



## BRIEFING PAPER

Number 8031 , 3 September 2019

# Live Animal Exports

By Elena Ares

### Contents:

1. Live animal exports
2. EU regulations: protection of animals during transport
3. UK implementation
4. Campaigns to end live animal transport
5. Brexit and live animal exports



# Contents

<b>Summary</b>	<b>3</b>
<b>1. Live animal exports</b>	<b>4</b>
<b>2. EU regulations: protection of animals during transport</b>	<b>6</b>
2.1 2011 Review of the regulations	7
<b>3. UK implementation</b>	<b>8</b>
3.1 Journey length and duration	8
3.2 Better enforcement	9
Prosecutions	9
<b>4. Campaigns to end live animal transport</b>	<b>10</b>
4.1 Protests over live exports from Ramsgate and Dover	11
<b>5. Brexit and live animal exports</b>	<b>12</b>
5.1 Brexit and WTO rules	13
5.2 Government Position	13
Call for Evidence	14
5.3 No Deal Brexit	15
5.4 Northern Ireland	16
The <i>Live Animal Exports (Prohibition)</i> Bill 2017-19	17
5.5 Labour Position	18

Contributing Authors: Matthew Ward, Economic Policy and Statistics, Section 1

Cover page image copyright [Herding Dog Fairlie NZ](#) by Bluedawe. Licensed under [CC BY 3.0](#) / image cropped

## Summary

Live animals are exported to EU countries from the UK for breeding, fattening, and slaughter. EU rules to protect the welfare of live animals during transport and related operations were agreed in 2004, and implemented in the UK in 2007. However, there are a number of ongoing campaigns calling for a ban on live exports for slaughter, on welfare grounds. The UK vote to leave the EU has prompted renewed calls for such a ban.

### **EU Regulations: protection of animals during transport**

The transport and export of live animals within the European Union is regulated by [Council Regulation \(EC\) 1/2005 on the protection of animals during transport](#). This sets out a series of measures, including requirements for transporters to be authorised, vehicle and container requirements, limits to time in transit and requirements for authorised rest stops. These rules do not allow unfit animals to travel and set minimum age of travel for different animals. Different rules apply to journeys under and over 65km, and those under and over eight hours.

The Commission [reviewed the regulations](#) in 2011. This review found that the regulations had had a positive impact, but acknowledged that severe animal welfare problems persisted. The main concern related to a lack of effective enforcement of the regulations.

### **UK implementation**

The Council Regulation was implemented in the England by the [Welfare of Animals \(Transport\) \(England\) Order 2006](#), and by parallel legislation in [Scotland](#), [Wales](#) and [Northern Ireland](#). The Animal and Plant Health Agency (APHA) is responsible for carrying out inspections of animals at point of loading and at ports. Trading Standards also has powers to inspect animals during transport, and is responsible for carrying out any prosecutions under the regulations.

### **Is the vote to leave the EU an opportunity to ban live animal exports?**

There have been a number of [campaigns](#) against live animal exports for slaughter on welfare grounds; and concern about cases such as that of 40 sheep that were euthanised in 2012 at the Port of Ramsgate following transport problems. In the case that followed the High Court ruled that the Port could not ban live animal exports, on the grounds of freedom of movement within the EU and existing UK legislation.

There has been speculation that once the UK leaves the EU, it could ban live exports. In November 2016, the then [Minister explained](#) that the Government had not reached a position on the nature of future arrangements concerning live animal exports after Brexit. Some, including [the RSPCA](#), have questioned whether it will be legally possible to ban such trade under World Trade Organisation rules. The 2017 Conservative Manifesto stated the UK could take early steps to control the export of live farm animals for slaughter once it left the EU. Since then, [Defra has stated](#) that a ban is one of the options being considered. Concerns have been raised on the impact of a ban on the export of live animals from Northern Ireland to the Republic of Ireland. The [Labour Party](#) has also proposed a ban, with a similar exemption for the Northern Ireland border.

In April 2018, Defra issued a [call for evidence on controlling live exports for slaughter and to improve animal welfare during transport after the UK leaves the EU](#) on behalf of the UK Government and Devolved Administrations. Submissions have been reviewed by the [Farm Animal Welfare Committee](#), and its report is now with the Government, who has committed to publishing it together consultation in due course.

## 1. Live animal exports

Live animals are exported from the UK to EU member states for slaughter, breeding, production (further rearing or 'fattening') and other purposes. Statistics on UK exports of live animals to EU member states in 2016, the latest figures available, are shown in Table 1. The reason for export generally varies by type of animal: most live cattle exported from the UK to EU are for production, while the majority of pigs and sheep are exported for slaughter.

