



# Animal Protection Index (API) 2020

## Kingdom of Spain: ranking C

### Executive summary

The main animal welfare legislation in Spain, Law 32/2007, was enacted in order to comply with European Union legislative requirements on farm animal protection, and to give a base level of animal protection across the Autonomous Communities and Cities. The Act covers vertebrate animals that are used in production, animals used in scientific research and education, but specifically excludes companion animals, wild animals (including in captivity), bullfighting, hunting and fishing. The Act covers the care of animals throughout their entire life on the farm, during transportation and at the time of slaughter, through incorporation of the relevant European Union Directives and Regulations on this subject, which contain a high level of detail in relation to certain activities and species. Law 31/2003 on the conservation of wildlife in zoos makes provision for the licensing of zoos and facilities keeping wild animals in captivity, inspection processes, conservation measures (including animal welfare issues), record-keeping and enforcement mechanisms. The law was made to incorporate the requirements of European Union Directive 1999/22/EC.

Since the API was first published in 2014, Spain has signed the European Convention on the Protection of Pets, and enacted laws relating to: the protection of animals used in experimentation and other scientific purposes, including teaching (Royal Decree No. 1386/2018 (Modifies Royal Decree No. 53/2013); animal health and protection regulations during transport (Royal Decree No. 542/2016), and the protection of animals at the time of slaughter (Royal Decree No. 37/2014).

Despite incorporating the minimum European Union legislative requirements, there is room for improvement in many areas related to animal welfare. Notably, bullfighting benefits from a cultural exemption to the anti-cruelty legislation. Spain still allows the slaughter of non-stunned animals, as well as the culling of stray animals, although there are some localised bans. The scope of application of Law 32/2007 is very much restricted to animals who are considered to bear an economic value, which creates an obstacle to improving animal welfare overall for all other categories of animals.

No one department or public body in Spain has been given overall responsibility for enforcing and managing animal welfare. However, individual legislation designates different government bodies as responsible for the implementation of each law, with the General State Administration responsible for implementation of Law 32/2007. There is also a Spanish Committee for the Protection of Animals Used for Scientific Purposes, as well as local animal welfare ethics committees monitoring welfare standards during experiments.

The Government of Spain is urged to formally recognise animals as sentient in legislation, given the scientific evidence which has proven that all vertebrates, cephalopods and decapod crustaceans are sentient. Furthermore, the Government of Spain is strongly encouraged to expand the scope of application of Law 32/2007 to all animals, rather than only covering animals who are considered to have an economic value, as it is the case at present. The Government of Spain is urged to ban the



confinement of farm animals – for instance, in sow stalls and farrowing crates for pigs, and in cages for egg-laying hens – and the Government is urged to mandate the humane slaughter of all farm animals, with stunning prior to slaughter. The Government of Spain is furthermore urged to ban fur farming, which is inherently cruel, causing pain and distress to animals. The Government of Spain is furthermore urged to remove the cultural exemption that allows bull fighting to continue. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



## Animal Protection Index Indicators

### Goal 1: Recognition of animal sentience and prohibition of animal suffering

#### 1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	D
<p>At the European Union (EU) level, based on the 1997 Treaty of Amsterdam, Article 13 forms part of the Lisbon Treaty, signed in 2007, which subsequently became the Treaty on the Functioning of the European Union (TFEU).<sup>1</sup> Article 13 of the TFEU explicitly recognises animal sentience and requires that Member States 'pay full regard to the welfare requirements of animals' in formulating and implementing European Union policies on agriculture, fisheries, transport, research and technological development.</p> <p>Although animal sentience is not explicitly recognised in legislation, Law 32/2007,<sup>2</sup> amended by Royal Decree 6/2013<sup>3</sup> on 11 June 2013, on the care of animals on farms, transport, slaughter and experimentation makes references to suffering, thus recognising an element of sentience. However, this Act only covers vertebrate animals who are used in production, and animals used in scientific research and education (Article 2), and specifically excludes, hunting and fishing, wild animals (including in captivity) and bullfight shows. Some articles of Law 32/2007 are applicable to companion animals.</p> <p>The 17 provincial Autonomous Communities and two Autonomous Cities can legislate beyond the provisions of the Act. The Act is intended to provide a baseline for consistency of protection. For example, the autonomous community of Catalonia has separate legislation covering the protection of animals which recognises animals as being physically and psychologically sentient beings (Royal Decree 22/2003,<sup>4</sup> amending Royal Decree 3/1988). The autonomous community of Andalusia also has separate legislation covering the protection of animals (Royal Decree 11/2003<sup>5</sup>) which recognises that animals may experience feelings such as pleasure, fear, stress, anxiety, pain or happiness. The other autonomous communities also have separate animal welfare legislation.</p> <p><b>Analysis</b></p> <p><i>Article 13 of the TFEU is a fundamentally important principle, providing a legal recognition of sentience and requirement for member states to pay full regard to the welfare requirements of animals when formulating and implementing European policy. However, it is important to note that while Article 13</i></p>	

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

<sup>2</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2007-19321>

<sup>3</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2013-6271>

<sup>4</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2003-15900](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2003-15900)

<sup>5</sup> <https://www.juntadeandalucia.es/boja/2003/237/d1.pdf>



represents a minimum standard to which any government must commit, its' scope and impact for animals is limited.

Whilst positive that Article 13 explicitly acknowledges animal sentience, the requirement that member states pay 'full regard' to animal welfare is vague and does not create a precise and enforceable duty.

Article 13 does not cover every type of new law, and applies only to 'agriculture, fisheries, transport, internal market, research and technological development and space policies.

In addition, there is currently a derogation in Article 13 for 'cultural practices'. This clause allows for countries such as Spain to continue unacceptable practices of bullfighting under the protection of Article 13.

At present, Spanish animal protection legislation only covers animals who are considered to have an economic value. Furthermore, animal sentience is not recognised throughout the territory, but only in certain provinces. This is insufficient since science has proven that vertebrates, as well as cephalopods and decapod crustaceans are sentient beings.

### Enforcement mechanisms

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

Law 32/2007 contains enforcement mechanisms which are categorised as mild, serious or very serious, with administrative punishments ranging from warnings to fines of €600 to €100,000 and seizure of animals, closure of establishments and stoppage of activities. There are, however, no more substantial enforcement mechanisms for serious offenses, such as imprisonment (as is the case with the mistreatment of pets). The Government is encouraged to strengthen the existing enforcement mechanisms.

### Key recommendations

- **Building upon the legislation of Catalonia and Andalusia which recognise animals as sentient, the Government of Spain is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.**



## 2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation	
Ranking	C
<p>Law 32/2007 is the main animal welfare legislation in Spain. This Act only covers vertebrate animals who are used in production, and animals used in scientific research and education (Article 2), and specifically excludes, hunting and fishing, wild animals (including in captivity) and bullfight shows.</p> <p>Article 14 lists all the scenarios which are considered animal cruelty offences. Among such offences are using animals in fight, as well as a failure to comply with the stunning requirement prior to slaughter. Negligence towards animals is also considered cruelty (Article 14(b)). This article is also applicable to companion animals. However, Article III of the same Act excludes hunting and fishing, wildlife, bullfighting shows, regulated sports-competitions, which have their own regulatory regulations. Additionally, exclusions exist permitting the slaughter of non-stunned animals for religious reasons.</p> <p>Article 4 of Law 32/2007 provides that the Government will take measures to ensure that farm animals are not caused unnecessary suffering. Law 32/2007 is intended to provide a baseline for consistency of protection; in that sense, the 17 provincial Autonomous Communities and two Autonomous Cities can legislate beyond the provisions of Law 32/2007.</p> <p><b>Analysis</b>  <i>The current criminal offences for cruelty to animals only protect companion animals, and the relevant provisions in Law 32/2007 apply only to animals who have some economic value. Law 32/2007 lists many scenarios that amount to animal cruelty; however, such a protection is hampered by wide exemptions given. The continuing practice of bullfighting in parts of Spain is also a major concern in relation to the issue of cruelty to animals. Another area of concern is that religious slaughter of non-stunned animals is still allowed.</i></p>	
Enforcement mechanisms	
<p>The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.</p> <p>Law 32/2007 contains enforcement mechanisms which are categorised as mild, serious or very serious, with administrative punishments ranging from warnings to fines of €600 to €100,000 and seizure of animals, closure of establishments and stoppage of activities. There are, however, no more substantial enforcement mechanisms for serious offenses, such as imprisonment (as is the case with the mistreatment of pets). The Government is encouraged to strengthen the existing enforcement mechanisms.</p>	

Article 337 of the Penal Code<sup>6</sup> provides that those who cruelly mistreat pets and unjustifiably cause death or injuries causing serious physical impairment will be punished with imprisonment of three months to one year. Article 632(2) provides that those who those who cruelly mistreat pets without amounting to an offence under Article 337 are liable to 20 to 60 days imprisonment or 20 to 30 days community service. These provisions only protect pet animals and do not detail what types of conduct amount to cruel mistreatment.

