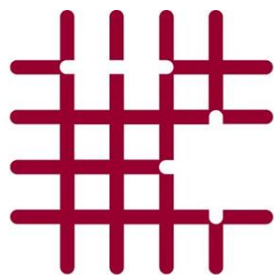


Animal welfare for sale!

The government's role in stimulating the operation of market forces regarding animal welfare



RAAD VOOR DIERENAANGELEGENHEDEN

Cover letter

The Hague, 9 May 2017

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Your Excellency,

On behalf of the Council on Animal Affairs, it is my pleasure to present you with the advisory report entitled 'Animal welfare for sale!'. In this unsolicited advisory report, you can read the Council's opinion on the role of the government in stimulating the operation of market forces regarding animal welfare.

The wish to improve animal welfare in livestock farming beyond the statutory minimum level is broadly shared in Dutch society and has been high on the agenda for decades. To achieve this, in 2012, the Council on Animal Affairs (RDA) advocated market operation rather than increasing statutory minimum standards for all livestock farmers in the Netherlands.

Over the past few years, the supply and sale of food with a higher level of animal welfare in the Netherlands has increased in absolute terms. However, there still seems to be a significant market potential that is not utilised.

This under-utilisation and its harmful effects for animals in Dutch livestock farming and the Dutch economy at large motivated the RDA to take a close look at the barriers to market operation regarding animal welfare and to consider the role that the government should play in response to this.

If so desired, the RDA is of course available to provide verbal clarification and is willing to provide your Ministry and other parties involved with advice on the implementation of the recommendations in this advisory report.

Yours sincerely,

Prof. H.J.C.M. van Trijp (chairman)

Mr M.H.W. Schakenraad (secretary)

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Procedure

This advisory report from the Council on Animal Affairs (Raad voor Dierenaangelegenheden, RDA) was prepared by a panel of Council members comprising Dr G.B.C. Backus, Dr H.M.G. van Beers-Schreurs, W.T.A.A.G.M. van den Bergh, Ms A.L. ten Have-Mellema, Dr S.A. Hertzberger, M.H.A. Steverink, Dr J.W.G.M. Swinkels, R.A. Tombrock and Prof. H.J.C.M. van Trijp (chairman). In addition, discussions were held with external experts K.J. Poppe and Prof. C.J.M. Termeer. The forum received assistance in conducting its activities from the secretary M.H.W. Schakenraad and deputy secretary E.E.C. van Wijk-Jansen.

Structure of the document

This advisory report starts with a summary. The first chapter contains a description of the motivation, objective and main questions of the advisory report. Chapter 2 contains the RDA's vision on market operation regarding animal welfare and the government's fundamental role in this. Chapter 3 describes the barriers that impede market operation regarding animal welfare. According to the RDA, these include barriers on the demand side (3.1.) and supply side of the market (3.2.), and barriers within the government itself (3.3.). Chapter 4 describes what the RDA thinks ought to happen regarding the identified barriers, and chapter 5 describes the role the government should play in this.

Summary

Assumption

The wish to improve animal welfare in livestock farming is broadly shared in Dutch society. Achieving this through the market remains a policy ambition. As far back as 2012, the Council on Animal Affairs (RDA) advocated market operation rather than higher statutory minimum standards for all livestock farmers in the Netherlands.

However, there still seems to be a significant unused market potential in the Netherlands. This has harmful effects on both the animals in Dutch livestock farming and the Dutch economy at large. Moreover, the RDA is of the opinion that improving animal welfare in Dutch livestock farming may be a way of giving the sector a distinctive and profitable position in Europe and the world. These considerations motivated the Council to take a close look at the barriers to market operation regarding animal welfare, as well as the role of the government in removing these barriers.

In market operation, the RDA takes a 'no, unless' view of the role of the government; the government has no role unless, due to market imperfections, the market is unable to operate optimally. According to the Council, the government should have a modest role and mainly focus on market imperfections such as information asymmetry (the correct information is not available to everyone) and externalities (external effects that are not factored into the price, such as the effect of food production on animal welfare). As far as the RDA is concerned, the government should focus only on initiating market operation regarding animal welfare, not on maintaining it.

