

25 November 2020

Australia-European Union Free Trade Agreement
Office of Trade Negotiations
Department of Foreign Affairs and Trade

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Via email: a-eufta@dfat.gov.au



To whom it may concern,

World Animal Protection welcomes the opportunity to make a submission on the opportunities and potential impacts of a free trade agreement (FTA) between the European Union (EU) and Australia. We will be restricting our comments to those areas that relate to animal welfare, sustainability and the issue of antimicrobial resistance, as covered in the proposed [chapter on Sanitary and Phytosanitary measures](#) (SPS chapter) proposed by the EU.

Animal welfare is an important element to consider in any trade agreement. We recognise that while this would be a novel inclusion for Australia, we suggest that this agreement presents a unique opportunity to demonstrate Australia's commitment to animal welfare by taking a strong stand to promote high standards and sustainability. Here, we note the recently completed Future Eye Report which demonstrates shifting public attitudes in Australia regarding the treatment of farm animals. This report demonstrates the importance Australians place on high welfare practices.¹

We note that one of the stated objectives of the Australian Government in negotiating this FTA is to promote shared values on trade and sustainable development. Animal welfare is a relevant consideration for the goal of sustainable development. Animal welfare has implications for all three core components of sustainability including environmental, economic and social aspects. World Animal Protection would strongly urge the Government to resolve the threshold question around whether to include an animal welfare chapter in the FTA in the affirmative. Failure to do so could have a negative impact on how Australia's agriculture sector is perceived on the global stage, and potentially impact our agricultural export industries. Given the clear importance animal welfare has to

¹ Future Eye, Commodity or Sentient Being: Australia's shifting mindset on farm animal welfare (Report 2019), page 4.

the European Union, and the mandate they have been given to include animal welfare provisions, refusal to engage on the substantive matters could also undermine the negotiations. Our submission will now turn to the individual proposed clauses in the SPS Chapter on animal welfare and antimicrobial resistance.

Animal Welfare

1. Article X.17(1) Animal Sentience

World Animal Protection strongly supports the provision recognising animal sentience. This is consistent with World Organisation for Animal Health (OIE) guidelines which recognise that animals are sentient beings who can experience pain as well as positive feelings and emotions.² Furthermore, the recognition of sentience aligns with the science underpinning the Australian Government's prior Australian Animal Welfare Strategy.³ World Animal Protection also recognises the clear connection between improved animal welfare standards that come from recognising animal sentience and the creation of environmentally sustainable food production systems.

2. Article X.17(2) Cooperation on Animal Welfare in International Fora

World Animal Protection supports this proposed provision. The cooperation to promote the development of best possible animal welfare practices is an important step in ensuring that all nations have the most relevant scientific and expert information on animal welfare to ensure the delivery of sustainable outcomes. This provision encourages parties to help improve and broaden the OIE guidelines, particularly regarding farmed animals. Ensuring that the OIE Guidelines are the best they can be is an important task that Australia should be willing to engage with.

3. Article X.17(3) Exchange of Information and Standards Alignment

² World Organisation for Animal Health (OIE), *One Global Animal Welfare Strategy* (Report, May 2017) page 3 < https://www.oie.int/fileadmin/Home/eng/Animal_Welfare/docs/pdf/Others/EN_OIE_AW_Strategy.pdf>

³ Department of Agriculture, Water and the Environment, 'Australian Animal Welfare Strategy and National Implementation Plan' (accessed November 2020) < <https://www.agriculture.gov.au/animal/welfare/aaws/australian-animal-welfare-strategy-aaws-and-national-implementation-plan-2010-14#part-1-the-australian-animal-welfare-strategy>>