### Key recommendations

- The Government of Spain is urged to amend Law 32/2007, in order to remove the exemptions, such as bullfighting, from anti-cruelty provisions. Furthermore, the scope of application of Law 32/2007 should be expanded to adequately cover all animals, rather than only animals who are considered to have an economic value.
- The Government of Spain is urged to mandate the humane slaughter of all animals, and to remove the existing exemption to the pre-slaughter stunning requirement for religious rites.
- The Government of Spain is strongly encouraged to mandate a duty of care from animal owners onto their animals, which would protect their Five Freedoms.

## Goal 2: Presence of animal welfare legislation

### 3. There are laws that apply to animals used in farming including rearing, transport and slaughter

#### Analysis of legislation

##### Ranking

##### D

##### Rearing

At the EU level, the 1976 European Convention for the Protection of Animals kept for Farming Purposes<sup>7</sup> lays out general conditions for all the species of animals kept for the production of food, wool, skin, fur or for other farming purposes. Article 3 mandates that 'animals shall be housed and provided with food, water and care [...] appropriate to their physiological and ethological needs'. Article 4 protects the freedom of movement of animals and Article 5 regulates the lighting, temperature, humidity, air circulation, ventilation and other environmental conditions.

Based on this European Convention, Council Directive 98/58/EC<sup>8</sup> gives general rules for the protection of animals of all species kept for the production of food, wool, skin or fur or for other farming

<sup>6</sup> [https://www.legislationline.org/download/id/6443/file/Spain\\_CC\\_am2013\\_en.pdf](https://www.legislationline.org/download/id/6443/file/Spain_CC_am2013_en.pdf)

<sup>7</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680076da6>

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0058&from=EN>



purposes, including fish, reptiles or amphibians. Article 2 mandates that all animals whose welfare depends on frequent human attention shall be inspected at least once a day. Article 7 protects the animals' freedom of movement, and Article 10 requires that breeding procedures (natural or artificial) likely to cause suffering or injury must not be practised, though there are exceptions to this. Article 21 further states that no animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.

In Spain, Law 32/2007 was enacted in order to comply with European Union legislative requirements on farm animal protection, and to give a base level of protection across the Autonomous Communities and Cities. The Act covers the care of animals throughout their entire life on the farm, during transportation and at the time of slaughter, through incorporation of the relevant European Union Directives and Regulations on this subject, which contain a high level of detail in relation to certain activities and species. Articles 1 to 9 of the law set out its purpose in relation to animals used in farming and the key aspects concerning animal welfare in the light of exploitation, transportation, slaughter or killing of animals. Article 4 states that public administrations will take the necessary measures to ensure that animals do not suffer pain or distress while on farms.

The Ministry of Agriculture, Fisheries and Food has also produced guidelines and codes of practices concerning the welfare of farm animals.<sup>9</sup>

### Rearing – pigs

At the EU level, welfare provisions for pigs are laid out in Council Directive 2008/120/EC.<sup>10</sup> Among animal welfare provisions, Article 3 prohibits the tethering of sows or gilt (female pig after puberty and before farrowing). The ban of individual sow stalls was decided in 2001 and a phase-out period of 12 years was allowed to adapt to the new systems. From 1<sup>st</sup> January 2013, sows must be kept in groups rather than in individual stalls. However, stalls may still be used for the first 28 days of gestation, and one week before the expected time of birth (Article 3.4).

Article 8 mandates inspections of pigs' rearing conditions and Article 12 provides that Member States may apply, within their territories, stricter provisions for the protection of pigs than the ones laid down in this Directive.

Chapter I of the Annex of the Directive provides that 'all procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body, or the alteration of bone structure, shall be prohibited'. However, there are exemptions to this general prohibition for:

- teeth grinding or clipping (before 7 days old)
- tail-docking
- castration of male pigs by other means than tearing of tissues

<sup>9</sup> [https://boe.es/legislacion/codigos/abrir\\_pdf.php?fich=204\\_Codigo\\_de\\_Proteccion\\_y\\_Bienestar\\_Animal.pdf](https://boe.es/legislacion/codigos/abrir_pdf.php?fich=204_Codigo_de_Proteccion_y_Bienestar_Animal.pdf)

<sup>10</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0120&from=EN>

- nose-ripping only when the animals are kept in outdoor husbandry systems and in compliance with national legislation.

Tail-docking and teeth grinding/clipping must not be carried out routinely 'but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred'. There is no requirement to use anaesthetic for castration, except if the procedure is carried out after the 7<sup>th</sup> day of life.

Chapter II mandates that no piglets shall be weaned from the sow at less than 28 days of age, though piglets may be weaned up to seven days earlier if they are moved into 'specialised housing'.

In Spain, Royal Decree 324/2000<sup>11</sup> (modified by Laws 3483/2000<sup>12</sup> and 1323/2002<sup>13</sup>) establishes basic rules for the management of pig farms. Council Directive 2008/120/EC is implemented in Royal Decree 1135/2002<sup>14</sup> (modified by Law 1392/2012<sup>15</sup>). Additionally, Royal Decree 1221/2009<sup>16</sup> (modified by Royal Decree 1089/2010<sup>17</sup>) establishes basic rules for the management of farms of extensive pigs.

### Rearing - broiler chickens

At the EU level, welfare provisions for broiler chickens are laid out in Council Directive 2007/43/EC.<sup>18</sup> Notably, Article 3.2 requires that the maximum stocking density is 33kg/m<sup>2</sup>. However, Article 3.3 allows for derogation to this general rule: a derogation to allow an increase above 33kg/m<sup>2</sup> up to 39kg/m<sup>2</sup> can be given when additional documented details for each house are kept and the house achieves certain climatic parameters. In addition, the documentation accompanying the flock at the slaughterhouse shall include the daily mortality rate and the cumulative daily mortality rate. A further increase above 39kg/m<sup>2</sup> up to 42kg/m<sup>2</sup> is allowed where, in addition to the conditions mentioned in the previous point being met, monitoring by the authorities confirms records of low mortality rates and good management practices.

Article 4.2 requires that the training courses for people dealing with chickens focus on 'welfare aspects'. Article 7 requires inspections to be carried out.

Annex I to this Directive provides detailed conditions with regards to the drinkers, feeding, litter, ventilation, heating, noise and light requirements. Annex I also mandates that inspections shall be carried out twice a day. Similar to the wording of the Council Directive 2008/120/EC for pigs, all surgical interventions 'carried out for reasons other than therapeutic or diagnostic purposes which result in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited'. However, two exemptions exist to this prohibition:

<sup>11</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2000-4447>

<sup>12</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2001-808>

<sup>13</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2002-24347>

<sup>14</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2002-22544>

<sup>15</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2012-12487>

<sup>16</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2009-12937>

<sup>17</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2010-13705>

<sup>18</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0043>





- beak trimming, which may be carried out when other measures to prevent feather pecking and cannibalism are exhausted. Beak trimming shall be carried out by qualified staff on chickens that are less than 10-days-old.

