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Animal Protection as Part of EU Development Strategy

Ochrona zwierząt jako element strategii rozwoju Unii Europejskiej

ABSTRACT

The article is an attempt to organize considerations of animal protection within the framework of the new EU development strategy. The European Green Deal is a comprehensive strategy to transform the EU into a modern resource-efficient and competitive economy, which takes into account all dimensions of sustainable development, including animal protection. Member States are required to develop and implement strategic plans approved by the European Commission to implement the new strategy. The article is of a scientific and research character. The author put forward research hypotheses and tried to prove them within the framework of the conducted analysis. First, the coronavirus crisis highlighted the importance of a robust and resilient food system and the interconnectedness of animal health, supply chains, and public health. Second, with sustainability as a cornerstone of the EU's functioning, undesirable interplay can also be observed with respect to biodiversity, climate change, and other environmental issues. Climate change can affect the emergence of new diseases, the prevalence of existing diseases and the geographical distribution of pathogens and vectors, including those that affect wildlife. Thirdly, in order to ensure high animal and public health standards and rational development of agriculture, legislative solutions at the EU level should be put in place which would contribute to the completion of the internal market and to preventing the spread of communicable diseases. This legislation should also ensure, as far as possible, that the existing animal health status of the EU is maintained and promoted. The results of the study are original and innovative, which makes them a valuable source of knowledge.

Keywords: the European Green Deal; sustainable development; animal protection; animal health; public health; biodiversity

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INTRODUCTION

Animal husbandry is an integral part of European agriculture and EU food systems. In order to reduce the environmental and climate impact of livestock production, the development of sustainable livestock production with a sustainable food system will be of paramount importance within the EU development strategy.

A sustainable food system must provide people with an adequate and varied supply of safe, nutritious and affordable sustainable food at all times, but especially in times of crisis. Climate change and biodiversity loss pose immediate and persistent threats to food security and livelihoods. It is crucial that the EU development strategy takes into account the links between public and animal health, the environment, food and feed safety, animal welfare, food security and economic, social and cultural issues. The Common Agricultural Policy will accompany this transformation by supporting innovative solutions and sustainable production practices. The issue of animal protection in the EU development strategy (European Green Deal) is a contribution to the discussion on this topic. Animal husbandry is an integral part of European agriculture and food systems. Animal health and animal welfare are interlinked, as better animal health promotes better animal welfare and *vice versa*. Article 13 of the Treaty on the Functioning of the European Union[1] provides a potential basis for developing a position at the EU level on animal welfare that is motivated by a moral concern for animals, rather than a commercial interest in their health. The recognition of the need to protect animals as "sentient beings" marks a fundamental normative shift in thinking about animals and their welfare. It is a new paradigm for EU policy-making and implementation, marking a shift from an economic understanding of animals as products with a certain value to humans to a moral understanding of the value associated with animal needs. Such a shift in the appreciation of animals coincides with philosophical and scientific advances in understanding the capacity of animals to feel and experience emotions, both positive and negative.

Increasing animal welfare improves animal health and positively impacts food quality through the need for veterinary medicine. It can also have a positive impact on biodiversity conservation.

[1] OJ C 202, 7.06.2016, pp. 1–390.

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THE NEW GREEN DEAL AS A DEVELOPMENT POLICY FOR THE EUROPEAN UNION

The European Commission on 11 December 2019 presented a communication on the European Green Deal.[2] As an EU development policy it applies to all sectoral plans and policies, but provisions relating to environmental issues, such as protecting biodiversity, reducing pollution, combating climate change, transforming food systems and reducing the negative impact of agriculture on ecosystems, are essential. The development strategy proposed by the Commission aims to transform European economies into a system based on sustainable development and environmental protection. Implementation of priorities of the European Green Deal cannot be carried out without changes in the sphere of agriculture, which has a serious impact on the state of security of all components of ecosystems, including animal health and welfare. Hence, the assumptions of the new common agricultural policy are of particular importance. EU animal health legislation consists of a range of interconnected and interrelated regulations on intra-EU trade, entry of animals and products into the EU, disease eradication, veterinary controls, disease notification and financial support for individual animal species, but there is no overarching legal framework establishing harmonised rules for the entire sector. Such rules are necessary, i.a., in order to contribute to the completion of the internal market and to prevent the spread of communicable diseases. It should also ensure that, as far as possible, the existing animal health status of the EU is maintained and consequently promoted. In the area of animal health, the new strategy aims to promote animal health by placing greater emphasis on preventive measures, disease surveillance, control and research to reduce the incidence of animal diseases and to minimise the impact of outbreaks when they occur. It is the adoption of a unified and simplified animal health regulatory framework, seeking convergence with international standards while ensuring a firm commitment to maintaining optimal animal health regulation.