Moreover, the recommendations regarding the role of the government are inspired by the barriers that currently impede market operation regarding animal welfare.

The RDA identifies barriers on the demand and supply sides of the market and within the government itself.

On the demand side, overall there is still insufficient purchasing power. Products should preferably be distinctive in other respects as well, such as taste, ease of use, or health. Moreover, information about animal welfare is not sufficiently transparent to meat or egg buyers, given the abundance of quality marks which, moreover, are not all understood or trusted by consumers.

On the supply side, the lack of market segmentation poses a barrier. There definitely are consumers who attach great importance to animal welfare and are willing to pay for it. However, these consumers are insufficiently served because the sector follows a mainstream approach in which 'the consumer' features as a uniform entity. Also dominant business logics – tried-and-tested methods in daily operations – impede the development of new business models, and sometimes it is hard to fund business concepts that have not yet proved their worth (and therefore pose more risks). Finally, chains have insufficient coherence to market new concepts and realise maximum commercial utilisation of all parts of the carcass. As a consequence, the higher costs of improved animal welfare are charged to only a few products.

The government itself puts up barriers too, for instance through the permit system. In regions with a lot of intensive livestock farming, high local requirements are set on odour, ammonia and particulate matter emissions. As a result of this, solutions such as free range systems are possible only on a very small scale. Besides, there is uncertainty about the opportunities for cooperation concerning sustainability in producer organisations, for instance. Moreover, the government seems to be enforcing competition rules more rigidly than required under European rules.

Role of the government

The Council envisages the following role for the government in response to the barriers mentioned above.

1. Protecting consumers against deception concerning the level of animal welfare of products;
2. Promoting chain performance regarding animal welfare;
3. Pointing out the options available to consumers, making them better aware that there are choices to consider;
4. (1) Commissioning studies into conflicts of interests between the environment, human health and animal welfare and into possible solutions, (2) taking the lead in coordinating within the Ministry itself, with the Ministry of Infrastructure and the Environment, and with provincial and municipal authorities, and (3) where necessary and desirable, removing barriers in the granting of permits and environmental regulation and in promoting innovative systems;
5. Clarifying the possibilities for businesses to cooperate on sustainability within the European competition rules;
6. Making the Netherlands an international trendsetter in the area of animal welfare with the aim of providing the conditions for a European market for Dutch products that pay more attention to animal welfare.

1. Motivation, objective and main questions of the advisory report

Ever since the Wijffels committee issued its report entitled 'The future of livestock farming' (2001), the wish in society to improve animal welfare in Dutch livestock farming beyond the statutory minimum level¹ has been high on the agenda. To achieve this, in 2012² the Council on Animal Affairs (RDA) advocated market operation rather than increasing statutory minimum standards for all livestock farmers in the Netherlands.

Over the past few years, both the supply and the sale of food (meat, dairy products, eggs) with a higher level of animal welfare have increased in absolute terms³. However, the market share of meat and meat products⁴ produced in a more animal-friendly manner still hardly compares with the number of people that are concerned about animal welfare in livestock farming⁵. There still seems to be a significant market potential that is not utilised.

This under-utilisation of potential in the Netherlands and the harmful effects of this on animals in Dutch livestock farming and the Dutch economy at large motivated the RDA to take a close look at the barriers to market operation regarding animal welfare. Moreover, the RDA is of the opinion that improving animal welfare in Dutch livestock farming may be a way of giving the sector a distinctive and profitable position in Europe and the world. By doing so, a focus on improved animal welfare can be a driver in the transition of Dutch livestock farming. This is important because, through a complex of factors, Dutch livestock farming has a relatively unfavourable position as far as cost price is concerned. The closing statement of the 2017 Food Summit⁶, which was signed by various ministries and the business sector, mentions the ambition for the Netherlands to be internationally renowned for its level of animal welfare.

