

**Written Evidence submitted by The Royal Society for the Prevention of Cruelty to Animals
(RSPCA) (maab0010)**

Summary

General comments

The impact of the new system of animal checks, documents and inspections necessitated by the UK's new trading arrangement with the EU is already being seen. There has been an increase in paperwork, which has, in turn, led to delays at ports. It was always likely that these changes would have a particular impact at the start of 2021. It remains to be seen what long term effects they will have.

The RSPCA is concerned at the impact on animal welfare such delays could ultimately have, especially as adequate facilities for animal unloading and inspection are lacking at many border crossing points. However, it should be noted that the increased scrutiny resulting from the new processes could result in increased enforcement and checks on animals being transported. This could have some positive consequences for animal welfare if the new system is robustly enforced.

One area of particular concern regarding enforcement is the availability of veterinary surgeons. As has been discussed in the Committee previously, it is not clear that the UK has sufficient veterinary surgeons to meet the demands of the new system. Another issue, which will have a big impact on the UK's ability to tackle any animal disease outbreaks, is the supply of veterinary medicine. Any disruption that reduces or delays the supply of medicines for veterinary use would reduce the ability to prevent and control disease outbreaks, with potential harm to animal health and welfare. Crucially, in the case of zoonotic diseases, such delays also pose risks to human health.

Live animal exports

The RSPCA fully supports the proposed end to live animal exports for slaughter and further fattening. There is no evidence that this would have a negative economic impact, indeed it may open up economic opportunities to parts of the domestic livestock supply chain. We have also seen no evidence that running out of capacity at abattoirs or processing facilities is an immediate concern even in the event that more domestic capacity is needed due to an end to live exports. There are some specific issues with equine and cull animal slaughter, however, and we do have concerns about the animal welfare impact of the journey times associated with the uneven geographical spread of abattoirs.

Domestic animals

Commercial domestic animal movements will be subject to increased checks and inspections at the border and, as with farm animals and equines, these have the potential to be negative for animal welfare but also give greater opportunities for enforcement measures to be taken against illegal activity (in this case, the illegal puppy trade being the main concern). However, these opportunities will only be realised if enforcement action is robust and coupled with domestic policy change, such as an increase to the age at which puppies can be legally imported.

There is also a new scheme for non-commercial domestic animal movements which places a greater responsibility on pet owners wishing to travel with their animal. The RSPCA would urge the Government to ensure that they fully publicise these changes to allow owners to take the necessary steps and avoid a situation in which people travelling with their pets are turned back at the border.

Equines

Although, again, the longer term effects of changes to cross-border movement are yet to be seen, the RSPCA is concerned about the potential welfare impacts on equines of both delays and associated issues at border crossings and the re-routing of journeys and other changes to journey management

practices to avoid the delays. However, tougher checks and inspections at the border do have the potential to address illegal horse exports, something which the proposed outright ban on live exports would make even easier to achieve.

About the RSPCA

The RSPCA is the oldest and largest animal welfare organisation in the world, working to protect and improve the welfare of all animals whether they be pets, farm animals, wild animals or animals used in research. We undertake the vast majority of enforcement work under the Animal Welfare Act 2006 which includes considerable work on animal transit and transport. In the past ten years the RSPCA has investigated over 30,000 puppy trade complaints from members of the public. We work with the ISPCA, DSPCA and SSPCA on multi agency investigations into the puppy trade across the UK, particularly from Ireland. We have also been working to improve the welfare conditions of the animals involved in live farm animal exports, and ultimately end this practice, for many years. This includes frontline work by RSPCA inspectors at relevant ports.

The RSPCA sets the standards for the UK's only higher welfare farm assurance and food labelling scheme, RSPCA Assured, which has over 3,000 members.

1. Does the UK have sufficient resources and capacity to certify, record and inspect animal movements across its borders?