The coronavirus crisis has highlighted the importance of a robust and resilient food system that functions under all circumstances and is able to ensure access to a sufficient supply of affordable food. The interconnections between public health, animal health, ecosystems, supply chains consumption patterns, and the limits of the planet. A sustainable food system must provide people with a sufficient and diverse supply of safe, nutritious and affordable sustainable food at all times, especially in times of crisis. Climate change and biodiversity loss pose immediate and persistent threats to food security and livelihoods. The "farm-to-fork" strategy

[2] Communication from the Commission to the European Parliament, the European Council, the Council, the Economic and Social Committee and the Committee of the Regions – The European Green Deal, Brussels, 11.12.2019, COM(2019) 640 final.

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is intended to ensure food security as well as the competitiveness of farmers and food business operators.[3]

Implementation of the biodiversity strategy will be essential to ensure food security in the EU and globally. Loss of biodiversity threatens food systems, putting food and nutrition security at risk. Biodiversity provides the basis for a healthy and balanced diet, improves rural livelihoods, and contributes to agricultural productivity. The European Commission will seek to implement and enforce biodiversity protection provisions in all trade agreements.[4]

Meeting the global challenge of sustainable development and biodiversity conservation will require the cooperation of all stakeholders. Over the past decade, the EU and its Member States have worked together to protect the environment. Through international cooperation, the EU will pursue the objectives of the strategy by promoting sustainable agricultural practices, water management, restoration of degraded land, and protection and restoration of areas of high biodiversity.

THE PRINCIPLES OF THE COMMON AGRICULTURAL POLICY CONCERNING ANIMAL WELFARE

The Treaty on the Functioning of the European Union provides that competence in the area of agriculture is shared between the EU and the Member States. For this purpose, a common agricultural policy has been established with common objectives and common implementation. The objectives of the post-2023 agricultural policy continue to relate to the sustainable development of agriculture, food and rural areas. The economic, environmental and social challenges of the Common Agricultural Policy arising from the implementation of the European Green Deal strategy require appropriate tools. Member States will have the possibility to adapt their actions in pursuit of the headline targets to the specific conditions of their agriculture. The increased ability of Member States to implement the objectives of the Common Agricultural Policy will result in the selection of appropriate tools, which will lead to optimal implementation of the defined objectives.

The Treaty on the Functioning of the European Union defines animals as sentient beings. It is the moral obligation of the EU as a major producer and importer of food to ensure that the conditions under which animals live on farms reflect its

[3] Communication from the Commission to the European Parliament, the European Council, the Council, the Economic and Social Committee and the Committee of the Regions – A farm-to-fork strategy for a fair, healthy and environmentally friendly food system, Brussels 20.05.2020, COM(2020) 381 final.

[4] Communication from the Commission to the European Parliament, the European Council, the Council, the Economic and Social Committee and the Committee of the Regions – An EU Biodiversity Strategy to 2030, Brussels, 20.05.2020, COM(2020) 380 final.

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principles. EU animal welfare legislation has evolved and expanded its scope to ensure that human interference with the natural biological processes of living animals is minimised. Welfare is most often identified in biological terms – species needs, return to a state of physiological equilibrium. Within the naturalistic approach, it is defined as the possibility of executing natural behaviours and leading a lifestyle as close to natural as possible.[5] In the literature, the concept of animal welfare is characterized by three elements: the animal's natural biological functioning (which, among other things, means the assurance that the animal is healthy and well-fed), its emotional state (the absence of negative emotions such as pain and chronic fear), and its ability to express certain standard behaviors. However, not all behaviors are equally important from an animal welfare perspective. From a practical standpoint, a clear indication that a behavior is important is when an animal exhibits a stress response or disturbed behavior when prevented from performing that behaviour.[6]

The objectives of the new Common Agricultural Policy no longer focus solely on improving farm profitability, but on more effective implementation of measures to protect the environment and climate, sustainable rural development, the conservation of biodiversity[7] and the production of food of animal origin while respecting animal health and animal welfare standards. In establishing animal health regulations, it is critical to consider the links between animal health and public health, the environment, food and feed safety, animal welfare, food security, and economic, social and cultural issues.

