CLOSING THE WELFARE GAP

Why New Zealand Must Apply Its Animal Protection Standards to Imports

MARCH 2024





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NEW ZEALAND ANIMAL LAW ASSOCIATION



SOWS IN SOW STALLS IN CANADA (2022)
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Introduction

Animal welfare standards vary across the globe, with billions of farmed animals still confined in intensive conditions and subjected to cruel transport and slaughter practices.

New Zealand has taken steps to improve the conditions for some farmed animals through prohibitions on practices like battery cages, sow stalls and the imminent farrowing crate ban, earning a C rating on the 2023 Animal Protection Index. However, a substantial portion of animal products sold in New Zealand are imported from countries with lower welfare standards, leaving serious welfare gaps.

Imports from countries such as China, Vietnam, Thailand, the United States, and Australia include products produced under methods which are illegal within New Zealand such as mulesing and some confinement systems. By allowing these imports, the New Zealand administration undermines its own animal protections, fuels suffering of animals overseas and goes against the desires of Kiwis who believe animals deserve fair treatment.

New Zealand's Animal Welfare Strategy emphasises the responsibility toward animals affected by human activities and considers non-compliance with minimum standards of animal welfare to be unacceptable. A poll (Horizon, June 2023) shows that 83% of New Zealanders agree that imported products from outside New Zealand should respect the same animal welfare standards as those applied in New Zealand giving the Government a strong mandate to apply domestic standards to all products on the market, regardless of the origin.

Extending New Zealand animal welfare standards to imported animal products would consistently meet Kiwi expectations, would ensure that New Zealand consumption does not fuel inhumane and unsustainable models of production beyond our borders, and presents an opportunity for New Zealand to demonstrate international leadership on an issue of ever growing public importance.

[1] The Animal Protection Index is a project of World Animal Protection that ranks 50 countries around the world according to their animal welfare policy and legislation.

[2] Animal welfare matters: New Zealand Animal Welfare Strategy. (2013). Ministry of Primary Industries. https://www.mpi.govt.nz/dmsdocument/3963-Animal-Welfare-Matters-New-Zealand-Animal-Welfare-Strategy

[3] Poll: Over 80% of Kiwis say imports should respect NZ animal welfare standards. (2023). Animal Policy International. https://www.animalpolicyinternational.org/post/poll-over-80-of-kiwis-say-imports-should-respect-nz-animal-welfare-standards

Foreword

Since the turn of this century, New Zealand has led the world in animal welfare standards. With the enactment of the Animal Welfare Act in 1999, New Zealand became the first country to enshrine the Five Freedoms in legislation and presumptively ban research on non-human hominids. Those breakthroughs were consolidated fifteen years later with amendments recognising the sentience of animals and banning the testing of cosmetics on them. Many jurisdictions have cited our legislation as a model to follow, and New Zealanders can be proud of legislation that recognises the intrinsic worth of non-human animals.

We are, however, a nation that is far from perfect when it comes to enforcing those standards. While our system is world-leading on paper, in practice, systemic deficiencies undermine its efficacy. Research into solving those deficiencies is thus crucial to closing what is termed the "enforcement gap". However, such inward-looking research is for naught if New Zealanders are unwittingly purchasing animal products from jurisdictions with abysmally poor animal welfare standards. It is reasonable to expect that all overseas producers of animal products sold in New Zealand are held to the same standards we impose on producers in this country. Indeed, many New Zealanders likely – but mistakenly – think this already occurs.

This report – the first of its kind – instead looks outward. In assessing the "welfare gap", between New Zealand and other jurisdictions, it fills a crucial absence in animal welfare regulatory research. In exacting detail, it reveals the extent to which our relatively high animal welfare standards are undermined by imported animal products. The unavoidable conclusion is that the status quo is unfair to both New Zealand consumers and producers of animal products. Most of all, however, it is unfair to animals, whose welfare should not depend upon which jurisdiction they were born into.

In 2023, New Zealand took the courageous step of banning live export of animals by sea; an achievement that is now under threat. This report shows that far from backing down, we must stand up, and the only thing New Zealand should be exporting is our commitment to the welfare and dignity of animals across the globe. We can do that by requiring producers overseas to meet our animal welfare standards in order to sell to the New Zealand market. Then, and only then, can we start to genuinely feel proud of our animal welfare system.

This is an urgent and thoughtful report, and our leaders must heed its recommendations. Otherwise, New Zealand's reputation – and animals globally – will remain in peril.

Associate Professor M. B. Rodriguez Ferrere
Faculty of Law, University of Otago



SHEEP IN AUSTRALIA (2020)
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Animal Policy International
info@animalpolicyinternational.org
animalpolicyinternational.org

SPCA New Zealand
www.spca.nz

New Zealand Animal Law Association
www.nzala.org

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A NOTE ON REPORT LIMITATIONS

The report examines existing legislation, not enforcement, which is an important issue in itself. It does not review optimal farmed animal welfare; continuous improvement in addressing sentience and quality of life is also crucial. FAO figures provided are the most recent available, from 2021/2022.

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PHOTO ABOVE: YOUNG CHICK IN MEXICO (2018)
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Executive Summary



New Zealand has some higher farmed animal welfare standards compared to other countries. However, a significant share of animal product imports are produced using methods that would be illegal in New Zealand, undermining Kiwis' support for higher welfare and impacting local farmers.

Examples of Low-welfare Imports

An analysis of some of New Zealand's main trading partners reveals significant gaps in their animal welfare regulations compared to domestic legislation.

- **Sow Stalls:** Over 90% of pork imported into New Zealand in 2022 came from countries like Canada, United States and some European countries that allow the use of sow stalls, in which mother pigs are confined to narrow cages where they cannot perform basic behaviours, such as being able to turn around. New Zealand banned sow stalls in 2016 after a public outcry.
- **Mulesing:** All of the wool imported to New Zealand in 2022 came from Australia where mulesing is a widely used practice. "It entails removing parts of the skin from live sheep, causing severe immediate and long-term pain to lambs - often without pain relief. In New Zealand performing mulesing can result in a criminal conviction.
- **Battery Cages:** 86% of liquid egg imports in 2022 came from China and Australia where egg-laying hens can be kept in battery cages where there is less space than an A4 sheet of paper per bird leaving them unable to perform natural behaviour such as dust bathing and nesting. New Zealand's ban on battery cages came into force in 2023.
- **Fish Slaughter:** 73% of fish imported into New Zealand in 2022 came from Thailand, China, Australia, and Vietnam - all countries with no welfare standards around slaughter. New Zealand has a Code of Welfare (Commercial Slaughter) 2018 that concerns aquatic animals at the time of slaughter.

These practices lead to poorer welfare outcomes for the animals and are inconsistent with public expectations.



LEFT PAGE PHOTO: BROILER CHICK IN THAILAND (2019)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA FOR THE GUARDIAN

RIGHT PAGE PHOTO: SOWS IN SOW STALLS IN CANADA (2022)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

Impact on Farmers

New Zealand is importing goods that undermine the production standards that we are holding New Zealand farmers to and wanting them to aspire to.

Already around two thirds of pork consumed in New Zealand is imported. Future free trade agreements, such as with India, may further open New Zealand's market for low-welfare imports and may further shift production overseas, if the same standards are not required from imports.

Public Support is High

A Horizon Research poll from June 2023 shows that 83% of New Zealanders agree that imported products from outside New Zealand should respect the same animal welfare standards as those applied in New Zealand.

Solution: Extending Animal Welfare Standards to Imports

World Trade Organisation (WTO) case law suggests that import and sales bans based on animal welfare concerns are compliant with its rules under the public morals exemption provided for in General Agreement on Tariffs and Trade (GATT) Article XX. Therefore, New Zealand can extend animal welfare standards to all products placed on its market, regardless of origin.

Applying New Zealand animal welfare standards to imported animal products would meet Kiwis' expectations and ensure that the legislative intent of better welfare standards are met.

