



## **Deliverable 1.4**

# **Legislation regarding religious slaughter in the EU member, candidate and associated countries**

## **Report**

Silvio Ferrari and Rossella Bottoni  
State University of Milan  
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Authors address:  
Silvio Ferrari  
e-mail: [silvio.ferrari@unimi.it](mailto:silvio.ferrari@unimi.it)  
Rossella Bottoni  
e-mail:  
[rossella.bottoni@fastwebnet.it](mailto:rossella.bottoni@fastwebnet.it)

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Karen von Holleben  
and Jörg Luy  
[www.dialrel.eu](http://www.dialrel.eu)

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Prof. Silvio Ferrari and Dr. Rossella Bottoni have prepared the Summary Report.

Prof. Silvio Ferrari has supervised the drafting of the Country Reports, which have been prepared by Rossella Bottoni and Kristin Koepernik, with the help of the following experts:

M. Haluk Anil

Carmen Asiaín

Schanda Balázs

Ringolds Balodis

Florence Bergeaud-Blackler (author of France's draft report)

Regina Binder

Ivanc Blaž

Branka Bukovic Šošić

Achilles Emilianides

Ellen Eser

Jaime Rossell Granados

Göran Gunner

Jean-Louis Hencks

Romanita Iordache

Ian Jenson

Toni Kirandziski

Merilin Kiviorg

Lisbet Kristoffersen

Jolanta Kuznecoviene

Jörg Luy

Ugo Mifsud Bonnici

Ana Teresa Monteiro

Adriaan Overbeeke

Charalambos Papastathis

Jenia Peteva

Helmut Pleiter

Michał Rynkowski

Hana van Ooijen

Karen von Holleben

Marianne Vasara

Antonio Velarde

Wolfgang Wieshaider

## **SUMMARY REPORT**

### **INTRODUCTION**

This report aims to summarise current legal rules concerning religious slaughter in the EU member states (Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Cyprus, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom), candidate countries (Croatia, FYR Macedonia and Turkey) and associated countries (Australia and Uruguay).

The first part examines legal notions of religious slaughter, as defined by the countries covered by the present research project. The second part deals with general rules regulating religious slaughter, identifying three categories of countries: 1) countries where religious slaughter without previous stunning is allowed under certain conditions, 2) countries prescribing post-cut stunning of animals used for religious slaughter, and 3) countries where religious slaughter without previous stunning is forbidden.

The third part offers an overview of detailed rules concerning religious slaughter. In particular, rules are taken into account concerning notifications or permission requests, slaughtermen, slaughterhouses, veterinarians, handling and restraining of animals, cuts, knives, back up stunning and modification of regular stunning parameters. The fourth and last part focuses upon recent court decisions.

### **PART I. LEGAL DEFINITIONS OF RELIGIOUS SLAUGHTER**

#### **a) Foreword**

The regulation and the definition of religious slaughter differ according to religious denomination (or community) taken into consideration. For example, some Islamic communities carry out religious slaughter without previous stunning, whereas others accept reversible previous stunning. Therefore, religious slaughter may be defined as slaughter without previous stunning for many, but not for all religious communities. On the other hand there are a number of other requirements (besides the issue of stunning) which must be met in order to carry out religious slaughter in a way that is consistent with Jewish or Islamic rite.

However, the prohibition on stunning animals before slaughtering them, which is upheld by orthodox Jewish communities (with some exceptions<sup>1</sup>) and a number of Muslim ones, is the characteristic of religious slaughter that is taken into greatest consideration by States' legal systems. In fact, this is the feature that most contrasts with States' legislation on slaughter.

In spite of national differences, many States' legislations are characterised by some common trends, one of them being the increasing awareness of animal welfare. This, in turn, has led many States to prohibit slaughter without previous stunning, which is a method they regard as inflicting unnecessary pain. It is important to note that it is one of the purposes of this report to make any assessment on which method of slaughtering is less painful. Such remarks are only meant to explain States' perspective.

All of the States covered by this research project protect the right of religious freedom, and the carrying out of religious slaughter is generally considered a component of this protected freedom. Thus, most countries grant a derogation from the compulsory requirement to stun animals before slaughter *exclusively and expressly* for the slaughter of animals *according to a religious rite*.

In the light of these considerations, it can be understood why many legal texts lack a proper definition of religious slaughter, and limit themselves to allowing for religious slaughter without previous stunning. This is the case of the 1979 European Convention for the Protection of Animals for Slaughter, as well as the Council Directive 93/119/EC of 22 December 1993 on the Protection of Animals at the Time of Slaughter or Killing.

According to the former, each Contracting Party may authorise derogations from the provisions concerning prior stunning in the case of slaughtering in accordance with religious rituals. The latter stipulated that the requirement of stunning might not apply, in the case of animals subject to particular methods of slaughter required by certain religious rites.

The Council Regulation (EC) no. 1999/2009 of 24 September 2009 on the protection of animals at the time of killing, which abrogated the aforementioned Directive, is more precise, by defining religious rite as a series of acts related to the slaughter of animals and prescribed by a religion (Art. 2, letter (g)).

#### b) States' legal definitions of religious slaughter

Ten countries have elaborated legal definitions of religious slaughter, but these are so varied from one State to another that it is not easy to identify common features.

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<sup>1</sup> For example, from the 1950s to the 1970s the Jewish community of Stockholm accepted electrical stunning of cattle. See Lotta Berg, *Schechita of Electrically Stunned in Cattle in Sweden 1952-1979*, in [http://library.vetmed.fu-berlin.de/pd/files/2005/global/87/Tierschutz\\_rituelle\\_Schlachtung.pdf](http://library.vetmed.fu-berlin.de/pd/files/2005/global/87/Tierschutz_rituelle_Schlachtung.pdf), pp. 99-102.

The UNITED KINGDOM<sup>2</sup> and IRELAND<sup>3</sup> focus upon the religious method (Jewish or Muslim), purposes (production of the food of Jews or Muslims) and the requirements that must be met by religious slaughtermen (who must be respectively a Jew approved by the Jewish community, a Muslim; in Great Britain, they must also hold a licence). AUSTRALIA has defined religious slaughter as the slaughter of animals in accordance with Islamic rites in order to produce Halal meat, or in accordance with Judaic rites in order to produce Kosher meat<sup>4</sup>.

Other countries are characterised by a less elaborated definition of religious slaughter than the ones provided by the United Kingdom, Ireland and Australia.

In few of them, such a definition seems to apply to religious slaughter with and without previous stunning. SLOVENIA has specified that religious slaughter may only be carried out within a religious ceremony conducted by an authorised person of a religious community<sup>5</sup>, whereas in ESTONIA religious slaughter is identified on the basis of its religious purposes<sup>6</sup>. Neither country mentions religious rites or methods.

SLOVAKIA defines it as the slaughter of animals according to a religious method<sup>7</sup>. Such a method is not specified in the first place, but other legal provisions make it clear that Slovakia only allows religious slaughter with post-cut stunning<sup>8</sup>.

In other countries, religious slaughter is exclusively regarded as the slaughter of animals without previous stunning, taking place according to the Jewish or Islamic rite (the NETHERLANDS<sup>9</sup>) or in accordance with religious rites of registered religious associations (POLAND<sup>10</sup>). CROATIA has defined slaughter according to a religious rite as the slaughter of animals without stunning, carried out by a person authorised by a registered religious community<sup>11</sup>.

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<sup>2</sup> Schedule 12 § 2 of the Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995, and Schedule 12 § 2 of the Statutory Rule 1996 No. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996.

<sup>3</sup> Art. 15 § 2 of the Slaughter of Animals Act, 1935 (No. 45 of 1935).

<sup>4</sup> Art. 1.3 of the Australian standard for the hygienic production and transportation of meat and meat products for Human Consumption (AS 4696:2007) of 2007.

<sup>5</sup> Art. 5 § 15 of the Animal Protection Act of 18 November 1999.

<sup>6</sup> Art. 10 § 1 (5) of the Animal Protection Act of 13 December 2000.

<sup>7</sup> Art. 12 of the Governmental Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003.

<sup>8</sup> See fn. 15.

<sup>9</sup> Art. 44 § 3 of the Law on Animal Health and Welfare of 24 September 1992.

<sup>10</sup> Art. 8 § 2 of the Ordinance of the Minister of Agriculture and Rural Development of 9 September 2004 concerning qualifications of persons authorised for professional slaughter, as well as requirements and methods for slaughter and killing of animals as amended on 11 August 2006.

<sup>11</sup> Art. 3 § 13 of the Animal Protection Act of 1 December 2006.

DENMARK differentiates two kinds of religious slaughter: “ritual” slaughter, defined as the slaughter of animals without previous stunning, taking place according to the Jewish or Islamic rite; and “halal” slaughter, carried out according to the Islamic rite with reversible previous stunning<sup>12</sup>.

## **PART II. GENERAL RULES CONCERNING RELIGIOUS SLAUGHTER**

As shown in table 1 (p. 10), most countries covered by the present research project allow religious slaughter without previous stunning, provided that a number of legal requirements are met. In TURKEY, the majority of the population is Muslim and – except for poultry – religious slaughter without previous stunning is currently the most commonly practiced method of slaughter.

AUSTRIA<sup>13</sup>, ESTONIA<sup>14</sup> and SLOVAKIA<sup>15</sup> also allow religious slaughter under certain conditions, but require post-cut stunning. FINLAND (with the exception of the province of Åland) does not formally prescribe post-cut stunning, but it can be included in this category, because the law stipulates that animals must be stunned simultaneously with the cutting of the jugular veins<sup>16</sup>. DENMARK<sup>17</sup> prescribes post-cut stunning only for bovine.

Within EU countries<sup>18</sup>, only LATVIA<sup>19</sup> and SWEDEN<sup>20</sup> do not allow the carrying out of religious slaughter without previous stunning. In Sweden, however, exceptions may be granted for poultry and rabbits upon an application sent to the Animal Welfare Agency. It should be noted that no application has been sent in the last 15 years. Also the Finnish province of ÅLAND (which has its own separate legal system) requires that animals to be used for religious slaughter must be previously stunned<sup>21</sup>.

In AUSTRALIA, as a rule, all animals must be stunned either prior or immediately after the throat cut. However, within the system of halal slaughter and certification envisaged by the federal government, stunning must be reversible. Further, since 2004, a derogation from the requirement of prior stunning can be granted by means of a so-called approved arrangement, in which the

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<sup>12</sup> See *infra*, pp. 60-61.

<sup>13</sup> Art. 32 § 5 (5) of the Animal Welfare Act of 2004 as amended in 2007.

<sup>14</sup> Art. 2 § 5 of the Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organizing and carrying out the killing of an animal for religious purposes.

<sup>15</sup> Art. 12 § 6 of the Governmental Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003.

<sup>16</sup> Art. 33 of the Animal Welfare Act no. 247 of 4 April 1996; Art. 45 and Art. 47 of the Animal Welfare Decree no. 396 of 7 June 1996. However, it should be noted that neither the simultaneous slaughter and stunning of an animal, nor post-cut stunning are reportedly ever carried out. As a matter of fact, religious slaughter is performed after the stunning of animals.

<sup>17</sup> Art. 7 § 4 of the Order on Slaughtering and Killing of Animals as amended on 6 June 2007.

<sup>18</sup> Within Europe, there are some more countries prohibiting the carrying out of religious slaughter without previous stunning, such as Switzerland and Norway.

<sup>19</sup> Section 4 § 7 of the Animal Protection Law as amended on 19 December 2006.

<sup>20</sup> Section 14 § 1 of the Animal Welfare Act no. 534 of 1988 as amended on 31 May 2007.

<sup>21</sup> Art. 32 of the Animal Protection Act no. 95 of 29 September 1998.



competent authority approves the procedures determined by the slaughterhouse<sup>22</sup>. There are currently four slaughterhouses that sometimes operate under this approved arrangement, where sheep are not stunned before slaughter, and cattle are stunned after the cut of the throat<sup>23</sup>.

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<sup>22</sup> Art. 7.10 and 7.12 of the Australian standard for the hygienic production and transportation of meat and meat products for Human Consumption (AS 4696:2007) of 2007 and AQIS Meat Notice 2009/08. Australian Government Authorised Halal Program - guidelines for the preparation, identification, storage and certification for export of halal meat and red meat products.

<sup>23</sup> See *infra*, p. 34.

**Table 1. Classification of EU member, candidate and associate countries  
with regard to their rules concerning religious slaughter and stunning**

COUNTRY	FORBIDS RELIGIOUS SLAUGHTER WITHOUT PREVIOUS STUNNING	ALLOWS RELIGIOUS SLAUGHTER WITHOUT PREVIOUS STUNNING UNDER CERTAIN CONDITIONS	ALLOWS RELIGIOUS SLAUGHTER WITHOUT PREVIOUS STUNNING BUT PRESCRIBES POST-CUT STUNNING UNDER CERTAIN CONDITIONS
Australia	x (stunning must be reversible)	x (only for sheep in four slaughterhouses under an “approved arrangement”)	x (only for cattle in four slaughterhouses under an “approved arrangement”)
Austria			x
Belgium		x	
Bulgaria		x	
Croatia		x	
Czech Republic		x	
Denmark		x (not for cattle)	x (only for cattle)
Estonia			x
Finland	x (only in the province of Åland)		x (in other provinces, stunning and slaughtering must be performed simultaneously)
FYR Macedonia		x	
France		x	
Germany		x	
Greece		x	
Hungary		x	
Ireland		x	
Italy		x	
Latvia	x		
Lithuania		x	
Luxembourg		x	
Malta		x	
Netherlands		x	
Poland		x	
Portugal		x	
Republic of Cyprus		x	
Romania		x	
Slovakia			x
Slovenia		x	
Spain		x	
Sweden	x		
Turkey		x	
United Kingdom		x	
Uruguay		x	

### PART III. DETAILED RULES CONCERNING RELIGIOUS SLAUGHTER

The legal requirements, which must be met in order to carry out religious slaughter either without previous stunning or with post-cut stunning, concern different aspects of this kind of slaughter. Most countries require a notification or a permission request, and prescribe a number of requirements concerning slaughtermen, slaughterhouses, veterinarians, handling and restraining of animals, and cuts and knives.

#### *a) Notification or permission request*

In DENMARK<sup>24</sup>, ITALY<sup>25</sup> and SPAIN<sup>26</sup>, the concerned slaughterhouses must notify the competent authority that religious slaughter will be carried out on their premises.

In ESTONIA, such a formality has seemingly to be carried out by the concerned religious community, because it is required that a written note must be submitted to the Veterinary Food Board ten days before the slaughter takes place, containing information about the species and the number of animals to be killed as well as the method, time and place of the killing<sup>27</sup>.

In the REPUBLIC OF CYPRUS, there are no legal rules, but a practice has been established according to which the competent religious authorities must apply for a special derogation to the Veterinary Services<sup>28</sup>.

Also in FYR MACEDONIA<sup>29</sup>, LITHUANIA<sup>30</sup>, SLOVENIA<sup>31</sup> and LUXEMBOURG it is necessary to ask for a permission, but in the last country there exists a “gentlemen’s agreement” with animal welfare associations, according to which the competent authorities shall not grant such an authorisation. There have been indeed few applications, but religious slaughter has never been allowed and the concerned religious communities have been encouraged to use the slaughterhouses located beyond the borders<sup>32</sup>.

Three States have prescribed additional requirements for the religious communities that want to apply for a derogation and carry out religious slaughter.

<sup>24</sup> Art. 7 § 5 of the Order on Slaughtering and Killing of Animals as amended on 6 June 2007.

<sup>25</sup> Art. 2 h) of the Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing.

<sup>26</sup> Art. 6 § 3 of the Law no. 32 of 7 November 2007 concerning animal care during exploitation, transport, experiments and slaughter.

<sup>27</sup> Art. 1 § 1-2 of the Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organizing and carrying out the killing of an animal for religious purposes.

<sup>28</sup> See *infra*, p. 147.

<sup>29</sup> Art. 44 § 3 of the Law on Animal Protection and Welfare in force as of 1 January 2008.

<sup>30</sup> Art. 9 § 4 of the Law no. VIII-500 of 6 November 1997 on the Care, Keeping and Use of Animals as amended on 4 July 2000.

<sup>31</sup> Art. 25 of the Animal Protection Act of 18 November 1999.

<sup>32</sup> See *infra*, p. 125.

In GERMANY, religious slaughter without previous stunning is only allowed for religious communities whose *mandatory* rules require slaughter without stunning or prohibit ption of meat of animals not slaughtered in this way<sup>33</sup>. The concerned religious community or butcher has to make an application to the competent authority, which the number of animals to be slaughtered, the indication of the religious community on whose behalf the slaughter is carried out as well as the way this is performed, and a clear explanation of the mandatory character of the rules prohibiting stunning. The competent authority verifies whether such rules are compulsory, and whether the number of animals to be slaughtered is not bigger than it is actually needed to satisfy the needs of the concerned religious community. If such conditions are met, the competent authority grants a licence authorising the carrying out of relig ithout previous stunning.

However, in Germany the easier permission to obtain is for religious slaughter with reversible stunning<sup>34</sup>. Since reversible stunning is allowed by a few Muslim communities, some court have maintained that there are no Islamic *mandatory* rules explicitly forbidding the consumption of meat from animals stunned before slaughter<sup>35</sup>. Thus, only Jews and very few Muslim communities succeed in obtaining the aforementioned licence and are allowed to slaughter animals without previous stunning. The other Muslim communities may only carry out religious slaughter with reversible stunning.

The requirement concerning the existence of a religious mandatory rule is also prescribed by AUSTRIA<sup>36</sup>. However, this country does not necessarily link the ption from the requirement to stun animals before slaughter to a uniform practice within a religious community. The reference to the religious commandment has to be plausible, but must not be interpreted as mandatory by state authorities<sup>37</sup>. Further, it is required that the religious community asking for a derogation be recognised<sup>38</sup>. Both the Jewish and the Islamic communities in Austria have such a legal status<sup>39</sup>. Therefore, they both are allowed to carry out religious slaughter with post-cut stunning.

SLOVAKIA, like Austria, links the exemption for religious slaughter without previous stunning to a specific legal status. Only religious communities that are a registered religious Church or religious

<sup>33</sup> Art. 4a § 2 (2) of the Animal Welfare Act as amended on 18 May 2006.

<sup>34</sup> Art. 14 § 2 (3) of the Animal Welfare Act as amended on 18 May 2006.

<sup>35</sup> See Part IV.

<sup>36</sup> Art. 32 § 5 of the Animal Welfare Act of 2004 as amended in 2007.

<sup>37</sup> See *infra*, p. 39.

<sup>38</sup> Art. 32 § 5 of the 2004 Animal Welfare Act.

<sup>39</sup> The legal status recognised by each country to the religious denominat isting and operating in its own territory should not be confused with the administrative authorisations, which the competent authorities may grant in order to allow (some or all) religious communities to carry out specific religious practices worship-related functions. The latter is the case, for instance, of France's decrees of 15 December 1994 and 27 June 1997 concerning the approval of the religious bodies designating the slaughtermen charged to carry out slaughter according to the Muslim rite.

society may apply for a permission<sup>40</sup>. Only the Union of the Jewish Communities has such a legal status. As a consequence, Jews are allowed to apply to get the permission to slaughter animals according to their religious rite, whereas Muslims, who have been so far denied such a registration, cannot carry out religious slaughter<sup>41</sup>.

### b) Religious slaughtermen

The two main requirements, which must be met by religious slaughtermen, concern respectively the possession of a licence certifying their competence, and the approval or authorisation by their religious community. These are not equivalent criteria.

The ratio of the former lies in the State's interest to guarantee that the persons charged with carrying out religious slaughter have the necessary ability and experience, which is certified by a licence issued by the competent state authorities. In contrast, the latter aims to emphasise the link between a slaughterman and the religious community to the right to carry out religious slaughter has been recognised, and on whose behalf this is carried out. The authorisation or approval by the religious authority guarantees that animals are slaughtered within the religious law.

As to the first requirement, a few countries have simply stipulated that slaughter (in general) must be carried out by expert slaughtermen<sup>42</sup>. Others have specified this legal provision and have made a specific reference to religious slaughter<sup>43</sup>. In GERMANY, according the provisions legally binding in each *Land*, religious slaughtermen must have special training, compared with conventional

<sup>40</sup> Art. 12 § 1 of the Governmental Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003.

<sup>41</sup> See *infra*, p. 161.

<sup>42</sup> Art. 7 § 1 of the Royal Decree on the protection of animals at the time of slaughtering or killing of 16 January 1998 as amended on 6 October 2006 (Belgium); Art. 7 of the President's Decree no. 327 of 3 September 1996 on the Protection of Animals at the Time of Slaughter and/or Killing in accordance with the Directive 93/119/CE of the European Council (Greece); Art. 6 of the Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture and Rural Development on the protection of animals at the time of slaughter or killing as amended on 3 November 2006 (Hungary); Art. 6 § 1 c) of the European Communities (Protection of Animals At Time of Slaughter) Regulations, 1995 (S.I. No. 114 of 1995) (Ireland); Art. 9 § 2 of the Law no. VIII-500 of 6 November 1997 on the Care, Keeping and Use of Animals as amended on 4 July 2000, and Art. 10 of the Order of the Director of the State Food and Veterinary Service no. 659 of 11 December 2002 on the Animal Protection Requirements at the time of Slaughter or Killing (Lithuania); Art. 7 of the Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995 (Luxembourg); Art. 7 of the Animal Slaughter or Killing (Protection) Regulations, 2003 (Malta); Art. 3 of the Ordinance of the Minister of Agriculture and Development of 9 September 2004 concerning the qualifications of persons authorised for professional slaughter, as well as the requirements and methods for slaughter and killing of animals as amended on 11 August 2006 (Poland); Art. 4 § 2 and Schedule 1 §§ 2-4 of the Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995, and Art. 4 § 2 and Schedule 1 §§ 2-4 of the Statutory Rule 1996 No. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (Great Britain); Art. 7 of the Royal Decree no. 54 of 20 January 1995 related to the protection of animals at the time of slaughter or killing (Spain).

<sup>43</sup> Art. 32 § 5 (1) of the Animal Welfare Act of 2004 as amended in 2007 (Austria); Art. 5 § 5 the Act on the protection of animals against cruelty as amended on 3 February 2006 (77/2006 Coll.) (Czech Republic); Art. 2 § 6 of the Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organizing and carrying out the killing of an animal for religious purposes (Estonia); Art. 48 of the Animal Welfare Decree no. 396 of 7 June 1996 (Finland); Art. 2 § 1 of the Ministerial Decree concerning the Authorisation of Slaughter of Animals according to the Jewish and Islamic rites of 11 June 1980 (Italy); Art. 4 of the Decree on the Act of Religious Slaughter of 6 November 1996 (Netherlands); Art. 12 § 3 c) of the Government Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003 (Slovakia).

slaughtermen. Their competence is verified by theoretical and practical exams, and certified by a licence<sup>44</sup>.

As to the second requirement, a number of countries recognise the competence of religious authorities as to the supervision of the act of slaughter, or the execution of the religious rites<sup>45</sup>. Other countries expressly require that religious slaughtermen be approved or authorised by their respective religious community<sup>46</sup>. FRANCE has stipulated more detailed rules. It requires that religious slaughtermen are certified by religious bodies approved by the Ministry of Agriculture, upon proposal by the Minister of the Interior. If no religious body has been approved, the prefect of the province, where the slaughterhouse used for ritual slaughters is located, can grant individual authorisations upon justified request of the concerned persons<sup>47</sup>.

### c) Slaughterhouses

The European Directive 93/119/EC stipulated that slaughter (in general) had to be carried out in slaughterhouses (Art. 5 § 1). When it was transposed into the national legislations of the member States, a few countries specified that *religious* slaughter must be carried out in a slaughterhouse<sup>48</sup>. In other countries, it must be carried out in special slaughterhouses, which are specially approved or

<sup>44</sup> See *infra*, p. 88.

<sup>45</sup> Art. 5 § 3 of the Ordinance no. 22 of 14 December 2005 on Reducing to a minimum the Suffering of Animals at the Time of Slaughter. (Bulgaria); Art. 2 § 8 of the President's Decree no. 327 of 3 September 1996 on the Protection of Animals at the Time of Slaughter and/or Killing in accordance with the Directive 93/119/CE of the European Council (Greece); Art. 4 § 2 of the Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture and Development on the protection of animals at the time of slaughter or killing as amended on 3 November 2006 (Hungary); Art. 5 § 2 of the European Communities (Protection of Animals At Time of Slaughter) Regulations, 1995 (S.I. No. 114 of 1995) (Ireland); Art. 2 h) of the Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing (Italy); Art. 5 § 2 of the Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995 (Luxembourg); Art. 2 of the Animal Slaughter or Killing (Protection) Regulations, (Malta); Art. 7 § 4 of the Decree of the Ministry of Agriculture, Rural Development and Fisheries no. 28/96 of 2 April 1996 (Portugal); Art. 5 § 2 of the Regulation on Animal Protection at the Time of Slaughter or Killing (216/2002) of 2 May 2002 (Republic of Cyprus); Art. 2 § 2 of the Order no. 180 of 11 August 2006 of the National Authority for Veterinary Health and Food Safety concerning the regulation for veterinary health on animals' protection during slaughter and killing (Romania); Second Additional Provision of the Royal Decree no. 54 of 20 January 1995 related to the protection of animals at the time of slaughter or killing (Spain).

<sup>46</sup> AQIS Meat Notice 2009/08. Australian Government Author Halal Program - guidelines for the preparation, identification, storage and certification for export of halal red meat and red meat products; Art. 2 § 3 of Annex D to the Ordinance on the Protection of Animals at the Time of Slaughter or Killing of 2004 as amended in 2006 (Austria); Art. 16 § 2 of the Law on the animal protection and welfare of 14 August 1986 as amended on 4 July 2004, and Art. 2 of the Royal Decree on some kinds of slaughter according to a religious rite of 11 February 1988 as amended on 25 March 1998 (Belgium); Art. 3 § 13 of the Animal Protection Act of 1 December 2006 (Croatia); Art. 48 of the Animal Welfare Decree no. 396 of 7 June 1996 (Finland); Art. 44 § 8 of the Law on Animal Health and Welfare of 24 September 1992 (Netherlands); Schedule 2 § 2 a) of the Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995, and Schedule 2 § 2 a) of the Statutory Rule 1996 No. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (Great Britain); Art. 5 § 15 of the Animal Protection Act of 18 November 1999 (Slovenia). As to Poland, this provision is not contained in a law, but in a document issued by the Ministry of Agriculture (See *infra*, p. 140).

<sup>47</sup> Art. R.\* 214-75 of the Annex to the Decree of the Ministry of Agriculture, Food, Fisheries and Agricultural Affairs no. 2003-768 of 1 August 2003 concerning the regulation part of Book II of the agricultural code.

<sup>48</sup> Art. 45 § 2 of the Animal Welfare Decree no. 396 of 7 June 1996 (Finland), Art. R.\* 214-73 of the Annex to the Decree of the Ministry of Agriculture, Food, Fisheries and Agricultural Affairs no. 2003-768 of 1 August 2003 concerning the regulation part of Book II of the agricultural code (France); Art. 2 § 4 of the Statutory Instrument 1999 No. 400. The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations of 18 February 1999 (Great Britain). In Germany, this legal provision is contained in the law of the respective *Länder*.

authorised for this purpose (AUSTRIA<sup>49</sup>, BELGIUM<sup>50</sup>, CROATIA<sup>51</sup>, NETHERLANDS<sup>52</sup> and SLOVAKIA<sup>53</sup>), are authorised to export meat (DENMARK<sup>54</sup>).

In AUSTRALIA, religious slaughter according to the Islamic rite with reversible stunning is carried out in the slaughterhouses that are part of the Australian Government Authorised Halal Program. Religious slaughter without previous stunning (for sheep) or with post-cut stunning (for cattle) is only performed in four slaughterhouses under an “approved arrangement”<sup>55</sup>.

A few States seem to have breached the European Directive, by also authorising this kind of slaughter outwith a slaughterhouse, provided that a stunning official (ESTONIA<sup>56</sup>) or an authorised person (NORTHERN IRELAND<sup>57</sup>) shall be present, or provided that registered religious communities shall supervise the act of slaughter and the obtained meat shall not sold but will be used for private consumption (POLAND<sup>58</sup>).

The contrast between the European Directive and some countries’ practices arose especially with respect to the celebration of *Aid el-Kebir* religious festival, when a great number of animals are slaughtered and slaughterhouses cannot meet the requests coming from local Muslim communities, for operational reasons or because of restrictions on the maximum number of animals that can be killed or yet other reasons. In such a context in the 90’s, France’s municipal authorities tried to meet such requests, by allowing “exemption sites”, that is, temporary structures outwith slaughterhouses. However, in 1999, France was called to order by the Veterinary Office of the European Union and warned that it would be heavily fined if it continued to breach the European Directive. Thus, since 2001 any derogation from the compulsory requirement to carry out religious slaughter outside a slaughterhouse has been prohibited<sup>59</sup>.

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<sup>49</sup> Art. 32 § 4 of the Animal Welfare Act of 2004 as amended in 2007.

<sup>50</sup> Art. 1 of the Royal Decree on some kinds of slaughter according to a religious rite of 11 February 1988 as amended on 25 March 1998.

<sup>51</sup> Art. 19 § 5 of the Animal Protection Act of 1 December 2006.

<sup>52</sup> Art. 9 of the Animal Welfare Exemption-Arrangement as amended on 2 October 2006.

<sup>53</sup> Art. 12 § 5 of the Governmental Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003.

<sup>54</sup> Art. 7 § 2 of the Order on Slaughtering and Killing of Animals as amended on 6 June 2007.

<sup>55</sup> See *infra*, p. 34.

<sup>56</sup> Art. 17 § 1 of the Animal Protection Act as amended on 15 February 2007, and Art. 2 § 3 of the Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organizing and carrying out the killing of an animal for religious purposes.

<sup>57</sup> Schedule 12 § 8 of the Statutory Rules 1996 no. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996.

<sup>58</sup> This provision is not contained in a law, but in a decision issued by the Ministry of Agriculture. See *infra*, p. 140.

<sup>59</sup> See *infra*, p. 78.

#### d) Veterinarians

The European Directive 93/119/EC stipulated that the religious authority, on whose behalf slaughter was carried out, operate under the *responsibility* of the official veterinarian. This legal provision was transposed literally into the national legislations of a number of member States<sup>60</sup>. A few of them have introduced variants: AUSTRIA<sup>61</sup> and FINLAND<sup>62</sup> require the *presence* of the official veterinarian, whereas BULGARIA<sup>63</sup>, DENMARK<sup>64</sup> and ESTONIA<sup>65</sup> prescribe his/her *supervision*.

In GERMANY, there are no legal provisions, but exceptional permission to carry out religious slaughter without previous stunning often includes the presence of a veterinarian as a compulsory requirement<sup>66</sup>.

#### e) Handling and restraining of animals

In URUGUAY, humane slaughter and handling of animals is obligatory in all slaughterhouses approved by the Ministry of Agriculture and Fisheries, but such provisions do not apply to the different methods of religious slaughter<sup>67</sup>.

The greatest majority of EU member States and candidate countries have transposed the provision contained in Article 3 of the European Directive, according to which animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing<sup>68</sup>. In the NETHERLANDS, this provision is specifically applied to animals to be used for religious slaughter<sup>69</sup>.

<sup>60</sup> Art. 2 § 8 of the President's Decree no. 327 of 3 September 1996 on the Protection of Animals at the Time of Slaughter and/or Killing in accordance with the Directive 93/119/CE of the European Council (Greece); Art. 4 § 2 of the Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture and Rural Development on the protection of animals at the time of slaughter or killing as amended on 3 November 2006 (Hungary); Art. 5 § 2 of the European Communities (Protection of Animals At Time of Slaughter) Regulations, 1995 (S.I. No. 114 of 1995) (Ireland); Art. 2 h) of the Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing (Italy); Art. 2 of the Animal Slaughter or Killing (Protection) Regulations, 2003 (Malta); Art. 7 § 2 of the Decree of the Ministry of Agriculture, Rural Development and Fisheries no. 28/96 of 2 April 1996 (Portugal); Art. 5 § 2 of the Regulation on Animal Protection at the Time of Slaughter or Killing (216/2002) of 2 May 2002 (Republic of Cyprus); Art. 2 § 2 of the Order no. 180 of 11 August 2006 of the National Authority for Veterinary Health and Food Safety concerning the regulation for veterinary health on animals' protection during slaughter and killing (Romania); Second Additional Provision of the Royal Decree no. 54 of 20 January 1995 related to the protection of animals at the time of slaughter or killing (Spain).

<sup>61</sup> Art. 32 § 5 (2) of the Animal Welfare Act of 2004 as amended in 2007.

<sup>62</sup> Art. 45 § 2 of the Animal Welfare Decree no. 396 of 7 June 1996.

<sup>63</sup> Art. 5 § 3 of the Ordinance no. 22 of 14 December 2005 on Reducing to a minimum the Suffering of Animals at the Time of Slaughter.

<sup>64</sup> Art. 7 §§ 2-3 of the Order on Slaughtering and Killing of Animals as amended on 6 June 2007.

<sup>65</sup> Art. 1 § 3 of the Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organizing and carrying out the killing of an animal for religious purposes.

<sup>66</sup> See *infra*, p. 87.

<sup>67</sup> Art. 181 of the Decree 369/983 of 7 October 1983 approving the Official Regulation for Veterinary Inspection of Products of Animal Origin.

<sup>68</sup> Art. 3 of the Ordinance on the Protection of Animals at the Time of Slaughter or Killing of 2004 as amended in 2006 (Austria); Art. 3 of the Royal Decree on the protection of animals at the time of slaughtering or killing of 16 January 1998 as amended on 6 October 2006 (Belgium); Art. 3 of the Ordinance no. 22 of 14 December 2005 on Reducing to a minimum the Suffering of Animals at the Time of Slaughter (Bulgaria); Art. 3 of the Ordinance on the protection of animals at the time of slaughter or killing of 23



Some countries have also literally transposed the legal provision contained in Article 1 of Annex B of the European Directive, which stipulates that bovine animals must be restrained before religious slaughter by using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals<sup>70</sup>.

Other countries have expanded the scope of this provision. In FRANCE it is applied to ovine, too<sup>71</sup>. In AUSTRIA it concerns all animals<sup>72</sup>, whereas in the CZECH REPUBLIC it regards all animals that are slaughtered for the purposes of a Church or a religious society<sup>73</sup>. However, in the last two countries, the examined legal provisions do not mention a mechanical restraint method.

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September 2005 (Croatia); Art. 5a of the Act on the protection of animals against cruelty as amended on 3 February 2006 (77/2006 Coll.) (Czech Republic); Art. 11 § 2 of the Animal Protection Act as amended and promulgated on 15 February 2007 (Estonia); Art. 33 of the Animal Welfare Act no. 247 of 4 April 1996 (Finland); Art. 3 of the Ordinance on the protection of animals at the time of slaughter or killing of 3 March 1997 (Germany); Art. 3 of the President's Decree no. 327 of 3 September 1996 on the Protection of Animals at the Time of Slaughter and/or Killing in accordance with the Directive 93/119/CE of the European Council (Greece); Art. 3 of the Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture (Hungary); Art. 3 of the Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing (Italy); Art. 4 of the Order of the Director of the State Food and Veterinary Service no. 659 of 11 December 2002 on the the Animal Protection Requirements at the time of Slaughter or Killing (Lithuania); Art. 3 of the Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995 (Luxembourg); Art. 43 § 3 of the Law on Animal Protection and Welfare in force as of 1 January 2008 (Macedonia). Art. 3 of the Animal Slaughter or Killing (Protection) Regulations, 3 (Malta); Art. 3 of Annex A to the Decree of the Ministry of Agriculture, Rural Development and Fisheries no. 28/96 of 2 April 1996 (Portugal); Art. 3 of the Order no. 180 of 11 August 2006 of the National Authority for Veterinary Health and Food Safety concerning the regulation for veterinary health on animals' protection during slaughter and killing (Romania); Art. 3 of the Government Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter and Killing as amended on 19 November 2003 (Slovakia); Art. 3 of the Rules on the protection of animals at the time of slaughter as amended on 5 January 2006 (Slovenia); Art. 3 of the Royal Decree no. 54 of 20 January 1995 related to the protection of animals at the time of slaughter or killing (Spain).

<sup>69</sup> Art. 3 of the Decree on the Act of Religious Slaughter of 6 November 1996.

<sup>70</sup> Art. 1, Chapter II of the Annex to the Royal Decree on the protection of animals at the time of slaughtering or killing of 16 January 1998 as amended on 6 October 2006 (Belgium); Art. 28 of the Ordinance no. 22 of 14 December 2005 on Reducing to a minimum the Suffering of Animals at the Time of Slaughter (Bulgaria); Art. 46 of the Animal Welfare Decree no. 6 of 7 June 1996 (Finland); Art. 12 § 1 of the Animal Welfare Act as amended on 18 May 2006 (Germany); Art. 1 § 2 of Annex B to the President's Decree no. 327 of 3 September 1996 on the Protection of Animals at the Time of Slaughter and/or Killing in accordance with the Directive 93/119/CE of the European Council (Greece); Art. 1 of Annex 2 to the Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture and Rural Development on the protection of animals at the time of slaughter or killing as amended on 3 November 2006 (Hungary); Art. 1, Second Schedule of the European Communities (Protection of Animals At Time of Slaughter) Regulations, 1995 (S.I. No. 114 of 1995) (Ireland); Art. 1 of Annex B to the Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing (Italy); Art. 38 of the Order of the Director of the State Food and Veterinary Service no. 659 of 11 December 2002 on the Animal Protection Requirements at the time of Slaughter or Killing (Lithuania); Art. 1 of Annex B to the Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995 (Luxembourg); Art. 1 of Schedule B of the Animal Slaughter or Killing (Protection) Regulations, (Malta); Art. 7 § 3 of the Ordinance of the Minister of Agriculture and Rural Development of 9 September 2004 concerning the qualifications of persons authorised for professional slaughter, as well as the requirements and methods for slaughter and killing of animals as amended on 11 August 2006 (Poland); Art. 1 of Annex C to the Decree of the Ministry of Agriculture, Rural Development and Fisheries no. 28/96 of 2 April 1996 (Portugal); Art. 1 § 2 of Annex B to the Regulation on Animal Protection at the Time of Slaughter or Killing (216/2002) of 2 May 2002 (Republic of Cyprus); Art. 1 of Annex 2 to the Order no. 180 of 11 August 2006 of the National Authority for Veterinary Health and Food Safety concerning the regulation for veterinary health on animals' protection during slaughter and killing (Romania); Art. 2 of Annex 3 to the Government Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003 (Slovakia); Art. 1 of Annex B to the Royal Decree no. 54 of 20 January 1995 related to the protection of animals at the time of slaughter or killing (Spain).

<sup>71</sup> Art. R.\* 214-74 of the Annex to the Decree of the Ministry of Agriculture, Food, Fisheries and Agricultural Affairs no. 2003-768 of 1 August 2003 concerning the regulation part of Book II of the agricultural code; Art. 2 of the Decree of the Ministry of Agriculture and Fisheries of 12 December 1997 concerning the methods of restraining, stunning and killing animals and the conditions for protecting animals in slaughterhouses.

<sup>72</sup> Art. II § 1 of Annex D to the Ordinance on the Protection of Animals at the Time of Slaughter or Killing of 2004 as amended in 2006.

<sup>73</sup> Art. 5e § 2 of the Act on the protection of animals against cruelty as amended on 3 February 2006 (77/2006 Coll.).

In SLOVENIA, according to a legally non-binding recommendation of the Veterinary Administration, the restraining of large animals to be used for religious slaughter must be achieved by the use of specially designed equipment. However, Slovenian authorities have pointed out that none of the slaughter facilities in the country has so far installed an appropriate restraining equipment, which is the actual reason why no authorization to perform the religious slaughter of large animals has been issued up to now<sup>74</sup>.

Article 2 of Annex B of the European Directive also prohibited suspending animals before stunning or killing. This provision concerning slaughter (in general) has been specified in GERMANY: animals slaughtered according to religious methods may not be suspended before the bleeding has ended<sup>75</sup>. According to the provisions legally binding in each *Land*, there must not be any further manipulation after the cut for two minutes in the case of ovine, and for three minutes in the case of bovine<sup>76</sup>.

In the NETHERLANDS, the mechanical restraint system for bovine must have a timed lock, which is activated immediately after severing both carotid arteries. The restraint cannot be ceased for at least 45 seconds after the cut. Sheep and goats must be restrained by at least two persons or through a restraining device by at least one person. These animals must be restrained for at least 30 seconds in the position they held when the cut was performed and this period of time they must not be subjected to further dressing procedures<sup>77</sup>.

In the UNITED KINGDOM, an animal slaughtered without prior stunning cannot be moved until it is unconscious and in any event not before the elapse of at least 20 seconds in the case of sheep and goats, and at least 30 seconds in the case of cattle<sup>78</sup>.

The European Directive does not expressly prohibit inverted slaughter, but only stipulated that animals had to be restrained in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions (Article 1 of Annex B). However, this legal provision can be interpreted as prohibiting inverted slaughter, because this causes unnecessary pain. Thus, inverted restraint systems are discouraged in AUSTRIA<sup>79</sup>, and are expressly forbidden in SLOVAKIA<sup>80</sup> and, only for bovine, in DENMARK<sup>81</sup> and GREAT BRITAIN<sup>82</sup>.

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<sup>74</sup> See *infra*, p. 163.

<sup>75</sup> Art. 13 § 4 of the Animal Welfare Act as amended on 18 May 2006.

<sup>76</sup> See *infra*, p. 88.

<sup>77</sup> Art. 8 of the Decree on the Act of Religious Slaughter of 6 November 1996.

<sup>78</sup> Schedule 12 § 7 of the Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995, and Schedule 12 § 7 of the Statutory Rule 1996 No. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996.

<sup>79</sup> See *infra*, p. 39.

<sup>80</sup> Art. 12 § 5 of the Governmental Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003.

<sup>81</sup> Art. 7 § 2 of the Order on Slaughtering and Killing of Animals as amended on 6 June 2007.