<b>Table 1: UK live animal exports to the EU, 2016</b>	
<b>Cattle</b>	<b>42,515</b>
For production	60%
For slaughter	25%
For breeding	15%
<b>Pigs</b>	<b>10,615</b>
For slaughter	84%
For breeding	16%
<b>Sheep</b>	<b>483,859</b>
For slaughter	80%
For production	19%
For breeding	1%
<b>Goats</b>	<b>1,198</b>
For breeding	86%
For slaughter	14%
<b>Equidae</b>	<b>16,931</b>
Registered horses	81%
Other purposes	16%
For breeding	3%
Source: European Commission, TRACES	

The value of UK live animal exports to the EU by country and region between 2014 and 2018 are shown in Table 2 below. In this period, the UK has exported £1.6 billion of live animals to the EU - England accounted for 82% of this total, with the East of England alone accounting for 64%. Scotland accounted for 8%, followed by Northern Ireland at 5% and Wales at 4%.

**Table 2: UK live animal exports to the EU by country and region, 2014-18**

£ millions

	2014	2015	2016	2017	2018
East	176.6	205.0	204.6	241.0	195.9
East Midlands	4.0	6.3	14.9	10.6	4.6
London	0.0	0.0	0.0	0.0	0.0
North East	0.2	0.0	0.0	0.6	0.2
North West	11.6	9.9	12.0	13.7	16.4
South East	17.7	20.9	14.1	25.2	23.4
South West	1.9	7.0	7.8	6.5	6.0
West Midlands	4.6	2.6	2.2	3.1	7.6
Yorkshire and the Humber	8.2	10.7	9.3	7.7	7.0
<b>Total, England</b>	<b>224.9</b>	<b>262.5</b>	<b>264.9</b>	<b>308.2</b>	<b>261.1</b>
Northern Ireland	15.2	15.2	16.4	16.8	19.2
Scotland	16.9	19.7	35.0	26.0	27.2
Wales	0.7	6.2	11.2	21.3	21.7
Unknown	6.4	1.2	2.4	2.9	2.6
<b>Total, UK</b>	<b>264.1</b>	<b>304.8</b>	<b>329.8</b>	<b>375.1</b>	<b>331.8</b>

Source: HMRC, UK Trade Info

The total value of live animal exports (including exports to EU and non-EU countries) by country and region between 2014 and 2018 are shown in the Table 3 below. In this period, the UK has exported £2.4 billion of live animals – 66% of these were to EU countries, the remaining 34% to non-EU countries. England accounted for 74% of this total, with the East of England accounting for 59%. Scotland accounted for 9%, followed by Wales at 5% and Northern Ireland at 3%.

**Table 3: Total UK live animal exports by country and region, 2014-18**

£ millions

	2014	2015	2016	2017	2018
East	244.0	275.7	282.3	329.9	299.4
East Midlands	5.2	10.2	16.6	11.8	6.8
London	0.1	0.0	0.1	0.8	0.9
North East	0.2	0.0	0.1	0.6	0.2
North West	13.6	11.5	14.4	14.8	18.9
South East	23.1	26.9	16.8	27.7	26.2
South West	3.8	8.2	8.4	6.9	6.6
West Midlands	8.3	3.2	2.4	4.1	7.9
Yorkshire and the Humber	12.7	16.2	17.0	15.5	13.1
<b>Total, England</b>	<b>310.9</b>	<b>351.9</b>	<b>358.0</b>	<b>411.9</b>	<b>380.0</b>
Northern Ireland	15.4	15.8	16.7	16.9	19.3
Scotland	30.1	35.5	60.9	45.0	47.6
Wales	1.9	12.1	20.5	39.5	41.6
Unknown	48.0	26.1	47.1	39.2	42.1
<b>Total, UK</b>	<b>406.3</b>	<b>441.5</b>	<b>503.2</b>	<b>552.4</b>	<b>530.6</b>

Source: HMRC, UK Trade Info

## 2. EU regulations: protection of animals during transport

Live animals transported in poor conditions over long distances raise concerns of a number of different welfare problems including distress; injuries due to unsuitable transport arrangements; hunger and dehydration; and heat stress. Farmers have a legal responsibility to ensure their animals are transported in a way that won't cause injury or unnecessary suffering under EU regulation.<sup>1</sup>

Rules for improving animal welfare during transport in Europe were first implemented in 1977. These were subject to revision in 2005 following agreement between EU Ministers in November 2004.<sup>2</sup> [\*Council Regulation \(EC\) No 1/2005 on the protection of animals during transport and related operations\*](#)<sup>3</sup> provides for checks on animals moving within the EU, entering or leaving the EU, and aims to prevent injury or unnecessary suffering to the animals.<sup>4</sup>

### Box 1: Key Points of the Regulations

The regulations places the following requirements:

- Transport arrangements must be made in advance to minimise the length of the journey and meet the animals' needs
- The animals must be fit to travel
- The means of transport, and loading and unloading facilities, must be designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the animals' safety
- People handling the animals must be properly trained and may not use any form of violence
- Transportation to the destination must take place without delay and involve regular checks on the animals' welfare
- Sufficient height and floor space must be available for the animals
- Water, feed and rest must be provided when needed.
- Transporters must:
  - have authorisation from the relevant national authority for all journeys over 65 km
  - provide documentation containing details such as the animals' origin and ownership, their destination and expected journey time
  - ensure an attendant accompanies the animals, unless they are in containers with sufficient feed and water.
- National authorities must inspect and approve vehicles and ships used to transport animals by road and sea for long journeys before these may be used.
- Keepers of animals, and operators of assembly centres (holdings, collection centres and markets), must ensure the rules and welfare standards are followed at the various points of departure, transfer or destination.
- National authorities must require transporters to:
  - be based in an EU country