- castration of chickens, which shall only be carried out under veterinary supervision by personnel who have received a specific training.

In Spain, Council Directive 2007/43/EC is implemented in Law 692/2010<sup>19</sup>.

### Rearing - egg-laying hens

At the EU level, welfare provisions for egg-laying hens are laid out in Council Directive 1999/74/EC.<sup>20</sup> Non-enriched cage systems have been prohibited since 1 January 2012 (Article 5.2). Two cage systems are now in use:

- enriched cages where laying hens have at least 750 cm<sup>2</sup> of cage area per hen
- alternative systems where the stocking density does not exceed nine egg-laying hens per m<sup>2</sup> usable area, with at least one nest for every seven hens and adequate perches.

In both systems, all hens must have a nest, perching space, litter to allow pecking and scratching and unrestricted access to a feed trough.

Article 8 mandates inspections of the systems of rearing for egg-laying hens.

The Annex to the Directive specifies that all hens must be inspected by the owner or the person responsible for the hens at least once a day (Article 1). Sound level must be minimised (Article 2) and light levels shall allow hens to show 'normal levels of activity'. Article 8 prohibits all mutilations except beak trimming, provided it is carried out on egg-laying hens less than 10 days old.

In Spain, Council Directive 1999/74/EC is implemented in Royal Decree 3/2002<sup>21</sup> (modified by Royal Decree 773/2011<sup>22</sup>).

### Rearing - dairy cattle and calves

There is no EU legislation dedicated to dairy cattle.

Council Directive 2009/119/EC<sup>23</sup> lays down the minimum standards for the protection of calves. Article 3 prohibits the use of confined individual pens after the age of eight weeks, except if required by a veterinarian. Individual pens must have perforated walls, allowing the calves to have direct visual and tactile contact. Article 3 further sets out minimum dimensions for individual pens and for calves kept in group. Inspections of facilities should be carried out (Article 7). Annex I of the Directive lays down specific conditions for the rearing of calves. Notably, calves must not be kept permanently in

<sup>19</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2010-8824>

<sup>20</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0074&from=EN>

<sup>21</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2002-831>

<sup>22</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2011-9733>

<sup>23</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0119&from=EN>



darkness: Member States make provisions for 'appropriate natural or artificial lighting'. Moreover, all housed calves must be inspected by the owner or the person responsible for the animals at least twice daily and calves kept outside must be inspected at least once daily. The accommodation for calves must allow them to lie down, rest, stand up and groom for themselves without difficulty. Importantly, calves must not be tethered, with the exception of group-housed calves which may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute.

In Spain, Council Directive 2009/119/EC is implemented in Royal Decree 1047/1994<sup>24</sup> (modified by Law 229/1998<sup>25</sup>).

### Transport

At the EU level, welfare provisions for animal transport are laid out in Council Directive EC 1/2005.<sup>26</sup> This Directive defines the responsibilities of all actors involved in the transport chain of live animals entering or leaving the EU. Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Article 7 forbids long journeys (i.e. exceeding 8 hours) unless the means of transport has been inspected and approved under Article 18(1).

In Spain, Council Directive EC 1/2005/EC is implemented in Royal Decree 542/2016.<sup>27</sup> Furthermore, Article 5 of Law 32/2007 specifically addresses the transport of animals, mandating that transport shall not cause injuries or death to the animals, that the length of the journeys shall be reduced to the minimum possible and that attention must be paid to the needs of the animals during that trip. The means of transport shall be built in such a way as to avoid unnecessary injury and suffering to the animals. Finally, personnel handling the animals must be properly trained and shall not resort to 'violence or methods that may cause animals fear, injury or unnecessary suffering'.

### Slaughter

At the EU level, welfare provisions for animals at the time of slaughter are laid out in Council Directive EC No 1099/2009.<sup>28</sup> Article 3 states that animals shall be spared any 'avoidable pain, distress or suffering during their killing and related operations'. Article 4 mandates that animals must be stunned prior to being slaughtered, and the loss of consciousness and sensibility shall be maintained until the death of the animal. Article 5 specifies that workers should check whether animals do not present any signs of consciousness in the period between the end of the stunning process and death. Annex I to this Directive lists all the stunning methods possible. Annex II sets out the requirements regarding the layout, construction and equipment of slaughterhouses.

In 2018, following a favourable opinion of the European Food Safety Authority on low atmospheric pressure system for the stunning of broiler chickens, Annexes I and II to Council Regulation (EC) No

<sup>24</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-1994-15800>

<sup>25</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-1998-3566>

<sup>26</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

<sup>27</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2016-11708>

<sup>28</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=EN>

1099/2009 have been amended by Commission Implementing Regulation (EU) 2018/723<sup>29</sup> to approve the stunning of broiler chickens through asphyxia due to low atmospheric pressure.<sup>30</sup>

In Spain, Council Directive EU No 1099/2009 is implemented in Law 37/2014<sup>31</sup>. Article 6 of Law 32/2007 focuses on the slaughter of animals, allowing for religious slaughter to be practiced without prior stunning of the animal.

### Analysis

*The wording of Council Directive 98/58/EC is quite general and does not consider species-specific needs, by comparison to the other Directives.*

*With regards to pigs, it is positive that the ban on sow stalls has entered into force since 2013. However, this ban is limited, as stalls are still allowed to be use for the first 28 days of gestations and shortly before giving birth.*

*The many exemptions provided in Chapter I of the Annex of Council Directive 2008/120/EC allows for piglet mutilations to be performed without anaesthetics. The use of anaesthetic is only mandated for castration, occurring on a piglet at least 7-days-old. Piglet mutilations are extremely cruel, and these exemptions are legal loopholes that allow for the inhumane treatment of farm animals.*

*Castration is practiced the development of undesirable sexual or aggressive behaviour, and to avoid the development of 'boar taint, which gives pork meat a distinctive taste and odour. The European Commission acknowledges on its website that castration has become 'a significant animal welfare concern in recent years', inflicting pain 'even on very young pigs'.<sup>32</sup> A working group, made of representatives of European farmers, meat industry, retailers, scientists, veterinarians and animal welfare NGOs, met in 2010 and developed the European Declaration on Alternatives to Surgical Castration of Pigs.<sup>33</sup> Two key decisions were taken through this Declaration: the surgical castration of pigs, if carried out, shall be performed with prolonged analgesia and/or anaesthesia with methods mutually recognised. Secondly, the surgical castration of pigs should be abandoned by 1 January 2018. Over 30 stakeholders (animal welfare NGOs, industry practitioners etc.) signed this voluntary agreement.*

*With regards to broiler chickens, Council Directive 2007/43/EC represents the first legal instrument in which 'welfare indicators' were included as a means of scientific assessment. It is positive that the Directive goes into details about the environment of rearing of chickens (i.e. drinkers, feeding, litter, ventilation and heating, noise, light requirements). The Directive also provides a maximum stocking density, however, by allowing derogations to be made, the Directive enables large-scale, industrial farming practices to be developed in the EU. In such crowded conditions, the Five Freedoms of broiler*

<sup>29</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0723&from=EN>

<sup>30</sup> <https://www.efsa.europa.eu/en/efsajournal/pub/5056>

<sup>31</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2014-1054>

<sup>32</sup> [https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/castration\\_alternatives\\_en](https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/castration_alternatives_en)

<sup>33</sup> [https://ec.europa.eu/food/sites/food/files/animals/docs/aw\\_prac\\_farm\\_pigs\\_castalt\\_declaration\\_en.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_farm_pigs_castalt_declaration_en.pdf)

chickens cannot be fulfilled. In addition, it the exemptions for beak trimming and chicken castration enables this practice to be carried out without anaesthetics.

With regards to egg-laying hens, the 2012 ban on the use of battery cage systems was an important step to improve the welfare of egg-laying hens. By comparison to battery cages, enriched cages provide 20% more space to each hen (the equivalent of an A4 paper with a postcard). Enriched cages have nest boxes, litter, perch space and some scratching materials, and house up to 10 hens. Though the current two systems in use (enriched cages and alternative systems) represent incremental improvements to the life of hens, the EU still allows for hens to be raised in cages. When reared in cages, the Five Freedoms of egg-laying hens are necessarily compromised.