In AUSTRALIA, in the four slaughterhouses under an “approved arrangements” where cattle is stunned after the throat cut, the animals must be restrained in an upright position, and their head must be restrained, too<sup>83</sup>.

#### *f) Cuts and knives*

In a few countries, there are legal provisions regulating the way the cut must be performed, and the length and sharpness of knives to be used for religious slaughter.

In AUSTRIA, the carotid arteries have to be cut immediately after restraint and must not be stretched. The cut is performed with a clean and smooth high quality steel knife, which must be at least twice as long as the diameter of the animal’s neck, and must not be pointed. Its smoothness and sharpness have to be examined immediately before the cut is made<sup>84</sup>.

DENMARK has stipulated that the slaughtering has to take place by the manual cut of both carotid arteries and jugular veins, done with a sharp device, under the restraint of the animal<sup>85</sup>.

In ESTONIA, animals used for religious slaughter must be killed by an incision of the carotid arteries and trachea, done with a sharp instrument, which is considered suitable for the killing of animal of the particular species and which is in good repair<sup>86</sup>.

In ITALY, a very sharp knife must be used in such a way as to cut with one only incision the esophagus, the trachea and the major blood vessels of the neck at the same time<sup>87</sup>.

In the UNITED KINGDOM, these rules only apply to religious slaughter of animals without previous stunning. Each animal must be slaughtered by the severance of both its carotid arteries and both its jugular veins, by rapid and uninterrupted movements of a knife. The knife to be used must be inspected before slaughter, in order to ensure that it is undamaged and of sufficient size and sharpness<sup>88</sup>.

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<sup>82</sup> Schedule 12 § 3 (1) of the Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995.

<sup>83</sup> 2004 Guidelines for the Ritual Slaughter for Ovine and Bovine.

<sup>84</sup> See Art. II § 4 of Annex D to the Ordinance on the Protection of Animals at the Time of Slaughter or Killing of 2004 as amended in 2006.

<sup>85</sup> Art. 7 § 4 of the Order on Slaughtering and Killing of Animals as amended on 6 June 2007.

<sup>86</sup> Art. 2 § 1 of the Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organizing and carrying out the killing of an animal for religious purposes.

<sup>87</sup> Art. 2 § 2 of the Ministerial Decree concerning the Authorisation of Slaughter of Animals according to the Jewish and Islamic rites of 11 June 1980.

<sup>88</sup> Schedule 12 § 6 of the Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995, and Schedule 12 § 6 of the Statutory Rule 1996 No. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996.

In the NETHERLANDS, the cut must be performed immediately after restraining the animal, by means of a razor-sharp knife and by a person other than those involved in the restraining. Prayers and any other actions cannot delay the carrying out of the cut<sup>89</sup>.

Also in GERMANY, there are rules about knives and cuts, but not at the legislative level. The exceptional permission to carry out religious slaughter without previous stunning usually includes rules about the length and sharpness of knives<sup>90</sup>.

#### g) Back up stunning

In AUSTRALIA, back up stunning must be available and operational for all species in the four slaughterhouses operating under an “approved arrangement”<sup>91</sup>.

In GERMANY, the number of conditions that must be met in order to obtain the exceptional permission for religious slaughter without stunning includes the availability of a post-cut stunning device in the case of complications<sup>92</sup>.

#### h) Modification of regular stunning parameters

In AUSTRALIA, within the system of *halal* slaughter and certification envisaged by the federal government, animals are stunned before slaughter by electrical means or concussion, and their death must be solely the result of the slaughter process, and not due to the stunning technique<sup>93</sup>.

In GERMANY, when a permission to carry out religious slaughter with reversible stunning has been obtained, the so-called short time electric stunning is performed. This kind of stunning is different from standard electric stunning, due to the short length of time when electricity is applied (minimum two seconds instead of four) and the relinquishment of the demand that a cardiac arrest in cattle be induced<sup>94</sup>. If no bleeding is carried out, animals recover within a short period of time (reversible stunning).

<sup>89</sup> Art. 9 § 1 of the Decree on the Act of Religious Slaughter of 6 November 1996.

<sup>90</sup> See *infra*, p. 87.

<sup>91</sup> Approved Arrangement Guideline of June 2006.

<sup>92</sup> See *infra*, p. 87.

<sup>93</sup> AQIS Meat Notice 2009/08. Australian Government Authorised Halal Program - guidelines for the preparation, identification, storage and certification for export of halal red meat and red meat products.

<sup>94</sup> Art. 14 § 2 (3) of the Ordinance on the protection of animals at time of slaughter or killing of 3 March 1997. See also *infra* p. 88.

#### **PART IV. CASE LAW**

There have been recent court decisions concerning religious slaughter in six countries.

GERMANY is the country having the most abundant case law. In 1987, the Federal High Administrative Court stated that there is no Islamic dogma forbidding the consumption of meat from animals that have been stunned prior to slaughter, and did not grant the exceptional permission to carry out religious slaughter without previous stunning to the concerned Muslim community. However, in 2002, the Federal Constitutional Court unanimously maintained that, because of different existing opinions within Islam, the Animal Welfare Act could not be interpreted in such a way as to infringe on religious freedom, by making it impossible to get an exceptional permission to carry out religious slaughter without previous stunning.

In the same year, as a result of a long debate concerning this issue, the Parliament passed an amendment to Constitution including animal welfare as a national objective, in order to give it a greater weight when balanced against other basic rights (like religious freedom). However, neither the Federal Constitutional Court's 2002 judgement nor the constitutional amendment have solved the problem. Case law is still divergent, with some courts granting the exceptional permission, and others insisting that Muslims do not have mandatory rules requiring slaughter without previous stunning.

In AUSTRIA, both the Supreme Court in 1996 and the Constitutional Court in 1998 have recognised that the carrying out of religious slaughter without previous stunning is one of the rights comprised by the concept of religious freedom and, as such, it is protected by both the Constitution and the European Convention of Human Rights and cannot be forbidden.

In other countries, courts have not decided about the permissibility of religious slaughter without previous stunning, but have condemned the infringement of the rules which must be respected when carrying out this kind of slaughter. In BELGIUM, a court confirmed that anybody performing religious slaughter without previous stunning in his/her own house, instead of a slaughterhouse, could be fined. Courts in other countries have delivered similar judgments.

In DENMARK, a court fined a Muslim who took part in the slaughter of three lambs on a farm (and not in a slaughterhouse having an export authorisation) without previous stunning and without the supervision of the official veterinarian. In FINLAND, a court decided over the killing of nine lambs slaughtered without simultaneous stunning and without the official veterinarian being present. The judges fined the couple who sold the lambs for slaughter and allowed the killing to be carried out on their premises, as well as six other persons who took part in the slaughter process.

FRANCE's case *Cha'are Shalom Ve Tsedek* was also examined by the European Court of Human Rights. As noted in Part III, religious slaughter in France may only be carried out by religious slaughtermen certified by religious bodies approved by the competent French authorities. The applicant was an association which had not been approved as one of such religious bodies and alleged that the French authorities' decision had violated its right to freedom of religion under Article 9 of the European Convention of Human Rights. The majority of Strasbourg judges maintained, on the one side, that France was entitled to use its discretionary power to approve or not a religious body and, on the other side, that the right to manifest one's religion in observance (including ultra-orthodox Jews' right to eat *glatt* meat) was granted by the possibility to easily obtain meat from animals slaughtered according to the applicant's religious rite (for example by importing it from Belgium). Therefore, the Court held by 12 votes to 5 that there had been no violation of Article 9 of the European Convention of Human Rights.

**COUNTRY REPORTS ON LEGISLATION REGARDING RELIGIOUS SLAUGHTER**

**EXPLANATORY NOTE**

Each Country Report is structured as follows:

- A. today's legislation regarding religious slaughter (incorporating specific veterinary regulations e.g. about handling, restraining, neck cutting, expertise of personnel);
- B. short overview of the legal history (especially in the recent years);
- C. recent court decisions.

Where possible, legislation in original language has been included in the endnotes attached to each Country Report.

Last but not least, each document is intended for use as a documentation tool and the institutions do not assume any liability for its content.

## AUSTRALIA

### *A. Legislation<sup>1</sup>*

#### **Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (AS 4696:2007) of 2007**

##### **Part 1. Introduction**

##### **Number 1. Preliminary**

##### **Interpretation**

1.3 In this Standard, unless the contrary intention appears:

[...]

ritual slaughter means the slaughter of animals:

(a) in accordance with Islamic rites in order to produce Halal meat; or

(b) in accordance with Judaic rites in order to produce Kosher meat,

[...]

##### **Part 3. Slaughter and dressing of animals**

##### **Number 7. Animal Welfare**

##### **Slaughter**

7.9 Animals are slaughtered in a way that prevents unnecessary injury, pain and suffering to them and causes them the least practicable disturbance.

7.10 Before sticking commences, animals are stunned in a way that ensures that the animals are unconscious and insensible to pain before sticking occurs and do not regain consciousness or sensibility before dying.

7.11 Before stunning commences, animals are restrained in a way that ensures that stunning is effective.

##### **Ritual slaughter**

7.12 (1) This provision only applies to animals killed under an approved arrangement that provides for their ritual slaughter involving sticking without prior stunning.

(2) An animal that is stuck without first being stunned and is not rendered unconscious as part of its ritual slaughter is stunned without delay after it is stuck to ensure that it is rendered unconscious.

#### **Meat Standards Committee Guideline of 2004 concerning Ritual Slaughter for Ovine (Sheep) and Bovine (Cattle)**

This guideline addresses the ritual slaughter provision (clause 7.12) of the Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption and, in doing so, meets the required animal welfare outcome of the Standard.

To enable the controlling authority to consider an application for approval of an arrangement for ritual slaughter, meat processors must develop quality assurance procedures that address the following.

For ritual slaughter of ovine stunning is not required where the approved arrangement includes:

- a Standard Operating Procedure to ensure that both carotid arteries and jugular veins are severed;
- a requirement that animals cannot be shackled until it is confirmed that both carotid arteries and jugular veins are severed;
- a requirement that animals are unconscious before commencement of the first dressing procedure; and



- a requirement that whenever there is any doubt as to the effectiveness of the incision in producing bilateral severance, a penetrating captive bolt pistol or other approved method must be immediately used to render the animal insensible.

For ritual slaughter of bovine, stunning is not required before sticking where the approved arrangement includes:

- a method of restraint to ensure the animal remains standing in an upright position and does not thrash during the slaughter process;
- a method of head restraint during the slaughter process;
- procedures for stunning the animal immediately after the throat is cut. This must involve at least two slaughtermen, one to cut the throat and one to stun. Stunning must be achieved with the use of a captive bolt pistol. A second captive bolt pistol must be immediately available for instances where the first captive bolt pistol malfunctions;
- corrective action procedures to immediately stun an animal to render it unconscious in any case where the animal becomes distressed during the ritual slaughter process.

## **Australian Quarantine and Inspection Service (AQIS) Approved Arrangement Guideline of June 2006**

### **Part 2. Process control**

#### **Part A. Good Hygienic Practice**

##### **11. Animal Welfare**

[...]

##### Performance checklist

Can the enterprise demonstrate that

- 11.1 the establishment has documented procedures for animal welfare,
- 11.2 these procedures address management of livestock on a daily basis, as well as the appropriate planning activities that need to take place and contingencies for emergencies to minimise risks to animal welfare,
- 11.3 facilities and equipment for livestock are well-designed, maintained and operated to ensure minimal interference or stress is incurred by livestock,
- 11.4 all personnel responsible for the management or handling of livestock are competent in their tasks,
- [...]
- 11.7 procedures for humane slaughter, including restraint, stunning and slaughter of livestock are carried out to minimise stress to livestock and in an efficient and effective manner.

##### Item 11.1 and 11.2

Procedures include:

- A quality policy stating commitment to animal welfare (see Policy Objectives and Commitment Element),
- Contingencies to manage livestock during for emergencies, including euthanasia, delay in transport or slaughter, mechanical breakdown or for obtaining and providing feed and water,
- Staff responsible,
- Daily tasks for the appropriate care and management of livestock,
- Livestock handling practices and details of specific procedures including washing, restraint, stunning, sticking and euthanasia.

These procedures are developed using the principles and outcomes described in the 'National Animal Welfare Standards for Livestock Processing Establishments Preparing Meat for Human Consumption' Standards document and Working Manual.

#### Item 11.3

Facilities are designed and maintained to ensure minimal stress to livestock:

- Facilities are free from protrusions or other objects that could cause injury,
- Flooring and ramps minimise slipping, falling and injury,
- Facilities are available to separate and treat weak, ill or injured livestock as required,
- Restraining equipment is designed and maintained to restrain animals with minimal stress,
- Facilities for water and feed (where feeding is required) are available and operational,
- Stunning equipment is appropriately stored, maintained and is fully operational (equipment is used and stored in accordance with manufacturer's instructions, checked prior to each shift for operation, cleaned and maintained to ensure operation and monitored during production,
- Back-up stunning equipment is available and operational for all species.

#### Item 11.4

Staff competencies are maintained and recorded.

Staff undergoing training or that are assisting and not yet assessed as competent in a particular task are supervised at all times.

Personnel involved in stunning are trained and competent in recognising the effectiveness of the procedure. A system is in place to assess:

- Effectiveness of the stun,
- Maintenance of insensibility following sticking.

[...]

#### Item 11.7

For restraint, stun and slaughter:

- Livestock are restrained effectively with minimal stress and for minimal duration,
- Livestock are stunned with appropriate and effective equipment,
- Stunning is effective in rendering the animal insensible,
- Livestock are stuck (bled-out) effectively and as quickly as possible after stunning,
- If using a reversible stun, sticking is applied to ensure that animals do not regain sensibility.

Management systems are in place to ensure effective stunning and slaughter that include:

- training,
- equipment monitoring/maintenance,
- verification of effectiveness of the stunning and sticking processes.

## **AQIS Meat Notice 2009/08. Australian Government Authorised Halal Program - guidelines for the preparation, identification, storage and certification for export of halal red meat and red meat products**

### **1. Purpose**

To provide guidelines to all establishments for the halal slaughter of livestock and preparation, identification, processing, storage, segregation and certification of halal red meat and red meat products (hereafter referred to as halal meat) for export to all importing countries.

The Notice is issued as a Guideline under the Export Control (Meat and Meat Product) Orders Schedule 1 Sub-clause 31. (b).

### **2. Scope**

This notice applies to all export registered establishments that produce, process and/or store halal red meat and meat products for export. It also applies to Islamic Organisations that undertake the supervision and certification of halal meat for export

Some importing countries have additional requirements which may be found in the Manual of Overseas Country Requirements. Additional requirements need to be addressed in the establishment's Approved Arrangements (AA).

### **3. Background**

The Export Control (Meat and Meat Product) Orders (ECMO) came into effect on 1 July 2005. These Orders require establishments to have documented procedures (relevant to the type) for the preparation, slaughter, identification, processing, segregation and certification of halal meat. These procedures form part of the establishment's AA. The AA must identify the Approved Islamic Organisation (AIO) that is responsible for the training and oversight of the slaughterman's ritual slaughter activities and will routinely verify halal arrangements at the establishment.

The Orders require the nominated AIO to also have an AA. The AIO is responsible for the religious supervision of, and provision of certification for, halal meat production for export. To be approved, Islamic Organisations must meet the accreditation criteria laid down in the Orders.

### **4. Definitions**

In addition to those in the orders:

Approved Islamic Organisation (AIO): An organisation approved by the Secretary or delegate in accordance with the requirements detailed in the ECMMPOs for the purposes of supervising the production and certification of halal meat for export. The list of AIOs is maintained and published periodically by AQIS.

Authorised Muslim Slaughtermen: Aus-Meat provides identification cards, on receipt of a nomination form attesting to the fact that a slaughterman is authorised by an AIO as suitable to slaughter animals in accordance with Islamic rites. The identification card, the AIO and will include a recent photograph of the slaughterman. ID cards are to be renewed annually.

Halal certificate: means a government certificate that includes certification of halal meat by an Islamic Organisation as well as by the Secretary.

### **5. Establishment's Halal Procedures**

The occupier of the Establishment, the AIO and AQIS all play an integral part in the operation of halal slaughter and processing for exports from Australia.

Establishment obligations

- Hold an AA under the ECMMPOs addressing the halal production of meat.
- Halal meat thus prepared must be identified by the presence of an official Australian Government halal stamp (as defined in Part 2 of Schedule 6 of the ECMMPOs) on the packaging.

## Islamic Organisations

- AIOs that are approved by the Australian Government in accordance with the requirements of the ECMMPs shall have sole responsibility for the religious aspects of production of halal meat.

## AQIS

- approve documented arrangements (AA) between AQIS and the AIOs and AQIS and the Establishments
- will audit and verify the establishment's compliance all non-religious aspects of the production of halal meat
- issue of halal certificates for halal meat for export (as a joint Islamic Organisation/AQIS function) with AQIS limiting its attestations to non-religious aspects.

### 5.1 Approved Arrangement (AA) Requirements

All establishments wishing to produce halal meat for export must address each of the following items within their AA.

- Nominate the “responsible company officials”.
- The animal species for which halal approval is sought e.g. cattle, sheep etc.
- The scope of the halal production process eg slaughter, boning, offal processing, further processing, storage, and where applicable, transportation.
- Establishments further processing halal meat products must ensure all ingredients used in the manufacture of such products are deemed by the AIO to comply with halal requirements. Documentary evidence of this must be available.
- The recognised AIOs intended to participate in the AA.
- Details of any facilities and equipment to be provided: i.e. facilities and equipment over and above that normally used.
- Details of additional procedures required for specific market access and/or certification.
- Control of stamps and certificates. (The Export Control (Meat and Meat Products) Orders require that official marks are kept under the control of the occupier to ensure that they are only applied to meat and meat products that are eligible for that mark. )

### 5.2 Halal Slaughter and Stunning

Only authorised Muslim slaughtermen can perform the halal slaughtering procedure for halal products.

It is the competent Islamic slaughterman's responsibility for identifying halal or non-halal carcasses in accordance with the procedures that are approved within the arrangement.

The over-riding responsibility of management and their employees for animal welfare takes precedence over any other aspect of the slaughtering process. Stunning is required to be by a method that is recognised as being reversible (e.g. electric or percussive). Animals shall receive the halal cut expeditiously after stunning to ensure they do not regain consciousness. Details on acceptable methods of reversible stunning and stun-stick intervals are in the “*National Animal Welfare Standards for Livestock Processing Establishments Preparing meat for Human Consumption*”, Australian Meat Industry Council, 2005.

In instances such as ‘emergency kill’ where non-reversible stunning methods (eg penetrative captive bolt or gun) are used, the carcass must be identified as non-halal.

### 5.3 Segregation

Establishments wishing to produce halal meat need to satisfy the AIO that the establishment's procedures ensure segregation (in accordance with this notice) of all halal meat from both non-halal and haram.

All areas in which halal product is to be slaughtered, handled, processed, packed and stored must be addressed in the AA, as must all aspects (animals, meat, personnel and equipment) pertinent to segregation of halal product. The establishment's AIO will need to approve these halal procedures prior to the commencement of halal production.

### 5.3.1 Halal / Non-Halal Segregation

Export registered establishments with a halal program where meat and meat products are deemed to be non-halal or unsuitable must be segregated according to the AA.

This includes:

- Emergency kill (captive bolt stunned or shot)
- Animals that the authorised Muslim slaughterman determines are non-halal for religious reasons.

It is preferable that halal production is completed and segregated before non-halal production commences. Individual AIOs may approve other arrangements (with approved clean down procedures) in an establishment's AA as they consider appropriate.

All establishments must put in place a comprehensive identification system that is fully documented in the AA and that clearly demonstrates effective separation between halal and non-halal.

### 5.3.2 Halal/Haram Segregation

The procedures that will operate within the registered establishment to ensure the segregation of halal and haram products must be described within the AA and approved by the AIO. All areas in which halal product is to be prepared, handled, packed and stored must be addressed.

Slaughtering Establishments:

- Only halal species are permitted to be slaughtered on \_\_\_\_\_ where the approved arrangements cover halal.

Non-Slaughtering Establishments:

- Halal meat must be processed, packed and stored in separate lockable chambers (eg rooms) to those used for haram substances unless otherwise approved by the \_\_\_\_\_ in accordance with the requirements provided below.
- Where processing rooms are used for both halal and haram, equipment must be cleaned in accordance with procedures approved by the AIO prior to halal production occurring.

### 5.4 Product Identification/Halal Stamps

Halal stamps are official government stamps (as defined in Part 2 of Schedule 6 of the ECMMPOs) and so are controlled and accountable items (see AA Guideline).

Procedures must be documented and operate within the registered establishment to ensure that only halal meat is identified in accordance with Part 2 of Schedule 6 of the ECMMPOs.

The halal stamp must be applied to the halal meat, carcass tag and/or carton label before the product is removed from the registered establishment at which the animal was slaughtered or the meat was packaged.

The AA may allow halal eligible meat to not be positively identified but only where non-halal products are clearly identified as not being eligible (see segregation requirements). The method of identification (which may include brands or marks) must be clear, workable and capable of preventing halal meat and non-halal meat being intermixed. Under this arrangement halal eligible product to be loaded out as halal must have the official mark applied prior to leaving the establishment.

Documented procedures should include where, when and how halal and non-halal product will be identified.

Procedures should also be documented for defacing the halal mark where the integrity of halal product has been lost. It is not necessary to deface the halal mark when product is moving into the domestic market (where the intention to export has been abandoned), however the "Australia Inspected" mark must be defaced.

### 5.5 Variation of Approved Halal Program

The halal program must not be altered or varied under any circumstances without prior written application to and approval of the Approved Islamic Organisation (AIO) and the Area Technical Manager (ATM).

## **5.6 Movement of Halal Meat from the Producing Abattoir and Between Establishments**

Meat which is transferred between registered establishments loses its halal status if it is not identified as halal prior to load-out with a legible official halal stamp.

The Meat Transfer Certificate (MTC) covering halal meat being transferred between registered export establishments shall have the endorsement “Halal Meat”.

Meat which bears an impression of an official halal stamp and which arrives at a registered establishment for which there is no approved halal program shall not leave that establishment unless the official halal stamp is completely defaced or removed.

## **5.7 Halal Slaughter, Supervision and Training**

### **Responsibilities of the AIO**

The AIO will be responsible for the training and ongoing assessment of religious competence of the Islamic Slaughtermen.

The AIO will be required to be present during overseas delegation inspections or visits to the AIO premises as specified.

### **Responsibilities of the Establishment**

Establishments will, in consultation with their AIO, ensure non-religious training and development programs are available for all employees engaged in halal slaughter and processing. Establishments will ensure induction and familiarisation programs are undertaken by all employees ensuring they are informed about halal issues.

Each establishment, in consultation with their AIO, shall ensure satisfactory facilities are provided for the Muslim slaughtermen to conduct their daily religious activities.

## **6. Halal Meat Certification**

All meat identified as halal meat in accordance with the ECMMPOs exported to any country must be accompanied by an official halal certificate. The approved format of the halal certificate is the EX237 (Appendix 1).

Only one official halal certificate shall be issued for each lot or consignment, and meat in the consignment shall have a legible impression of an official halal stamp applied to the meat, to tags attached to the carcasses, to the wrappings or other covering around the meat, or to labels on the end panel or other containers in which the meat is placed.

### **6.1 Obtaining Blank Halal Certificates**

Blank halal certificate pads may be obtained from the approved supplier where approved procedures are included within the Approved Arrangement covering their security. These procedures must account for issued and unissued certificates at all times.

### **6.2 Procedure for Completion of Halal Certificates**

The exporter will indicate at the time of generating an Request For Permit (RFP) a requirement for a halal certificate. The authorised person validating the RFP shall in addition put his/her endorsement (eg “complies Australian Government Supervised Halal Program”) in the comment box regarding the halal status of the product after he/she has verified that the prescribed fields are stamped correctly with the approved halal stamp.

The exporter or his/her representative generating the certificate will fill in the details of the prescribed goods in the certificate and will print a copy of the validated RFP including the additional comments from the authorising person. The halal certificate will then be endorsed and signed by the appropriate AIO. This certificate should then be taken to the AQIS authorised officer (AQIS AO). It is the AQIS AO’s responsibility to check that the description of the prescribed goods mentioned in the halal certificate is correct and is the same as described in the RFP and that the appropriate AIO has signed in the designated area of the certificate. Once the AQIS AO is satisfied that all required details are correctly filled in, he/she can then sign the certificate and stamp with the official stamp. The signing AQIS AO should enter the

number of the RFP to which the halal certificate relates on the quadruplicate copy and will keep the quadruplicate copy of the completed halal certificate for future audits.

### **6.3 Procedure to Issue Replacement Halal Certificates**

Where the need arises for a replacement halal certificate to be issued, the following information should be obtained by the AIO:

- An explanation as to why the replacement halal certificate is required; and
- Whether the original has been presented.

This information should be provided to the AQIS AO so a decision can be made as to whether a replacement halal certificate should be issued. In instances where it is decided that a replacement halal certificate can be issued:

- The original halal certificate should be returned;
- The words “issued in lieu of halal certificate number XXXXXX dated --/--/--” must be included on the replacement halal certificate; and
- Appropriate records to be kept.

## **7. Islamic Organisations Approved Arrangements**

The Export Control (Meat and Meat Products) Orders 2005:

- Require Islamic Organisations (IO) that wish to provide halal certification to have an AA approved by AQIS.
- Provide criteria to be met by the IO at the time of accreditation. These criteria include the need for the IO to:
  - be recognised by a local mosque;
  - be recognised by an importing country authority;
  - provide details to AQIS of training and supervision of Muslim slaughtermen;
  - issue Muslim slaughtermen with identity cards once assessed as competent;
  - audit supervised establishments regularly: that is at least every 3 months for slaughtering establishments, and at least every 6 months for non-slaughtering establishments (eg independent boning rooms, further processing establishments, cold stores) and freight forwarders;
  - notify AQIS of critical non-conformances found during audits;
  - maintain relevant records eg details of the authorised Muslim slaughtermen, halal certificates, product transfer certificates;
  - participate in importing country reviews where required.
- Provide a legal framework to ensure the respective responsibilities of AQIS and the AIOs to both importing countries and the Australian meat industry are understood and complied with.
- Provide legal redress via suspension or removal of accreditation or prosecution for breaches of requirements.

### **7.1 Authorised Muslim Slaughtermen Training**

It is the responsibility of the AIO to ensure the training and ongoing assessment of Muslim slaughtermen in matters directly related to religious slaughter and to maintain records which can be audited by AQIS of the details of such training and assessment.

The scope of this training and assessment details need to be provided within the application for approval as an AIO to ensure formal and consistent training and assessment is occurring and to satisfy importing country expectations. Examples may include:

In addition to the religious training the slaughterman must also understand and adhere to:

- the halal procedures documented within the approved arrangement of the establishment where they work.
- Normal personal hygiene and sanitation requirements as detailed within the establishment's AA.
- Animal welfare requirements such as:
  - ability to assess adequacy of the stun,
  - keeping the stun / stick interval as short as possible

This hygiene and animal welfare training would normally be provided by the occupier of the establishment.

Once a Muslim slaughterman is deemed competent by the                      an application for his registration will be forwarded to Aus-Meat.

Muslim slaughtermen should be able to produce their Aus-Meat Muslims Slaughterman's identification card on request.

## **7.2 Record Keeping**

AIOs must maintain records relating to slaughtermen training, assessment of slaughtermen competence and halal supervision and certification for a period of at least 2 years. These records must be readily available for presentation to AQIS or importing countries when required, and should include, but are not limited to, records of audit reports, security systems relating to documentation (eg health certificates, product transfers, appointment of relevant persons and halal slaughtermen), details of importing country requirements, slaughtermen identification, etc.

## **7.3 Supervision and Auditing of Establishments**

It is a part of a AIOs AA that they assess an establishment's conformance with these halal procedures on a regular basis. It is therefore important that the AIOs assure themselves that the halal procedures of the establishment's AA are sufficient to ensure the satisfactory production of halal product.

An example of an audit check list which may be used by the AIOs is provided at Appendix 2. It    required that a copy of each report of audits conducted by the AIO be provided to AQIS staff. For establishments with on-site AQIS staff, a copy should be provided directly to the relevant officer. For establishments with no permanent AQIS staff, a copy of the audit report should be provided to the:

AQIS Food Safety Manager

c/o AQIS

GPO Box 858,

Canberra ACT 2601

AIOs must also ensure that any critical non-conformance detected at establishments under their supervision during an audit is brought to AQIS's attention when su                      f the audit report.

## **8. Roles and Responsibilities**

### **8.1 Responsibilities of Responsible Company Officials**

Responsible company officials shall ensure that only a carcass of an animal slaughtered in accordance with Islamic rites by an authorised Muslim slaughterman is                      or otherwise identified as halal. Responsible company officials shall ensure that halal meat is prepared and handled at all times in accordance with the details of the establishment's halal procedures.

Specifically, responsible company officials must:

1. Ensure that their AA satisfies the requirements as detailed in this notice, as well as satisfying any additional relevant importing country requirements.
  - It must include monitoring, verification and corrective action activities.
  - When there is a breach of the arrangement that causes a loss of identity or status of halal product, all affected product must have all marks related to halal removed.
2. Submit the relevant parts of the arrangement to an AIO for approval.



3. Submit the relevant parts of the arrangement and the AIO recommendation to the ATM through the AQIS On-Plant Supervisor for AQIS approval.
4. Conduct regular halal internal audits of the halal procedures in the establishment by viewing operations, records, and control of both halal and non-halal product.
5. Provide suitable amenities for halal personnel.
6. Ensure complete segregation of halal and non-halal (including haram).

The authorising person responsible for signing a meat transfer certificate or generating the RFP must verify that the halal meat intended to be transferred or exported is correctly identified with the halal stamp and provide halal attestation on the documentation.

The exporter (or their representative) generating the certificate must complete the details of the prescribed goods in the halal certificate, and provide this, as well as a copy of the validated RFP to the AIO representative for endorsement.

## **8.2 Responsibilities of the Approved Islamic Organisation (AIO)**

The AIO must:

1. Adhere to their AA once approved by the Secretary or delegate for the purposes of certifying meat as halal under the ECMMPs.
2. Assess the halal aspects of the establishment's AA and monitor ongoing compliance once it has been approved in accordance with the frequencies in this notice.
3. Keep appropriate records and make those records available during audits.
4. Identify Muslim slaughtermen by issuing ID cards.
5. Provide training and on-going assessment of Muslim slaughtermen.
6. Endorse and sign the halal certificate when satisfied that the goods comply with the halal procedures within the AA.

## **8.3 Responsibilities of Muslim Slaughtermen**

Each AIO will be responsible for the Muslim Slaughtermen who is to identify themselves upon request to AQIS staff by showing their ID card and to perform correctly the ritual slaughter of all animals which are to be used for halal meat.

Muslim slaughtermen must:

1. Be a Muslim considered to be competent by the AIO;
2. Comply with their religious slaughter training;
3. Comply with personal hygiene, operational sanitation and animal welfare requirements as detailed in the AA.
4. Identify carcasses that are considered non-halal in accordance with AA.

## **8.4 Responsibility of AQIS Staff**

AQIS staff shall audit and verify under National Establishment Verification System (NEVS) the procedures (relevant to the establishment type) for the slaughter, identification, processing, storage, segregation and certification of halal meat, and ensure that they are in accordance with the establishment's AA, and the provisions of this Notice. AQIS will also audit AIOs to ensure their operations are in accordance with their AAs and the provisions of this Notice.

The On Plant Supervisor must:

1. Assess the relevant parts of the AA and either make a recommendation for alterations to the occupier, or recommend an amendment for approval to the ATM.
2. Once approved and implemented, verify the halal procedures of the arrangement through the daily monitoring and verification report and scheduled audits.

3. Verify that stunning is by a recognised reversible method and in accordance with animal welfare requirements.
4. Raise non-compliances with the company management through the formal AQIS reporting systems.
5. Where a critical non-conformance is identified and the company has not taken corrective action as defined in the arrangement, the AQIS on plant supervisor must ensure that affected product is retained and the corrective action in the arrangement is conducted. The AIO is to be notified.

The ATM must:

1. Where an amendment submitted for approval satisfies these requirements, approve the amendment to the AA.
2. Verify the activities of the Occupier and the AQIS On-Plant Supervisor once the amendment is implemented.
3. Make recommendations about suspension or removal of AA operations where critical non-conformances are identified.

The AQIS authorised officer signing the halal certificate must:

1. Verify that the description of the prescribed goods on the halal certificate is correct and is the same as described in the RFP.
2. Verify that the appropriate AIO has signed the halal certificate.
3. Once satisfied with points 1 and 2 above, sign the certificate and stamp it with the official AQIS stamp.
4. Enter the RFP number to which the halal certificate relates on the quadruplicate copy and file it accordingly.

To sum up, all animals must be stunned either prior or immediately after the throat cut (Art. 7.12 (1) of the Australian Standard for the Hygienic Production and Transport of Meat and Meat Products for Human Consumption).

The federal government has envisaged a system of *halal* slaughter and certification. Animals are stunned before slaughter by electrical means or concussion, but their death must be solely the result of the slaughter process, and not due to the stunning technique. They are killed by a Muslim slaughterman, who must be authorised by a recognised Islamic body.

There are also other forms of religious slaughter (*halal* and *kosher*) where animals are not stunned before the throat cut. According the guideline of 2004 concerning religious slaughter of ovine and bovine, a derogation from the requirement of previous stunning is granted when a so-called approved arrangement, in which the competent authority approves the procedures determined by the slaughterhouse. The approved arrangement must include a number of conditions:

- as far as ovine are concerned, it must be ensured that both carotid arteries and jugular veins are severed. If there are some doubts about the effectiveness of the cut, a captive bolt pistol or another approved stunning method must be used immediately to render the animal unconscious. Animals cannot be shackled until it is confirmed that both carotid arteries and jugular veins are severed, and they must be unconscious before the commencement of the first dressing procedure;
- as to bovine, they must be restrained in an upright position and stunned immediately after the throat cut with a captive bolt pistol; their head must be also restrained during the slaughter process. At least two persons must be involved, one to cut the throat and the other one to stun.

## *B. Short Overview of the Legal History*

The first legal acts and provisions regulating slaughter were introduced mostly to meet concerns over food safety. Only recently has animal welfare been taken into greater account in the development of Australian legislation concerning slaughter and meat production.

In recent years, there has been a hot debate concerning the guideline adopted in 2004, which seems to breach Art. 7.12 (1) of the Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption, by allowing the slaughter of sheep without previous stunning or post-cut stunning.

In 2007, some slaughterhouses in the State of Victoria were found to carry out this kind of religious slaughter under an approved arrangement. The government declared that only 4 out of 74 export slaughterhouses performed the slaughter of sheep without any form of stunning. However, it ordered a review of the rules concerning religious slaughter, and granted that in the meantime it would not give any new authorisations under an approved arrangement.

In November 2009, after a meeting of federal and state agricultural it was nonetheless decided to  
let the disputed practice continue. Animal welfare organisations have criticised such a decision and exercised a lot of pressure for the government to only resort to these approved arrangement when it is an absolute requirement of the customer.<sup>2</sup>

It should be remembered that Australia is one of the 1 *halal* meat exporters in the world. Last year, the federal government approved the AQIS Meat Notice 2009/8 - Australian Government Authorised Halal Program – Guidelines for the preparation, identification, storage and certification for export of halal red meat and red meat products, which entered into force on 1 June 2009.

## *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

### ENDNOTES

<sup>1</sup> [Http://www.daff.gov.au](http://www.daff.gov.au).

<sup>1</sup> See for example <http://www.rspca.org.au>, <http://www.animalsaustralia.org>.

## AUSTRIA

### *A. Legislation<sup>1</sup>*

#### **Animal Welfare Act of 2004 as amended in 2007<sup>2</sup>**

**Article 4. Definitions.** For the purposes of the present Federal Act, the following terms shall have the meaning as hereinafter specified:

[...]

13. Slaughtering: the killing of an animal by extraction of blood and consequent disembowelling (evisceration) for purposes of meat production.

**Article 32. Slaughtering or killing.** (1) Without prejudice to the prohibition of killing according to Article 6, killing of an animal may be performed only in such manner as to avoid unjustified inflicting of pain, suffering, injury or heavy fear on the animal.

(2) No person shall engage in the slaughter, killing, movement, lairaging, restraint, stunning and bleeding of an animal unless he has the knowledge and skill therefore necessary.

(3) The slaughter of animals without stunning before bleeding is prohibited. If stunning is not possible under given circumstances, as in the case of emergency slaughter, or prejudiced by mandatory religious commandments or prohibitions of a legally recognised religious community (religious slaughter), then the slaughter has to be carried out in such a way as to spare the animal any unnecessary pain, suffering, injury or heavy fear.

(4) Religious slaughter may only be carried out in specifically equipped slaughterhouses officially approved for this purpose.

(5) Religious slaughter without pre-stunning of the animals for slaughter may only be carried out if required by mandatory religious commandments or prohibitions of a legally recognised religious community and approved by the authority. The authority has to approve religious slaughter only if it is ensured that

1. the religious slaughter is carried out by persons having knowledge and skills required therefore,
2. the religious slaughter is only carried out in the presence of a veterinarian who is in charge of slaughter and meat inspection,
3. equipment is available to ensure that the animals intended for religious slaughter can be brought into the slaughter position required as quickly as possible,
4. the slaughter is performed in a way that the carotid arteries are incised with one cut,
5. the animals will be effectively stunned after the incision,
6. the stunning becomes effective immediately after incision, and
7. the animals intended for religious slaughter are placed in the required position not before the operator who is to stun them is ready to do so.

(6) The Federal Minister for Health Family and Youth shall, according to state-of-the-art scientific knowledge, ordain more detailed provisions on the killing or slaughter of animals. He can prohibit certain methods of killing or slaughter, subject them to authorisation, approve or require them. In particular, he shall lay down regulations on

1. the requirements applicable to slaughterhouses,
2. the moving and lairaging of animals within slaughterhouses,
3. the restraint of animals before stunning, slaughter or killing,
4. the stunning, slaughter and killing of animals,

5. the bleeding of animals,
6. the slaughter or killing outwith slaughterhouses in agreement with the Federal Minister for Agriculture, Forestry, Environment and Water Management,
7. the requirements applicable to slaughterhouses in w ried out,
8. the state-of-the-art killing of feeding animals,
9. the live stock-rearing of fish for consumption, as well as on
10. the nature and the evidence of the knowledge and skills required for the operators.

**Ordinance on the Protection of Animals at the Time of Slaughter or Killing of 2004 as amended in 2006<sup>3</sup>**

**Article 1. Scope.** (1) This ordinance shall apply to

1. the movement, lairaging, restraint, stunning, slaughter and killing of farming animals in the sense of § 4 no. 4 of Animal Protection Act,

$$[\dots]$$

(2) This ordinance shall apply to

$$[\dots]$$

2. hunted animals or caught fish,

$$[\dots]$$

**Article 2. Definitions.** For the purposes of this ordinance the following definitions shall apply:

1. “slaughterhouse”: any premises, including facilities for moving or lairaging animals, used for the slaughter of animals, whose meat shall be released for consumption;
2. “movement”: unloading of animals or driving of them from unloading platforms, stalls or pens at slaughterhouses to the premises or place where they are to be slaughtered;
3. “lairaging”: keeping animals in stalls, pens, covered areas or fields used by slaughterhouses in order to give them any necessary attention (water, fodder, rest) before they are slaughtered;
4. “restraint”: the application to an animal of any pressure designed to restrict its movements in order to facilitate effective stunning or killing;
5. “stunning”: any process which, when applied to an animal, causes rapid loss of consciousness which lasts until death;
6. “killing”: any process which causes the death of an animal.

**Article 3. Basic provision.** Animals shall be spared any avoidable pain, suffering, harm or severe anxiety during movement, lairaging, restraint, stunning, slaughter or killing.

**Article 4. Requirements applicable to slaughterhouses.** The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable pain, suffering, harm or severe anxiety.

**Article 5. Slaughter and killing in slaughterhouses.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

1. moved and if necessary lairaged in accordance with the provisions of Annex A;
2. restrained in accordance with the provisions of Annex B;
3. stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;
4. bled in accordance with the provisions of Annex D.

(2) In the case of religious slaughter according to Article 32 §§ 4 to 5 of the Animal Protection Act, the requirements of subparagraph 1 no. 3 shall not apply. The requirements laid down in § 3, in Annex B no. 1 and in Annex D section II of this ordinance have to be complied with in any case.

[...]

(6) On application, the Provincial Government may grant to a slaughterhouse to apply other methods and procedures than those referred to in Annexes C, F and G or derogations from the said methods and procedures, provided that the requirements laid down in Article 3 are met and that the methods and procedures are equivalent to those methods and procedures provided for in the Annexes in the view of animal welfare legislation.

[...]

**Article 7. Required appropriate qualifications.** (1) No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals in slaughterhouses unless he has the knowledge and skill according to Annex I necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this ordinance.

**Article 8. Inspections and controls.** The competent authority shall inspect and regularly control that

1. instruments, restraint and other equipment and installations used for stunning or killing of the animals comply with the requirements of Article 6 § 1 and are in a good state of repair;
2. suitable spare equipment and instruments Article 6 § 2 are kept at the place of slaughter;
3. persons employed for slaughtering possess the necessary knowledge, skill, and ability according to Article 7;
4. the provisions of Article 3 and Article 5 § 1 are complied with in slaughterhouses and at least the provisions of Article 3 are complied with in establishments referred to in Article 5 § 3;
5. the permission required by Article 32 § 5 of the Animal Protection Act is available in the cases, in which religious slaughter is carried out.

**Article 9. Slaughter and killing outwith slaughterhouses.** (1) Solipeds, cattle, pigs, sheep, goats, farmed game, rabbits and poultry may be slaughtered or killed outwith slaughterhouses by their owner for his personal consumption, provided that Article 3 is complied with. For solipeds and cattle, Article 5 § 1 subparagraphs 2, 3, 4 shall additionally apply.

