

Austria's Constitutional Court's Contribution to Animal Welfare – A 17-year transitional period for improved pig farming conditions is unconstitutional

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The Austrian Constitutional Court has played a significant role in advancing animal welfare, particularly in the context of pig farming practices. In a landmark decision, the court ruled that the 17-year transitional period allowing for the continued use of unstructured fully slatted pens in pig farming is unconstitutional. This decision underscores the importance of animal welfare as a public interest. Despite this progress, the court's ruling leaves room for further improvement in addressing the broader concerns related to pig welfare in Austria.

Introduction

The following article provides an overview and analyses the decision G 193/2023-15, V 40/2023-15¹, made by the Austrian Constitutional Court on 13 December 2023. The main subject of the constitutional review was the question of the constitutionality of a 17-year transitional period for the entry into force of the ban of a certain type of fully slatted floor in pig farming. The Austrian legislator created this ban with the intention of improving animal welfare. In its decision, the Constitutional Court dealt extensively with the question of how this interest in improving animal welfare should be considered when setting a transitional period. The court's findings show that the interest of animal welfare must not be undermined by disproportionately long transitional periods. When determining transitional periods, the interest of animal welfare must be carefully weighed up and taken into account. This decision of the Constitutional Court can also be used as an important legal example

outside of Austria, as transitional periods in animal welfare law are no rarity internationally.

The article starts off with an explanation of fully slatted floors and its evaluation from an animal welfare perspective. This is followed by an overview of the ban on so-called unstructured fully slatted pens introduced by the Austrian legislator in 2022. The article analyses this newly introduced ban in terms of its suitability to bring about improvements in animal welfare. It then explains that this ban on unstructured fully slatted pens will only come into force for the majority of operators after a 17-year transitional period. The Constitutional Court was called upon to review the constitutionality of the transitional period and the legality of the ban on unstructured fully slatted pens. The article ends with a concrete analysis of the Constitutional Court's judgement and an appeal to the legislator to take the ethological and physiological needs of pigs into account comprehensively and in accordance with current scientific knowledge when establishing animal welfare regulations.

Pig husbandry on fully slatted floors

Like the legal systems of many other countries, Austrian animal welfare law permits the keeping of pigs on concrete slatted floors. In conventional housing systems², pigs are usually kept on fully slatted concrete floors. Conventional pig housing accounts for 96.5% of all pig farms in Austria.³

² In the Austrian context, a distinction is drawn between conventional husbandry and organic husbandry. Organic farming businesses must fulfil more than the national minimum requirements of the 1st Animal Husbandry Ordinance. They are required to comply with Regulation (EU) 2018/848 on organic production and labelling of organic products.

³ 'Daten und Fakten Schweinehaltung Österreich' <<https://schweine.at/daten-und-fakten/>> accessed 17 August 2024

¹ VfGH 13.12.2023 G 193/2023-15, V 40/2023-15

As the name suggests, fully slatted pens are floor areas with slats. A fully slatted floor consists of alternate solid sections (the slats) and openings through which excrement and urine can pass to a pit below the floor. The openings in the floor are designed to quickly drain the animals' excrement into a slurry channel below. Among other things, this is intended to reduce costs and improve hygiene.⁴

Paragraph 13(2) of the Austrian Animal Welfare Act⁵ states that: 'Anyone keeping an animal must ensure that the space available, freedom of movement, floor conditions, structural features of the accommodation and housing facilities, the climate, in particular light and temperature, care and nutrition as well as the opportunity for social contact are appropriate to the physiological and ethological needs of the animals, taking into account their species, age and degree of development, adaptation and domestication.' The aim of the Animal Welfare Act is 'to protect the life and well-being of animals based on the special responsibility of humans for animals as fellow creatures'.⁶ Taking this objective into account, the competent federal minister must lay down the minimum requirements for the husbandry conditions specified in Section 13(2) by an ordinance based on Section 24 of the Animal Welfare Act. On this basis, the specific minimum husbandry conditions for pigs were implemented in the 1st Animal Husbandry Ordinance.⁷ These national regulations were adopted in implementation of EU Council Directive 2008/120/EC laying down minimum standards for the protection of pigs.

