



## OPTIONS TO IMPROVE ANIMAL WELFARE IN A COMMON VETERINARY AGREEMENT UNDER THE UK-EU TRADE AND COOPERATION AGREEMENT

### Introduction

The Trade and Cooperation Agreement (TCA), in force since January 2021, is due to shortly start its five-year review. While the EU immediately implemented import controls from the UK on food and live animals under their SPS (Sanitary and Phytosanitary Standards) provisions, the UK has postponed implementing its own SPS import controls on live animals and animal products five times. The controls on plants, introduced in April 2024, have attracted criticism from producer groups due to their cost and length of time products are held at the border. The UK published Border Trade Operating Model (BTOM)<sup>1</sup> was due to be partially implemented from October 2023. It was postponed and the next implementation date of January 2025 is doubtful. The Welsh Government has confirmed that the Spring 2025 date for implementation of BTOM for the three Welsh ports for trade from Ireland was uncertain and even that autumn 2025 would be difficult<sup>2</sup>. This underlines the complexity and impact of introducing SPS import controls for the UK as they can add to business costs through additional paperwork and<sup>3</sup> border checks and have consequences for food security and food prices.

The Northern Ireland Protocol<sup>4</sup> and the Windsor Framework Agreement<sup>5</sup> keeps Northern Ireland in the EU single market for goods whilst 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. This includes the non-commercial transport of cats and dogs under PETS<sup>6</sup>. Commission Implementing Regulation (EU) 2019/2129<sup>7</sup> establishes rules for the uniform application of frequency rates for identity checks and physical 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. This can mean the welfare of live animals may be compromised by long delays for processing. New rules to restore the smooth flow of trade within the UK internal market by removing burdens that have disrupted East-West trade were due to come into effect in September 2024 but have now been postponed to March 2025. The prioritisation of trade means that animal welfare must fit around it and this undermines the UK's ambitions of being a leading nation for animal welfare and getting the right balance.

The Government has a manifesto commitment to:

*Seek to negotiate a veterinary agreement to prevent unnecessary border checks and help tackle the cost of food and work to improve the UK's trade and investment relationship with the EU, by tearing down unnecessary barriers to trade.*

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<sup>1</sup> <https://www.gov.uk/government/publications/the-border-operating-model>

<sup>2</sup> <https://senedd.wales/media/gnoiwlqt/cr-ld16768-e.pdf>

<sup>3</sup> <https://www.theguardian.com/business/2024/oct/29/post-brex-it-border-checks-putting-food-security-at-risk-produce-sellers-warn>

<sup>4</sup> European Union (Withdrawal Agreement) Act 2020. <https://www.legislation.gov.uk/ukpga/2020/1/enacted/data.htm>

<sup>5</sup> <https://www.gov.uk/government/publications/the-windsor-framework>

<sup>6</sup> <https://www.daera-ni.gov.uk/articles/travelling-pets>

<sup>7</sup> 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).

The Trade and Animal Welfare Coalition (TAWC), formed of the leading 15 animal welfare organisations in the UK, produced a paper in 2023 examining the models for such an agreement, on one side the EU-Switzerland Common Veterinary Area (CVA) and at the other end EU-New Zealand Veterinary Agreement (VA)<sup>8</sup>. This report, based on primary research by Cerebrus Associates, looked at the impacts of these agreements on animal welfare, in particular on the movement of animals, disease controls, combating illegal trade and veterinary inspections and paperwork.

TAWC convened a roundtable in October 2024 with representatives from industry, veterinary bodies, animal welfare organisations and trade experts to examine what type of Agreement would maximise benefit to animal welfare, veterinary issues and trade. Both the Swiss and New Zealand styles of Agreement bring different advantages and disincentives in terms of products covered, controls enforced and implications on non-veterinary issues as well as on animal welfare. This paper examines these issues and makes recommendations to improve these areas.

### What is the difference between a Common Veterinary Area and Common Veterinary Agreement?

A Common Veterinary Area (referred to as CVA in this document) differs from a Common Veterinary Agreement (VA in this document) as its aim is 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 Common Veterinary Agreement 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. Two models for a EU-UK agreement are often considered: EU-New Zealand VA and EU-Switzerland CVA.