(2) A person who carries out a killing or slaughter according to subparagraph 1, must have the necessary knowledge and skill, to achieve compliance with the provisions of Article 3.

[...]

## **Annex D. Bleeding of animals**

### **I. General provisions for the bleeding of animals**

(1) For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness. The time standards of Annex C are relevant for the maximum period of time between stunning and bleeding.

(2) All animals which have been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise. After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

(3) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

(4) Manual back-up must be available where poultry is bled by means of automatic neck-cutters so that, in the event of a breakdown, birds may be slaughtered immediately. Insufficiently stunned animals must be stunned another time before bleeding.

## II. Specific provisions for religious slaughter

In addition to Article 32 § 5 of the Animal Protection Act, the following provisions have to be observed with religious slaughter:

- (1) The slaughter animals must be restrained without undue agitation, if necessary with the help of an appropriate equipment, in such a way which enables a safe and appropriate incision with a straightened head position, leaving the wound open during and after the incision.
- (2) The person who carries out immediately subsequent stunning according to Article 32 § 5 subparagraph 5, has to take the appropriate position for carrying out the stunning before incising the blood vessels.
- (3) The incision may only be carried out by a person who can prove to be authorised thereto through a certificate issued by a legally recognised religious community.
- (4) The carotid arteries have to be cut immediately after restraint with a clean and smooth high quality steel knife which is at least twice as long as the diameter of the animal's neck; the knife must not be pointed and its smoothness and sharpness have to be examined immediately before the cut is made. The carotid arteries must not be stretched.
- (5) Further manipulation (e.g. suspending, ejecting from a restraint equipment) as well as processing the carcase may only be started after bleeding has finished, at the earliest though five minutes after the incision.

To sum up, religious slaughter is allowed in Austria, but it requires a twofold permission concerning respectively:

- the slaughterhouse (Article 32 § 4 of the Animal Protection Act): religious slaughter may only be carried out in specifically equipped slaughterhouses officially approved for this purpose. As to restraining, it has been pointed out that rotation devices (e.g. Weinberg pen) are not acceptable from the animals welfare perspective, and they should not be acknowledged as "appropriate devices" by the responsible authorities.
- the slaughter itself (Article 32 § 5 of the Animal Protection Act): the applicant is entitled to receive such an approval, if the slaughter method is based on a mandatory commandment of a legally recognised Religious Society and the other requirements of paragraph 5, in particular post-cut stunning, are met.

The exemption for religious slaughter is justified by the fundamental right of religious freedom, which is not necessarily linked to a uniform practice within a religious community. The reference to the religious commandment has to be plausible, but must not be interpreted as such by state authorities.

### *B. Short Overview of the Legal History*

Religious slaughter was prohibited in 1938 by Nazi legislation. After the Second World War this legislation was repealed. Between 1947 and 1954 Austria's provinces enacted laws concerning the protection of animals according to their legislative competence, showing a variety of rules as to the permission or the prohibition of religious slaughter. Some provinces (like Salzburg) did not host communities wishing to perform religious slaughter, whereas others (like Vienna) had such communities and permitted religious slaughter. The situation changed with the increasing number of Muslims settling in Austria, which finally led to the judgements of the Supreme Court and the Constitutional Court (see below). The latter challenged all attempts to prohibit religious slaughter, considering such measures as a violation of the right to religious freedom, which is guaranteed by the Constitution and international treaties.

The enactment of a new federal law, marking the shift of legislative power, was originally not stimulated by debates on religious slaughter, but provoked new political discussions as a consequence. The Animal Welfare Act came into force on 1 January 2005 and replaced the nine provincial laws.

It is also important to remember that, on 27 May 2004, when the Austrian Parliament passed the Animal Welfare Act, the Federal Chamber of the Austrian Parliament (*Nationalrat*) adopted a resolution asking the Federal Minister of Health, Family and Youth to study conditions of religious slaughter in the light of new scientific findings and to amend legal provisions in order to ensure a higher degree of welfare for slaughter animals. This resolution makes it clear that the legal framework for religious slaughter in the

Animal Welfare Act is only regarded as a temporary compromise between the conflicting values of religious freedom and animal welfare by Austria's lawmakers. Up to now, however, no further measures have been adopted.

### *C. Recent Court Decisions*

Two major decisions set the judicial framework for religious slaughter as embedded in Austrian constitutional law.

In 1996, the Supreme Court held that religious slaughter is an act of manifesting one's religious freedom for both Jews and Muslims. It must not be considered immoral, nor opposing public order, health or morals, or the protection of the rights and freedoms of others.<sup>4</sup>

In 1998, the Constitutional Court recognised religious slaughter as a religious practice protected by the Constitution as well as by the European Convention of Rights, regardless of whether there are different opinions about the ways to slaughter animals within a recognised religious community. It is only important that such a religious practice has a common traditional basis within a certain faith or denomination. The prohibition of religious slaughter would infringe the constitutionally guaranteed right to religious freedom. In particular, the Constitutional Court held that there was no reason to restrict this freedom on the grounds of public order or morals, because

- public order conflicts only with acts that severely disturb people living together in a state;
- morals designate only common guidelines to lead a righteous life, which are explicitly protected by law.

At the same time, the Court did not ignore that protection of animals is a shared value within the society.

In the specific case of Voralberg's provincial law, which had been abolished in the meantime, the Constitutional Court interpreted the provision that the authorities applied to prohibit slaughter according to the Islamic right in a way concurring with the aforementioned constitutional principles. The Court pointed out that this finding was also in line with the Directive no. 93/119/EC.<sup>5</sup>

#### ENDNOTES

<sup>1</sup> [Http://ris.bka.gv.at/bundesrecht/](http://ris.bka.gv.at/bundesrecht/)

<sup>2</sup> Tierschutzgesetz, Bundesgesetzblatt, BGBl. I 2004/118 as amended by BGBl.I 2007/54.

<sup>3</sup> Tierschutz-Schlachtverordnung, BGBl. II Nr. 2004/488 as amended by BGBl.II 2006/31.

<sup>4</sup> OGH 28 March 1996, 15 Os 27/96.

<sup>5</sup> VfGH 17 December 1998, B 3028/97, VfSlg. 15.394.



## BELGIUM

### *A. Legislation<sup>1</sup>*

#### **Law on the animal protection and welfare of 14 August 1986 as amended on 4 July 2004<sup>2</sup>**

##### **Chapter VI. Killing of animals**

**Article 15.** No person shall engage in the killing of vertebrates unless he has the necessary knowledge and skills, using the least painful method. Except in case of force majeure or necessity, no animal shall be killed without being anaesthetized or stunned.

When killing a vertebrate without prior anesthesia or stunning is tolerated in the framework of the practice of hunting and fishing or according to other legal practices, or when it falls within the legislation regarding the fight against harmful organisms, killing shall be carried out in the most selective, fastest and least painful way for the animal.<sup>3</sup>

**Article 16.** (1) An animal shall not be slaughtered unless previously stunned or, in case of force majeure, using the least painful method.

The provisions of chapter VI of this law, except Article 16 § 2, subparagraph 2, shall not apply to slaughter prescribed by a certain religious rite.

(2) The king may determine the methods of stunning and slaughter according to the circumstances of slaughter and the concerned animal species.

The king may prescribe that slaughter according to a religious rite shall be carried out in authorised slaughterhouses or other buildings (authorised by the Minister of Animal Welfare, upon consultation with the Federal Agency for Food Safety) by slaughtermen appointed by the respective religious authority.<sup>4</sup>

##### **Chapter XI. Penal provisions**

**Article 36.** Without prejudice to the possible application of more severe provisions of the penal code, a fine from 26 to 1000 francs shall be imposed to anyone who:

[...]

6. contravenes the provisions of chapter VI;

[...].<sup>5</sup>

#### **Royal Decree on some kinds of slaughter according to a religious rite of 11 February 1988 as amended on 25 March 1998<sup>6</sup>**

**Article 1.** The slaughter of cattle, sheep and goat according to a religious rite shall be carried out in a public or private slaughterhouse or in buildings authorised by the Ministry of Agriculture, upon consultation with the Minister of Public Health.<sup>7</sup>

**Article 2.** (1) Slaughter according to a religious rite shall be carried out:

1. by slaughtermen authorised by the Central Jewish Consistory of Belgium (in case of Jewish rite)
2. by slaughtermen authorised by the representative body of Belgian Muslims (in case of Muslim rite).

(2) The authorisation shall be certified by a document dated and signed which shall be presented whenever a person mentioned in Article 34 § 1 of the Law on animal protection and welfare of 14 August 1986, requires it.

This document shall be valid for three years and be renewable.<sup>8</sup>

**Article 3.** The Minister of Justice, the Minister of Foreign Affairs and the State Secretary of Agriculture are responsible for the application of this decree, each according to his own competence.<sup>9</sup>

**Royal Decree on the protection of animals at the time of slaughtering or killing of 16 January 1998 as amended on 6 October 2006<sup>10</sup>**

**Article 3.** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.<sup>11</sup>

**Article 5.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

1. moved and if necessary lairaged in accordance with the provisions of Chapter I of the Annex;
2. restrained in accordance with the provisions of Chapter II of the Annex;
3. stunned before slaughter or killed instantaneously in accordance with the provisions of Chapter III of the Annex;
4. bled in accordance with the provisions of Chapter IV of the Annex.

(2) In the case of animals subject to particular method of slaughter required by certain religious rites, the requirements of paragraph 1, subparagraph 3 shall not apply.<sup>12</sup>

**Article 7.** No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this Decree.

The slaughterhouse's owner shall ensure that the aforementioned persons possess the necessary skill, ability and professional knowledge.<sup>13</sup>

**Annex**

**Chapter II. Restraint of animals before stunning, slaughter or killing**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation or contusions.

However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and at the appropriate time.

(4) Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.<sup>14</sup>

**Chapter III. Stunning or killing of animals other than animals reared for fur**

*A. Stunning: permitted methods and specific requirements*

Stunning must not be carried out unless it is possible to bleed the animals immediately afterwards.

1. Captive bolt pistol

[...]

2. Concussion

[...]

3. Electronarcosis

[...]

4. Exposure to carbon dioxide

[...]

*B. Killing: permitted methods and specific requirements*

1. Free bullet pistol or rifle

[...]

2. Decapitation

[...]

3. Electrocutation and carbon dioxide

[...]

4. Vacuum chamber

[...].<sup>15</sup>

**Chapter IV. Bleeding of animals**

(1) For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.

(2) All animals which have been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise.

After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

(39) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.<sup>16</sup>

To sum up, animals must be stunned before slaughter, except in the case of animals to be slaughtered according to a religious rite (Article 16 § 1 of the Law on the animal protection and welfare of 14 August 1986, and Article 5 §2 of the Royal Decree on the protection of animals at the time of slaughtering or killing of 16 January 1998). The Royal Decree of 11 February 1988 details the requirements of slaughter according to a religious rite. The slaughter of bovine and ovine according to a religious rite may only be carried out in a slaughterhouse or an establishment approved by the Minister of Agriculture, and it may be only performed by slaughtermen appointed by the competent religious authority. Their training must be certified by a dated and signed document, which is valid for three years and it can be renewed.

*B. Short Overview of the Legal History*

The Law on the animal protection and welfare of 14 August 1986, which repealed the Law on the animal protection of 2 July 1975, has confirmed the possibility to carry out religious slaughter.

In the past, religious slaughter could be performed in a place other than a slaughterhouse. The law on expertise and trade of meat of 5 September 1952 prohibited the slaughtering of animals outwith a slaughterhouse, unless the slaughter was performed by a person in his own house for domestic consumption (Article 2), or unless a legal provisions allowed the carrying out of the slaughter according to a religious rite in a place other than a slaughterhouse (Article 24).<sup>17</sup> However, the Royal Decree of 11 February 1988 has expressly excluded this possibility, stipulating that the slaughtering of an animal according to a religious rite may only be carried out in a slaughterhouse (either public or private) or in an establishment approved by the Minister of Agriculture. However, the slaughter of an animal at one's own house for domestic consumption is still legal, provided that the animal has been stunned before the slaughter.

On 5 July 2004, a bill was presented in order to amend the 1952 law on expertise and trade of meat, and the 1986 law on the animal protection and welfare,<sup>18</sup> in order to prevent the carrying out of religious slaughter in private houses (which is illegal, but is often tolerated by the local authorities who do not want to be accused of racism) and to abrogate the legal provision allowing for an exception from the compulsory requirement of stunning in case of religious slaughter. The bill also meant to solve the problem of labeling *kosher* and *halal* meat, because in Belgium the overwhelming majority of sheep and a large proportion of cattle are slaughtered without prior stunning, and part of the meat slaughtered in that way ends up in the general retail market. However, there was no consensus on the bill between the majority parties, and the dissolution of Parliament on 2 May 2007 prevented once for all its approbation.

### C. Recent Court Decisions

Upon application of the Association for the Animal Welfare Protection Gaia, a court has confirmed that a fine shall be imposed to anybody who performs religious slaughter without previous stunning in his/her own private house in the municipalities of Vilvorde and Lokeren.

#### ENDNOTES

<sup>1</sup> See <http://www.juridat.be>; <http://www.just.fgov.be>.

<sup>2</sup> **Loi du 14 août 1986 relative à la protection et au bien-être des animaux** (Moniteur Belge du 3 décembre 1986) amended by **Loi du 4 juillet 2004 modifiant l'article 42 de la loi du 14 août 1986 relative à la protection et au bien-être des animaux** (Moniteur Belge du 3 novembre 2004).

<sup>3</sup> **Chapitre VI. Mise à mort d'animaux**

**Article 15.** Un vertébré ne peut être mis à mort que par une pers        ayant les connaissances et les capacités requises, et suivant la méthode la moins douloureuse. Sauf cas de force majeure ou de nécessité, il ne peut être mis à mort sans anesthésie ou étourdissement.

Lorsque la mise à mort sans anesthésie ou étourdissement d'un vertébré est tolérée dans le cadre de la pratique de la chasse ou de la pêche ou en vertu d'autres pratiques légales, ou lorsqu'elle rentre dans le cadre de la législation de lutte contre les organismes nuisibles, la mise à mort peut seulement être pratiquée par la méthode la plus sélective, la plus rapide et la moins douloureuse pour l'animal.

<sup>4</sup> **Article 16.** § 1. L'abattage ne peut se pratiquer qu'après étourdissement de l'animal ou, en cas de force majeure, suivant la méthode la moins douloureuse.

Les dispositions du chapitre VI de la présente loi, à        xception de l'article 16, § 2, alinéa 2, ne s'appliquent toutefois pas aux abattages prescrits par un rite religieux.

§ 2. Le Roi peut déterminer les méthodes d'étourdissement et d'abattage en fonction des circonstances de l'abattage et de l'espèce animale.

Le Roi peut déterminer que certains abattages prescrits par un rite religieux doivent être effectués dans des abattoirs agréés ou dans des établissements agréés (par le Ministre qui a le bien-être des animaux dans ses attributions, après avis de        nce fédérale pour la Sécurité de la Chaîne alimentaire), par des sacrificateurs habilités à ce faire par les représentants du culte.

<sup>5</sup> **Chapitre XI. Disposition pénales**

**Article 36.** Sans préjudice de l'application éventuelle des peines plus sévères par le Code pénal, est puni d'une amende de 26 francs à 1 000 francs celui qui:

[...]

6° enfreint les dispositions du chapitre VI;

<sup>1</sup> **Arrêté royal du 11 février 1988 relatif à certains abattages prescrits par un rite religieux** (Moniteur Belge du 1<sup>er</sup> mars 1988) amended by **Arrêté royal du 25 mars 1998 modifiant l'arrêté royal du 11 février 1988 relatif à certains abattages prescrits par un rite religieux** (Moniteur Belge du 4 avril 1998).

<sup>6</sup> **Article 1.** Les abattages des bovines, ovins et caprins prescrits par un rite religieux ne peuvent être effectués que dans un abattoir public ou dans un abattoir privé ou dans des établissements agréés par le Ministre qui a l'Agriculture dans ses attributions, après concertation avec le Ministre qui a la Santé publique dans attributions.

<sup>7</sup> **Article 2.** § 1. Un abattage prescrit par un rite religieux ne peut être pratiqué que :

1° s'il s'agit du rite israélite: par des sacrificateurs habilités par le Consistoire centrale israélite de Belgique;

2° s'il agit du rite islamique: par des sacrificateurs habilités par l'organe représentatif des Musulmans de Belgique.

§ 2. L'habilitation doit être constaté dans un document daté et signé, qui doit être montré chaque fois qu'une personne visée à l'article 34, alinéa 1<sup>er</sup>, de la loi de 14 août 1986 relative à la protection et au bien-être des animaux, le demande.

Ce document vaut avoir une durée de trois ans et est renouvelable.

<sup>8</sup> **Article 3.** Notre Ministre de la Justice, Notre Ministre des Relations extérieures et Notre Secrétaire d'Etat à l'Agriculture sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

<sup>9</sup> **Arrêté royal du 16 janvier 1998 relatif à la protection des animaux pendant l'abattage ou la mise à mort** (Moniteur Belge du 19 février 1998) amended by **Arrêté royal du 6 octobre 2006 modifiant l'arrêté royal du 16 janvier 1998 relatif à la protection des animaux pendant l'abattage ou la mise à mort** (Moniteur Belge du 7 novembre 2006).

<sup>10</sup> **Article 3.** Toute excitation, douleur ou souffrance évitable doit        épargnée aux animaux pendant l'acheminement, l'hébergement, l'immobilisation, l'étourdissement, l'abattage et la mise à mort.

<sup>11</sup> **Article 5.** §1. Les solipèdes, les ruminants, les porcs, les lapins et les volailles introduits dans les abattoirs aux fins d'abattage

doivent être:

- 1° acheminés et si nécessaire hébergés conformément aux indications figurant au chapitre I<sup>er</sup> de l'annexe;
- 2° immobilisés conformément aux indications figurant au chapitre II de l'annexe;
- 3° étourdis avant abattage ou mis à mort instantanément conformément aux dispositions du chapitre III de l'annexe;
- 4° saignés conformément aux indications figurant au chapitre IV de l'annexe.

§2. Pour les animaux faisant l'objet de méthodes particulières d'abattage requises par certains rites religieux, les exigences prévues au § 1<sup>er</sup>, 3° ne sont pas d'application..

<sup>12</sup> **Article 7.** Toute personne se livrant à des activités comme l'acheminement, l'hébergement, l'immobilisation, l'étourdissement, l'abattage ou la mise à mort d'animaux doit impérativement disposer des connaissances et capacités nécessaires pour les accomplir de manière humaine et efficace, conformément aux prescriptions du présent arrêté.

L'exploitant de l'abattoir s'assure de l'aptitude, des capacités et des connaissances professionnelles requises des personnes susvisées.

### <sup>13</sup> **Annexe**

#### **Chapitre II. Immobilisation des animaux avant l'étourdissement, l'abattage ou la mise à mort**

1. Les animaux doivent être immobilisés d'une manière appropriée conçue pour leur épargner toute douleur, souffrance, agitation, ou contusion évitables.

Cependant, dans le cas d'abattage rituel, l'immobilisation des animaux de l'espèce bovine avant abattage avec un procédé mécanique ayant pour but d'éviter toutes douleurs, souffrances et excitations, ainsi que toutes blessures ou contusions aux animaux est obligatoire.

2. Il est également interdit de lier les pattes des animaux et de suspendre les animaux avant l'étourdissement ou la mise à mort. Toutefois les volailles et les lapins peuvent être suspendus pour l'abattage pour autant que les mesures appropriées soient prises pour que les volailles et les lapins sur le point de subir l'étourdissement soient dans un état de relaxation tel que cette opération puisse s'effectuer efficacement et sans délai inutile.

Par ailleurs, le fait de bloquer un animal dans un système de contention ne peut en aucun cas être considéré comme une suspension.

3. Les animaux qui sont étourdis ou mis à mort par des moyens mécaniques ou électriques appliqués à la tête doivent être présentés dans une position telle que l'appareil puisse être appliqué et utilisé commodément, avec précision et pendant la durée convenable.

4. Il est interdit d'utiliser, comme moyen de contention, d'immobilisation ou pour faire bouger les animaux, les appareils électriques servant à l'étourdissement.

#### <sup>14</sup> **Chapitre III. Etourdissement et mise à mort des animaux autres que les animaux à fourrure**

##### *A. Etourdissement: méthodes autorisées et conditions supplémentaires*

L'étourdissement ne doit pas être pratiqué s'il n'est pas possible de saigner ensuite immédiatement les animaux.

1. Pistolet à tige perforante

[...]

2. Percussion

[...]

3. Electronarcose

[...]

4. Exposition au dioxyde de carbone

[...]

##### *B. Mise à mort: méthodes autorisées et conditions supplémentaires*

1. Pistolet ou fusil à balles

[...]

2. Décapitation

[...]

3. Electrocutation et dioxyde de carbone

[...]

4. Caisson à vide

[...]

#### <sup>15</sup> **Chapitre IV. Saignée des animaux**

1. Pour les animaux qui ont été étourdis, la saignée doit commencer le plus tôt possible après accomplissement de l'étourdissement et être effectuée de manière à provoquer un saignement rapide, profus et complet. En tout état de cause, la saignée doit être effectuée avant que l'animal ne reprenne conscience.

2. Tous les animaux qui ont été étourdis doivent être saignés par incision d'au moins une des deux artères carotides ou des vaisseaux dont elle est issue.

Après incision des vaisseaux sanguins, aucune autre procédure d'habillage ni aucune stimulation électrique ne doit être pratiquée sur les animaux avant l'achèvement de la saignée.

3. Lorsqu'une personne est responsable de l'étourdissement, de l'accrochage, du hissage et de la saignée des animaux, cette personne doit effectuer ces opérations consécutivement pour un même animal avant de les effectuer pour un autre.

#### <sup>16</sup> **Loi du 5 septembre 1952 relative à l'expertise et au commerce des viandes** (Moniteur Belge du 16 mars 1953):

**Article 2.** Les viandes de boucherie provenant d'animaux abattus dans le royaume doivent être expertisées après l'abattage. Il n'est fait exception à cette obligation que pour les viandes provenant de porcs, moutons, chèvres, chevreux, agneaux, abattus par un particulier, à son domicile, pour les besoins exclusifs de son ménage.

Il ne peut être procédé à l'expertise prévue à l'alinéa précédent que si l'animal a fait l'objet d'un examen sanitaire immédiatement avant l'abattage. Le Roi détermine les cas où il pourra être dérogé à cette prescription.

**Article 24.** L'abattage en dehors des abattoirs est interdit sauf dans le cas où l'animal n'est pas obligatoirement soumis à l'expertise en vertu de l'article 2 de la présente loi ou si une disposition légale ou réglementaire autorise l'abattage selon un rite religieux en dehors d'un abattoir.

[...]

<sup>17</sup> Proposition de loi S. 3-808 du 5 juillet 2004 modifiant la loi du 5 septembre 1952 relative à l'expertise et au commerce des viandes et la loi du 14 août 1986 relative à la protection et au bien-être des animaux, en ce qui concerne les abattages rituels.

## BULGARIA

### *A. Legislation<sup>1</sup>*

#### **Law on Veterinary Medical Activity of 2005<sup>2</sup>**

**Article 1.** This law regulates the public relationships on the performance, management and control of the veterinary medical activity and introduces the principles of the veterinary legislation of the European Union and the World Organisation on the Animal Health (OIE).

**Article 2.** The veterinary medical activity covers:

1. application of the veterinary medical requirements for:

- a) the protection of animal health and animal welfare
- b) protection of human health against zoonoses

[...]

#### **Section III. Slaughter and Killing of Animals**

**Article 159.** (1) Slaughter of animals shall be carried out in as a fast as possible way after stunning, ensuring full loss of consciousness and sensitivity for the whole period of bleeding.

(2) Dismembering and performance of other procedures on the animal's body shall be prohibited until its full bleeding.

(3) Slaughter of animals kept for farming purposes shall be allowed, if:

- 1. they have been kept for the production of meat and products;
- 2. they have been treated against non-communicable diseases, but treatment has proved to be successful or economically ineffective;
- 3. communicable diseases are to be eradicated;
- 4. religious rituals of registered religions are to be formed.

**Article 160.** (1) Killing of animals shall be done in such a way as to spare unnecessary pain and suffering.

(2) Killing of animals shall be allowed for the purposes of:

- 1. eradication of communicable diseases;
- 2. deratisation;
- 3. self-defence when an animal attacks a human.
- 4. hunting practices in pursuance of the Hunting and Game Protection Act and angling in pursuance of the Fisheries and Aquaculture Act.

#### **Regulations implementing the Law on Veterinary Medical Activity of 2000<sup>3</sup>**

**Article 105.** Religious slaughter of animals shall be carried out under the control of the competent authorities of the National Veterinary Service.

#### **Act on Animal Protection of 2008<sup>4</sup>**

**Article 73.** The veterinarians of the National Veterinary Service Article 70 §1 shall have the right to prohibit:

- 1. animal loading and transportation when the prescribed requirements are not met;
- 2. terminate animal testing carried out in violation of regulation in force;
- 3. animal butchering in slaughterhouses when the dulling process is ineffective;

4. and stop any other activities, which are not allowed or are carried out in violation of regulations.

## **Ordinance no. 22 of 14 December 2005 on Reducing to a Minimum the Suffering of Animals at the Time of Slaughter<sup>5</sup>**

### **Section I. General provisions**

**Article 3.** All manipulations during movement of animals, pre-slaughter lairage, preparation for slaughter, movement restriction, restraint, stunning, slaughter or killing of animals shall be organised and carried out in such a way as to minimise any excitement, pain and suffering.

### **Section ?? Requirements applicable to slaughterhouses**

**Article 4.** Buildings, equipment and technical facilities shall be constructed and used in such a way as to minimise any excitement, pain and suffering of animals.

**Article 5.** (1) For animals in slaughterhouses rules shall be prescribed:

1. [...];
2. [...];
3. for movement restriction and for restraint prior to slaughter or killing under the conditions and rules laid down in Section V?;
4. for stunning prior to slaughter or instantaneous killing under the conditions and rules laid down in Section V??;
5. for complete bleeding under the conditions and rules laid wn in Section V???

(2) During the slaughter of animals for religious reasons, the requirements of paragraph 1, subparagraph 4 shall not apply, but restraint of animals prior to slaughter shall be performed in accordance with Section V? in order to spare animals any avoidable excitement, pain, suffering and injuries.

(3) Slaughter of animals for religious purposes shall be carried out under the supervision of a representative of the relevant religious authority, on behalf of which slaughter is performed. representative should be competent in the implementation and control of the special requirements applied to religious slaughter and should work under the supervision of the official veterinarian.

**Article 6.** (1) Instruments and other facilities used for movement restriction, restraint, stunning, slaughter or killing of animals shall be designed, constructed, maintained and used in such a way as to ensure rapid and effective performance of these activities and without causing avoidable suffering to the animals.

(2) [...].

**Article 7.** (1) Transport, movement, restraint, stunning, slaughter or killing of animals shall be carried out only by persons who have the knowledge and experience to perform the tasks humanely and efficiently.

(2) Persons under paragraph 1 should possess the knowledge and experience allowing them to perform the tasks humanely and efficiently, in accordance with the requirements of this Ordinance.

**Article 8.** (1) The control bodies of the National Veterinary Service shall carry out inspections in slaughterhouses to comply with the requirements of this Ordinance and shall have access to all parts of slaughterhouses during the production process.

(2) Owners and managers of slaughterhouses shall provide access for the control bodies under paragraph 1 to all parts of a slaughterhouse during the production process and shall submit the entire documentation for inspection.

(3) Inspections under paragraph 1 shall be performed either independently or simultaneously with inspections carried out for other purposes, periodically or following a warning communication.

(4) The control bodies under paragraph 1 shall carry out:

1. regular inspections of the instruments and facilities under Article 6 § 1, in order to make sure that they are in compliance with the requirements and are kept in good working condition to achieve the purposes laid down in Article 6 § 1.

2. control of the professional knowledge and skills of the staff in slaughterhouses.

(5) When it is found that the requirements of this Ordinance are not complied with, the control bodies of the National Veterinary Service shall issue an order and shall indicate a deadline for its execution.

(6) If violations are not remedied within the deadline established under Article 1, the control bodies of the National Veterinary Service shall stop the activities of the establishment for a period determined at their discretion, no longer than six months, and they shall the reasons for the suspension in the registers referred to in Article 232 of the Law on Veterinary Activity.

(7) After remedying the violations, the owner of the establishment shall submit an application to the Regional Veterinary Services to resume activities for the second time. Activities shall be resumed following an inspection by the control bodies of the National Veterinary Service.

(8) The Regional Veterinary Services shall provide the necessary training to the owners of slaughterhouses and their staff according to the requirements of the Ordinance.

(9) Every year the Regional Veterinary Services shall develop programmes in the concerned region where they shall indicate the training plan for veterinarians, owners of slaughterhouses and their staff, and the number of slaughterhouses which shall be checked to verify the compliance with the requirements of this Ordinance.

(10) Every year, by January 15, the Regional Veterinary Services shall submit to the National Veterinary Service general information on the previous year concerning the inspections carried out in slaughterhouses for animal welfare.

(11) The National Veterinary Service shall render assistance to representatives of the European Commission carrying out inspections in the Republic of Bulgaria to verify the compliance with the requirements of this Ordinance.

### **Section ???.** Slaughter or killing outwith slaughterhouses

**Article 9.** (1) Where solipeds, ruminants, pigs, rabbits and poultry are slaughtered outwith slaughterhouses, the requirements referred to in Section V?, V?? and V??? shall apply.

(2) The National Veterinary Service authorities may exceptionally not apply the requirements under paragraph 1 in respect of poultry, rabbits, pigs, sheep and goats slaughtered outwith slaughterhouses by their owner for his personal consumption, provided that:

1. Article 3 is complied with;
2. pigs, sheep and goats have been stunned in advance.

**Article 15.** Import of meat and meat products from third countries shall be allowed only provided that the certificate issued by the country of origin indicates that they are delivered in compliance with requirements equivalent to the requirements of this Ordinance.

### **Section V?. Requirements for the restraint of animals prior to stunning for slaughter or killing**

**Article 25.** (1) Animals must be restrained prior to stunning for slaughter or killing, in compliance with the following requirements:

1. restraint must be done in an appropriate manner in such a way as to spare animals any pain, avoidable agitation, suffering, injury or contusion;
2. animals' legs must not be tied;
3. animals must not be suspended prior to stunning.

(2) Poultry and rabbits may be suspended just before stunning and slaughter provided that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.



**Article 26.** Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.

**Article 28.** In the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

#### **Section V???. Requirements for the bleeding of animals**

**Article 41.** (1) The animals shall be bled as soon as possible after stunning in such a way as to bring about rapid and complete bleeding.

(2) Bleeding must be carried out before the animal regains consciousness by incising the carotid arteries or the vessels from which they arise.

(3) After incision of the blood vessels and until the complete bleeding, no further dressing procedures nor any electrical stimulation may be performed on the animal in any possible way.

(4) [...].

**Article 42.** Where one person is responsible for the restraining, stunning, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

To sum up, the slaughter of animals is regulated under the general legislation on veterinary medicine. In accordance with the EU rules on animal health, its main aim is to achieve a high level of protection of animal health as well as to strengthen the protection of public health. Religious slaughter is a specific form of slaughter, but its regulation is not isolated from the general requirements to protect public health. Therefore, veterinary control and the competence of veterinary inspectors are relevant.

According to Article 5 of the Ordinance on Reducing to a Minimum the Suffering of Animals at the Time of Slaughter, animals must be stunned before bleeding. In the case of religious slaughter, animals may not be stunned before slaughter, but they must be restrained in such a way as to spare any avoidable excitement, pain, suffering and injuries. A representative of the relevant religious authority shall be present and religious slaughter shall be carried out under the supervision of the official veterinarian.

### *B. Short Overview of the Legal History*

Before 1999, animal health was regulated by the Veterinary Law of 1967.<sup>6</sup> There were no provisions on animal welfare and slaughter of animals. No by-laws on slaughter existed either. In 1999, the Law on Veterinary Medical Activities was approved.

The 1999 law was repealed by a new Law on Veterinary Medical Activities, approved in 2005 and amended in 2008, but the principles on the slaughter of animals and particularly the provisions of the current Articles 169 and 170 have remained unchanged. On the basis of this law, the Ministry of Agriculture adopted the Ordinance no. 27 of 1999 to Reduce to a Minimum Animal Suffering during the Slaughter.<sup>7</sup> Later the Ordinance no. 20 of 15 May 2002 stipulated that, in the case of religious slaughter, the requirement of stunning before slaughter was not compulsory, but the restraining of animals prior to slaughter had to be made in accordance with Section IV in order to avoid any undue excitement, pain, suffering and injuring (Article 5 § 3).<sup>8</sup>

Bulgaria has ratified the Convention of the Council of Europe on the protection of animals in time of slaughter,<sup>9</sup> and this is now part of the Bulgarian law. According to Article 5 § 4 of the Constitution, the Convention shall prevail over the provisions of domestic law that are in conflict with it.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

**ENDNOTES**

<sup>1</sup> See <http://online.apis.bg>.

<sup>2</sup> Published in State Gazette no. 87 of 1.11.2005. The last amendment was published in State Gazette no. 36 of 4.4.2008.

<sup>3</sup> Adopted with the Regulation of the Council of Ministers no. 118 of 27.6.2000.

<sup>4</sup> Published in State Gazette no. 13 of 8.2.2008.

<sup>5</sup> Published in State Gazette no. 42 of 2006.

<sup>6</sup> Published in State Gazette no. 96 of 8.12.1967, repealed by the Law on Veterinary Medical Activity (State Gazette no. 42 of 5.5.1999).

<sup>7</sup> Published in State Gazette no. 99 of 16.11.1999.

<sup>8</sup> Published in State Gazette no. 55 of 2002.

<sup>9</sup> Published in State Gazette no. 53 of 30.6.2006.



**Article 7.** (1) No person shall engage in the movement, lairaging, stunning or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this Ordinance.

(2) Users of the facility shall ensure that persons employed for slaughtering possess the necessary skill, ability and professional knowledge.<sup>10</sup>

**Article 8.** (1) Inspections and controls in the slaughterhouses shall be carried out under the responsibility of the competent veterinary inspector who shall at all times have free access to all parts of the slaughterhouses.

(2) Inspections and controls from paragraph 1 may be carried out at the same time as controls carried out for other purposes.<sup>11</sup>

**Article 9.** (1) Where animals referred to in Article 5 of this Ordinance are slaughtered outwith slaughterhouses, Article 5 b), c) and d) shall apply.

(2) Derogations from paragraph 1 in respect of poultry, rabbits, pigs, sheep and goats slaughtered or killed outwith slaughterhouses by their owner for his personal consumption may be granted, provided that Article 3 is complied with and that pigs, sheep and goats have been stunned in advance.<sup>12</sup>

#### **Annex B. Restraint of Animals before Stunning, Slaughter or Killing**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

(2) Before stunning or killing:

a) animals' legs must not be tied, and animals must not be suspended;

b) however, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay;

c) holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. However, in the case of solipeds and cattle, the use of appropriate means to restrain head movements may be authorized.

(4) Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.<sup>13</sup>

#### **Annex C. Stunning or Killing of Animals other than Animals Reared for Fur**

##### **I Permitted Methods**

###### *A. Stunning*

[...]

###### *B. Killing*

[...]

C. The competent authority may, however, authorise decapitation, dislocation of the neck and the use of a vacuum chamber as a method of killing for certain specific species, provided that Article 3 is complied with and that the specific requirements laid down in Chapter III of this Annex are met.

##### **III Specific Requirements for Killing**

###### *2. Decapitation and dislocation of the neck*

These methods, which are to be used only for killing poultry, must comply with the provisions of Article 3.<sup>14</sup>

#### **Annex D. Bleeding of Animals**

- (1) For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.
- (2) All animals which have been stunned must be bled by incising at least one of the arteries or the vessels from which they arise. After incision of the blood vessels, no further dressing procedures or any electrical stimulation may be performed on the animals before the bleeding has ended.
- (3) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.
- (4) [...].<sup>15</sup>

To sum up, animals must be stunned before being bled according to Article 17 § 1 of the Animal Protection Act, except poultry and rabbits for private domestic consumption. Religious slaughter, which is defined as slaughter without prior stunning carried out by a person authorised by a religious community registered in the Republic of Croatia, is permitted under Article 17 § 2 leg. cit. Religious slaughter may only be carried out in slaughterhouses that are specially approved by the competent authority and it can only be performed under the supervision of the veterinary office. According to Article 19 § 6, the Ministry of Agriculture shall prescribe the requirements for the training of slaughtermen, who must have a certificate proving they have sufficient knowledge and ability to perform the slaughter of animals.

#### ***B. Short Overview of the Legal History***

The Animal Welfare Act of 1999, which was repealed by the Animal Protection Act of 2006, did not contain any specific provisions concerning religious slaughter.<sup>16</sup> According to Article 10 § 1 leg. cit., animals had to be stunned prior to bleeding to death, with the exception of the slaughter of pigs, sheep, goats, poultry, rabbits and bred game for domestic needs. Thus, such animals could be slaughtered according to a religious rite, provided they were slaughtered for private domestic consumption.

One of the reasons why a new law was approved in 2006 was the need to comply with European Union legislation. However, some of the provisions contained in the Animal Protection bill were finally left out of the approved text of the new law.<sup>17</sup> Such provisions were meant to regulate in greater detail the carrying out of slaughter according to a religious rite. They stipulated that religious slaughter could only be carried out by slaughtermen trained for this purpose, in slaughterhouses specially approved by the competent authority, in the official veterinarian's presence. It was also stipulated that the animal's neck arteries had to be cut in one stroke and, immediately after the cutting, the animal had to be stunned. According to the Ministry of Agriculture, such provisions were too detailed to be included in a legal text, which was meant to be a legal framework for the adoption of subsequent sublaw legislation (ordinances, decrees, guidebooks...). The detailed regulation of religious slaughter will be thus decided in an ordinance and in a guidebook.

The amendments of the Ordinance on the Protection of Animals at the Time of Slaughter or Killing, approved after 2005, have not introduced any specific provisions concerning slaughter according to a religious rite.

#### ***C. Recent Court Decisions***

There have been no recent court decisions concerning religious slaughter. Religious slaughter was only regulated in 2006, and time is needed in order to adapt the structure of the veterinary inspection office to the new EU standards.

## ENDNOTES

<sup>1</sup> See for the Animal Protection Act <http://www.prijatelj-i-zivotinja.hr/index.hr.php?id=867>.

<sup>2</sup> **Zakon o zaštiti životinja**, ODLUKU O PROGLAŠENJU ZAKONA O ZAŠTITI ŽIVOTINJA, Proglašavam Zakon o zaštiti životinja, kojega je Hrvatski sabor donio na sjednici prosinca 2006. godine. (Klasa: 011-01/06-01/76, Urbroj: 71-05-03/1-06-2, Zagreb, 7. prosinca 2006).

<sup>3</sup> **Pojmovi** **Članak 3.** U ovom Zakonu pojedini pojmovi imaju sljedeće značenje: [...] 3. Obredno klanje: klanje životinja bez prethodnog omamljivanja koje obavlja osoba ovlaštena od vjerske zajednice registrirane u Republici Hrvatskoj, [...].

<sup>4</sup> **Članak 17.** (1) Životinje se smije zaklati samo ako su prije klanja bile omamljene, osim ako se radi o klanju peradi i kunica u domaćinstvu za vlastite potrebe.

(2) Iznimno od stavka 1. ovoga članka, životinje se smije zaklati bez prethodnog omamljivanja samo u slučaju prisilnog klanja i pri obrednom klanju.

(3) Zabranjeno je omamljivanje, klanje, usmrcivanje ili ubijanje životinja u ritualne svrhe.

<sup>5</sup> **Članak 19.** (1) Usmrcivanje životinja mora se obavljati bez nepotrebnog nanošenja boli, patnje, ozljeda ili straha u skladu s odredbama ovoga Zakona.

(2) Premještanje i smještaj te brigu o životinjama u klaonici, sputavanje, omamljivanje te klanje ili usmrcivanje životinja mogu obavljati samo osobe koje su osposobljene za navedene poslove.

(3) Klanje životinja u domaćinstvu mora se obavljati bez nepotrebnog nanošenja boli, patnje, ozljeda ili straha u skladu s odredbama ovoga Zakona.

(4) [...].

(5) Obredno klanje životinja se obavlja u klaonicama koje je nadležno tijelo posebno odobrilo za tu namjenu.

(6) Uvjeti za zaštitu pri klanju i usmrcivanju životinja koje se drže u svrhu proizvodnje kao i uvjeti za osposobljavanje osoba koje se brine za životinje u klaonici te sudjeluje u postupku sputavanja, omamljivanja i klanja propisuje ministar.

<sup>6</sup> PRAVILNIK O ZAŠTITI ŽIVOTINJA PRI KLANJU ILI USMRCIVANJU, 23. rujna 2005 (Class: 322-01/05-01/228, Reg No: 525-06-05-09).

<sup>7</sup> **Članak 3.** Životinje moraju tijekom kretanja, smještaja, sputavanja, omamljivanja, klanja ili usmrcivanja biti pošteđene svih nepotrebnih i dodatnih uznemiravanja, boli, patnje ili ozljeda.

<sup>8</sup> **Članak 5.** Kopitari, preživci, svinje, kunice i perad dopremljeni u klaonice moraju biti:

a) [...],

b) sputani prije klanja u skladu s odredbama Dodatka B. ovoga Pravilnika,

c) omamljeni prije klanja ili trenutno usmrčeni u skladu s odredbama Dodatka C. ovoga Pravilnika,

d) iskrvareni u skladu s odredbama Dodatka D. ovoga Pravilnika.

<sup>9</sup> **Članak 6.** 1) Pribor i oprema koji se koriste za sputavanje, omamljivanje i usmrcivanje životinja moraju biti konstruirani, izrađeni, održavani i korišteni na način koji omogućava brzo i učinkovito omamljivanje i usmrcivanje životinja.