1. The RSPCA is against live exports of farm animals for slaughter or further fattening and envisages that any Government decision on this issue in 2021 will reduce animal movements and so positively impact on the resources needed to inspect cross border movements. We do not believe the infrastructure or resources are sufficient at present to enable rigorous inspection of cross border animal movements. Once border crossing inspections are fully in force in both directions, on 1 July 2021, the new system of animal checks, documents and inspections that are necessitated by the UK's new trading arrangement with the EU are more onerous than the previous system. As Northern Ireland is remaining part of the EU's Single Market and Customs Union, and thus subject to EU and not UK rules, this will add further complexity to the new system. As a consequence of this, the existing infrastructure and workforce required to enforce this new regime will similarly be greater than has previously been the case.
2. Illegal movements of animals, such as puppy smuggling, have long been an issue at the UK's borders. The new system of enhanced checks and inspections, as well as the opportunities to change policy in areas where this was previously impossible, provide a chance to address some of these issues. However, for this opportunity to be taken there must be sufficiently robust enforcement of these measures at the border. It is encouraging to see the UK Government providing extra resource to local authorities in England in areas with border crossing points to do this via its Port Health Transition Fund¹ grants. However, it remains to be seen how effective even this will prove. It should also be noted that the UK's second busiest roll on/roll off port, Holyhead, is not included in the new grant scheme.
3. One area of particular concern regarding enforcement is the availability of veterinary surgeons. As has been discussed in the Committee previously,² it is not clear that the UK has sufficient veterinary surgeons to meet the demands of the new system. This is potentially exacerbated by the fact that the new UK-EU agreement (the UK-EU Trade and Cooperation Agreement, or TCA) does not include mutual recognition of veterinary qualifications which

¹ A full allocation table of grants in England is available at <https://www.gov.uk/government/publications/port-health-transition-fund> (accessed 27/1/21)

² Environment, Food and Rural Affairs Committee (2018) *Brexit: Trade in Food* available at <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/348/34802.htm> (accessed 27/1/21)

may impact on the number of EU nationals working as vets in the UK. The TCA does allow for this mutual recognition to be negotiated in the future, something which the RSPCA would urge the Government to ensure happens rapidly.

4. In addition, Great Britain should have further designated control posts to conduct the relevant checks on entry. This will ensure the welfare of animals entering Great Britain is protected and biosecurity is not compromised. These posts should include sufficient unloading areas, with the requisite facilities to ensure the welfare needs of the animals at port, as well as nearby lairages where animals can be housed in case of delays or border infractions. The RSPCA has previously made clear that ports such as Ramsgate do not have any unloading or adequate lairaging facilities for the animals. This has resulted in significant welfare issues and deaths of a number of animals in the past. Whilst new unloading facilities have been built at some Northern Irish ports, such as Belfast, the RSPCA remains concerned that this construction is being done in a piecemeal manner and it is not clear if all facilities will be finished by 1 July when the new control system will be fully operational.

2. How effectively will the UK be able to conduct animal disease surveillance and respond to outbreaks?

5. As outlined above, robust enforcement of the new trading regime will be key to protecting biosecurity. Sufficient designated crossing points with adequate space to conduct proper inspections will also be essential, as will ensuring that there is sufficient veterinary and animal health expertise to perform them.
6. Another issue, which will have a big impact on the UK's ability to tackle any animal disease outbreaks, is the supply of veterinary medicine. Any disruption that reduces or delays the supply of medicines for veterinary use would reduce the ability to prevent and control disease outbreaks, with potential harm to animal health and welfare, the environment, and wider food safety and availability. Within this context, it will also be important to ensure that the Animal Disease Control Plans of the appropriate administrations are aligned to ensure the efficient use of resources should a disease outbreak occur.
7. Crucially, in the case of zoonotic diseases, such delays also pose risks to human health.

3. What impact will the new UK-EU agreement have on moving animals across the Irish border and between GB and the EU/Northern Ireland?