**Swiss-Style Agreement:** The Swiss agreement through a series of bilateral agreements, including a veterinary agreement which creates a common veterinary area based on Switzerland and the EU having similar legislation, which in practice means Switzerland modifies its legislation when there are changes in the EU. This agreement allows for the free movement of agri-food products between Switzerland and the EU with minimal border checks.

**New Zealand-Style Agreement:** The EU and New Zealand have a veterinary agreement that provides for mutual recognition of equivalence in certain SPS standards, meaning that each side accepts the other's standards in an agreed list of products, while not applying the same SPS rules. This agreement reduces the need for inspections but does not require full alignment of regulations. The New Zealand model offers greater flexibility but would still require significant cooperation and trust between the UK and the EU.

### Comparison of EU-Switzerland CVA and EU-New Zealand CA

The Swiss model: Switzerland is the only 'third country' that is included in the same Common Veterinary Area as the EU and its member states. Other EEA countries are similar but not the same. Switzerland is not a member of the EU's Single Market but through its CVA has free trade from an SPS perspective and does not face SPS controls at the EU border. This does not impact on the ability of Switzerland to sign its own FTAs with other countries. The CVA 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 agreement led to the suspension of veterinary border controls on the movement of animals and products of animal origin 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. Inspection posts have been set up in Switzerland at the airports in Geneva and Zurich.

The creation of the Common Veterinary Area between the EU and Switzerland is based on the principle of mutual recognition of animal health and welfare 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.

The EU-Switzerland CVA took ten years to negotiate, starting in 1999. Border veterinary controls were finally abolished on 1 January 2009<sup>9</sup>. In Figure 1, a tentative implementation schedule is presented for a EU-UK CVA.

<sup>8</sup> <https://tawcuk.org/tawc-launches-report-on-how-a-uk-eu-cva-would-work/>

<sup>9</sup> Veterinary Agreement between Switzerland and the EU.

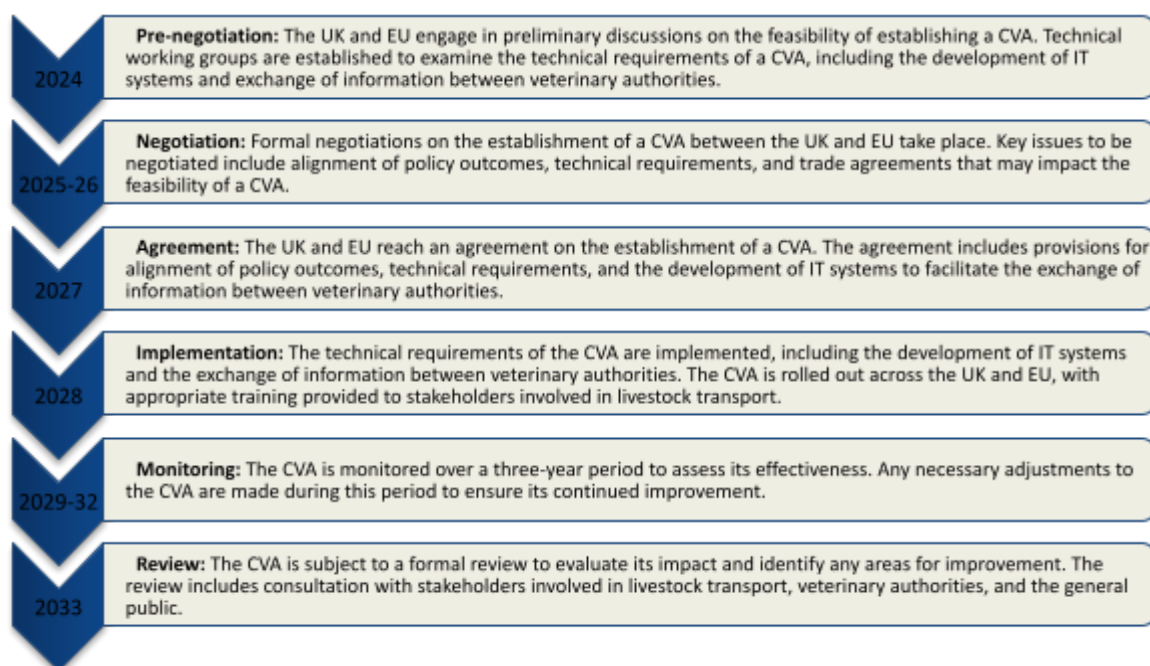


Figure 1: A potential (conservative) estimate of the timescale and steps involved in creating a EU-UK CVA. This is just one potential timeline, and the actual timeline for establishing a EU-UK Common Veterinary Area may be influenced by a range of factors, including political will, technical requirements,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

