

**LEADING BY EXAMPLE: THE ANIMAL WELFARE IN THE EU. PAST
EVOLUTIONS, CURRENT TRENDS.
CASE STUDY: ROMANIA**

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Abstract

The animal welfare is an important topic at EU level with a number of important legislative provisions and funding allocated to it. "It is a subject already on the European agenda for several decades, a topic that has gained more and more importance as the animals have being declared as "sentient beings" with rights.

For many years in Romania the question was somehow neglected in favour of other important agricultural topics, yet as the time goes by the welfare of livestock is becoming a topic of importance on the public agenda and on the authorities list of priorities.

For that purpose a series of legislative and institutions reforms were adopted as well as we have witnessed the allocation of various financing sources for the beneficiaries. The situation is improving at the national level but the progress is relative depending on the sector.

Key words: animal welfare, EU, Romania, CAP

INTRODUCTION

The animal welfare is a carefully researched subject at the level of the European Union ever since more than 40 years ago, and there is a an implicit topic at the national level of every Member State. This is proven by both the EU legislation, respectively the official documents concerning this aspect, and also trough the interest given to this topic by the researchers.

Some researchers believe that "animal welfare can be defined as providing environmental conditions in which animals can display all their natural behaviours in nature started gaining importance in recent years." (Koknaroglu, H., & Akunal, T. 2013).

Animal welfare is a complex concept that has indicators and associated parameters which can be affected by numerous factors that include both physical and mental health, Due to this fact, it was established on a common agreement of the consumers, researchers, law makers and farmers that there are 4 general principles of animal welfare, each with 2-4

criteria as seen in Table 1: adequate feeding, proper shelter, good health condition, normal behaviour (Kjaernes and Keeling, 2004, Keeling and Veissier, 2005, Håbeanu, M., Surdu, I. and Lefter, N.A, 2013).

Table 1

Set of criteria and subcriteria used in WelfareQuality® to develop an overall welfare assessment.

Criteria	Subcriteria	Specifications
Good feeding	1. Absence of prolonged hunger.	
	2. Absence of prolonged thirst.	
Good housing	3. Comfort around resting. 4. Thermal comfort. 5. Ease of movement.	Assessed through behaviour (including rising up and lying down movements) but not injuries (included in 5).
Good health	6. Absence of injuries. 7. Absence of disease. 8. Absence of pain induced by management procedures.	Except those produced by a disease or voluntary interventions (eg mutilations) 1. Absence of clinical problems other than injuries 2. Eg mutilations and stunning.
Appropriate behaviour	9. Expression of social behaviours. 10. Expression of other behaviours. (eg exploration) aspects. 11. Good human-animal relationship. 12. Absence of general fear.	Balance between negative (eg aggression) and positive (eg social licking) aspects. Balance between negative (eg stereotypies) and positive No fear of humans. Except fear of humans.
<p>1 For suckling piglets 'mortality' is considered with injuries because death is mostly caused by crushing by the sow.</p> <p>2 This includes mortality for young animals (except suckling piglets) and during transport. Mortality at other times is not considered because it largely depends on management and culling strategies.</p> <p>3 'Social behaviours' (9) and 'fear of humans' (11) are very important components of farm animals welfare (Hemsworth & Coleman 1998; Boe & Faerevik 2003). They have been isolated respectively from 'other behaviours' (10) and 'general fear' (12), to avoid masking the effects of these latter elements.</p>		

Source: R Botreau, I Veissier, A Butterworth, MBM Bracke and LJ Keeling, 2007, p.226

The European Union (EU) started discussions on animal welfare in the 1980s and adopted a series of Directives to protect farm animals. Both Recommendations and Directives define higher space allowance, more opportunity for social contacts, balanced diet, enriched environment, and limitation of harmful procedures. (Veissier, Isabelle, *et al*, 2008). The European Commission has solicited quantifiable indicators of animal welfare that are to be evaluated by the association of parameters that are measurable and scientifically based, on the basis of which the EU regulations in this area are to be established (Håbeanu, M., Surdu, I. and Lefter, N.A, 2013).

In accordance to *Special Report of the European Court of Auditors, no. 31 from 2018*, the EU has some of the world's highest regulatory animal welfare standards, which include general requirements on the rearing, transport and slaughter of farm animals and specific requirements for certain species (Special Report, no. 31, 2018, European Court of Auditors).