Agri-food systems are absolutely key sectors for achieving the objectives now outlined, and the Common Agricultural Policy is the most important EU policy mechanism that can have a significant pan-European impact in ensuring an integrated approach to sustainable production.[8] Given the continuing challenges to preserve biodiversity and to provide safe, nutritious and sustainable food, animal protection activities will intersect across Member State activities.[9]

The protection of biodiversity includes the protection of animals, since the inappropriate treatment of a component of nature can lead directly to its extinction. The basis of any action for the protection, health and welfare of animals should be

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[5] J. Helios, W. Jedlecka, *Prawo zwierząt do ochrony przed cierpieniem. Wybrane problemy*, Toruń 2019, pp. 71–96.

[6] *Dobrostan zwierząt. Różne perspektywy*, ed. H. Mamzer, Gdańsk 2018, p. 17.

[7] W. Barabasz, A. Pikulicka, *Ochrona biosfery i bioróżnorodności*, "Inżynieria Ekologiczna" 2012, no. 20, p. 14.

[8] A. Maréchal, K. Hart, D. Baldock, S. Wunder, P.M. Aubert, *Aligning the post-2020 CAP with the Green Deal*, September 2020, https://ieep.eu/uploads/articles/attachments/32ba325a-0ecd-4b5f-a560-2dc30e127087/Aligning%20the%20post-2020%20CAP%20with%20the%20Green%20Deal.pdf?v=63768669873 [access: 13.03.2021].

[9] E. Latoszek, *Koncepcja zrównoważonego rozwoju w teorii i praktyce ONZ*, [in:] *Zrównoważony rozwój a globalne dobra publiczne w teorii i praktyce organizacji międzynarodowych*, eds. E. Latoszek, M. Proczek, M. Krukowska, Warszawa 2016, p. 25.

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the awareness that animals are capable of feeling. In particular, their needs should be taken into account as part of various animal welfare activities, and they should be an expression of humanity and a challenge for civilization and culture, not only European. There is a link between the protection of animals, their health, welfare and food safety. The initiative to introduce systemic solutions to improve animal welfare is intended to allow agricultural producers to raise the standard of animal husbandry and will also affect the competitiveness of farms in the market.[10] This will allow agricultural producers and processors to create an association among consumers not only with high quality, safe products, but also with standardized sourcing of raw material from well-treated animals.

The animal welfare module of the EU's agricultural policy will cover the organisation of the farm including in particular buildings and facilities, pasturage, feeding, animal health and animal care. The implementation of animal welfare in the framework of the Common Agriculture Policy should also be carried out in accordance with the laws and customs of the Member States.[11]

The protection of animals in the assumptions of the Common Agricultural Policy is not of a uniform nature. For this reason, the legal protection of animals (as biological entities) is not uniform. Every animal needs to be treated humanely. The key element of humane treatment is therefore to treat the animal in a manner appropriate to its needs. The needs of an animal depend to a large extent on its species characteristics.[12] Separate animal protection standards for animal health and welfare consist of special rules for specific categories of animals (e.g., pet animals, farm animals, animals used for special purposes, free-living animals) or certain groups of animals belonging to a specific category (e.g., free-living animals belonging to hunting species, stray animals). They take into account not only the specific features of certain species, but above all the place of animals in the natural and social environment and their purpose. A special role falls to the category of free-living animals, which together with the world of plants and various forms of inanimate nature create the richness and diversity of the natural environment. This also applies to wildlife, i.e. animals that can be hunted as part of the game management, that is under strictly defined rules and procedures. Among free-living animals, rare or endangered species are of exceptional importance, which, due to their exceptional importance for the preservation of natural heritage, have been subject to far-reaching protection.[13]

[10] E. Herbut, J. Walczak, *Dobrostan zwierząt w nowoczesnej produkcji*, "Przegląd Hodowlany" 2017, no. 5, p. 3 ff.

[11] E. Jachnik, *Zasada dobrostanu zwierząt we Wspólnej Polityce Rolnej Unii Europejskiej*, "Studia Iuridica Lublinensia" 2017, vol. 26(1), p. 289 ff.