The EU has signed veterinary agreements (VA) with other countries such as Canada, Central America, Chile, Columbia and Peru, Faroe Islands and Mexico. The EU-NZ VA<sup>10</sup> was updated in 2015 and has been in place since 2003 and simplifies the trade of certain live animals and animal products. The agreement also aims at recognising equivalence between two countries on sanitary measures for certain products and eliminates most checks except for live animals and around 1-10% of meat and dairy products. Veterinary certification is still required. The agreement also does not cover all species, poultry for example being exempt. The EU and New Zealand have now agreed a FTA which builds on this veterinary agreement.

### Why do SPS controls matter for animal welfare?

Great Britain has been a “third country” in EU trade terms since January 2021 so GB to EU trade is 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.

Border controls affect the commercial and non-commercial trade in live animals and their products. For instance, at present as the UK is not listed as a country by the European Commission that has demonstrated that they apply the rules, content and effect of the standards laid down in the EU’s Regulation on the trade in cats and dogs<sup>11</sup>. Although the UK has a desire and has applied to be a listed country for non-commercial travel for pet cats and dogs, most recently in May at the 3rd meeting of the TCA Council, this has to date been rejected by the EU. Pet passport rules are only available for those countries that dynamically align with EU rules,<sup>12</sup> essentially CVA countries. This means that anyone visiting Northern Ireland from Great Britain can only do so if their dog or cat has a pet passport. Another issue that the UK has raised are the problems caused by the lack of a veterinary agreement on the commercial export of bivalves to the EU<sup>7</sup>. No progress was made on either of these discussions to date which have hindered the non commercial movement of people with their pets on holiday and the commercial export opportunities of bivalves..

<https://www.blv.admin.ch/blv/en/home/das-blv/kooperationen/internationale-abkommen/veterinaerabkommen-schweiz-eu.html> (Accessed on 26/04/23).

<sup>10</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21997A0226\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21997A0226(02))

<sup>11</sup> Regulation 576/2013 Regulation 577/2013

<sup>12</sup>

<https://www.gov.uk/government/publications/minutes-of-the-third-meeting-of-the-trade-and-cooperation-agreement-partnership-council-16-may-2024/minutes-of-the-third-meeting-of-the-trade-and-cooperation-agreement-partnership-council-16-may-2024>

Northern Ireland is subject to EU legislation on animal welfare so divergence on animal welfare between GB legislation and EU legislation might occur in the future. To date only one new piece of EU legislation, the proposal on the welfare of dogs and cats and their traceability, is under discussion<sup>13</sup>. There have been several pieces of legislation in Great Britain that have diverged from the EU acquis in the past three years including the ban on live exports of farmed animals and horses from GB for slaughter or further fattening<sup>14</sup>, the mandatory use of CCTV in slaughterhouses in England<sup>15</sup>, Scotland and Wales<sup>16</sup> and the banning of snares in Wales<sup>17</sup>. These changes have strengthened the legislation and not weakened it. Further divergence is expected if the EU proceeds with the revision of its animal welfare legislation with proposals on transport of animals and keeping domestic animals being negotiated.

UKICE research found that a veterinary agreement could result in a 22.5% increase in exports and a 5.6% increase in imports<sup>18</sup> an additional consideration when discussing the impact on animal welfare.

### Parameters

Options to improve animal welfare under a veterinary agreement will be assessed under the following six broad categories:

#### 1. Enforcement:

TAWC agrees that increased enforcement arising from increased checks at border control points should decrease illegal trade in live animals and products and is good for compliance with international treaties such as CITES. A reduction in checks could increase illegal trade in food and live animals such as puppies. However, 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. Infrastructure could be built to facilitate quick movement, however there is also a shortage of staff within port premises as well as enforcers. 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 euthanised. From a disease prevention perspective there are clear advantages from more border controls which would deter illegal trade and also be able to filter any live animals with diseases particularly zoonotic diseases. This risk profile changes from species to species.