In September 2018, a European Citizens' Initiative (ECI) entitled 'End the Cage Age' was launched, supported by a coalition of animal welfare NGOs, among which World Animal Protection.<sup>34</sup> The ECI invites the European Commission to propose legislation to prohibit the use of:

- cages for laying hens, rabbits, pullets, broiler breeders, layer breeders, quail, ducks and geese;
- farrowing crates for sows;
- sow stalls, where not already prohibited
- individual calf pens, where not already prohibited

As of September 2019, since over 1 million verified signatures have been collected from EU citizens, the European Commission will be invited to propose the above-mentioned legislation.<sup>35</sup>

With regards to dairy cattle and calves, it is regrettable that there is no EU legislation protecting the welfare-specific needs of dairy cattle. It is positive that calves must not be tethered, though this should be a full ban. Moreover, EU legislation allows for the isolation of calves under eight weeks old. The isolation of calves is detrimental to their welfare and the provision that calves in isolation need to be able to see other calves is not sufficient to satisfy their need for social interactions.

With regards to animal transport, it is positive that the Council Directive EC 1/2005 recognises in its preamble that, 'for reasons of animal welfare the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible'. However, the exception of Article 7, allowing the transport of animals for over 8 hours, is detrimental to animal welfare. In fact, long live animal transport is known to cause stress. Moreover, many breaches of Council Directive EC 1/2005 have been reported, including the transport of unfit animals, exceeding stocking densities, requirements on feed, water and rest not respected, insufficient headroom and bedding, too high temperature.<sup>36</sup>

<sup>34</sup> <https://www.eesc.europa.eu/en/newsmedia/news/end-cage-age>

<sup>35</sup> <https://www.eesc.europa.eu/en/newsmedia/news/end-cage-age>

<sup>36</sup> <https://www.ciwf.org.uk/media/7434627/report-on-implementation-of-eu-regulation-on-welfare-of-animals-during-transport-compassion-in-world-farming-october-2018.pdf>

In 2015, the European Commission launched a three-year Pilot Project aiming at improving animal welfare during transport by developing and disseminating Guides to Good and Best Practice for the transport of the main livestock species.<sup>37</sup> In September 2017, the contractor of the project published five extensive guides to good practices, as well as 17 technical fact sheets on good animal transport practices.<sup>38</sup> This is a positive development, however, a total ban on long live animal transport would grant stronger protection to animals.

With regards to slaughter, it is positive that the Council Directive EC No 1099/2009 mandates stunning prior to slaughter, however, many EU countries have exemptions to this requirement, notably due to religious reasons. In 2018, the European Commission has also developed a series of fact sheets outlining how various species should be stunned.<sup>39</sup> This appears to show that the EU Commission is willing to disseminate knowledge and improve animal welfare.

In Spain, Law 32/2007 recognises animal welfare as an individual issue in relation to animals used in farming. However, the law is designed mainly to meet the requirements of domestic implementation of European Union legislation.

Despite incorporating the minimum European Union legislative requirements, Spain has at times been found to be lacking in terms of implementation. For example, in 2011 the European Commission issued a reasoned opinion<sup>40</sup> calling on Spain to address deficiencies in complying with European Union legislation on the welfare of farm animals at the time of slaughter, and in 2012 the European Commission called on Spain via letter of formal notice for the government to take action to implement the ban on barren battery cages for laying hens.<sup>41</sup> This demonstrates that although the government has enacted relevant law it has not always prioritised achieving full compliance with the letter of that law.

The NGO Compassion in World Farming has also reported finding evidence of non-compliance with European Union law on welfare issues related to pig farming, including tail docking, sow stalls and bedding.<sup>42</sup>

### Enforcement mechanisms

The 1976 European Convention for the Protection of Animals kept for Farming Purposes does not contain any enforcement mechanism. At the EU level, a Directive requires Member States to achieve a particular result, but it does not devise laws on how to reach these goals. As such, Member States have some leeway to decide on their own legislations which will achieve the intended results. By contrast, a Regulation is a binding legislative act, directly applicable to the entirety of the EU.

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

<sup>37</sup> [https://ec.europa.eu/food/sites/food/files/animals/docs/aw\\_prac\\_transport\\_pilotreport.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_transport_pilotreport.pdf)

<sup>38</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

<sup>39</sup> [https://ec.europa.eu/food/animals/welfare/practice/slaughter/2018-factsheets\\_en](https://ec.europa.eu/food/animals/welfare/practice/slaughter/2018-factsheets_en)

<sup>40</sup> [http://europa.eu/rapid/press-release\\_IP-11-1092\\_en.htm](http://europa.eu/rapid/press-release_IP-11-1092_en.htm)

<sup>41</sup> [http://europa.eu/rapid/press-release\\_IP-12-47\\_en.htm](http://europa.eu/rapid/press-release_IP-12-47_en.htm)

<sup>42</sup> [http://www.ciwf.org.uk/what\\_we\\_do/pigs/spanishpigsinvestigation.aspx](http://www.ciwf.org.uk/what_we_do/pigs/spanishpigsinvestigation.aspx)

In Spain, Law 32/2007 contains enforcement mechanisms which are categorised as mild, serious or very serious, with administrative punishments ranging from warnings to fines of €600 to €100,000 and seizure of animals, closure of establishments and stoppage of activities. There are, however, no more substantial enforcement mechanisms for serious offenses, such as imprisonment (as is the case with the mistreatment of pets). The Government is encouraged to strengthen the existing enforcement mechanisms.

### Key recommendations

- The Government of Spain is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m<sup>2</sup> or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.
- The Government of Spain is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.<sup>43</sup> Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.
- Legislation regarding the transport of animals should protect their Five Freedoms. In addition, the Government of Spain is strongly urged to ban the export of live animals over long distances (i.e. more than eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and, for some species and modes of transport, it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.

## 4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	B

<sup>43</sup> [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

## Zoos

At the EU level, welfare provisions for wild animals kept in zoos are laid out in Council Directive 1999/22/EC.<sup>44</sup> 'Zoos' are defined as 'all permanent establishments where animals of wild species are kept for exhibition to the public for 7 or more days a year', with the exceptions of circuses, pet shops and any other establishments that Member States deem not to host sufficient animals. Article 3 provides that zoos shall implement conservation measures. Among them, one measure is welfare-oriented since zoos have to accommodate their animals 'under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures; and maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition.' Article 4 mandates the licencing and inspections of existing and new zoos. Article 8 lays out that Member States shall determine penalties for a breach of this Directive: such penalties shall be effective, proportionate and dissuasive.

The EU Zoos Directive Good Practices (2015),<sup>45</sup> while not legally binding, are aimed at supporting practitioners and Member States in implementing the spirit and requirements of the Council Directive 1999/22/EC. The Directive includes recommendations regarding key aspects of animal health and welfare within the zoo environment such as temperature, enclosure size and furnishings and noise.

Council Regulation (EC) 1/2005<sup>46</sup> on the transport of animals is also applicable to wild animals, both those living in captivity, as well as those living in the wild but susceptible to being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

In Spain, Royal Decree 31/2003<sup>47</sup> on the conservation of wildlife in zoos provides for the licensing of zoos and facilities keeping wild animals in captivity, inspection processes, conservation measures (including animal welfare issues), and the record-keeping of animals in captivity. The law was made to incorporate the requirements of European Union Directive 1999/22/EC. Article 3 requires that zoos comply with welfare measures, in addition to any prescribed by the relevant Autonomous Community or City, including that conditions must allow animals to satisfy their biological needs, and allow for conservation. Additionally, each species must be provided with environmental enrichment. Article 7 provides that zoos must receive the authorisation from the 'competent body of the autonomous community where each one of them is located' prior to opening, or before any substantial modification or expansion.