<sup>1</sup> Defra, ["Live transport: welfare regulations"](#), 29 August 2012

<sup>2</sup> ["EU tightens transport laws"](#), *Farmers Weekly Interactive*, 23 November 2004

<sup>3</sup> [Council Regulation \(EC\) No 1/2005 on the protection of animals during transport and related operations](#)

<sup>4</sup> EU, ["Animal welfare during transport – EU rules"](#). Accessed: 18 November 2016

- demonstrate they have sufficient and appropriate staff, equipment and operational procedures
- have no record of serious breaches of EU or national animal protection rules during the previous 3 years.
- For **long journeys** between EU countries and to destinations outside the EU:
  - transporters must have the necessary authorisation, documentation, satellite navigation system and contingency plans for emergencies
  - national authorities must carry out checks at the point of departure and on a random basis thereafter.
- In the event of an **emergency** or **failure to apply the welfare rules**, national authorities can insist that the transporter:
  - changes the driver or attendant
  - makes a temporary repair to the means of transport
  - transfers the consignment to another vehicle
  - returns the animals to their point of departure
  - unloads the animals and holds them in suitable temporary accommodation.

## 2.1 2011 Review of the regulations

The regulations stipulated that a review of impacts had to be carried out within four years of it coming into force. The EU carried out this review, and [published a report in November 2011](#).<sup>5</sup> This report concluded that the regulations had had a positive impact on the welfare of animals during transport. However, it also acknowledged that “severe animal welfare problems during transport persist.”<sup>6</sup>

The main concerns raised by the report related to effective enforcement of the regulations. The Commission did not propose new legislation to solve these problems. Rather it favoured a “steady legal situation”, so that Member States and stakeholders could focus on enforcement. The Commission’s proposed solution to the problems identified in the report included:

- adopting new implementing rules concerning satellite tracking systems;
- an increase in the number of inspections (where needed) to improve existing controls;
- better reporting on compliance by Member States;
- a study into the welfare of fish during transport; and
- increased co-operation and communication between the competent authorities and NGOs to collect and analyse information on difficulties and to share experiences on possible solutions related to the implementation of the Regulation.<sup>7</sup>

Some pressure groups were not happy with the outcome. For instance, animal welfare charity, [Compassion in World Farming \(CIWF\)](#), was disappointed that the report did not propose any new legislation,

---

<sup>5</sup> EU Commission, [Report From The Commission To The European Parliament And The Council On The Impact Of Council Regulation \(EC\) No 1/2005 On The Protection Of Animals During Transport](#), 10 November 2011

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

despite showing shortcomings. Joyce D'Silva, Director of Public Affairs at CIWF, said:

Investigations continue to reveal the terrible suffering endured by millions of animals during transport. How can the European Commission acknowledge that the Transport Regulation needs updating, yet fail to suggest any changes to the legislation?<sup>8</sup>

Conversely, the National Farmers Union (NFU) is broadly supportive of live animal exports. For instance, in 2013, NFU South East spokesman Frank Langrish described the trade as “a perfectly legal, legitimate and valuable trade.”<sup>9</sup> He added that “It is not in the commercial interests of anyone in the livestock trade to transport animals in a way that results in sick, injured or stressed animals.”<sup>10</sup> However, animal welfare campaigners argue that while this is largely true for breeding stock, which is typically of higher value, it is not necessarily the case for animals being exported for slaughter.<sup>11</sup>

### 3. UK implementation

The Council Regulation was implemented in the England by the [Welfare of Animals \(Transport\) \(England\) Order 2006](#), and by parallel legislation in [Scotland](#)<sup>12</sup>, [Wales](#)<sup>13</sup> and [Northern Ireland](#)<sup>14</sup>. This legislation makes it an offence to transport any animal in a way likely to cause injury or undue suffering.

In 2011, [Defra published guidance](#) on the regulations.<sup>15</sup> The rules do not allow unfit animals to travel and set a minimum age of travel for different animals. Different rules apply to journeys under and over 65km, and those under and over eight hours. There are also rules requiring drivers and attendants and assembly centre personnel to be trained and competent.

The regulation does not apply to the transport of animals where this is not in connection with economic activity i.e. those which are not in the course of business or trade and/or not for hire or reward.<sup>16</sup>

#### 3.1 Journey length and duration

Welfare during transport rules require all journeys to be logged. Journeys up to eight hours involving any species of animal as part of an economic activity, require an Animal Transport Certificate (ATC) or similar document. Journeys over eight hours and involving dispatching and exporting farm livestock, require a Journey Log.