It should be noted that there is a large difference in UK border control points with the EU compared to those between Switzerland and the UK which may influence whether to go for a CVA or a VA. There are the only two non Swiss-EU border crossings, at the international airports at Geneva and Zurich. Whereas the UK has land and sea borders with the EU as well as 10 Border Control Posts with non EU countries at airports and 12 at sea ports.

TAWC believes that there are animal welfare advantages to fewer border controls on the trade in live animals as holding up animals at a border due to incorrect paperwork or other non-compliances could increase welfare problems. If the UK was aligned with the EU's SPS controls, these animals would undergo no checks as we would either be following the same standard in EU countries, or they would have faced checks at an EU border. There are, however, animal health advantages to more border controls. Two examples illustrate this point.

Trade in horses: 1st January 2025 live exports of farmed animals and horses for slaughter or further fattening ends<sup>19</sup>. In practice no legal exports have happened since 31 December 2020. There has been no evidence of illegal trade in farm animals since 2021 though there is some evidence illegal trade in horses to the continent still occurs. The risks from reducing border controls seem small.

Certain equines, including those moving for racing, competition and thoroughbred breeding, have much greater traceability and can be considered high health, so the animal welfare advantages to reducing import controls on the trade in these equines and thus reducing time spent at the border seem to outweigh the risks arising from imported diseases in this example.

<sup>13</sup> [https://eur-lex.europa.eu/resource.html?uri=cellar:c16e01a8-94d9-11ee-b164-01aa75ed71a1.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:c16e01a8-94d9-11ee-b164-01aa75ed71a1.0001.02/DOC_1&format=PDF)

<sup>14</sup> Live exports (Enforcement Regulations 2024 <https://www.legislation.gov.uk/ukdsi/2024/9780348263602>

<sup>15</sup> <https://www.legislation.gov.uk/ukdsi/2018/9780111166123>

<sup>16</sup> <https://www.gov.wales/mandatory-use-cctv-all-slaughterhouses-approved>

<sup>17</sup> <https://www.legislation.gov.uk/asc/2023/4/contents>

<sup>18</sup> UKICE UK in a changing Europe, Would a veterinary agreement be a boost for UK-EU agri-food exports?, June 2024

<sup>19</sup> Live exports (Enforcement Regulations 2024 <https://www.legislation.gov.uk/ukdsi/2024/9780348263602>

However, we also know that there is a non-compliant trade in equines, with risk to the legitimate equine sector and the national herd from diseases such as Equine Infectious Anaemia and Equine Influenza. While the risk of notifiable diseases - such as West Nile Virus, Encephalitis and African Horse Sickness - is currently low, with climate change the risk could increase (as has already been seen in other species, including with the spread of Bluetongue) and the vectors needed for these diseases are already present in the UK. There is therefore a need to keep some form of import controls, although these should be driven by data and intelligence-led enforcement.

**Trade in dogs and puppies:** There is a large legal commercial trade in dogs between Ireland and the UK and mainland EU and the UK. In 2023, 34,693 dogs were commercially imported from the EU to the UK of which over 6,389 were recorded from Ireland and 28,304 from the rest of the EU<sup>20</sup>. This trade also masks an illegal trade in dogs which has high disease risks from zoonotic diseases such as Brucellosis canis and rabies, both zoonoses and distemper. Both B canis and distemper have been found in dogs imported from Europe and although rare, B canis in dogs have transferred to humans. So there are clearly advantages from keeping some form of import controls on the commercial trade in dogs, where the risk from diseases outweighs the risks to animal welfare from animals being kept at the border. Should the Bill on prohibiting imports of dogs into Britain under six months<sup>21</sup> be adopted, this risk profile between animal welfare and disease may shift.

There is potential in any veterinary agreement to reduce the enforcement checks as the Agreement is implemented alongside more alignment. The EU-New Zealand VA has a reduction in checks built in as the Agreement is implemented. The risks can be calibrated depending on the types and frequency of checks. TAWC would recommend introducing such a system into a UK-EU Veterinary Agreement as it would reduce the welfare issues on low risk animals such as high status horses whilst not sacrificing the disease risks with higher risk animals such as puppies.

## 2. Impact of any Veterinary Agreement on the ability of Great Britain to pass its own laws improve animal welfare

Although the TCA has a non regression clause on environmental legislation and standards (a country cannot weaken their legislation) there is no such explicit restriction on animal welfare standards<sup>22</sup>. This allows the UK to raise or lower their standards on animal welfare from legislation in Great Britain and the EU acquis whereas if there was a non regression clause on animal welfare it would prevent British legislation from being lowered.