For this advisory report, the RDA reflected on the following three questions:

¹ In Dutch law, the EU directives on animal welfare have already been tightened somewhat, as can be seen for instance in the surface standard for meat-type pigs (EU: 0.65 m², Netherlands: 0.8 m²).

² RDA advisory report 'Winstgevend Welzijn. Over het creëren van kansen' (Profitable welfare. About creating opportunities) (2012)

³ See www.agrimatie.nl of Wageningen Economic Research (Everything about society, sustainable food)

⁴ Monitor Duurzaam Voedsel 2015. Consumentenbestedingen. (Sustainable Food Monitor 2015. Consumer spending.) Wageningen University & Research (2015)

⁵ Verhue D., D. Verzijden, Burgeroordelen over de veehouderij: uitkomsten publieksonderzoek. (Civil opinions about livestock farming: results of public survey) Amsterdam: Bureau Veldkamp. Available at: http://www.rathenau.nl/uploads/tx_tferathenau/Burgeroordelen-veehouderij-publieksonderzoek.pdf. (2003)

⁶ <http://www.voedselagenda.nl/voedseltop/>, consulted on 15-02-2017

1. What is impeding market operation regarding animal welfare?
2. What has to be done to overcome these barriers?
3. What should be the government's role in this?

The RDA considers the role of the government in improving animal welfare through market operation, focusing on fresh meat⁷, in the context of Dutch animals that are reared for the Dutch market. However, the reasoning of this advisory report also applies to the eggs and dairy sector.

The RDA is aware of the following:

- The government has many layers and cannot be considered a single entity;
- As national production is for the most part aimed at export⁸, it is governed by international competitive relationships and by European and/or global standards for animal welfare.

2. RDA vision on market operation and the role of the government in it

In the RDA's opinion, market operation comprises two elements:

1. It is a joint activity by market parties (retail, manufacturing chains and consumers);
2. It is driven by/aimed at demand with purchasing power in the market.

As regards market operation, the RDA takes a 'no, unless' view of the role of the government; in the RDA's opinion, the government has no role in market operation except where, due to market imperfections, the market does not operate at its optimum. According to the Council, the government should have a modest role and mainly focus on the market imperfections of information asymmetry (the correct information is not available to everyone) and externalities (external effects that are not factored into the price, such as the effect of food production on animal welfare). As far as the RDA is concerned, the government should focus only on initiating market operation regarding animal welfare, not on maintaining it.

Moreover, the recommendations regarding the role of the government are inspired by the barriers that currently impede market operation regarding animal welfare. The RDA identifies these barriers in the following section.

⁷ In this advisory report, 'fresh' is defined as 'having a short shelf life'.

⁸ See www.agrimatie.nl by Wageningen Economic Research (Sector, Handel & afzet)

3. Barriers in market operation regarding animal welfare

According to the RDA, the policy ambition of improving animal welfare through market operation is impeded by barriers on the demand and supply sides of the market and within the government itself.

3.1 Demand-side barriers

On the demand side, the RDA identifies the following barriers:

1. Overall, products that only offer an improved level of animal welfare as yet do not attract sufficient purchasing power. Although many consumers are concerned with ethical considerations, a large group currently have only a limited will to actually do or omit something to that end. If a product is not also distinctive in taste, ease of use, or health characteristics, many consumers will choose the cheapest option. Also, there is a group of consumers with very limited means who are all but forced to choose the cheapest option to make ends meet. Some consumers however are already willing to pay more for better animal welfare. Research into consumers' considerations has also shown that consumers want the government and supermarkets to ensure that products on the shelves are produced in a responsible way, or assume that they do. In cases where the supermarkets decide on the choice, for instance by replacing the basic segment by pork with a 1-star Beter Leven Hallmark (Better Life keurmerk), consumers follow suit.
2. Information on the animal welfare level for meat remains insufficiently transparent to the consumer. The present information system is not very effective because there is an abundance of quality marks, factory logos and claims which, moreover, are not all understood or trusted by consumers. Recently this was illustrated by joint research conducted by Milieu Centraal, Green Food Alliance (AVV)⁹ and other parties. This is not helpful to consumers or to the more animal-friendly production market.