[12] I. Lipińska, *Z prawnej problematyki dobrostanu zwierząt gospodarskich*, "Przegląd Prawa Rolnego" 2015, no. 1, p. 64 ff.

[13] K. Kuszlewicz, *Ustawa o ochronie zwierząt*, WKP 2021.

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ANIMAL PROTECTION IN THE POLISH STRATEGIC PLAN

Implementation of the objectives of the European Green Deal within the Common Agricultural Policy will be possible after the strategic plans have been developed by the Member States and approved by the European Commission. Poland is also obliged to present an appropriate document, which in its content must take into account specific objectives of the Common Agricultural Policy. The strategic plan will combine most of the Common Agricultural Policy support instruments financed under the Common Agricultural Policy. In this way, one coherent development strategy will be developed for each Member State. The Polish draft of the Strategic Plan for the Common Agricultural Policy[14] defines as the ninth goal the improvement of the EU agriculture response to societal demands for food and health, including safe, nutritious and sustainable food, as well as animal welfare.[15]

The main challenges of implementing the ninth goal of the Polish Strategic Plan in relation to animal protection relate to two of its aspects: animal welfare and quality and safety of food of animal origin.[16]

The main challenges to be realized in the Strategic Plan are to be issues related to the use of antibiotics in animal production. In view of the growing phenomenon of antibiotic resistance, the opportunity is to use and disseminate existing expertise on both reducing the use of antibiotics and the possibility of replacing them with alternative preparations. Greater accessibility to information and knowledge on this topic will help to overcome farmers' reluctance to use alternatives to antibiotics for prophylaxis and treatment by veterinarians. It involves reducing the use of antibiotics in animals through rational use, developing improved veterinary prescribing guidelines, moving away from the use of critically important antimicrobials in human medicine, moving away from the preventive use of veterinary drugs in livestock, and systemically reducing the use of β-lactams and aminoglycoside antimicrobials. This will allow agricultural producers to raise the standard of breeding and will positively influence production competitiveness on the market.

The Strategic Plan also assumes actions aimed at increasing the share of agricultural producers keeping animals in conditions ensuring a higher level of welfare. This is mainly due to the fact that a relatively small number of producers, associations and producer groups participate in the production of high-quality food, including quality systems taking into account animal welfare. One of the reasons for this state of affairs should be seen in the insufficient level of organisation of

[14] *Konsultacje społeczne Planu Strategicznego dla WPR*, www.gov.pl/web/wprpo2020/konsultacje-spoleczne-planu-strategicznego-dla-wpr [access: 13.03.2021].

[15] The plan is not yet approved, but the targets are already set. Amendments made during public consultation can no longer affect the objectives.

[16] R. Kołacz, Z. Dobrzyński, *Higiena i dobrostan zwierząt gospodarskich*, Wrocław 2006, p. 147.

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farmers on the national scale and their low interest in cooperation and joint actions. The structure of farms, their fragmentation and lack of cooperation between actors in the production chain is a noticeable weakness in the production of food of animal origin distinguished by production with increased animal welfare, because the activities of individual farms in this regard, which are not coordinated and are not related to quality systems and do not translate into higher revenues from animal production. It is worth noting that the increase in welfare, and thus the increase in the protection of animals in conditions exceeding the minimum requirements specified in the regulations, is very often associated with higher production costs associated with, i.a., lower productivity, the need to reduce the stocking density in buildings and increased labour input. These actions require increased financial outlays for animal production. Lack of cooperation of entities in the production chain and limited interest of processors in the animal welfare aspect is also not without significance. It results in the lack of appropriate information for consumers on the packages of products of animal origin indicating the conditions of keeping animals (the exception is the system of marking eggs indicating with an appropriate number the system of keeping laying hens).