---

<sup>8</sup> CIWF, [“Dismay at EU Live Transport report”](#), 10 November 2011, accessed: 21 November 2016

<sup>9</sup> [“Farmers' union - live exports 'legal and legitimate'”](#), *ITV news*, 2 May 2013

<sup>10</sup> *Ibid.*

<sup>11</sup> Humane Slaughter Association, [Welfare during transport](#), Website [visited 15 February 2017]

<sup>12</sup> [The Welfare of Animals \(Transport\) \(Scotland\) Regulations 2006](#)

<sup>13</sup> [The Welfare of Animals \(Transport\) \(Wales\) Order 2007](#)

<sup>14</sup> [The Welfare of Animals \(Transport\) Regulations \(Northern Ireland\) 2006](#)

<sup>15</sup> Defra, [“Welfare of Animals During Transport: Guidance on implementation in the United Kingdom”](#), 2011

<sup>16</sup> Defra, [“Animal welfare Guidance”](#). Accessed: 21 November 2016

- For journeys less than 65 kilometres businesses must have an ATC.
- For journeys over 65 kilometres and under eight hours a business must hold: a valid transporter authorisation for short journeys (Type 1); and valid certificates of competence for drivers and handlers.
- For Journeys over eight hours businesses must hold: a valid transporter authorisation for long journeys (Type 2); valid certificates of competence for drivers and handlers; and valid vehicle/container approval certificates.

Vehicles and containers used for transporting animals must be certified and inspected by an approved body. This is a self-financing scheme and bodies are allowed to make a reasonable charge for their services.<sup>17</sup>

In addition, as [Defra's guidance explains](#), vehicles used to transport cattle, sheep, pigs, goats and unregistered domestic horses on long journeys must be equipped with a satellite navigation tracking system.<sup>18</sup>

## 3.2 Better enforcement

Local councils have primary responsibility for enforcing the transport regulations. For this Trading Standards officials carry out welfare checks on animals and checks on the suitability of means of transport. In cases where transporters are found to be in breach of the regulations, Trading Standards have powers to take appropriate enforcement action, including prosecution.

The Animal and Plant Health Agency (APHA) carries out enforcement checks at markets, ports, roadside and at supervised loadings of export consignments. They enforce compliance with journey times through checks of journey documentation. On 4 November 2016, Defra Minister George Eustice set out [the number of vehicles inspected by the APHA in different locations over the previous three years](#). He explained that in 2016 (January to November), 127 vehicles were inspected during the loading of live animals—more than the 66 inspected in 2015 and 99 inspected in 2014. While there were 72 vehicles inspected at ports from which live animals had been exported in 2016—fewer than the 121 inspected in 2015.<sup>19</sup>

### Prosecutions

The APHA refer any serious infringement of the legislation to the relevant local authority for investigation by trading standards, with a view to prosecution. According to Trading Standards any person who contravenes the [Welfare of Animals \(Transport\) \(England\) Order 2006](#) commits an offence against the [Animal Health Act 1981](#) and as such each offence attracts a fine of up to £5,000 and/or six months' imprisonment on summary conviction.<sup>20</sup>

---

<sup>17</sup> Defra, [Vehicle inspection and approval scheme](#), March 2011

<sup>18</sup> Defra, "[Welfare of Animals During Transport: Guidance on implementation in the United Kingdom](#)", 2011

<sup>19</sup> [PO 51396](#) [Livestock: Transport] 4 Nov 2016

<sup>20</sup> Manchester City Council Trading Standards, [Farm animal transport journey times](#), December 2012

From 2013 to 2017, there were 51 convictions for breaches of regulations protecting animal welfare during transport in England and Wales.<sup>21,22</sup> Defra provides information on the number of convictions rather than on the number of prosecutions. Separate figures are not kept for convictions relating to live animal exports.

## 4. Campaigns to end live animal transport

There have been a number of campaigns seeking to either ban live animal transport for slaughter altogether, or to limit how far (and long) an animal can be transported on welfare grounds. Some of these campaigns have focussed on live animal exports through the Ports of Ramsgate and Dover, and specific events in 2012 (see box 2).

The RSPCA is “concerned that “millions of farm animals” transported around Europe for further fattening and slaughter are suffering from stress, exhaustion, thirst and rough handling.<sup>23</sup> The RSPCA called for:

- An end to long-distance transport of live animals in favour of a ‘carcass-only’ trade
- A maximum eight-hour journey time for all animals travelling for slaughter or ‘further fattening’ across the EU
- Amendments to existing legislation that allow ports to refuse the cruel trade in live animals
- While the trade continues, that there is full adherence to current laws and enforcement agencies effectively minimise the suffering of the animals.<sup>24</sup>

Farming groups have opposed moves to introduce further restrictions or a ban of live exports for several reasons. For example, the National Sheep Association view is that “there was a ‘good, acceptable trade’ in exporting live breeding animals and nothing to demonstrate it should stop”.<sup>25</sup> Concerns have also been raised that any changes to the rules on maximum travelling times could mean that farmers in remote parts of the UK, because it could mean that they would no longer be able to trade with other parts of the UK, which are further away than eight hours.<sup>26 27</sup>

