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In cooperation with Eurogroup for Wildlife and Laboratory Animals

Contribution to the Review of the 6th Environment Action Programme

Introduction

Eurogroup for Animals/EWLA works to improve the protection of wild and laboratory animals and its activities are related to 3 of the 4 key priorities of the 6 EAP.

The 6EAP constitutes a framework for the Community's environmental policy with the aim of ensuring a high level of protection. Decision No 1600/2002/EC laying down the programme states that "it shall be based particularly on the polluter-pays principle, the precautionary principle and preventive action and the principle of rectification of pollution at source. The programme shall form a basis for the environmental dimension of the European Sustainable Development Strategy and contribute to the integration of environmental concerns into all community policies, inter alia by setting out environmental priorities for the strategy."

Eurogroup/EWLA believes that, for greater clarity of Member State responsibilities, the Programme's focus on the identified environmental priorities, such as nature, biodiversity, environment and natural resources, should be more clearly defined. None of these priorities have definitions within Decision No 1600/2002/EC. However, the basis for the programme within these priorities must be applied to include wild animals, taking into consideration their welfare. This is only consistent with the recently adopted Community Action Plan on the Protection and Welfare of Animals, which recognises the need to integrate animal welfare in all Community's policy areas.

Eurogroup/EWLA would also like to contribute to the current Commission's evaluation of the progress made in the programme's implementation, and we hope that the following comments can be integrated in the mid-term report that it will present to the Parliament and the Council at the end of 2006.

Contribution to the Review

Eurogroup/EWLA believes that progress has been made in some areas, but much more efforts are needed to reach the objectives of the programme. We would like to highlight particularly the areas detailed below.

Nature and Biodiversity

The 6 EAP aims – among others - at protecting wild fauna with the aim of halting the loss of biodiversity both in the European Union and on a global scale.

The programme sets up strategic approaches to meeting these objectives. **Eurogroup/EWLA believes that much remains to be done, especially with regards to effective implementation and enforcement of environmental legislation related to:**

- **wild animals kept in zoos**, and more specifically the role of zoos in conservation of wild species. The EU Zoo Directive aims at ensuring that zoos have a detailed educational and research programme including on breeding and reintroduction of endangered species. However, a survey of national legislations and their application in EU Member States has shown that very few national laws include detailed provisions to guarantee this role (Eurogroup, 2006). An on-going in-depth analysis of national laws in a few Member States also shows that provisions concerning educational and research activities of zoos do not necessarily include the participation of zoos in internationally recognised programmes working towards the conservation of biodiversity.
- **Habitats and wild birds** – several countries are not applying fully the habitats and wild birds directive with infringements being widespread in Malta, Spain and Italy for example where spring hunting of migratory species is widely practised, either legally through derogations which are difficult to justify, or illegally.
- **CITES Regulation/Trade in wild animals**: The EU is looking at enforcement in Member States, recognising there are major problems in many of them. In addition, in implementing the Regulation, the precautionary principle should be applied as a rule, when there are no data concerning the status of a population or a species. So far the system has been that the conservation status of a population or a species is supposed to be fine as long as the contrary has not been proved, even if legally the importer has to provide evidence to prove it. The application of Regulation 338/97 by the European Commission itself is hampered by the difficulty of interpreting some articles and the lack of use of the precautionary principle. As a consequence, the European Commission has underused for example Article 4.6.c which allows the Community to suspend the imports of some species or populations if mortality during shipment is too high or if they are unlikely to survive in captivity for a considerable proportion of their lifespan (see annex 1 for more details).

The EU frequently adopts a “sustainable use” approach to wildlife trade - the economic aspects seeming more important than the conservation ones - rather than using a precautionary approach and Eurogroup/EWLA believes that a revision of Regulation 338/97 should modify the wording of several articles to respect the basis for the 6th Environment Action Programme which is the precautionary principle and preventive action.