<sup>44</sup> <https://www.eaza.net/assets/Uploads/Governing-documents/EU-Zoo-Directive-1999.pdf>

<sup>45</sup> [https://ec.europa.eu/environment/nature/pdf/EU\\_Zoos\\_Directive\\_Good\\_Practices.pdf](https://ec.europa.eu/environment/nature/pdf/EU_Zoos_Directive_Good_Practices.pdf)

<sup>46</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

<sup>47</sup> <https://www.boe.es/buscar/pdf/2003/BOE-A-2003-19800-consolidado.pdf>

### Private keeping of wild animals

Royal Decree 50/1999<sup>48</sup> lays down the legal regime for the possession of potentially dangerous animals (considered as being all those who belong to wildlife and are being used as domestic animals, or companion animals, regardless of their aggressiveness, belong to species or races that have the capacity to cause death or injuries to people or other animals and damage to things). This Act also encompasses potentially dangerous dogs in combination with Law 287/2002<sup>49</sup> (modified by Law 1570/2007<sup>50</sup>). The possession of such dangerous animals is authorised with an administrative licence, delivered by the City Council (Article 3). One of the conditions of the applicant is to be able to provide the 'necessary care for the animal'.

### Fur farming

At the EU level, a ban on cat and dog fur was introduced by Regulation No 1523/2007,<sup>51</sup> and has entered into force on 31<sup>st</sup> December 2008. The Regulation bans the placing on the market and the import to or export from the Union of cat and dog fur and products containing such fur.

In Spain, Law 32/2007 recognises animal welfare as an individual issue in relation to animals used in fur farming. However, the law is designed mainly to meet the requirements of domestic implementation of European Union legislation and does not make any specific provisions for animals used for this purpose.

### Analysis

*Council Directive 1999/22/EC provides general provisions for animals kept in zoos. Following the wording of Article 3, zoos are primarily intended to achieve conservation efforts, taking into account animal welfare. It is positive that zoos must be licenced to operate, and that such a licence can only be obtained if criteria of Article 3 are met, which includes welfare provisions relating to enrichment, husbandry, veterinary care and nutrition. Enrichment must be species-specific, but there is no mention of the psychological distress that is induced by constraining animals to enclosures. This Directive could be improved by focusing on the mental wellbeing of animals, rather than on satisfying their basic needs (e.g. nutrition requirements). In particular, a provision could be made to ensure that the size of enclosure is large enough to enable individuals to express normal behaviours, as well as allowing social interactions. Moreover, the frequency of inspections is not mandated in this Directive.*

*It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.*

*Any ban on fur farming is a positive step for animals, as the fur farming industry is inherently cruel, and fur cannot be produced without causing large amount of pain, distress and suffering to animals. It is*

<sup>48</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-1999-24419>

<sup>49</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2002-6016>

<sup>50</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2007-21322>

<sup>51</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1523&from=EN>



thus positive that the EU has implemented a ban on fur farming, though this ban appears very much limited since it covers only two species. The most common species farmed for their fur in Europe – rabbits, minks, foxes – are not included in this ban. Furthermore, there is no legislation at the EU level mandating humane slaughter for animals farmed for their fur.

Animal welfare is recognised as an issue of importance relating to animals in captivity. However, the provisions relating to welfare are not detailed and do not provide guidance on what is required in order to comply with Royal Decree 31/2003 (or Royal Decree 32/2007 in the case of animals used in fur farming).

Royal Decree 31/2003 was enacted in order to comply with European Union legislative requirements (which had a deadline of 2002). Subsequently, the European Commission sent a series of letters to Spain in relation to the failure to implement the relevant European Union Directive, culminating in a reference to the European Court of Justice, which ruled in 2010 that the Government was failing to licence zoos properly in a number of regions. In 2011, the European Commission sent a reminder to the Spanish Government about its obligation to comply with the European Court of Justice ruling.<sup>52</sup>

The Ministry of the Environment and Rural Affairs and the Marine Directorate General of the Natural Environment and Forest Policy led the production of 2010 guidelines on zoological parks<sup>53</sup> and appears to be responsible for implementing Royal Decree 31/2003, although this is not clarified in the wording of that law.

Royal Decree 50/1999 makes it legal to have wild animals as companion animals, while such animals cannot thrive in a private home environment.

Fur farming is inherently cruel to animals, and it is therefore regrettable that Spain has not gone beyond EU requirements with regards to fur animals, through enacting a full ban on the practice.

### Enforcement mechanisms

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

Article 4 of Royal Decree 31/2003 sets out enforcement mechanisms ranging from administrative punishments, such as fines from €300 to €300,500. More serious violations may result in application of various mechanisms that enable the authorities to either temporarily or permanently close part or the whole of the zoo. There are, however, no enforcement mechanisms in place to prosecute individuals with imprisonment for severe breaches of the legislation. The 2010 guidelines on zoological parks do not appear to be legally binding.

Article 5 of Royal Decree 50/1999 sets out enforcement mechanisms ranging from administrative punishments, such as fines from 25,000 to 2,500,000 pesetas (approximately €150 to €150,000),

<sup>52</sup> [http://europa.eu/rapid/press-release\\_IP-11-1104\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-11-1104_en.htm?locale=en)

<sup>53</sup> [https://www.miteco.gob.es/en/biodiversidad/temas/conservacion-de-especies/doc\\_guia\\_aplicacion\\_ley\\_31\\_2003\\_zoos\\_tcm38-198878.pdf](https://www.miteco.gob.es/en/biodiversidad/temas/conservacion-de-especies/doc_guia_aplicacion_ley_31_2003_zoos_tcm38-198878.pdf)

and confiscation, sterilization or slaughter of potentially dangerous animals, the closure of the establishment and the temporary or permanent suspension of the license for possession of potentially dangerous animals or animals.

### Key recommendations

- **The Government of Spain is strongly encouraged to strengthen the enforcement mechanisms on the welfare of captive animals to ensure that there are sufficient deterrents to bad practice and cruelty in the industry.**
- **At present, the private keeping of wild animals as companion animals is authorised through a licence system. The Government of Spain is encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.**
- **The Government of Spain is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.**

## 5. There are laws that apply to companion animals

### Analysis of the legislation

Ranking	D
<p><u>Care of companion animals</u></p> <p>The European Convention for the Protection of Pet Animals<sup>54</sup> is a treaty of the Council of Europe to companion animals and ensure minimum protection standards. Signed in 1987, the treaty entered into force in 1992 and is now open to countries outside members from the Council of Europe. As of March 2019, the Convention has been ratified by 24 countries, including Spain. On 9 October 2015, Spain signed the European Convention on the Protection of Pets.<sup>55</sup></p> <p>Article 1 prohibits anyone from causing unnecessary pain, suffering or distress, or to abandon a companion animal. Article 2 creates a duty of care onto animal owners, responsible for their health and welfare. Article 10 forbids surgical procedures for the purpose of modifying the appearance of a companion animal, or for other non-curative purposes. In particular, the docking of tails, the cropping of ears, devocalisation, declawing and defanging are prohibited. Exceptions exist if a veterinarian considers non-curative procedures necessary or to prevent the reproduction of animals. Article 11 specifies that the killing of companion animals shall be done with the minimum of physical and mental suffering appropriate to the circumstances.</p>	

<sup>54</sup> <https://www.coe.int/en/web/conventions/fullList/-/conventions/rms/090000168007a67d>

<sup>55</sup> <https://www.boe.es/boe/dias/2017/10/11/pdfs/BOE-A-2017-11637.pdf>

Chapter III contains Supplementary Measures for Stray Animals. Article 12 mandates that the capture of stray animals must be done with the least amount of suffering possible. Once captured, animals may be kept or killed 'in accordance with the principles laid down in this Convention'.

The Penal Code forbids to cruelly treat companion animals, or to unjustifiably cause death or injuries causing serious physical impairment to companion animals.

