

## POSITION OF FENS ON THE EU DIRECTIVE 63-2010 ON THE USE OF ANIMALS IN SCIENTIFIC RESEARCH

FENS commends the EU for updating the EU Directive on the use of animals in scientific research, which has been in place since 1986. A new Directive was needed to bring the EU regulations up-to-date with recent developments and to advance the harmonization of regulations and standards of animal research across Europe.

FENS also supports the EU's intention to make the 3Rs-principle the ethical cornerstone of the Directive.

European scientists have worked throughout the process with the EU, members of the European Parliament and national governments to provide scientific information and advice on how to ensure the highest standards in animal welfare without hampering scientific progress and the benefits it brings to society. The resulting document has implemented some of this scientific advice and is a substantial improvement over early drafts. This might give the impression that the scientific community considers the Directive well suited to ensure the best science and the best animal welfare. This is not the case: the new Directive is a political document that reflects compromises created in the complex web of EU politics. These compromises are not the result of a reasoned discussion, where the best arguments ultimately win. Instead parts of the Directive suffer from serious problems that reflect the balance of powers, parties and lobbying groups in Brussels where the voice of science and reason is often drowned out by other, louder statements.

Some of the most serious issues are:

- The Directive violates the Lisbon treaty (the 'EU constitution') in that it restricts the freedom of science guaranteed in the Charter of the Fundamental Rights of the European Union without providing any justification for the restrictions by weighing them against presumed benefits.
- A particular animal experiment should only be allowed when no alternatives exist and in a manner causing the least suffering. Instead of applying this simple principle the Directive is full of special cases, bans and restrictions that are arbitrarily imposed without any apparent ethical principle.
- The Directive distinguishes basic and applied research, implying that the former is less ethically acceptable. Not only is such a division not possible in practice, it also ignores that applied research depends on basic research. Similar divisions are drawn arbitrarily between species of animals, motivated by stronger emotional links to some species rather than others.

FENS urges the EU Member States to exercise great care when transposing the EU Directive into national laws. The States should provide the scientific community with ample opportunity to provide information on how modern animal research can achieve the best science and the best animal welfare and how poorly conceived legislation can hamper both.

FENS also encourages that the scientific community engages the public and politicians by explaining the benefits of research on animals where no alternative exists and when the best practices are used.