Comments

Laboratory Animals: Unification of Legislation in Europe

Drs. H. Rozemond

Introduction

A committee of experts within the Council of Europe is currently making preparations for a European convention on the protection of laboratory animals. The committee has been designated as the Comité Ad Hoc pour la Protection des Animaux (CAHPA). The Council of Europe, the sponsoring organization, is an institution whose chief goal is the peaceful cooperation of most European countries concerning cultural, economic, and social affairs; expressly excluded are matters of military concern. The countries represented on the Council include Austria, Belgium, Cyprus, Denmark, the Federal Republic of Germany, France, Greece, Great Britain, Iceland, Ireland, Italy, Liechtenstein, Luxemburg, Malta, the Netherlands, Norway, Spain, Turkey, Sweden, and Switzerland. As part of its work, the Council holds conventions on various topics of broad human interest. Some of the most important documents produced by its conventions have included the Treaty of Rome (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950) and the European Social Charter (1960).

The CAHPA consists, in principle, of experts who serve as spokesmen for all of the member countries. It is assisted, on an observer basis, by other experts from the United States, the International Council for Laboratory Animal Science, the Federation of Veterinarians in Europe, the European pharmaceutical industries, and other organizations that contribute to the international animal protection movement. The Committee has held regular discussions about concerns related to laboratory animals since 1978; its seventh meeting on the subject was held in April of this year, and the next meeting will take place in January 1982. In the general area of animal rights and welfare, the Committee has already conducted several conventions, to assist in protection of animals: in international transportation (1976), in farming (1976), and in slaughter (1979).

It is not the intention of this communication to provide detailed information about matters of substance that will be part of the actual convention, since meeting reports and drafts are restricted by most countries. Rather, the intent is to give a general idea of some of the difficulties that will have to be overcome in achieving a unified code that reconciles the laws of a number of countries which, understandably enough, are each convinced of the superiority of their own law.

Drs. H. Rozemond is Veterinary Officer of Public Health; delegate of the Netherlands to the Committee of experts for the protection of animals, Council of Europe. *This text was used in a panel discussion on Legislation and Welfare, held during the first meeting of the Federation of European Laboratory Animal Science Association (FELASA) at Düsseldorf, 2-4 June 1981.*

General Provisions

In formulating a unified code, difficulties are not likely to arise about regulations that stem from problems such as longstanding abuses or about other prohibitions that, for example, make exhibiting painful experiments on living animals to the general public a criminal offense. The issue of laboratory animals is a bit more complex, however. Most European countries that have legislation on animal experimentation have provisions to restrict the number of experiments and to promote the use of alternatives. There are also regulations about licensing systems, the use of anesthetics, and about the use of animals in education and training. With regard to this last provision in particular, it is easy to imagine how difficulties in drafting a uniform code might arise because of the differing systems of higher education that exist in the various member states.

Should Some Animals Receive More Protection Than Others?

Most existing national laws related to laboratory animal use limit the scope of their specific provisions to vertebrates. However, there are some differences among nations regarding whether special preference or protection should be given to certain animal species or groups of species. Several examples of these preferences include statements that animals used be

- As primitive as possible
- Phylogenetically lower species
- Of lower sensibility or lower psychological development
- Cold blooded
- Species other than dog, cat, horse, donkey, mule
- Species other than dog, cat, horse, monkey
- Species other than dog, cat, ungulates, apes, and monkeys

But in some other countries, no preference is stated. This approach seems to be plausible because there is, at present, no scientific evidence that any single species is more sensitive to pain than any other. It is not quite clear, then, why these kinds of provisions should be part of animal protection regulations, unless we accept the idea that such regulations serve a dual purpose: (1) to limit suffering in animals, and (2) to promote an increase in the moral sense of humans, which can be considered a legitimate goal in its own right.