Fully slatted pens entail major disadvantages in terms of animal welfare. By referring to the behavioural repertoire of domestic pigs, attention should be drawn to the fact that the animals have a great aversion to their own excrement and for this reason attach great importance to a clean lying area.⁸ Pigs keep the

area that they occupy clean and dry as much as possible. If the animals have the choice, faeces and urine are deposited 'only outside the lying and resting area'.⁹ As will be described in more detail in later parts of this article, the space available to the individual animals in conventional housing systems is very limited. Due to the lack of space, it is not possible for the pigs to separate their living area into different parts (e.g. a lying area, an excretion area and an activity area).

The necessary characteristics of the floors, the minimum slat width, the maximum width of the openings, as well as the floor area available to each individual animal for unrestricted use, are defined in the 1st Animal Husbandry Ordinance based on the provisions of EU Directive 2008/120/EC. For example, Annex 5 point 2.2.2¹⁰ stipulates that the minimum slat width for weaners¹¹ must be 50 millimetres. In addition, the floors must be designed and maintained in such a way that the pigs 'do not suffer injury or pain and they must be suitable for the size and weight of the pigs'.¹²

From an animal welfare perspective, it must be emphasised that slatted concrete floors can be associated with discomfort when walking or lying down and associated foot injuries and lameness.¹³ Pigs kept on fully slatted floors show more claw injuries and lameness than ones housed on partially slatted or solid floors.¹⁴ In addition, the risk of tail biting is typ-

Schweinen' (2020) TiRuP B-64

9 Regina Binder/Rudolf Winklmayr 'Gutachterliche Stellungnahme zur Problematik des Schwanzkupierens bei Schweinen' (2020) TiRuP B-64

EFSA Scientific opinion, 'Welfare of pigs on farms' 3.2.1 <<https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2022.7421>> accessed 22 August 2024

10 1st Animal Husbandry Ordinance (1. Tierhaltungsverordnung)

11 Defined under Art 2 point 8 EU Council Directive 2008/120/EC and under Annex 5 point 1 1st Animal Husbandry Ordinance

12 Annex 5 point 2.2.1 1st Animal Husbandry Ordinance (1. Tierhaltungsverordnung)

13 Nicolas Devillers, Xiaojie Yan, Kristopher J. Dick and others, 'Determining an effective slat and gap width of flooring for group sow housing, considering both sow comfort and ease of manure management' (2020) Vol 242 *Livestock Science*

14 Nicolas Devillers, Xiaojie Yan, Kristopher J. Dick and others, 'Determining an effective slat and gap width of flooring for group sow housing, considering both sow comfort and ease of manure management' (2020) Vol 242 *Livestock Science* <<https://www.sciencedirect.com/science/article/abs/pii/S1871141319316026>> accessed 20 August 2024

4 'Vollspaltenböden' (Landwirtschaft verstehen 19 May 2023) <<https://www.landwirtschaft-verstehen.at/landwirtschaft-fuer-alle/landwirtschafts-abc/detail/vollspaltenboeden>> accessed 18 August 2024

5 Animal Welfare Act (Tierschutzgesetz) BGBl I 2004/118 idF BGBl I 2024/124

6 See § 1 Animal Welfare Act.

7 1st Animal Husbandry Ordinance (1. Tierhaltungsverordnung) BGBl II 2004/485 idF BGBl II 2022/296

8 Regina Binder/Rudolf Winklmayr 'Gutachterliche Stellungnahme zur Problematik des Schwanzkupierens bei

ically increased on fully slatted floors. That is because bedding substrates may fall through the openings and lead to congestion in slurry tanks and can therefore not generally be provided on fully slatted floors. Accordingly, the animals on fully slatted pens are not supplied with sufficient enrichment materials. Pigs are very intelligent animals and spend a lot of their time exploring their surroundings¹⁵ when they have the opportunity to do so. To be able to fulfil this great desire to explore, they need enrichment material. Inadequate enrichment material can lead to stress, boredom, and dissatisfaction of the animals, which in turn can lead to an increased incidence of tail biting, a behavioural disorder that occurs very frequently on conventional pig farms.¹⁶ Fully slatted floors are also associated with health risks for the pigs' respiratory tracts. This is due to the fact that in the vast majority of cases the lying areas are not closed and therefore not separated from the excretion areas. This way harmful gases (e.g. ammonia) can rise from the slurry channel under the perforated floor and irritate the animals' respiratory tracts and lead to respiratory diseases.¹⁷

All in all, keeping pigs in fully slatted pens usually does not fulfil their welfare needs.