2) Korisnik objekta mora održavati i provjeravati ispravnost pribora i opreme za sputavanje, omamljivanje i usmrcivanje životinja.

3) [...].

<sup>10</sup> **Članak 7.** 1) Osobama koje ne posjeduju potrebna znanja i umijeća za humano i učinkovito klanje i usmrcivanje životinja na propisan način, zabranjeno je obavljati premještanje, smještaj, sputavanje, omamljivanje, klanje i usmrcivanje životinja.

2) Osobe koje obavljaju klanje životinja moraju za to posjedovati potrebno profesionalno znanje, umijeće i sposobnost, što mora osigurati korisnik objekta.

<sup>11</sup> **Članak 8.** 1) Nadležni veterinarski inspektor mora pri provođenju nadzora i kontrole u klaonici u svako doba imati pristup svim njezinim dijelovima.

2) Nadzor i kontrola iz stavka 1. ovoga članka može se provoditi istodobno s kontrolama u druge svrhe.

<sup>12</sup> **Članak 9.** 1) Prilikom klanja izvan klaonice životinja iz članka 3. ovoga Pravilnika, primjenjuju se odredbe točke b), c) i d) navedenog članka.

2) U slučaju kada vlasnik kolje za svoje vlastite potrebe izvan klaonice perad, kunice, svinje, ovce i koze, odobrava se odstupanje od stavka 1. ovoga članka, pod uvjetima iz članka 3. ovoga Pravilnika i obveznog omamljivanja svinja, ovaca i koza prije klanja.

### <sup>13</sup> **DODATAK B.**

#### **SPUTAVANJE ŽIVOTINJA PRIJE OMAMLJIVANJA, KLANJA ILI USMRCIVANJA**

1. Životinje moraju biti sputane na način koji im ne izaziva bol, patnju, uznemirenost ili ozljede.

2. Prije omamljivanja ili usmrcivanja:

a) životinje ne smiju visjeti niti im smiju biti vezane noge,

b) iznimno, perad i kunice smiju biti obješeni za noge radi klanja, pod uvjetom da su provedene odgovarajuće mjere kako bi u trenutku omamljivanja životinje bile dovoljno opuštena da se ono može nesmetano obaviti,

c) vješanje životinja ne smije se ni u kojem slučaju koristiti kao način njihovog sputavanja.

3. Životinje koje se omamljuju ili usmrćuju primjenom mehaničke ili električne opreme u području glave, moraju se postaviti u takav položaj da se opremom može lako rukovati i primijeniti je jednostavno, precizno i točno određeno vrijeme. U slučaju kopitara i goveda može se dopustiti primjenu odgovarajućih pomagala za ograničenje pomicanja glave.

4. Oprema za električno omamljivanje ne smije biti korištena za sputavanje, imobilizaciju ni tjeranje životinja.

### <sup>14</sup> **DODATAK C.**

#### **OMAMLJIVANJE I USMRCIVANJE ŽIVOTINJA KOJE SE NE UZGAJAJU RADI KRZNA**

##### **I. DOPUŠTENI POSTUPCI ZA OMAMLJIVANJE I USMRCIVANJE ŽIVOTINJA**

A. Omamljivanje [...]

B. Usmrcivanje [...]

C. Iznimno, nadležno tijelo može odobriti postupak dekapitacije, distorzije vrata i upotrebu prostorije s vakuumom kao postupke usmrcivanja za pojedine vrste životinja, pod uvjetom da se provode u skladu s člankom 3. ovoga Pravilnika i Poglavljem III. ovoga Dodatka.

### **III. POSEBNI UVJETI USMRCIVANJA ŽIVOTINJA**

#### **2. Dekapitacija i distorzija vrata**

Postupak dekapitacije i distorzije vrata smije se koristiti samo za usmrcivanje peradi i u skladu s člankom 3. ovoga Pravilnika.

<sup>15</sup> **DODATAK D.****ISKRVARENJE ŽIVOTINJA**

1. Kod već omamljenih životinja iskrvarenje treba započeti što je moguće brže nakon omamljivanja i mora biti brzo i potpuno. U svakom slučaju, životinja mora iskrvariti prije nego postigne mogućnost ponovnog dolaska k svijesti.
2. Kod svih omamljenih životinja, iskrvarenje mora biti izazvano prerezivanjem barem jedne vratne arterije ili pripadajućih krvnih žila koje opskrbljuju krvlju glavne vratne arterije. Nakon prerezivanja krvnih žila ne smiju se obavljati nikakvi dodatni postupci ili električni podražaji na životinjama prije nego krvarenje prestane.
3. Ako jedna osoba obavlja omamljivanje, pripremu za iskrvarenje i iskrvarenje životinja, svi postupci moraju prethodno biti dovršeni na jednoj životinji prije nego se započnu na drugoj.
4. [...].

<sup>16</sup> **Zakon o dobrobiti životinja iz 1999. godine**, Četvrtak, 25. veljače 1999 (Official Gazette 19/99).<sup>17</sup> **NACRT PRIJEDLOGA ZAKONA O ZAŠTITI ŽIVOTINJA**, travanj 2006.

## CZECH REPUBLIC

### *A. Legislation<sup>1</sup>*

#### **Act on the protection of animals against cruelty as amended on 3 February 2006 (77/2006 Coll.)<sup>2</sup>**

**Article 4.** (1) Cruelty to an animal means [...]

o) to kill an animal in such a way which causes undue pain or suffering to the animal,

[...]

**Article 5.** (1) Nobody shall kill an animal without any reason.

(2) The reasons to kill an animal are the following:

a) use of the products of a farm animal,

[...]

(3) Slaughtering farm animals by bleeding may only commence after their stunning ensuring the loss of sensibility and loss of consciousness which lasts throughout the bleeding. Slaughterhouse dressing of an animal prior to its bleeding shall be prohibited.

(4) In case of industrial processing of fish, no stunning and bleeding shall be performed.

(5) Derogations from the provisions of paragraph 3 may be authorised by the Ministry for the purposes of churches and religious societies,<sup>3</sup> the regulations of which shall specify another way of animal slaughter. Slaughter shall be carried out by a professionally competent person who shall ensure that the slaughtered animals are spared any avoidable suffering.

(6) [...]

(7) Persons killing the animal shall ascertain that the animal is dead by checking its vital signs.

(8) Unless stipulated otherwise by this Act, the following methods of killing animals shall be prohibited:

a) [...]

b) [...]

c) beating to death, stabbing to death or other methods causing undue pain or suffering to an animal,

d) use of electric current, unless an immediate loss of consciousness occurs,

e) [...]

(9) [...].

**Article 5a. General provisions.** (1) During transport, movement, guiding, lairaging, restraint or stunning for the purpose of slaughtering or euthanasia of an animal, also at slaughtering, killing or euthanasia of an animal, the animal shall be spared any avoidable pain suffering.

(2) The construction, equipment of slaughterhouses and their operation shall be such as to spare the slaughtered animal any avoidable suffering.

(3) Instruments, materials, restraint, equipment and facilities used for stunning, killing or euthanasia of animals shall be constructed, maintained and used in s a way that these actions are carried out fast and effectively.

(4) Equipment and suitable spare instruments for stunning purposes shall be kept at the place of slaughter for emergency use.

(5) Operators of the slaughterhouse shall provide for maintenance and regular checks of the instruments, materials, equipment and facilities used for restraining, stunning, killing or euthanasia of animals. The



operator shall keep the records of such checks over the period of three years and make them available to the competent animal welfare authority upon request.

(6) Persons slaughtering animals at slaughterhouses shall be professionally competent pursuant to the ministerial implementing legal regulation; other persons carrying out activities related to guiding, lairaging or restraint of these animals, shall be instructed by the operator of the slaughterhouse to perform these activities in a qualified manner.

(7) Operators of the slaughterhouse shall keep records of the professional competence of persons carrying out activities referred to in paragraph 6. Operators of the slaughterhouse shall keep these records over the period of three years after these persons ceased performing such activities and shall make them available to the competent animal welfare authority upon request.

(8) Provisions of paragraph 1 and 3 apply similarly to backyard slaughters, slaughters at farms,<sup>4</sup> as well as to slaughters carried out outwith slaughterhouses.

**Article 5e. Restraint of animals before stunning, slaughter or killing.** (1) Animals shall be restrained before the slaughter or killing. Animal's legs shall not be tied and animals shall not be suspended before stunning or killing, with the exception of poultry and rabbits. Rabbits and poultry shall be brought into a sufficiently relaxed state before the stunning.

(2) When animals are slaughtered for the purposes of a church or a religious society,<sup>5</sup> the regulations of which stipulate another method of slaughter (religious slaughter) and which were granted derogations by the Ministry in accordance with Article 5 § 5, the animal is restrained in order to avoid undue suffering of the animal.

(3) Poultry and rabbits may only be suspended for slaughter before the stunning provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in such a physical state for stunning to be carried out effectively and without undue delay.

(4) Animals which are stunned by mechanical or electrical means applied to the head of the animal shall be presented in such a position that the equipment can be applied for the appropriate time and the stunning can be carried out effectively and without undue delay.

(5) Electrical stunning equipment shall not be used as a means of restraint or as an instrument to make move.

**Article 5g. Methods of bleeding of slaughter animals.** (1) Bleeding of slaughter animals shall be started immediately after stunning, and shall be carried out in such a way as to bring about rapid and complete bleeding.

(2) Slaughter animals shall be bled by incising at least two carotid arteries or the vessels from which they arise, before the slaughter animal regains consciousness.

(3) No further dressing procedures nor any electrical stimulation of the animal's heart may be performed on the animal before the bleeding has ended.

(4) Where one person is responsible for stunning, shackling, hoisting and bleeding of slaughter animals, that person shall carry out those operations consecutively one animal before carrying them out on another animal.

(5) No bleeding has to be performed in industrial processing of fish. Bleeding of fish upon sale and for own consumption shall be performed after stunning by a heavy percussive blow delivered to the top of the head by cutting gill arches or spinal cord and the vessels right behind the head.

(6) When killing poultry for own consumption, bleeding may be performed by decapitation without previous stunning.

(7) More details shall be stipulated by the Ministry in an executive legal regulation.

## **Decree on protection of slaughtered, put down or otherwise killed livestock animals as amended on 3 October 2005<sup>6</sup>**

**Article 3. Persons qualified for slaughtering slaughter animals at slaughterhouses (regarding Article 5a § 6 of the Act).** (1) Persons qualified for slaughtering slaughter animals including their forced slaughter at a slaughterhouse using the method of animal bleeding after their stunning are the following:

- a) persons who achieved secondary vocational education in fields focused on the technology and processing of meat;
- b) persons who achieved complete secondary education in fields focused on the technology and processing of meat;
- c) persons who acquired complete secondary education in the field of veterinary prevention or higher vocational education in the field of veterinary medicine;
- d) university graduates who implement study schemes in the area of veterinary medicine and hygiene and in the area of agriculture focused on the veterinary area;
- e) persons who are undergoing a training in order to acquire professional qualification pursuant to letters a) to d), if they slaughter animals under the professional supervision of a person referred to in letters b), c) or d).

(2) During the training to acquire professional qualification according to Article 5a § 6 of the Act, the trainees for this qualification may only perform the slaughter of animals at the slaughterhouse of and under the professional supervision of a person professionally qualified pursuant to paragraph 1 letters b), c) or d) who takes care of preventing cruelty to animals and ensures that immediate remedy is taken if the animal is stunned incorrectly.

(3) The provisions of paragraphs 1 and 2 do not apply to slaughtering according to Article 5a § 8, and Article 5b § 1 of the Act.

(4) A special legal regulation apply to recognise professional qualification or another capacity, which the citizens of the Czech Republic or other Member States of the European Union or their family members have acquired in another Member State of the European Union.<sup>7</sup>

## **Article 9. Animal killing procedures (regarding Article 5h of the Act). [...]**

(4) The separation of a head from a body or breaking the animal's neck can be exclusively used to kill poultry providing that the provisions of special legal regulations are complied with.<sup>8</sup>

To sum up, animals must be stunned before being slaughtered according to Article 5 § 3 of the Act on the protection of animals against cruelty. However, the Ministry of Agriculture may authorise a derogation from this provision for Churches and Religious Churches who perform religious slaughter. In this case, the animal must be restrained in order to be spared undue suffering, and slaughter must be carried out by a professionally competent person who shall ensure that the slaughtered animal is spared any avoidable suffering.

## ***B. Short Overview of the Legal History***

Before the enactment of Act 246/1992 Coll. on the protection of animals against cruelty, there were no legal provisions regulating religious slaughter.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.mvcr.cz/sbirka/>.

<sup>2</sup> **Zákon** ze dne 3. února 2006, kterým se mění zákon č. 246/1992 Sb., **na ochranu zvířat proti týrání**, ve znění pozdějších předpisů (č. 77/2006 Sb.).

<sup>3</sup> See Act No 3/2002 Coll., on freedom of religious confession and position of churches and religious societies and amendment to some related laws (Act on Churches and Religious Societies).

<sup>4</sup> See Section 21 para 2 and 3 of Act No 166/1999 Coll.

<sup>5</sup> See Act No 3/2002 Coll., on freedom of religious confession and position of churches and religious societies and amendment to some related laws (Act on Churches and Religious Societies).

<sup>6</sup> **Vyhláška** ze dne 3. října 2005, kterou se mění vyhláška č. 382/ 4 Sb., **o ochraně hospodářských zvířat při porážení, utrácení nebo jiném usmrcování** (č. 424/2005 Sb.).

<sup>7</sup> See Act No. 18/2004 Coll. on recognizing professional qualification and other capacities of citizens of European Union Member states and on amendments to some acts (Act on recognizing professional qualification) as amended by Act No. 96/2004 Coll.

<sup>8</sup> See Act No. 166/1999 Coll. on veterinary care and on changes of some related acts (veterinary act); and Decree No. 375/2003 Coll. serving for the enforcement of some provisions of Act 166/1999 Coll. on veterinary care and on changes of some related acts (veterinary act) and on veterinary requirements for animal products.

## DENMARK

### *A. Legislation<sup>1</sup>*

#### **Animal Welfare Act as amended on 13 May 2005<sup>2</sup>**

**Article 13.** (1) A person killing an animal must ensure that the animal is killed in the quickest and least painful possible way. The killing of an animal by drowning is not permitted.

(2) The Minister of Justice can adopt further regulations concerning the killing of animals, including regulations about slaughter and prohibition against certain ways of killing as well as regulations prescribing that the killing of certain larger animals can only be carried out by a veterinary or another authorised person.<sup>3</sup>

#### **Order on Slaughtering and Killing of Animals as amended on 6 June 2007<sup>4</sup>**

**Article 7.** (1) It is permitted to slaughter animals without previous stunning, when the slaughter takes place according to the Jewish or Islamic rite. These regulations do not apply to ratites.

(2) In case of slaughter of other animals than poultry, slaughter has to take place in an export authorised slaughterhouse under the supervision of an official veterinary and animals must be restrained in a proper way. The slaughter of bovine has to take place in a box where the animal is restrained in a standing position. The box has to be adjustable according to the size of the animal, in such a way that its head and body can be immobilised as gently as possible.

(3) When the slaughter of other kinds of poultry than ratites is carried out without stunning, it is required that the slaughter takes place under the supervision of an official veterinary and that each animal is manually restrained while the cutting of the neck is performed and until the death of the animal.

(4) Slaughter must be carried out by the manual cut of both carotid arteries and jugular veins, done with a sharp device, immediately after the restraint of the animal. In case of slaughter of bovine, the animal must be stunned immediately after the cutting of the neck by using a captive bolt pistol.

(5) The slaughterhouse that wants to carry out slaughter without previous stunning has to notify the Danish Veterinary and Food Administration in advance.<sup>5</sup>

To sum up, Danish authorities differentiate two kinds of religious slaughter: “ritual” slaughter, where the animals is slaughtered without or before stunning; and “halal” slaughter, carried out according to the Islamic rite with reversible previous stunning.

“Ritual” slaughter is regulated by Article 7 of the Danish Order on Slaughtering and Killing of Animals, according to which the slaughter of animals without previous stunning is allowed when this is performed according to the Jewish or Islamic rite. This is an exception from the general rule stipulated by Article 6, which prescribes that animals must be stunned before slaughter. “Ritual” slaughter is only allowed if slaughter is performed in a slaughterhouse which has an export authorisation under the supervision of an official veterinarian, and the animal is properly restrained. The slaughter of other kinds of poultry other than ratite birds without previous stunning is only allowed if slaughter is supervised by a veterinary, and each animal is restrained manually while the cut of the neck is performed and until death occurs. Further, slaughter must be performed in such a way that both carotid arteries and jugular veins are cut by a sharp instrument immediately after the animal has been restrained. In the case of “ritual” slaughter of bovine, the animal must be stunned by means of a captive bolt immediately after the cut of the neck has been performed.

Between 2004 and 2006, no animals was killed by “ritual” slaughter. Before 2004 only one slaughterhouse performed “ritual” slaughter of bovine and ovine. No slaughterhouse has performed “ritual” slaughter of poultry because it is impossible, according to the current practice, to restrain each animal manually with a desired slaughter rate of about 8,000 animals per hour.

As to “halal” slaughter, this is not regulated by any legal provisions or guidelines. It differs from conventional slaughter only for the fact that the method of stunning must be reversible and approved by the concerned religious community. In northern Denmark there is one slaughterhouse carrying out the “halal” slaughter of bovine twice a year, and of broilers every day.<sup>6</sup>

### *B. Short Overview of the Legal History*

Legislation concerning the slaughter of animals, which prescribed that an animal had to be stunned before bleeding, dates back to the beginning of the 1950s. Provisions permitting slaughter without previous stunning according to the Jewish or Islamic rite were introduced later.

Over the years attempts have been made to ban slaughter without previous stunning. For example, in 1996, a proposal was put forward in Parliament in order to prohibit slaughter without previous stunning.<sup>7</sup> At the same time the Danish Animal Ethics Council (hereafter: Council) recommended that, in the case of religious slaughter of bovine, stunning had to be performed immediately after the cut. Thus the legislation was changed.<sup>8</sup> New legal requirements to slaughter poultry have also been introduced, stipulating that poultry must be held individually by hand when cutting the neck until the animal is dead, under the supervision of an official veterinarian.<sup>9</sup>

Three years later, another attempt to amend the law in order to prohibit slaughter without previous stunning took place,<sup>10</sup> because – among other reasons – the Islamic Cultural Centre had in the meantime accepted stunning before slaughter.<sup>11</sup>

In 2003 the Ministry of Justice asked the Council to give its opinion on a number of issues: had there been a change in the Council’s opinion concerning its previous recommendation on post-cut stunning? Should post-cut stunning be performed also in the slaughter of sheep and goats? Should meat from animals slaughtered according to a religious rite be labeled? In 2005 the Council recommended the stunning of all animals before slaughter for ethical reasons. On the basis of the changed view of the Council, members of the Parliament suggested a change in the law in order to prohibit religious slaughter.<sup>12</sup> In the subsequent public hearings, members of the Jewish community in Denmark as well as members of Muslim communities protested against such a proposal. Furthermore, the Institute of Human Rights, which reviews new legislation in relation to common human rights standards, argued that such a change would cause a breach of the right to religious freedom. Therefore, the majority in the parliament decided not to change the legislation and the regulations.

### *C. Recent Court Decisions*

On 29 January 2004, a court delivered a judgment concerning the private slaughter of three lambs without previous stunning, during a Muslim holiday occurred on 11 February 2003.<sup>13</sup> The court found that the slaughter violated the Danish Animal Welfare Act and the Danish Order on Slaughtering and Killing of Animals, as it was performed without previous stunning on a farm (and not in a slaughterhouse having an export authorisation) and without the supervision of the official veterinarian. A Muslim participant was thus fined 5.000 Danish kroner (about €670).

#### ENDNOTES

<sup>1</sup> See <http://www.dyrebrevkassen.dk/html/lovgiv/lov2.html>.

<sup>2</sup> **Bekendtgørelse af dyreværnsloven**, LBK nr 344 af 13/05/2005 (Gældende), ændret LOV nr 538 af 8. juni 2006 og LOV nr 530 af 6. juni 2007.

<sup>3</sup> § 13. Den, der vil aflive et dyr, skal sikre sig, at dyret aflives så hurtigt og så smertefrit som muligt. Aflivning ved drukning må ikke finde sted.

Stk. 2. Justitsministeren kan fastsætte nærmere regler om aflivning af dyr, herunder regler om slagtning og om forbud mod visse aflivningsformer samt regler om, at aflivning af visse større dyr kun må foretages af en dyrlæge eller en anden autoriseret person.

<sup>4</sup> **Bekendtgørelse om slagtning og aflivning af dyr** (nr 1037), BEK nr 583 af 06/06/2007 (Gældende).

<sup>5</sup> § 7. Det skal dog være tilladt at slagte husdyr uden forudgående bedøvelse, når slagtningen foretages efter jødisk eller islamisk ritus. Bestemmelsen finder ikke anvendelse på strudsefugle.

Stk. 2. Hvor slagtning af andre husdyr end fjerkræ finder sted uden forudgående bedøvelse, er det en betingelse herfor, at slagtningen foretages på et eksportautoriseret slagteri, at slagtningen overvåges af embedsdyrlægen og at dyret fastholdes på forsvarlig måde. Ved slagtning af kvæg skal der anvendes en boks, hvor fastholdes i opretstående stilling. Boksen skal kunne justeres efter

dyrets størrelse, således at hoved og krop fikseres så skånsomt som muligt.

*Stk. 3.* Hvor slagtning af andet fjerkræ end strudsefugle finder sted uden forudgående bedøvelse, er det en betingelse herfor, at slagtningen overvåges af en embedsdyrlæge, og at hvert dyr fastholdes manuelt, når halssnittet lægges, og indtil døden er indtrådt.

*Stk. 4.* Slagtningen skal foregå ved, at begge halspulsårer og halsvener manuelt overskæres med et skarpt redskab, umiddelbart efter at dyret er fikseret. Ved slagtning af kvæg skal dyret umiddelbart efter, at dette halssnit er foretaget, bedøves ved skydning med en bolt pistol.

*Stk. 5.* Slagterier, der ønsker at foretage slagtning uden forudgående bedøvelse, skal forud anmelde dette til Fødevarestyrelsen.

<sup>6</sup> European Commission. Health & Consumer Protection Directorate-General, Final report of a mission carried out in Denmark from 06/02/2006 to 10/02/2006 in order to assess animal welfare at slaughter, pp. 10-11, <http://ec.europa.eu>.

<sup>7</sup> Forslag til lov om ændring af dyreværnsloven (Forbud mod slagtning og aflivning af dyr uden bedøvelse), 1996-97 L 93. See also jf. beslutningsforslag nr. B 54, folketingsåret 1996-97 (Folketingstidende 1996-97, forhandlingerne side 3094 og 7985, Till. A side 1630 og 1632 og Till. B side 949).

<sup>8</sup> Bekendtgørelse nr. 550 af 24. juni 1997.

<sup>9</sup> Bekendtgørelse nr. 849 af 19. november 1997.

<sup>10</sup> Forslag til Lov om ændring af dyreværnsloven, Lovforslag 1999-2000 L 49, Lovforslag 1999-2000 L 82, Lovforslag 1999-2000 L 83.

<sup>11</sup> 1999-2000 L 49, see under [http://www.folketinget.dk/Samling/19991/lovforslag\\_som\\_fremsat/L49.htm](http://www.folketinget.dk/Samling/19991/lovforslag_som_fremsat/L49.htm). See also the modification proposal of the Danish party FRI, 1999-2000 L 83, [http://www.folketinget.dk/Samling/19991/lovforslag\\_som\\_fremsat/L83.htm](http://www.folketinget.dk/Samling/19991/lovforslag_som_fremsat/L83.htm).

<sup>12</sup> 2004-05, 2. samling, B 11. See [www.folketinget.dk/doc.aspx?samling/42/menu/00000002.htm](http://www.folketinget.dk/doc.aspx?samling/42/menu/00000002.htm).

<sup>13</sup> U 2004 1227Ø.

## ESTONIA

### *A. Legislation<sup>1</sup>*

#### **Animal Protection Act as amended on 15 February 2007<sup>2</sup>**

**Article 10. Permitted killing of animals.** (1) Permitted killing of an animal is:

1. slaughter or killing of a farm animal;

[...]

5. slaughter of an animal for religious purposes;

[...].

(2) In the case of permitted slaughter and killing of an animal, a method for slaughter and killing shall be chosen which causes the animal the least possible amount of physical and mental suffering.

[...].<sup>3</sup>

**Article 11. Conditions of slaughter of farm animals.** (1) A farm animal may be slaughtered in a duly approved enterprise (hereinafter slaughterhouse). The animal may be slaughtered elsewhere:

1. a fur-bearing animal, rabbit, fish and bird;

2. a farm animal, if the animal products are to be used for own purposes;

3. a fur-bearing animal, in the cases prescribed by the Infectious Animal Disease Control Act.

(2) Causing unnecessary pain and suffering to animals shall be avoided at the time of transport of animals to a slaughterhouse, loading and unloading of animals, keeping and treatment of animals prior to slaughter in a slaughterhouse and stunning and slaughtering of animals.<sup>4</sup>

**Article 13. Slaughtering and killing of farm animals.** (1) Farm animals shall be stunned prior to slaughter.

(2) Where necessary, animal shall be restrained prior to stunning.

(3) For the purposes of this Act, stunning is a process which, when applied to an animal, causes immediate loss of consciousness which lasts until the death of the animal, and which shall be carried out in a manner which causes as little suffering and pain as possible.

(4) The further handling of an animal after the slaughter thereof is prohibited until the death of the animal has been verified.

(5) Farm animals shall be stunned and slaughtered or killed by using instruments which are permitted to be used on the given species and are in good working order. Farm animals shall be stunned, slaughtered or killed by a veterinarian or a person with appropriate training.

(6) Requirements for the stunning, slaughter and killing of farm animals, the training of persons performing such activities, permitted instruments and methods for stunning, slaughter and killing of farm animals shall be established by the Government of the Republic or a minister authorised by the Government of the Republic.<sup>5</sup>

**Article 17. Slaughter of animals for religious purposes.** (1) An animal may be slaughtered for religious purposes outwith slaughterhouses. A supervisory official shall be present at the slaughter of an animal for religious purposes.

(2) The Government of the Republic shall establish the procedure for the slaughter of animals for religious purposes.<sup>6</sup>

**Regulation no. 266 of 31 July 2001 of the Government of the Republic concerning procedures for organising and carrying out the killing of an animal for religious purposes<sup>7</sup>**

**Article 1. Procedure for organising the killing of an animal for religious purposes.** (1) When an animal is to be killed for religious purposes, a written note informing that such a killing is to be carried out, must be submitted to the Veterinary and Food Board 10 days before the particular event.

(2) The written note shall contain information about the species and the number of animals which are intended to be killed together with information about the method, time and place of the killing.

(3) The regional office of the Veterinary and Food Board must ensure that the killing of an animal is carried out under supervision of a supervisory official. The supervisory official shall check that the rules concerning the protection of animals are respected during the killing.<sup>8</sup>

**Article 2. Procedure for carrying out the killing of an animal for religious purposes.** (1) Where an animal is to be killed for religious purposes, the killing must be carried out only using incision of the carotid arteries and trachea. A sharp instrument, which is considered suitable for the killing of animals of the particular species and which is in good repair, must be used.

(2) The killing of an animal for religious purposes must be carried out in accordance with the requirements laid down in Article 13 §§ 3 and 4 of Animal Protection Act.

(3) The killing of an animal for religious purposes may be carried out outwith slaughterhouse.

(4) An animal must be restrained in such a way as to spare it any avoidable suffering and pain at the time of killing. A bovine animal must be restrained using suitable mechanical restraint equipment.

(5) The animal must be stunned right after the incision of trachea and carotid arteries. An animal must be stunned only by using the methods for stunning as laid down in Article 13 § 6 of Animal Protection Act.

(6) Only a person possessing the necessary skills may perform the killing of an animal.<sup>9</sup>

**Regulation no. 35 of 22 May 2002 of the Ministry of Agriculture concerning requirements for the stunning, slaughter and killing of farm animals, training of people performing the above; permitted instruments of stunning, slaughter and killing; permitted methods of stunning, slaughter and killing<sup>10</sup> as amended on 8 December 2005<sup>11</sup>**

**Article 1. Scope of application of regulation.** [...].

(2) This regulation is not applied to:

[...]

3. slaughter of an animal outwith slaughterhouses, if the product is used for own consumption.<sup>12</sup>

**Article 2. Stunning, slaughter and killing of an animal.** (1) The animal should be spared any avoidable physical or mental suffering during restraining prior to stunning, during stunning, slaughter or killing.

[...]

(5) Stunning or slaughter shall be performed by a veterinarian or by an adequately trained person.<sup>13</sup>

**Article 3. Requirements for the instruments of restraining, stunning, slaughter and killing.** (1) The instruments of restraining, stunning, slaughter and killing must allow the proper restraint of the animal and carry out stunning, slaughter and killing quickly and effectively.<sup>14</sup>

**Article 5. Permitted methods of stunning.** (1) The permitted methods of stunning are:

1. Stunning with bolt pistol;
2. Stunning by concussion;
3. Stunning with electricity;



#### 4. Stunning with CO<sub>2</sub>.<sup>15</sup>

**Article 23. Requirements for the training of the people carrying out stunning and slaughter.** (1) The person carrying out stunning and slaughter must have certificate to prove that they have relevant theoretical and practical training. The theoretical and practical training must guarantee knowledge on anatomy, physiology and behaviour of given species, requirements of animal protection and practical knowledge on stunning, bloodletting and slaughter.<sup>16</sup>

To sum up, Estonia allows the carrying out of religious slaughter without previous stunning provided that a written note is sent ten days before slaughter is carried out to inform the Veterinary and Food Board, and that post-cut stunning is performed. Only a person with the necessary skills may carry out the slaughter. The carotid arteries and trachea of the animal must be cut with a sharp instrument and the further handling of a slaughtered animal is prohibited until the death of the animal has been verified. It should be noted that religious slaughter of animals must not be necessarily carried out in a slaughterhouse; however, a supervising official must be present in order to verify the compliance with the binding animal protection rules.

### *B. Short Overview of the Legal History*

The first legal provisions concerning religious slaughter were introduced in the fourth version of the Animal Protection Act, entered into force on 1 July 2001.<sup>17</sup> 30 days later, on 31 July 2001, the Regulation concerning the procedure for organising and carrying out the killing of an animal for religious purposes, also entered into force.

Before 2001, Article 4 § 1 subparagraph 1 of the Animal Protection Act, passed on 17 November 1992 and entered into force on 17 December 1992,<sup>18</sup> permitted the slaughter of a productive animal, but did not regulate specifically religious slaughter. Under Article 4 § 2 cit. leg., a means of killing had to be chosen which caused the least amount of suffering, but religious slaughter was not outlawed.

Within the context of Estonia's accession to the European Union, which took place on 1 May 2004, it was pointed out that a new law was needed in the context of harmonisation of Estonian legal system with European Union legislation. It is interesting to note that the approval of specific provisions concerning religious slaughter was not accompanied by any public discussions (or a substantial debate in the Parliament) on whether to forbid or permit this kind of slaughter.

### *C. Recent Court Decisions*

In Estonia there have been no recent court decisions regarding religious slaughter.

#### ENDNOTES

<sup>1</sup> See <https://www.riigiteataja.ee/ert/ert.jsp>; <http://www.legaltext.ee/indexen.htm>.

<sup>2</sup> **Loomakaitseadus**, [Animal Protection Act] Passed 13 December 2000 RT I 2001, 3, 4; consolidate text RT I 2002, 13, 78), entered into force 1 July 2001, amended by the following Acts: 15.02.2007 entered into force 01.04.2007 – RT I 2007, 23, 119; 20.04.2006 entered into force 01.06.2006 – RT I 2006, 21, 162; 26.10.2005 entered into force 01.12.2005 – RT I 2005, 61, 477; 21.04.2004 entered into force 01.05.2004 – RT I 2004, 38, 257; 06.11.2002 entered into force 01.01.2003 – RT I 2002, 96, 566; 19.06.2002 entered into force 01.09.2002 – RT I 2002, 63, 387; 19.06.2002 entered into force 01.08.2002 – RT I 2002, 61, 375.

<sup>3</sup> § 10. **Looma lubatud hukkamine** (1) Looma lubatud hukkamine on: 1) põllumajanduslooma tapmine või hukkamine; [...] 5) looma tapmine religioosel eesmärgil; [...].

(2) Looma lubatud hukkamise puhul tuleb valida hukkamisviis, mis põhjustab loomale võimalikult vähe füüsilisi ja vaimseid kannatusi.

(3) [...].

(4) [...].

<sup>4</sup> § 11. **Põllumajandusloomade tapmise tingimused** (1) Põllumajanduslooma võib tappa üksnes selleks tunnustatud ettevõttes (edaspidi *tapamaja*). Mujal võib tappa: 1) karuslooma, küülikut, kala ja lindu; 2) põllumajanduslooma juhul, kui loomseid saadusi kasutatakse oma tarbeks; 3) põllumajanduslooma loomatauditõrje seaduses ettenähtud juhtudel.

(2) Põllumajanduslooma tapamajja vedamisel, peale- ja mahalaadimisel, tapaeelsel pidamisel ja kohtlemisel tapamajas, uimastamisel ning tapmisel tuleb vältida talle valu ja kannatuste põhjustamist, mis ei ole hädavajalikud.

<sup>5</sup> § 13. **Põllumajanduslooma tapmine ja hukkamine** (1) Põllumajandusloom tuleb enne tapmist uimastada.

(2) Vajaduse korral tuleb looma liikumist enne uimastamist piirata.

(3) Uimastamine käesoleva seaduse tähenduses on tegevus, mis põhjustab loomal võimalikult kiire teadvusetuse, mis kestab kuni surmani, võimalikult vähe kannatusi ja valu põhjustaval viisil.

(4) Tapmise järel on põllumajanduslooma edasine käitlemine keelatud seni, kuni ollakse veendunud looma surmas.

(5) Põllumajandusloom tuleb uimastada ja tappa või hukata vahendiga, mis on selle loomaliigi jaoks lubatud ja töökorras. Põllumajanduslooma uimastab ja tapab või hukkab veterinaararst või vastava koolituse läbinud isik.

(6) Nõuded põllumajanduslooma uimastamise, tapmise ja hukkamise ning neid teostavate isikute koolituse kohta, lubatud uimastamis-, tapmis- ja hukkamisvahendid ning lubatud uimastamis-, tapmis- ja hukkamismeetodid loomaliikide kaupa kehtestab Vabariigi Valitsus või tema volitatud minister.

<sup>6</sup> § 17. **Looma tapmine religioosel eesmärgil** (1) Looma võib religioosel eesmärgil tappa väljaspool tapamaja. Looma religioosel eesmärgil tapmise juures peab viibima järelevalveametnik.

(2) Looma religioosel eesmärgil tapmise korraldamise ja läbiviimise korra kehtestab Vabariigi Valitsus.

<sup>7</sup> **Looma religioosel eesmärgil tapmise korraldamise ja läbiviimise kord**, Vabariigi Valitsuse 31. juuli 2001. a määrus nr 266 (VVM Riigi Teataja I, 2001, 69, 421). Määrus kehtestatakse «Loomakaitseseaduse» (Riigi Teataja I, 2001, 3, 4) § 17 lõike 2 alusel.

<sup>8</sup> § 1. **Looma religioosel eesmärgil tapmise korraldamise kord** (1) Looma religioosel eesmärgil tapmisest tuleb 10 päeva enne nimetatud toimingut kirjalikult teatada Veterinaar- ja Toiduametile.

(2) Esitav teatis peab sisaldama andmeid tappa kavatsetavate loomade liigi, arvu, tapmise meetodi, aja ja koha kohta.

(3) Veterinaar- ja Toiduameti kohalik asutus peab tagama järelevalveametniku viibimise looma tapmise juures. Järelevalveametnik peab kontrollima loomakaitsenõuete täitmist tapmise ajal.

<sup>9</sup> § 2. **Looma religioosel eesmärgil tapmise läbiviimise kord**, (1) Looma võib religioosel eesmärgil tappa üksnes kägiveenide ja trahhea läbilõikamisega. Loom tuleb tappa terava vahendiga, mis on selle loomaliigi jaoks lubatud ja töökorras.

(2) Looma religioosel eesmärgil tapmisel tuleb täita nõudeid, mis on toodud «Loomakaitseseaduse» § 13 lõigetes 3 ja 4.

(3) Religioosel eesmärgil tohib looma tappa väljaspool tapamaja.

(4) Looma religioosel eesmärgil tapmise ajal tuleb tema liikumist piirata, et looma kannatused ja valu oleksid võimalikult väikesed. Veise liikumist piiratakse selleks sobiva mehaanilise seadmega.

(5) Loom tuleb uimastada kohe pärast trahhea ja kägiveenide läbilõikamist. Looma tohib uimastada «Loomakaitseseaduse» § 13 lõike 6 alusel lubatud uimastamisvahendiga.

(6) Looma tohib tappa üksnes vajalike oskustega isik (Euroopa Liidu Nõukogu Direktiiv 93/119/EÜ).

<sup>10</sup> **Nõuded põllumajanduslooma uimastamise, tapmise ja hukkamise ning neid teostavate isikute koolituse kohta**, lubatud uimastamis-, tapmis- ja hukkamisvahendid ning lubatud uimastamis-, tapmis- ja hukkamismeetodid loomaliikide kaupa. Põllumajandusministri 22. mai 2002. a määrus nr 35 (muudetud 8. December 2005; RTL 20.12 2005, 120, 1874).

<sup>11</sup> Põllumajandusministri 22. mai 2002. a määruse nr 35 „Nõuded põllumajanduslooma uimastamisele, tapmisele ja neid teostavate isikute koolitusele, lubatud uimastamis- ja tapmisvahendid ning lubatud uimastamis- ja tapmise meetodid loomaliikide kaupa” muutmise. Põllumajandusministri 8. detsembri 2005 määrus nr 116 (RTL 20.12 2005, 120, 1874).

<sup>12</sup> § 1 **Reguleerimisala**

(2) Määrust ei kohaldata:

1) [...]

2) [...]

3) looma tapmisel väljaspool tapamaja, kui loomseid saadusi kasutatakse oma tarbeks.

<sup>13</sup> § 2 **Looma uimastamine, tapmine ja hukkamine**

(1) Looma tuleb säästa igasugusest vältivatest füüsilistest ja vaimsetest kannatustest tema uimastamisele liikumise piiramise ning uimastamise ja veretustamise või hukkamise ajal (muudetud 8. December 2005; RTL 20.12 2005, 120, 1874).

(5) Looma võib hukata või uimastada ja veretustada veterinaararst või asjakohase koolituse läbinud isik (muudetud 8. December 2005; RTL 20.12 2005, 120, 1874).

<sup>14</sup> § 3 **Looma liikumist piiravate seadmete ning lubatud, uimastamis-, tapmis- ja hukkamisvahendite kohta esitatavad nõuded.**

(1) Looma liikumist piiravad seadmed ning lubatud uimastamis-, tapmis- ja hukkamisvahendid peavad võimaldama looma liikumist piirata ning looma uimastada ja veretustada või hukata kiiresti ja tõhusalt isik (muudetud 8. December 2005; RTL 20.12 2005, 120, 1874).

<sup>15</sup> § 5 **Lubatud uimastamisvahendid** Lubatud uimastamisvahendid on: 1) uimastamine poltpüstoliga otsmikuluud läbival viisil; 2) uimastamine ajupõrutuse tekitamisega ehk otsmikuluud m tteläbival viisil; 3) elektriline uimastamine; 4) uimastamine süsinikdioksiidi manustamisega.

<sup>16</sup> § 23 **Nõuded uimastamis, tapmis ja hukkamist teostavate isikute koolituse kohta**

(1) Uimastaja ja veretustamist või hukkamist teostav isik peavad omama tunnistust kohase teoreetilise ja praktilise koolituse läbimise kohta. Teoreetiline ja praktiline koolitus peavad andm vajalikke teadmisi loomade anatoomiast, füsioloogiast ning loomaliigile omastest käitumisharjumustest ja loomakaitsenõuetest ning lisaks praktilisi oskusi uimastamise, veretustamise ja hukkamise läbiviimiseks (last amended 8. December 2005; RTL 20.12 2005, 120, 1874).

<sup>17</sup> Vastu võetud 13.12.2000 a seadusega (Riigi Teataja I, 2001, 3, 4), jõustunud vastavalt seaduse §-le 82.

<sup>18</sup> **Eesti Vabariigi loomakaitseseadus**, Vastu võetud 17. novembril 1992. a. (Riigi Teataja I, 1992, 50, 617), jõustunud 17. detsembril 1992. a.

## FINLAND

### I. ALL PROVINCES WITH THE EXCEPTION OF ÅLAND

#### *A. Legislation<sup>1</sup>*

##### **Animal Welfare Act no. 247 of 4 April 1996<sup>2</sup>**

**Article 33. Slaughter and measures relating to it.** (1) An animal may not be inflicted unnecessary suffering, pain and distress while being handled or kept at a slaughterhouse, place of slaughter or elsewhere in connection with slaughter, or while being stunned or bled. An animal must be appropriately stunned or killed before bleeding. However, a special method of slaughter due to religious reasons, where bleeding is started simultaneously with the stunning of the animal, is permitted as is specified by decree. No other procedures relating to slaughter may be performed on the animal before it is dead.

(2) There must be appropriate facilities in approved slaughterhouses and approved places of slaughter for the stunning and bleeding of considerably sick and injured animals.

(3) Further provisions on the qualifications of the persons who perform the slaughter and procedures preceding it, facilities for handling animals at the slaughterhouse or place of slaughter, treatment and handling of animals in connection with slaughter and stunning and bleeding may be issued by Decree. It may also be provided by Decree that the Ministry of Agriculture and Forestry may issue further provisions on the aforementioned issues.<sup>3</sup>

##### **Animal Welfare Decree no. 396 of 7 June 1996<sup>4</sup>**

##### **Chapter 11. Slaughter and measures related to it**

**Article 36. Slaughterhouse and place of slaughter.** (1) The slaughterhouse and place of slaughter must be built and equipped, and the procedures carried out in way that the animals are not inflicted unnecessary fury, pain or distress.