8. Northern Ireland remains in the EU's Single Market and Customs Union under the Withdrawal Agreement, and will therefore continue to follow regulations and standards drawn up by the EU, whilst Great Britain is outside of these EU structures. Great Britain is therefore treated as a third country and our goods (including animals) are subject to the same cross-border inspection regime as any other non-EU country. This means that both commercial and non-commercial movements of animals between Great Britain and the EU/Northern Ireland are now more complex.
9. For commercial movements, the impact of the introduction of new procedures is already being seen. There has been an increase in paperwork, which has, in turn, led to delays at ports. These new administrative procedures include transporter authorisations, registration on relevant import notification systems, animal health certificates and veterinary checks, customs declarations and checks, and entry and exit declarations. It was always likely that these changes would have a particular impact at the start of 2021, due to bedding in the new processes that will be needed to move live animals and products between Great Britain and both the EU and Northern Ireland. It remains to be seen what long term effects this will have.

10. However, it should be noted that the increased scrutiny resulting from the new processes could result in increased enforcement and checks on animals being transported, such as imported puppies or exported horses. This could have positive consequences for animal welfare, as well as for the prevention of crime and breaches of biosecurity.
11. Non-commercial movement of animals (eg people taking their dog on holiday) are also subject to new procedures and increased testing requirements when moving from Great Britain to the EU and Northern Ireland. These are set out in some detail below (under 'domestic animals' question one) but are undoubtedly more onerous for owners than the previous system.
12. There is no evidence to date that animal movements across the Irish border, which is effectively an EU internal border, have changed. This is not surprising, as the border controls have not changed. However, this border is important for the island of Ireland animal movements. Each year, thousands of animals, including horses, sheep, pigs and cattle, cross the Irish border. The Northern Irish beef and sheep industry employs more than 4,750 people across Northern Ireland and output was valued at £1.1 billion in 2015³. This shared land border and geographical proximity has resulted in the development of a highly-integrated agri-food sector on the island of Ireland, with large volumes of trade in both finished products and products requiring further processing⁴. Each year, more than 400,000 pigs are exported live from Ireland to Northern Ireland for processing, with almost 400,000 lambs exported from Northern Ireland to Ireland for slaughter⁴. In 2015, approximately 28,000 cattle were exported from Northern Ireland to Ireland for slaughter. The vast majority of the trade in live animals between the UK and Ireland consists of animals being transported for slaughter or further fattening across the Irish border, but there are also exports of cattle and sheep from Great Britain to Ireland and exports of cattle from Great Britain and Northern Ireland, through Ireland, to the rest of the EU. Calf exports from Scotland via Northern Ireland have stopped as the ferry company that operates on the Cairnryan-Belfast route has implemented a ban on carrying live farm animals, but calves may still be sent from Northern Ireland, if there are alternative vessels available. In 2017, 19,588 calves were sent from Northern Ireland to Spain, via Ireland⁵.

4. How should the Government balance animal health and welfare alongside economic interests?

13. The RSPCA does not believe that it is the case that animal health and welfare and economic interests are necessarily in conflict. For example, the Government has repeatedly recognised high animal welfare standards as part of the unique appeal of 'Brand Britain' when it comes to marketing agricultural products. Similarly, there is strong evidence that many consumers are prepared to support animal health and welfare with their purchasing behaviour. UK retailers have shown themselves similarly committed through making commitments to source higher welfare animal products, such as free range eggs. Finally the Government has themselves agreed the two can go hand in hand with their amendment to the Trade Bill putting into law that products cannot be imported to standards lower than the UK in existing roll over Free Trade Agreements. This shows that economic and animal welfare interests can be balanced against each other.

³ Livestock and Meat Commission (2017) *Impact of WTO trading on the Northern Ireland beef and sheep meat industry* www.lmcni.com/market-information/impact-of-wto-trading-on-the-northern-ireland-beef-and-sheep-meat-industry/ (accessed 18/2/21)

⁴ Halloran, R (2017) *All island farming and food* www.eolasmagazine.ie/island-farming-food/ (accessed 18/2/21)

⁵ Webster, B *Calves packed into lorries for 135-hour journey* www.thetimes.co.uk/article/calves-packed-into-lorries-for-135-hour-journey-bd579x0sk (accessed 18/2/21)