3.2 Supply-side barriers

On the supply side, the RDA identifies the following barriers:

1. The sector has not developed beyond commodity thinking whereby the price is the leading consideration. As mentioned above, according to the RDA, among part of the consumers there is a potential demand with sufficient purchasing power for

⁹ Milieu Centraal, 'Topkeurmerken voor duurzame voeding. Resultaten ordening keurmerken en logo's 2016' (Top quality marks for sustainable food. Results of arrangement of quality marks and logos 2016), 10 October 2016

products with improved animal welfare, provided that these are also distinctive in taste, ease of use, or health characteristics. These consumers value animal welfare for various reasons, based on ethical, environmental or perceived taste considerations. However, this differentiation in the market is insufficiently utilised in the commodity approach that is characteristic of the sector; many parties in the sector view the consumer as a uniform entity, as a result of which potentially promising solutions are not recognised.

2. Dominant business logics impede the realisation of new business and distribution models. To facilitate efficient daily operations, businesses and policymakers rely on tried-and-tested methods. This is convenient, but it does have a downside. It has caused a certain amount of rigidity in traditional business and distribution models, which makes it difficult to develop and implement new concepts and business models in fixed chain relationships. In addition, the costs and the chain organisation required to highlight the invisible characteristics of production conditions (such as animal welfare) to the consumer are an important barrier in expanding consumer demand for products with a higher animal welfare level.
3. Chains are not yet sufficiently cohesive to market new concepts and realise maximum commercial utilisation of animal carcasses. Chains do not sufficiently realise the importance and meaning of alignment and coordination, and do not cooperate sufficiently well to market new concepts and realise maximum utilisation of the whole animal carcass (mainly) for consumption ends rather than just the more commonly used parts, such as the chicken breasts and beef from cows. Without maximum utilisation, the higher costs of improved animal welfare will be charged to just a limited part of the animal product.
4. Business concepts that have not yet proved their worth are associated with funding problems. Actors that wish to develop new business concepts experience problems with funding, especially when the business concepts have not yet proved their worth and funding is risky, which impedes innovation.

3.3 Government-side barriers

Finally, on the government side the RDA identifies the following barriers:

1. There are permit barriers for livestock farmers who want to change their stable systems with a view to improved animal welfare. Most intensive livestock farms (pig, chicken) are concentrated in the south and east of the Netherlands. In large parts of these regions, stringent local requirements are in place in order to reduce the environmental burden in terms of odour, ammonia and particulate matter. As a

result of this, solutions such as free range systems are possible only on a very small scale.

2. There is uncertainty about the opportunities for cooperation in the area of sustainability. Farmers do have the opportunity to establish producers' organisations, but it is unclear what exactly these organisations may and may not do. The RDA endorses the plea of the Agricultural Markets Task Force¹⁰ for clear and feasible rules on competition and sustainability. Moreover, the government seems to be enforcing competition rules more rigidly than is required under European rules.

4. What should be done?

According to the RDA, the following should be done to overcome the above barriers:

1. Increasing awareness and knowledge among consumers concerning (the various levels of) animal welfare in food production, aided by campaigns by NGOs and the introduction of the Better Life Hallmark (Beter Leven keurmerk). There are other reasons why it is of major importance that NGOs continue to play their role. It can be argued that from a CSR perspective animal welfare is important enough to businesses to make them strive for animal welfare levels exceeding the statutory minimum. Consequently, the main factor is CSR rather than market demand.
2. Developing new business models to reach a wider group of consumers with animal products with improved animal welfare levels at a lower price. This may include adding values such as taste, health and/or ease of use to these products. Or it may include meal boxes, out-of-home, online and other innovative business models that offer more opportunities for maximum utilisation of animal carcasses.
3. Setting stricter requirements for hallmarks, claims and factory logos concerning animal welfare. The demand for products with improved animal welfare can be promoted by limiting the number of hallmarks, claims and factory logos, which the consumer should be able to rely on because they are controlled and are scientifically sound, transparent, clear and established with the aid of civil society organisations. Besides, there should be a possibility for the consumer to validate a hallmark.