(2) The slaughterhouse and place of slaughter must have appropriate and sufficient facilities for keeping the animals. The facilities must provide sufficient shelter against unfavourable weather conditions and excessive coldness, heat and moisture. The facilities must also provide enough stalls, pens or other places for keeping animals.<sup>5</sup>

**Article 37. Keeping of slaughter animals.** (1) An animal brought for slaughter which is not slaughtered immediately must be taken to a facility for keeping animals without delay, unless it can be kept in an appropriate manner in the means of transport.

(2) Animals that are hostile or may hurt each other, because of their species, gender, origin or age, must be kept separate from each other.<sup>6</sup>

**Article 38. Care of slaughter animals.** (1) Animals kept to be slaughtered, except for poultry, must have access to drinking water at all times.

(2) Animals which have not been slaughtered within 12 hours after their arrival at the slaughterhouse or place of slaughter must be fed sufficiently upon their arrival and after that repeatedly at intervals suited to the concerned animal species, and be milked if necessary.

(3) The condition, health and well-being of the slaughter animals must be checked daily in the morning and in the evening and more often if necessary.<sup>7</sup>

**Article 39. Animals to be slaughtered urgently.** (1) An animal which is considerably sick, injured or hurt as well as an unweaned animal must be slaughtered without delay and no later than two hours after arriving at the slaughterhouse or place of slaughter. The aforementioned animals must be kept apart from other animals prior to the slaughter.

(2) Animals which are brought to the slaughterhouse in a cage, box or other similar transport container must be slaughtered as soon as possible upon arrival at the slaughterhouse.<sup>8</sup>

**Article 40. Keeping of animals when performing slaughter.** During the slaughter animals may not be kept waiting in the room or place where the slaughter will be carried out.<sup>9</sup>

**Article 41. Qualifications of the slaughterman and the personnel performing procedures before the slaughter.** (1) The personnel performing the care and treatment as well as the stunning and bleeding must have sufficient knowledge and skills to perform these procedures appropriately.

(2) Professional slaughter may only be carried out by a person with practical skills or training, and who is over 18 years of age.

(3) No unauthorised persons may be present at slaughter.<sup>10</sup>

**Article 42. Stunning.** (1) When an animal is slaughtered it must be stunned before bleeding rapidly, efficiently and for a sufficiently long time. However, a poultry animal may be slaughtered by cutting its neck rapidly with a sharp instrument.

(2) The animal to be stunned must be held or its movement restricted in another appropriate way, so that the animal is spared all avoidable pain, distress, suffering, injury and bruising during the stunning. The animal may not be suspended before stunning, nor may its limbs be tied. Poultry and rabbits may, however, be suspended for stunning, if the stunning can be carried out appropriately and without delay.

(3) Stunning must be performed, depending on the animal species and as specified in further detail by the competent ministry, by a mechanical instrument which penetrates into the brain, by electric current or gas which stuns immediately, or by hitting the animal on the head by an appropriate instrument or by shooting an animal in the head.<sup>11</sup>

**Article 43. Instruments and equipment used for the stunning.** The instruments and equipment used for stunning must be appropriate for their purpose and function properly. To ensure their proper functioning they must be inspected and maintained regularly.<sup>12</sup>

**Article 44. Bleeding.** (1) Bleeding of a stunned animal must be started immediately after the stunning. Bleeding must be quick, abundant and complete so that the animal does not regain consciousness.

(2) No other procedures may be performed on the animal before it is dead.<sup>13</sup>

## **Chapter 12. Method of slaughter used for religious reasons**

**Article 45. General provisions.** (1) Notwithstanding the regulations of Article 42 § 1 concerning the stunning of the animal before bleeding, if required by religious reasons bleeding may be started simultaneously with stunning, in compliance with the provisions of this Chapter.

(2) An animal may be slaughtered in the way regulated in this Chapter only in a slaughterhouse or place of slaughter in the presence of the veterinary officer for meat inspection of the establishment.<sup>14</sup>

**Article 46. Restraining an animal.** The movement of bovine animals must be restricted with a mechanic device designed to spare the animal all avoidable pain, distress, suffering, injury and bruising. Otherwise the provisions of Article 42 § 2 above apply to restraining an animal.<sup>15</sup>

**Article 47. Stunning.** An animal must be stunned by a suitable stunning instrument referred to in Article 42 § 3 simultaneously with the cutting of the jugular veins. However, a poultry animal may be slaughtered by cutting its neck rapidly with a sharp instrument.<sup>16</sup>

**Article 48. Cutting of the jugular veins.** (1) The cutting of jugular veins may be performed only by an experienced person approved by the religious community concerned.

(2) Jugular veins must be cut as swiftly as possible by a suitable sharp instrument.<sup>17</sup>

To sum up, according to the law, religious slaughter can be carried out provided that slaughter and stunning are performed simultaneously. However, it has been reported that neither the simultaneous slaughter and stunning of an animal, nor post-cut stunning are ever carried out. In fact, religious slaughter, and specifically *hahal* slaughter, is performed after the stunning of animals.

It should be noted that the *kosher* meat in Finland is imported and does not derive from animals slaughtered in Finland, whereas most of the Finnish *halal* meat is slaughtered by the shopkeepers themselves. There are a few slaughterhouses in Finland which provide the shopkeepers with the possibility to carry out *halal* slaughter and, in this case, they travel to such slaughterhouses to perform this kind of slaughter.<sup>18</sup>

### *B. Short Overview of the Legal History*

In 1902, the Royal Decree on slaughtering domestic animals was approved.<sup>19</sup> In 1913, it was amended by another Royal Decree,<sup>20</sup> which allowed Jews and Muslims to carry out the slaughter of domestic animals according to their religious rites, provided that it was performed by someone especially trained for it, and approved by the concerned religious authority. The slaughterman had to be present before the animal was restrained with soft, not too narrow leashes or ropes and brought down onto a soft surface, preferably with specific machinery, in such a way that the animal did not hit its head on the floor or be injured. The neck had to be cut immediately after the animal was brought down, with a sharp knife. The animal's head had to be kept stretched until its death.<sup>21</sup>

In 1934 the Animal Welfare Act was approved.<sup>22</sup> It allowed the slaughter of animals for religious reasons in a slaughterhouse approved by the Ministry of Agriculture, and prescribed the stunning of the animal immediately after the rapid cutting of the veins. An approved veterinarian had to be present and supervise the slaughter. The slaughter of poultry was regulated by decree.<sup>23</sup>

In the same year the Decree concerning the execution of the Animal Welfare Act was also approved.<sup>24</sup> Paragraph 3 regulated religious slaughter. This had to be carried out in a slaughterhouse approved by the Department of Veterinary of the Ministry of Agriculture. Poultry could be slaughtered in a section specially approved for this purpose, under the supervision of the healthcare board. The facility's meat inspector had to be present. A slaughter animal had to be restrained with a durable soft leash or rope and brought down onto a soft and enough big surface, making sure that it did not hit its head on the floor. Specially approved machinery could be used to bring down the animal. The veins had to be cut by a person who was trained for it, had been approved by the concerned religious authority and had to be present and ready at the time the animal was restrained. The cutting of the jugular veins had to take place immediately after bringing the animal down, with a sharp knife. Immediately after cutting the jugular veins the animal had to be stunned either with a shooting device, or by hitting its forehead (the poultry had to be hit on the head), or by using an electrical device approved for the purpose. The rules concerning the restraining and the bringing down of animals did not apply to poultry.<sup>25</sup>

Before the enactment of the Animal Welfare Act and the Animal Welfare Decree in 1996, the 1971 Animal Welfare Decree was legally binding.<sup>26</sup> According to Paragraph 11, the slaughter of animals for religious purposes had to be performed in authorised slaughterhouses and in the presence of a veterinary. The leash used to bring down the animal had to be durable and so. The animal had to be brought down on a soft and enough big surface, in such a way that it did not hit its head on the floor. Specific approved machinery could be used alternatively. These rules did not apply to poultry. The neck cutting had to be performed by a person qualified for this task and authorised by the religious authorities. The jugular veins had to be cut as soon as possible with a sharp weapon after the animal had been brought down. After the cutting of the jugular veins, animals had to be stunned immediately.<sup>27</sup>

### *C. Recent Court Decisions*

On 30 May 2007, the District Court of Riihimäki decided over two incidents during which nine sheep were slaughtered without stunning and without the official being present. The judges fined Mr. and Mrs. Lepistö (the couple who sold the slaughter sheep and allowed the slaughter to be carried out on their premises) as well as the six other defendants because of their taking part in the slaughter process.<sup>28</sup>

The press has reported two more incidents, one happened in 2002 in a Helsinki nightclub, where 50 chickens were slaughtered in the kitchen, and where witnesses assumed that slaughter was carried out according to a religious rite,<sup>29</sup> and another one occurred in 1997 in Piikkiö, where two Iraqi men slaughtered sheep.<sup>30</sup> However, these cases have not been reportedly been examined by the court. In general, such breaches of the legal rules on religious slaughter seem to happen very rarely.

## II. THE PROVINCE OF ÅLAND

### *A. Legislation*<sup>31</sup>

**Animal Protection Act no. 95 of 29 September 1998 as amended on 14 October 2004**<sup>32</sup>

#### **Chapter 4. Killing and slaughter**

**Article 30. Slaughterhouses and places of slaughter.** (1) Slaughterhouses and places of slaughter must be constructed and equipped in such a way that the procedure carried out there do not cause unnecessary suffering to the animals. There must be sufficient and appropriate facilities for keeping animals which are not slaughtered immediately after arrival. There must be appropriate facilities for the slaughter and bleeding of sick and injured animals.

(2) More specific rules for animal welfare purposes on qualifications for slaughterhouses and places of slaughter can be stipulated by provincial decree.<sup>33</sup>

**Article 31. Treatment of animals to be slaughtered.** (1) Animals which are kept at slaughterhouses or places of slaughter waiting to be slaughtered must be given proper care and appropriate supervision. While moving the animal within the slaughter facilities it must be handled calmly and not be scared or excited. The animal's natural behaviour, such as herd instinct, must be encouraged as much as possible while moving it.

(2) Animals must not be kept waiting for the slaughter in the room or place where the slaughter will be carried out.

(3) More specific rules on the treatment of animals to be slaughtered can be stipulated by provincial decree.<sup>34</sup>

**Article 32. Slaughter and measures relating to it.** (1) Animals may not be subjected to unnecessary suffering in relation to slaughter. At the time of slaughter animals must be killed or stunned before bleeding. No other procedures may be performed on the animal before its death.

(2) The person performing the slaughter, the procedures relating to it and taking care of and handling the animal must have sufficient knowledge and skills to perform these procedures appropriately.

(3) More specific rules on the qualifications of the persons referred to in Article 33 § 2 as well as on special animal welfare requirements relating to slaughter can be stipulated by provincial decree.<sup>35</sup>

To sum up, in the province of Åland the law stipulates that the carrying out of religious slaughter without previous stunning is not allowed. All animals must be stunned before the bleeding starts, without any exceptions.

### *B. Short Overview of the Legal History*

Religious slaughter without previous stunning has never been allowed in Åland province. Although there is occasionally some debates on *halal* meat, no permission to carry out slaughter according to a religious rite has been asked for so far.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

## ENDNOTES

<sup>1</sup> See <http://www.finlex.fi>.

<sup>2</sup> Eläinsuojelulaki 4.4.1996/247.

<sup>3</sup> **33 § Teurastus ja siihen liittyvät toimenpiteet**

Eläimelle ei saa aiheuttaa tarpeetonta kärsimystä, kipua eikä tuskaa käsiteltäessä tai säilytettäessä sitä teurastamossa, teurastuspaikassa tai muualla teurastuksen yhteydessä, tainnuttaessa sitä taikka siitä verta laskettaessa. Eläimen on oltava asianmukaisesti tainnutettu tai lopetettu ennen verenlaskua. Kuitenkin sellainen uskonnollisista syistä noudatettava erityinen teurastustapa, jossa verenlasku aloitetaan samanaikaisesti eläimen tainnuttamisen kanssa, on sallittu siten kuin asetuksella tarkemmin säädetään. Eläimelle ei saa suorittaa muita teurastukseen liittyviä toimenpiteitä ennen kuin se on kuollut. Hyväksytyssä teurastamossa ja hyväksytyssä teurastuspaikassa tulee olla asianmukainen tila huomattavan sairaiden ja vahingoittuneiden eläinten tainnutusta ja verenlaskua varten. Asetuksella voidaan antaa tarkempi säännöksiä teurastusta ja sitä edeltäviä toimenpiteitä suorittavien henkilöiden pätevyydestä, teurastamon tai teurastuspaikan eläinten käsittelytiloista, eläinten kohtelusta ja käsittelystä teurastuksen yhteydessä sekä tainnutuksesta ja verenlaskusta. Asetuksella voidaan myös säätää, että maa- ja metsätalousministeriö voi antaa niistä tarkempia määräyksiä.

<sup>4</sup> Eläinsuojeluasetus 7.6.1996/396.

<sup>5</sup> **36 § Teurastamo ja teurastuspaikka**

Teurastamon ja teurastuspaikan on oltava rakenteiltaan ja varusteiltaan sellainen sekä toiminta siellä on järjestettävä siten, että eläimille ei aiheudu tarpeetonta kiihtymystä, kipua tai tuskaa.

Teurastamossa ja teurastuspaikassa on oltava eläinten viihtymiseksi asianmukaiset ja riittävät säilytystilat. Säilytystilojen tulee tarjota riittävä suojelu epäsuotuisia sääoloja sekä liiallista kylmyyttä, lämpöä ja kosteutta vastaan ja niissä on oltava riittävästi parsia, karsinoita tai muita eläinten säilytyspaikkoja.

<sup>6</sup> **37 § Teuraseläinten säilytys**

Teurastettavaksi tuotu eläin, jota ei teurasteta välittömästi, on viipymättä vietävä säilytystilaan, jollei eläintä voida sen kuljetusvälineessä säilyttää asianmukaisesti.

Eläimet, jotka lajinsa, sukupuolensa, alkuperänsä tai ikänsä johdosta suhtautuvat toisiinsa vihamielisesti tai saattavat vahingoittaa toisiaan, on säilytettävä erillään toisistaan.

<sup>7</sup> **38 § Teuraseläinten hoito**

Teurastusta varten säilytettävien eläinten saatavilla, siipikarjaa lukuun ottamatta, tulee olla jatkuvasti juomavettä.

Jos eläimiä ei teurasteta 12 tunnin kuluessa niiden saapumisesta teurastamoon tai teurastuspaikkaan, niille on annettava riittävä määrä ruokaa niiden saatavilla ja sen jälkeen eläimet on ruokittava kyseiselle eläinlajille sopivin välein sekä lypsettävä tarvittaessa.

Teuraseläinten kunto ja terveydentila sekä hyvinvointi on tarkastettava päivittäin aamulla ja illalla ja tarvittaessa useamminkin.

<sup>8</sup> **39 § Kiireellisesti teurastettavat eläimet**

Huomattavan sairas, vahingoittunut tai loukkaantunut eläin sekä vieroittamaton eläin on teurastettava viipymättä, kuitenkin viimeistään teurastamoon tai teurastuspaikkaan saapumista seuraavan kahden tunnin aikana. Ennen teurastusta edellä tarkoitetut eläimet on säilytettävä erillään muista eläimistä.

Häkissä, laatikossa tai muussa vastaavassa kuljetuspäilyksessä teurastamoon tuotavat eläimet on teurastettava mahdollisimman pian teurastamoon tulon jälkeen.

<sup>9</sup> **40 § Eläinten säilytys teurastusta suoritettaessa**

Teurastuksen aikana eläimiä ei saa odottaa huoneessa tai paikassa, jossa teurastus suoritetaan.

<sup>10</sup> **41 § Teurastajan ja teurastusta edeltäviä toimenpiteitä suorittavan henkilöstön kelpoisuus**

Teurastettavien eläinten hoitoa ja käsittelyä sekä tainnuttamista ja verenlaskua suorittavalla henkilöstöllä on oltava riittävät tiedot ja taidot toimenpiteiden asianmukaiseksi suorittamiseksi.

Ammattimaisen teurastuksen saa suorittaa vain siihen harjaantunut tai opetettu kahdeksantoista vuotta täyttänyt henkilö.

Teurastuksessa ei saa olla läsnä asiattomia henkilöitä.

<sup>11</sup> **42 § Tainnuttaminen**

Teurastuksessa eläin on ennen verenlaskua tainnutettava nopeasti, tehokkaasti ja riittävän pitkäksi ajaksi. Siipikarjaan kuuluva eläin saadaan kuitenkin teurastaa katkaisemalla kaula nopeasti terävällä aseella.

Tainnutettavaa eläintä on pidettävä kiinni tai sen liikkumista on rajoitettava muulla sopivalla tavalla siten, että eläin säästyy tainnuttamisessa kaikelta vältettävissä olevalta kivulta, tuskalta, vaurioitumiselta, vahingoittumiselta ja ruhjoutumiselta. Tainnutettavaa eläintä ei saa ripustaa ennen tainnuttamista, eikä sen raajoja saa sitoa. Siipikarjaan kuuluva eläin sekä kaniini saadaan kuitenkin ripustaa tainnuttamista varten, jos tainnuttaminen voidaan suorittaa asianmukaisesti ja ilman viivytystä.

Tainnuttaminen on suoritettava eläinlajista riippuen, siten kuin asianomainen ministeriö tarkemmin määrää, eläimen aivoihin tunkeutuvalla mekaanisella laitteella, välittömästi tainnuttavalla sähkövirralla tai kaasulla taikka lyömällä eläintä päähän sopivalla aseella tai eläintä päähän ampumalla.

<sup>12</sup> **43 § Tainnuttamiseen käytettävät välineet ja laitteet**

Tainnuttamiseen käytettävien välineiden ja laitteiden tulee olla tarkoitukseensa sopivia ja toimintakuntoisia. Välineiden ja laitteiden toimintakunnon varmistamiseksi ne on tarkastettava ja huollettava säännöllisesti.

<sup>13</sup> **44 § Verenlasku**

Tainnutetun eläimen verenlasku on aloitettava välittömästi tainnuttamisen jälkeen. Verenvuodon tulee olla nopea, runsas ja täydellinen niin, että eläimen tajunta ei ehdi palautua.

Eläimelle ei saa suorittaa muita toimenpiteitä ennen kuin se on kuollut.

<sup>14</sup> **45 § Yleiset määräykset**

Sen estämättä, mitä edellä 42 §:n 1 momentissa säädetään eläimen tainnuttamisesta ennen verenlaskua, saadaan uskonnollisten syiden niin edellyttäessä verenlasku eläimestä aloittaa samanaikaisesti tainnuttamisen kanssa noudattaen, mitä tässä luvussa säädetään.

Eläimen saa tässä luvussa säädetyllä tavalla teurastaa vain teurastamossa tai teurastuspaikassa laillisen tarkastuseläinlääkärin läsnäollessa.

#### <sup>15</sup> **46 § Eläimen liikkumisen rajoittaminen**

Nautaeläimen liikkumista on rajoitettava siten suunnitulla mekaanisella laitteella, että eläin säästyy kaikelta vältettävissä olevalta kivulta, tuskalta, kärsimykseltä, vahingoittumiselta ja ruhjoutumiselta. Muutoin eläimen liikkumisen rajoittamisessa on noudatettava, mitä edellä 42 §:n 2 momentissa säädetään.

#### <sup>16</sup> **47 § Tainnutaminen**

Eläin on tainnutettava sopivalla, 42 §:n 3 momentissa tarkoitetulla tainnutusvälineellä samanaikaisesti kaulasuonten katkaisun kanssa. Siipikarjaan kuuluva eläin saadaan kuitenkin teurastaa katkaisemalla kaula nopeasti terävällä aseella.

#### <sup>17</sup> **48 § Kaulasuonten katkaisu**

Kaulasuonten katkaisemisen saa toimittaa siihen harjaantunut ja asianomaisen uskonnollisen yhdyskunnan hyväksymä henkilö.

Kaulasuonten katkaiseminen on suoritettava mahdollisimman nopeasti siihen soveltuvalla terävällä aseella.

<sup>18</sup> Mikko Paakkanen: ”Lihakaupan halalla myy kuin häkä”, Helsingin Sanomat, 17.5.2007, <http://www.hs.fi/arkisto/artikkeli/Lihakaupan+halalla+myy+in+h%C3%A4k%C3%A4/HS20070517S11YO02j0u?useToken=true>.

<sup>19</sup> K. A. siitä mitä kotieläimiä teurastettaessa on vartenotettava, annettu 14 p. Elok. 1902.

<sup>20</sup> Arm. A., jolla juutalaisille ja mahomettilaisille annetaan lupa teurastaa kotieläimiä juutalaisten ja mahomettilaisten uskonnollisten menojen mukaan, annettu 16 p. Toukok. 1913.

<sup>21</sup> § 1. Suomessa oleskelevat juutalaiset ja mahomettilaiset saavat teurastaa kotieläimiä juutalaisten ja mahomettilaisten uskonnollisten menojen mukaan sillä ehdolla, että sitä tehtäessä noudatetaan seuraavia määräyksiä.

§ 2. Teurastuksen toimittajana pitää olla sitä varten erityisesti valmistunut, asianomaisen hengellisen viranomaisen hyväksymä henkilö, jonka tulee olla saapuvilla ennenkuin eläin sidotaan.

§ 3. Eläin on sidottava pehmeillä, ei liian kapeilla hanoilla tai köysillä ja on heti sen perästä, mieluummin käyttämällä tätä tarkotusta varten erittäin tehtyä laitetta, kaadettava pehmeälle alustalle sääliväisyyttä noudattaen ja siten, että sen pää ei käy lattiaan eikä sille muuten aikaansaateta vahinkoa.

§ 4. Kurkun leikkaaminen on toimitettava heti sen perästä kuin eläin on kaadettu kumoon ja niin terävällä veitsellä kuin suinkin, ja on eläimen päätä pidettävä ojennettuna kunnes kuolema on tullut.

<sup>22</sup> Eläinsuojelulaki, annettu 14 p. Huhtik. 1934

<sup>23</sup> § 4. Kotieläimen teurastaminen muulla tavoin kuin eläimen välittömästi ennen veren laskemista tapahtuneen tainnuttamisen jälkeen olkoon kielletty. Milloin uskonnolliset syyt sitä vaativat, olkoon kuitenkin lupa teurastaa eläin maatalousministeriön hyväksymässä teurastamossa sitenkin, että eläin heti verisuonten äkillisen katkaisemisen jälkeen tainnutetaan, mutta laitoksen eläinlääkärin tulee tällöin olla henkilökohtaisesti saapuvilla teurastusta valvomassa.

Tainnuttamista älköön vaadittako, milloin eläin äkilli sairauden tai tapaturman johdosta on viipymättä lopetettava eikä tainnuttamiseen tarvittavia välineitä ole saatavilla.

Siipikarjan teurastamisesta säädetään asetuksella.

<sup>24</sup> Asetus eläinsuojelulain soveltamisesta, annettu 25 p. Toukok. 1934.

<sup>25</sup> § 3. Milloin uskonnolliset syyt vaativat erikoista teurastustapaa, on vartenotettava:

että teurastus tapahtuu ainoastaan maatalousministeriön eläinlääkintöosaston hyväksymässä teurastamossa, tai, kun kysymyksessä on siipikarjan teurastus, sellaisen teurastamon tarkoitusta varten hyväksytyssä osastossa tai terveydenhoitolautakunnan tarkoitukseen hyväksymässä erikoisessa suojassa terveydenhoitolautakunnan valvonnan alaisena;

että, milloin teurastus tapahtuu teurastamossa tai sen osastossa, laitoksen lihanarkastaja on teurastustilaisuudessa läsnä;

että eläin kaatamista varten sidotaan kestäväällä pehmeällä hihnalla tai köydellä;

että kaataminen toimitetaan tottuneesti ja sääliväisyyttä noudattaen pehmeälle riittävän suurelle alustalle, jolloin on pidettävä huolta siitä, ettei eläimen pää lyö lattiaan;

että eläimen kaatamiseen saadaan käyttää myös maatalousministeriön eläinlääkintöosaston hyväksymää erityistä kaatolaitetta;

että kaulasuonten katkaisemisen toimittaa sitä varten valmistunut ja asianomaisen hengellisen viranomaisen hyväksymä henkilö, jonka tulee olla toimintavalmiina saapuvilla jo eläintä sidottaessa;

että kaulasuonten katkaiseminen toimitetaan mahdollisimman terävällä aseella ja nopeasti heti eläimen kaatamisen jälkeen;

että eläin heti kaulasuonten katkaisemisen jälkeen tai utetaan joko ampumakojeella tai lyömällä sitä otsaan, tai siipikarjaan kuuluvaa eläintä päähän, tai käyttämällä tarkoitukseen hyväksyttyä sähkölaitetta.

Mitä edellä on määrätty eläimen sitomisesta ja kaatamisesta, ei koske siipikarjaa.

<sup>26</sup> Eläinsuojeluasetus 333/1971.

<sup>27</sup> § 11. Milloin uskonnolliset syyt edellyttävät erityistä teurastustapaa, on vartenotettava:

1) teurastus saa tapahtua vain maa- ja metsätalousministeriön lihanarkastuslain nojalla hyväksymässä teurastamossa tahi, kun kysymyksessä on siipikarjan teurastus, sellaisen teurastamon tarkoitusta varten hyväksytyssä osastossa tai terveydenhoitolautakunnan tarkoitusta varten hyväksymässä erityisessä suojassa terveydenhoitolautakunnan valvonnan alaisena;

2) milloin teurastus tapahtuu teurastamossa tai sen osastossa, laitoksen tarkastuseläinlääkärin on oltava teurastuksessa läsnä;

3) eläimen kaatamiseen on käytettävä kestäväää pehmeää hihnaa;

4) kaataminen on toimitettava pehmeälle riittävän suurelle alustalle, jolloin on huolehdittava siitä, ettei eläimen pää lyö lattiaan;

5) eläimen kaatamiseen saadaan käyttää myös maatalousministeriön eläinlääkintöosaston hyväksymää erityistä kaatolaitetta;

6) kaulasuonten katkaisemisen saa toimittaa siihen harjaantunut ja asianomaisen uskonnollisen yhdyskunnan hyväksymä henkilö;

7) kaulasuonten katkaiseminen on toimitettava mahdollisimman nopeasti terävällä aseella ja välittömästi eläimen kaatamisen jälkeen;

8) eläin on heti kaulasuonten katkaisemisen jälkeen tainnutettava joko erityisellä teurastusvälineellä tai lyömällä sitä otsaan tahi siipikarjaan kuuluvaa eläintä päähän taikka käyttämällä maa- ja metsätalousministeriön eläinlääkintöosaston tarkoitukseen hyväksymää sähkölaitetta.

Mitä edellä on määrätty eläimen kaatamisesta, ei kuitenkaan koske siipikarjaa.

<sup>28</sup> See <http://www.finlex.fi>.

<sup>29</sup> Kalle Koponen, Kari Kiuru: ”Itähelsinkiläisessä yökerhossa lahdatiin kymmeniä kanoja”, Helsingin Sanomat, 6.5.2002.

<sup>30</sup> Anneli Tukia: ”Eläinsuojeluvälvoja keskeytti rituaalit teurastuksen Piikkiössä. Neljästä lampaasta kahdelta oli ehditty katkaista kaulasuonet ja veluttaa veret”, Helsingin Sanomat, 18.8.1997.

<sup>31</sup> See <http://www.regeringen.ax>.

<sup>32</sup> Djurskyddslag för landskapet Åland nr. 95 utfärdad i Åland den 29 september 1998, as amended by Landskapslag om ändring



av djurskyddslagen för landskapet Åland nr. 42 utfärdad i Mariehamn den 14 oktober 2004.

<sup>33</sup> **30 §. Slakterier och slaktplatser.**

Slakterier och slaktplatser skall vara konstruerade och utrustade så att verksamheten vid dem inte utsätter djur för onödigt lidande. Tillräckliga och ändamålsenliga utrymmen skall finnas förvaring av djur som inte slaktas omedelbart efter ankomsten till anläggningen. Dessutom skall det finnas ändamålsenliga utrymmen för slakt och blodavtappning av djur som är sjuka eller skadade. Genom landskapsförordning kan närmare bestämmelser utfärdas om de krav som ställs på slakterier och slaktplatser i djurskyddshänseende.

<sup>34</sup> **31 §. Behandling av djur som skall slaktas**

Djur som hålls vid slakterier eller slaktplatser i väntan skall ges lämplig skötsel och tillräcklig tillsyn.

Vid förflyttning av djur inom slakteriområde skall djuren behandlas lugnt och de får inte skrämmas eller hetsas upp. Djurens naturliga beteende, såsom flockinstinkten, skall i största möjliga utsträckning utnyttjas vid förflyttning.

Djur får inte i väntan på slakt hållas i det rum eller på den plats där slakten utförs.

Genom landskapsförordning kan närmare bestämmelser utfärdas om behandlingen av djur som skall slaktas.

<sup>35</sup> **32 §. Slakt och därtill hörande åtgärder**

Djur får inte utsättas för onödigt lidande i samband med slakt. Vid slakt skall djur avlivas eller bedövas innan blodet tappas av. Inga andra åtgärder än bedövning och blodavtappning får vidtas innan djuret är dött.

Person som utför slakt och därtill hörande åtgärder samt sköter och hanterar djur som skall slaktas skall ha tillräckliga kunskaper och färdigheter för att vidta åtgärderna på ett vederbörligt sätt.

Genom landskapsförordning kan närmare bestämmelser utfärdas om de krav som ställs på personer som avses i 2 mom. Samt om särskilda djurskyddskrav i samband med slakt.

## FRANCE

### *A. Legislation<sup>1</sup>*

**Annex to the Decree of the Ministry of Agriculture, Food, Fisheries and Agricultural Affairs no. 2003-768 of 1 August 2003 concerning the regulation part of Book II of the agricultural code<sup>2</sup>**

**Article R.\* 214-70.** The stunning of animals is compulsory before their slaughter or killing, except in the following cases:

1. religious slaughter;<sup>3</sup>
2. killing of bred game when the used method, which must be previously authorised, results in immediate death;
3. killing in case of extreme urgency.

**Article R.\* 214-71.** Bleeding must be started as soon as possible after the stunning and in any event before the animal regains consciousness.

**Article R.\* 214-72.** Methods for killing animals without bleeding within slaughterhouses are authorised by a decree of the Minister of Agriculture as to small stud animals with feathers and poultry for recognised traditional cookery purposes.

**Article R.\* 214-73.** It is forbidden for anybody to carry out or make carry out a religious slaughter elsewhere than in a slaughterhouse. The providing of buildings, plots of land, facilities, devices or equipment in order to carry out a religious slaughter elsewhere than a slaughterhouse is forbidden.

**Article R.\* 214-74.** Before religious slaughter, it is compulsory to restrain cattle, sheep and goats by means of a mechanical device. Restraining must be kept during bleeding.

**Article R.\* 214-75.** (1) Exception made for the provisions of the third sub-section of this article, religious slaughter may only be carried out by slaughtermen certified by the religious bodies approved by the Minister of Agriculture, upon proposal by the Minister of the Interior.

(2) The approved bodies mentioned above shall notify to the Minister of Agriculture the names of the certified persons as well as those whose certificate has been revoked.

(3) If no religious body has been approved, the prefect of the pr                where the slaughterhouse used for religious slaughters is located can grant individual authorisations upon justified request of the concerned persons.

(4) Slaughtermen must be able to prove their qualification to the officers mentioned in articles L. 214-19 and L. 214-20.<sup>4</sup>

**Article R.\* 214-76.** The compliance of the methods used in slaughterhouses or restraining before religious slaughter, stunning or killing of animals with the provisions of Article R.\* 214-66, is examined, upon request of the Minister of Agriculture, by an advisory commission verifying the conformity of the equipment, appointed according to the object of the verification and composed by the following members:

1. a professor of one of the national veterinary schools charged with the teaching of food hygiene or his substitute, appointed upon his proposal, as President;
2. a professor of one of the national veterinary schools charged with the teaching of physiology or his substitute, appointed upon his proposal;
3. the provincial director of the veterinary services of the province where the equipment is located;
4. a representative of the associations for the protection of animals;
5. representatives of the professional organisations concerned with the use of the equipment.

**Article R.\* 215-8.** (1) Whoever carries out or makes carry out religious slaughter elsewhere than in a slaughterhouse shall be punished by a fine prescribed for offences of the 5<sup>th</sup> category.

(2) A fine prescribed for offences of the 4<sup>th</sup> shall be imposed for:

[...]

4. not restraining animals before their stunning and, the case of religious slaughter, before and during bleeding;

5. suspending a conscious animal, in breach of the provisions of Article R.\* 214-69;

6. the fact of not stunning animals before their slaughter or killing, besides the cases regulated by Article R.\* 214-70;

7. providing buildings, plots of land, facilities, devices or equipment in order to carry out or make carry out religious slaughter elsewhere than in a slaughterhouse;

[...]

10. carrying out religious slaughter without being qualified according to the provisions of Article R.\* 214-75.

(3) Any slaughterman who is not able to prove his qualification shall be punished by a fine prescribed for offences of the 3<sup>rd</sup> category.

**Decree of the Ministry of Agriculture and Fisheries of 12 December 1997 concerning the methods of restraining, stunning and killing animals and the conditions for protecting animals in slaughterhouses<sup>5</sup>**

**Article 2.** The restraining of animals must comply with the provisions of this decree. In the case of religious slaughter, cattle, sheep and goats must be restrained by means of a mechanical device applied before the slaughter and held until the end of bleeding.

**Article 3.** The methods allowed for the stunning of animals are the following ones:

- a) Penetrating captive bolt pistol;
- b) Concussion;
- c) Electronarcosis;
- d) Exposure to carbon dioxide.

They must comply with the provisions of Annex III of this decree.

**Article 4.** The methods allowed for the killing of animals other than furred animals are the following ones:

- a) Free bullet pistol or rifle;
- b) Exposure to carbon dioxide;
- c) Vacuum chambers;
- d) Dislocation of the neck after the stunning;
- e) Electrocuting;
- f) Injection or ingestion of a lethal dose of a product having also anaesthetic properties;
- g) Use of a suitable gas.

They have to meet the requirements referred to in Annex IV of this decree.

[...]

**Article 5.** The bleeding of animals must be carried out in compliance with the provisions of Annex V of this decree.

[...]

**Article 8.** In pursuance of Article 13 of the decree no. 97-903 concerning the protection of animals at the time of their slaughter or killing, the suitability of the equipment used for the restraining of animals subject to religious slaughter, stunning and killing, as to the rules for protecting animals, shall be verified. For this purpose:

- a) a series of tests must be carried out under the control of the veterinary services of the province where the equipment is located;
- b) the results of the tests as well as a demonstration of the functioning of the equipment must be performed, as needed, for the advisory commission convened by the Minister of Agriculture to verify its conformity.

**Article 9.** (1) In slaughterhouses, the operations for the restraining, stunning, slaughtering and killing of animals are carried out under the continuous supervision of the inspection service officials who ensure in particular the absence of defects of the equipment used and the appropriate use of such equipment by the personnel.

(2) The official veterinarian in charge of the plant is entitled to intervene in the use of equipment or the premises and to adopt any necessary measure including reduction of the production or the temporary suspension of the production procedures when a breach of the animal protection rules is ascertained.

**Article 10.** The person in charge of the slaughterhouse must arrange a personnel training programme, suited to its production structure, enabling the personnel to comply with the animal protection rules. The official veterinarian in charge of the plant must participate in the devising and monitoring of this programme.

To sum up, France allows the carrying out of religious slaughter without previous stunning, provided that it is performed in a slaughterhouse. Both bovine and ovine animals must be restrained before religious slaughter by using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals. It is also required that religious slaughtermen are certified by bodies approved by the Ministry of Agriculture, upon proposal by the Minister of the Interior. If no religious body has been approved, the prefect of the province, where the slaughterhouse used for ritual slaughters is located, can grant individual authorisations upon justified request of the concerned persons. However, no particular training is legally needed to perform religious slaughter.

There are no legal rules prescribing that slaughter must be carried out towards Mecca, or accompanied by a prayer, or performed by an observing Muslim.

## *B. Short Overview of the Legal History*

Although the practice of Shechita has existed for several centuries in France, the expression religious slaughter was introduced in the French legal system only in 1964. Before that date religious slaughter existed only as a matter of fact, but there were no specific legal rules concerning animal welfare during slaughter. Several different documents recommended precautionary measures to certain species and under specific circumstances, but no general law existed in order to protect the welfare of all slaughter animals. For example, the laws of 4 April 1942 and 25 June 1943 (promulgated during the Vichy period) protected respectively pregnant cows and ewes. Moreover, regulations concerning slaughter were promulgated by regional or municipal authorities, thus they were not at the national level. This was the case of the decree of 13 November 1917 promulgated by the Prefecture of Paris and stipulating that animals had to be stunned before killed, and of the regulation of the Police force of 23 May 1931 prescribing the use of Matador gun to kill horses. It is also to be noted that mayors could intervene to control slaughter, but the adopted measures were not always accepted by the meat as shown by a judgment of the Supreme court of appeal of 11 April 1929, which concluded that mayors did not abuse their power by regulating working methods in their own municipality.

The decree no. 64-334 of 16 April 1964, known as the “humane slaughter” decree, prescribed stunning before the bleeding of animals for butchery and charcuterie, thus excluding other species. Article 2 specified

that bleeding had to be carried out after stunning, but allowed exemption, in particular in the case of religious slaughter.

The compulsory requirement of stunning was later extended to poultry and rabbits by the decree no. 70-886 of 23 September 1970. This decree integrated the provisions provided for in decree no. 64-334 of 16 April 1964 and also specified that religious slaughter may only be carried out by slaughtermen certified by the religious bodies approved by the Minister of Agriculture, upon proposal by the Minister of the Interior.

The decrees of 1964 and of 1970 were promulgated under the pressure of animal protection associations, and, in particular, the OABA (Oeuvre d'Assistance aux Bêtes d'Abattoirs) created three years before in order to improve the welfare of animals for meat industry. Its president and founder Jacqueline Gilardoni adopted the programme carried out by Juliet Gardner (the founder of the Royal Society for the Prevention of Cruelty to Animals) and used her VIP relations to persuade the Minister of Agriculture Edgar Pisani and the Prime Minister Georges Pompidou to ban slaughter without pre-stunning. The OABA's president regarded this issue mainly as a matter of "civilisation": "France – as she wrote in the explanatory memorandum attached to the bill – is [...] one of the very few countries where such legal rules hardly exist, being fragmentary and obsolete. [...] It is very curious that France, which praises itself for being one of the most developed nations, is one of the few that do not regulate, in a very strict and humanised the transport and slaughter of animals for butchery". She also knew how to draw the ministers' attention to the commercial advantages of which France deprived itself by allowing bad practices of slaughter, which in turn resulted in a loss of foreign customers: "the majority of French slaughterhouses offer a cruel sight according to visitors. Besides the decaying look of buildings and facilities, the routine of Middle Age-like methods [...] seriously harm our prestige and our commercial interests. Foreign purchasers of our butchered meat often hold back upon advice of their agents or hygiene inspectors assisting to slaughters". The OABA also stressed the negative impact of slaughter without pre-stunning on health and taste of meat. Following the British example, it used means of pressure that were not yet very common in France, such as making petitions signed, among others, by famous artists and persons, in order to promote a new "humane slaughter".

Finally, the decree was promulgated, albeit allowing a derogation. In fact, the Prime Minister granted French Jewish organisations that religious slaughter would remain outside the scope of this decree. The granting of such an exemption to religious groups (Jews and Muslims) marked the beginning of a long, but more discreet battle carried out by animal welfare organisations, which have never agreed on allowing derogations based on religious grounds. The inapplicability, as to religious slaughter, of the provisions aimed to reduce animal suffering, have strengthened the arguments of the people condemning the allegedly violent and obsolete nature of such practices.

Moreover, in the subsequent years of its promulgation, the so-called humane slaughter decree, only had a limited effect on the slaughter of small ruminants, such as calves, sheep, and goats. According to an OABA report, in 1970 85% of sheep and 50% of calves were not stunned.

After the adoption of the Council Directive 74/577/EEC of 18 November 1974 and the European Convention for the protection of animals for slaughter of 10 May 79, the Decree no. 80-7 of 1 October 1980 for the implementation of Article 276 of the Agricultural code entered into force. As to religious slaughter, it integrates the provisions of the previous decrees no. 64-334 and 70-886, confirming that religious slaughter of poultry and animals for butchery does not require stunning; it specifies the conditions for restraining animals before the bleeding and also stipulates that suspending animals before their stunning and, in the case of religious slaughter, before bleeding is forbidden, the exception of poultry (Article 8). The carrying out of religious slaughter elsewhere than in a slaughterhouse is also forbidden (Article 10).

The decree no. 81-606 of 18 May 1981 has confirmed that religious slaughter has to be carried out by a person certified by an approved organisation, or by the prefect of the province where the slaughterhouse used for religious slaughter is located. The prefect can grant individual authorisations upon request of the concerned persons. It is also stipulated that, as to religious slaughter of bovine animals, the restraining of animals before slaughter and during the bleeding must be carried out by means of the facilities, equipment or instruments mentioned in Article 11 of the decree no. 80-791.

The 1980s was a decade marked by economic crisis in the meat and slaughter industry. The fall in the commercial outlets in a context of increased international competition and the adjustment to European standards concerning slaughter resulted in the closure of several slaughterhouses. Thus it became clear that it would be difficult to satisfy the needs of three to five million Muslims residing in France on the day of Aid El Kebir. Public authorities agreed to allow religious slaughter outwith a slaughterhouse during the festival. In the so-called “exemption sites”, supervised by veterinary services, Muslim families could carry out religious slaughter of sheep, thus breaching the European Directive. Animal welfare organisations complained to the concerned authorities of the European Commission, and France was called to the order. In fact, Commissioner Byrne urged France to abide by rules several times.<sup>6</sup> French members of Parliament also complained about the unlawfulness of the exemption sites.<sup>7</sup>

On the contrary, some observers have maintained that, in spite of some progress in the attempt to regulate and standardise slaughter on the occasion of Aid El Kebir, France has been more penalised than other Member States, which have not made such an effort. They continue ignoring or punishing slaughter carried out in an unlawful way, which in turn places Muslim families at a disadvantage.