Introduction of the ban on "unstructured" fully slatted pens in 2022

The Austrian Animal Welfare Package 2022 introduced a ban on so-called unstructured fully slatted pens for the rearing of weaners, breeding pigs and fattening pigs into the Animal Welfare Act and the 1st Animal Husbandry Ordinance.¹⁸ This means that keeping pigs on structured fully slatted floors remains permitted.

A fully slatted floor is referred to as structured if the enclosure is divided into different functional areas according to the animal's behaviour. Structure therefore means that there

are separate areas for eating, resting, activity and excretion. With unstructured fully slatted floors, there is no subdivision into functional areas. In addition, the space available for the individual pigs in group housing before the 2022 amendment of the law was so small that they were not given the opportunity to divide their space into functional areas. They were therefore forced to defecate in the lying area.¹⁹ For example, just 0.7m² of space was legally required for an animal weighing up to 110kg.²⁰

Theoretically, structuring the fully slatted floor can be beneficial for the animals. However, this is only the case if the pigs are given sufficient space to actually divide up their living areas and if the floors are not perforated in their entirety but are unperforated especially in the lying area. Solid flooring (without slats) is considered more comfortable for pigs, reflected by a preference of pigs to lie and stand on solid rather than on slatted flooring.²¹

Unfortunately, the structured fully slatted pens introduced by the Animal Welfare Package 2022 do not really lead to significant improvements in terms of pig welfare. This is because the amendment only slightly increases the space available for individual pigs in group housing. Instead of the previous 0.7m², an animal weighing up to 110kg now has an area of 0.8m² at its disposal.²² The space available is therefore still so limited that it is not even possible to effectively divide the pens into individual functional areas. The floor in the animals' lying area can still have openings, but now there have to be slightly fewer openings than before. What is new is that the proportion of openings in the lying area may not exceed 10% of the area. If the lying area has a maximum opening percentage of 10%, it does not have to be closed.²³ If the lying area is not closed and therefore not completely separated from the excrement area, the aforementioned health risks for the respiratory tracts of

15 Regina Binder/Rudolf Winklmayr 'Gutachterliche Stellungnahme zur Problematik des Schwanzkupierens bei Schweinen' (2020) TiRuP B-64

16 EFSA Scientific opinion, 'Welfare of pigs on farms' 7.7.3.4, 7.7.4.1 <<https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2022.7421>> accessed 22 August 2024

17 Binder, 'Das „Tierschutzpaket 2022“ – eine Mogelpackung' (2022) A TiRuP 115

18 § 18 (2a) Animal Welfare Act and Annex 5 point 5.2a 1st Animal Husbandry Ordinance

19 Binder, 'Das „Tierschutzpaket 2022“ – eine Mogelpackung' (2022) A TiRuP 115

20 Annex 5 point 5.2 1st Animal Husbandry Ordinance

21 Binder, 'Das „Tierschutzpaket 2022“ – eine Mogelpackung' (2022) A TiRuP 115

EFSA Scientific opinion, 'Welfare of pigs on farms' 7.7.3.3 <<https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2022.7421>> accessed 22 August 2024

22 Annex 5 point 5.2a 1st Animal Husbandry Ordinance

23 Closed in the sense of completely separated from the excretion area

the pigs due to the harmful gases (e.g. ammonia) rising up from the slurry channel below the perforated floor remain.