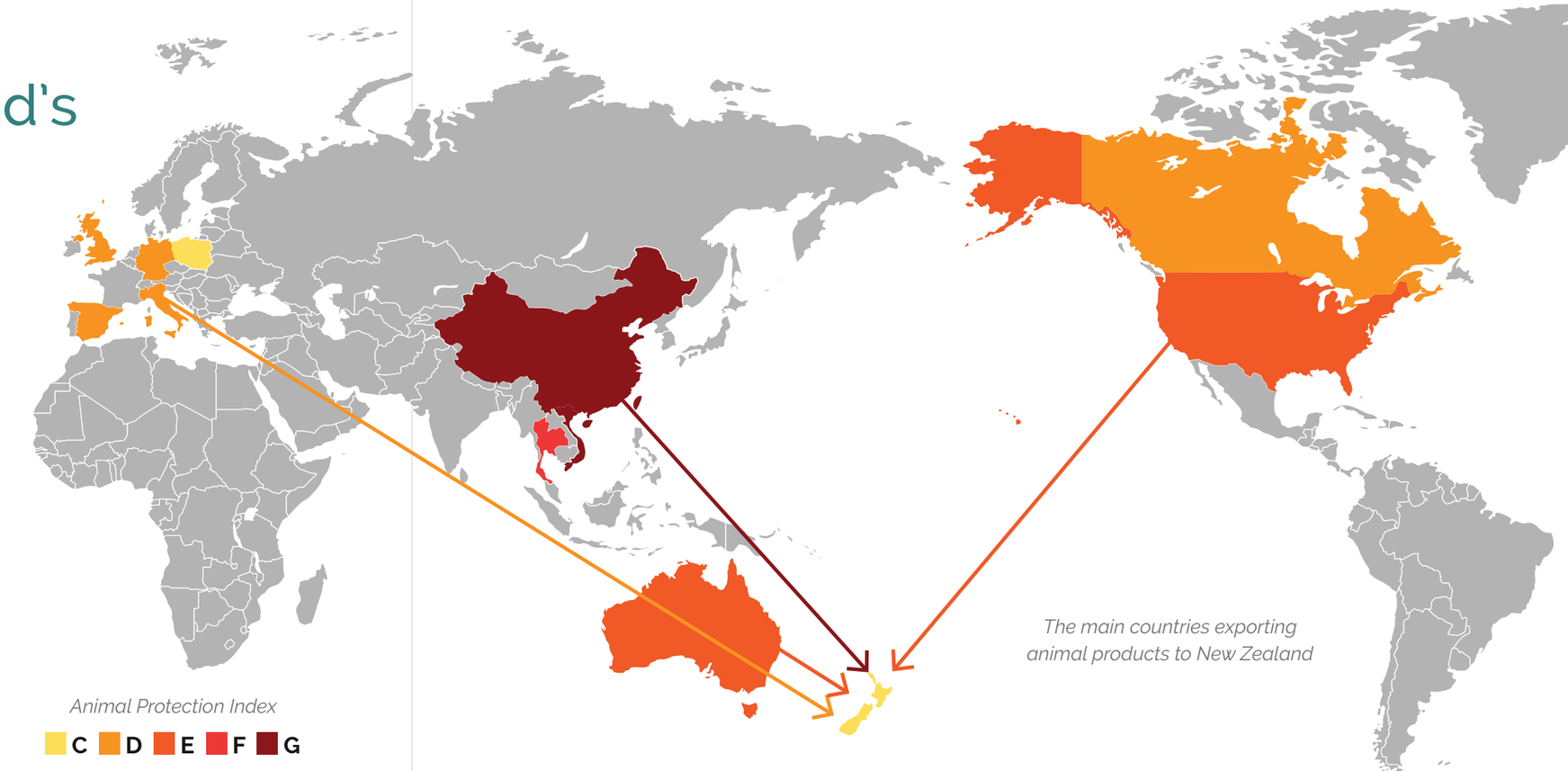
Overview of New Zealand's Animal Product Imports

New Zealand has established trading relationships with various countries around the world, facilitating the import and export of goods, signing free trade agreements (FTAs) with individual countries such as the UK and Korea, but also with groups of countries under agreements such as the ASEAN-Australia-New Zealand free trade agreement (AANZFTA) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

In 2023 New Zealand earned a ranking C on a scale of A - G in the Animal Protection Index indicator 'Protecting animals used in farming'.

New Zealand imports animal products from nations rated lower, such as China (G), Vietnam (G), Thailand (F), the United States (E), and Australia (E) - all of which permit methods illegal within New Zealand. By importing from these locations, New Zealand undermines its own animal protections and fuels suffering of animals overseas.

Future free trade agreements, such as with India and the Pacific Alliance that are under negotiations, can further undermine public expectations regarding animal welfare, if there is no requirement for imports to meet New Zealand's animal welfare standards.



The main countries exporting animal products to New Zealand

Imports Overview

The imports data is for 2022 based on Food and Agriculture Organization (FAO) data.[4]
For aquaculture products, the most recent available data was for 2021.[5]

Scale

t= Tonnage

- similar level of animal welfare legislation
- lower level
- significantly lower level

Poultry Meat

United States	589 t (47%)
Thailand	561 t (44%)
China	47 t (4%)
Other	70 t (5%)

Sheep Meat

Australia	2,236 t (82%)
UK	406 t (15%)
Other	77 t (3%)

Beef

Australia	6,537 t (93%)
Other	517 t (7%)

Powdered Eggs

Italy	532 t (81%)
Poland	104 t (16%)
Other	18 t (3%)

Shell Eggs

China	143 t (91%)
United States	9 t (6%)
Other	5 t (3%)

Liquid Eggs

China	83 t (45%)
Australia	61 t (33%)
Other	42 t (22%)

Dairy

Australia	7,778 t (39%)
United States	4,613 t (23%)
Other	8,800 t (38%)

Pork

Spain	11,450 t (23%)
Germany	11,158 t (22%)
Poland	5,354 t (11%)
Canada	4,541 t (9%)
Finland	4,527 t (9%)
United States	3,966 t (8%)
Other	9,287 t (19%)

Wool

Australia	189 t (100%)

Fish

Thailand	7,339 t (39%)
China	3,846 t (20%)
Australia	1,582 t (8%)
Vietnam	965 t (5%)
Other	5,207 t (28%)

Lobster

China	104 t (56%)
United States	34 t (18%)
Australia	16 t (9%)
Other	33 t (17%)

Crab

China	193 t (35%)
Thailand	106 t (19%)
Madagascar	106 t (19%)
Other	150 t (27%)

[4] FAOSTAT. (n.d.). Food and Agriculture Organization of the United Nations. https://www.fao.org/faostat/en/#data/TM

[5] Global aquatic trade - By partner country Quantity (2019 - 2021). (n.d.). Food and Agriculture Organization of the United Nations. https://www.fao.org/fishery/statistics-query/en/trade_partners/trade_partners_quantity

Animal Welfare Standards in New Zealand: Kiwis Care

People in New Zealand put significant value on animal welfare. An MPI survey from 2017 showed that for an overwhelming 95% of New Zealanders, it is important that the welfare of farmed animals in New Zealand is protected[6]. A similar result was replicated in June 2023 when a poll from Horizon Research showed the following findings:

- **90%** of people think it is important to protect the welfare of farmed animals in New Zealand.
- **83%** of New Zealanders agree that imported products from outside New Zealand should respect the same animal welfare standards as those applied in New Zealand.[7]
- **71%** of people agree that the New Zealand government should do more to promote a greater awareness of farmed animal welfare internationally.

Animals used in farming are protected by the Animal Welfare Act 1999, including the general anti-cruelty and duty of care provisions. Specific sections address surgical procedures and transport and there are codes of welfare.

New Zealand has received a rating of C for protecting farmed animals on the global 2023 Animal Protection Index, importing animal products from countries with lower ratings, such as China (G), Thailand (F), the USA (E), and Australia (E).

It is crucial to continue advancing and improving animal welfare, such as the tabled ban on the current use of farrowing crates, while also ensuring that the same improvements are applied to imports.

Pigs

New Zealand banned the use of sow stalls in 2016 after a public outcry. Sow stalls are metal barred cages that are used to confine pregnant pigs, for the duration of their pregnancy, making it impossible for the animals to turn around, and express natural behaviour such as foraging or socialising with other pigs. The main current exporters of pig meat to New Zealand (US, Germany, Poland, Spain, and Australia) all confine sows in stalls.



Chickens Bred for Meat

In broiler meat production New Zealand has laid out a maximum stocking density of 38 kg/m^2 and requires stunning before slaughter. Main current exporters to New Zealand (Thailand, US, China) all have no limits on stocking densities and do not require stunning before slaughter, leading the birds to experience stress and pain.



[6] New Zealanders' views of the primary sector. (2017). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/27582-New-Zealanders-views-of-the-primary-sector





Layer Hens

In egg production, battery cages have been banned in New Zealand. Battery cages are small barren wire cages where there is less than the area of an A4 sheet of paper per bird. The current main exporter to New Zealand, Italy, has also banned battery cages, but other exporters Australia and China have not. However, Australia plans to phase out battery cages by 2036.[8]

Cattle

In the dairy and beef industries the use of pain relief is required for procedures such as tail docking, disbudding and dehorning. The largest exporters to New Zealand (US and Australia) do not require pain relief, causing animals pain during the process and afterwards.

Sheep

New Zealand has banned mulesing, which is a painful procedure that involves cutting pieces of skin from around a lamb's breech and tail. In Australia, the largest exporter of wool to New Zealand, mulesing is still a widespread practice.



Aquatic Animals

New Zealand requires that killing methods for farmed finfish, wild-captured finfish held for killing at a later time, eels, and crustaceans (including crabs, lobsters, crayfish, shrimp, krill) must "result in rapid and irreversible loss of consciousness". Stunning or rendering aquatic animals insensible before slaughter is not required in countries that export to New Zealand (China, Australia, Thailand, the US, Vietnam, Madagascar).



"We also note the value to the New Zealand community of having strong laws in place to protect animals as this reflects an important self-belief that we have as New Zealanders—that we care well for our animals."

MINISTRY FOR PRIMARY INDUSTRIES, 2017 [9]

[7] Poll: Over 80% of Kiwis say imports should respect NZ animal welfare standards. (2023). Animal Policy International. https://www.animalpolicyinternational.org/post/poll-over-80-of-kiwis-say-imports-should-respect-nz-animal-welfare-standards

[8] Australia is banning battery cages by 2036 – but it needs to happen sooner. (2022.) Australian Alliance for Animals. https://www.allianceforanimals.org.au/ourwork/australian-is-banning-battery-cages-by-2036-but-it-needs-to-happen-sooner

[9] Animal Welfare Regulations 2017: Regulatory Impact Statement. (2017). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/28455-Regulatory-Impact-Statement-2017-Animal-Welfare-Regulations

Impacts of Low Welfare Imports: Farmers to Reputation

New Zealand is importing animal products that undermine the standards that we are holding New Zealand farmers to and wanting them to aspire to.