Licensing Systems

Convention members can also anticipate that some difficulties may arise in discussions because of the differences among existing licensing systems. Currently, licenses can be granted in Europe

- To institutes for certain fields of research
- To institutes for a restricted period of time
- To institutes with qualified personnel
- To institutes with specified persons
- To individuals for performing experiments in certain fields of research
- To individuals for performing all types of experiments, including surgical interventions

- To individuals for performing all types of experiments, except surgical interventions
- To institutes and to individuals
- To institutes or to individuals

However, an international convention can still make allowances for these kinds of differences among licensing systems, provided that the fundamental goal of protection of animals is achieved. Some countries grant exemptions from obligatory licensing, *e.g.,* for feeding experiments, injections, blood sampling, or other procedures that cause only minor pain or distress. In other countries, a license is not required for state-sponsored research institutes, or in instances where experiments have been required because of legal regulations or ordered by a court.

In this context, I would also like to bring up the issue of killing of animals. Many animals used in research are killed only for specimens of organs or other samples. One can argue that, in this case, the interference is being performed on a dead animal. On the other hand, one could also argue that even with use of a humane method of killing, the risk of pain cannot be excluded and, therefore, the issues related to killing of animals must fall within the scope of any proposed regulatory system.

More Than One Experiment

Another important issue relates to the question of whether the use of an animal in more than one experiment should be permitted. Some of the laws currently on the books in Europe prescribe that animals used in painful or surgical experiments should be killed at the end of the procedure. In other legal systems, such animals may be used in a second experiment, but only after they have returned to normal health. In some instances, another restriction is added: in the second experiment, there must be no pain involved, or the procedure must be performed under general anesthesia, from which the animal is not allowed to recover. Decisions regarding this matter should be made only by persons who have the necessary training in animal physiology and ethology.

Ethical Judgment

There is another issue that I would like to address specifically, although it is outside the scope of most national laws. This issue concerns ethical judgments about the value of experiments. As a rule, governments are empowered to grant, disallow, or revoke licenses, or to attach conditions to the licenses. Broadly speaking, one can say that it is a government's responsibility to regulate the manner in which experiments are carried out and to exercise its powers in such a way as to keep the amount of suffering experienced by the animals involved to a minimum. However, it is a generally held belief that it is *not* part of a government's responsibilities to pass judgment on the scientific or medical value, or the urgency of need, of any given experiment. Yet organizations like the World Society for the Protection of Animals (WSPA) and the Eurogroup for Animal Welfare hold different opinions. WSPA states that a central government-appointed agency should check every grant or contract proposal that will use animals according to criteria that assess the relative necessity of the experiments, given the present state of scientific knowledge.

Eurogroup goes even further; it states that each government ought to grant licenses only when it considers proposed experiments to be essential to the healing of diseases and to be in accordance with established ethical principles related to animals.

Closing Remarks

I will end this comment with three remarks. First, it is important to remember that an international convention does not have the power to change the internal laws of the member nations to adopt stricter measures for the protection of laboratory animals, as long as current measures are not inconsistent with the provisions drafted by such a convention. Second, I believe that we must accept the fact that humans, in their quest for knowledge, health, and safety, need to use animals in experimental procedures in which there is a reasonable expectation that the result will be an extension of knowledge or some substantial benefit to humans or animals. Finally, however, humans do have a moral obligation to respect all animals and to show due consideration for their capacity for suffering and for memory.

Rozemond

Das Versuchstier: Vereinbarung der Gesetzgebung in Europa

Zusammenfassung

Ein spezieller Ausschuss des Conseil d'Europe (la Comité Ad Hoc Pour la Protection des Animaux) bereiten sich auf eine Konferenz über die Regulierung der Tierversuche. Das Ziel der Konferenz sei die Formulierung eines Gesetzbuches (code) für die Benutzung von Versuchstieren, das die Gesetze und Vorschriften aller Länder der europaischen Gemeinschaft vereinbart. Man erwartet mancherlei Probleme bei diesem Auftrag, z.B.: Welche Tierarten sollten vom Tierversuch ausgeschlossen werden sein? Wie bringt man die verschiedenen Erlaubnissystems jedes Landes in Einklang? Sollte ein Tier bei mehr als einem Versuch benutzt werden sein? Die Frage des Rechtes einer Regierung zu entscheiden, ob ein Versuch wissenschaftlichen oder ärztlichen Wert hat, wird auch diskutiert werden.