According to the requirements of Section 13(2) of the Animal Welfare Act, the space available, freedom of movement, floor conditions and structural features of the accommodation and housing facilities must be appropriate to the physiological and ethological needs of the animals, taking into account their species, age and degree of development, adaptation and domestication. Exposure to pollutants in unenclosed lying areas, lying areas made of concrete slatted floors and the limited space available not only endanger the health of the animals and are associated with a risk of injury, but also prevent them from exercising their natural behaviour.²⁴

Therefore, the design of structured fully-slatted pens made possible by the 1st Animal Husbandry Ordinance cannot be considered appropriate to the physiological and ethological needs of pigs and does not lead to any major improvement in terms of animal welfare.

Transitional period until full implementation of the ban on unstructured fully-slatted pens led to a complaint before the Constitutional Court

The new regulations banning unstructured fully slatted pens for the housing of weaners, breeding pigs and fattening pigs not only do not lead to any significant improvements²⁵ in animal welfare but are also subject to a long transitional period until they come fully into force.

The ban has applied since 1 January 2023 for all newly built or voluntarily converted facilities approved under building law from this date. For facilities already in existence before 1 September 2022²⁶ that were built in accordance with the animal welfare regulations in force until then, a transitional period has been established whereby the ban on keeping pigs

24 Binder, 'Das „Tierschutzpaket 2022“ – eine Mogelpackung' (2022) A TiRuP 115

25 For an illustration of the small potential for improvement, see: <https://vgt.at/presse/news/2022/news-20221229mn_2.php> accessed 1 December 2024

26 Date of entry into force of the animal welfare package 2022

in unstructured fully slatted pens will not apply until 1 January 2040.²⁷ This means that a 17-year transitional period applies to these systems, during which pigs may continue to be kept on unstructured fully slatted floors. The 17-year transitional period led to a complaint before the Constitutional Court.²⁸

Burgenland's provincial government²⁹ submitted an application to review individual provisions of the Animal Welfare Act and the 1st Animal Husbandry Ordinance. Among other things, the provision on the 17-year transitional period was challenged and reviewed for its constitutionality. The Constitutional Court concluded that the regulations on the transitional period are unconstitutional. The remaining applications for a review of the constitutionality of the new regulation concerning fully slatted pens and the legality of individual provisions of the 1st Animal Husbandry Ordinance were rejected.³⁰

Despite the rejection of large parts of the applications submitted, this decision is nonetheless an important and, in some ways, revolutionary one. This is based on the fact that there are high barriers for individuals and especially for NGOs to even being entitled to file an application before the Constitutional Court (see next paragraph). Moreover, there are also significant hurdles to obtaining a substantive decision by the Constitutional Court, as in many cases applications are rejected without substantive consideration.³¹

The admissibility of an application for a review of legislation before the Constitutional Court is often subject to strict requirements. While government bodies, like provincial governments are constitutionally granted the right to request a review of federal laws and ordinances without any further requirements,³² the right of individuals and NGOs to file an application depends on being able to establish

27 § 44 (29) Animal Welfare Act

28 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15

29 Burgenland is one of the nine Austrian Federal Provinces

30 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 77, 78

31 This is due to the strict admissibility requirements of Art 139 (1) and Art 140 (1) of the Austrian Constitution (Bundes-Verfassungsgesetz BGBl 1930/1 idF BGBl I 2024/89

32 Art 139 (1) 5, Art 140 (1) 2 Bundes-Verfassungsgesetz BGBl 1930/1 idF BGBl I 2024/89

that their rights are directly violated by the unconstitutionality or illegality of the legal act.³³ They therefore have to be norm addressees of the respective provision. Norm addressee is a term used in the Austrian legal system to describe that the contested regulation must be directed at the person contesting this particular regulation, e.g. by granting rights or obligations to that person. 'Only a legal entity to which or against which the contested provision is directed is entitled to challenge the provision'.³⁴ In relation to environmental protection provisions, the Constitutional Court has already ruled several times that environmental organisations are not addressees of the contested provisions and has therefore rejected their applications.³⁵

The severely restricted eligibility of NGOs to submit applications shows how important applications from provisional governments can be and makes the present case all the more interesting.

The Constitutional Court's Decision

The Constitutional Court partially approved the application of the Burgenland provincial government and declared the regulation providing a 17-year transitional period for the entry into force of the ban on unstructured fully slatted pens to be unconstitutional.