¹⁰ 'Improving market outcomes. Enhancing the position of farmers in the supply chain'. Report of the Agricultural Markets taskforce, Brussels, November 2016

4. Deploying marketing expertise. There should be stronger efforts to promote differentiation in channels, target groups, and propositions that reflect consumer values. This requires increased deployment of high-quality marketing efforts in the sector. Furthermore, there should be more room for experiments by original thinkers who develop new models that may end up becoming mainstream later on. This is impossible to attain starting from the mainstream.
5. Offering more financial support. The RDA recommends a more directive policy of financial support by the major banks. What is needed is risk financing by the chain parties and guarantees and/or investment aid schemes by the government.
6. Creating strong, demand-centred chains. Chains have to be formed in which every link is fully aware of the fact that alignment and coordination lead to synergy and higher margins. Working with a more animal-friendly concept in fixed chains may result in increased involvement of the links in the chain and a sense of pride in the product, which in turn may lead to more quality awareness. In doing so, each link should realise that cooperating is something different than just doing things together; if you want to cooperate, you will also have to be willing to give up part of your own autonomy. Besides, given the principle that 'the farmer operates as the market demands', livestock farmers should commit to the demands of the market. For example, the mechanism behind the organic pigs covenant proves to be well suited for a breakthrough in volume and for taking a major step in terms of animal welfare and innovation in stable systems. Moreover, farmer-to-consumer chain arrangements should be organised in such a way that agreements may be made about maximum utilisation of animal carcasses and alignment of supply and demand. In addition, maximum utilisation of carcasses requires stronger networks of stakeholders by means of which more parts may be processed in foods. For instance, the fresh meat subsector cannot develop further without engaging the processing industry.
7. Communicating best practices. Communication about successes is energising and encourages parties to try things out.
8. Critically examining whether and, if so, how existing laws and regulations impede further development of more animal-friendly livestock farming. This may include measures that are necessary for improved animal welfare which have a negative impact on the environment. It should be checked whether and how these laws may be 'mitigated' without frustrating other social interests.

5. The role of the government

In view of the barriers identified, the RDA is of the opinion that, concerning the policy ambition for improved animal welfare through market operation, the government should do the following:

1. Protecting the consumer against misleading information about the animal welfare level of products. This requires reinforcement of the legal base for the transparency of hallmarks, claims and factory logos concerning animal welfare. Doing so may provide clarity as to what hallmarks, claims and factory logos in the area of animal welfare actually represent. The RDA is of the opinion that in setting up and implementing hallmarks, it is not sufficient to get only the business sector involved, but that contributions are required from society at large, represented by NGOs. In addition, consumers should be able to validate hallmarks. The RDA also recommends studying whether consumer protection regarding health claims can also be applied to the area of animal welfare. The Unfair Commercial Practices Act (*Wet oneerlijke handelspraktijken*)¹¹ may be involved in this study. The RDA considers that the government should play a coordinating leadership role in this matter.
2. Promoting chain performance regarding animal welfare. With a view to the development of demand-centred business models, increasing margins, and maximum utilisation of carcasses, new combinations of and synergies between actors are of major importance. The RDA recommends that the government challenge businesses to assume leadership (including financial leadership), and that it provide platforms for cooperation and take on a coordinating role in 'removing the spanner from the works'. It may do this by:
 - investigating the lock-in in the sector. If the sector really is caught in a lock-in, the government, in order to safeguard the economic interests involved, should examine the nature of this and how it can be reduced;
 - investigating the degree to which green, non-green and food education (SVO food vocational training, baker's training, etc.) pay sufficient attention to a more sustainable origin of food. And, is there a sufficiently high level of reflection in the Netherlands concerning market, society and segmentation?
 - organising network forums so that innovative parties may easily contact relevant partners in chains and markets. Bringing parties together and facilitating such