Currently the most impacted sector in New Zealand is the pork industry. Already almost two thirds of pork consumed in New Zealand is imported. If this effect was continued, a worst case scenario could see New Zealand having some of the higher welfare standards in the world but no one producing to them.

Low-welfare imports are likely to increase with new free trade agreements

New Zealand has signed free trade agreements (FTAs) with individual countries such as the UK and Korea, but also with groups of countries under agreements such as ASEAN-Australia-New Zealand free trade agreement (AANZFTA) and Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Without a requirement in law for imports to meet New Zealand's animal welfare standards, the agreements impact New Zealand farmers and undermine public expectations regarding animal welfare. A free trade agreement with India is a "major strategic priority" for the new Government, potentially opening the New Zealand market further to animal products produced using methods illegal in New Zealand.

Reducing trade barriers

New Zealand is a firm supporter of free and open trade, underpinned by a desire to protect and promote the local farming sector. To achieve that goal, New Zealand has introduced some restrictions and regulatory measures on trade. For example, strict biosecurity standards help prevent the unintended import of diseases or pests that could endanger New Zealand's farms. Similarly, restrictions based on animal welfare can protect farmers and animals. The current approach is negatively affecting local industries, like the pork industry.



AN EGG-LAYING HEN IN A BATTERY CAGE IN INDIA (2023)
© SHATABDI CHAKRABARTI / FIAPO / WE ANIMALS MEDIA

High welfare reputation is important for exports

According to the New Zealand Animal Welfare Strategy, "*New Zealand's animal welfare practices add value to our exports and contribute to our reputation as a responsible agricultural producer*".[10] However, this reputation faces a substantial risk if the cruelty is simply outsourced to countries with lower standards.

New Zealand's competitive advantage on the global market has been higher welfare and quality production. For instance, PGG Wrightson commented: "*As well as being ethically sound from an animal welfare perspective, prohibiting mulesing by law gives the New Zealand wool industry an excellent competitive position when marketing our product to international brands and consumers*".[11] Often overseas consumers buy New Zealand produce because of its higher welfare reputation associated with higher quality. This allows New Zealand producers to command a premium price. If the reputation becomes undermined then New Zealand might lose its selling point.

New Zealand farmers have the opportunity to be world leaders in higher welfare food production and continue to make improvements - but only if they are allowed to compete on equal terms.

"We will continue to champion the importance of a level playing field and predictable rules, while working to ensure that these rules adapt and respond to the issues of the day."

TODD MCCLAY, MINISTER FOR TRADE, 2023[12]

[10] Animal welfare matters: New Zealand Animal Welfare Strategy. (2013). Ministry of Primary Industries. https://www.mpi.govt.nz/dmsdocument/3963-Animal-Welfare-Matters-New-Zealand-Animal-Welfare-Strategy

[11] Mulesing ban provides NZ with competitive advantage. (2019). PGG Wrightson. https://www.pggwrightson.co.nz/news/mulesing-ban-provides-nz-competitive-advantage

[12] US Business Summit Speech – Regional stability through trade. (2023). Hon Todd McClay. https://www.beehive.govt.nz/speech/us-business-summit-speech-%E2%80%93-regional-stability-through-trade

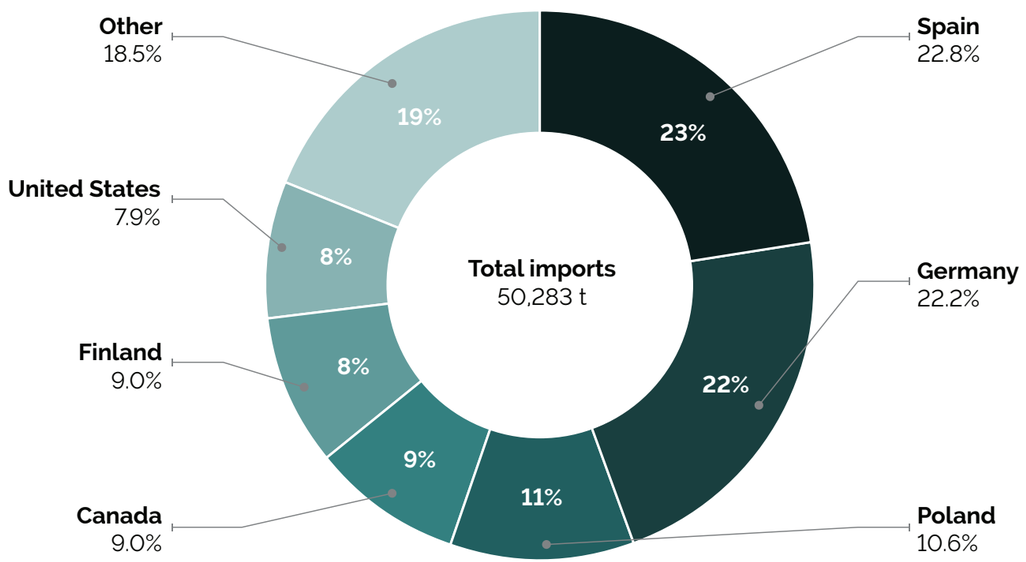
Farmed Animals Impacted by New Zealand's Imports



SOWS IN SOW STALLS IN CANADA (2022)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

Pigs

In 2022 the primary countries exporting pork to New Zealand were Spain, Germany, Poland, Canada, Finland, and the US. The total pork imports added up to 50,283 tonnes in 2022 (latest figures), representing around half of total pork consumption. The imported tonnage equates to approximately 540,000 pigs every year.



Pig meat imports in 2022 by country. Source: FAO.



SOWS IN SOW STALLS IN CANADA (2022)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

Pig Welfare: Sow stalls and farrowing crates

Sow stalls are metal barred cages that are used to confine pregnant pigs (sows), for the duration of their pregnancy (~115 days). Sow stalls are about the length and width of the sow (2 x 0.6m), making it impossible for the animals to turn around, and express natural behaviour such as foraging or socialising with other pigs. They can only lie down, sit, and stand, leading to higher incidences of abnormal behaviour.[13] The pigs are kept on plastic, metal, or concrete floors without bedding.[14]

New Zealand banned sow stalls in 2016 after a public outcry, joining other countries. It is legal for stalls to be used as mating stalls for up to seven days.

[13] Pedersen, L. J. (2018). Overview of commercial pig production systems and their main welfare challenges. Advances in Pig Welfare. https://doi.org/10.1016/B978-0-08-101012-9.00001-0

[14] Nielsen, S. S.; Alvarez, J.; Bicout, D. J.; et al. (2022). Welfare of pigs on farm. EFSA Journal. https://doi.org/10.2903/j.efsa.2022.7421

A farrowing crate is a small metal cage in which a sow is confined for close to 5 weeks at a time, 2-3 times a year, with her piglets off to the side. They have a similar negative effect on the sow's welfare as sow stalls have, leaving them unable to move around, socialise, and perform foraging and maternal behaviour which can lead to frustration and aggressive behaviour towards piglets.[15]

Their current use of farrowing crates in New Zealand was deemed unlawful in a 2020 High Court ruling as it breaches the Animal Welfare Act and the Government passed Regulations phasing out their use by 2025.

PIGS IN FARROWING CRATES IN POLAND (2017)
© ANDREW SKOWRON / WE ANIMALS MEDIA



COUNTRY	SOW STALLS	FARROWING CRATES	CASTRATION	TAIL DOCKING
New Zealand	Banned.	The Government passed regulations phasing them out by 2025.	Permitted. Requires the use of pain relief.[16]	Permitted. Pain relief is required over the age of 7 days.
Spain[17]	Permitted for 35 days per cycle.	Permitted in line with European Union (EU) law.	Permitted in line with EU law. Pain relief is required over the age of 7 days.	Banned in line with EU law, exemptions exist.
Germany[18 19 20 21]	Permitted for 35 days per cycle. Banned from 2029.	Permitted. Limited to 5 days from 2036.	Permitted. Requires the use of pain relief.	Permitted. Pain relief is required over 4 days of age.
Poland	Permitted for 35 days per cycle.	Permitted.	Permitted in line with EU law. Pain relief is required over the age of 7 days.	Banned in line with EU law, exemptions exist.
Canada[22]	Permitted.	Permitted.	Permitted. No requirement for pain relief.	Permitted. No requirement for pain relief.
Finland[23]	Permitted.	Permitted.	Permitted. Requires the use of pain relief.	Banned.
United States	Permitted.	Permitted.	Permitted. No requirement for pain relief.	Permitted. No requirement for pain relief.