The Government’s longstanding position is that it is not possible to ban the trade of live animals within the EU, as set out in the following statement from 2012:

The Government's position is that we would prefer animals to be slaughtered as close as practicable to their point of production; a

---

<sup>21</sup> [PQ 52955](#) [Livestock: Exports] 18 Nov 2016

<sup>22</sup> [PQ 126651](#)[Livestock: Transport] 5 February 2018

<sup>23</sup> RSPCA, [End live transport campaign](#), accessed: 21 November 2016

<sup>24</sup> RSPCA, [“End long distance live transport!”](#), accessed: 21 November 2016

<sup>25</sup> Farmers Guardian, [Plans to ditch live exports set to hit farmers hard](#), 6 July 2017

<sup>26</sup> Sarah Linney, [“The Big Debate: The return of live animal exports”](#), *Kentnews.co.uk*, 16 March 2014

<sup>27</sup> [HC Deb 12 Dec 2012 c495](#)

trade in meat and meat products is preferable to the long distance transport of animals.

However, the live export trade is a lawful trade when welfare in transit is complied with. We cannot ban it. This has been proved in the High Court and in the European Court of Justice.<sup>28</sup>

In the past campaigners have called for changes in the existing legislation, including through amendments to *The Harbours, Docks and Piers Clauses Act 1847*. The Act states that all ports must allow the free trade of 'goods', including farm animals. This [Harbour Docks and Piers Clauses Act 1847\(Amendment\) Bill 2016-17](#) was a Private Members' Bill introduced by Craig Mackinlay MP. This Bill, which did not become legislation would have amended Section 33 of the Act "to allow local authorities to proscribe, in certain circumstances, the transport of live animals for slaughter abroad via facilities that local authorities control and operate; and for connected purposes."<sup>29</sup>

In November 2013, in response to an [e-petition](#), the Coalition Government explained that amendments to the Harbour Docks and Piers Clauses Act 1847 "would not be an appropriate legal instrument to use to introduce an effective barrier to trade for the use by port authorities as they see fit."<sup>30</sup>

## 4.1 Protests over live exports from Ramsgate and Dover

Owing to their close proximity to continental Europe, and the associated live export trade, both the ports of Ramsgate and Dover have been the subject of high-profile campaigns against live animal exports for slaughter. And in December 2012 featured prominently in a [Parliamentary debate on live animal exports](#).<sup>31</sup>

In 2012, Thanet Council imposed a ban on live exports from Ramsgate after the deaths of more than 40 sheep. However, this temporary suspension was lifted when its actions were ruled to be a breach of EU free trade rules.<sup>32</sup> Live exports from Dover, which were previously suspended due to concerns about the suitability of the ships used, resumed on 2 May 2013.

---

<sup>28</sup> [HC Deb 6 Dec 2012 c893W](#)

<sup>29</sup> [Harbours, Docks and Piers Clauses Act 1847 \(Amendment\) Bill](#)

<sup>30</sup> [e-petition](#): 'Live Transport of Farmed Animals', November 2013

<sup>31</sup> [HC Deb 13 Dec 2012 cc479-535](#)

<sup>32</sup> BBC, "[Thanet Council to be sued over Ramsgate animal export ban](#)", 21 February 2013

**Box 2: Ramsgate 2012 incident**

On 12 September 2012, a vehicle transporting more than 500 live sheep through the Port of Ramsgate was declared unfit to travel. The animals had to be removed from the lorry and held in temporary holding pens at the Kent port. In total 45 sheep died; 43 of the animals had to be put down, and six fell in the water (four were rescued by RSPCA officers) but two drowned. The AVHLA asked trading standards officers to investigate potential breaches of animal welfare regulations. In February 2014, it was reported that the Director of Channel Livestock had been given a suspended prison sentence and ordered to pay £5,000 in costs by Dover Magistrates. The company was also fined £4,000 and ordered to pay £10,000 in costs.<sup>33</sup>

The [Minister made a statement to the House](#) concerning the incident at Ramsgate port in March 2013.<sup>34</sup> In this statement he explained that he had asked the Animal Health and Veterinary Laboratories Agency (AHVLA, now known as APHA) to review its operational procedures and the application of the EU rules on welfare during transport to livestock exporters to ensure that all was done to prevent such an incident happening again. The Minister also explained that the AHVLA would inspect every consignment passing through Ramsgate.<sup>35</sup>

Protests at Ramsgate continued in 2016. In July, 50 protesters attempted to block a lorry “carrying sheep as they entered the Kent port for first shipment of live animals of the year.”<sup>36</sup> NFU spokesman Frank Langrish, spoke to the BBC and conceded that Ramsgate and the ferries used were not ideal for this trade, but asserted that, “the protesters are looking at this in completely the wrong way. They need to be persuading the large ferry companies to carry our local livestock.”<sup>37</sup>

## 5. Brexit and live animal exports

There has been increased calls since the EU referendum vote for the UK to ban on live animal exports after Brexit. For instance, on 29 August 2016, animal welfare group CIWF launched a campaign to use the Brexit result to stop live animal exports.<sup>38</sup> The Conservative Animal Welfare Foundation has also called for the introduction of legislation to ban the live export of animals for human consumption when the UK leaves the EU.<sup>39</sup> However the National Sheep Association has also raised concerns that “failure to get the right Brexit agreements on trade and migrant labour would force farmers to consider exporting live animals to stay in business”.<sup>40</sup>

<sup>33</sup> [“Ramsgate animal exporter Thomas Lomas gets suspended jail sentence”](#), BBC, 13 February 2014

<sup>34</sup> [HC Deb 4 Mar 2013: c53WS](#)

<sup>35</sup> Ibid.