World Animal Protection supports the proposal for the parties to exchange information and expertise on animal welfare with the aim to align regulatory standards. We note that the use of the phrase 'with the aim to' means that this provision is not binding. It will not require the parties to mandatorily align their standards on breeding, holding, handling, transportation and slaughter. We support this provision as a good starting position; however, we would strongly encourage the parties to seek alignment on standards to the best of their abilities in a reasonable timeframe. Ensuring consistent animal welfare standards will help promote more sustainable practices. It will also help to ensure that trading parties are on a level playing field regarding the standards with which they are expected to comply. For example, we would suggest that Australia could benefit from greater standard alignment in areas such as dairy farming. In some European countries like Germany, it is still common practice for dairy cattle to be kept in tie stalls. There are significant health and welfare concerns caused by using tie-stalls for dairy cattle.⁴ Studies have demonstrated that loose systems are 'more advantageous' and deliver better health outcomes.⁵ In this regard, some Australian standards and guidelines place Australian dairy farmers ahead of those in some European countries. Most Australian dairy cattle are pasture raised and for those who aren't, the standards and guidelines in Australia only refer to loose-housing and free stalls.⁶ While there are undoubtedly other areas where the European Union has higher mandatory welfare standards, including around the use of sow stalls⁷, it is clear that adopting a more standardised approach to welfare standards would benefit animals and farmers across both parties.

4. Article X.17(4) Research Cooperation Animal Welfare

World Animal Protection supports the strengthening of cooperation on non-invasive research in the area of animal welfare to develop adequate and science-based animal welfare standards related to animal breeding and the treatment of animals on the farm, during transport and at slaughter.

⁴ Elana Nalon and Peter Stevenson, 'Protection of Dairy Cattle in the EU: State of Play and Directions for Policymaking from a Legal and Animal Advocacy Perspective' (2019) 9 *Animals* 1066, 1074.

⁵ Ibid.

⁶ Animal Health Australia, *Australian Animal Welfare Standards and Guidelines for Cattle* (Guidelines 2016) page 15. See also, RSPCA, 'Dairy Cattle and Bobby Calves' (webpage accessed November 2020)

<https://www.rspca.org.au/take-action/dairy-cattle-and-bobby-calves>

⁷ Council Directive 2008/120/EC. NOTE, here we are comparing standards in the EU with the mandatory standards for sow stalls in Australian states and territories, not the voluntary APIQ code which we recognise goes further. However, this is not yet implemented across the entire industry.

5. Article X.17(5) Technical Working Group

World Animal Protection supports the creation of a technical working group on animal welfare. It is important that the goals established around the sharing of research and knowledge have an assigned group who can be responsible for overseeing coordination and information sharing. This Technical Working Group could provide an important bilateral platform for cooperation. Existing forums for cooperation including the OIE and the Food and Agriculture Organisation (FAO) are all multilateral and would offer different benefits and outcomes. We suggest that a bilateral technical working group would offer something new, specific to the mutually beneficial trade and would not be a duplication of any existing structures.

Antimicrobial Resistance (AMR)

1. Article X.18(1) AMR risk and Common Priorities

The World Health Organisation (WHO) chief recently labelled AMR “one of the greatest health threats of our time.”⁸ This issue is closely related to animal welfare given the extensive over-use of antibiotics with farmed animals. It is also relevant to the broader goal of the Government regarding trade and sustainable development. World Animal Protection supports the recognition within the FTA that AMR ‘is a serious threat to human and animal health’ and that the parties should work together to identify common priorities.

2. Article X.18(2) Surveillance, Monitoring and Stewardship

World Animal Protection supports the development of a harmonised system for surveillance and monitoring of AMR, with transparent reporting on the species, production system and category of all antibiotics used for farm animals. We are also supportive of a stewardship programme which would include guidelines for vets, animal producers and decision makers regarding the use of antibiotics, as well as incentives to reduce antimicrobial use and quality assurance programs to provide oversight.

⁸ Robin Millard, ‘Antimicrobial Resistance as Dangerous as Pandemic: WHO’ (Yahoo News Online, 21 November 2020) < <https://au.news.yahoo.com/antimicrobial-resistance-dangerous-pandemic-170128886.html> >

The rise of AMR is an issue that extends beyond state borders. For this reason, a National cooperative approach to surveillance and stewardship is essential.