In the United States, the Animal Welfare Act (AWA, 1966) is not applied to farmed animals raised for food, meaning that cruel practices are not banned on a federal level.[24] Out of 50 states, only 11 ban or restrict the use of sow stalls.[25]

[15] Nielsen, S. S.; Alvarez, J.; Bicout, D. J.; et al. (2022). Welfare of pigs on farm. EFSA Journal. https://doi.org/10.2903/j.efsa.2022.7421

[16] Pig welfare second only to Sweden; more can be done. (2023). NZ Pork. https://www.nz-pork.co.nz/news-events/pig-welfare-second-only-to-sweden-more-can-be-done

[17] Legislación consolidada. (n.d.). Agencia Estatal Boletín Oficial del Estado. https://www.boe.es/buscar/act.php?id=BOE-A-2002-22544

[18] KASTENSTAND - Wie die Nutztierindustrie Zuchtsauen behandelt. (2020). VIER PFOTEN in Deutschland. https://www.vier-pfoten.de/kampagnen-themen/themen/nutztiere/schweine/kastenstand

[19] Phasing out cages in the EU: the road to a smooth transition. (2023). Eurogroup for Animals. https://www.eurogroupforanimals.org/files/eurogroupforanimals/2023-03/NALB-Phasing%20out%20cages-final.pdf

[20] Vorreiter in Europa: betäubungslose Ferkelkastration ab 1. Januar 2021 verboten. (n.d.). Bundesministerium für Ernährung und Landwirtschaft. https://www.bmel.de/SharedDocs/Pressemitteilungen/DE/2020/259-ferkelkastration-tierschutz.html

[21] Tierschutzgesetz. (2023). Bundesministerium der Justitz. https://www.gesetze-im-internet.de/tierschg/BJNR012770972.html#BJNR012770972BJNG000905360

[22] Canada. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/canada

[23] Pigs. (n.d.). Luke Luonnonvarakeskus. https://projects.luke.fi/ruokafakta/en/meat-and-fish/animal-welfare-and-health/pigs/

[24] Animal Welfare Act. (n.d.). USDA. https://www.nal.usda.gov/animal-health-and-welfare/animal-welfare-act

[25] State Farm Animal Protection Laws (2024). The Humane Society of the United States. https://www.humanesociety.org/sites/default/files/docs/HSUS_state-farm-animal-protection-laws.pdf

Broiler Chickens

The main exporters of chicken meat to New Zealand are the US, Thailand, and China.

Total poultry meat imports, which primarily consist of canned chicken meat, added up to 1,267 tonnes in 2022, which account for approximately 1% of total poultry meat consumption. The imported tonnage equates to approximately 660,000 chickens every year.

Broiler chickens are commonly reared in industrial sheds on a single level littered floor. However, caged systems are gaining popularity and are already common in Russia, the Middle East, and China. Stocking density in caged systems can be significantly higher compared to floor systems.[32] This leads to chickens having more scratches and bruises, and more restricted ability to walk.[33]



AN INJURED CHICKEN ON A BROILER FARM IN THAILAND (2022)
© HAIG / WORLD ANIMAL PROTECTION / WE ANIMALS MEDIA

In New Zealand, a requirement for the whole floor to have litter combined with a maximum stocking density prevents the use of broiler cages.



CHICKEN ON A BROILER FARM IN INDIA (2024)
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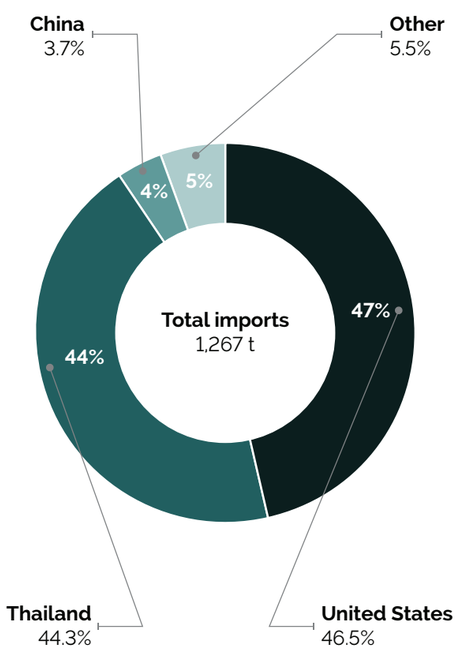


Chicken meat imports in 2022 by country. Source: FAO.

COUNTRY	STOCKING DENSITY LIMIT	ACCESS TO FLOOR WITH LITTER	STUNNING BEFORE SLAUGHTER	FAST GROWING BREEDS
New Zealand [26] [27] [28]	38 kg/m2	Required, but no minimum depth.	Required.	Permitted.
United States[29]	No limit.	Not required.	Not required.	Permitted.
Thailand[30]	No limit.	Not required.	Not required.	Permitted.
China[31]	No limit.	Not required.	Not required.	Permitted.

Welfare issues for broiler chickens

In intensive chicken farms welfare is compromised by overcrowding, barren environments, and rapid growth.[34] Chickens can also suffer injury and stress through rough handling during catching, transport and slaughter. New Zealand law addresses certain concerns related to broiler chickens such as stocking density and slaughter.

Fast growing breeds

Studies indicate breeding for rapid growth also impacts bird health, with higher rates of leg issues, mobility problems and metabolic disorders in fast-growing strains.[35]

[26] Code of Welfare: Meat Chickens. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46042-Code-of-Welfare-Meat-chickens

[27] Animal Welfare (Care and Procedures) Regulations 2018 (2018). New Zealand Legislation. https://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#LMS493274

[28] Code of Welfare: Commercial Slaughter. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46018-Code-of-Welfare-Commercial-slaughter

[29] USA. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/usa

[30] Thailand. (n.d.). Animal Protection Index.

[31] China. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/china

[32] The Disadvantages of Multi-Tier Colony and Net Flooring Systems for Broilers. (2017). Compassion in World Farming. https://www.compassioninfoodbusiness.com/resources/broiler-chickens/the-disadvantages-of-multi-tier-colony-and-net-flooring-systems-for-broilers/

[33] Estevez, I. (2007). Density Allowances for Broilers: Where to Set the Limits? Poultry Science. https://doi.org/10.1093/ps/86.6.1265

[34 35] Dawson, L. C. (2021). In pursuit of a better broiler: a comparison of the inactivity, behavior, and enrichment use of fast- and slower growing broiler chickens. https://www.sciencedirect.com/science/article/pii/S0032579121004740

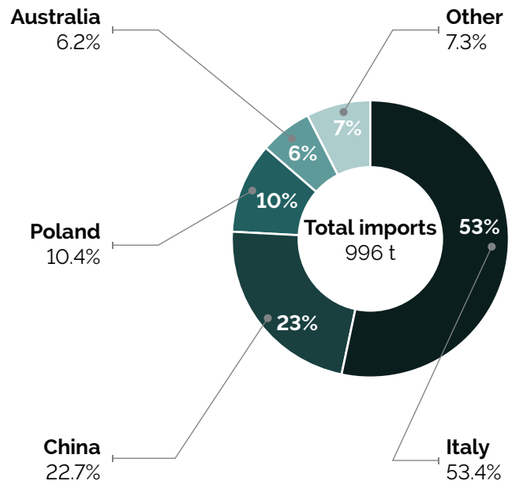
EGG-LAYING HENS IN AN OVERCROWDED BATTERY CAGE IN INDIA (2023)
© SHATABDI CHAKRABARTI / FIAPO / WE ANIMALS MEDIA



Layer Hens

The main exporters of eggs to New Zealand are Italy, China, Poland, and Australia.

Total egg imports added up to 996 tonnes in 2022, which account for approximately 6% of total egg product consumption. 65% of the imported eggs come in as egg powder, primarily from Italy, 19% as liquid eggs, mainly from China and Australia, and 16% as shell eggs, mainly from China. The imported tonnage equates to approximately 325,000 layer hens affected every year.



Egg imports in 2022 by country. Source: FAO.

COUNTRY	BATTERY CAGES	ENRICHED (COLONY) CAGES	BEAK TRIMMING	STUNNING BEFORE SLAUGHTER
New Zealand [36] [37]	Banned.	Permitted.	Permitted until the age of 3 days.	Required.
Italy[38] [39]	Banned.	Permitted.	Permitted until the age of 10 days.	Required.
China[40]	Permitted.	Permitted.	No limitations.	Not required.
Poland[41]	Banned.	Permitted.	Permitted until the age of 10 days.	Required.
Australia [42] [43] [44]	Permitted until 2036.	Permitted.	From July 2025 must be done within 24 h of take-off.	Required.



HENS IN A BATTERY CAGE IN AUSTRALIA (2019)
© SEB ALEX / WE ANIMALS MEDIA



HEN IN AN ENRICHED CAGE IN SWEDEN (2012)
© JO-ANNE MCARTHUR / DJURRATTSALLIANSEN / WE ANIMALS MEDIA

Battery cages and colony cages

Battery cages (conventional cages) are small barren wire cages where egg-laying hens spend most of their lives.[45] There are usually several birds in each cage providing on average around 440 cm2 of space per bird - less than an A4 sheet of paper.[46] The cages are stacked on top of each other inside a shed, which houses tens of thousands of hens. In battery cages hens cannot perform natural behaviour such as foraging, dust bathing, perching, and nesting, negatively affecting their welfare.

In December 2012, the Government released a new welfare code for hens kept to lay eggs which banned the standard battery cage, but kept the use of colony (enriched) cages. The ban came into force in 2023.

In New Zealand supermarkets have pledged not to stock colony cage eggs.[47] Colony cages are banned or being phased out in 20 regions globally such as Austria, Switzerland and the Netherlands.