14. There are challenges, one of which is to show objectively the impact of poor welfare on economic interests. Whilst it is simple to show economic impacts of stopping an activity (eg by reduced exports), it is more challenging to show the economic impact of the activity continuing (eg by showing the negative financial impact on the brand image of UK of live exports). This challenge is acknowledged by Defra in their Impact Assessment of the proposed ban on live animal exports. Poor animal health and welfare could also impact on economic interests. For instance the increase in zoonotic diseases arising from the puppy import trade (eg Brucellosis, distemper, Echinococcus) could have a huge economic impact if passed on to the existing dog population in the UK or to their human owners.
15. It is important, though, that animal welfare and economic interests are similarly both protected in areas that are not, perhaps, so obvious. One area of concern for the RSPCA under the new trading relationship with the EU is the trade in chemicals and its impact on animals used in safety testing, since the UK has now left the European Chemicals Agency (ECHA). Whilst the Government has committed to establishing a national regulatory framework and building domestic capacity to deliver functions currently performed by the ECHA, there is a considerable risk of increased animal testing due to potential requirements for duplicate tests if a company wants to import or export chemical products from or to the EU, or wishes to submit test data registrations for new chemicals with the relevant regulators in both trading areas. Under one assessment, British companies do not own the data for roughly three-quarters of the chemicals currently covered by the EU's REACH regulation, meaning that these companies may need to reproduce a lot of the data from safety tests using animals that have already been undertaken elsewhere. This will impact on both the chemical industry's economic interests (i.e. their exports from Great Britain to the EU/Northern Ireland) and animal welfare. Whilst this has yet to lead to any changes in cross border trade in animals used for testing chemicals, the impact of changes in cross border data sharing and a lack of mutual recognition and acceptance of data in the future, may have negative impacts on UK animal use. The Government's commitment to avoid duplicate testing is welcome, but it remains unclear whether and to what extent this will be achieved given the current framework for operating, and a lack of formal alignment going forwards between the regulatory systems of the UK and the EU.

Live animal exports:

1. What impact will ending live animal exports for slaughter and fattening have on UK farmers, processors and other businesses?

16. The RSPCA supports the Government proposal to end live animal exports for slaughter and fattening. We have seen no evidence that this proposal will have any negative impact on businesses or processors and indeed may actually have a positive impact. Over the past 25 years, the export of farm livestock has reduced dramatically, from around 1.5 million sheep and cattle being exported for slaughter or further fattening in the mid-1990s⁶ to 6,400 being exported to continental Europe for slaughter or fattening in 2018⁷. This highlights that the UK sheep industry has already changed its approach to trading and this practice has little impact on the profitability of this enterprise. The trade in Scottish calves has also effectively been eliminated, from nearly 6,000 in 2018 to zero in 2020⁸. This was due to the Scottish

⁶ Hansard HC Deb vol.292 col. 716 20th March 1997, available at <https://hansard.parliament.uk/Commons/1997-03-20/debates/c49af3c7-bbdd-41ff-8f5a-ffdca33421e/LiveAnimalExports> (accessed 27/1/21)

⁷ Government figures, cited in Defra press release launching consultation on live exports (December 2020), available at <https://www.gov.uk/government/news/government-consults-on-ending-live-animal-exports-for-slaughter> (accessed 27/1/21)

⁸ SP WA 6th February 2020 S5W-27324, available at <https://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-27324&ResultsPerPage=10> (accessed 27/1/21)

Government stopping the issuing of live export certificates to the European Union (EU) over concerns that the journey did not comply with the Welfare of Animals Transport Order 2006, which makes provision for the administration and enforcement of Regulation 1/2005 in England and Wales. The last English calves were exported in 2013 following a major initiative by the RSPCA and Compassion in World Farming (CiWF) to open up markets for male calves in the UK. This has led to more dairy bull calves being reared and finished for the home beef market, which is a commodity in which we are not currently self-sufficient, and therefore rely on meat imports from the continent to fulfill consumer demand.