The combination of legislation and producer subsidies may provide an appropriate policy which improves animal welfare without directly constraining food consumption choice and could help to achieve other policy aims regarding agriculture in the EU (Bennett, R. M. 1997).

Also at the EU level, through CAP respectively through the financing mechanism of direct payments, are supported the incomes of the farmers which, in exchange, have the obligation to undertake agricultural activities while respecting a series of standards concerning food safety, environment protection, animal welfare and maintaining the farm land in good agricultural and environment conditions (Bâlgăr, A. C., & Drăgoi, A. E. (2015).

MATERIAL AND METHOD

The current research is using a desk research method that involves using already existing data. It includes using research material published in research reports and similar documents. It is a much more cost-effective method in regards of the time needed than primary research, as it makes use of already existing data. As the name says secondary research is based on previously analysed and filtered data (Bhat, 2019).

Thus the paper would review the existing literature and official documents in order to present an adequate image of the animal welfare in Romania from a legislative point of view as well from a scientific and administrative perspective.

RESULTS AND DISCUSSION

Romania in its capacity as an EU Member State has accepted the *acquis communautaire* and therefore it is subject to the Community rules regarding the animal welfare.

One of the most important regulation in place is the *Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes* which lays down minimum standards for the protection of animals bred or kept for farming purposes. This Directive applies to „any animal (including fish, reptiles or amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes” and defines those who are obliged to respect its provisions „any natural or legal person or persons responsible for or in charge of animals whether on a permanent or temporary basis” (Council Directive 98/58/EC of 20 July 1998).

It was based upon the *European Convention for the Protection of Animals kept for Farming Purposes (1976)* and they reflect the so-called 'Five Freedoms': Freedom from hunger and thirst; Freedom from discomfort;

Freedom from pain, injury and disease; Freedom to express normal behaviour and Freedom from fear and distress.

Moreover this was further enforced when the *Lisbon Treaty* came into force in 2009 and introduced the recognition that animals are sentient beings. Article 13 of Title II states that “(...) the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals (...)”.

Following its accession Romania had to adapt its institutional structure for the animal welfare. From the legislative point of view the key legislation piece that regulates it is *Law no. 205 from 2004 for the protection of animals* which regulates the life and welfare conditions of the animals with our without owner. Also we have the *Law no. 60 from 2004 concerning the ratification of the European Convention for the Protection of Pet Animals*.

All this general framework is later on supplemented and developed by various Orders that implement them or the EU legislation into practice.

The key institution in Romania in charge with animal welfare is the *National Sanitary Veterinary and Food Safety Authority (ANSVSA)* which operates as a regulator in the field of veterinary and food safety, a specialized body of central public administration, with legal personality, subordinated to the Government and coordinated by the Prime Minister.

As a general body with a large area of activities ANSVSA operates on multiple fronts and it is mostly a regulatory body, by providing all the legislative provisions and implementation rules to the Romanian farmers.

The EU membership gave birth to a series of European controls on the question of animal welfare. Thus as the time of the accession came closer the audits of the European Union institutions tackled the question of animal welfare. Animal welfare missions to Romania were carried out in October 2007, May and September 2009 and their results are described in *Reports DG(SANCO)/7339/2007*, *DG(SANCO)/8256-2009* and *DG(SANCO)/8269-2009*.

Table 2

Early preliminary conclusions on animal welfare

Report 7339/2007 concerning animal welfare on laying hens and for transport of horses	Report 8256-2009 concerning animal welfare during transport and in particular horses	Report 8269-2009 concerning welfare of laying hens and animal protection during transport	Report 8389-2010 Concerning animal welfare on farms and during transport
measures had been largely ineffective in ensuring that the system of control for animal welfare is satisfactory. First	although measures on animal welfare have been taken by the Central Competent Authority in the form of training and instruction provided since the previous mission in 2007, the	the CCA has taken action to improve the training of officials for welfare on laying hen premises and during transport but	The CCA has addressed 5 out of 9 recommendations from the 2007 FVO report and 7 out of 13 recommendations from 2009-8269 report. The

steps had been taken to establish functioning controls, such as the registration of laying hen farms; however, serious non-compliances were seen and have not been adequately addressed by the authorities.	Competent Authority at the county level failed to enforce the relevant EU legislation	implementation at county level was inconsistent.	CCA have therefore made sustained efforts to achieve better compliance on animal welfare issues principally by providing training and revising instructions to the county CAs.
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Source: *Final Report of a specific audit carried out in Romania from 26 to 30 April 2010 in order to evaluate the implementation of controls on animal welfare on farms and during transport in the context of a general audit - DG(SANCO) 2010-8389*