Eurogroup/EWLA believes that there is a strong need for an in-depth revision of Regulation 338/97 on the protection of species of wild fauna and flora by regulating trade therein, to ease its application and enforcement and better implement the precautionary principle. We urge the Commission to include this need in the revised 6th Environment Action Programme.

- **marine wildlife**: much needs to be done for a real protection of marine fauna. For example the EU has adopted a Regulation on the removal of shark fins aboard vessels and the first report on its application shows that its implementation needs to be strongly improved. Furthermore a report published recently by the Shark Alliance shows that these measures are not sufficient to protect shark populations and that instead “Europe is playing a lead role in the overfishing, waste, and depletion of the world’s sharks”.

We have also highlighted through a formal complaint to the Commission the continued illegal use of driftnets by the Italian fleet.

Eurogroup/EWLA believes that, if the EU wants to achieve its aim to protect biodiversity at a global scale, there is a strong need to ban shark finning, to enforce the ban on driftnets in the Mediterranean, to protect marine mammals from by-catch and hunting, to ban unsustainable fishing methods and to build support from non-EU Member States to oppose whaling.

- **CAP and rural development:** The Common Agricultural Policy continues to subsidise mostly intensive farmers and big corporations, despite the 2003 reform which introduced partial decoupling and compulsory cross-compliance. The Commission also made an effort, when proposing a new Rural Development Regulation, to tackle environmental and animal welfare concerns. However the adopted regulation was weakened by Member States and as a result it is not anymore compulsory for Member States to include animal welfare measures in their national rural development programmes. Animal welfare friendly methods of production mean less intensive farming with, as a result, a reduction of pollution and the safeguard of traditional landscapes with their associated biodiversity. The lack of adequate funding allocated to rural development measures is another negative aspect that must be solved in future when the CAP budget is reviewed in 2008.

The 6EAP also provides for coherent assessment, further research and cooperation on threatened species. **Eurogroup/EWLA believes that research is needed in relation to trade in wild species**, to better evaluate the status of wild populations and study their biology. The lack of scientific data has so far too often been used as an argument to continue trade in some threatened species, even when high losses of species that are closely related could strongly suggest vulnerability to transportation and being kept in captivity .

Environment and Health

The programme lists a number of objectives concerning chemicals, and related priority actions. These have been on-going with the development of REACH. However there have been delays and the main measures are not yet in place. **We urge the Commission to accelerate the application of the principle of substitution** - banning chemicals which are known to be harmful - which would allow to reduce the number of animal tests, and **to incorporate into the Chemicals strategy the use of alternatives and the obligation to share data as basic principles**. The EU is also currently reviewing the Directive on plant protection products and the same principles must be included.

The use of pesticides for pest control is damaging for both the environment and the welfare of the animals. **Eurogroup/EWLA believes that the 6EAP should promote pest avoidance strategies in preference to pest control, the use of alternative non-lethal methods to mitigate against any problems and only methods against the target animals which respect their welfare.**

The import of wild animal species represents a risk for human and animal health and welfare. The dissemination of epizootic diseases through trade – especially in exotic species - is a major threat to animal health and led to the creation of the World Organisation for Animal Health (OIE) as early as 1924. But not only animal health is threatened by these epidemics, as many diseases – zoonoses - can be transmitted from animals to humans (see annex 2 for further details). This is true also for wild birds and the recent Avian Influenza crisis has proved that it is a real danger. The 6EAP recommends the use of the precautionary principle and on this basis **Eurogroup/EWLA believes that European rules concerning the import of exotic species must be strengthened. Eurogroup/EWLA also believes that the risks represented by the import of exotic species should be taken into consideration by all EU Member States when they draft their contingency plans for various epizootic diseases.**

The import of wild animal species almost inevitably involves stressful capture processes, long periods of close confinement in holding and quarantine stations, and long journey times. Millions of animals are captured each year to supply the EU market, and many specimens do not survive the process. **There is an urgent need to review regulations for protection of the welfare of live animals in trade, particularly those species which are not covered by the CITES Regulations. More specifically Eurogroup/EWLA calls on the Commission to ban the import into the EU of birds caught in the wild.**

The import of exotic animal species represents a risk for the native environment and especially for native fauna, as they can become invasive and replace native fauna. **There is a strong need to control the trade better to avoid such problems, and to act in a preventive way by prohibiting the import of non-native species that are already, or could become, invasive;** especially in the context of global warming if the imported species was then more likely to successfully breed in the wild.

