

Farmed Animals

Live exports and welfare in transport

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“Taking advantage of our status as an independent trading nation, we will legislate to end the export of live animals for fattening and slaughter. Our departure from the EU has provided us with a much-awaited opportunity to address this long-standing ambition.”

“The government has consulted on a number of other welfare in transport reforms, such as setting maximum journey times, space allowances for animals and temperature controls. We are now considering this policy area in further detail to determine what will be taken forward in future legislation to improve transport conditions for animals.”

- DEFRA Action Plan for Animal Welfare, p.12

Summary of proposals

DEFRA's Action Plan for Animal Welfare includes a commitment to legislate to end live exports for slaughter and fattening.¹ On 8 June 2021, shortly after the publication of the Action Plan, the An-

imal Welfare (Kept Animals) Bill² ('the Bill') was introduced in Parliament, with clause 42 containing a proposed prohibition on live exports for slaughter and fattening. At the time of writing, the Bill is making progress through the House of Commons.

The Bill, as introduced, would make it a criminal offence³ to export so-called 'relevant livestock' from Great Britain for slaughter.⁴ 'Slaughter' includes fattening for the eventual purpose of slaughter.⁵ During a recent public consultation, DEFRA proposed limiting export journeys for fattening to those where animals would be slaughtered within six months of arrival at their destination.⁶ However, this time limit appears to have been abandoned in the Bill. 'Relevant livestock' is defined as:

- (a) bulls, cows, heifers, calves, buffalo or bison,
- (b) horses, ponies, donkeys, asses, hinnies, mules or zebras,
- (c) sheep,
- (d) goats, or
- (e) pigs or wild boar⁷

Clause 43 would empower each national authority in Great Britain to pass its own regulations providing for the enforcement of the proposed prohibition in clause 42. This may include the imposition of civil sanctions⁸ and the revocation of licences, authorisations or approvals.⁹

² Animal Welfare (Kept Animals) HC Bill (2021-22) [13] (Kept Animals Bill).

³ Kept Animals Bill, cl 42(2).

⁴ Kept Animals Bill, cl 42(1).

⁵ Kept Animals Bill, cl 42(4)(b).

⁶ DEFRA, 'Consultation on improvements to animal welfare in transport' (December 2020) para 6.

⁷ Kept Animals Bill, cl 42(7).

⁸ Kept Animals Bill, cl 43(3)(f).

⁹ Kept Animals Bill, cl 43(3)(g).

¹ DEFRA, Our Action Plan for Animal Welfare (May 2021) 12.



Analysis

The effect of clause 42 as it is currently drafted would be to prohibit live exports for slaughter and fattening of most traditionally farmed terrestrial mammalian species. Poultry and rabbits are not included within the definition of 'relevant livestock'. There is also no limit on live exports of any species for breeding purposes. These exclusions are not unexpected¹⁰ but do give cause for concern.

According to SRUC, '[t]ransport is regarded as a major source of stress and reduced welfare in all species at all ages including poultry',¹¹ and research has shown that poultry mortality increases markedly during journeys that exceed four hours.¹² Although research about the impact of transport on rabbits is more limited,

known hazards to rabbit welfare in transport include inadequate space allowances, unsuitable floor type, unfamiliar mixing, thermal stress and poor ventilation.¹³ A 2018 Italian study found that rabbit dead on arrival rates increased by up to 40% after journeys lasting longer than three hours compared with journeys shorter than one hour.¹⁴ In view of scientific evidence such as this, the decision not to include poultry and rabbits within the definition of 'relevant livestock' is disappointing. The UK exports more poultry than any other terrestrial farmed species¹⁵ and so this omission affects significant numbers of animals. Turning to breeding exports, it is typically claimed that breeding animals are transported in better conditions.¹⁶ This may be the case for

¹⁰ DEFRA, 'Consultation on improvements to animal welfare in transport' (December 2020) paras 26-27.

¹¹ M. A Mitchell, J. Martin and P.J. Kettlewell, 'A review of the evidence on welfare aspects of the transport of live animals' (September 14 2018) 231.

¹² *Ibid* para 70.

¹³ EFSA, 'Scientific Opinion Concerning the Welfare of Animals during Transport' (2011) EFSA Journal 9(1), para 2.6.2.1.

¹⁴ Claudia Caucci et al, 'Risk factors for pre-slaughter mortality in fattening and breeding rabbits' (2018) *Livestock Science* 210

¹⁵ Farm Animal Welfare Committee, 'Opinion on the welfare of animals during transport' (April 2019) Table 1;

¹⁶ DEFRA, 'Consultation on improvements to animal welfare in transport' (December 2020) para 26.

some higher value animals. However, with the exception of increased space allowances for some pregnant ruminant species,¹⁷ the minimum legal standards that apply during transport are the same irrespective of whether an animal is being exported for slaughter, fattening or breeding. Any decision to transport breeding animals in better conditions is therefore largely at the discretion of the transporter.

The decision to prohibit exports of some species in some circumstances but not others is an example of confused policy-making. It is illogical to suggest that exports for breeding purposes are better in the absence of more stringent minimum legal standards for breeding animals. Similarly, it is ethically inconsistent to allow live exports of poultry and rabbits to continue in light of scientific evidence about the impact of transport on their welfare, which is no less compelling than that available about other species.

DEFRA's objective appears to be to allay public concern¹⁸ about discrete aspects of the live export trade. This is unsurprising, as discussion about breeding animals, poultry and other less visible species, such as rabbits, has been largely absent from the public debate about live exports. It does, however, seem that an opportunity to place more meaningful limits on live exports that would benefit equally affected species and animals may have been missed. A general prohibition on live exports for slaughter, fattening and breeding, subject to an exception regime underpinned by higher welfare standards, would offer a more preferable and ethically consistent solution.

DEFRA has indicated in its **Action Plan** that it is considering other reforms to welfare in transport, which may include future legislative changes.¹⁹ It would be better to address live exports and welfare in transport in a single dedicated welfare in transport Bill. Nevertheless, any future legislative proposals relating to welfare in transport must include species-specific and lifestage-specific measures to improve general

transport conditions, particularly for any species or type of animal that may still be subject to export journeys.

Conclusion

There is much to celebrate about the prospect of an end to live exports of some species for slaughter and fattening. However, it is important to remember that the proposed prohibition as it is currently drafted would allow significant parts of the live export trade to continue. This is unsatisfactory and better approaches are available. Furthermore, language choices matter and the decision to use unfortunate wording, such as 'relevant livestock', sends a troubling message. This choice of phrase should be abandoned and ideally any prohibition should be extended to include poultry and rabbits, as the welfare of these farmed species during transport matters, too. Additional legislative measures to improve welfare in transport more generally should also be introduced as a matter of priority.

Postscript: On 18th August 2021, DEFRA announced²⁰ measures to improve domestic welfare in transport, including around maximum journey times, headroom requirements, and maximum and minimum acceptable temperature ranges.

¹⁷ Council Regulation (EC) 1/2005 of 22 December 2004 on the protection of animals during transport and related operations [2005] OJ L3/1, Annex I, Chapter VIII (retained EU law at the time of writing).

¹⁸ DEFRA, 'Consultation on improvements to animal welfare in transport' (December 2020) para 21.

¹⁹ DEFRA, *Our Action Plan for Animal Welfare* (May 2021) 12.

²⁰ DEFRA, 'Better welfare conditions for millions of farm animals during transit' (18 August 2021) < <https://www.gov.uk/government/news/better-welfare-conditions-for-millions-of-farm-animals-during-transit> > accessed 22 August 2021.