<sup>36</sup> BBC, [“Brexit call for Ramsgate live animal exports ban”](#), 21 July 2016

<sup>37</sup> BBC, [“Brexit call for Ramsgate live animal exports ban”](#), 21 July 2016

<sup>38</sup> Jane Dalton, [“Brexit is chance to halt 'shameful' live animal exports, say protesters”](#), *Daily Telegraph*, 29 August 2016

<sup>39</sup> CAWF, [Brexit Opportunities for Animal Welfare](#), March 2017

<sup>40</sup> Farmers Guardian, [Plans to ditch live exports set to hit farmers hard](#), 6 July 2017

## 5.1 Brexit and WTO rules

After Brexit, and assuming that any agreement reached with the EU does not restrict the UK from making any changes, any changes would have to comply with WTO rules. Under WTO agreements, countries cannot normally discriminate between their trading partners. This principle is known as [most-favoured-nation \(MFN\) treatment](#).

It may be possible that WTO rules would therefore prevent a ban on live animal exports/imports under this principle. The RSPCA appears to share this view, and stated in a post-referendum briefing that it thought it was unlikely that WTO rules would allow the UK to bring about a ban on live exports/imports.<sup>41</sup> In a more recent brief the RSPCA highlighted live animal exports as an area for potential change after Brexit but concluded that as it involved a trade ban “it may need to be defended at the WTO”.<sup>42</sup> Box 3 set out further details of the relevant WTO rules.

### Box 3: WTO rules and GATT Article XX

The [WTO explains](#) that GATT Article XX on General Exceptions lays out a number of specific instances in which WTO members may be exempted from GATT rules: if they are necessary to protect human, animal or plant life or health; or relating to the conservation of exhaustible natural resources.

In 1998, a case was brought to the WTO by India, Malaysia, Pakistan and Thailand against the US. This case known as the [shrimp-turtle case](#), demonstrated that there is provision in WTO rules and instruments for welfare and species protection-based trade restrictions as long as they are non-discriminatory. The WTO found against the US, because their ban on shrimp importation discriminated between WTO members. However, the WTO made clear that “to protect sea turtles would be legitimate under GATT Article 20 (i.e. XX) which deals with various exceptions to the WTO’s trade rules, provided certain criteria such as non-discrimination were met.”

## 5.2 Government Position

In a debate on animal welfare after Brexit in January 2017, the then Defra Minister George Eustice [Minister stated](#) that he did not believe there would be anything to stop the UK banning live exports if that was the decision of the UK Government after we left the EU:

While we are in the EU, it would be against free movement rules to place an ethical ban on the export of live animals, but once we leave the European Union, we will be free to do so, if that is the decision of the UK Government; there will be nothing to stand in our way. The only thing that I would say is that it is a little more complex than one might think in that we export breeding stock, pigs in particular, and that is a different issue. There are also matters to do with different animals travelling better than others. The area is complex, but certainly one that we would be free to look at after leaving the EU.<sup>43</sup>

<sup>41</sup> [The EU Referendum result: the impact on animal welfare](#), RSPCA, July 2016

<sup>42</sup> RSPCA, [What are the WTO rules that affect animal welfare? Can you have trade bans?](#), 1 March 2017

<sup>43</sup> [HC Deb 20 Jan 2017 c94WH](#)

Discussing WTO rules generally, the [Minister also stated](#):

There have been disputes about the degree to which reliance can be placed on animal welfare standards in trade negotiations, but equally, there are legal precedents and case law to support the use of ethical bans on certain practices and the reflection of animal welfare in trade agreements. I do not believe that anything along the lines that we would propose will cause any difficulty whatever with WTO rules.<sup>44</sup>

However, the Conservative Party 2017 election manifesto committed to continuing to take “action to improve animal welfare” and stated that “as we leave the European Union, we can take early steps to control the export of live farm animals for slaughter”.<sup>45</sup>

More recently, in January 2018, a comment from DEFRA about reports that the Government was considering changing its position stated that a ban was one of the options being considered:

The Secretary of State has been clear we are considering all options, including a possible ban. We will set out our proposals in due course.<sup>46</sup>

This was also the position stated in the [Government response](#) to a Parliamentary petition calling for a ban on live animal exports.