17. Continental Europe, particularly Germany, has been a major outlet for UK sows for a number of years, with the market worth as much as £60M per year. However, most cull sows are exported as carcasses for further processing. Live export for slaughter does still occur with 8,916 pigs being exported to continental Europe in 2016. However, by 2018, this had declined to 2,500 pigs⁹ and, in our view, this trade could revert to being carcass only, without any significant financial impact.
18. The RSPCA welfare standards for dairy cows prohibits the export of dairy bull calves. We have no evidence of any dairy farmer certified under the RSPCA Assured scheme having suffered financially because of their inability to export calves. Calves do not need to be exported, as the supply chain operating under the auspices of the National Bull Calf Strategy should be able to utilise any bull calves not destined to be reared in the UK. Similarly, there have been no reports of financial hardship from sheep farmers certified under our scheme as a result of being unable to export animals.
19. Further, prohibiting exports will likely lead to increased domestic production, i.e. rather than animals being exported for slaughter or further fattening they could be slaughtered and processed to supply the domestic market. There could also be an increase in the potential opportunity to export more carcasses (rather than live animals). Therefore, there could be a 'balancing out' of any potential negative economic impact, which could ultimately be characterised as either neutral or positive (though this may be sector specific).
20. There is an opportunity for the livestock supply chain, including processors and retailers, to agree a way forward on this matter in terms of supplying the home market using those animals that would normally go for export. This could be a financial windfall for British meat processors. For example, the UK cannot currently meet the domestic demand for certain beef products, such as mince, and relies upon meat imports from the continent to satisfy this demand. A ban on live exports for slaughter and fattening would mean more male dairy calves supplying the domestic beef market rather than exporting them to countries in the EU.

2. Does the UK have sufficient capacity to slaughter and process animals that are currently exported? If not, what could be improved?

21. Although abattoir numbers in particular have declined in recent years, there has been no associated decline in the overall number of animals slaughtered. Instead what has been seen is a consolidation of the supply chain, with larger abattoirs and processors increasing capacity to meet retailer demand¹⁰. We have seen no evidence that we are reaching an upper threshold for this capacity for the slaughter of farm animals and so we do not believe the UK 'running out of capacity' in abattoirs and processing facilities is an immediate concern.

⁹ European Parliamentary Research Service (2018) *Regulation (EC) No 1/2005 on the protection of animals during transport and related operations, European Implementation Assessment* (p.24)

¹⁰ APGAW (2020) *The Future for Small Abattoirs in the UK*, available at <https://apgaw.org/wp-content/uploads/2020/06/The-Future-for-Small-Abattoirs-in-the-UK.pdf> (accessed 27/1/21)

22. There are two possible exceptions to this: equines and cull animals. There are four abattoirs licensed to take equines in the UK following the industry restructure in light of the horsemeat scandal. Due to a lack of demand, only one in England is now regularly taking horses¹¹. If a situation were to arise where abattoir capacity in the UK for equines were to be exceeded, and if live transport of equines for slaughter was still permitted, we would be concerned about the resulting long journeys including sea journeys from Northern Ireland for any horses going to be slaughtered for food. The proposed ban on live horse exports for slaughter, which the RSPCA welcomes, underlines that live horses are exported at present though numbers are unknown due to the illegal trade. Food Standards Agency records show that 2,170 equines were slaughtered in abattoirs licensed to slaughter horses in 2019¹². The reduction in equine licensed abattoirs over the past decade may have led to a rise in illegal exports and fly grazing and further capacity may be needed if the ban is implemented to ensure this does not continue in the future.
23. Animals at the end of their productive life, such as end-of-lay hens, cull sows and dairy cows, are particularly vulnerable to the stressors associated with transport. Their poorer body condition means they are at increased risk of suffering injuries during the journey. There are also a lack of facilities in the UK that process these animals. For example, there are currently only two abattoirs in the UK taking cull sows in large numbers, and they are both in relatively close proximity to each other, meaning journey times for these animals are often very long. The fragility of this system was exposed last year when abattoir capacities were reduced during the Covid-19 pandemic¹³. This resulted in a backlog of sows, which caused difficulties for the supply chain with a consequential negative impact on welfare.
24. To improve the UK's slaughter capacity for cull animals, consideration should be given to improving the infrastructure at abattoirs to enable them to process these animals. This will significantly reduce transport times, as well as protecting the supply chain from disruption and absorbing the numbers currently sent for slaughter on the continent.
25. It is also the case that the geographic spread of abattoirs is not uniform and this combined with some retailer sourcing policies can entail that travel times between the farm and the abattoir for some animals can be unnecessarily onerous, as they travel across the country. Travel is a stressful experience for many animals and so the shorter the distance between the farm and the place of slaughter (and processing) the better for animal welfare. The RSPCA believes all animals should be slaughtered as close to the farm as possible, and we urge the Government to consider what more can be done to reduce these journey times. We support the recommendations made by the All Party Group for Animal Welfare's 2020 report, *The Future of Small Abattoirs in the UK*.