[36] Animal Welfare (Care and Procedures) Regulations 2018 (2018). New Zealand Legislation. https://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#whole

[37] Code of Welfare: Commercial Slaughter. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46018-Code-of-Welfare-Commercial-slaughter

[38] Italy. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/italy

[39] A Possible Transition Towards a Cage-Free Era: Laying Hens in Italy. https://www.eurogroup-foranimals.org/files/eurogroupforanimals/2022-06/laying_hens_LAV_report.pdf

[40] China. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/china

[41] Poland. (n.d.). Animal Protection Index.https://api.worldanimalprotection.org/country/poland

[42] Australia. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/australia

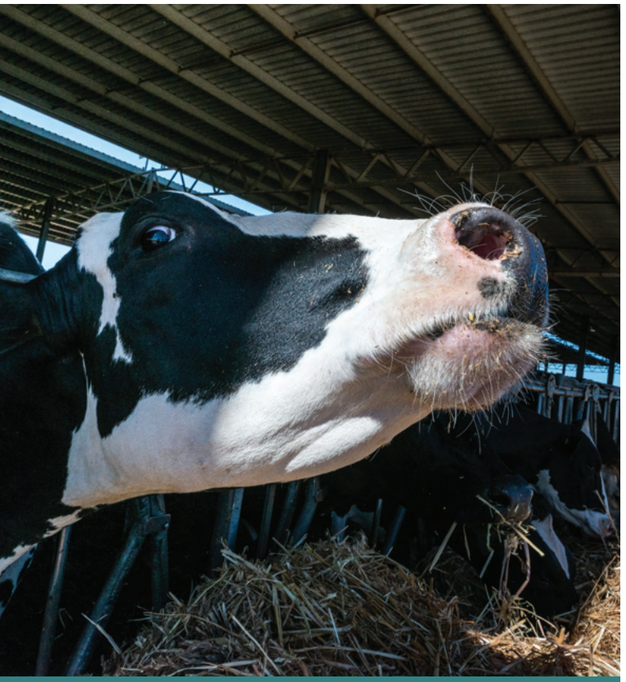
[43] Australian Animal Welfare Standards and Guidelines for Poultry. (2022). Department of Agriculture, Fisheries and Forestry. https://www.agriculture.gov.au/sites/default/files/documents/poultry-standards-guidelines-2022.pdf

[44] Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments. (2002). Standing Committee on Agriculture and Resource Management. https://www.publish.csiro.au/ebook/download/pdf/2975

[45] What are the animal welfare issues with housing layer hens in cages? (2023). RSPCA. https://kb.rspca.org.au/knowledge-base/what-are-the-animal-welfare-issues-with-housing-layer-hens-in-cages/

[46] Cage-free vs. battery-cage eggs. (n.d.). The Humane Society of the United States. https://www.humanesociety.org/resources/cage-free-vs-battery-cage-eggs

[47] Cage-free. (n.d.). Chicken Watch. https://chickenwatch.org/cage-free



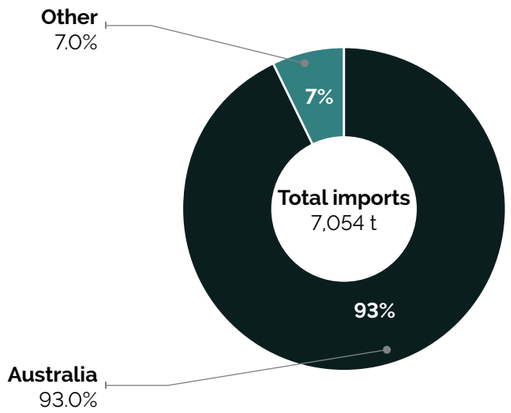
COWS IN A DAIRY BARN IN AUSTRALIA (2017)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

Cattle

The current main exporter of beef to New Zealand is Australia.

Beef

Total beef imports added up to 7,054 tonnes in 2022, which account for approximately 12% of total beef consumption. The imported tonnage equates to approximately 24,000 cattle every year.

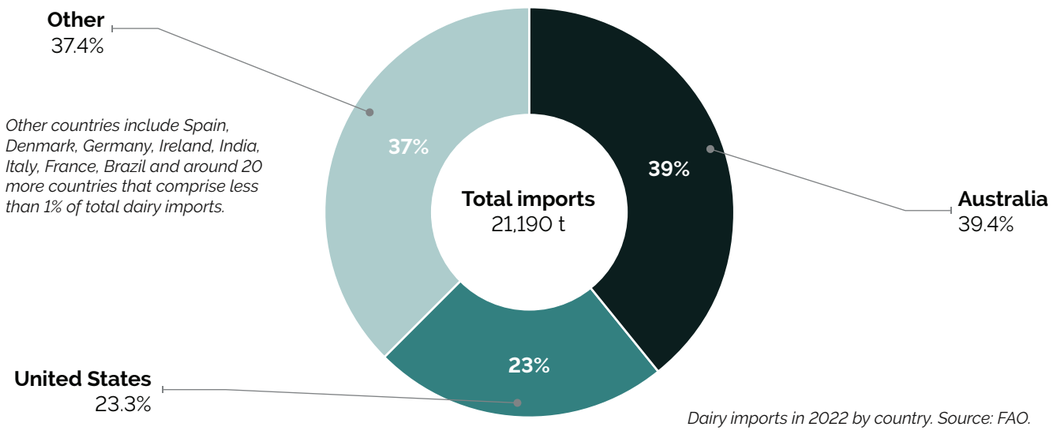


Beef and veal imports in 2022 by country. Source: FAO.

Dairy

The main exporters of dairy to New Zealand are Australia, and the US. Total dairy imports added up to 21,190 tonnes in 2022.

Other countries include Spain, Denmark, Germany, Ireland, India, Italy, France, Brazil and around 20 more countries that comprise less than 1% of total dairy imports.



Dairy imports in 2022 by country. Source: FAO.



DAIRY COWS INSIDE A BARN IN THE UNITED STATES (2022)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

COUNTRY	TAIL DOCKING	CASTRATION	DISBUDDING AND DEHORNING	STUNNING BEFORE SLAUGHTER
New Zealand [48] [49]	Banned, but allowed by a veterinarian for therapeutic purposes using pain relief.	Permitted without pain relief until the age of 6 months.	Permitted. Pain relief required.	Required.
Australia[50]	Some states still permit routine tail docking. No pain relief required.	Permitted. Pain relief required after the age of 6 months.	Permitted. Pain relief required after the age of 6 months.	Required.
United States [51] [52] [53]	Permitted. No pain relief required.	Permitted. No pain relief required.	Permitted. No pain relief required.	Required.

[48] Animal Welfare (Care and Procedures) Regulations 2018 (2018). New Zealand Legislation. https://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#LMS22918

[49] Code of Welfare: Commercial Slaughter. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46018-Code-of-Welfare-Commercial-slaughter

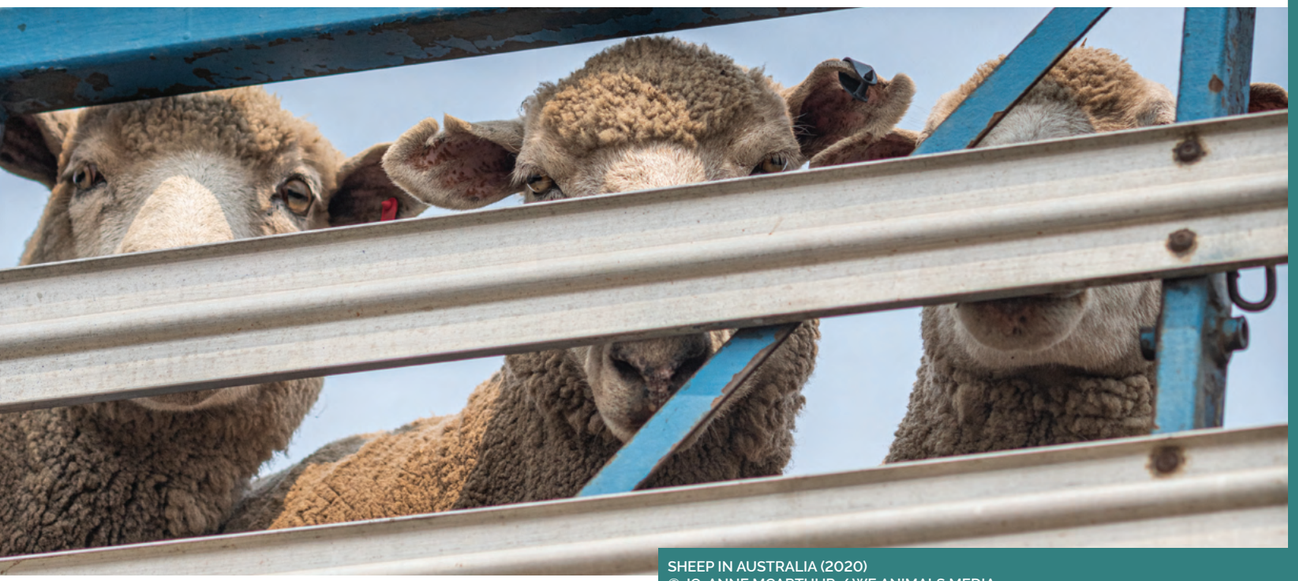
[50] Australian Animal Welfare Standards and Guidelines for Cattle. (2016). Animal Health Australia. https://animalwelfarestandards.net.au/wp-content/uploads/2023/08/Cattle-Standards-and-Guidelines-Endorsed-Jan-2016-061017_.pdf

[51] USA. (n.d.). Animal Protection Index. https://api.worldanimalprotection.org/country/usa

[52] Literature Review on the Welfare Implications of Castration of Cattle. (2014). American Veterinary Medical Association. https://www.avma.org/sites/default/files/resources/castration-cattle-bgnd.pdf