Royal Decree 32/2007 explicitly does not apply to companion animals (Article 2(d)), with the exception of the First Additional Provision and the anti-cruelty provisions in Article 14. This First Additional Provision states that the provisions on animal transport apply to companion animals, namely, that the means of transport shall not cause unnecessary suffering to the animals. Most offences considered animal cruelty, such as the slaughter of animals outside cases specifically allowed, or the use of animals in fights, is also prohibited against companion animals (Article 14).

Since 2014, new laws (replacing the previous ones) has been enacted in the autonomous communities of Madrid, Murcia, Galicia, Navarra and La Rioja.

### Stray animals

Article 14(1)(i) of Law 32/2007, together with First Additional Provision (paragraph 2), prohibits the use of stray dogs or cats in experiments.

Article 4 of Royal Decree 1/1970, which regulates hunting, permits the hunting of domestic animals who have 'lost the condition of being domesticated'.

In Cataluña, Galicia and Madrid the culling of healthy stray animals is forbidden.

### Analysis

*At the EU level, the European Convention for the Protection of Pet Animals lays down important principles for the welfare of companion animals, notably by creating a positive duty of care onto animal owners and through prohibiting the abandonment of companion animals. It is also positive that the Convention prohibits surgical procedures on companion animals for appearance purposes.*

*However, the Convention does not provide such strong protections for the welfare of stray animals. In fact, the Convention authorises the killing of stray animals, instead of mandating their rehoming or placing them in a non-kill shelter.*

*The enforcement mechanisms for cruel treatment of pets are stronger than for many other categories of animal. However, the wording of the relevant provisions does not appear to encompass acts of neglect or negligence, and there is no publicly available evidence of guidelines or standards produced by relevant government bodies to advise on the implementation and enforcement of the relevant legal provisions, or to provide guidance on best practice. It is detrimental to animal welfare that companion animals are specifically excluded from the scope of application of Law 32/2007, albeit with the exception of the First Additional Provision. Law 32/2007 does not provide a*



*comprehensive duty of care of animal owners onto their animals and does not refer to the Five Freedoms.*

*Furthermore, the law allowing feral domestic animals to be hunted may lead to considerable animal suffering and is concerning.*

### Enforcement mechanisms

The European Convention for the Protection of Pet Animals does not contain any enforcement mechanisms.

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

Article 632(2) provides that those who those who cruelly mistreat pets without amounting to an offence under Article 337 are liable to 20 to 60 days imprisonment or 20 to 30 days community service. Infringement of the prohibition on using animals in fights or the prohibition on the use of stray dogs or cats in experiments is punishable with a fine of €6,001 to €100,000 (Article 16(a), Law 32/2007).

### Key recommendations

- **The Government of Spain is strongly encouraged to amend Law 32/2007, so that it is applicable in its entirety to companion animals. The Government of Spain is urged to create a comprehensive duty of care for animal owners onto their animals, which would protect the animal's Five Freedoms.**
- **The Government of Spain is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective. The Government of Spain should also implement education programmes on dog bite prevention.**
- **The Government of Spain is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.**
- **The Government of Spain should promote responsible pet ownership, including the adoption of companion animals over the purchase of commercially bred animals.**

## **6. There are laws that apply to animals used for draught or recreational purposes**

## Analysis of the legislation

Ranking	F
<p><u>Animals used for entertainment</u></p> <p>Under Law 32/2007, Article 14(1)(c) together with First Additional Provision (2) prohibits the use of farm animals and companion animals in fights, but this explicitly excludes bullfighting and hunting (Article 2).</p> <p>Royal Decree 10/1991<sup>56</sup> regulates bullfighting as a sport and is focussed on the administration and organisation of the activity, rather than on the welfare of the animals used. The health of bulls used in bullfighting is referred to in the 'statement of purpose' introducing the law but is not developed in the substantive content.</p> <p>Catalonia, the Balearic Islands and the Canary Islands have attempted to pass laws to ban bull fighting (e.g. Catalonia: Law 2/2008<sup>57</sup>, modified by Law 28/2010<sup>58</sup>). However, Royal Decree 18/2013<sup>59</sup> has subsequently been overturned at a national level as the practice is considered as being an essential part of Spain's cultural heritage and is thus worthy of protection 'throughout the national territory' (Article 3). As such, in October 2016, the Spanish Constitutional Court overturned Catalonia's ban on bullfighting.<sup>60</sup></p> <p>With regards to the use of animals in circuses, there are various local bans on the use of wild animals in circuses, including in Barcelona.<sup>61</sup></p> <p>The use of animals in circuses is restricted in 6 autonomous regions (the use of wild animals is forbidden) and is totally forbidden (all type of animals) in another 4 autonomous regions. Furthermore, many city councils have specific legislation. For example, even if the animal protection law of the region of Madrid doesn't forbid the use of animals in circuses, the city of Madrid will forbid the use of wild animals in circuses as of 1 April 2020.</p> <p>Full list of municipalities (<a href="http://www.infocircos.org/">http://www.infocircos.org/</a>)</p> <p><u>Draught animals</u></p> <p>No legislation has been found specifically relating to draught animals.</p> <p><u>Analysis</u></p> <p><i>It is positive that the exploitation of wild animals for circus entertainment has been banned in various cities. Such a ban should be implemented at the national level.</i></p>	

<sup>56</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-1991-8266>

<sup>57</sup> <https://www.boe.es/buscar/doc.php?id=DOGCF-2008-90016>

<sup>58</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2010-13358>

<sup>59</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2013-11837](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-11837)

<sup>60</sup> <https://www.theguardian.com/world/2016/oct/20/spanish-court-overturns-catalonia-bullfighting-ban>

<sup>61</sup> [http://www.pawsweb.org/documents/PAWS\\_bans\\_exotic\\_animals\\_1\\_17\\_2018.pdf](http://www.pawsweb.org/documents/PAWS_bans_exotic_animals_1_17_2018.pdf)

However, the continuing practice of bullfighting in most Autonomous Communities cause significant animal welfare concern. It is regrettable that such a cruel practice is still authorised in law on the ground of cultural tradition. Notably, it was reported that in 2013 legislation was passed to protect the future of bullfighting and running of the bulls through legislation declaring the activity part of cultural heritage worthy of protection, and allowing public funds to be used to promote and protect the activities.<sup>62,63</sup> This legitimisation of bullfighting is in itself a significant barrier to improving animal welfare.

No legislation has been found that specifically addresses the welfare needs of animals used for draught. Law 32/2007 is applicable to all 'production animals' defined as 'production, reproduction, bait or slaughter animals, including fur animals or hunting, kept, primed or bred, for the production of food or products of animal origin, or for any other commercial purpose'. The mention of 'other commercial purpose' implies that draught animals may be included within the scope of application of Law 32/2007, however, this remains unclear.

### Enforcement mechanisms

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

Law 32/2007 (Article 16(a) states that infringement of the prohibition on using animals in fights (which excludes bullfighting and hunting) is punishable with a fine of €6,001 to €100,000.

Law 10/1991 (Article 13) details the enforcement mechanisms in place for breaches of the legislation relating to bullfighting, but these provisions do not relate to the welfare of the animals involved.

However, as no legislation has been found on draught animals, there are no enforcement mechanisms associated with this category of animals.