Domestic animals

1. How will Great Britain leaving the EU Pet Travel Scheme affect both legal and illegal movements of animals between GB and the EU/NI?

26. Cross-border movements of domestic animals fall into two categories: commercial and non-commercial (for example, people taking their animals on holiday with them). Commercial movements will be subject to the same checks and inspections as those that apply to farm

¹¹ *ibid*

¹² Evans, C (2020) *Horses: Slaughterhouses UK Parliament Written Question* (16/9/20) UIN 91024; Churchill, J (2020) *Horses: Slaughterhouses UK Parliament Written Answer* (1/10/20) UIN 91024 <https://questions-statements.parliament.uk/written-questions/detail/2020-09-16/91024> (accessed 18/2/21)

¹³ AHDB (2020) *Have we reached the bottom of the sow market?* <https://ahdb.org.uk/news/have-we-reached-the-bottom-of-the-sow-market> (accessed 18/2/21)

animals, as set out above (question three). Although the same potential for delays and the associated welfare risks to animals therefore exist, it is also possible that these increased checks may result in more illegal movements (for example, illegal puppy imports) being identified. As identified earlier, this depends on how robustly the new system is enforced but, combined with some policy changes the Government has the opportunity to make (set out in the next question), there is certainly the potential for positive change here.

27. There is also a new system for non-commercial movements, which will apply to pet owners in Great Britain wishing to take their animals to the EU and Northern Ireland. This new system reflects the fact that the UK has been granted Part 2 (rather than Part 1) listed status under the EU's Pet Travel Scheme. The new scheme will not affect animals coming to Great Britain from the EU or Northern Ireland.
28. Under the new scheme, British pet passports are no longer valid. A new system of Animal Health Certificates replaces them. A new certificate must be issued for each animal for each trip to the EU or Northern Ireland they make. These are issued by a vet, no more than ten days before travel. In addition, animals must be microchipped and have an up to date rabies vaccination. The animal must be at least 12 weeks old to get the rabies vaccination. After the rabies vaccination, they cannot travel for 21 days. Finally, some countries, including Northern Ireland and the Republic of Ireland, also require a tapeworm treatment which must be administered between 24 hours and five days in advance of arrival.
29. There is no doubt that the new system for non-commercial animal movements is more complicated than the previous pet passport scheme and places a greater responsibility on pet owners wishing to travel with their animal. The RSPCA would urge the Government to ensure that they make a concerted effort to publicise these changes to allow owners to take the necessary steps and avoid a situation in which people travelling with their pets are turned back at the border. This confusion was partly caused by the Government maintaining erroneous information on their website in October/November stating that there would be no changes to non-commercial movements to Northern Ireland which only changed once the Commission agreed to give the UK Part 2 status on December 14 2020. The UK is applying for Part 1 status and though other non-EU countries, such as Iceland, have been granted Part 1 status, it is doubtful the Commission will grant Part 1 in the immediate future.
30. The RSPCA welcomes the Government considering moves to tighten up on the illegal and legal pet trade by exploring issues such as raising the age for imports to six months, lowering the maximum number of puppies allowed to be imported per person and per vehicle, and reintroducing tick and tapeworm treatments. Countries such as Iceland and the USA have prevented the illegal trade in puppies by implementing such requirements. These changes, if the Government chooses to pursue them, also present opportunities for greater enforcement at the border. As discussed in the Committee previously, Covid-19 restrictions have seen a huge rise in legal imports of puppies (at least doubling since the March lockdown), as well as greater illegal trade as seen by the confiscation of puppies at border controls. This can only be controlled by better at-border inspections.