According to Anne-Marie Brisebarre, an anthropologist, “in the Paris area, the municipalities that have to deal with such problems have been trying since the 1980s to find a solution that could be accepted by all citizens, Muslims and non-Muslims. With respect to other European countries where ethnic neighbourhoods exist, one peculiarity of France is the mixed character of the “habitat”: in our large cities and their suburbs, families of different religious and cultural background live together. Such a mixed character, regarded as a guarantee of integration, becomes a source of tension when events revealing “otherness” occur, such as the carrying out of slaughter in shared premises and areas (garages, basements... ). Municipal slaughter sites were therefore organised with the support of public authorities, and in the 1990s they were substituted by “exemption sites” in Greater Paris and in the suburbs of most large cities. These temporary sites, often located en plein air, had to be installed “out of the sight of non-Muslims”, to respect the privacy required during the carrying out of such a religious act. Being charged with “organising unlawfulness”, France was admonished by the Veterinary Office of the European Union in 1999 and was warned that it would be heavily fined if it continued to breach the European Directive 93/119 by “allowing the carrying out of religious slaughter in an open space by unauthorised persons”, in circumstances which eventually occur when “thousands of sheep are slaughtered for religious purposes en plein air in France during the festival of Aid El Kebir”. Thus, at the end of 2001, the State Council prohibited any derogation from the compulsory requirement to carry out religious slaughter only in slaughterhouses. However, these plants are usually located in the regions where animals are bred, this is to say, far from urban areas. Indeed, the majority of the districts of Greater Paris have no slaughterhouse. After an unsuccessful attempt to use movable slaughterhouses in Pantin (Seine-St-Denis) and Evry (Essonne) in 2004, most families living in such areas and wanting to keep carrying out religious slaughter can do so only secretly, just like in the past. Yet, in other European countries, bound by the same EU regulations, public authorities continue to turn a blind eye to Muslim religious slaughter, because a large number of people carry it out without turning to a slaughterhouse, in a secret way, in their own homes in Belgium or in ethnic districts in England or in Germany. In such countries as Spain, it is accepted that farms serve as a place for slaughter during the Aid El Kebir. Therefore, the courageous choice of French authorities to allow the carrying out of religious slaughter, while controlling at the same time the harmful effects of an act that is so hard to carry out in an urban area, turned against France but, most of all, against Muslim families”.<sup>8</sup>

On the occasion of the Muslim festival of Aid El Kebir, animal welfare associations and their supporters stress the unlawfulness of religious slaughter. In 2004, for the first time, a member of Parliament mentioned the possibility to remove the derogation from the compulsory requirement of previous stunning before slaughter and suggested that talks should be started with the concerned religious authorities, in order to make them accept electonarcosis and to have it carried out before slaughter.<sup>9</sup> It is important to note that such a position is not influenced by political cleavages. In fact, two years later, on the occasion of the festival of Aid El Kebir, a socialist member of Parliament called for the need to apply the rules concerning the compulsory requirement of pre-stunning to religious slaughter, as well.<sup>10</sup>

### C. Recent court decisions

Cases concerning religious slaughter were examined by French courts as early as the 1930s. In 1936, the Jewish association of Valenciennes was forbidden to carry out religious slaughter of animals. However, such a judgement, which had been founded on a municipal ordinance making slaughter through pistol compulsory, was quashed by a decision of the State Council of 27 March 1936.<sup>11</sup>

More recently the case *Cha'are Shalom Ve Tsedek* occurred. This case was examined by the European Court of Human Rights. As noted above, religious slaughter in France may only be carried out by religious slaughtermen certified by religious bodies approved by the competent French authorities. The applicant was an association which had not been approved as one of such religious bodies and alleged that the French authorities' decision had violated its right to freedom of religion under Article 9 of the European Convention of Human Rights. The majority of Strasbourg judges maintained, on the one side, that France was entitled to use its discretionary power to approve or not a religious body and, on the other side, that the right to manifest one's religion in observance (including ultra-orthodox Jews' right to eat *glatt* meat) was granted by the possibility to easily obtain meat from animals slaughtered according to the applicant's religious rite (for example by importing it from Belgium). Therefore, the Court held by 12 votes to 5 that there had been no violation of Article 9 of the European Convention of Human Rights.<sup>12</sup>

#### ENDNOTES

<sup>1</sup> See <http://www.legifrance.gouv.fr>.

<sup>2</sup> Journal Officiel no. 181 of 7 August 2003. This decree repeals the decree no. 903 of 1 October 1997, relating to the protection of animals at the time of slaughter or killing.

<sup>3</sup> It should be noted that France's legal terms are "abattage rituel" and "sacrifice" instead of "religious slaughter" and "slaughterman".

<sup>4</sup> There have been four decrees concerning the granting of authorisations for slaughtermen charged with carrying out religious slaughter. For Jews, the decree of 1 July 1982 stipulates that the intercommunity rabbinical Commission shall authorise slaughtermen to carry out slaughter according to the Jewish rite. For Muslims, the decree of 15 December 1994 stipulates that the Great Mosque of Paris is approved as a religious body entitled to authorise slaughtermen to perform slaughter according to the Islamic rite. Two subsequent decrees of 27 June 1996 also approved the Great Mosque of Lyons and the Great Mosque of Evry as religious bodies entitled to authorise slaughtermen to perform slaughter according to the Islamic rite.

<sup>5</sup> Journal Officiel no. 296 of 21 December 1997.

<sup>6</sup> See Written Question E-1288/01 of 3 May 20 by Struan Stevenson (PPE-DE) to the Commission: "Every year, tens of thousands sheep in France are slaughtered in an atrocious way by unskilled people in breach of EU regulations and religious tradition at the Aid El Kebir festival in Paris. Many of the methods of slaughter, where animals see each other die, are contrary to the detailed procedures set out in Islamic tradition. Additional pain and suffering is caused when animals are killed by unqualified people who do not have the necessary skills. The slaughter of animals en plein air rather than in slaughterhouses breaches the European Community legislation and the requests of the European Community to France to enforce national law. What will the commission do to punish the French government for their flagrant disregard of EU law? Why has the commission failed to take action to prevent this illegal practice, despite repeated requests?"

See also the answer given by Mr. Byrne on behalf of the Commission on 26 June 2001: "The Commission is well aware of the many complaints concerning the treatment of animals during this event. The fact that the French authorities have organised or tolerated the slaughter of a large number of animals under conditions which are undoubtedly in breach of Community legislation is not acceptable. Member States are responsible for the enforcement of Community legislation concerning the slaughter and killing of animals in accordance with the provisions of Council directive 93/119/EC of 22 December 1993, on the protection of animals at the time of slaughter or killing. The commission has been in regular contact with the French authorities on this matter, and before the Aid El Kebir in 2001 there were direct contacts with the responsible French Minister. The Commission was informed of a number of improvements in the organisation of the 2001 event. In addition, the Commission was assured that all outdoor sites would be eliminated before 2004, and that in the meantime the number of sites would be progressively reduced. It was pointed out that a more ambitious timetable would risk serious public disorder. The commission considers that this risk has to be taken seriously".

<sup>7</sup> See Question no. 85705 of Mr Kert Christian (Union for a Mouvement Populaire - Bouches-du-Rhône) to the Ministry of Agriculture and Fisheries. Mr Christian Kert drew the attention of the Minister of Agriculture and Fisheries to the concerns of the animal welfare associations as to the slaughter of sheep during the Aid El Kebir in public places. Indeed, according to the European Directive 93/119/EC and the Decree no. 903 of 1 October 1997, it is forbidden to carry out religious slaughter outside a slaughterhouse, and to make exemption sites available. Nonetheless, numerous exemption sites were set up at the time of Aid El Kebir. He also asked to know the concrete measures that the ministry was going to adopt in order to implement such rules the following year (Journal Officiel of 14 February 2006).

See also the answer: "The services of the Ministry of Agriculture and Fisheries and those of the Ministry of Interior and of regional planning have sought solutions in order to make it possible to reconcile the legitimate attachment of Muslims to religious slaughter with the necessary respect of the regulatory provisions on animal protection, food hygiene and environmental protection. Search and evaluation of these solutions are encouraged by the organisation of conciliation meetings between the various concerned parties at the departmental level, to which Muslim representatives take now part. These meetings also make it possible to inform all the concerned partners of the list of the slaughterhouses opened especially on the occasion of this festival. In the areas where the slaughter capacity

is insufficient, or even null, the search for establishments that may meet these needs will have systematically to be extended to the better equipped regions. For the duration of the Aid e Kebir, it is also possible to envisage, the installation of approved temporary slaughterhouses, which must not be confused with the exemption sites prohibited since 1992. The carrying out of slaughter for several days, the preliminary request of an animal and its slaughter in slaughterhouses, and the return of the carcasses to the purchasers are recommended. It is also desirable that Muslim religious authorities recall substitutive practices of substitution for slaughter to the faithful. The carrying out of religious slaughter outwith a slaughterhouse is fined as an offence of the 5th class. It is not planned to amend regulation to tolerate this kind practice. Indeed, only slaughter in a slaughterhouse constitutes a genuine health guarantee, because the inspection ante mortem and that of the carcasses is carried out only in these establishments, according to rigorous authorisation procedures. The French authorities would like to stress that they do everything, at the national as well as local level, in order to attain the objectives that they announced several times as regards the Aid El Kebir. This is the reason why they admitted the operation of slaughterhouses approved temporarily, in order to avoid clandestine slaughter. The animal protection organisations cooperate for the common search of solutions for this celebration. Irregularities that are unfortunately still ascertained do not diminish the desire of public authorities to continue their efforts and to improve the mechanism, by learning in particular the lessons provided by the competent local authorities” (Journal Officiel of 18 April 2006).

<sup>8</sup> See Saphirnews at <http://www.saphirnews.com/L-Aid-a-l-epreuve-de-la-ville-a5546.html>.

<sup>9</sup> See Question no. 46239 of Mr Raoult Éric (Union for a ément Populaire - Seine-Saint-Denis) to the Ministry of Interior: “Mr Éric Raoult draws the attention of the Minister of Interior to the cruel conditions of the slaughter of sheep for the Aid El Kebir festival in our country. Indeed, at the time of this Muslim festival but also for the Jewish festivals, tens of thousands sheep and calves are slaughtered. This religious slaughter is particularly important in France (evaluations are 30,000 tonnes of carcasses for the Jewish rite and more than 300,000 tonnes for the Muslim one a year). Religious slaughter takes place without previous stunning of the animals before their bleeding. For several years, various initiatives took place at the Ministers of Interior and Agriculture to establish a dialogue with the religious authorities, in order to make them recognise and practise electronarcosis before slaughter, which does not affect the vital character of the animal, as required by Muslim authorities. The Brigitte Bardot Foundation has also become the spokesman of this legitimate claim of the animal cause. Moreover, it is advisable not to forget that an important share of the meat coming from the religious slaughter is found in the traditional food circuit with uncertain traceability. The consumer does not know that an animal was slaughtered without being stunned: this absence of transparency is deplorable. It would be therefore necessary to take initiatives in this direction to promote the preliminary stunning of the animals slaughtered for religious rites in our country” (Journal Officiel of 31 August 2004).

See also the answer: “The provisions of articles R. 214 - 63 to R. 214 - 79 of the rural code exempt religious slaughter of the preliminary stunning of the animals. In its judgement n° 27417/95 of 27 June 2000, the European Court of Human Rights considered that this derogation is a positive commitment of the State aiming to ensure the effective respect of the freedom of exercise of religion. In addition, due to the constitutional principle of secularism, it is not up to the State to try to modify the principles or the doctrines of the various religious denominations. However, the Minister of Interior is pleased with the ideas concerning electronarcosis, which are already being implemented within the French Council of the Muslim Religion at the request of its President. This thinking over should make it possible to achieve a correct balance between religious freedom and the concerns of the animal welfare associations” (Journal Officiel of 23 November 2004).

<sup>10</sup> See Question no. 118009 of Mr Dosé François (Socialist - Meuse) (Journal Officiel of 13 February 2007). See also the answer (Journal Officiel of 27 March 2007).

<sup>11</sup> CE, 27 mars 1936, *Association culturelle israélite de Valenciennes*: Rec. CE, p. 385.

<sup>12</sup> *Chaire Shalom Ve Tsedek v. France*, application no. 27417/95, 27 June 2000.



## FYR MACEDONIA

### *A. Legislation*

#### **Law on Animal Protection and Welfare in force as of 1 January 2008<sup>1</sup>**

##### **Chapter IV. Protection and welfare of animals during slaughter and killing**

**Article 43. General provisions.** (1) Provisions for the protection and welfare of animals during slaughter or killing shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purpose of disease control.

(2) These provisions shall not apply to:

- a) technical or scientific experiments relating to the procedures mentioned in paragraph 1, carried out under the supervision of the competent authority;
- b) animals which are killed in cultural or sports events;
- c) wild game killed in a hunting area by means authorised under national legislation governing hunting.

(3) Animals shall be spared any avoidable excitement, or suffering during movement, lairaging, restraint, stunning, slaughter or killing.

**Article 44. Handling of animals.** (1) Without prejudice to the requirements stipulated by other national veterinary legal provisions, the construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.

(2) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be moved, if necessary lairaged, restrained, stunned before slaughter or killed instantaneously and bled in accordance with the provisions of this Law.

(3) Subject to prior notification to and approval by the competent authority, by derogation to paragraph 2, the requirements for stunning before slaughter shall not apply in the case of animals subject to particular methods of slaughter required by certain religious rites.

The Minister is authorised to lay down the conditions and procedure for the movement, lairaging, restraint, stunning and bleeding of animals slaughtered or killed in a Book of Rules and have it published in the Official Gazette.

**Article 45. Equipment and personnel.** (1) Instruments, restraint and other equipment and installations used for stunning or killing must be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the provisions of this Law. The competent authority shall check that the instruments, restraint and other equipment used for stunning or killing comply with the above principles and shall check regularly to ensure that they are in a good state of repair and will allow the aforementioned objective to be attained.

(2) Suitable spare equipment and instruments must be kept at the place of slaughter for emergency use. They shall be properly maintained and inspected regularly.

(3) No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he/she has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this Law.

The competent authority shall ensure that persons employed for slaughtering possess the necessary skill, ability and professional knowledge.

**Article 46. Inspection and control.** (1) Inspections and controls in slaughterhouses shall be carried out under the responsibility of the competent authority, which shall have free access at all times to all parts of

slaughterhouses in order to ascertain compliance with this Law. Such inspections and controls may be carried out at the same time as controls carried out for other purposes.

**Article 47. Procedures with animals.** (1) Where animals are slaughtered outwith slaughterhouses the provisions of Article 44 §§ 2 and 3 shall apply *mutatis mutandis*.

(2) The competent authority may grant derogations from paragraph 1 in respect of poultry, rabbits, sheep and goats slaughtered or killed outwith slaughterhouses by their owner for personal consumption, provided that Article 43 is complied with and that pigs, sheep and goats have been stunned in advance.

[...]

5. [...]

The Minister is authorised to lay down the conditions and procedure for the killing or slaughter of animals outwith slaughterhouses in a Book of Rules and it published in the Official Gazette.

## **Chapter V. Authorisations, sanctions, final and transitional provisions**

**Art. 48. Authority.** The Ministry, through the Competent Authority, carries out the supervision over the implementation of the provisions of this Law as well as the secondary legislation deriving from it.

**Article 49. Authority for inspection and obligations to comply.** (1) Official and approved veterinarians when dispensing their official duties are empowered to have free access to private and public premises, facilities, holdings, establishments and means of transport, as well as to records and documents including electronic databases relevant to the object of their inspection.

(2) The persons responsible for the establishments and means of transport subject to veterinary inspection in accordance with the previous paragraph shall, upon request, provide information to the competent authority as is required for the execution of the duties conferred upon it on the basis of this Law and comply with instructions and decisions.

(3) In the course of official inspections, if the competent authority establishes that an individual, an establishment or a means of transport do not comply with the provisions of this Law, it will :

- a) undertake measures to remedy the infringement;
- b) subject the individual, the establishment or the means of transport, as appropriate, to an increased inspection regime to ensure subsequent compliance;
- c) in case of serious or repeated infringements, and without prejudice to other sanctions, suspend or withdraw the authorisation or approval.

**Article 50. Complaints.** Persons affected by administrative measures undertaken by provision of this law may launch a complain within 15 days after the measure was enforced, but such complain shall have no delaying effect on the execution of the measure.

**Article 53. Fines.** A fine in amount of 1500 to 4000 euros in denar exchange shall be imposed to a legal entity for an infringement, in the following cases:

[...]

9) slaughter of animals for religious ceremonies which are not notified and approved;

[...]

To sum up, the stunning of animals before their killing or slaughtering is compulsory, but this is not required in the case of animals subject to particular methods of slaughter by certain religious rites, subject to prior notification to and approval by the competent authority (Art. 44 § 3).

## ***B. Short Overview of the Legal History***

The 1998 Veterinary Health Law which was in force up to 1 January 2008 did not allow the slaughter of animals according to religious rites. However, religious slaughter took place in Macedonia. Thus, this kind of

slaughter was forbidden *de jure* but tolerated *de facto*. The new law transposes the *acquis communautaire* on animal welfare. A Book of Rules on the conditions and procedure for the movement, lairaging, restrain, stunning and bleeding of animals slaughtered or killed is currently being prepared.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> Official Gazette 113/2007.

## GERMANY

### *A. Legislation<sup>1</sup>*

#### **Animal Welfare Act as amended on 18 May 2006<sup>2</sup>**

**Article 4a.** (1) Warm-blooded animals may be slaughtered only if stunned before exsanguination.

(2) Notwithstanding paragraph 1, stunning is not required in case

1. it is impossible under the circumstances of an emergency slaughter,
2. the competent authority have granted an exceptional permission for slaughter without stunning (religious slaughter); this exceptional permission may be granted only where necessary to meet the needs of members of certain religious communities in the territory covered by this Act whose mandatory rules require slaughter without stunning or prohibit consumption of meat of animals not slaughtered in this way or<sup>3</sup>
3. this is provided through statutory ordinance according to Article 4b §3.<sup>4</sup>

**Article 4b.** The Federal Ministry is authorised – through statutory ordinance and approved by the Federal Council of Germany –

1. [...],
- c) to specify the conditions under which animals may be slaughtered according to Article 4a § 2 (2), [...],
- in order to safeguard that the animals do not suffer more than unavoidable pain, [...],
3. to provide exemptions from mandatory stunning for the slaughtering of poultry. [...].<sup>5</sup>

#### **Ordinance on the protection of animals at the time of slaughter or killing of 3 March 1997<sup>6</sup>**

**Article 3. General principles.** (1) Animals are to be looked after, restrained, stunned, slaughtered or killed in such a way that does not cause more than the unavoidable excitement, pain, suffering or harm.

(2) [...].<sup>7</sup>

**Article 4. Expertise.** (1) Whoever looks after, restrains, stuns, slaughters or kills animals must have the necessary knowledge and skills (expertise).

(2) The slaughter or the restraining and stunning of equids, ruminants, pigs, rabbits or poultry may only be carried out professionally by a person who is in possession of a valid certificate issued by the competent authority which certifies that person's expertise (certificate of expertise). [...].

(3) This certificate of expertise is issued upon application by the competent authority, if the expertise is proven through the successful completion of an exam according to paragraphs 4 and 5 or if the prerequisites listed in paragraph 7 have been fulfilled. The certificate of expertise refers to those categories of animals and methods of stunning and killing, which the exam referred to in paragraph 4 or the training referred to in paragraph 7, subparagraph 2 has covered.

(4) Upon application the competent authority examines the expertise with respect to the categories of animals listed in the application as well as to stunning and slaughtering procedures. The test consists of a theoretical and a practical section. The theoretical part shall be taken in writing and orally. The test covers the following areas:

1. with respect to knowledge:
  - a) basic knowledge of anatomy and physiology,

- b) basic knowledge of animal behaviour,
- c) legal provisions on animal welfare,
- d) basic knowledge of physics or chemistry, as far as these apply to the concerned methods for stunning,
- e) suitability and capacity of the respective method for stunning and
- f) criteria for the proper stunning and slaughter of animals;

2. with respect to skills:

- a) proper restraining, stunning and slaughtering of the animals and
- b) maintenance of the equipment or facilities necessary for stunning and slaughter.

[...]

(7) The competent authority can exonerate from the exam requirement if the applicants can prove that they have either

- 1. successfully completed university studies of veterinary medicine or fish biology,
  - 2. successfully passed their final exams for the professions of butcher, animal caretaker specialised in poultry, animal keeper specialised in domestic animals or agriculturalist, or
  - 3. successfully completed their education for another profession that imparts the necessary expertise
- and that there are no objections to the applicants' professional knowledge and skills.

(8) The certificate of expertise is to be revoked if a person commits multiple serious offences against the requirements of this ordinance and if facts justify the assumption that this will continue to happen.<sup>8</sup>

**Article 12. Restraining of warm-blooded animals.** (1) Animals that are to be stunned or killed by means of a mechanical or electric device must be brought into a position that the device can be precisely placed and operated without difficulty and as long as necessary. For this purpose it is necessary to restrain head movements of equids and cattle. For religious slaughter cattle must be restrained by mechanical means. [...].

(2) Animals must not be suspended before stunning. Phrase 1 does not apply to domestic poultry if the stunning is carried out within three minutes after suspension.

[...].

(4) Before stunning, animals must not be restrained unless the operator who is to stun or to kill them is ready to do so immediately.<sup>9</sup>

**Article 13. Stunning, Slaughter and Killing.** (1) Animals must be stunned in such a way that they are rapidly and under avoidance of pain or suffering rendered unconscious and remain so until their death.

[...].

(3) Whoever slaughters an animal or kills it otherwise by bleeding, must immediately start with bleeding after stunning within the period of time specified in column 2 for the methods of stunning laid down in annex 2, column 1. He must carry out the bleeding before the animal regains consciousness. Warm-blooded animals must be bled by incising at least one of the carotid arteries or the vessels from which they arise, to achieve rapid and intense blood loss. It must be able to control the bleeding. [...].

(4) After incision of the blood vessels, further dressing procedures on the animal may only be performed when no movements of the animal can be observed. Animals slaughtered according to religious methods may not be suspended before the bleeding has ended. In the case of killing without bleeding, nothing more is performed on animals before it has been ascertained that they are dead.

[...].

(6) Vertebrates must be stunned or killed only according to Annex 3. Domestic poultry need not to be stunned if they are slaughtered for personal consumption by rapid and complete decapitation. For domestic poultry other than turkeys, ducks, and geese stunning be omitted for single animals if the slaughter or killing is carried out on the slaughter line by rapid and complete decapitation.

[...].<sup>10</sup>

**Article 14. Authorisation of other methods for stunning and slaughter by the competent authority.**  
[...].

(2) By way of derogation from Article 13 § 6 in conjunction with Annex 3, the competent authority may authorise temporarily

[...];

3. short-time electric stunning by way of derogation from Annex 3, part II, no. 3.2 with a minimum time for the current flow of two seconds, and by way of derogation from Annex 3, part II, no. 3.3 for cattle older than six months, without current flowing through the heart a method for stunning, in so far as is necessary to meet the requirements of the members of certain religious communities, to whom mandatory rules of their religious community forbid the use of other methods for stunning.

[...].<sup>11</sup>

**Annex 3 (to Article 13 § 6). Methods for Stunning and Killing.**

**Part II: Special requirements**

[...].

3. Electrical stunning

3.1. In the case of electrical stunning the current must pass through the brain primarily or at least at the same time as the body. Appropriate measures must also be taken to ensure that there is effective current flow through the brain or the body of the animal, in particular if necessary by wetting the skin of the animal. Where animals are stunned automatically, the electrodes must be adjusted to fit the size of the animal; where necessary, the animals must be sorted according to their size.

3.2. Within the first second the amperage must reach the following level:

<i>Category of animals</i>	<i>Amperage</i>
<i>I</i>	<i>2</i>
Cattle over 6 months	2.5
Calf	1.0
Sheep	1.0
Goat	1.0
Pig	1.3
Rabbit	0.3
Ostrich except for kiwis	0.5

Apart from high voltage stunning this amperage must be maintained for at least four seconds. [...]. The shown amperages and flow times refer to square or sinusoidal alternating current between 50 Hz and 100 Hz; the same applies to pulsed direct current, rectified alternating current and phase fired controlled current unless they significantly differ from sinus 50 Hz.

3.3. After stunning, cattle older than six months and to be killed without bleeding must be exposed to a current flow through the heart of at least eight seconds so to cause cardiac arrest. By way of derogation from phrase 1 domestic poultry may be exposed to a current flow through the whole body.

3.4. Where domestic poultry is stunned or killed in waterbath, an amperage according to column 2 or 3 of the following table must be reached within the first second current must flow at least as long as column 4 or 5 indicates:

<i>Category of animals</i>	<i>Amperage</i>		<i>Time of current flow</i>	
	<i>Slaughter with bleeding</i>	<i>Killing without bleeding</i>	<i>Slaughter with bleeding</i>	<i>Killing without bleeding</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
Turkey	0.15	0.25	4	10
Duck, goose	0.13	0.20	6	15
Chicken	0.12	0.16	4	10
Quail	0.06	0.10	4	10

3.5. Electric shock before stunning has to be avoided.

3.6. The apparatus must incorporate a device indicating the voltage and the amperage under load.

3.7. In slaughterhouses the apparatus, with which animals are stunned electrically but not in waterbath, must

3.7.1. incorporate a device preventing that stunning voltage is switched to the electrodes if the measured impedance between the electrodes is beyond the range within which the necessary minimum required current can be passed,

3.7.2. – apart from automatic stunning – incorporate audible or visible device clearly indicating the end of the minimum current flow time of its application to an animal,

3.7.3. clearly indicate a deficient stunning to the operator as for the amperage run. In slaughterhouses where more than 20 livestock units per week and 1,000 livestock units per year according to the conversion factor given in annex 1 are stunned electrically, the amperage run for stunning and deviations from the prescribe amperage must be recorded. The records must be stored for a year at least and produced to the competent authority on demand.

3.8 Where waterbath stunners are used to stun poultry, the level of the water must be adjustable. Where poultry are stunned in groups in a waterbath, it has to be ensured that each bird enters the waterbath to an adequate depth. Birds that were not stunned in waterbath, must be immediately stunned or killed by hand.

3.9. Waterbaths for poultry must not overflow at the sides touched by yet unstunned birds. The electrode, which is immersed in the water must extend the length of the waterbath.

[...].<sup>12</sup>

To sum up, warm-blooded animals must be stunned before being bled according to Article 4a § 1 of Animal Welfare Act. Article 4a § 2 leg. cit. regulates the exemptions to that rule:

- emergency slaughter (paragraph 1);
- religious slaughter (paragraph 2); and
- statutory ordinance based exemptions for poultry (paragraph 3).

While paragraph 3 is not specifically aimed at religious slaughter, but at individual cases of slaughter of domestic poultry, paragraph 2 allows exemptions for the religious slaughter of animals without previous stunning. The applicant who obtains such an exceptional permission can be a religious community, or an individual member of a religious community. There must be corresponding mandatory rules concerning the slaughter of animals for food, which exclude stunning before bleeding. It is not stipulated how this is to be proven, thus this lies in the discretionary power of the competent authority. In any case it is easier to obtain an exceptional permission for religious slaughter with reversible stunning than it is for religious slaughter without stunning. The exceptional permission usually includes a large number of conditions to protect the animal from avoidable pain and suffering, such as the use of suitable rooms and restraining equipment, the way of cutting, the length and sharpness of the blade and the availability of a post-cut stunning device in case of complications. Not infrequently is it required that an official veterinarian must be present. Moreover the exceptional permission in Germany defines the maximum number of animals to be slaughtered without

stunning according to the size of the local market of the plaintiff. In fact, the exceptional permission may be granted only where it is necessary to meet the needs of members of certain religious communities in the German territory. Thus, it is not allowed to slaughter without stunning for export.

Those who carry out the slaughter professionally need a certificate of expertise, which will be delivered after theoretical and practical exams. Moreover for religious slaughter (professional and non-professional), according to the administrative instruction of the federal states, it is required to have an extended expertise that covers the additional aspects of this kind of slaughter and for which it is basically necessary to take a theoretical and practical exam. The certificate of expertise must be revoked in case of serious offences against the requirements of the Ordinance on the protection of animals at the time of slaughter or killing of 3 March 1997, which implemented the Council Directive 93/119/EC of 22 December 1993<sup>13</sup> on the protection of animals at the time of slaughter or killing into German law.

Article 13 § 4 of this ordinance forbids explicitly and only concerning animals slaughtered according to a religious rite to be suspended before the bleeding is completed. The procedure for religious slaughter recommended in Article 14 § 2 (3) of the ordinance is reversible electric stunning. This short-time electrical stunning for religious slaughter is different from the conventional electrical stunning due to the short length of time that electricity is applied (two seconds instead of four) and the derogation from the requirement that a cardiac arrest be induced. If no bleeding is carried out, then the animals recover within a short period of time (reversible stunning). According to the provisions legally binding in each *Land*, there must not be any further manipulation after the cut for two minutes in the case of ovine, and for three minutes in the case of bovine.

### *B. Short Overview of the Legal History*

The mandatory stunning of warm-blooded animals to be slaughtered before bleeding was first introduced in Germany by the Animal Slaughter Act and the Ordinance on the Slaughter of Warm-Blooded Animals, both of 21 April 1933.<sup>14</sup> A few months later the first German Animal Welfare Act of 24 November 1933 was passed,<sup>15</sup> and on 14 January 1936 an ordinance on the Slaughter of Cold-Blooded Animals was introduced.<sup>16</sup>

After the end of the Second World War, in some regions of Western Germany Jews were allowed to carry out religious slaughter without previous stunning. At the same time, the *Länder* of Hesse, Hamburg, North Rhine-Westphalia and Bavaria stipulated that arrangements had to be taken in order to spare animals avoidable pain and agitation.<sup>17</sup>

The Animal Welfare Act of 24 November 1933 was replaced by the Animal Welfare Act of 24 July 1972, amended on 12 August 1986, which introduced the prohibition to slaughter without previous stunning. Finally, the Ordinance of 3 March 1997 on the protection of animals at the time of slaughter or killing was adopted.

### *C. Recent Court Decisions*

On 15 June 1995, the Federal High Administrative Court judged that there is no Sunni or Muslim dogma, which forbids the consumption of meat from animals that have been stunned prior to slaughter. The judges adopted the view of the appellate court, according to which the wording of the Koran does not contain a general ban on stunning. A number of Islamic and specifically Sunni experts, maintaining that Islam does not oppose stunning, were referred to in the decision. As a result, Muslims were no longer granted exceptional permissions from mandatory stunning and many Islamic communities in Germany accepted this.<sup>18</sup>

Five years later, on 23 November 2000, the Federal High Administrative Court held that a person can belong to an Islamic community sticking to the prohibition of stunning prior to bleeding, but that this person has to prove the mandatory character of this provision.<sup>19</sup>

On 15 January 2002, the Federal Constitutional Court unanimously emphasised that Article 4a of Animal Welfare Act may not be interpreted in a way that does not proportionally respect the butchers' occupational right and religious freedom, by making it impossible to get an exceptional permission because of different existing opinions within Islam:<sup>20</sup> "Without such exemptions, the fundamental rights [...] would unreasonably be restricted, and the interests of the protection of animals would be given priority in a one-sided manner without a sufficient constitutional justification."<sup>21</sup> Therefore, the applicant's duty is to substantiate



and expound comprehensibly that in the applicant's community the bleeding cut has to be applied to not stunned animals.

In the course of the following discussion, Parliament passed an amendment to Constitution that included animal welfare as a "national objective" into Art. 20a ("ethical animal protection"). The reform was approved in order to give animal protection a greater weight when balanced against other basic rights.

Since the Federal Constitutional Court remanded the case to first instance, the Administrative Court in Gießen reweighed the arguments and this time confirmed the Muslim's right to obtain the exceptional permission on 9 December 2002.<sup>22</sup> On 24 November 2004 the Hessian Administrative Court decided on the Hessian authority's appeal and delivered its judgement. The judges maintained that the national objective referred to in Art. 20a had not automatically changed the interpretation of Article 4a § 2 (2) of the Animal Welfare Act. They argued that the legislative branch was responsible for explaining the basic changes in relation to the applicability of this rule. However, due to the constitutional change in 2002, the applicants did not have any longer simply to substantiate and expound comprehensibly the mandatory rules set by their religious community, but they had to actually prove these. This meant that the competent authority would be required to deny an exceptional permission if this requirement could not be proved.<sup>23</sup>

On 23 November 2006, the Federal High Administrative Court confirmed most of this decision, emphasising that the national objective of animal welfare aims at creating a fair balance between the fundamental right of religious freedom and animal welfare. At the same time, they underlined that providing such a balance is primarily a task of the legislator. The Court, however, argued that according to the current state of legislation, the way of substantiating and expounding comprehensibly the mandatory religious rules, as shaped by the Federal Constitutional Court before the change of the German constitution, is sufficient.<sup>24</sup> More recently, on 22 August 2007, the Federal Council (Bundesrat) discussed the opportunity to amend Article 4a of the Animal Welfare Act, based on a draft prepared by the Land of Hesse. This amendment would introduce, albeit indirectly, the obligation to use a reversible stunning procedure.<sup>25</sup> The Parliament has not decided yet.

Since the change of the constitution in 2002, case law is still divergent. While on 21 January 2004 the Administrative Court in Augsburg insisted that Muslims do not have any mandatory rules requiring slaughter without stunning,<sup>26</sup> on 30 January 2004 the Higher Administrative Court Schleswig-Holstein followed the Federal Constitutional Court's opinion such as confirmed by the Federal High Administrative Court in 2006.<sup>27</sup> Until now the Federal Constitutional Court has not decided about religious slaughter directly. It has only made a reference to this problem in two judgements of 9 December 2008 and 28 September 2009.<sup>28</sup>

#### ENDNOTES

<sup>1</sup> See <http://bundesrecht.juris.de/>.

<sup>2</sup> **Tierschutzgesetz** in der Fassung der Bekanntmachung vom 18. Mai 2006 (BGBl. I S. 1206, 1313), geändert durch Artikel 4 des Gesetzes vom 21. Dezember 2006 (BGBl. I S. 3294).

<sup>3</sup> Cited section unmodified since 12 August 1986.

<sup>4</sup> **§ 4a** (1) Ein warmblütiges Tier darf nur geschlachtet werden, wenn es vor Beginn des Blutentzugs betäubt worden ist.

(2) Abweichend von Absatz 1 bedarf es keiner Betäubung, wenn

1. sie bei Notschlachtungen nach den gegebenen Umständen nicht möglich ist,  
2. die zuständige Behörde eine Ausnahmegenehmigung für ein Schlachten ohne Betäubung (Schächten) erteilt hat; sie darf die Ausnahmegenehmigung nur insoweit erteilen, als es erforderlich ist, den Bedürfnissen von Angehörigen bestimmter Religionsgemeinschaften im Geltungsbereich dieses Gesetzes zu entsprechen, denen zwingende Vorschriften ihrer Religionsgemeinschaft das Schächten vorschreiben oder den Genuss von Fleisch nicht geschlachteter Tiere untersagen oder

3. dies als Ausnahme durch Rechtsverordnung nach § 4b Nr. 3 bestimmt ist.

<sup>5</sup> **§ 4b** Das Bundesministerium wird ermächtigt, durch Rechtsverordnung mit Zustimmung des Bundesrates

1. a) [...],

b) [...],

c) die Voraussetzungen näher zu regeln, unter denen Schlachtungen im Sinne des § 4a Abs. 2 Nr. 2 vorgenommen werden dürfen,

d) [...],

e) [...],

um sicherzustellen, dass den Tieren nicht mehr als unvermeidbare Schmerzen zugefügt werden,

2. [...],

3. für das Schlachten von Geflügel Ausnahmen von der Betäubungspflicht zu bestimmen.

[...].

<sup>6</sup> **Verordnung zum Schutz von Tieren im Zusammenhang mit der Schlachtung oder Tötung** vom 3. März 1997 (BGBl. I S. 405), geändert durch Artikel 19 des Gesetzes vom 13. April 2006 (BGBl. I S. 855), last amended 13 April 2006.

<sup>7</sup> **§ 3 Allgemeine Grundsätze** (1) Die Tiere sind so zu betreuen, ruhigzustellen, zu ... zu schlachten oder zu töten, dass bei

ihnen nicht mehr als unvermeidbare Aufregung, Schmerzen, Leiden oder Schäden verursacht werden.

(2) [...].

<sup>8</sup> **§ 4 Sachkunde** (1) Wer Tiere betreut, ruhigstellt, betäubt, schlachtet oder tötet, muss über die hierfür notwendigen Kenntnisse und Fähigkeiten (Sachkunde) verfügen.

(2) Einhufer, Wiederkäuer, Schweine, Kaninchen oder Geflügel darf im Rahmen seiner beruflichen Tätigkeit nur schlachten oder im Zusammenhang hiermit ruhigstellen oder betäuben, wer i Besitz einer gültigen Bescheinigung der zuständigen Behörde oder der sonst nach Landesrecht beauftragten Stelle (zuständige Stelle) über seine Sachkunde (Sachkundebescheinigung) ist. [...].

(3) Die Sachkundebescheinigung wird von der zuständigen Stelle auf Antrag erteilt, wenn die Sachkunde im Rahmen einer erfolgreichen Prüfung nach Maßgabe der Absätze 4 und 5 nachgewiesen worden ist oder die Voraussetzungen des Absatzes 7 erfüllt sind. Die Sachkundebescheinigung bezieht sich auf die erkategorien sowie Betäubungs- und Tötungsverfahren, auf die sich die Prüfung nach Absatz 4 oder die Ausbildung nach Absatz 7 Nr. 2 erstreckt hat.

(4) Auf Antrag führt die zuständige Stelle eine Prüfung der Sachkunde bezogen auf die im Antrag benannten ierkategorien sowie Betäubungs- und Tötungsverfahren durch. Die Prüfung besteht aus e m theoretischen und einem praktischen Teil. Sie wird im theoretischen Teil schriftlich und mündlich abgelegt. Die Prüfung erstreckt sich auf folgende Prüfungsgebiete:

1. im Bereich der Kenntnisse:

- a) Grundkenntnisse der Anatomie und Physiologie,
- b) Grundkenntnisse des Verhaltens der Tiere,
- c) tierschutzrechtliche Vorschriften,
- d) Grundkenntnisse der Physik oder Chemie, soweit diese für die betreffenden Betäubungsverfahren notwendig sind,
- e) Eignung und Kapazität der jeweiligen Betäubungsverfahren und
- f) Kriterien einer ordnungsgemäßen Betäubung und Schlachtung von Tieren;

2. im Bereich der Fertigkeiten:

- a) ordnungsgemäße Durchführung des Ruhigstellens, Betäubens und Schlachtens der Tiere und
- b) Wartung der für das Betäuben und Schlachten notwendigen Geräte oder Einrichtungen.

(5) [...].

(6) [...].

(7) Die zuständige Stelle kann von einer Prüfung absehen, wenn

- 1. der erfolgreiche Abschluss eines Hochschulstudiums der Tiermedizin oder der Fischereibiologie,
- 2. eine bestandene Abschlussprüfung in den Berufen Fle leischerin, Tierwirt/Tierwirtin mit dem Schwerpunkt Geflügelhaltung, Tierpfleger/Tierpflegerin der Fachrichtung Haustierpflege oder Landwirt/Landwirtin oder
- 3. der erfolgreiche Abschlüsse der Ausbildung zu einem anderen Beruf, die die erforderliche Sachkunde vermittelt, nachgewiesen wird und keine Bedenken hinsichtlich der erforderlichen fachlichen Kenntnisse und Fähigkeiten bestehen.

(8) Die Sachkundebescheinigung ist zu entziehen, wenn mehrfach nicht unerheblich gegen Anforderungen dieser Verordnung verstoßen haben und Tatsachen die Annahme r tigen, dass dieses auch weiterhin geschehen wird.

<sup>9</sup> **§ 12 Ruhigstellen warmblütiger Tiere** (1) Tiere, die durch Anwendung eines mechanischen oder elektrischen Gerätes betäubt oder getötet werden sollen, sind in eine solche Stellu zu bringen, dass das Gerät ohne Schwierigkeiten, genau und so lange wie nötig angesetzt und bedient werden kann. Zu diesem Zweck sind bei Einhufern und Rindern deren Kopfbewegungen einzuschränken. Beim Schächten sind Rinder mit mechanischen Mitteln ruhigzustellen. [...].

(2) Es ist verboten, Tiere ohne vorherige Betäubung au hängen. Satz 1 gilt nicht für Hausgeflügel, wenn die Betäubung spätestens drei Minuten nach dem Aufhängen erfolgt.

(3) [...].

(4) Tiere dürfen vor der Betäubung erst ruhiggestellt wenn die ausführende Person zur sofortigen Betäubung oder Tötung der Tiere bereitsteht.

<sup>10</sup> **§ 13 Betäuben, Schlachten und Töten** (1) Tiere sind so zu betäuben, daß sie schnell und unter Vermeidung von Schmerzen oder Leiden in einen bis zum Tod anhaltenden Zustand der Empfindungs- und Wahrnehmungslosigkeit versetzt werden.

(2) [...].

