK Government to stop the import of puppies and dogs with cropped ears from Europe, to prohibit the import of fur into Great Britain and to forbid the import of foie gras into the UK, with all of these having the potential to be applied to Wales. Proposals to restrict cages for laying hens and prohibit the use of farrowing crates for pigs are also included in the Welsh Government's Animal Welfare Plan for Wales⁹, with similar proposals also being considered in England and Scotland. While all of these diverge from existing EU laws and commitments, the principle of mutual recognition of animal health and welfare measures in a CVA means that the UK would need to adopt standards that are equivalent to those of the EU, and vice versa. This means that positive progress for animals achieved via Welsh Government and/or UK Government legislation could see higher standards adopted elsewhere, while also providing an avenue for the UK/GB to benefit from legislative changes relevant to the European Union. Such an agreement would also ensure that neither the UK/GB or EU could weaken their animal welfare legislation, regardless of governmental changes, by introducing a system of core standards on animal welfare from which countries cannot diverge.

A CVA could also improve access to veterinary medication for Northern Ireland. Veterinary medicines entering Northern Ireland from Great Britain will be required to comply with EU regulations after December 2025, when the present grace period ends. The Windsor Framework made no changes to these rules which means that any veterinary drugs entering Northern Ireland from Great Britain will be required to be tested within the EU, including those that are not repeatedly tested in Great Britain. Secondly, the marketing authorisation holder would have to be located in the EU. Making such changes is burdensome, costly and could see restrictions on veterinary medicine entering Northern Ireland with this having the potential to impact on animal welfare, animal health and disease control.

Conclusion

While the establishment of a CVA would inevitably require significant political will and careful consideration to ensure it is mutually beneficial, it could provide a number of benefits in terms of improvements to both animal welfare and the facilitation of trade. As such an agreement would be mutually negotiated by the UK and EU, it would allow equivalent trading conditions for both parties, maintain trade-flow, and would overcome - or potentially remove - non-tariff trade barriers. This could also improve animal welfare outcomes and ensure a position of stability for those concerned about animal welfare, but also for businesses in understanding the requirements. A Common Veterinary Agreement could be used to remove some of the SPS requirements for goods and animals 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 the import/export of animals and food to the efficient, cost-effective system it was before, without being a member of the EU. As such, we encourage the Economy, Trade and Rural Affairs Committee to consider the potential benefits of a CVA as part of its review into the implementation of the TCA to date which has so far proved inefficient in terms of protecting and enhancing animal welfare following our exit from the European Union.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948119/EU-UK_Trade_and_Cooperation_Agreement_24.12.2020.pdf Art 7

⁹ <https://www.gov.wales/sites/default/files/publications/2021-11/animal-welfare-plan-wales-2021-26.pdf>