Growing consumer expectations concerning food quality and safety make us look for better and better solutions for producing healthy and safe food, characterized by additional quality features, which are confirmed by appropriate certificates or labels. Actions in the field of animal protection will allow agricultural producers and processors to build an association among consumers not only with high-quality and safe products, but also with standardized sourcing of raw materials from well-treated animals. Consumer expectations are met by EU food quality systems: organic farming, the system of protected designations of origin, protected geographical indications and guaranteed traditional specialties, and national food quality systems, including the system of integrated production.[17]

CONCLUSION

In addition to climate and environmental protection objectives, the European Green Deal strategy for the first time points to the great and hitherto unquantified value of natural resources, together with the benefits arising from their functions, simply by virtue of their existence. It also sets out specific conditions for achieving the goals and indicates the measurable benefits that should be achieved in the process of its implementation. It also limits the sphere of human freedom of action towards animals. The new obligations imposed by the Strategy in the field of animal

[17] M.E. Szymańska, *Livestock Welfare – Legal Aspects*, [in:] *Legal Protection of Animals*, eds. E. Kruk, G. Lubeńczuk, H. Spasowska-Czarny, Lublin 2020, p. 177 ff.

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protection are to contribute to ensuring animal health and welfare. Under the new EU policy, an animal is a legally protected good as a biological entity (living organism), which applies to all species, and as an important component of the natural environment, which applies mainly to free-living animals. This is because humane protection directly concerns animals, i.e. this subject category, which indisputably falls within the normative concept of "environment", as an element of biological diversity. Humane protection is therefore simply a legitimate complement to other aspects of the protection of this extremely important biological factor, coexisting with humans on Earth and creating the environment. The European Green Deal draws attention to the need for action to increase animal protection, taking into account the socio-economic consequences of this action.

The introduction of new priorities for animal protection can improve the response of EU agriculture to societal demands for food and health, including safe, nutritious and sustainable food as well as animal welfare, but it will only be possible to assess whether expectations have been realised on the basis of new legislation after several years of implementation.

The European Green Deal should be evaluated in a much broader context than just environmental and climate requirements. Its holistic character makes it a document that will influence social and economic policies not only in Europe but also in the world.

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Treaty on the Functioning of the European Union (OJ C 202, 7.06.2016, pp. 1–390).

ABSTRAKT

Artykuł jest próbą uporządkowania rozważań dotyczących ochrony zwierząt w ramach nowej strategii rozwoju Unii Europejskiej (UE). Europejski Zielony Ład jest kompleksową strategią mającą na celu przekształcenie UE w nowoczesną zasobooszczędną i konkurencyjną gospodarkę, która uwzględnia wszystkie wymiary zrównoważonego rozwoju, w tym ochronę zwierząt. Państwa członkowskie zobowiązane zostały do opracowania oraz wdrożenia zatwierdzonych przez Komisję Europejską planów strategicznych, które będą umożliwiały realizacje nowej strategii. Artykuł ma charakter naukowo-badawczy. Autorka postawiła hipotezy badawcze i podjęła próbę ich udowodnienia w ramach prowadzonej analizy. Po pierwsze, kryzys związany z koronawirusem uwydatnił znaczenie solidnego i odpornego systemu żywnościowego oraz wzajemne powiązanie między zdrowiem zwierząt, łańcuchami dostaw a zdrowiem publicznym. Po drugie, w sytuacji gdy podstawą funkcjonowania UE ma być zrównoważony rozwój, można również zaobserwować niepożądane wzajemnie oddziałujące na siebie skutki w odniesieniu do bioróżnorodności, zmiany klimatu i innych kwestii związanych ze środowiskiem. Zmiana klimatu może wpływać na pojawianie się nowych chorób, częstość występowania chorób już istniejących oraz na rozmieszczenie geograficzne czynników chorobotwórczych i wektorów, w tym takich, które oddziałują na dziką faunę i florę. Po trzecie, w celu zapewnienia wysokich norm dotyczących zdrowia zwierząt i zdrowia publicznego oraz racjonalnego rozwoju rolnictwa należy wprowadzić rozwiązania prawne na poziomie UE, które mogą przyczynić się do urzeczywistnienia rynku wewnętrznego oraz do zapobiegania rozprzestrzenianiu się chorób zakaźnych. Przepisy te powinny również zapewniać, w możliwie największym stopniu, zachowanie istniejącego statusu zdrowotnego zwierząt w UE, a także wspieranie poprawy tego statusu. Wyniki przeprowadzonych badań mają charakter oryginalny i nowatorski, co powoduje, że stanowią cenne źródło wiedzy.

Słowa kluczowe: Europejski Zielony Ład; zrównoważony rozwój; ochrona zwierząt; zdrowie zwierząt; zdrowie publiczne; bioróżnorodność