We therefore can witness a tentative improvement of the animal welfare situation which is also being detailed in the 2012 *Final Report of an audit carried out in Romania from 21 to 29 November 2012 in order to evaluate the implementation of controls for animal welfare on farms and during transport.*

The Report concluded that at that time that in comparison with 2007 and 2010 progresses have been made: “The systems in place to implement controls on animal welfare during transport and on farms are generally satisfactory. Some problems remain relating to risk prioritisation and the organisation of controls, specific lack of resources in this sector, the lack of dissuasive sanctions for: commercial transporters and overstocking in laying hen premises, and a lack of procedures on when to impose sanctions which leads to inconsistent enforcement.” (Report, 2012).

Regarding the animal welfare one of the most present topic at national and EU level was the transport of live farm animals from Romania to other non-EU countries. This sort of news made the headline almost every year in various contexts, all stressing the importance of ensuring animal welfare. The question was and remains of outmost importance for the transport of animals by sea as Romania exports an important number of ruminants annually to third countries using livestock vessels. We there have a special Report dedicated to the sea transport of animals generated by an incident caused by a livestock vessel shipped from Romania to Jordan with 13 000 sheep out of which 5 200 died during transport.

“The Commission services carried out a fact-finding mission in Romania from 26 to 30 October 2015 to collect information on the official checks and circumstances regarding the approval of livestock vessels, in particular the livestock vessel carrying sheep from Romania to Jordan that was involved in the reported incident by media and animal welfare non-governmental organisations.

The report concludes that there were adequate procedures for the approval of livestock vessels at the time of the incident. A subsequent update to the Romanian written procedures for the control of vessels prior to loading increases confidence in the reliability of these checks.” (Report, 2015).

Given this and the relative lack of national Reports dedicated to the welfare of animals one of the most important recent source of information is the *2018 Special Report of the European Court of Auditors on Animal welfare in the EU: closing the gap between ambitious goals and practical implementation*.

As regards Romania the findings are still on a negative side: “Over a series of audits in Romania between 2009 and 2011, DG SANTE recommended that the competent authority apply effective, dissuasive and proportionate sanctions for non-compliance with the animal welfare legislation. At the time of our audit, the Romanian authorities had not yet approved the necessary changes in the legislation to apply such sanctions.”

Add to this the animal welfare checks on the farms in Romania by the relevant national authorities are still debatable since “in practice the authorities did not check agricultural holdings that fall within the definition of “non-professional farms”. These holdings cover many of the animals in the pig sector (45 %) and almost all animals in the sheep and goat sector (99 %).” (Special Report, 2018)

The importance of animal welfare stands out if we take into consideration the fact that in the NRDP 2014-2020 there is an entire measure – Measure 14 dedicated to the animal welfare.

After a rather rocky start when Romania decided not to introduce Measure 14 — Animal Welfare (M14) in the *National Rural Development Programme (Programul Național pentru Dezvoltare Rurală — PNDR) 2014-2020* as the official answer said “The analysis of the situation and identification of needs (SWOT) of the draft NRDP did not identify specific needs for supporting animal welfare beyond levels imposed by EU standards. In this context Romania did not have to justify the non-inclusion of this measure. It was a matter of national policy choice, taking into account the extremely important socioeconomic needs of the Romanian rural areas and the limited funding available under the RDP.” (Buda, 2015). Finally funds were allocated and the Measure 14 has started to be accessed by the intended beneficiaries. The latest indicators concerning the number of beneficiaries supported for animal welfare were the following: Target 2023: 549,00; Milestone Stage: 384,30 (70%) and **Achieved (2018): 508 (92,53%)** (Gramillano, 2019).

CONCLUSIONS

The above mentioned data show that the animal welfare situation in Romania is on a slowly improving path. The best situation is in the field of legislative harmonization as the Romanian authorities have improved the legislative concordance with the EU *acquis communautaire*. As for the financial resources allocated the absorption rate seems to be a satisfactory one.

Yet problems remain as, the above mentioned studies have shown that an important number of agricultural exploitations remain outside the control area of the authorities on animal welfare. An in-depth check could provide some different conclusions that the one in present.

Also, from the point of view of public opinion and civil society, the transport of livestock by sea continues to be a sensitive subject, with constant tragedies that create a powerful public emotion.

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