Governments in England, Scotland and Wales have examined or introduced a range of measures which will create divergence with the EU. This includes introducing legislation on mandatory CCTV in slaughterhouses in Wales, Scotland and England, legislation to authorise the production of genetically engineered animals in England to improve the welfare of animals in transit and legislation to stop the export of live animals for slaughter and fattening to mainland Europe. There are also proposals being considered to stop the import of puppies and dogs with cropped ears from Europe and other regions, stop the import of fur into Great Britain and the Government has a manifesto commitment to stop the import of foie gras into the UK.. There are also outline commitments to improve the internal transport and transit of farm animals and equines within Great Britain. Proposals to ban all cages for laying hens and prohibit the use of farrowing crates have also been discussed by the UK Government and the Scottish Government has consulted on such proposals. Both of these would diverge from existing EU laws and commitments.

It is clear that the previous and present Governments have taken utilised the flexibility in the TCA to improve British animal welfare standards and these gains need to be preserved as well as ensuring any veterinary agreement does not impinge on the TCA's flexibility to permit the UK Government to introduce further divergence from EU animal welfare standards in the future.

<sup>20</sup> PQ7691 14.10.24

<sup>21</sup> <https://bills.parliament.uk/bills/3790>

<sup>22</sup>

The UK and the EU start off from a position where there is equivalency in most of the 44 animal welfare standards. However, as seen above, divergence may occur in the future particularly on farm animal welfare standards such as ban in the UK on farrowing crates and laying hen cages. So it would be helpful to introduce a system of core standards on animal welfare into a veterinary agreement which allows countries to diverge to higher standards where required but keeps baseline standards from which countries cannot diverge. Potentially there could be scope for cooperation so that if the UK or the EU improves welfare standards, an agreement could provide the platform for discussion to get alignment.

Many of these proposed animal welfare improvements that are being considered by the UK Government, such as a ban on cages for laying hens or a ban on foie gras imports, are on the basis of non product related Process and Production Methods (NPR-PPMs) where the difference in the production method cannot be ascertained in the final product. An example of this would be the ability for the UK to stop the import of farmed fur, already prohibited in Great Britain for twenty years but where the production method would not be seen in the traded product. The EU and the UK already have a number of such trade restrictions including the import ban on seal products, shark fin products and cat and dog fur. It is important that any veterinary agreement preserves the right of the UK Government to diverge its standards based on how a product is produced and ensure that its standards are safeguarded from trade in products from the EU which would be illegal to produce in the UK. Under either the Swiss style or New Zealand style of veterinary agreement, alignment on standards only needs to occur on those standards which are applied at the border. A country would be able to diverge on any standard that is not applied on the border but of course this would have implications on reducing checks and the risk profile on animal welfare and disease control as discussed above under point 1.

### 3. Type of animals being traded

The potential for animal health and welfare risks on traded goods and animals will depend not only on the type of trade (live animals as opposed to products as discussed above) but also on the health status or legal status of the live animals. So, as discussed above under point 1, the disease risks for trade in high health horses for competition and thoroughbred breeding, which are more traceable due to industry implemented systems, seem lower than for low health status horses. Most horses going for slaughter tend to be low welfare though some high welfare horses may be included in this category. The trade exporting horses commercially has already been banned from Great Britain. The UK also imports commercial and non commercial dogs, cats and ferrets and the disease risk on legally imported animals under these categories may be different. The UK should ensure that if different classes of live animals being traded exist (commercial vs non commercial pets, high and low health status horses) these risks could be defined and recognised in a veterinary agreement. The welfare problems of the trade in those animals such as puppies, don't only occur at the border control but extend to how those animals are bred and transported before the border controls. The trade in exotic pets such as birds, mammals, reptiles and amphibians, is associated with issues beyond animal welfare such as impacts on biodiversity and conservation. .