¹¹ <https://www.acm.nl/nl/onderwerpen/consumentenrecht/oneerlijke-handelspraktijken/wat-zijn-oneerlijke-handelspraktijken/>

processes is a role that is pre-eminently suited to independent government authorities;

- recruiting and combining stakeholders that consider 'marketing animal welfare' a challenge, and assisting them by making available a multi-annual budget for innovation, research, fact-finding and campaigns, through subordinated loans;
- communicating best practices. It might be worthwhile to introduce potential chain partners to successful chains in sectors outside of animal farming using best practices;
- granting innovation subsidies that yield pre-competitive knowledge that is relevant for the whole sector;
- establishing a revolving fund. Initiators often have to make large investments to improve animal welfare in livestock farming. A revolving fund might be able to help businesses in 'overcoming the hump' (see also the Provincial POP3 arrangements).

3. Promoting market demand for products manufactured in a more animal-friendly way by making consumers more aware of considerations and options. If policymakers view animal welfare as something in the interest of society, then is it legitimate for the government to point out to consumers that a choice can be made, not telling consumers what to do but telling them what they *could* do. The government may do this by:

- organising campaigns in cooperation with, and coordinated with, the business sector;
- encouraging the education sector to devote attention (as early as possible) to food and its origin, the relationship with animal-friendliness and how to recognise more and less animal-friendly products (hallmarks);
- setting an example, communicating in all its spheres of activity that the government attaches importance to animal welfare;

4. commissioning studies into conflicts of interests between the environment, human health and animal welfare and into possible solutions, taking the lead in coordinating within the Ministry itself and with the Ministry of Infrastructure and the Environment, provincial and municipal authorities, and where necessary and desirable removing barriers in the granting of permits and environmental regulation and in promoting innovative systems. In the RDA's view, the government should strike the right balance between the requirements imposed on the business sector in the interest of the environment, human health and animal welfare. This will ensure better utilisation of the innovative potential within the sector.

5. Providing clarity on the possibilities for cooperation between businesses in the light of European competition rules regarding sustainability, without being unnecessarily strict.

6. Making the Netherlands an international trendsetter in animal welfare with the aim of providing the conditions for a European market for Dutch products that pay more attention to animal welfare. It may do this by:
 - promoting the acceptance of standards in the international market (as was done with Skal and the Global Food Safety Initiative);
 - continuing to prioritise the need to raise the minimum requirements for animal welfare on a European scale, in order to promote improvement in animal welfare by ensuring a level playing field;
 - ensuring that the minimum requirements are set in international trade agreements, which will also give practical application to the Netherlands' animal-friendliness profile;
 - encouraging that animal welfare be added to regulations concerning consumer protection in a EU context.

Summarising, the RDA is of the opinion that, in market operation regarding animal welfare, the government should act as follows:

1. Adding fuel to the demand side, meaning for example that the government promotes transparency, so that consumers are made aware more often and more effectively that the market actually offers a choice. Moreover, the RDA advocates adding fuel in education, both in primary education (on the origin of food and differences in animal welfare) and vocational education (with knowledge about concepts, marketing and animal welfare);

2. Removing the spanner from the supply works, meaning that the government facilitates experiments with more animal-friendly production or animal-welfare products. The government can also promote easier funding of developments leading in that direction;

3. Oiling the works to facilitate alignment of supply and demand. This is because there are still many obstacles in laws and regulations that impede more animal-friendly production. This often concerns conflicting rules, such as environmental requirements which are inconsistent with the ambition to give animals a better life.

Publication details

The Council on Animal Affairs (Raad voor Dierenaangelegenheden – RDA) is an independent council of experts that gives the Minister for Agriculture solicited and unsolicited advice on multidisciplinary issues in the field of animal welfare and health. The Council on Animal Affairs comprises scientific experts and professional practitioners, who serve in a personal capacity, are independent and not bound by any instructions.

The draft advisory report was submitted to the full Council. This advisory report is therefore a product of the Council on Animal Affairs as a whole.

The Council on Animal Affairs consisted of the following members effective 01 March 2017:

| | |
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