

Opinion of the European Economic and Social Committee on the Proposal for a Council Regulation on the protection of animals at the time of killing

(COM(2008) 553 final — 2008/0180 CNS)

(2009/C 218/14)

On 19 November 2008 the Council decided to consult the European Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the:

'Proposal for a Council Regulation on the protection of animals at the time of killing'

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 28 January 2009. The rapporteur was Frank ALLEN.

At its 451st plenary session, held on 25 and 26 February 2009 (meeting of 25 February), the European Economic and Social Committee adopted the following opinion by 161 votes to five with eight abstentions.

1. Conclusions

1.1 The EESC welcomes this proposal from the Commission. It is a significant step in the right direction and has the potential to improve the welfare of animals during the process of slaughter.

1.2 The committee welcomes the proposal that the slaughterhouse operator be given full responsibility for the welfare of animals during the slaughter process with the requirement to implement standard operating procedures, the introduction of certificates of competence and the need to appoint an animal welfare officer.

1.3 The committee emphasises that the Official Veterinarian must have the key supervisory role to ensure the full implementation of correct animal welfare procedures during the process of slaughter. The Official Veterinarian should be notified immediately of any changes in the standard operating procedures.

1.4 In particular the Official Veterinarian should be responsible for regularly checking to ensure that monitoring at slaughter procedures are being properly implemented.

1.5 The proposal to allow derogation in the case of the ritual slaughter of animals is totally inconsistent with the objectives for animal welfare during the slaughter process contained in this proposed Regulation.

1.6 The committee very much welcomes the new procedures for depopulation and emergency killing. In particular the requirement to establish an action plan to ensure compliance with the rules of this Regulation before commencement of the operation is most important. The publication of an evaluation

report within one year after the end of the depopulation is a very welcome proposal.

2. Introduction

2.1 Animal welfare considerations have increased in importance in the EU and this is significant in a society that claims to be an advanced civilised one.

2.2 In 2004 and 2006 two scientific opinions from the European Food Safety Authority (EFSA) suggested revisiting the existing Directive 93/119/EC.

2.3 Specific problems have been identified with EU legislation such as the lack of consistent methodology for new stunning methods, also the lack of clarity of responsibilities for slaughterhouse operators and managers. There is also a need for proper training of personnel involved in animal slaughter.

2.4 There is a need for clarity as regards the welfare conditions applying to animal slaughtered for disease control purposes. Welfare rules should apply as much as possible where animals have to be killed in an emergency situation so as to avoid delay and unnecessary suffering by the animal.

2.5 It is necessary to make animal welfare better understood and integrated into the preparation and handling of animals before slaughter.

2.6 Directive 93/119/EC will be repealed and replaced by the proposed regulation but the scope of the legislation will remain unchanged.

2.7 In changing from a directive to a regulation, the proposal provides for a uniform and simultaneous application throughout the EU consistent with the single market.

3. Commission proposal

3.1 This Regulation lays down rules for the killing of animals kept for the production of food, wool, skin, fur or other products and for related operations.

3.2 A derogation will be allowed in the case of an emergency killing to prevent unnecessary pain and suffering to the animal or where full compliance would result in an immediate risk to human health and safety.

3.3 This Regulation will not apply where animals are killed:

- a) during approved scientific experiments,
- b) during hunting activities,
- c) during cultural or sporting activities,
- d) by a veterinarian in the course of their work,
- e) to poultry and hares and rabbits by the owner for their personal consumption.

3.4 Animals shall be spared any avoidable pain, distress or suffering during slaughter and related operations. Operators must take all necessary measures to ensure that animals are properly provided for and handled with the minimum of stress before slaughter.

3.5 According to Art. 4(1), animals shall only be killed using a method which ensures instantaneous death, or after stunning.

3.6 A derogation may apply where animals can be killed without prior stunning where such methods are prescribed by religious rites, provided such killing takes place in a slaughterhouse. Member States may decide not to apply this derogation.

3.7 A list of the methods of stunning and a detailed description of the technical specifications is contained in Annex 1 and stunning must be carried out in accordance with these methods. Checks on the efficiency of the stunning process must be carried out on a sufficiently representative

sample of animals to ensure that the process operates properly and consistently.

3.8 Community codes of good practices concerning the stunning methods set out in Annex 1 may be adopted in accordance with the procedure referred to in Article 22(2). This procedure was established by a Council decision of 1999 which lays down the procedure for the Commission to exercise the powers conferred on it to implement legislation by means of a regulatory committee. Each member state will have a representative on the committee and it will be chaired by a representative of the Commission.

3.9 Operators shall draw up and implement standard operating procedures (SOP) to ensure that killing and related operations are carried out in accordance with article 3(1). This SOP shall be made available to the Competent Authority upon request. As regards stunning, the SOP shall take into account the manufactures recommendations and instructions for the use of the equipment. Furthermore an immediate backup facility must be available in the event of a problem with the stunning equipment.

3.10 A certificate of competence will be necessary for those involved in killing and related operations in the slaughter house:

- a) the handling and care of animals before they are restrained,
- b) the restraint of animals for the purpose of stunning or killing,
- c) the stunning of animals,
- d) the assessment of effective stunning,
- e) the shackling or hoisting of live animals,
- f) the bleeding of live animals,
- g) the killing of fur animals.