### 4. Impact of any Veterinary Agreement on existing UK Free Trade Agreements

The TCA 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 UK has adopted three Free Trade Agreements (UK-Australia, UK-New Zealand, UK-Trans Pacific) which, whilst they do not alter the UK's animal health and welfare standards, do impact indirectly on the animal welfare standards in the UK. UK-Australia and UK-CPTPP have reduced tariffs on some meat products such as beef and chicken, irrespective of how these are produced. This has introduced concerns on increased trade in products produced to lower animal welfare standards and the impact of this on existing and future animal welfare rules in the UK. These include increased trade in eggs produced under the conventional battery cage and pigmeat from sow stalls, all systems that are banned or not used in the UK. The UK is negotiating a further seven FTAs including UK-India, UK-Canada, UK-Mexico, all of which may include tariff reductions on such products facilitating increased trade. Of the UK FTAs agreed since 2021, the EU only has a FTA with New Zealand though it is negotiating with Mercosur, Australia and India. So any UK veterinary agreement with the EU needs to ensure that it is compatible with the UK's existing FTAs. Agreeing core standards for animal welfare within the veterinary agreement would be a good way of ensuring that the UK's external trade policy was compatible with its EU's veterinary agreement policy.

### 5. Access to veterinary drugs in Northern Ireland

The Northern Ireland Protocol<sup>23</sup> and the Windsor Framework Agreement<sup>24</sup> keeps Northern Ireland in the EU single market for goods whilst being part of the UK customs territory. New rules to restore the smooth flow of trade within the UK internal market by removing burdens that have disrupted East-West trade were due to come into effect in September 2024 but have now been postponed to March 2025. 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. This will mean that any veterinary drugs entering Northern Ireland from Great Britain will be required to be tested within the EU. Secondly, the marketing authorisation holder will have to be located in the EU. Making such changes is burdensome, costly and could see a reduction in veterinary medicine entering Northern Ireland if it has been produced in Great Britain and not the EU. This will impact on animal welfare, animal health and disease control. TAWC believes that any veterinary agreement needs to ensure non restrictive trade into Northern Ireland for veterinary drugs.

#### 6. Political considerations on non animal welfare issues

Whilst TAWC does not have a position on non animal welfare issues it is possible from a public framing perspective that the closer a veterinary agreement moves to a EU-Switzerland CVA model the greater the perception that the UK is moving closer to the EU. A EU-New Zealand VA model, with a lighter touch on the number of products covered and the checks required is further away from such considerations.

#### 7. Time period

The EU-Switzerland CVA took ten years to negotiate. However, it may be erroneous to assume that a similar timescale would apply to negotiations between the EU and UK for a similar arrangement.

#### Conclusion

The importance of facilitating movement of agrifood to the UK is clear. The EU continues to be the biggest market for UK agri-food, accounting for 67% of the value of sales in 2022 and exports in this sector reduced by 6% between 2019 and 2022<sup>25</sup>. We have set out above the differences and comparators between a light Common Veterinary Agreement and a deeper Common Veterinary Area in seven areas. Five of those areas impact animal welfare.

The establishment of a Common Veterinary Area would ease the need for additional checks and so ease waiting times for the trade in live animals but may increase illegal trade. The UK imports dogs legally which masks an illegal trade but this may be reduced by the Bill prohibiting imports of puppies if it is passed. The UK has a legal trade in high health status horses which would benefit from reduced checks as this would reduce waiting time at the border. A Common Veterinary Area would provide the space to control animal diseases, whilst facilitating the movement of live animals and animal derived products. It is not clear if a CVA needs the UK's TOM to be operating but it is clear that without any veterinary agreement, the TOM, when eventually implemented, would add another level of complication, delay and extra cost to UK trade with the EU. It may also discourage some EU exporters from supplying into the UK market, preferring instead to sell to markets with fewer trade barriers. This seems predicated on how long a UK-EU CVA will take to be negotiated and the UK's willingness to have no SPS border controls in place despite the EU having had those controls since 2021.

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. It may ease the problem with exporting veterinary drugs from Great Britain to Northern Ireland. If negotiated in a bespoke way, focusing on the benefits of facilitating trade in certain live animals and stopping the trade in others, it could ease trade in high health status horses whilst permitting the UK to keep its ban on the export of low welfare horses and its proposed ban on puppy imports.