[53] Literature Review on the Welfare Implications of Tail Docking of Cattle. (2014). American Veterinary Medical Association. https://www.avma.org/sites/default/files/resources/tail_docking_cattle_bgnd.pdf

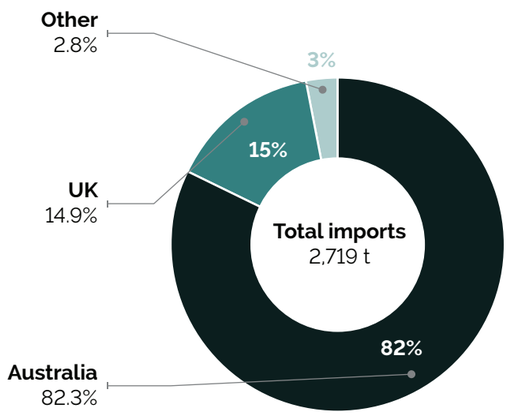
Sheep



SHEEP IN AUSTRALIA (2020)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

Sheep Meat

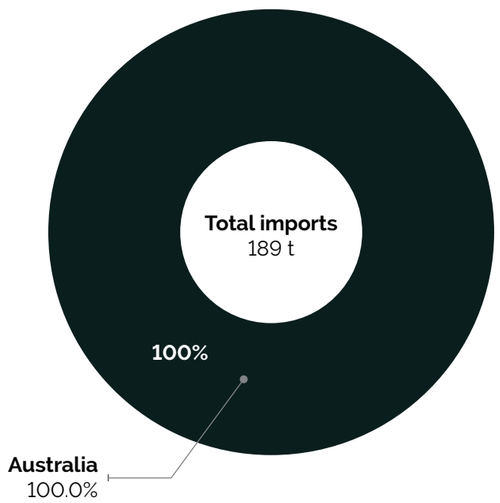
The main exporters of sheep meat to New Zealand are Australia and the UK. Total sheep meat imports added up to 2,719 tonnes in 2022, which account for approximately 18% of total sheep meat consumption. The imported tonnage equates to approximately 190,000 sheep every year.



Sheep meat imports in 2022 by country. Source: FAO.

Wool

The only exporter of wool to New Zealand in 2022 was Australia. Total wool imports added up to 189 tonnes in 2022.



Wool imports in 2022 by country. Source: FAO.

Mulesing

Mulesing is a painful procedure that involves cutting pieces of skin from around a lamb's breech and tail. Merino sheep have been selectively bred to develop increased folds and wrinkles to maximise wool yield. This unnatural area can become moist with urine and contaminated with faeces, attracting blowflies to lay their eggs there. Mulesing is used to create an area of bare scar tissue to prevent the flystrike. Since it is performed without pain relief, it causes severe immediate and long-term pain to lambs.[57]



MULESING PERFORMED ON A LAMB IN AUSTRALIA
© PATTY MARK / ALV.ORG.AU

A study prepared by researchers at the University of Melbourne showed that "continued practice of mulesing poses potential risk to the sheepmeat industry's market access and consumer acceptance" and transitioning to non-mulesing can result in financial gain for farmers.[58] Mulesing has been banned in New Zealand since 2019.

COUNTRY	MULESING	TAIL DOCKING	CASTRATION	STUNNING BEFORE SLAUGHTER
New Zealand [54] [55]	Banned.	Permitted. Pain relief required over the age of 6 months.	Permitted. Pain relief required over the age of 6 months.	Required.
Australia[56]	Permitted.	Permitted. Pain relief required over the age of 6 months.	Permitted. Pain relief required over the age of 6 months.	Required.
United Kingdom [59] [60]	Banned.	Permitted. Pain relief required if a method other than rubber ring is used.	Permitted. Pain relief required over the age of 3 months.	Required.

[54] Animal Welfare (Care and Procedures) Regulations 2018 (2018). New Zealand Legislation. https://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#LMS22932

[55] Code of Welfare: Commercial Slaughter. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46018-Code-of-Welfare-Commercial-slaughter

[56] Australian Animal Welfare Standards and Guidelines for Sheep. (2016). Animal Health Australia https://animalwelfarestandards.net.au/wp-content/uploads/2023/08/Sheep-Standards-and-Guidelines-for-Endorsed-Jan-2016-061017.pdf

[57] What is the RSPCA's view on mulesing and flystrike prevention in sheep? (2023). RSPCA. https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-mulesing-and-flystrike-prevention-in-sheep/

[58] Phasing out of mulesing: cost, benefits and opportunities. (2023). Meat & Livestock Australia. https://www.mla.com.au/research-and-development/reports/2022/Phasing-out-of-mulesing-cost-benefits-and-opportunities/

[59] The Mutilations (Permitted Procedures) (England) Regulations 2007. (2007). UK Legislation. https://www.legislation.gov.uk/uksi/2007/1100/schedule/5

[60] The Welfare of Animals (Slaughter or Killing) Regulations 1995. (1995). UK Legislation. https://www.legislation.gov.uk/uksi/1995/731/schedule/5/made



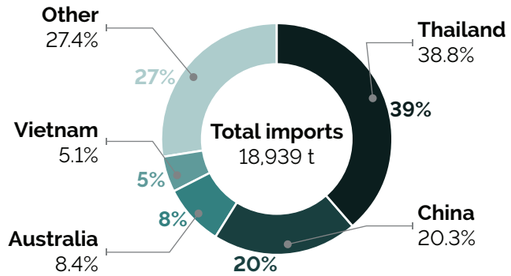
DEAD AND DYING FISH LIE IN A SORTING AREA DURING A HARVEST AT A FISH FARM IN INDIA (2023)
© SHATABDI CHAKRABARTI / FIAPO / WE ANIMALS MEDIA

Aquatic Animals

The main exporters of fish to New Zealand are Thailand, China, Australia, and Vietnam.

Fish

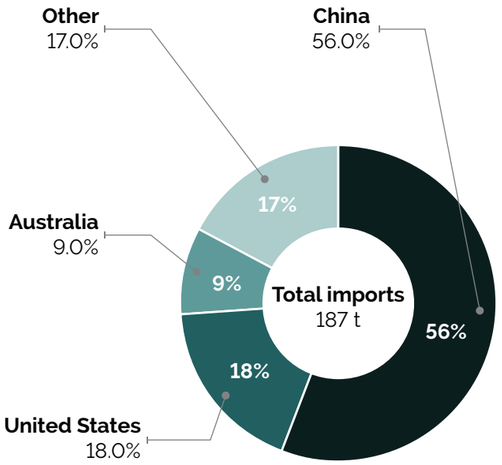
Total fish imports added up to 18,939 tonnes in 2021, which account for approximately 15% of total fish consumption. Most often the following species were imported: tuna, grenadiers, salmon, mackerel, and roughy.



Fish imports in 2021 by country. Source: FAO.

Lobster

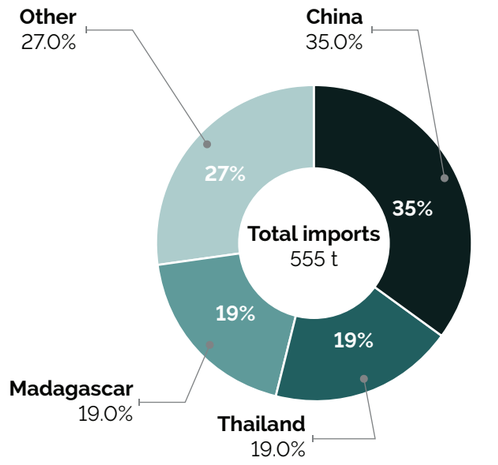
The main exporters of lobster meat to New Zealand are China, the US, and Australia. Total lobster imports added up to 187 tonnes in 2021. The imported tonnage equates to approximately 260,000 lobsters every year.



Lobster imports in 2021 by country. Source: FAO.

Crab

The main exporters of crab meat to New Zealand are China, Thailand, and Madagascar. Total crab imports added up to 555 tonnes in 2021. The imported tonnage equates to approximately 830,000 crabs every year.



Crab imports in 2021 by country. Source: FAO.



LOBSTER FARM IN INDONESIA (2020)
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Standards in New Zealand

New Zealand has a Code of Welfare (Commercial Slaughter) 2018 that concerns aquatic animals at the time of slaughter. It is applied to farmed finfish, wild-captured finfish held for killing at a later time, eels, and crustaceans (including crabs, lobsters, crayfish, shrimp, krill). The code requires that "killing methods must result in rapid and irreversible loss of consciousness". However it excludes fishing where fishes are caught for "imminent destruction".[61]

The Animal Welfare (Care and Procedures) Regulations 2018 state that crab, rock lobster, crayfish, or kōura (freshwater crayfish) that is farmed or caught for commercial purposes must be rendered insensible before killing. However, similarly to finfish and eels, it excludes crustaceans that are caught for imminent destruction.[62]

The Code of Welfare (Transport) 2018 states under the conveyance and container design and maintenance chapter that "Water quality in tanks holding aquatic animals is monitored and oxygen, carbon dioxide and ammonia, pH, temperature and salinity are maintained within the range appropriate for the species".[63]

Standards in China, Australia, Vietnam, Thailand, and Madagascar

Stunning or rendering aquatic animals insensible before slaughter is not required in China, Australia, Thailand, and Madagascar.[64] According to the Law on Animal Husbandry 2018, in Vietnam "Measures shall be taken to cause livestock to become faint before slaughter".[65] However, it does not provide further guidance and is subject to lack of enforcement. There is no legislation concerning rearing of fishes in these countries.