2. Are the current rules and checks on the movement of domestic animals strong enough to prevent illegal activity? If not, what could be improved?

31. No. Current rules and checks on domestic animals at the border have not proved strong enough to prevent illegal activity. Commercial legal imports of puppies and dogs increased by 54% from the EU into the UK in 2020, a reaction to the huge increase in demand arising from Covid-19 lockdown restrictions. Imports from Romania, a country previously identified as a known risk country for the illegal trade in dogs, rose by 66% and now represent over half EU exports to the UK¹⁴. However, as stated, the new system and its increased series of checks

and inspections, along with some policy changes, means the UK Government is now able to make changes to enforcement and provides an opportunity to address some of the problems.

32. With regard to illegal imports of puppies in particular, increased border enforcement can disrupt the trade. Imports from Ireland, a key supplier of illegally imported puppies, are limited to seven ports with known ferry times, resulting in potential for greater enforcement effort and disruption to trade. Joint Scottish Government/Police Scotland/SSPCA enforcement action at Cairnryan from 2016 regularly confiscated illegal puppies, 261 illegally landed dogs being confiscated in the first 11 months of 2017. This together with joint intelligence work involving the ISPCA, DSPCA and RSPCA, the relevant Governments and police on the Irish trade, and targeted enforcement action at other ports, changed the behaviour of illegal puppy traders, including changing routes, hiding imported puppies and bringing in “breeding bitches” to dupe potential consumers to believe the puppies were home bred rather than imported. The opportunities presented by greater enforcement activity can only be seen, however, if the illegal puppy trade is seen as a priority activity for Border Force and other staff at the border. This has not been the case in the past.
33. Changes as a result of Brexit in the requirements dog dealers from Ireland now need to meet to access the market in Great Britain could have a dramatic impact on the trade. Dealers now need to firstly get UK certification on vehicle and driver competency before any exports can occur. The third party sales ban due to come into Wales in September, could also impact on the trade if this includes third party dealers from a third country. It is unclear how these measures will impact on the cross Ireland-GB trade and any known impacts on the continent-GB trade.
34. It is also important that the selling of puppies by breeders from other countries is addressed, alongside enforcement measures at the border. The ban on the sale of puppies by third party sellers in England does not ban the import of puppies into England from other countries. The Scottish equivalent ban probably does stop the import of puppies from other countries but the proposed draft Regulations in Wales do not appear to do so. It would be illegal under the Internal Market Act 2020 for imports within the UK internal market to be stopped so the Scottish legislation, which introduces a licence system for rehoming animals from abroad, may be a reasonable solution (Northern Ireland supplies an unknown but important part of the English market). An all out ban on importing puppies would also be illegal on imports from third countries as it would fail the World Trade Organisation (WTO) tests on being a disguised restriction on trade (as breeding of puppies is allowed in England) and it is an arbitrary discrimination - an imported commercially-bred puppy is like an imported non-commercially bred puppy.
35. However the UK Government can solve this issue, now that Great Britain has left the Single Market, by raising the minimum age to import puppies to six months. The present age, 15 weeks, is inconsistent with the minimum age, six months, permitted by third party dealers to sell puppies. This allows importers to continue to bring in puppies even though they cannot legally be sold on, though in reality they are of course. Other countries, such as the USA and Iceland, have successfully used it as a method to curb the illegal trade in puppies. The USA raised the minimum age to six months in 2014 under the Animal Welfare Act. Anecdotal information shows it has had a positive impact. The measure has not been challenged in the WTO.