In the ruling, the Constitutional Court emphasises that animal welfare is a recognised and significant public interest. When it comes to the ban on keeping pigs in unstructured fully slatted pens, the public interest in animal welfare is decisive and must be weighed against the interests of planning security and investment protection of the affected agricultural businesses. Transitional provisions are a means of achieving such a balance of interests. According to the Constitutional Court, a transitional provision appropriate to the circumstances may therefore be legally required under constitutional law, 'but must not lead to subjective distinctions and must also be objectively justified, particularly in terms of

duration'.³⁶

The Constitutional Court clarifies that by introducing the ban on unstructured fully slatted pens, the legislator has made an assessment on the importance of the interest of animal welfare. The definition of the transitional period is intended to serve the 'temporary protection of existing pig farming businesses that have made plans in reliance on the existing legal situation. The Constitutional Court comes to the conclusion that due to the assessment made by the legislator itself in the interests of animal welfare, it is not objectively justified to prioritise the interests of investment protection by setting a 17-year transitional period.³⁷ The interests of animal welfare should have been adequately taken into account when determining the duration of the transitional period. Because the legislator emphasised the importance of animal welfare while introducing the ban on unstructured fully-slatted pens and considered this interest to be important, animal welfare should also have been adequately taken into account when determining the transitional period. Since this taking into account has not happened, the 17-year transitional period is unconstitutional. The Constitutional Court ruled that it is not objectively justified and therefore not compatible with the principle of equality laid down in the Austrian Constitution to focus unilaterally on investment protection when determining the transitional period and not to take adequate account of the interests of animal welfare.³⁸

According to the Constitutional Court's ruling, the 17-year transitional period also leads to objectively unjustified unequal treatment between operators of new or rebuilt livestock facilities and those of livestock facilities that already existed before 2023. This is due to the fact that the 17-year transitional period only applies to livestock facilities that already existed before 2023 and complied with the animal welfare regulations in force at the time. These facilities do not have to implement the ban on fully-slatted pens until 2040. To facilities newly built or converted since 2023 the ban applies immediately. This constitutes objectively unjustified unequal treatment, which is

33 Art 139 (1) 3, Art 140 (1) 1c Bundes-Verfassungsgesetz BGBl 1930/1 idF BGBl I 2024/89

34 VfGH 14.12.2016 V134/2015 Rn 6

35 E.g. VfGH 14.12.2016 V134/2015

36 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 61

37 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 64

38 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 65



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maintained for an excessively long time span due to the 17-year transitional period. Operators of pig farming facilities that newly construct or convert a facility as of 1 January 2023 are subject to higher market entry costs than operators of existing/unconverted facilities. 'This results in unequal competition, which is maintained by the long transitional period of 17 years'.³⁹ This is another reason why the transitional period is unconstitutional.

The transitional period was therefore repealed as unconstitutional⁴⁰. The repeal of the provision comes into force on 31 May 2025. This means that the 17-year transitional period will continue to apply until 31 May 2025. If no shorter transitional period is legally set by then, the ban on unstructured fully slatted pens will come into force immediately for all operators without a transitional period. A new transitional period is currently being worked on. The minister responsible has indicated that it should now last until 2030 instead of 2040.⁴¹ However, this new transitional period

has not yet been legally established at the time of writing this article.

Why the Constitutional Courts contribution to animal welfare could have been more far reaching

By cancelling the transitional period, the Constitutional Court has contributed to animal welfare. In the interest of animal welfare, however, this contribution could have been more extensive. The Burgenland state government not only challenged the transitional period, but also the content of the new fully-slatted pen regulation⁴². The Burgenland state government points out that the new regulation does not lead to any major improvements in animal welfare.⁴³

Among other things, the Burgenland state government is therefore also criticising the still low space requirements and the lack of an obligation to simultaneously bed perfo-

39 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 69

40 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 73

41 <<https://kurier.at/politik/inland/vollspalten->

[boden-verbot-johannes-rauch-2030-schweine/402758047](https://www.burgenland.gv.at/boden-verbot-johannes-rauch-2030-schweine/402758047)> accessed 22 August 2024