### Key recommendations

- **The Government of Spain is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.**
- **The Government of Spain is urged to repeal Royal Decree 18/2013, which protects bullfighting as part of the 'cultural heritage' of Spain. Culture should never be an excuse for animal cruelty, and bullfighting is inherently cruel to the animals.**

<sup>62</sup> <http://www.telegraph.co.uk/news/worldnews/europe/spain/10353287/Spain-grants-bullfighting-protected-status.html>

<sup>63</sup> [http://spanishnewstoday.com/bullfighting-in-spain-now-protected-by-law\\_19021-a.html#.VAcymk1OXcs](http://spanishnewstoday.com/bullfighting-in-spain-now-protected-by-law_19021-a.html#.VAcymk1OXcs)



• The Government of Spain is strongly encouraged to adopt specific legislation to address the welfare of working animals, including working equids, following the requirements of the OIE’s animal welfare standards. Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition that may impair their welfare must be treated promptly and, affected animals must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

## 7. There are laws that apply to animals used for scientific research

Analysis of the legislation	
Ranking	B
<p>At the EU level, welfare provisions for animals used in scientific research are laid out in Directive 2010/63/EU,<sup>64</sup> which updated and replaced the 1986 Directive 86/609/EEC<sup>65</sup> on the protection of animals used for scientific purposes. This new Directive applies to live vertebrates and live cephalopods (Article 1.4). Article 4 enshrines the Three Rs principles in legislation – Replacement, Reduction, Refinement. Article 6 mandates that animals are killed with minimum ‘pain, suffering, distress’. Articles 7 and 8 provides exemptions for the use of endangered species and non-human primates in experiments, respectively. It is forbidden to take animals from the wild to carry experiments, except when the procedure cannot be achieved by the use of an animal who has been bred for use in procedures. It is furthermore prohibited to use animals stray and feral animals of domestic species in experiments. (Article 11). Article 14 ensures that ‘Member States shall ensure that, unless it is inappropriate, procedures are carried out under general or local anaesthesia, and that analgesia or another appropriate method is used to ensure that pain, suffering and distress are kept to a minimum’.</p> <p>With regards to animal testing for cosmetic products, Chapter V, Article 18 of Regulations EC No 1223/2009<sup>66</sup> of the European Parliament and of the Council of 2009 on cosmetic products prohibits to test finished cosmetic products and cosmetic ingredients on animals (testing ban). The same article also prohibits to market finished cosmetic products and ingredients in the EU which were tested on animals (marketing ban). The testing ban on finished cosmetic products applies since 11<sup>th</sup> September 2004, while the testing ban on ingredients or combination of ingredients applies since 11<sup>th</sup> March 2009.</p> <p>Article 7 of Law 32/2007 establishes provisions for the licencing of the use of animals in scientific research, by requiring compliance with European Union legislation. Relevant European Union legislation (Directive 2010/63, Regulation 1223/2009) is detailed, and incorporates the Three Rs principles – Replacement, Reduction, Refinement.</p>	

<sup>64</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0063&from=EN>

<sup>65</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31986L0609&from=EN>

<sup>66</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1223&from=EN>



The law additionally provides for the establishment of a procedure by the Ministry of Education and Science for the accreditation of training and experience of researchers working with animals used in scientific experiments. The use of stray dogs and cats in experiments is prohibited by Article 14(1)(i) together with First Additional Provision (2).

Royal Decree 53/2013<sup>67</sup> (amended by Royal Decree 1386/2018<sup>68</sup>) implements Directive 2010/63/EU and lays down the basic rules applicable to the protection of animals used in experimentation and other scientific purposes, including teaching. Article 4 of Royal Decree 53 enshrines the Three Rs Principles. Article 22 provides that animals may not be captured from the wild to be used in scientific procedures, unless expressly authorised by the competent body. Article 37 establishes the creation of animal experimentation ethics committees (OEBA), in charge of monitoring animal welfare during the scientific procedure. Such committees must gather members chosen 'according to criteria of confidentiality and representativeness' and shall be established for each breeder, supplier or user of animals used for scientific research. In addition to advising personnel on animal welfare issues, these animal welfare committees can carry out evaluations prior or after the experiments has been conducted.

Furthermore, the Spanish Committee for the Protection of Animals Used for Scientific Purposes, established in Article 44 of Royal Decree 53/2013, is an interdepartmental collegiate body responsible for advising the General Administration of the State, the autonomous communities and the cities of Ceuta and Melilla and the animal welfare bodies in matters related to the acquisition, breeding, housing, or use of animals in procedures, as well as ensuring that best practices are shared, and for proper coordination.

With regards to animal testing on cosmetics, Spain falls under the EU commitment and has banned the testing on animals of finished cosmetic products, as well as their ingredients.

Apart from Royal Decree 53/2013, de 1 de febrero, there is specific national legislation regarding the training of personnel working with animals used for scientific purposes (Orden ECC/566/2015, de 20 de marzo, por la que se establecen los requisitos de capacitación que debe cumplir el personal que maneje animales utilizados, criados o suministrados con fines de experimentación y otros fines científicos, incluyendo la docencia).

### Analysis

*At the EU level, it is positive that Directive 2010/63/EU enshrines the Three Rs principles in legislation. These respectively aim at replacing animals with non-animal methods as much as possible, reducing the number of animals used in experiments to the lowest level, and refining experimentation methods in order to cause the least amount of suffering possible. Numerous references are made throughout the Directive to the duty for Member States to reduce animal suffering as much as possible. However, a loophole appears in Article 14, since the use of anaesthetics or analgesia is mandated 'unless it is inappropriate'. Thus, it is still possible in the EU to carry out experiments on live animals without them being rendered unconscious or insensitive to the pain.*

<sup>67</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2013-1337>

<sup>68</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-2018-15797>





*With regards to animal testing for cosmetic products, it is positive that the EU has banned testing on finished cosmetic products and their ingredients through Regulations EC No 1223/2009. However, the testing and marketing bans remain limited. Notably, these bans only apply to cosmetic products and ingredients which are only used in cosmetics. Furthermore, the bans only apply to tests specifically aimed at consumer safety, but do not apply to worker safety tests. The bans also do not apply if the testing is intended to determine whether the product poses a risk to the environment.*

*The welfare of animals used in scientific research is recognised as a unique issue in current national legislation. It is positive that Royal Decree 53/2013 enshrines the Three Rs principles and establishes animal welfare committees for each breeder, supplier or user of animals in scientific research. Furthermore, the Ministry of Agriculture has expanded on the provisions in Law 32/2007 to provide guidelines and regulations on the welfare of animals used in scientific research.<sup>69</sup> This demonstrates some progress to improve the welfare of animals used in scientific research.*

### Enforcement mechanisms

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

The sanctions and infringement regime provided for in this royal decree are governed by the provisions of Law 32/2007. This stipulates that carrying out experiments on stray dogs and cats is punishable with a fine of €6,001 to €100,000. Carrying out experiments other than in accordance with project authorisation is punishable with a fine of €6,001 to €100,000 in the case of primates and endangered species, and €601 to €6,000 for other species of animals.

### Key recommendations

- **It is positive that each breeder, supplier and user of animals for experiments are required to establish animal welfare committees. The Government of Spain is encouraged to mandate the presence of at least one representative from animal welfare organisations within such committees.**
- **The Government of Spain is strongly encouraged to create a national multi-stakeholder committee dedicated to developing alternatives to animal experimentation, following the model set out by Nordic countries such as Denmark.<sup>70</sup> At present, the National Centre for the Replacement, Refinement and Reduction of Animals in Research (NC3Rs) is the country's national organisation dedicated to advance the Three Rs principles. However, the NC3Rs is comprised of scientific experts and would benefit from including a wider range of stakeholders' perspectives. Representatives from animal welfare organisations should be included in the NC3Rs.**

<sup>69</sup> <https://www.mapa.gob.es/es/ganaderia/temas/produccion-y-mercados-ganaderos/bienestanimal/en-la-investigacion/>

<sup>70</sup> [https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/Danmarks\\_3R\\_Center/Sider/Danmarks-3R-Center.aspx](https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/Danmarks_3R_Center/Sider/Danmarks-3R-Center.aspx)