[61] Code of Welfare: Commercial Slaughter. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46018-Code-of-Welfare-Commercial-slaughter

[62] Animal Welfare (Care and Procedures) Regulations 2018 (2018). New Zealand Legislation. https://www.legislation.govt.nz/regulation/public/2018/0050/latest/whole.html#LMS22832

[63] Code of Welfare: Transport within New Zealand. (2018). Ministry for Primary Industries. https://www.mpi.govt.nz/dmsdocument/46015-Code-of-Welfare-Transport-within-New-Zealand

[64] Animal Welfare in OIE Member Countries & Territories in the SADC Region. (2011). World Organisation for Animal Health. https://rr-africa.woah.org/wp-content/uploads/2019/11/animal_welfare_summary.pdf

[65] Law on Animal Husbandry. (2018). Socialist Republic of Viet Nam. https://www.economica.vn/Content/files/LAW%20%26%20REG/Law%20on%20Animal%20Husbandry%202018.pdf

83% of New Zealanders agree that imported products from outside New Zealand should respect the same animal welfare standards as those applied in New Zealand.

HORIZON RESEARCH, 2023

PIG IN A FIELD (2019)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

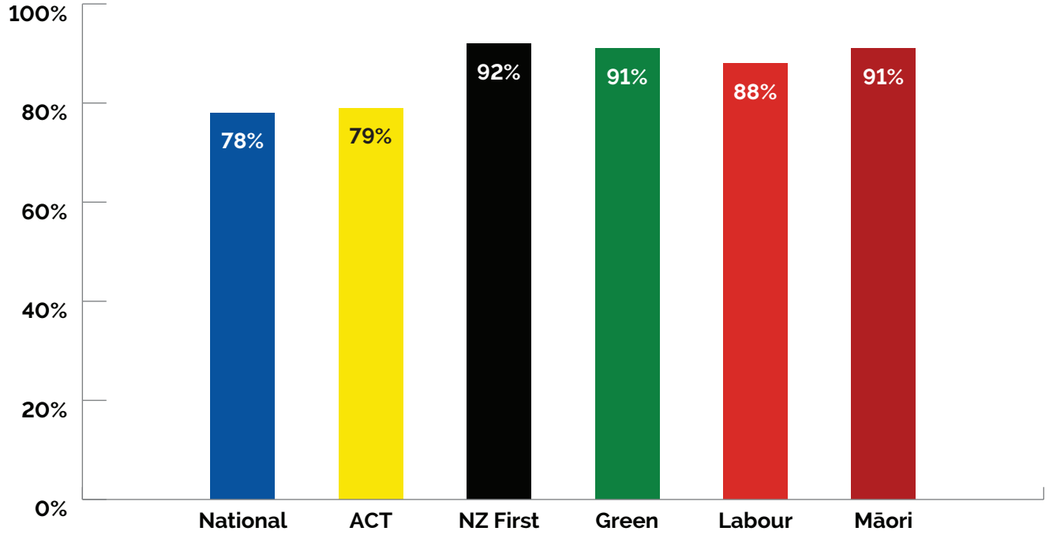
Solution: Extending New Zealand's Animal Welfare Standards to Imported Products



It is unsustainable in the longer term to allow large differences between imported and locally produced animal products.

Introducing a law that extends New Zealand's animal welfare standards to all products placed on the market will respond to concerns expressed by a large share of the population, and uphold their expectations.

The Horizon Research poll showed that 83% of New Zealanders agree that imported products from outside New Zealand should respect the same animal welfare standards as those applied in New Zealand. This indicates that New Zealanders do not endorse cruel practices internationally.



Percentage of Party Vote 2020 poll respondents that agree that imported products from outside New Zealand should respect the same animal welfre standards as those applied in New Zealand.

[66] Poll: Over 80% of Kiwis say imports should respect NZ animal welfare standards. (2023). Animal Policy International. https://www.animalpolicyinternational.org/post/poll-over-80-of-kiwis-say-imports-should-respect-nz-animal-welfare-standards

Legality Under the WTO Rules

Animal welfare is becoming a recognised consideration in international trade law, and more jurisdictions are adopting measures to ensure welfare standards are applied to imports. An examination of the existing case law of the World Trade Organisation (WTO) suggests that applying New Zealand animal welfare standards to imports would be in compliance with WTO obligations.

From a practical perspective, a legal challenge against domestic measures adopted by New Zealand is unlikely. Like-minded trade partners will have no objection to a ban, whereas for other partners the small size of their exports to the New Zealand market will not justify the litigation risk.

In the unlikely event of a challenge, there are several robust defences available.

A sales ban for products that do not comply with New Zealand standards can be defended under the public morals exemption in General Agreement on Tariffs and Trade (GATT) Article XX, if it were to be challenged at WTO level. Moreover, the Appellate Body precedent has recognised the right of WTO members to determine for themselves what constitutes "public morals" in their own societies.[67]

In the U.S. - Shrimp case the Appellate Body, which acts as a court in the WTO, stated that the interpretation of WTO treaties should be "not static but evolutionary," and informed by "modern international conventions and declarations."

If the domestic legislation is well crafted and its process follows the guidance of the WTO Appellate Body (as in the Canada-EU Seals case) New Zealand will have a compelling argument to utilise the public morals exception in order to extend its animal welfare standards to products placed on its market.

The EC - Seal Products case was successful due to strongly held public morals over animal welfare. 72% of adults across eleven European countries surveyed said they support the EU's ban on the sale of seal products in Europe. The overall ratio of support to opposition was over 5 to 1. Based on the 2023 New Zealand survey findings, the ratio is significantly stronger in New Zealand - over 20 to 1.

The WTO Panel has stated that the public morals exception can be invoked taking account of the text of the relevant regulations and their legislative history, reducing the need for public survey evidence.[68]



Differentiating Between Products

Under GATT rules similar products ('like products') must be treated equally in a market. However, differentiation is possible when the goods are found to be not 'like products'. While the physical qualities and properties of animal products that are produced to lower welfare standards are often the same or similar, the difference lies in the production method. WTO case law confirms that it is permitted for WTO members to differentiate between goods based on process and production methods.[69] In the case of animal products in particular, consumer perception provides legitimate grounds to differentiate between higher and lower welfare products.

The US - Shrimp WTO case is important because the WTO permitted the US. to restrict imports based on its production process and not the product itself. After the US started to require all shrimp importing nations to be certified as having sea turtle protection programs compatible with those in the US, some exporting nations requested consultations with the states. After the US revised its guidelines for implementation, the Appellate Body found that the ban was justified under the GATT.[70]

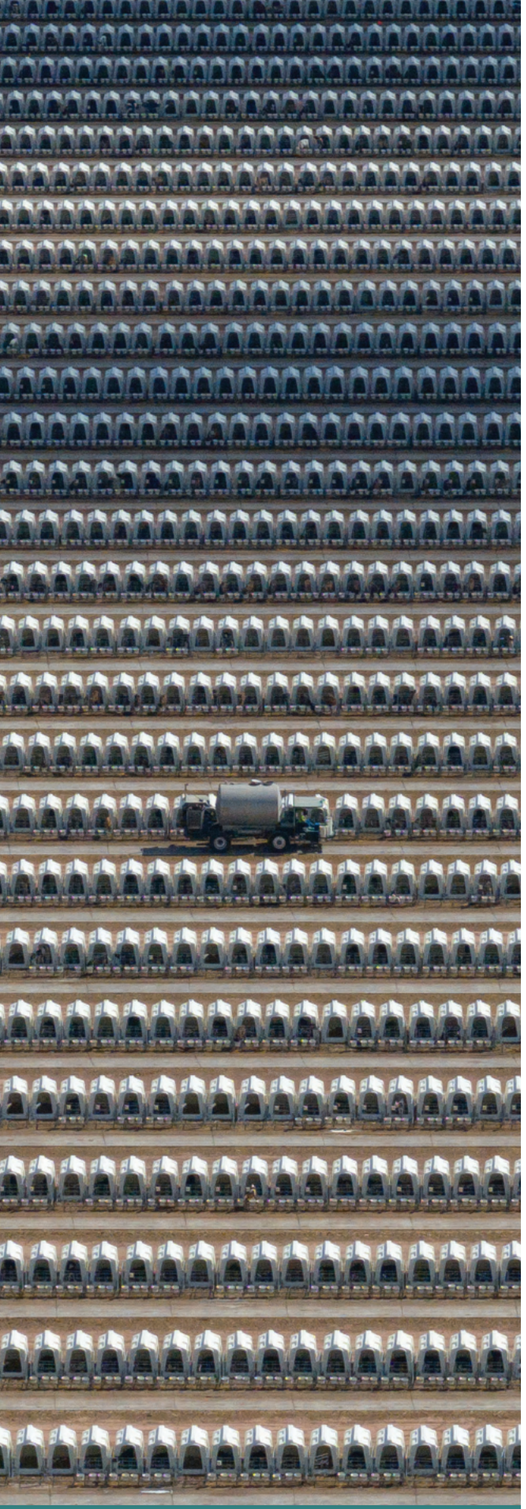
TOP RIGHT PHOTO: © HAVVA ZORLU / WE ANIMALS MEDIA

[67] Sykes, K. (2021). Animal Welfare and International Trade Law: The Impact of the WTO Seal Case.