36. The decision by Eurotunnel in 2020 to limit people to five dogs per vehicle did impact on numbers of dogs being transported and disrupted the trade. This was a commercial decision by a private company but shows the opportunities open to the Government, which has the powers to limit the number of dogs per vehicle or person to, for instance, three rather than the present five. As this would apply to all import routes not just Eurotunnel it could be a major disrupter to the trade and would be easy to enforce.
37. Finally, it is important that, despite any friction caused by the new trading regime, domestic tax authorities keep in contact with other tax investigations authorities in the EU. It has often proved the case in the UK that HMRC investigations into illegal puppy imports and selling have proved successful, especially as sentencing options for tax-related offences are currently more severe than any for animal welfare offences on the same cases.

Equines

1. What impact will the EU Animal Health Law have on the movement of equines between GB and the EU/NI from April 2021?

38. Since the end of the transition period, there have been very significant changes to the regulations regarding movement of equines between Great Britain and the EU and Northern Ireland. Relative to arrangements prior to 31 December 2020, the process to move horses is considerably more complex administratively and time consuming¹⁵. Specific concerns exist around the movement of high value equines between the island of Ireland, Great Britain and the European mainland. Hitherto, all equines, other than those destined for slaughter, could travel without veterinary health certification under the Tripartite Agreement (TPA) — a derogation to the EU law governing the movement of equines — between France and the UK and Ireland. It is clear the TPA will not be resurrected. Hence from January 2021, additional tests and certification are required, with time needed to undertake these. Equines are required to enter the EU through a dedicated Border Control Post. All of these changes require appropriate facilities, recruitment and training of personnel, and those involved in the movement of equines between Great Britain and the EU and Northern Ireland need to understand the new procedures and implement them properly.
39. Concerns over teething problems related to the new regulations and procedures led to equestrian organisations advising their members not to move equines across borders at all for the first few weeks of 2021 (e.g. The British Horseracing Authority Brexit steering group¹⁶). This period has now passed, and at the time of writing we are approaching the UK Thoroughbred breeding season, when mares, some with foals at foot, would normally be moving between studs in Great Britain, Ireland and the EU. It remains to be seen what the impact of the new regulations on these and other horse movements will be; but as a welfare organisation the RSPCA are extremely concerned about the potential equine welfare impact of delays at border crossings and border inspection posts, extended journeys/delays due to non-compliance with paperwork and failed inspections, changes in routes to avoid transit through Great Britain which may result in long sea journeys, and changes in management practices which may occur in an attempt to 'get round' the changed regulations. One example of such a potential change which would have a severe impact on equine welfare has been identified and advised against by the Thoroughbred Breeders' Association; that foals may be separated early from their dams to facilitate the mare's mating in another country¹⁷.

¹⁵ British Horseracing Authority (2021) *The UK has now left the EU: Racing Industry Guidance* <https://www.britishhorseracing.com/regulation/brexit/> (accessed 04/02/2021).

¹⁶ British Horseracing Authority (2021) *Thoroughbred Industries Brexit Steering Group Statement: Free Trade Agreement welcome, short-term disruption still likely.* https://www.britishhorseracing.com/press_releases/thoroughbred-industries-brexit-steering-group-statement-free-trade-agreement-welcome-short-term-disruption-still-likely (accessed 04/02/2021).

2. Will the rules and checks on the movement of equines be strong enough to prevent illegal activity? If not, what could be improved?

40. As with all other aspects of cross-border animal movements, the new systems of checks and inspections provides the opportunity for the prevention of illegal activity, if the measures are robustly enforced. With regard to equines, there is a specific opportunity to stop illegal exports for slaughter which unfortunately still occur, potentially due to low prices for some types of horses in the UK. Increased scrutiny of equine exports has the potential to reduce incidence of this practice significantly. Referring back to earlier questions about live animal exports, placing an absolute ban on live exports of horses for slaughter or fattening would make enforcement to prevent illegal live exports even easier and it is hoped the UK Government will move quickly on this proposal in 2021.

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