#### Summary differences between EU-Switzerland Common Veterinary Area Agreement and EU-New Zealand Veterinary Agreement

<sup>23</sup> European Union (Withdrawal Agreement) Act 2020. <https://www.legislation.gov.uk/ukpga/2020/1/enacted/data.htm>

<sup>24</sup> <https://www.gov.uk/government/publications/the-windsor-framework>

<sup>25</sup>

<https://committees.parliament.uk/writtenevidence/122339/pdf/#:~:text=In%202022%2C%20the%20UK%20exported,down%20from%2070%25%20in%202019.>

	EU-Switzerland	EU-New Zealand	Animal welfare benefits
Mutual recognition animal health standards	✓	Some health standards only	✓
Does not require veterinary certificates	✓	X	✓
Information sharing	✓	✓	✓
No checks	✓	X	X risk for enforcement; but no border waiting times for live animals
Allows raising animal welfare standards unilaterally for each country	✓	✓	✓
Covers all species	✓	X	✓

The success of any veterinary agreement 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. This paper has identified a number of obstacles:

- **Alignment of policy outcomes:** The creation of a Common Veterinary Area 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. As the UK was a member of the EU for 48 years there is a very high level of alignment already established but divergence is already occurring. A Common Veterinary Agreement would see a lower degree of alignment but would not end all veterinary checks and certificates. The EU-New Zealand Agreement has a risk based approach to checks with physical checks ranging from 1% to 100%, depending on the animal or product being traded and the conformity and equivalence of legislation<sup>26</sup>. A Common Veterinary Area suggests less flexibility on divergence on animal welfare standards than a Common Veterinary Agreement.
- **Political will:** The UK and the EU would need to work together and have the political will to establish a veterinary agreement. There may be an issue of trust seeing that the UK has not established SPS import checks from the EU since Brexit whereas the EU has had those checks since 2021. 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 were but a Veterinary Agreement gives more options for flexibility on a species by species level and even within species such as different provisions for high health status horses or commercially traded dogs.
- **Trade agreements:** The UK has previously signed trade agreements with other nations, including Australia, New Zealand and the Trans Pacific. These pre-existing agreements could conflict with the creation of a UK-EU Common Veterinary Area as these FTAs allow the UK to import certain agrifood products produced to lower animal welfare standards than permitted in both the UK and EU eg caged eggs, sow stall produced pigmeat. The EU may be reluctant to allow free movement of these products into their market from the UK. This may make it difficult to achieve complete alignment of SPS outcomes. However, a bespoke veterinary agreement between the UK and EU might look at animal health and welfare (and so the movement of live animals) as being distinct from the broader SPS border controls. It could agree to relax movement controls on a species by species basis as in the EU-New Zealand Agreement using a dynamic risk basis.

<sup>26</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01997A0226\(02\)-20150401](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01997A0226(02)-20150401)



- **Infrastructure:** To facilitate the movement of animal products of an animal origin between the UK and the EU, the development of a Common Veterinary Area would negate the need for the proposed Border Target Operating Model. A veterinary agreement would keep certain certification and BCPs and so may operate in conjunction with a Target Operating Model. The UK aims to complete the construction of new BCPs (eg at Sevington, Holyhead, Pembroke) by 2025 so would be prepared for either model.
- **Public perception:** Concerns about animal welfare and national sovereignty may affect how the establishment of a veterinary agreement 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 but not insurmountable.

The principle of mutual recognition of animal health measures in a Common Veterinary Area means that the UK would need to adopt animal health and welfare standards that are equivalent to those of the EU, and vice versa. 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. However, a Common Veterinary Area may impact on the ability of one country to diverge on animal welfare standards. A Common Veterinary Agreement may have a reduced impact.

#### RECOMMENDATION

The Trade and Animal Welfare Coalition (TAWC) supports the concept of a standalone veterinary agreement negotiated between the UK and the EU. 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 improve animal welfare outcomes by reducing waiting times at borders but maintain the current level of disease control. It would ensure a position of stability for those concerned about animal health and animal welfare but also for businesses.

The type of veterinary agreement has been discussed above. Whilst the negotiation of any Area or Agreement will be done on a species by species basis depending on political appetite on both sides of the negotiation, TAWC believes that there are advantages in a New Zealand style Common Veterinary Agreement over a Swiss style Common Veterinary Area as it:

- could give more flexibility for the UK to continue to keep their existing diverging animal standards and continue to raise their animal welfare standards in the future
- reduces certification and checks on a species by species risk basis but retains some controls at the border to stop illegal trade especially in puppies and equines
- allows introduction of different veterinary controls on the same species such as commercial/non commercial pets and high status/low health status horses
- does not give the perception of a move to closer integration between the UK and EU