[68] Conconi, P. & Voon, T. (2016). EC–Seal Products: The Tension between Public Morals and International Trade Agreements. https://doi.org/10.1017/S1474745615000725

[69] Sykes, K. (2021). Animal Welfare and International Trade Law: The Impact of the WTO Seal Case.

[70] US – SHRIMP (DS58). (2021). WTO. https://www.wto.org/english/tratop_e/dispu_e/cases_e/1pagesum_e/ds58sum_e.pdf



CALF HUTCHES IN A DAIRY FARM IN THE US (2023)
© RAM DAYA / WE ANIMALS MEDIA

Case Studies

There are multiple examples where countries have limited imports due to concerns over animal welfare.

EC — Seal Products Case

In 2009, the European Union banned the importation and placing on the market of seal products. The same year Canada requested consultations with the European Communities, claiming that the measures were inconsistent with the obligations of the European Communities. "The Appellate Body upheld the Panel's finding that the EU Seal Regime is 'necessary to protect public morals' within the meaning of Article XX(a) of the GATT 1994." It was also stated that animal welfare is "an ethical responsibility for human beings in general" and "a globally recognised issue."[71]

The case is significant because it confirmed that animal welfare concerns are a legitimate reason for WTO members to regulate trade.

EU Slaughter Regulation

In 2009, the EU adopted a regulation on the protection of animals at the time of killing. It restricts meat imports from outside the EU that are not accompanied with a certificate stating the meat complies with the requirements of the regulation.[72]

California's Proposition 12

Proposition 12, also known as the Farm Animal Confinement Initiative, is a California state law that was passed in 2018 to protect cows, pigs and chickens by banning some types of confinement such as sow stalls, veal crates and battery cages. The law applies to products sold in California, regardless of whether they are produced locally or imported from outside of the state, setting an important precedent of extending local standards to imported products.

In 2023, the U.S. Supreme Court ruled that Proposition 12 is constitutional after the National Pork Producers Council and the American Farm Bureau Federation filed an unsuccessful lawsuit claiming that Proposition 12 violated the U.S. Constitution's Commerce Clause.[73]



LAYER HENS IN A CAGE IN SPAIN (2017)
© JO-ANNE MCARTHUR / ANIMAL EQUALITY / WE ANIMALS MEDIA

EU Animal Welfare Regulations Review

As of 2023/2024 a review of animal welfare regulations in the EU is currently underway. With that the use of cages in EU animal agriculture may come to an end in the near future, as the Commission communicated its intention to table a legislative proposal to phase out, and prohibit, the use of cage systems for all animals mentioned in the End the Cage Age European Citizens Initiative. The European Parliament also raised the issue of imported products, calling for future EU rules to apply to these imports. EU Food Safety Commissioner, Stella Kyriakides, has indicated that the Commission will look at the requests, taking into account in particular the "EU's obligations under the WTO". The 2023 Eurobarometer survey showed that 84% of Europeans believe that the welfare of farmed animals should be better protected in their country than it is now. Moreover, the majority believe that EU rules on the welfare of animals at the farm level should apply to food imported from non-EU countries.[74]

[71] DS400: European Communities — Measures Prohibiting the Importation and Marketing of Seal Products. (2015). WTO. https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds400_e.htm

[70] Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing. (2009). Official Journal of the European Union. https://faolex.fao.org/docs/pdf/eur90989.pdf

[73] When Does Prop 12 Go Into Effect — and Will It Be Properly Enforced? (2024). Sentient Media. https://sentientmedia.org/what-is-prop-12

[74] Attitudes of Europeans towards animal welfare. (2023). European Union. https://europa.eu/eurobarometer/surveys/detail/2996



CALF ON A FARM IN AUSTRALIA (2017)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA

Effects on Exporting Countries

Impact on Trade Partners is Minimal

Enacting legislation in New Zealand to apply domestic animal welfare standards to imports would likely have minimal economic impact on exporting nations. This is because New Zealand represents only a relatively small fraction of global export markets for most animal products. By volume and value, the portion of a given exporting country's total animal product sales that go to New Zealand typically hovers around 1% or less. For instance, China exports just 0.3% of its total egg volume to New Zealand.



BROILER FARM IN THAILAND (2019)
© JO-ANNE MCARTHUR / WE ANIMALS MEDIA FOR THE GUARDIAN

COUNTRY	PIG MEAT	CHICKEN MEAT	EGGS	BEEF	DAIRY	SHEEP MEAT	WOOL	FISH	LOBSTER	CRAB
Australia	9.40%		12.00%	0.40%	1.30%	0.30%	0.03%	1.60%	0.20%	
China		<1%	0.30%					0.10%	9.50%	0.70%
United states	0.50%	0.01%			1.00%				0.03%	
Thailand		1.00%						<1%		2.90%
Germany	1.00%				0.40%					
Madagascar										18.00%
Vietnam								0.08%		
UK						0.90%				
Netherlands					0.20%					
Italy			3.00%							
Poland										
Spain										

Table 1. New Zealand market as a percentage of exports of a product in value terms by county (2021) Source: OEC[75]

Producers Exporting to New Zealand are Large Corporations who are Able to Comply

Most often producers for export markets are bigger specialised companies. They have resources and capacity to increase their welfare practices. Notably, corporate commitments from European retail chains, for example, have increased production standards in their supply chains in countries that have minimal welfare regulations themselves. Organisations such as FAI Farms and Global Animal Partnership are available to work with producers to increase their welfare practices to comply with customers' requirements.[76,77] Often, local and international animal welfare NGOs are also positive about supporting a transition.



PIG FARM IN CANADA (2022)
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[75] Where does export to? (2021). (n.d.). OEC - the Observatory of Economic Complexity. https://oec.world/en

[76] FAI Farms (n.d.). https://www.faifarms.com/

[77] Global Animal Partnership. (n.d.). https://globalanimalpartnership.org/



A COW IN AUSTRALIA (2020)
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The Policy

Crafting the Policy

Mandating that imports align with New Zealand's animal welfare legislation will uphold the moral values of New Zealanders, which should be reflected in the policy's language.

Transition Period

Proposition 12 in California had a transition period of less than 4 years between the ballot in November 2018 and coming into effect in January 2022. Similarly, the EU slaughter regulation entered into force in less than 4 years (January 2013) after it was decided in 2009.[78] A similar transition period is suggested for producers exporting to New Zealand. To aid with the transition, it is suggested to establish knowledge exchange with affected trade partners, if necessary.

Enforcement

Based on the case studies of Proposition 12 and the EU slaughter regulation, the most common enforcement mechanism is certification. Proposition 12 is being enforced by the Animal Care division at the California Department of Food and Agriculture. The division has accredited multiple third-party entities as certifying agents who are specialised in certifying specific types of animal products and making sure that they are produced in line with California's law.[79] The EU slaughter regulation "*requires staff handling animals in slaughterhouses to possess a certificate of competence regarding the welfare aspects of their tasks. The obtainment of the certificate is submitted to independent examination by bodies recognised by the competent authority.*"[80]

[78] Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing. (2009). Official Journal of the European Union, https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R1099

[79] Accredited Certifying Agents. (n.d.). California Department of Food and Agriculture. https://www.cdfa.ca.gov/AHFSS/AnimalCare/AccreditedCertifyingAgents.html

[80] Slaughter & Stunning. (n.d.). European Commission. https://food.ec.europa.eu/animals/animal-welfare/animal-welfare-practice/slaughter-stunning_en

Looking Ahead

While this report highlights existing gaps in import standards, new trade agreements also pose potential risks to animal welfare, farmers and reputation.

Negotiations toward a free trade agreement with India have recently regained momentum after stalling in 2010.

India - potential importer of low-welfare animal products

India has received an E rating in 'protecting animals used in farming' in the Animal Protection Index.

India is a major global producer and exporter of various animal products. As the third largest egg producer and a significant exporter of meat, crustaceans and fish, India produces for large international markets. However, strong animal welfare laws are generally lacking. Practices like cages for hens and unlimited stocking densities for broiler chickens remain common. Regulations also vary regarding treatment of cows and calves. Cruel procedures such as dehorning, castration and branding are performed without pain relief.

While India has shown concern for trade's impact on welfare by banning foie gras imports, a new FTA could further incentivise low-cost, low-welfare imports from India.

New Zealand has prioritised expanding free trade agreements. Allowing lower welfare imports undermines the New Zealand public policy and legislative intent by achieving the opposite result to the will of the Parliament.

It is imperative that the higher welfare improvements made in New Zealand through initiatives like the upcoming farrowing crate ban are equally applied to imports. Amending relevant legislation to extend existing animal welfare laws to imports could achieve this goal through reasonable transition periods for trade partners. Precedents indicate this approach would be legally viable under principles of public morals and non-discrimination, if New Zealand follows the guidance of the WTO in the process of adopting the domestic measures.

Globally raising welfare standards can help reduce animal suffering on farms internationally while cementing New Zealand's leadership position on this issue. The government should pursue consistent reform that establishes New Zealand as a gold standard for welfare both domestically and internationally to align with public values, by applying domestic animal welfare standards to imports within legislation.



AN EGG-LAYING HEN IN A BATTERY CAGE IN INDIA (2023)
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DAIRY COWS INSIDE A BARN IN THE UNITED STATES (2022)
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