(3) Wer ein Tier schlachtet oder anderweitig mit Blutentzug tötet, muß sofort nach dem Betäuben, und zwar für die in Anlage 2 Spalte 1 genannten Betäubungsverfahren innerhalb des jeweils in Spalte 2 festgelegten Zeitraumes, mit dem Entbluten beginnen. Er muß das Tier entbluten, solange es empfindungs- und wahrnehmungsunfähig ist. Bei warmblütigen Tieren muß er dafür sorgen, daß durch Eröffnen mindestens einer Halsschlagader oder des entsprechenden Hauptblutgefäßes sofort ein starker Blutverlust eintritt. Die Entblutung muß kontrolliert werden können. [...].

(4) Nach dem Entblutungsschnitt dürfen weitere Schlachtarbeiten am Tier erst durchgeführt werden, wenn keine Bewegungen des Tieres mehr wahrzunehmen sind. Geschächtete Tiere dürf nicht vor Abschluss des Entblutens aufgehängt werden. Bei Tötungen ohne Blutentzug dürfen weitere Eingriffe am Tier erst nach Feststellung des Todes vorgenommen werden.

(5) [...].

(6) Wirbeltiere dürfen nur nach Maßgabe der Anlage 3 betäubt oder getötet werden. Bei Hausgeflügel ist eine Betäubung entbehrlich, wenn das Schlachten oder Töten bei Schlachtungen für den Eigenbedarf und durch schnelles, vollständiges Abtrennen des Kopfes erfolgt. Bei Hausgeflügel mit Ausnahme von Puten, Enten und Gänsen kann i Rahmen der Bandschlachtung bei Einzeltieren auf eine Betäubung verzichtet werden, wenn das Schlachten oder Töten durch schnelles und vollständiges Abtrennen des Kopfes erfolgt.

(7) [...].

(8) [...].

<sup>11</sup> **§ 14 Behördliche Zulassung weiterer Betäubungs- oder Tötungsverfahren** (1) [...].

(2) Abweichend von § 13 Abs. 6 in Verbindung mit Anlage 3 kann die zuständige Behörde befristet

1. [...];

2. [...];

3. die Elektrokurzzeitbetäubung abweichend von Anlage Teil II Nr. 3.2 mit einer Mindeststromflusszeit von zwei Sekunden und abweichend von Anlage 3 Teil II Nr. 3.3 bei Rindern über sechs Monaten ohne elektrische Herzdurchströmung als Betäubungsverfahren zulassen, soweit es erforderlich ist, den Bedürfnissen von Angehörigen bestimmter Religionsgemeinschaften zu entsprechen, denen zwingende Vorschriften ihrer Religionsgemeinschaft die Anwendung anderer Betäubungsverfahren untersagen.

(3) [...].

<sup>12</sup> **Anlage 3 (zu § 13 Abs. 6) Betäubungs- und Tötungsverfahren [...].**

Teil II: Besondere Maßgaben [...].

3. Elektrische Durchströmung

3.1 Bei der Elektrobetäubung oder -tötung muss das Gehirn zuerst oder zumindest gleichzeitig mit dem Körper durchströmt werden. Für einen guten Stromfluss durch das Gehirn oder den Körper des Tieres ist zu sorgen, insbesondere, falls erforderlich, durch Befeuchten der Haut des Tieres. Bei automatischer Betäubung muss die Elektrodeneinstellung an die Größe der Tiere angepasst werden; erforderlichenfalls sind die Tiere nach ihrer Größe vorzusortieren.

3.2 Es muss innerhalb der ersten Sekunde mindestens ein (Ampere) nach folgender Tabelle erreicht werden:

Tierkategorie	Stromstärke (Ampere)
1	2
Rind über 6 Monate	2,5
Kalb	1,0
Schaf	1,0
Ziege	1,0
Schwein	1,3
Kaninchen	0,3
Straußenvogel außer Kiwis	0,5

Außer bei der Hochvoltbetäubung muss diese Stromstärke mindestens vier Sekunden lang gehalten werden. [...]. Die angegebenen Stromstärken und Stromflusszeiten beziehen sich auf rechteck- oder sinusförmige Wechselströme von 50 bis 100 Hz; entsprechendes gilt auch für pulsierende Gleichströme, gleichgerichtete Wechselströme und phasenanschnittgesteuerte Ströme, sofern sie sich von Sinus 50 Hz nicht wesentlich unterscheiden.

3.3 Bei Rindern über sechs Monaten und bei Tötungen ohne Blutentzug muß im Anschluß an die Betäubung durch eine mindestens acht Sekunden andauernde elektrische Herzdurchströmung ein Herzstillstand hervorgerufen werden. Abweichend von Satz 1 kann bei Hausgeflügel eine Ganzkörperdurchströmung durchgeführt werden.

3.4. Bei der Betäubung oder Tötung von Hausgeflügel im Wasserbad müssen innerhalb der ersten Sekunde mindestens eine Stromstärke nach Spalte 2 oder 3 folgender Tabelle erreicht werden und mindestens eine Stromflußzeit nach Spalte 4 oder 5 möglich sein:

Tierkategorie	Stromstärke (Ampere)		Stromflußzeit (Sekunden)	
	Tötung mit Blutentzug	Tötung ohne Blutentzug	Tötung mit Blutentzug	Tötung ohne Blutentzug
1	2	3	4	5
Truthuhn	0,15	0,25	4	10
Ente, Gans	0,13	0,20	6	15
Haushuhn	0,12	0,16	4	10
Wachtel	0,06	0,10	4	10

3.5 Das Einwirken von Elektroschocks auf das Tier vor der Betäubung ist zu vermeiden.

3.6 Die Anlage zur Elektrobetäubung muß über eine Vorrichtung verfügen, die den Anschluß eines Gerätes zur Anzeige der Betäubungsspannung und der Betäubungsstromstärke ermöglicht.

3.7 In Schlachtbetrieben muß die Anlage zur Elektrobetäubung, mit der nicht im Wasserbecken betäubt wird,

3.7.1 mit einer Einrichtung ausgestattet sein, die verhindert, daß die Betäubungsspannung auf die Elektroden geschaltet wird, wenn der gemessene Widerstand zwischen den Elektroden außerhalb des Bereichs liegt, in dem der erforderliche Mindeststromdurchfluß erreicht werden kann,

3.7.2 außer bei automatischer Betäubung durch ein akustisches oder optisches Signal das Ende der Mindeststromflußzeit deutlich anzeigen und

3.7.3 der ausführenden Person eine fehlerhafte Betäubung hinsichtlich des Stromstärkeverlaufs deutlich anzeigen.

In Schlachtbetrieben, in denen nach dem Umrechnungsschlüssel nach Anlage 1 mehr als 20 Großvieheinheiten je Woche sowie mehr als 1.000 Großvieheinheiten je Jahr elektrisch betäubt werden, muß der Stromstärkeverlauf bei der Betäubung oder müssen Abweichungen vom vorgeschriebenen Stromstärkeverlauf ständig aufgezeichnet werden. Die Aufzeichnungen sind mindestens ein Jahr lang aufzubewahren und der zuständigen Behörde auf Verlangen zur Einsichtnahme vorzulegen.

3.8 Wird die Betäubung von Geflügel in mit Wasser gefüllten Betäubungswannen vorgenommen, so muß die Höhe der Wasseroberfläche regulierbar sein. Auf ein angemessen tiefes Eintauchen aller Tiere einer Gruppe in das Wasserbad ist hinzuwirken. Tiere, die im Wasserbecken nicht betäubt wurden, sind unverzüglich von Hand zu betäuben oder zu töten.

3.9 Das Wasserbecken zum Betäuben von Geflügel darf beim Eintauchen der Tiere nicht zu seiner Seite überlaufen, mit der die unbetäubten Tiere in Kontakt kommen. Die ins Wasser eintauchende Elektrode muß sich über die gesamte Länge des Wasserbeckens erstrecken.

[...].

<sup>13</sup> OJ L 340, 31.12.1993, p. 21–34.

<sup>14</sup> **Gesetz über das Schlachten von Tieren** vom 21. April 1933, Reichsgesetzblatt I S. 203: „§ 1 Warmblütige Tiere sind beim Schlachten vor Beginn der Blutentziehung zu betäuben.“

**Verordnung über das Schlachten von Tieren** vom 21. April 1933, Reichsgesetzblatt I S. 212: „§ 4 i Schlachtungen in gewerblichen Betrieben dürfen die Tiere erst dann in den Schlachtraum gebracht werden, wenn alle Vorbereitungen zur sofortigen Abschachtung getroffen sind. Mit der Blutentziehung beim Schlachten darf erst nach vorangegangener vollständiger Betäubung begonnen werden.“

<sup>15</sup> **Tierschutzgesetz** vom 24. November 1933, Reichsgesetzblatt I S. 987.

<sup>16</sup> **Verordnung über das Schlachten und Aufbewahren von lebenden Fischen und anderen kaltblütigen Tieren** vom 14. Januar 1936, Reichsgesetzblatt I S. 13.

<sup>17</sup> **Änderung der Verordnung über das Schlachten von Tieren** vom 7. März 1946, Verordnungsblatt S. 25, verkündet am 12. März 1946)

„Die Militärregierung hat der Verordnung über das Schlachten von Tieren vom 21. April 1933 [...] mit sofortiger Wirkung folgende Bestimmung als § 13 hinzugefügt:

§ 13 Bei der Schlachtung von Tieren nach jüdischem Ritus darf das Blut ohne vorherige Betäubung der Tiere entnommen werden. Alle Vorkehrungen, welche die vermeidbaren Schmerzen und die Erregung der Tiere verhindern können, sind dabei zu treffen; insbesondere sollen die Tiere erst in den Schlachtraum geführt werden, wenn alle Vorkehrungen für das unmittelbare Abschachten getroffen worden sind. Die Fesselung und das Bereitstellen der Tiere für den Einschnitt sowie dieser selber müssen unverzüglich ausgeführt werden. Vierfüßige Tiere dürfen nur geschlachtet werden mit Hilfe der gußeisernen Feder, Entwurf H. Weinberg, oder durch eine andere Art, die ebenso wirksam ist, um vermeidbare Schmerzen zu verhindern. – Der Bürgermeister der Hansestadt Hamburg“

<sup>18</sup> Bundesverwaltungsgericht, 3 C 31/93, Neue Zeitschrift für Verwaltungsrecht 1996, pp. 61-63.

<sup>19</sup> Bundesverwaltungsgericht, 3 C 40/99, Neue Juristische Wochenschrift 2001, pp. 1225-1228.

<sup>20</sup> Bundesverfassungsgericht, 1 BvR 1783/99, Neue Juristische Wochenschrift 2002, pp. 663-666. See the English version at [http://www.bverfg.de/entscheidungen/rs20020115\\_1bvr178399en.html](http://www.bverfg.de/entscheidungen/rs20020115_1bvr178399en.html).

<sup>21</sup> [http://www.bverfg.de/entscheidungen/rs20020115\\_1bvr178399en.html](http://www.bverfg.de/entscheidungen/rs20020115_1bvr178399en.html), marginal data 44.

<sup>22</sup> Verwaltungsgericht Gießen, 10 E 141/02.

<sup>23</sup> Hessischer Verwaltungsgerichtshof, 11 UE 317/03.

<sup>24</sup> Bundesverwaltungsgericht, 3 C 30/05, [www.bverwg.de](http://www.bverwg.de).

<sup>25</sup> Bundestagsdrucksache 16/6233.

<sup>26</sup> Verwaltungsgericht Augsburg, Au 5 E 03.2198.

<sup>27</sup> Obergerverwaltungsgericht Schleswig-Holstein, 4 MB 4/04.

<sup>28</sup> Bundesverfassungsgericht, Beschluss vom 09. Dezember 2008, 1 BvR 3396/08, und Beschluss vom 28. September 2009, 1 BvR 1702/09, [www.bverfg.de](http://www.bverfg.de).

## GREECE

### *A. Legislation*

#### **Law no. 1197 of 25 August 1981 on the Protection of Animals<sup>1</sup>**

**Article 1.** (1) Company animals, farm animals and breeding animals shall receive the appropriate care and treatment, which has to be achieved in the following way:

- a) with appropriate and sufficient food and water according to the type of animal,
- b) by guaranteeing good accommodation, which is suited to their natural way of life according to the type of animal.

(2) Who kills, tortures or ill-treats animals mentioned above, or abandons animals on the streets, shall be punished according to Article 8 of this Law.

[...]

#### **Article 2.** [...]

(2) It is forbidden to kill mammals in slaughterhouses, if the stunning, which must have effect immediately, has not been performed before bleeding.

**Article 5.** (1) The Ministry of Agriculture is competent for the prevention of cruelty to animals as well as for the decisions concerning any measures taken for the protection of animals.

[...]

**Article 7.** The details for the execution of the provisions of the present law shall be regulated by a President's Decree, upon proposal by the Minister of Agriculture and the concurring opinion of the Committee.

**Article 8.** (1) Who breaches the provisions of Article 1 §§ 2, 3 and 4 of the present law shall be punished by a prison term of 6 months, or by a 10,000 to 30,000-drachma fine, or both.

(2) Who breaches the provisions of Articles 2, 3, and 4 §§ 2 and 3 of the present law and the execution rules of the regulations and decisions shall be punished by a prison term of 50 days, or by a 2,000 to 10,000-drachma fine, or both.

(3) For those who breaches these provisions for the second time, the maximum and minimum punishment referred to in paragraphs 1 and 2 of this Article shall be doubled.

[...]

#### **President's Decree no. 327 of 3 September 1996 on the Protection of Animals at the Time of Slaughter and/or Killing in accordance with the Directive 93/119/CE of the European Council<sup>2</sup>**

**Article 1. General Provisions (Article 1 of Directive 93/119/EEC).** (1) This Decree shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of slaughter and fighting of illnesses in accordance with the Directive 93/119 of the European Council (E.E. Number L 340 of 31-12-93, page 21).

(2) It shall not apply to:

- technical or scientific experiments relating to the procedures referred to in paragraph 1, carried out under the supervision of the competent authority,
- animals which are killed in cultural or sports events,
- wild game killed in accordance with Article 4 of the Decree 11/1995 (Official Gazette no. A' 5).<sup>3</sup>

**Article 2 (Article 2 of Directive 93/119/EEC).** For the purposes of this Decree the following definitions shall apply:

1. Slaughterhouse: any premises, including facilities moving and lairaging animals, used for the commercial slaughter of animals referred to in Article 5, paragraph 1;

[...]

4. Restraint: the application to an animal of any procedure designed to restrict its in order to facilitate effective stunning or killing;

5. Stunning: any process which, when applied to an animal, causes immediate loss of consciousness which lasts until death;

6. Killing: any process which causes the death of an animal;

7. Slaughter: causing the death of an animal by bleeding;

8. Competent authority: the competent central Veterinary Authority of the General Veterinary Authority and every prefectural veterinary authority, competent to carry out veterinary checks. The religious authority of the country on whose behalf slaughter is carried out shall be competent for the application and monitoring of the special provisions which are applied to slaughter according to certain religious rites. As regards the other provisions of the present President's Decree, that authority shall operate under the responsibility of the official veterinarian, as defined in Article 2 of President's Decree 410/1994 (Official Gazette no. A' 231).

**Article 3 (Article 3 of Directive 93/119/EEC).** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.

**Article 4 (Article 4 of Directive 93/119/EEC).** The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.

**Article 5 (Article 5 of Directive 93/119/EEC).** (1) Solipeds, ruminants, pigs, rabbits and poultry bro into slaughterhouses for slaughter shall be:

- a) moved and if necessary lairaged in accordance with the provisions of Annex A;
- b) restrained in accordance with the provisions of Annex B;
- c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;
- d) bled in accordance with the provisions of Annex D.

(2) In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of paragraph 1) letter c) shall not apply.

(3) With due regard for the general rules of the Treaty, the competent Veterinary Service of the Prefectural Administration, for establishments qualifying for derogations pursuant to Articles 4 and 13 of the President's Decree 410/1994 (No. A' 231), Article 18 of the President's Decree 410/1994 (No. A' 231), and Articles 7 and 17 of the President's Decree 290/1996 (No. A' 201), may grant derogations from paragraph 1, letter a) of the present Article and from the methods for stunning referred to in Annex C of this President's Decree in respect of poultry, rabbits, pigs, sheep and goats, provided that the requirements laid down in Article 3 are met, and from paragraph 1, letter a) of this Article in respect of cattle.

**Article 7 (Article 7 of Directive 93/119/EEC).** (1) No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform these tasks humanely and efficiently, in accordance with the requirements of this Directive.

(2) The persons employed for slaughtering have to possess the necessary skill, ability and professional knowledge, in accordance with the prescriptions of the Directive 468/1990 (A' 180).

**Article 8 (Article 8 of Directive 93/119/EEC).** Inspections and controls in slaughterhouses shall be carried out under the responsibility of the Ministry of Veterinary, which shall at all times have free access to all parts of slaughterhouses in order to ascertain compliance with this Decree. However, such inspections and controls may be carried out at the same time as controls carried out for other purposes.

### **Annex B (foreseen by Article 5, paragraph 1, letter b)**

**Restraint of animals before stunning, slaughter or killing.** (1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable suffering, agitation or contusions.

However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

(4) Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.

### **Annex D (foreseen by Article 5, paragraph 1, letter d)**

**Bleeding of animals.** (1) For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.

(2) All animals which have been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise.

After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

(3) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

[...].

To sum up, religious slaughter without previous stunning is allowed. In Greece, religious slaughter is mainly carried out by Muslims living in Thrace. They only slaughter sheep, goats and oxen – thus such animals as poultry are not usually slaughtered according to a religious rite. Greek Muslims are concerned about animal welfare and they have animals slaughtered according to the Islamic rite only by qualified persons. The slaughter process takes place in as short a time as possible, and in as clean and hygienic an environment as possible. Also, animals to be slaughtered are not kept together in the place of slaughter, in order to prevent each animal from seeing the slaughter of another one.

### ***B. Short Overview of the Legal History***

The first legal act aimed at protecting animals was the Law 5504/1932, which did not contain any provisions concerning religious slaughter. This act was repealed by the Law 1197/1981 on Animal Protection, which prohibited the carrying out of slaughter without previous stunning (Article 2 § 2). Nonetheless, religious slaughter was *de facto* tolerated within the framework of the general guarantee of the right of religious freedom. After the enactment of the President's Decree 327/1996, Greece has formally granted an exemption from the compulsory requirement of stunning in the case of slaughter carried out according to a religious rite.

In more recent times, the President's Decree no. 374/22-10-2001 has transposed the Council's Directive no. 98/58/EEC and the European Committee's Decision no. 2000/50/EEC concerning the protection of farmed animals and providing for more detailed rules as to veterinary control and inspections.<sup>4</sup>

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### **ENDNOTES**

<sup>1</sup> Official Gazette no. 240 of 3 September 1981.

<sup>2</sup> Official Gazette no. 221 of 10 September 1996.

<sup>3</sup> The President's Decree 11/1995 was repealed by Article 30 of President's Decree No 79/3.5.2007 (Official Gazette no. A' 95/3.5.2007).

<sup>4</sup> Official Gazette no. A' 251.



## HUNGARY

### *A. Legislation<sup>1</sup>*

#### **Act XXVIII of 1998 on the Protection and Humane Treatment of Animals<sup>2</sup>**

**Article 12.** (1) Animals can only be killed after stunning, with the exceptions referred to in paragraph (2).

(2) The obligation of stunning does not apply to invertebrate animals, poultry and rabbits killed for home consumption, and in cases where the killing of an animal is necessary due to an emergency situation. However, in these cases it must be ensured as well that the killing of the animal is done in a skilful manner, rapidly, and in the least painful way.

(3) Separate legal provisions apply to the methods of killing of animals where previous stunning is not obligatory if the procedure causes immediate and total loss of consciousness and anaesthesia, or death.

**Article 19.** Separate legal provisions may regulate the slaughter of animals in the following cases:

- a) slaughtering poultry and rabbits with methods causing immediate death;
- b) emergency slaughter, when stunning is not possible;
- c) slaughter of fur animal and of captive-bred game;
- d) religious slaughter.

#### **Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture and Rural Development on the protection of animals at the time of slaughter or killing as amended on 3 November 2006<sup>3</sup>**

**Article 3.** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.

**Article 4.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into \_\_\_\_\_ houses for slaughter shall be: [...]

(c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex 3 of this decree; [...].

(2) In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of subsection (1) (c) shall not apply. Such slaughter shall be carried out under the supervision of an official veterinarian, and the religious authority on whose behalf slaughter is carried out shall be competent for the application and monitoring of the special provisions which apply to slaughter according to certain religious rites.

**Article 6.** No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this decree.

**Article 7.** The official veterinarian may check whether the relevant provisions are complied with in the entire area of the slaughterhouse. This inspection may be carried out at the same time as controls carried out for other purposes.

**Article 8.** (1) Where animals referred to in Article 4 (1) are slaughtered outwith slaughterhouses, the provisions of Article 4 (1) (b), (c) and (d) shall apply.

(2) Derogations may, however, be granted from paragraph (1) in respect of poultry, rabbits, pigs, sheep and goats slaughtered or killed outwith slaughterhouses by their owner for his personal consumption, provided that Article 3 is complied with.

**Article 11/A.** (1) For the purpose of enforcing the provisions specified in the present Decree, the competent Animal Health and Food Control Station (the 'Station') shall carry out animal welfare inspections at least

annually, based on the control lists compiled and issued for this purpose by the Ministry of Agriculture and Rural Development (the 'Ministry'). The control visits may be taken by duly authorised persons at any time.

(2) The Station shall notify the head of the slaughterhouse of any breaches found and the necessary remedies in writing. The Station shall specify a deadline for remedying violations.

(3) The Station shall prepare a report containing the aggregated data from the control visits and send it to the Ministry by January 31 each year.

**Annex 2. Restraint of animals before stunning, slaughter and killing.** (1) Animals must be restrained in an appropriate manner in such a way as to spare them any pain, suffering, agitation, injury or contusions. However, in the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. [...].

**Annex 4. Bleeding of animals.** (2) [...]. After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

(3) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

To sum up, previous stunning is not compulsory in the case of religious slaughter subject to particular methods of slaughter required by certain religious rites. Animals to be slaughtered according to a religious rite must be restrained by using a mechanical method in order to avoid any pain, suffering or agitation and any injuries or contusions to the animals. Religious slaughter must be carried out under the supervision of an official veterinarian, and the religious authority on whose behalf slaughter is carried out is competent for the application and monitoring of the relevant provisions which apply to this kind of slaughter.

## *B. Short Overview of the Legal History*

Slaughter without stunning (and therefore religious slaughter carried out without previous stunning) was forbidden in 1938. After the end of the Second World War these legal provisions were repealed, and anti-Jewish regulations were lifted. Until the enactment of the Decree 9/1999 (I. 27.) FVM of the Minister of Agriculture and Rural Development on the protection of animals at the time of slaughter or killing, religious slaughter was *de facto* tolerated, but it was not regulated by any legal provisions, because animal protection was not regarded as an issue.

## *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

### ENDNOTES

<sup>1</sup> See <http://www.magyarorszag.hu/kereses/jogszabalykereso>.

<sup>2</sup> 1998. évi XXVIII. törvény az állatok védelméről és kíméletéről.

<sup>3</sup> 9/1999. (I. 27.) FVM rendelet a vágóállatok levágásának és leölésének állatvédelmi szabályairól; módosította: 26/2002. (IV. 13.) FVM rendelet – fehér háttérrel pirossal a szövegben; módosította még: 77/2006. (XI. 3.) FVM rendelet - sárga háttérrel barna betűvel a szövegben.

## IRELAND

### *A. Legislation*<sup>1</sup>

#### **Slaughter of Animals Act, 1935 (No. 45 of 1935)<sup>2</sup>**

##### **Part I. Preliminary and general**

##### **2 Definitions.**—(1) In this Act—

[...]

the word "animal" includes only cattle, sheep, goats, pigs, horses, asses and mules.

(2) All buildings and other places used for the slaughter of animals either for sale or for conversion into products for sale (including buildings and other places commonly called "slaughter-houses" or "knackers yards") and no other places shall be slaughter-houses for the purposes and within the meaning of this Act and, subject to the provisions of the next following sub-section of this section, the word "slaughterhouse" shall be construed accordingly in this Act.

(3) A building or other place situate on a farm shall be a slaughter-house for the purposes or within the meaning of this Act merely by reason of the fact that place is used for the occasional slaughter of animals kept on such farm, provided such slaughter is incidental to the proper management and working of such farm and the slaughter of animals is not the principal or only occupation of the occupier of such farm.

**9 Powers of Garda Síochána and sanitary officers.**—(1) Any member of the Garda Síochána may enter any slaughter-house situate in an area in which this Act has effect whenever any animal is being slaughtered or any carcase is being dressed therein or at any other reasonable time and any officer (duly authorised in this behalf) of a local authority, within the meaning of the *Abattoirs Act, 1988* in whose functional area or any part of whose functional area this Act has effect may at any such time as aforesaid enter any slaughter-house situate in such area or such part thereof (as the case may be) and such member or such may do in such slaughter-house all or any of the following things, that is to say:—

(a) inspect such slaughter-house and the plant, appliances, and equipment therein and all animals and carcasses of animals in such slaughter house;

(b) observe all or any of the processes used in the business carried on in such slaughter-house;

(c) demand from the occupier or the person for the time being in charge of such slaughter-house the name and address of the person by whom any animal is about to be or is being or was slaughtered in slaughter-house;

(d) demand of any person in such slaughter-house whether he does or does not hold a slaughter licence and, if such person states that he holds a slaughter licence, demand of him the production of such licence or, if such person states that he does not hold a slaughter licence demand of him his name and address.

[...]

##### **Part II. Treatment of animals in slaughter-houses**

**13 Prohibition of slaughter in sight of another animal.**—(1) No person shall slaughter any animal in a slaughter-house in such place, position, or other circumstances such slaughter can be seen by any other animal.

(2) Every person who slaughters an animal in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £1,500.

**14 Prohibition of slaughter causing excessive suffering.**—(1) It shall not be lawful for any person to slaughter an animal in a slaughter-house in any manner or by any means which causes any unnecessary, avoidable, or excessive pain or suffering to such animal.

[...]

**15 Compulsory use of approved instrument of slaughter animals.**—(1) Subject to the provisions of this section, no person shall in a slaughter-house, slaughter or render unconscious for the purpose of slaughter an animal of any particular kind by any means or in any manner otherwise than by means of an instrument which is an approved instrument in relation to animals of that particular kind and is in good working order and is used in the approved manner.

(2) Nothing in this section shall apply to or render unlawful—

(a) the slaughter of any animal for consumption as food by Jews, where such slaughter is carried out according to the Jewish method by a Jew who is for the time being approved in that behalf by the Chief Rabbi of the Irish Free State for the time being or in his absence by the Board of Shechita of the Jewish Community of Dublin, or

(b) the slaughter of any animal for consumption as food by Mahommedans, where such slaughter is carried out according to the Mahommedan method by a Mahommedan, [...].

[...]

**16 Approved instruments for slaughter of animals.**—(1) The Minister for Agriculture may, whenever he thinks proper, by order declare any particular type of instrument for slaughtering animals or for rendering animals unconscious to be an approved instrument for the purposes of this Part of this Act in relation to all kinds of animals or in relation only to specified kinds of animals.

(2) For the purpose of determining whether any particular type of instrument is is not fit to be declared under this section to be an approved instrument, the Minister for Agriculture may cause such inquiries, investigations, and experiments as he shall think proper to be made in relation to such type of instrument.

(3) Whenever the Minister for Agriculture makes an order under this section declaring a particular type of instrument to be an approved instrument for the purposes of this Part of this Act, he shall by the same order prescribe the manner of using instruments of that type which shall be the approved manner for the purposes of this Part of this Act of using such instruments.

[...]

(5) In this Part of this Act the expression "approved instrument" means an instrument which is declared by an order made under this section and for the time being in force to be an approved instrument for the purposes of this Part of this Act in relation to all animals or in relation to the particular kind of animal in relation to which the expression is used.

(6) In this Part of this Act, the expression "approved manner" means the manner of using the particular approved instrument in relation to which such expression is used which is declared by an order made under this section to be the approved manner for the purposes of this Part of this Act of using such instrument.

**17 General defence of special circumstances.**—Where a person is charged with an offence under any section in this Part of this Act in relation to the slaughter or rendering unconscious of any animal, it shall be a good defence to such charge to show that the act alleged to constitute such offence was done for the purpose of preventing unnecessary pain or suffering to such animal or preventing injury to any human being or to any animal or to property and that such act was a reasonable thing to do in the circumstances for one or more of the purposes aforesaid.

**18 Persons liable in respect of offences.**—(1) Whenever an offence under any other section in this part of this Act has been committed, the owner or proprietor of the slaughter-house in which the act whether of commission or omission constituting such offence was done shall, unless such owner or proprietor himself actually did the said act, be guilty of such offence in addition to the person who actually did the said act.

(2) Every person who shall be guilty by virtue of this section of an offence under any other section in this Part of this Act shall be liable on summary conviction thereof to the punishment mentioned in the said other section in respect of such offence, but shall be entitled to the benefit of every (if any) provision in such section or any other section of this Act declaring any particular matter to be a good defence.

### Part III. Slaughter licences

**19 Prohibition of slaughtering without licence.**—(1) No person, unless he is a registered veterinary surgeon or the holder of a slaughter licence for the time being in force, shall slaughter any animal in a slaughter-house.

[...]

**20 Application for slaughter licences.**—(1) Any person who has attained the age of eighteen years may apply, in the prescribed form and manner, to the local authority, within the meaning of the *Abattoirs Act, 1988* for an area in which this Act has effect (whether such area is co-terminous with or is part only of the functional area of such local authority, within the meaning of the *Abattoirs Act, 1988*) and in which such person resides or carries on business or is employed, for a slaughter licence.

(2) Every application under this section shall be accompanied by the prescribed evidence of the age of the applicant and by the prescribed fee.

[...]

**21 Issue of slaughter licences.**—(1) Whenever an application for a slaughter licence is duly made under and in accordance with this Act to the local authority, within the meaning of the *Abattoirs Act, 1988* for an area in which or in part of which this Act has effect, such local authority, within the meaning of the *Abattoirs Act, 1988* shall issue a slaughter licence to the applicant unless it appears to such local authority, within the meaning of the *Abattoirs Act, 1988* that the applicant—

(a) has not attained the age of eighteen years, or

(b) neither resides, nor carries on business, nor is employed in (as the case may require) the functional area of such local authority, within the meaning of the *Abattoirs Act, 1988* or the portion of such functional area in which this Act has effect, or

(c) is not a fit and proper person to hold a slaughter licence.

(2) No slaughter licence shall be issued to a person who has not attained the age of eighteen years, and every slaughter licence issued in contravention of this sub-section shall be void and of no effect.

(3) No person shall hold at any one time more than one slaughter licence which is in force, and accordingly a slaughter licence shall not be issued (save by way of renewal under the Provision in that behalf contained in this Act) to a person who holds a slaughter licence which is in force, and every slaughter licence issued in contravention of this sub-section shall be void and of no effect.

**22 Commencement and duration of slaughter licences.**—(1) Every slaughter licence shall be in the prescribed form and, save as is otherwise provided by this Act, shall commence on the day of the issue thereof.

(2) Subject and without prejudice to the provisions of this Act in relation to the revocation and suspension of slaughter licences, every slaughter licence shall be and continue in force for one year beginning on the day on which such slaughter licence commences under this Act and shall expire at the end of such year.

**23 Renewal of slaughter licences.**—(1) Where the person applying to a local authority, within the meaning of the *Abattoirs Act, 1988* for a slaughter licence holds or held a slaughter licence previously issued to him by such local authority, within the meaning of the *Abattoirs Act, 1988* and such slaughter licence either is in force at the date of such application or expired within one month before that date, the slaughter licence issued to such person in pursuance of such application shall be issued by way of renewal of such previously issued slaughter licence.

(2) A slaughter licence issued by way of renewal of a previously issued slaughter licence which is in force at the date of the application for such first-mentioned slaughter licence shall commence at the expiration of such previously issued slaughter licence.

**26 Revocation of slaughter licences by sanitary authority.**—Whenever a local authority, within the meaning of the *Abattoirs Act, 1988* is satisfied that the holder of a slaughter licence issued by such local authority, within the meaning of the *Abattoirs Act, 1988* has ceased to be a fit and proper person to be engaged in the slaughter of animals, such local authority, within the meaning of the *Abattoirs Act, 1988* may,

subject to the provisions of this section, suspend for such period as they may think proper or revoke such slaughter licence.

(2) A local authority, within the meaning of the *Abattoirs Act, 1988* shall not suspend or revoke a slaughter licence under this section unless or until they have given to the holder of such licence one month's notice in writing of their intention to suspend or revoke (as the case may be) such licence and have considered any representations made to them before the expiration of such notice by such holder.

(3) Where a local authority, within the meaning of the *Abattoirs Act, 1988* has given notice, in accordance with the next preceding sub-section of this section, of their intention to revoke a slaughter licence, they may, after the expiration of such notice, suspend (in lieu of revoking) such licence without giving notice of such suspension.

**27 Appeal against refusal or revocation of slaughter licence.**—(1) Whenever a local authority, within the meaning of the *Abattoirs Act, 1988* refuses an application for a slaughter licence or suspends or revokes a slaughter licence, the applicant for or holder of such licence may appeal against such refusal, suspension, or revocation (as the case may be) to a Justice of the District Court exercising jurisdiction in the functional area of such local authority, within the meaning of the *Abattoirs Act, 1988*.

[...]

**28 Revocation of slaughter licences by the Court.**—(1) Whenever the holder of a slaughter licence is convicted of an offence under any section of this Act, the Court by which such holder is so convicted may, in addition to any punishment or penalty authorised by the relevant provisions of this Act, revoke such slaughter licence and also, if such Court so thinks proper, declare such holder to be disqualified for holding a slaughter licence during such period as such Court shall specify.

[...]

### **Slaughter of Animals (Approved Instruments) Order, 1936 (S.I. No. 323 of 1936)**

Whereas it is enacted by sub-section (1) of Section 16 of the Slaughter of Animals Act, 1935 (No. 45 of 1935), that the Minister for Agriculture may, whenever he thinks proper, by order declare any particular type of instrument for slaughtering animals or for rendering animals unconscious to be an approved instrument for the purposes of Part II of the said Act in relation to all kinds of animals or in relation only to specified kinds of animals:

And Whereas it is enacted by sub-section (3) of Section 16 of the said Act that whenever the Minister for Agriculture makes an order under the said Section declaring a particular type of instrument to be an approved instrument for the purposes of Part II of the said Act, he shall by the same order prescribe the manner of using instruments of that type which shall be the approved manner for the said purposes of using such instruments:

[...]

3. In this Order—

the expression " the Minister " means the Minister for Agriculture;

the word " animal " includes only cattle, sheep, goats, horses, asses and mules.

4. It is hereby declared that each of the following types of instruments shall, in relation to a particular kind of animal, be an approved instrument for the purposes of Part II of the Slaughter of Animals Act, 1935 (No. 45 of 1935), that is to say :—

(a) an instrument which is of the " captive bolt " type and in respect of the make or class of which the Minister for Agriculture has certified in writing that it is in respect of that kind of animal suitable,

(b) an instrument which is so constructed and designed as to be capable of rendering animals unconscious by means of electric current and in respect of the make or class of which the Minister for Agriculture has certified in writing that it is in respect of that kind of animal suitable.

5. —(1) The following provisions shall have effect in relation to the use of an instrument which is in relation to a particular kind of animal an approved instrument the type mentioned in paragraph (a) of Article 4 of this Order, that is to say :—

(a) in case the Minister gives specific directions as the user of such instrument, such instrument shall be used in accordance with such directions, and

(b) in any other case, such instrument shall be kept in as close contact as possible with the animal's head at the appropriate point of penetration and shall be maintained in such position until the instrument has been operated.

(2) In this Article the expression " the appropriate point of penetration " means—

(a) in relation to horses, asses and mules, a point re by the upper angle formed by the intersection of a line drawn from the base of one ear to the outer angle of the eye opposite such ear and a line drawn from the base of the other ear to the outer angle of the eye opposite such ear ;

(b) in relation to cattle, the middle point on a line which—

(i) extends from the highest limit of the skull (frontal bone), and

(ii) bisects at right angles a straight line passing through the centre of each eye,

(c) in relation to sheep and goats, a point in the area which is anterior to the base of the ear and behind the eye.

6. The following provisions shall have effect in relation to the use of an instrument which is in relation to a particular kind of animal an approved instrument of the type mentioned in paragraph (b) of Article 4 of this Order, that is to say—

(a) the terminals shall be so applied that the straight line or lines connecting the terminals pass through the central nervous system (brain),

(b) the animal shall not be exposed to the current until the instrument is applied and contacted in the manner specified in the directions from the supplier as covered or modified (as the case may be) in the Minister's approval of the instrument,

(c) the instrument shall be so applied that the terminals shall not contact at points other than the head, including the poll, face and immediate vicinity, unless in such cases and under such conditions as may be indicated in the Minister's approval of the instrument.

## **Abattoirs Act, 1988 (No. 8 of 1988)<sup>3</sup>**

### **Part I. Preliminary and general**

#### **1 Short title, commencement, construction and collective citation.— [...]**

(3) The Slaughter of Animals Act, 1935 , and section 47 of this Act shall be construed together as one Act and may be cited together as the Slaughter of Animals Acts, 1935 and 1988.

#### **2 Interpretation.—(1) In this Act—**

"abattoir" means any premises used for or in connection with the slaughter of animals whose meat is intended for human consumption and includes a slaughterhouse but does not include a place situate on a farm, other than a place referred to in subsection (2) of this section, which is used for the occasional slaughter of a pig, or for the slaughter of an animal hich has been injured by accident and the slaughter of which is necessary to prevent its suffering and—

(a) such pig, or such injured animal, is maintained for farming purposes on such farm by its occupier, and

(b) the meat from such pig or such injured animal is intended for consumption only by the residents on such farm:

[...]

"abattoir licence" means a licence issued under section 9 of this Act;

"animal" means cattle, sheep, pigs, goats, horses and all other equine animals;<sup>4</sup>

[...]

"authorised officer" means an officer of the Minister      an officer of a local authority appointed to be an authorised officer for the purposes of this Act;

[...]

"local authority" means the council of a county or the corporation of a county borough;

[...]

"Minister" means the Minister for Agriculture and Food;

[...]

"veterinary inspector" means a person who is a veterinary surgeon and is appointed by the Minister or by a local authority to be a veterinary inspector for the purposes of this Act;

[...]

(2) For the purposes of this Act, any place which is used for the slaughter of animals and is situate on a farm ancillary to a hotel, guest house, school, hospital, nursing home or other institution shall be deemed to be an abattoir.

[...]

#### **Part IV. Veterinary control and hygiene**

**35 Appointment of veterinary inspectors.**—(1) (a) Each local authority shall appoint one or more whole-time or part-time veterinary inspectors to carry out the functions conferred on a veterinary inspector under this Act.

(3) A local authority may appoint such and so many other officers and servants as it considers necessary to assist any veterinary inspector appointed by it in the performance of his duties.

[...]

**36 Allocation of, and duties and powers of, veterinary inspectors.**—(1) A local authority shall allocate one or more veterinary inspectors to carry out the duties conferred on a veterinary inspector by this Act to each abattoir in its functional area but may allocate      particular veterinary inspector to two or more abattoirs.

(2) A veterinary inspector shall attend at each abattoir to which he is allocated at such times as the local authority, after consultation with the holder of the licence, may determine and there examine, in accordance with this Act and Regulations made thereunder, all animals, carcasses, meat, offal and      that he finds therein and the conditions of hygiene and maintenance pertaining at such abattoir.

[...]

(5) A veterinary inspector may at all reasonable times enter and inspect any abattoir or knackery for the purpose of exercising his powers and duties under this Act and the Regulations made thereunder.

(6) Any person who obstructs or unreasonably delays a veterinary inspector in the exercise of his powers and duties under this Act and the Regulations made thereunder shall be guilty of an offence.

#### **Part VII. Miscellaneous**

**63 Regulations.**—(1) The Minister may make Regulations for prescribing      matter referred to in this Act as prescribed or to be prescribed or in relation to anything referred to in this Act as the subject of Regulations.

[...]



## **Abattoirs Act, 1988 (Abattoirs) Regulations, 1989 (S.I. No. 152 of 1989)**

### **Part II. Requirements for construction of abattoirs and the facilities and equipment therein**

#### **General requirements.**

**5.** Every abattoir shall be—

- (1) of sound construction,
- (2) adequate in all respects for all its intended purposes having regard to the number and species of animals to be slaughtered and to the cutting-up and processing of meat to be carried out,
- (3) maintained in good condition at all times so as to enable the holder of an abattoir licence to comply with the provisions of the Abattoirs Act, 1988, and of Regulations made thereunder in relation to such premises, and,
- (4) maintained, together with its equipment, in good repair and in sound condition and working order at all times.

#### **Slaughter room or area.**

- 12.** (1) A suitable and sufficient separate room or area for slaughtering and dressing purposes only with adequate space and facilities for the slaughter and hygienic dressing of animals and such shall be provided.
- (2) The slaughter and bleeding area shall be so arranged so as to avoid contamination of or the risk of contamination to meat.

#### **Stunning and slaughter equipment.**

**44.** An abattoir shall have such suitable and approved instruments facilities, and equipment for the restraint and humane stunning and slaughter of animals and such instruments facilities and equipment shall be maintained in good condition and working order.

### **Part III. Requirements for the operation and management of abattoirs**

#### **Slaughtering times.**

- 56.** (1) The days and the times of slaughter at an abattoir shall be such as to facilitate the veterinary examination of the animals concerned by way of ante-mortem and post-mortem inspection.
- (2) Where exceptional circumstances arise or where it is found necessary to slaughter outside the appointed days and times, the prior approval of the local authority shall be necessary to so slaughter.
- (3) The provisions of paragraph (1) of this Regulation in relation to ante-mortem inspection shall not apply in respect of any animal whose immediate slaughter is necessary by reason of accidental injury within the previous 24 hours and in any such case the carcase, offal and viscera of such slaughtered animal shall be retained and held separate for post-mortem inspection by the veterinary inspector who shall be notified as soon as possible.