Native fauna is also greatly affected by road and industrial development, which often cut their territory and isolate sub-populations formerly living together. In addition, road traffic and noise have an impact on wild fauna's health and survival. These aspects are not properly tackled by the 6EAP. **Eurogroup/EWLA urges the Commission to address these problems in reviewing and implementing the programme.**

Natural Resources and Waste

In relation with animals, Eurogroup/EWLA has identified the following areas which need to be tackled concerning the use of natural resources and waste:

- Intensive livestock farming uses resources in an unsustainable way, producing big amounts of waste causing soil and water pollution. **The EU should further reform the CAP to promote more animal welfare friendly methods of production, allow better funding of rural development, and make animal welfare measures compulsory for Member States to integrate in their national rural development programmes.**
- Waste disposal has consequences on animal health, for example, through pollution, or if the waste provides another food source that allows the spread of opportunistic species which can result in the development of conflict situations. Methods of animal control, such as the use of pesticides, also have negative consequences for animal and human health, and are damaging for animal welfare. **The EU should take these elements into consideration when revising its strategy on waste in the framework of the 6 EAP.**

International Issues

Eurogroup/EWLA believes that the EU should use every opportunity when discussing **WTO or multilateral trade agreements** to take a strong position on biodiversity - conservation including the protection of wildlife involved in trade - and on sustainable production and consumption of animal products - including the animals' welfare - and this should be clearly stated in the reviewed programme.

Environmental Policy Making

- **Eurogroup/EWLA believes that the welfare of animals should be fully integrated into the 6 EAP.** The 6 EAP aims not only to conserve wild animals but also to protect them. The importance of animal welfare in relation to the environment is already recognised by the Community with regard to laboratory animals, trapping standards, zoo animals, trade in wild animals and rural development, but much remains to be done for a broad recognition of the link between the welfare of animals and environment protection. We believe that human health and quality of life is tightly related to animal health and welfare and that the programme's aims should include the protection of animals.
- **Eurogroup/EWLA also believes that transparency and access to information must be improved,** as is essential to fulfil the aim of the Programme to help ensure that individual consumers are better informed about the processes and products in terms of their environmental impact with a view to achieving sustainable consumption patterns. We believe that this can be done through the organisation of regular meetings with civil society to improve dialogue, similar to the system put in place by DG Trade . There is also a strong need to publish information on time on the European

Commission's DG environment website and to better inform all NGOs working on environmental matters about news related to the 6EAP.

- The work of NGOs is crucial in achieving the 6EAP objectives, as stated in the IEEP report commissioned by the EEB. The framework for support of environmental NGOs is currently under discussion. **It is essential that funding of NGOs is properly ensured for the rest of the programme period (2007-2012)** if results are to be produced, especially concerning implementation and enforcement of existing environmental legislation, where NGOs are key to gather evidence and put pressure on Member States through formal complaints, and concerning the establishment of new legislation or the amendment of existing one.
- As explained above, enforcement of environmental law is crucial to environmental protection, and needs to be strongly improved if laws are to reach their objective. We believe that there is an urgent need for an EU environmental inspectorate or a mechanism which would allow to monitor the way Member States control the enforcement of EU environmental legislation at national level. At the moment there is no coordinated effort to assess Member States action in this field. We would see the functioning of an environmental inspectorate similar to the role of the Food and Veterinary Office in the field of feed and food controls, with regular missions of inspection in individual Member States and reports publicly available to all EU citizens. **The 6EAP should be amended to include the creation of such an inspectorate or centralised inspection mechanism.**