### Box 4: Northern Ireland Border

The issue of live exports to the Republic of Ireland from Northern Ireland, and whether they should be covered by ban has raised concerns. Northern Ireland exported £16.7 million of live animals to the Republic of Ireland in 2016, which was 98% of the total value of its animal exports.<sup>47</sup> The Ulster Farmers Union (UFU) is opposed to a live export ban and summarised its view on the potential impact:

Generally speaking the live export trade is relatively small as a proportion of the industry in Great Britain but in Northern Ireland the live export of animals for slaughter and further production plays a pivotal role. Average figures for the past 5 years show that almost 60,000 cattle and 485,000 sheep are exported live from Northern Ireland to a variety of destinations within Great Britain, the Republic of Ireland and also continental Europe.<sup>48</sup>

## Call for Evidence

Defra issued a six week [call for evidence on controlling live exports for slaughter and to improve animal welfare during transport after the UK leaves the EU](#) on 10 April 2018, on behalf of the UK Government and Devolved Administrations:

The purpose of this call for evidence is to seek views on controlling live exports of farm animals for slaughter once the United Kingdom (UK) has left the European Union (EU), in order to improve animal welfare. The UK Government also wishes to consider more broadly what improvements could be made to the

<sup>44</sup> [HC Deb 20 Jan 2017 c94WH](#)

<sup>45</sup> [Forward, Together: Our Plan for a Stronger Britain and a Prosperous Future](#), Conservative Party Manifesto 2017

<sup>46</sup> Defra blog, [Live animal exports and supermarket plastic waste](#), 19 January 2017

<sup>47</sup> HMRC UK Trade info.

<sup>48</sup> Ulster Farmers Union, [Live Exports in Focus](#), 9 December 2017

way animals are transported once the UK has left the EU. Following this call for evidence a consultation may be issued in relation to proposed UK Government measures, which could include regulatory measures as well as prohibitions.<sup>49</sup>

This would be followed by a review of the evidence by the Defra advisory [Farm Animal Welfare Committee](#):

We are asking the Farm Animal Welfare Committee (FAWC) to review existing standards and their application and to make recommendations for improvements. In parallel we are seeking views and evidence via this public call for evidence on both how well the current transport regulatory regime is working, and on how it might be improved after the UK has left the EU. The outcome of this call for evidence will inform FAWC's review.<sup>50</sup>

The latest position, set out in a written response from the Government in July 2019, is that the FAWC has now submitted a report to the national Governments. The Government plans to publish the report and carry out a consultation in due course:

The Government's manifesto made it clear that we would take early steps to control the export of live farm animals for slaughter once we leave the European Union. We are considering all of the options in the context of our exit from the EU as part of our broader commitment to further strengthen animal welfare.

Last year, we launched a Call for Evidence on controlling live exports for slaughter and improving the welfare of all animals during transport. We passed this evidence to the Farm Animal Welfare Committee (FAWC), who recently submitted their advice to Defra and the Devolved Administrations including in relation to live exports. We are considering FAWC's report and aim to publish it, along with a Government response, in due course. We expect to come forward with proposals for public consultation to improve animal welfare in transport.<sup>51</sup>

### 5.3 No Deal Brexit

A written response from January 2019 summarised the requirements that exporters of live animals would have to meet in the event of a no deal once the UK is listed as third country<sup>52</sup>:

**Asked by: Carmichael, Mr Alistair**

To ask the Secretary of State for Environment, Food and Rural Affairs, what his policy is on the transportation of livestock from the UK to the EU in the event that the UK leaves the EU without a deal.

**Answering member: David Rutley | Department: Department for Environment, Food and Rural Affairs**

To export into the EU, the UK will need to be listed as a third country by the EU. We have applied for that status and are now awaiting a response from the European Commission.

---

<sup>49</sup> Defra, [Call for evidence on controlling live exports for slaughter and to improve animal welfare during transport after the UK leaves the EU](#), 10 April 2018

<sup>50</sup> *ibid*

<sup>51</sup> [Livestock: Exports: Written question](#) - 273831

<sup>52</sup> [EU Directive 854/2004](#) requires that countries must be listed as a third country from which imports of specified products of animal origin are permitted before they can export such products to the EU.

If we leave the EU without a deal and are listed as a third country, export health certificates, signed by an official vet or other authorised signatory, will be required for all live animals to pass into the EU and they will need to travel through a border inspection post in the EU.<sup>53</sup>

Further details can be found in the [Government guidance on Exporting animals and animal products in a no-deal Brexit](#), last updated on 23 August 2019.

The National Farmers Union has also [published advice](#) in event of a no deal Brexit. This highlights how transport may have to stop completely until third country status is granted by the EU. Once listed exporters will need the required authorisations to allow ongoing transport of animals within the EU:

### **Third country listing**

The EU would require the UK to be listed as an approved third country. In the event of a 'no deal' scenario, the UK has applied for this status but cannot be certain of the EU response or its timing. Without this listed status no exports of live animals or animal products could enter the EU.

### **Transport**

In the event of no deal UK issued transport documentation would cease to be recognised by the EU and would only be valid for transport within the UK.