42 Especially Annex 5 points 2.2.2, 5.2a

43 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 5

rated floors with straw.⁴⁴ The provincial government states that it has been scientifically proven several times that keeping pigs on perforated floors with a lack of bedding does not sufficiently fulfil the ethological needs of the pigs, nor is it suitable for protecting the animals from behavioural disorders. Their needs are also not met by the larger but still inadequate minimum space requirement and the lack of an obligation to provide scattered resting areas. The current minimum requirements result in a lack of space that does not allow the animals to divide their living area into resting and defecation areas. According to the provincial government, these husbandry conditions therefore violate, among other things, Section 13 of the Animal Welfare Act, according to which animals must be kept in accordance with their ethological and physiological needs.⁴⁵

However, the Constitutional Court did not even review these substantive arguments against the minimum requirements and rejected the corresponding applications.⁴⁶ The Constitutional Court justified this by stating that the scope of the challenge was too small. A further provision should have been challenged, as it is inseparably linked to the challenged provisions. The Constitutional Court assumed that the Burgenland provincial government generally considers the use of perforated flooring to be unconstitutional and unlawful. Therefore, in the court's view, the provincial government should also have challenged all other provisions of Annex 5 of the 1st Animal Husbandry Ordinance that contain stipulations on the degree of perforation of the flooring. With regard to the challenge of the lack of bedding, according to the Constitutional Court the applicants also omitted the necessary challenge of another provision of Annex 5.⁴⁷ The Constitutional Court takes a very narrow view of the scope of the challenge, which must be neither too narrow nor too broad. In addition to the aforementioned restrictions on the right to file an application, the difficulties associated with a challenge before the Constitutional Court become evident.

44 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 5

45 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15

46 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 78

47 VfGH 13.12.2023 G 193/2023-15, V 40/2023-15 Rn 27

For reasons of animal welfare, a substantive assessment of whether the new fully slatted pen regulation is appropriate for the needs of pigs would have been desirable. Excessive restrictions in the context of the admissibility assessment make applications for the examination of the legality and constitutionality of legal norms a Herculean task.

Conclusion

The Austrian Constitutional Court's decision on the unconstitutionality of the 17-year transitional period for the ban on unstructured fully slatted pens highlights the importance of balancing different interests when setting transitional periods for the implementation of new animal welfare standards. The interest of animal welfare which lies in the prompt implementation of the new regulations must be balanced against the interests of the farmers in planning security and investment protection. The ruling underscores that animal welfare is a widely recognised and significant public interest. A transitional period that is too long is not compatible with the public interest of animal welfare, which the new regulation on the ban on unstructured fully slatted pens is intended to serve. The Constitutional Court affirmed that the protection of animals cannot be delayed indefinitely in favour of industry interests, especially when such a delay perpetuates harmful conditions for the animals.

However, while the decision is a critical victory for animal welfare, it also highlights the difficulties of challenging legal acts before the Austrian Constitutional Court and how much precision is required to ensure that an application is not rejected. The ruling addressed only the transitional period and did not tackle the more fundamental issues embedded within the current regulations—such as the inadequacy of space allocations, the persistence of partially slatted floors, and the lack of compulsory bedding, which fail to meet the ethological needs of pigs. The Constitutional Court justified this by stating that the scope of the application was too limited. The precise examination of the application and its admissibility is of course essential and stipulated by the constitution and must therefore not be disregarded, but some recent examples show

that the Constitutional Court is so meticulous in its approach that it at times functions as a gatekeeper for the clarification of substantive unlawfulness.

Looking forward there remains to be seen how the legislator will implement the decision of the Constitutional Court. A shortening of the transition period is necessary. The legislator has time to implement this until 31 May 2025, otherwise the ban on unstructured fully splatted pens will come into force immediately without a transitional period. A true commitment to improving the living conditions of farm animals requires not just the abolition of problematic transitional periods but also a thorough rethinking of the regulatory framework to ensure it fully meets the physiological and psychological needs of pigs.

In this context, the Constitutional Court's decision can be seen as both a triumph and a call to action. It has removed a significant legal barrier to progress, but the path forward requires a more holistic and urgent commitment to reform.