3.11 Instructions involving the use and maintenance must accompany products marketed as restraining or stunning equipment in a manner which ensures the highest level of animal welfare with particular reference to categories or weights of animals as well as a suitable method to monitor the efficacy of the equipment.

3.12 Annex II clearly sets out the requirements for the construction, layout and equipment of slaughterhouses. For the purposes of this Regulation the competent authority in the member state (which is defined in Article 4 of the Regulation (EC) No 853/2004) shall approve each slaughterhouse that fulfils the relevant criteria.

3.13 Operators shall ensure that the operational rules for slaughterhouses set out in Annex 3 are complied with. Notwithstanding Article 3(1), the following methods of restraint shall be prohibited:

- a) suspended or hoisting animals by their feet or legs,
- b) mechanical clamping of the legs or feet of animals,
- c) breaking legs, cutting leg tendons or blinding animals,
- d) severing the spinal cord, such as by the use of a puntilla or dagger,
- e) the use of electric currents that do not stun or kill the animals under controlled circumstances, in particular, any electric current application that does not span the brain.

However, points a) and b) shall not apply to the shackles used for poultry.

3.14 Operators shall implement a monitoring at slaughter procedure to verify and confirm that animals for slaughter are effectively stunned in the period between stunning and confirmation of death and this must include the name of the person responsible. A separate monitoring procedure must be put in place for each slaughter line where different stunning equipment is used.

3.15 Operators shall designate an Animal Welfare Officer for each slaughterhouse who will be responsible for ensuring that the rules contained in this regulation are properly implemented. A derogation shall apply to slaughterhouses slaughtering less than 1 000 livestock units or 150 000 units of poultry per year.

3.16 The proposal aims at making the competent authority performing killings for disease control purposes (such as avian influenza or foot and mouth disease) more accountable to the public as regards the welfare of the animals sacrificed. In

particular, the proposal will require better planning, supervision and reporting.

3.17 In the case of emergency killing, the person in charge of the animals concerned shall take all the necessary measures to kill the animal as soon as possible.

3.18 Each Member State shall appoint a national reference centre which will include the provision of permanent and competent support to official inspectors and to provide technical and scientific expert.

4. Specific comments

4.1 The derogation for small slaughterhouses contained in art. 14 is adequate and necessary to ensure that small slaughterhouses can continue to operate and service local markets.

4.2 The role of the official veterinarians should be expanded so that they have a supervisory role in animal protection rules contained in this regulation with particular reference to overseeing the role of the animal welfare officer. Any changes made to the SOP should immediately be notified to the Official Veterinarian.

4.3 An expert scientific group should be established to examine and draw up good codes of practice for the stunning methods contained in Annex 1.

4.4 The proposal in art. 4(2) to allow a derogation on ritual slaughter is inconsistent with the overall objective of the regulation which is to improve the protection of animals at slaughter. Innovative technology such as the Stun Assurance Monitor allows those who wish to slaughter with prior electrical stunning in compliance with Halal rules to accurately monitor how much electrical charge is given to an animal. This ensures that it is properly stunned but still alive prior to slaughter. The monitor records each stun carried out and the voltage given to the animal. It has a real contribution to make to animal welfare. Furthermore the introduction of a labelling system indicating the method of slaughter would encourage the use of the Stun Assurance Monitor. It is important that the Commission would actively support research into systems that would convince religious groups with regard to stunning thereby protecting animal welfare at slaughter.

4.5 It is important that codes of good practice be drawn up in agreement of the various stakeholders and subject to commission approval.

4.6 Small slaughterhouses have recently had to incur significant expenditure in order to upgrade to comply with the 'hygiene package'. To avoid threatening their viability, funding should be made available towards expenses incurred by compliance with this regulation.

4.7 The establishment of reference centres should be compatible and linked to existing scientific and research facilities in the member state. It is important that no duplication takes place and that adequate financial resources are provided to ensure the effective operation of the system. Training programmes should be harmonised at EU level.

4.8 In drawing up codes of practice on the handling and care of animals due regard must be given to the views of persons who have at least five years uninterrupted practical experience in the handling and care of animals and should be combined with the academic viewpoint on how animals should be handled and cared for. Courses for certificates of competence in this area should also note this point of view.

4.9 Until December 31 2014 member states should issue certificates of competence without formal examination to persons demonstrating five years uninterrupted experience after a positive assessment by the Official Veterinarian.

4.10 In particular the committee welcomes art. 4(1) as being most important. This Article specifies that animals shall only be killed using a method which ensures instantaneous death or after stunning.

4.11 The Committee welcomes the proposal in art 8 that stunning equipment shall not be placed on the market without appropriate instructions concerning their use and maintenance in the manner which ensures optimal conditions for the welfare of animals. Research should be carried out to ensure that an automatic monitoring system be available. The regulation does not specify what manner of licensing shall apply to ensure that stunning equipment placed on the market is independently verified to justify the claims of the manufacturers.

4.12 The Committee is of the view that imports from third countries should meet equivalent standards in order not to distort competition. This matter is referred to in Art 10 but it needs to be made stronger and clearer. Also there must a declaration of intent that such a policy will be implemented.

4.13 The Committee welcomes the main principles contained in the proposed regulation.

Brussels, 25 February 2009.

The President
of the European Economic and Social Committee
Mario SEPI