If you are transporting live animals using a UK transporter from the UK into the EU you will need to appoint a representative within an EU country. You will then need to work with this representative to apply to the relevant government department to obtain the following documents:

- transporter authorisation
- certificate of competence
- vehicle approval certificate
- journey log – this is necessary for journeys over eight hours long

You will need to apply for a journey log from the first EU country you enter for export and show this at a BIP.

You can find further information about haulage in the event of no deal in the Department for Transport guidance.<sup>54</sup>

## 5.4 Northern Ireland

Live animal movements are a key issue for Northern Ireland since livestock is regularly moved across the border in both directions. The Northern Ireland Affairs Select Committee took evidence on the issue in 2018. Its report on [Brexit and agriculture in Northern Ireland](#) noted that:

Livestock is moved across the border in large numbers. It is estimated that over 5,000 lambs are exported to the Republic of

---

<sup>53</sup> [Livestock – Transport, Written Answer 202733](#)

<sup>54</sup> NFU, [Exporting animals and animal products if there's no Brexit deal](#) [website visited 1 September 2019]

Ireland each week, with 1,000 cattle and 10,000 pigs moving in the other direction.<sup>55</sup>

The Ulster Farmers Union (UFU) told the Committee that:

The two industries, Northern Ireland and the Republic of Ireland agri-food, are highly integrated and they move both ways. I think you mentioned pigs coming to Northern Ireland from the Republic of Ireland, and beef cattle. Equally, we put lambs and milk into the Republic of Ireland. That two-way movement is a historic thing and it is essential."<sup>56</sup>

The Agricultural and Horticultural Development Board (AHDB) told the Committee that processing capacity in the Republic was important to the red meat sector:

In pigs, for instance, you will get live sows going across the border for slaughter and then back again. Northern Ireland lost a significant amount of its processing capacity for red meat after the BSE crisis, so the processing will take place in the south and then it will come back to the north.<sup>57</sup>

The UFU told the Committee that cross-border movement was not only important for Northern Ireland's trade with the Republic, but with other countries as well: calves from Northern Ireland destined for France are regularly transported through ports in the Republic.

The Committee concluded that:

It is important for the Northern Ireland agriculture sector that trade in live animals with the Republic of Ireland should be allowed to continue. The Government's ongoing consultation on controlling live animal exports is therefore worrying for farmers in Northern Ireland. A blanket ban on live animal exports to EU countries would prevent the transportation of livestock between Northern Ireland and the Republic, even in the case of short, routine road journeys. This type of trade is an exceptional case and clearly not the target of the proposed ban. It is concerning that the Government has not clarified whether trade with the Republic will be exempted from any future controls.

We recommend that trade in live animals from Northern Ireland to the Republic of Ireland should be allowed to continue. The Government should clarify as a matter of urgency whether this is its intention and, in its response to its consultation on controlling live animal exports, set out specifically what exemptions it will apply—if any are needed—to ensure that this trade can continue unimpeded.<sup>58</sup>

### **The *Live Animal Exports (Prohibition) Bill 2017-19***

A Private Member's bill was introduced by Theresa Villiers MP on 25 October 2017. The [\*Live Animal Exports \(Prohibition\) Bill 2017-19\*](#), aimed to address concerns about the impact of a ban on the farming industry in Northern Ireland. It proposed banning the live export of

---

<sup>55</sup> Northern Ireland Committee, 5th Report of 2017-19, [Brexite and Agriculture in Northern Ireland](#), HC 939, 22 October 2018, para 110

<sup>56</sup> Northern Ireland Committee, 5th Report of 2017-19, [Brexite and Agriculture in Northern Ireland](#), HC 939, 22 October 2018

<sup>57</sup> Northern Ireland Committee, 5th Report of 2017-19, [Brexite and Agriculture in Northern Ireland](#), HC 939, 22 October 2018

<sup>58</sup> Northern Ireland Committee, 5th Report of 2017-19, [Brexite and Agriculture in Northern Ireland](#), HC 939, 22 October 2018

animals outside the UK as soon as it leaves the EU. However, it would have allowed live export from Northern Ireland to the Republic of Ireland only, but only for animals born there and if they are slaughtered within six weeks once they cross the border. The proposed legislation would not have banned the movement of live animals between Northern Ireland and the rest of the UK.

The Bill did not set out how its provision would be implemented. The Ulster Farmers Union did not support the Bill.<sup>59</sup> The Bill was withdrawn without a second reading on 28 November 2017.

### 5.5 Labour Position

The Labour Party published an [Animal Welfare Manifesto](#) in August 2019. This included a commitment to ban most live animal exports. Labour committed to:

Ban live exports for slaughter or fattening. This would include an exemption for breeding animals providing provision is in place ensuring they are transported under genuinely high welfare standards. This would also include an exemption for livestock transported across the Northern Ireland border.<sup>60</sup>

---

<sup>59</sup> Ulster Farmers Union, [Live Exports in Focus](#), 9 December 2017

<sup>60</sup> Labour Party, [Animal Welfare Manifesto](#) [website as of 3 August 2019]

## About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

## Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).