## 8. There are laws that apply to wild animals

Analysis of the legislation	
Ranking	C
<p>At the EU level, wild animals are protected by various Directives and Regulations.</p> <p>Council Directive 92/43/EEC<sup>71</sup> on the conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive, prohibits all capture, killing, deliberate disturbance, destruction or taking of the eggs, deterioration or destruction of breeding sites or resting places of wild vertebrates listed in Annex IV(a) (Article 12). Furthermore, the keeping, transport, sale and exchange of these same species is also prohibited. Annex IV(a) lists over 400 species (Article 8). For over 90 species listed in Annex V, Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status (Article 14).</p> <p>Council Directive 2009/147/EC<sup>72</sup> of the European Parliament and of the Council on the conservation of wild birds, known as the Birds Directive, provides various regimes for different bird species. 82 species listed in Annex II can be hunted, however, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable (i.e. during their return migration to nesting areas, reproduction and the raising of their chicks) (Article 7). Overall, this Directive prohibits activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species listed in Annex III (Article 6). Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in Annex IV (Article 8).</p> <p>Council Regulation (EC) No 338/97<sup>73</sup> on the protection of species of wild fauna and flora by regulating trade therein also applies to wild animals. Article 4.1(c) provides that when an endangered species is introduced in the EU, the competent scientific authority must be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it proper. In the same vein, Article 4.2(b) mandates that there must be a written proof that the intended accommodation for a live specimen is 'adequately equipped to conserve and care for it properly'. Article 4.6.(c) provides that the introduction of species in the EU may be restricted if species have a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity.</p> <p>Council Regulation (EC) 1/2005<sup>74</sup> on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible of being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no</p>	

<sup>71</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

<sup>72</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>

<sup>73</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997R0338&from=en>

<sup>74</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

Wild animals are not included in the protection of Law 32/2007, other than in administrative issues relating to conservation in specifying the funds for the management of permits and licenses arising out of the Convention on International Trade Endangered Species of Wild Fauna and Flora (CITES).

Royal Decree 1/1970<sup>75</sup> regulates hunting and requires that a licence is obtained in order to hunt (Article 3). Most of the provisions of this law are concerned with defining the locations and times of year in which hunting can take place and the species which can be hunted. There is a prohibition on hunting from vehicles (Article 43(1)(a)) and on the use of traps (Article 43(1)(k)), both of which have detrimental welfare impacts on wild animals.

### **Analysis**

*The Directives and Regulations applicable to wild animals at the EU level focus primarily on the conservation of wild species, rather than on protecting the welfare of individual animals. In particular, it would be beneficial for animal protection legislation to forbid the use of the cruellest forms of hunting (i.e. dog hunting, live baiting, poisoning, trapping, falconry, bow hunting).*

*It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.*

*Royal Decree 1/1970 prohibits some of the cruellest forms of hunting, such as hunting with traps, however, the focus of the legislation is not on animal welfare.*

### **Enforcement mechanisms**

The Penal Code (2015) provides that the mistreatment of any animals with the exception of non-captive wild animals, is punishable by up to two years imprisonment.

Article 42 of Royal Decree 1/1970 states that infringement of the relevant provisions of the Law is punishable by fines and confiscation of licences.

### **Key recommendations**

- **The Government of Spain is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one's family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these**

<sup>75</sup> <https://www.boe.es/buscar/doc.php?id=BOEA-1970-369>

hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.

### Goal 3: Establishment of supportive government bodies

#### 9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation	
Ranking	D
<p>No one department or public body in Spain has been given overall responsibility for enforcing and managing animal welfare. The European Enforcement Network of Animal Welfare Lawyers and Commissioners reports that there are no recognised committees, no structural element to parliament, no Ombudsmen and no Commissioner responsible for animal welfare at high government level in Spain.<sup>76</sup> Royal Decree 595/2018<sup>77</sup> lays out the governing bodies part of the Ministry of Agriculture, Fisheries and Food: this Ministry is responsible for the ‘health of agricultural production’, which implies that the welfare of farm animals falls under this Ministry.</p> <p>However individual legislation does designate different government bodies as responsible for the implementation of each law, with the General State Administration responsible for the implementation of Law 32/2007.</p> <p>Royal Decree 53/2013 states that the requirements of the Act are enforced by The Ministry of Agriculture, Food and Environment. Additionally, the Spanish Committee for the Protection of Animals Used for Scientific Purposes is an interdepartmental collegiate body responsible for advising the General Administration of the State, the autonomous communities and the cities of Ceuta and Melilla and the animal welfare bodies in matters related to the acquisition, breeding, housing, or use of animals in procedures, as well as ensuring that best practices are shared, and for proper coordination.</p> <p><b>Analysis</b></p> <p><i>Recognising that the protection of farm animals is of importance to the General State Administration, which should ensure that the issue is considered alongside many topics of mainstream importance in Spain. The General State Administration has far-reaching and high priority responsibilities and must consider animal welfare as part of their processes.</i></p>	

<sup>76</sup> <http://lawyersforanimalprotection.eu/>

<sup>77</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2018-8580](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-8580)

However, there has been no official delegation of animal welfare responsibilities to any individuals within the Spanish parliament or public service. This does not demonstrate recognition of animal welfare as an individual issue that requires responsibility and accountability in the government.

There is no suggestion that the government lacks the human or financial resources to improve the accountability and responsibility of animal welfare issues in Spain. However, it appears that there is a lack of commitment to the issue at the high levels of government, as demonstrated by delays in the implementation of some European Union Directives concerning animal welfare, which presents a significant barrier to improving the situation.

**Enforcement mechanisms**

Responsibilities of relevant government bodies are set out in primary and secondary legislation.

**Key recommendations**

- The Government of Spain is strongly encouraged to assign overall responsibility for animal welfare to one Ministry.
- The Government of Spain is encouraged to create a national multi-stakeholder committee in order to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.
- The Government of Spain is encouraged to allocate consistent financial resources to improving animal welfare.

**Goal 4: Support for international animal welfare standards**

**10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation**

**Analysis of the legislation**

<b>Ranking</b>	<b>B</b>
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The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.<sup>78</sup>

<sup>78</sup> <http://www.oie.int/infographic/StandardsAW/index.html>



The OIE's guiding principles and animal welfare standards are not specifically referred to in Spanish legislation. However, Law 32/2007 has a focus on some of the topics covered by the OIE's guiding principles and standards for animal welfare, in providing the legislative basis for the production systems, transportation and slaughter of farm animals and animals used in scientific research. These are key components of the OIE's animal welfare standards. The Government has also transposed European Union Regulations and Directives which cover the areas included within the OIE standards.

The Ministry of Agriculture has published its guiding principles and policies for animal welfare online.<sup>79</sup> These refer to Law 32/2007 and, therefore, generally cover farm animals and laboratory animals (although some references to companion are available).

### Analysis

*Through including elements of the OIE standards and guiding principles in legislation, such OIE standards should be introduced into wider governmental strategies in the farming and research sectors. The Ministry of Agriculture has provided guidelines and regulations that include reference to the OIE and expand on Law 32/2007. This should help to lead progress in relation to the OIE's role in animal welfare in the country.*

### Enforcement mechanisms

There are enforcement mechanisms in Law 32/2007 for infringement of those provisions which reflect the content of the OIE's standards, consisting of financial penalties.

### Key recommendations

- **Spain fully incorporates OIE's principles and standards into legislation, which includes enforcement mechanisms. The Government of Spain is strongly encouraged to exceed OIE standards through the greater promotion of the rehoming of stray animals.**

## 11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

### Analysis of the legislation

In 2009, the 27 Agriculture Ministers of the European Council, including from Spain, unanimously approved a statement on the UDAW encouraging the European Commission to support and initiate further international initiatives to raise awareness and create a greater consensus on animal welfare, and inviting the Member States and the Commission to support the UDAW initiative.<sup>80</sup>

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression

<sup>79</sup> <http://www.magrama.gob.es/es/ganaderia/temas/produccion-y-mercados-ganaderos/bienestanimal/>

<sup>80</sup> [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/agricult/106877.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf)



of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

### **Analysis**

*The UDAW is currently the only international instrument that creates a soft law commitment for countries to acknowledge and respect animal sentience and to work towards ending cruelty and protecting the needs of animals. The Government has expressed full formal support for the UDAW, thus helping to incorporate animal welfare into policy discussions.*

### **Enforcement mechanisms**

There are no enforcement mechanisms relevant to this indicator.

### **Key recommendations**

- **Spain has provided government support to UDAW, through a joint EU declaration in 2009. Spain should act as an example for other countries to pledge support in principle to UDAW.**

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