Within Australia, resistant organisms kill 1,600 people annually.⁹ A study from 2017 indicated that without prompt action, this number could continue to grow to 10 Million people annually until 2050, at which point death from resistant organisms would overtake cancer related deaths.¹⁰ This is both an animal welfare and a human health issue. We recognise that over the last five years, Australia has been developing their own stewardship documents on antimicrobial use across the various agriculture sectors. While this is an important first step, we still believe Australia would benefit from the successful experience, surveillance systems and cooperation with international trading partners in the EU to help reduce antimicrobial use (mg/kg) and thereby the risk posed by AMR.

3. Article X.18(3) Reduction in antimicrobial use

World Animal Protection supports the proposal for cooperation to promote the reduced use of antimicrobial agents. Globally, approximately 131,000 tonnes of antibiotics are used in farmed animals each year, which equates to three quarters of the antibiotics produced.¹¹ The proposed FTA text regarding phasing out the use of antimicrobials for growth promotion is an important first step, however, we would also encourage the Government to include a requirement to phase out the prophylactic use of antibiotics, as the EU will do by January 2022.¹² The group prophylactic use of antibiotics frequently occurs in low welfare farms where conditions for animals are not at an adequate standard and lead to routine and regular use of antibiotics.¹³ Improving welfare conditions is an effective way to help reduce the overreliance on prophylactic antibiotic use. A World Health Organisation (WHO) commissioned study found that reduced antibiotic use in food-producing animals

⁹ Christopher B Del Mar et al, 'Reducing Antibiotic Prescribing in Australian General Practice: time for a national strategy' (2017) 4 *Medical Journal of Australia* 1, 1.

¹⁰ Ibid.

¹¹ World Animal Protection, *Fuelling the Pandemic Crisis: Factory Farming and the Rise of Superbugs* (Report, 2020) page 3.

¹² European Parliament, 'MEPs back plans to halt spread of drug resistance from animals to humans' (Media Release 25 October 2018) <https://www.europarl.europa.eu/news/en/pressroom/20181018IPR16526/mepsback-plan-to-halt-spread-of-drug-resistance-from-animals-to-humans>

¹³ World Animal Protection (n 11) 6.

is associated with up to 24% lower antibiotic resistant bacteria in humans in the study control group.¹⁴ Given the immense threat AMR poses to both human and animal health, it is incumbent on all countries to begin the necessary work to reduce the over-reliance on antimicrobial agents. This should include a phase out of antibiotics used for growth promotion and for group prophylactic treatment.

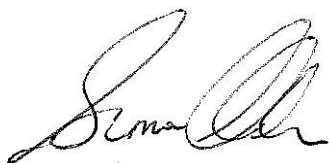
4. Article X.18(4) Technical Working Group

World Animal Protection again supports the proposed creation of a technical working group to oversee the information sharing around AMR and efforts to reduce reliance on antimicrobial agents, particularly group prophylactic use of antibiotics of all classes. While there are again a variety of relevant multilateral forums, they do not address some specific issues of concern and it would be useful to have a bilateral platform for Australia and the EU as two key trading partners. Establishing a working group would help ensure constructive dialogue and accountability for overseeing the proposed articles in section X.18 of the proposed SPS chapter.

Conclusion

We thank you once again for the opportunity to be involved in this process. We are available for comment if any further information is required to clarify the positions in our submission. We would also like to be kept informed of any future consultation opportunities. With offices based in both Australia and in Europe, we are well placed to help provide input on relevant animal welfare standards and guidelines, in order to help achieve your objectives around sustainable development.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Simon', written in a cursive style.

¹⁴ Ibid 8, citing KL Tang, et al, 'Restricting the use of antibiotics in food producing animals and its association with antibiotic resistance in food producing animals and human beings: A systematic review and meta-analysis' (2017) 1 *The Lancet* 316, 316-317.

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