#### **Restraining of animals.**

**64.** Every occupier of an abattoir and every other person upon the premises involved in the slaughter of animals shall, before proceeding to slaughter an animal, cause such animal to be securely and humanely confined and restrained so as to facilitate the humane slaughtering of such animal.

#### **Place of slaughter.**

- 65.** (1) Animals shall not be taken to the place of slaughter unless they are to be slaughtered immediately.
- (2) No person shall slaughter any animal in an abattoir in such place, position or other manner that such slaughter can be seen by any other animal.

#### **Manner of slaughter.**

**66.** (1) Every occupier of an abattoir and every other person upon the premises in the slaughtering of animals shall, in the process of slaughtering any animal, in addition to having regard to the provisions of

the Slaughter of Animals Act, 1935, and the Regulations made thereunder and without prejudice to the provisions of section 15 (2) of that Act, use such approved instruments and appliances and adopt such approved method of slaughtering, exercise such skill and otherwise take such precautions as may be necessary to secure the slaughter of the animal in as humane a manner as is possible.

(2) Where stunning boxes are in use—

(a) they shall be adequately lighted by natural or artificial means to encourage animals to enter readily,

(b) a race or chute to the stunning box shall be provided and it shall be so designed so as to facilitate easy entry by animals and be straight or have only gradual curves to facilitate the free movement of animals to the stunning box.

(3) Dressing operations shall not commence until the animal is dead.

(4) Slaughtering shall not commence on any further animal in the slaughter room or area until the carcass and associated offals of the previous animal slaughtered have been removed from that room or area.

#### **Bleeding of animals.**

**67.** (1) Bleeding shall be—

(a) carried out immediately after stunning and shall be complete, and

(b) conducted in such a hygienic fashion so as to prevent contamination to carcasses or meat in any form.

(2) Pigs, and as far as possible, all other animals shall be suspended for bleeding but bleeding other than by suspension of cattle and sheep may be permitted only where—

(a) the slaughter rate is such as readily facilitates hygienic bleeding, and

(b) the physical lay out and design of the slaughter area, including drainage, is such that hygienic bleeding and preliminary dressing including the removal of the legs at the hock and knee joints is facilitated and achieved, and

(c) the occupier of the abattoir can satisfy the veterinary inspector that such method of bleeding does not expose the hides or fleeces of cattle or sheep to excessive soiling and does not contaminate meat.

### **European Communities (Protection of Animals At Time of Slaughter) Regulations, 1995 (S.I. No. 114 of 1995)**

#### **Part I. Preliminary**

##### **General Conditions and Exemptions.**

**3.** (1) Subject to the provisions of paragraph (3), the conditions and standards laid down in these Regulations shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purpose of disease control.

(2) Subject to the provisions of paragraph (3), no person shall move, lairage, restrain, stun, slaughter or kill animals bred and kept for the production of meat, skin, fur or other products other than in accordance with these Regulations and the Council Directive.

(3) The provisions of these Regulations and the Council Directive shall not apply to:

(a) technical or scientific experiments relating to the procedures mentioned in paragraph (1), carried out under the supervision of an authorised officer,

(b) animals which are killed in cultural or sports events,

(c) wild game killed in accordance with Article 3 of Council Directive No. 92/45/EEC of 16 June 1992.

## **Part II. Responsibility of the owner or person in charge**

### **General Requirements for Slaughterhouses.**

5. (1) Subject to the provisions of paragraph (2), the owner or person in charge of a slaughterhouse shall ensure that:

[...]

(b) solipeds, ruminants, pigs, rabbits and poultry brought into the slaughterhouse shall be:

(i) moved and if necessary lairaged in accordance with the provisions of the First Schedule;

(ii) restrained in accordance with the provisions of the Second Schedule;

(iii) stunned before slaughter or killed instantaneously in accordance with the provisions of the Third Schedule;

(iv) bled in accordance with the provisions of the Fourth Schedule.

(2) Subject to the provisions of Section 15 (2) of the Slaughter of Animals Act, 1935 (No. 45 of 1935), in the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of subparagraph (1) (b) (iii) shall not apply. The religious authority on whose behalf slaughter is carried out shall be competent for the application and monitoring of the special provisions which apply to slaughter according to certain religious rites. As regards the said provisions, that authority shall operate under the responsibility of the official veterinarian, as defined in Article 2 of Council Directive No. 64/433/EEC(3).

### **Other Requirements for Slaughterhouses.**

6. (1) The owner or person in charge of a slaughterhouse shall ensure that:

(a) instruments, restraint and other equipment and installations used for stunning or killing shall be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the provisions of these Regulations and the Council Directive;

[...]

(c) subject to the provisions of paragraph (2), no person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless that person has the knowledge and skill necessary to perform the tasks humanely and efficiently in accordance with the requirements of these Regulations and the Council Directive;

(d) any person carrying out the slaughter of an animal in the slaughterhouse, other than a registered veterinary surgeon, shall be the holder of a slaughter licence in accordance with the provisions of Part III of the Slaughter of Animals Act, 1935 (No. 45 of 1935).

(2) Where an authorised officer is of the opinion that the persons who are employed for slaughtering do not possess the necessary skill, ability and professional knowledge, the owner or the person in charge of the slaughterhouse shall, in accordance with the directions of an authorised officer and subject to any time limits that he may specify, arrange a staff training programme enabling those persons to obtain the required training in order to satisfy the standards appropriate to that type of employment.

## **Part IV. Imports from third countries**

10. No person shall import meat obtained from an animal, referred to in Regulation 5 (1) (b), from a third country unless it is accompanied by a health certificate certifying that the animal had been slaughtered or killed under conditions which offer guarantees of humane treatment at least equivalent to that granted to animals of European Community origin as provided for in the Council Directive.

## **Part V. Powers and appointment of authorised officers**

### **Powers of Inspection.**

11. (1) An authorised officer or a veterinary expert employed by or acting on the authority of the European Commission accompanying an authorised officer may at all reasonable times enter any slaughterhouse, farm, premises or place in which the authorised officer has reasonable grounds for believing that animals are being

killed or slaughtered or intended to be killed or slaughtered, for the purpose of carrying out inspections and supervisions as required by these Regulations and the Council Directive.

[...]

#### **Authorised Officers.**

**12.** (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of these Regulations.

(2) A local authority may appoint such and so many persons as it thinks fit to be authorised officers for the purposes of these Regulations.

[...]

#### **Second Schedule. Restraint of animals before stunning, slaughter or killing**

1. Animals shall be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

2. Animals' legs shall not be tied, and animals shall be suspended before the stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

3. Animals which are stunned or killed by mechanical or electrical means applied to the head shall be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The Minister may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

4. Electrical stunning equipment shall not be used as a means of restraint or immobilisation or to make animals move.

#### **Third Schedule. Stunning or killing of animals other than animals reared for fur**

##### *I. Permitted Methods.*

##### **A. Stunning.**

1. Captive bolt pistol.
2. Concussion.
3. Electronarcosis.
4. Exposure to carbon dioxide.

##### **B. Killing.**

1. Free bullet pistol or rifle.
2. Electrocution.
3. Exposure to carbon dioxide.

C. The Minister may, however, authorise decapitation, of the neck and the use of a vacuum chamber as a method of killing for certain specific species, provided that Regulation 4 is complied with and that specific requirements laid down in Section III of this Schedule are met.

##### *II. Specific Requirements for Stunning.*

Stunning shall not be carried out unless it is possible to bleed the animals immediately afterwards.

[...]

To sum up, Ireland has regulated the humane slaughter of animals as early as 1935, but no legal rules have ever applied or rendered unlawful the slaughter of animals for consumption as food by Jews – where such slaughter is carried out according to the Jewish method – as well as by Muslims – where such slaughter is carried out according to the Islamic method by a Muslim (Section 15 (2) of the Slaughter of Animals Act, 1935). Thus, the Slaughter of Animals (Approved Instruments) Order, 1936, which has regulated the use of approved instruments for pre-slaughter stunning of cattle, sheep, goats, horses, asses and mules, has no application as far religious slaughter performed by Jews and Muslims is concerned.

The European Communities (Protection of Animals At Time of Slaughter) Regulations, 1995 has confirmed that, in the case of animals subject to particular methods of slaughter required by certain religious rites, the requirement of stunning before slaughter is not compulsory.

### *B. Short Overview of the Legal History*

The Protection of Animals Act, approved in 1911, is the first legal act concerning animal welfare and is still legally binding, although it has been subsequently amended a few times. However, it contains no provisions concerning specifically religious slaughter.

The first legal act regulating religious slaughter is the Slaughter of Animals Act, approved on 12 December 1935. It was amended a few times in the subsequent decades, but it is still legally binding. The Slaughter of Animals (Approved Instruments) (Pigs) Order, approved on 7 August 1973 has extended the application of the provisions of Section 15 of the Slaughter of Animals Act, 1935, to pigs and – subject to the conditions prescribed as to approval and methods of use – has declared captive bolt pistols, instruments for anaesthetisation by carbon dioxide and instruments for short-interval electrical stunning as approved instruments for the purposes of the Slaughter of Animals Act, 1935, in relation to pigs.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.irishstatutebook.ie>.

<sup>2</sup> The Slaughter of Animals Act, 1935, was last amended by the National Beef Assurance Scheme Act, 2000, approved on 15 March 2000.

<sup>3</sup> The Abattoirs Act was last amended by the European Communities (Food and Hygiene) Regulations 2005, S.I. no. 910/2005.

<sup>4</sup> The Abattoirs Act, 1988 (Amendment) Order, 1997, S.I. no. 422/1997 of 8 October has amended the definition of “animal” in order to include the “ratite” or running birds, ostriches, emus and rheas, and to extend the application of the Act and its provisions to such animals.

## ITALY

### *A. Legislation<sup>1</sup>*

#### **Ministerial Decree concerning the Authorisation of Slaughter of Animals according to the Jewish and Islamic rites of 11 June 1980<sup>2</sup>**

**Article 1.** Slaughter without previous stunning carried out according to the Jewish and Islamic rites by the respective communities is authorised.<sup>3</sup>

**Article 2.** (1) Slaughter must be carried out by qualified persons having the knowledge and skill necessary to carry out the respective ritual methods.

(2) The operation shall be performed through a very sharp knife in such a way as to cut with one only incision the oesophagus, the trachea and the neck's big blood vessels at the same time.<sup>4</sup>

**Article 3.** During slaughter all precautions must be adopted in order to avoid as far as possible any unnecessary suffering or state of excitement. For this purpose, animals must be moved to the slaughter room only when all preparations have been completed. The lairaging, preparation and jugulation of animals must be carried out immediately.<sup>5</sup>

**Article 4.** Slaughter without previous stunning according to the Islamic rite may be carried out in slaughterhouses that have been authorised to export meat according to Article 7 of the Decree of the President of the Republic no. 264 of 11 February 1961, provided that:

- 1) slaughter shall be carried out in compliance with the provisions of Articles 2 and 3;
- 2) the owners of such slaughterhouses shall make a formal request, for the purpose of export to Islamic countries, to the Ministry of Health who, upon inspection, shall certify that the conditions required to slaughter animals according to the provisions of Articles 2 and 3 are met.<sup>6</sup>

#### **Law no. 101 of 8 March 1989 concerning the Rules to Regulate the Relations between the State and the Union of the Italian Jewish Communities<sup>7</sup>**

**Article 6.** [...].

2. Slaughter carried out according to the Jewish rite continue to be regulated by the Ministerial Decree of 11 June 1980, published in the Official Gazette no. 168 of 20 June 1980, in with the Jewish law and traditions.<sup>8</sup>

#### **Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing<sup>9</sup>**

**Article 1.** The present Decree shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purposes of preventive treatment and fight against infectious and diffusive diseases. Without prejudice to the provisions in force against ill-treatment of animals, the present Decree shall not apply to:

- a) technical or scientific experiments relating to the procedures mentioned in paragraph 1, carried out under the supervision of the competent authority,
- b) animals which are killed in cultural or sports events,
- c) wild game killed in accordance with Article 3 of the Decree of the President of the Republic no. 607 of 17 October 1996 and subsequent amendments.<sup>10</sup>

**Article 2.** For the purposes of the present Decree the following definitions shall apply:

- a) slaughterhouse: any premises or facilities, including facilities for moving and lairaging animals, used for

the commercial slaughter of animals referred to in Article 5 § 1;

[...]

d) restraint: the application to an animal of any procedure designed to restrict its movements in order to facilitate effective stunning or killing;

e) stunning: any process which, when applied to an animal, causes immediate loss of consciousness which lasts until death;

f) killing: any process which causes the death of an animal;

g) slaughter: causing the death of an animal by bleeding;

h) competent authority: the Minister of Health, the veterinary service of the region or autonomous province, the official veterinarian as defined in Article 2, paragraph 1, letter g) of the Legislative Decree no. 286 of 18 April 1994 and subsequent amendments; however, as to slaughter according to certain religious rites, the competent authority for the application and monitoring of the special provisions which apply to slaughter according to certain religious rites shall be the religious authority on whose behalf slaughter is carried out; that authority shall operate under the responsibility of the official veterinarian for the other provisions contained in the present Decree. The owners of the slaughterhouse premises, where slaughter according to certain religious rites shall be carried out, shall notify the veterinarian authority competent for the territory, who shall transmit the notification to the Ministry of Health, that they comply with the prescribed requirements.<sup>11</sup>

**Article 3.** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.<sup>12</sup>

**Article 4.** The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.<sup>13</sup>

**Article 5.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

- a) moved and if necessary lairaged in accordance with the provisions of Annex A;
- b) restrained in accordance with the provisions of Annex B;
- c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;
- d) bled in accordance with the provisions of Annex D.

(2) The provisions of paragraph 1, letter c) shall not apply to slaughter carried out according to the religious rites referred to in Article 2 § 1, letter h). The establishments qualifying for derogations pursuant to Article 5 of the Legislative Decree no. 286 of 18 April 1996 and subsequent amendments, and Articles 4 e 12 of the Decree of the President of the Republic no. 495 of 10 December 1997, provided that the requirements laid down in Article 3 are met, may be granted derogations:

- a) from the provisions of paragraph 1, letter a) in respect of cattle;
- b) from the provisions of paragraph 1, letter a) and from the methods for stunning and killing referred to in Annex C in respect of poultry, rabbits, pigs, sheep and goats.<sup>14</sup>

**Article 7.** The movement, lairaging, restraint, stunning, slaughter or killing of animals may only be carried out by persons having the knowledge and skill necessary to perform these tasks humanely and efficiently. The competent authority shall ensure that the persons employed for slaughter possess the necessary skill, ability and professional knowledge.<sup>15</sup>

**Article 8.** Inspections and controls in slaughterhouses in order to ascertain compliance with the present Decree shall be carried out by the competent authority at all times and also at the same time as inspections carried out for other purposes.<sup>16</sup>

#### **Annex B (foreseen by Article 5 § 1, letter b). Restraint of animals before stunning, slaughter or killing**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation or contusions.

However, in the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay. Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

(4) Electrical stunning equipment must not be used as a means of restraint or immobilisation or to make animals move.<sup>17</sup>

#### **Annex C (foreseen by Article 5 § 1, letter c). Stunning and killing of animals other than animals reared for fur**

##### **I. Permitted methods**

##### **A. Stunning:**

- 1) captive bolt pistol;
- 2) concussion;
- 3) electronarcosis;
- 4) exposure to carbon dioxide.

##### **B. Killing:**

- 1) free bullet pistol or rifle;
- 2) electrocution;
- 3) exposure to carbon dioxide.

[...].

##### **II. Specific Requirements for Stunning**

Stunning must not be carried out unless it is possible to bleed the animals immediately afterwards.

##### **1. Captive bolt pistol:**

[...]

##### **2. Concussion:**

[...]

##### **3. Electronarcosis:**

[...]

##### **4. Exposure to carbon dioxide:**

[...].<sup>18</sup>

#### **Annex D (foreseen by Article 5 § 1, letter d). Bleeding of animals**

(1) For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.



(2) All animals which have been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise. After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

(3) The person responsible for the stunning, shackling, hoisting and bleeding of animals, must carry out those operations consecutively on one animal before carrying them out on another animal.

[...].<sup>19</sup>

To sum up, slaughter carried out according to the Jewish and Islamic rites is allowed by the Ministerial Decree concerning the Authorisation of Slaughter of Animals according to the Jewish and Islamic rites of 11 June 1980, and by Article 5 of Legislative Decree no. 333 of 1 September 1998 concerning the Execution of the Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing. The Jewish communities in Italy are also authorised to perform slaughter in compliance with Jewish law and traditions by Article 6 § 2 of the Law approving the Agreement between the Italian State and the Union of the Italian Jewish Communities (Law no. 101 of 8 March 1989). No such agreement exists between the Italian State and the Muslim communities, who are nonetheless granted their right to carry out slaughter according to the Islamic rite by Article 4 of the aforementioned Ministerial Decree of 1980.

Slaughter must be carried out by qualified persons having the knowledge and skill necessary to carry out the respective ritual methods, and it must be performed in such a way as to cut with one only incision the oesophagus, the trachea and the neck's big blood vessels at the same time (Article 2 of the Ministerial Decree of 11 June 1980). Bovine animals to be slaughtered according to a religious rite must be restrained by using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to animals (Article 1 § 2 of Annex B of the Legislative Decree no. 333 of 1 September 1998).

## *B. Short Overview of the Legal History*

Ill-treatment of animals has been punished in Italy since 1890: Article 491 of the Penal Code protected animals against acts of cruelty. The first legal act specifically regulating slaughter was the Royal Decree no. 1586 of 21 July 1927, even though no mention was made of religious slaughter. According to Article 9, the slaughter of animals had to be carried out in such a way as to cause death as fast as possible.

This legal act was repealed only one year later by a new Decree (Royal Decree no. 3298 of 20 December 1928 concerning the rules for sanitary supervision of meats), which reproduced Article 9 of the 1927 Decree and added a new provision, according to which religious slaughter had to be carried out in compliance with the rules established by the respective religious rules.

The possibility for religious communities to perform slaughter according to their own religious rites was later confirmed by the Law no. 439 of 2 August 1978, which executed the European Community Directive 74/577/CE on stunning of animals before slaughter. Article 4 of the Directive stipulated that national provisions concerning methods of slaughter according to certain religious rites were not prejudiced. Thus, stunning before slaughter was not made a compulsory requirement in religious slaughter.

Likewise, the Law no. 623 of 14 October 1985 executing the European Council's Convention for the Protection of Animals for Slaughter of 10 May 1979, as well as the Legislative Decree no. 333 of 1 September 1998 executing the new Directive of the Council of the European Communities 93/119/EC of 22 December 1993 on the Protection of Animals at the Time of Slaughter or Killing did not prejudice the legal possibility granted to Italian religious communities to perform slaughter according to their own religious rites. As a matter of fact, both the 1979 Convention and the 1993 Directive, while making the stunning of animals before slaughter a compulsory requirement, allowed national authorities to grant derogations from this rule in few cases, including the case of religious slaughter.

From this point of view, the currently binding legal acts concerning religious slaughter – that is, the Ministerial Decree of 1980, and the Law concerning the Rules to Regulate the Relations between the State and the Union of the Italian Jewish Communities of 1989 – have introduced no legal innovation as to the legal regime of religious slaughter in Italy, but have substantially confirmed the one established since 1928.

It is interesting to note that none of the bills on religious freedom so far presented contains any legal provisions concerning slaughter according to certain religious rites, because this is not regarded as an open problem neither by the government nor by the concerned religious communities.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.olir.it>.

<sup>2</sup> **Decreto ministeriale recante Autorizzazione alla macellazione degli animali secondo i riti religiosi ebraico e islamico dell'11 giugno 1980** (Gazzetta Ufficiale della Repubblica italiana n. 168 del 20 giugno 1980).

<sup>3</sup> **Articolo 1.** Si autorizza la macellazione senza preventivo stordimento eseguita secondo i riti ebraico ed islamico da parte delle rispettive comunità.

<sup>4</sup> **Articolo 2.** La macellazione deve essere effettuata da personale qualificato che sia perfettamente a conoscenza ed addestrato nell'esecuzione dei rispettivi metodi rituali.

L'operazione dovrà essere effettuata mediante un coltello affilatissimo in modo che possano essere recisi con un unico taglio contemporaneamente l'esofago, la trachea ed i grossi vasi sanguigni del collo.

<sup>5</sup> **Articolo 3.** Nel corso della operazione debbono essere adottate tutte le precauzioni atte ad evitare il più possibile sofferenze ed ogni stato di eccitazione non necessario. A tal fine gli animali debbono essere introdotti nella sala di macellazione solo quando tutti i preparativi siano stati completati. Il contenimento, la preparazione e la iugulazione dei medesimi debbono essere eseguiti senza alcun indugio.

<sup>6</sup> **Articolo 4.** Può essere autorizzata la macellazione senza preventivo stordimento eseguita secondo il rito islamico nei macelli riconosciuti idonei all'esportazione di carni ai sensi dell'art. 7 del decreto del Presidente della Repubblica 11 febbraio 1961 n. 264 a condizione che:

1) la macellazione avvenga nel rispetto delle disposizioni di cui ai precedenti articoli 2 e 3;

2) i titolari di detti macelli ne facciano espressa richiesta, ai fini dell'esportazione nei Paesi islamici. Il Ministero della sanità, che, previo sopralluogo, procederà ad accertare che esistano le condizioni a che gli animali vengano macellati in conformità delle disposizioni di cui agli articoli n. 2 e 3.

<sup>7</sup> **Legge 8 marzo 1989, n. 101 Norme per la regolazione dei rapporti tra lo Stato e l'Unione delle Comunità ebraiche italiane** (Supplemento Ordinario alla Gazzetta Ufficiale della Repubblica Italiana n. 69 del 23 marzo 1989).

<sup>8</sup> **Articolo 6. 2.** La macellazione eseguita secondo il rito ebraico continua ad essere regolata dal decreto ministeriale 11 giugno 1980, pubblicato nella Gazzetta Ufficiale n. 168 del 20 giugno 1980, in conformità alla legge e alla tradizione ebraiche.

<sup>9</sup> **Decreto Legislativo 1° settembre 1998, n. 333 Attuazione della direttiva 93/119/CE relativa alla protezione degli animali durante la macellazione o l'abbattimento** (Gazzetta Ufficiale della Repubblica Italiana n. 226 del 28 settembre 1998).

<sup>10</sup> **Articolo 1.** Il presente decreto si applica al trasferimento, alla stabulazione, all'immobilizzazione, allo stordimento, alla macellazione ed all'abbattimento degli animali allevati detenuti per la produzione di carni, pelli, pellicce o altri prodotti, nonché all'abbattimento degli animali a fini di profilassi e lotta contro le malattie infettive e diffusive. Ferme restando le vigenti disposizioni contro il maltrattamento degli animali, il presente decreto non si applica:

a) alle prove tecniche o scientifiche di metodi da utilizzare nelle attività di cui al comma 1, eseguite sotto il controllo dell'autorità competente;

b) agli animali abbattuti in occasione di manifestazioni culturali o sportive;

c) alla selvaggina abbattuta conformemente all'articolo 3 del decreto del Presidente della Repubblica 17 ottobre 1996, n. 607, e successive modifiche.

<sup>11</sup> **Articolo 2.** Ai fini del presente decreto si intende per:

a) macello: qualsiasi stabilimento o attrezzatura, comprese le attrezzature per il trasferimento e la stabulazione degli animali, utilizzati per la macellazione a fini commerciali degli animali di cui all'articolo 5, comma 1;

[...]

d) immobilizzazione: qualsiasi sistema inteso a limitare i movimenti degli animali per facilitare uno stordimento o abbattimento efficaci;

e) stordimento: qualsiasi procedimento che, praticato sugli animali, determina rapidamente uno stato di incoscienza che si protrae fino a quando non intervenga la morte;

f) abbattimento: qualsiasi procedimento che produca la morte dell'animale;

g) macellazione: l'uccisione dell'animale mediante dissanguamento;

h) autorità competente: il Ministero della sanità, il servizio veterinario della regione o provincia autonoma, il veterinario ufficiale quale definito all'articolo 2, comma 1, lettera g), del decreto legislativo 18 aprile 1994, n. 286, e successive modifiche; tuttavia per le macellazioni secondo determinati riti religiosi, l'autorità competente in materia di applicazione e controllo delle disposizioni particolari relative alla macellazione secondo i rispettivi riti religiosi è l'autorità religiosa per conto della quale sono effettuate le macellazioni; questa opera sotto la responsabilità del veterinario ufficiale per le altre disposizioni contenute nel presente decreto. I titolari degli stabilimenti di macellazione presso i quali si intende macellare secondo determinati riti religiosi comunicano all'autorità sanitaria veterinaria territorialmente competente, per il successivo inoltrare al Ministero della sanità, di essere in possesso dei requisiti prescritti.

<sup>12</sup> **Articolo 3.** Le operazioni di trasferimento, stabulazione, immobilizzazione, stordimento, macellazione e abbattimento devono essere condotte in modo tale da risparmiare agli animali le eccitazioni, dolori e sofferenze evitabili.

<sup>13</sup> **Articolo 4.** La costruzione, gli impianti e l'attrezzatura dei macelli, nonché il loro funzionamento devono essere tali da risparmiare

agli animali eccitazioni, dolori e sofferenze evitabili.

<sup>14</sup> **Articolo 5.** I solipedi, i ruminanti, i suini, i conigli e i volati i da cortile, trasportati nei macelli ai fini della macellazione, devono essere:

[...]

b) immobilizzati conformemente alle indicazioni di cui all'allegato B;

c) storditi prima della macellazione o abbattuti istantaneamente conformemente alle disposizioni di cui all'allegato C;

d) dissanguati conformemente alle indicazioni di cui all'allegato D.

Le disposizioni di cui al comma 1, lettera c), non si applicano alle macellazioni che avvengono secondo i riti religiosi di cui all'articolo 2, comma 1, lettera h). Gli stabilimenti che beneficiano delle deroghe di cui all'articolo 5 del decreto legislativo 18 aprile 1996, n. 286, e successive modifiche, nonché agli articoli 4 e 12 di cui al decreto del Presidente della Repubblica 10 dicembre 1997, n. 495, purché siano comunque rispettate le disposizioni di cui all'articolo 3, possono derogare:

a) alle disposizioni di cui al comma 1, lettera a), per i bovini;

b) alle disposizioni di cui al comma 1, lettera a), nonché ai procedimenti di stordimento ed abbattimento prescritti all'allegato C, per i volatili da cortile, i conigli, i suini, gli ovini e i caprini.

<sup>15</sup> **Articolo 7.** Le operazioni di trasferimento, stabulazione, immobilizzazione, stordimento, macellazione o abbattimento di animali possono essere effettuate solo da persone in possesso della preparazione teorica e pratica necessaria a svolgere tali attività in modo umanitario ed efficace.

L'autorità competente si accerta dell'idoneità, delle capacità e conoscenze professionali delle persone incaricate della macellazione.

<sup>16</sup> **Articolo 8.** L'ispezione e la sorveglianza dei macelli per accertare il rispetto delle disposizioni del presente decreto sono effettuati dall'autorità competente in qualsiasi momento anche in occasione di ispezioni rivolte ad altri fini.

<sup>17</sup> **Allegato B (previsto dall'articolo 5, comma 1, lettera b). Immobilizzazione degli animali prima di essere storditi, macellati o abbattuti**

1. Gli animali devono essere immobilizzati nel modo idoneo a risparmiare loro dolori, sofferenze, agitazioni, ferite o contusioni evitabili. Tuttavia, in caso di macellazione rituale, è obbligatoria l'immobilizzazione degli animali della specie bovina prima della macellazione con metodo meccanico per evitare qualsiasi dolore, sofferenza e eccitazione, nonché qualsiasi ferita o contusione agli animali.

2. Gli animali non devono essere legati per le zampe né devono essere sospesi prima di essere storditi o abbattuti. Tuttavia i volatili da cortile e i conigli possono essere sospesi per essere macellati, purché vengano prese le appropriate misure affinché, quando stanno per essere storditi, siano in uno stato di rilassamento tale che l'operazione possa effettuarsi efficacemente e senza inutili indugi. D'altra parte, il fatto di bloccare un animale in un sistema di contenzione non può essere considerato in nessun caso come una sospensione.

3. Gli animali che vengono storditi o abbattuti con mezzi meccanici o elettrici che agiscono sulla testa, devono essere presentati in una posizione tale che lo strumento possa essere applicato e manovrato senza difficoltà, in modo corretto e per la durata appropriata. Per i solipedi e i bovini l'autorità competente può tuttavia autorizzare il ricorso a strumenti appropriati per limitare i movimenti della testa.

4. I dispositivi elettrici di stordimento non devono essere utilizzati per immobilizzare gli animali o per farli muovere.

<sup>18</sup> **Allegato C (previsto dall'articolo 5, comma 1, lettera c). Stordimento e abbattimento degli animali diversi dagli animali da pelliccia**

I. Metodi ammessi.

A. Stordimento:

1) pistola a proiettile captivo;

2) commozione cerebrale;

3) elettroanestesi;

4) esposizione al biossido di carbonio.

B. Abbattimento:

1) pistola o fucile a proiettile libero;

2) elettrocuzione;

3) esposizione al biossido di carbonio.

[...].

II. Disposizioni specifiche per lo stordimento.

Lo stordimento non deve essere praticato se non è possibile l'immediato dissanguamento degli animali.

1. Pistola a proiettile captivo:

[...]

2. Percussione:

[...]

3. Elettroanestesi:

[...]

4. Esposizioni al biossido di carbonio:

[...].

<sup>19</sup> **Allegato D (previsto dall'articolo 5, comma 1, lettera d). Stordimento e abbattimento degli animali diversi dagli animali da pelliccia**

1. Per gli animali che sono stati storditi, l'operazione di dissanguamento deve iniziare il più presto possibile dopo lo stordimento, in modo da provocare un dissanguamento rapido, profuso e completo. Il dissanguamento deve essere effettuato prima che l'animale riprenda coscienza.

2. Il dissanguamento degli animali deve essere ottenuto mediante recisione di almeno una delle due carotidi o dei vasi sanguigni da cui esse si dipartono. Dopo la recisione dei vasi sanguigni, non vanno effettuate altre operazioni sugli animali né alcuna stimolazione elettrica prima della fine del dissanguamento.

3. Il responsabile dello stordimento, impastoimento, carico e dissanguamento degli animali, deve eseguirle consecutivamente su un solo animale prima di passare a un altro animale.

## LATVIA

### *A. Legislation<sup>1</sup>*

#### **Animal Protection Law as amended on 19 December 2006<sup>2</sup>**

**Article 4.** (1) Cruel treatment of animals is prohibited, that is: [...]

7) to use an animal not for food purposes and without permission of the veterinary services for public shows, such as special activities with animals participating, religious rituals, lotteries and public presentations of animals except for farm exhibitions;

[...]

13) the carrying out of such other actions which cause or may cause mutilation or death, or create suffering for an animal, except in cases when such actions have been carried out for treatment, experimental or scientific purposes or in cases when the life or health of a human being is being threatened;

[...].<sup>3</sup>

**Article 44.** It is prohibited to kill an animal. The prohibition does not apply to:

1) the slaughter of animals kept for farming purposes;

[...].<sup>4</sup>

**Article 46.** In the killing of an animal, a method shall be selected which causes the least suffering for the animal.<sup>5</sup>

**Article 47.** An animal kept for farming purposes may be killed if:

1) it has been raised for the production of food of animal origin intended for the sustenance of human beings and for raw materials for manufacturing;

[...].<sup>6</sup>

**Article 48.** In a case of extreme necessity, an animal kept for farming purposes may be slaughtered after stunning, as well as in a case when, due to disease or trauma, the death of an animal is possible.<sup>7</sup>

To sum up, animals must be stunned before slaughter according to Article 48 of the Animal Protection Law. No exceptions for religious slaughter without previous stunning are allowed. Further, Article 4 § 1 (7) leg. cit. defines use of animals for religious rituals as a cruel treatment and expressly prohibits it.

### *B. Short Overview of the Legal History*

Religious slaughter has never been allowed in Latvia, the first legal act explicitly forbidding it has been the Animal Protection Law, entered into force on 1 January 2000. So far there have been no discussions about amending the law in order to allow religious slaughter without previous stunning.

The European Convention for the Protection of Animals at Slaughter was ratified on 6 March 2008 and entered into force on 7 September of the same year.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.likumi.lv/>.

<sup>2</sup> *Dzīvnieku aizsardzības likums* uz 19.12.2006.

<sup>3</sup> **4.pants.** (1) Aizliegta cietsirdīga izturešanas pret dzīvniekiem : [...]

7) dzīvnieka izmantošana bez Partikas un veterināra dienesta atļaujas publiskos pasākumos, kas nav specializēti pasākumi ar dzīvnieku piedalīšanos, reliģiskos rituālos, izložēs vai dzīvnieka dāvinašana publiskos pasākumos, izņemot lauksaimniecības izstādes;

[...]

13) citu tādņu darbību veikšana, kuras izraisa vai varraisīt dzīvnieka sakroplošanu vai nāvi, radīt tam ciešanas, izņemot gadījumus, kad šīs darbības veiktas arstešanas, eksperimentālos vai zinātniskos nolūkos, vai gadījumus, kad tiek apdraudēta cilvēka dzīvība vai veselība;

[...].

<sup>4</sup> **44.pants.** Dzīvnieku aizliegts nogalināt. Aizliegums neattiecas uz:

1) lauksaimniecības dzīvniekiem;

[...].

<sup>5</sup> **46.pants.** Dzīvnieka nogalināšanai izraugams veids, kas dzīvniekam rada vismazāk ciešanu.

<sup>6</sup> **47.pants.** Lauksaimniecības dzīvnieku drikst nokaut, ja:

1) tas audzēts cilvēka uzturam paredzētas dzīvnieku izcelsmes partikas produkcijas un rupniecības izejvielu ieguvei;

[...].

<sup>7</sup> **48.pants.** Lauksaimniecības dzīvnieku drikst nokaut bez apdullināšanas galejas nepieciešamības gadījumā, kā arī gadījumā, kad slimības vai traumas dēļ iespējama dzīvnieka nobeigšanās.

## LITHUANIA

### *A. Legislation<sup>1</sup>*

#### **Law no. VIII-500 of 6 November 1997 on the Care, Keeping and Use of Animals as amended on 4 July 2000<sup>2</sup>**

**Article 9.** Slaughtering of animals. (1) Animals must be stunned and slaughtered by a means approved by the State Food and Veterinary Service, using instruments suited to that particular kind of animal.

(2) Only the persons trained by veterinary specialists shall have the right to engage in stunning and slaughter of animals in slaughterhouses.

(3) An institution authorised by the Government shall approve the provisions regulating the keeping, feeding and watering of animals held for commercial use prior to slaughter and during slaughter.

(4) Slaughter of animals in accordance with religious rites without previous stunning shall be permitted by having a license issued by the State Food and Veterinary service.<sup>3</sup>

#### **Order of the Director of the State Food and Veterinary Service no. 659 of 11 December 2002 on the the Animal Protection Requirements at the time of Slaughter or Killing<sup>4</sup>**

##### **I. General Requirements**

**Article 1.** The aim of the Requirements is to determine rules for \_\_\_\_\_ of animals, which are killed or slaughtered for economic purposes at the time of movement, lairaging, restraint, stunning, slaughter and killing and to determine methods of killing.

**Article 2.** The Requirements shall not apply to:

1. technical and scientific research, subject to a licence of the State Food and Veterinary Service;
2. animals, which are killed in cultural or sports events;
3. wild game killed during hunting.
4. Animals shall be protected from any excitement, pain or suffering during lairaging, restraint, stunning, slaughter and killing.

##### **II. Requirements applicable to slaughterhouses**

**Article 5.** The construction, facilities, equipment and their operation shall be such as to spare animals any avoidable excitement, pain and suffering.

**Article 6.** Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be moved, lairaged, restrained, stunned or killed, and bled in accordance with the provisions of these Requirements.

**Article 7.** If animals are slaughtered according to particular methods of religious rites and there is a permission of the State Food and Veterinary Service, they may not be stunned or killed immediately.

**Article 8.** Instruments, restraint and other devices, and equipment, which are used for stunning, slaughter or killing of animals, must be constructed, maintained and used in such a way as to achieve rapid and effective stunning, slaughter or killing in accordance with the \_\_\_\_\_ provisions of these Requirements. The State Food and Veterinary Service shall check that equipment, restraint and other devices used for stunning, slaughter and killing comply with the provisions of these Requirements and ensure that they are in a good state of repair and allow the attainment of the aforementioned objective.

**Article 9.** Suitable spare equipment and instruments must be kept in a slaughterhouse for emergency use. They shall be properly maintained and inspected regularly.

**Article 10.** No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he/she has theoretical knowledge and practical skills to perform the tasks in accordance with the provisions of these Requirements. The State Food and Veterinary Service shall ensure that the persons employed for slaughtering possess the necessary skills and knowledge in accordance with the provisions of these Requirements.

**Article 11.** Slaughterhouses are inspected and controlled by state veterinary surgeons (doctors) who shall have a right to free access to all parts of a slaughterhouse at all times in order to ascertain compliance with these Requirements.

### **III. Slaughter and killing of animals outwith slaughterhouses**

**Article 12.** The movement, lairaging, restraint, stunning or slaughter or killing, and bleeding of solipeds, ruminants, pigs, rabbits and poultry, which are slaughtered or killed outwith slaughterhouses, shall be carried out in accordance with the provisions of these Requirements.

**Article 13.** The State Food and Veterinary Service may permit slaughter or killing of poultry, rabbits, and goats outwith slaughterhouses by their owner for his/her personal consumption, provided that Article 4 of these Requirements is complied with and that pigs, sheep and goats are stunned in advance.

**Article 14.** Where animals referred to in Article 6 are to be slaughtered or killed for purposes of disease control, this shall be carried out in accordance with these Requirements.

**Article 15.** Animals farmed for their fur shall be killed in accordance with these Requirements.

**Article 16.** Surplus day-old chicks and embryos shall be killed in accordance with these Requirements.

**Article 17.** Articles 12-16 shall not apply in the case of an animal which has to be killed immediately for emergency reasons.

**Article 18.** Injured or diseased animals must be slaughtered or killed on the spot. However, the State Food and Veterinary Service may authorise the transport of injured or diseased animals to another place, where they are going to be slaughtered or killed, but such transport must not cause further suffering for the animals.

### **IV. Requirements for the movement and lairaging of animals in slaughterhouses**

**Article 19.** Every slaughterhouse must have suitable equipment and facilities available for the purpose of unloading animals from means of transport.

**Article 20.** Animals must be unloaded as soon as possible after arrival. If delay is unavoidable they must be protected from extreme weather and provided with adequate ventilation of premises, where they are kept.

**Article 21.** Animals which might injure each other due to their species, sex, age or origin must be kept and lairaged apart from each other.

**Article 22.** If animals are kept in a high temperature and high humidity, they must be brought into an appropriate place for them.

**Article 23.** The condition and state of their health of animals must be inspected at least every morning or evening.

**Article 24.** Without prejudice to the provisions laid down in the Rules of Preparation and Supply into Market of Fresh Meat, animals which have experienced pain or suffering during transport or upon arrival at the slaughterhouse, and unweaned animals must be slaughtered immediately. If this is not possible, they must be separated and slaughtered as soon as possible and at least within the following two hours. Animals which are unable to walk must not be dragged to the place of slaughter, but must be killed where they lie or, where it is possible and this does not cause any unnecessary suffering, transported on a trolley or movable platform to the place of emergency slaughter.

**Article 25.** Where slaughterhouses have equipment for unloading animals, such equipment must have non-slip flooring and, if necessary, provided with lateral protection. Bridges, ramps and gangways must be fitted with sides, railing or some other means of protection to prevent animals from falling off them. Ramps must have the minimum possible incline.

**Article 26.** During unloading, care must be taken not to frighten, excite or mistreat animals, and to ensure that they are not overtuned. Animals must not be lifted by their head, horns, ears, feet, tail or fleece in such a way as to cause them unnecessary pain or suffering. When necessary, they must be led individually.

**Article 27.** Animals must be moved with care. Passageways must be constructed in such a way as to minimise the risk of injury to animals. Instruments intended for guiding animals must be used solely for that purpose and only for short periods. Electricity may be used only for adult bovine animals and pigs in order to make them move, if they do not want to move or move unwillingly. Electric shock must be pointed only to the muscles of hindquarters, impulses of electricity must be adequately spaced out and last no more than two seconds. Lairaged animals must have enough space to move forward.

**Article 28.** Animals must not be struck on, nor shall pressure be applied to any sensitive part of the body. Animals' tails must not be crushed, twisted or broken their eyes must not be grasped. Blows and kicks must not be inflicted.

**Article 29.** Animals must not be taken to the place of slaughter unless they can be slaughtered immediately. If they are not slaughtered immediately on arrival they must be lairaged.

**Article 30.** Without prejudice to the provisions laid down in the Rules of Preparation and Supply into Market of Fresh Meat, slaughterhouses must be equipped with a sufficient number of pens for adequate lairaging of animals with protection from the effects of adverse weather.

**Article 31.** Lairages must have:

1. floors which minimise slipping and injuries;
2. adequate ventilation, taking into account the possible changes in temperature and humidity; if mechanical ventilation is used, it is necessary to have facilities of emergency ventilation;
3. artificial lighting in order to permit inspection of animals at any time; if necessary, adequate back-up lighting must be available;
4. equipment for tethering animals, where necessary;
5. where necessary, adequate supplies of a suitable bedding material for all animals kept overnight in the lairage.

**Article 32.** If slaughterhouses have field lairages without natural shelter or shade, protection from adverse weather must be provided. Field lairages must be maintained in such condition as to ensure that animals are not subject to physical, chemical or other health hazards.

**Article 33.** If animals are not taken directly to the place of slaughter upon arrival, they must be kept in lairages, which have drinking water facilities providing them with drinking water at any time. Animals which have not been slaughtered within 12 hours of their arrival must be fed regularly, and must be given moderate (not big) amounts of food.

**Article 34.** Animals which are kept for 12 hours or more at a slaughterhouse must be lairaged and, if it is necessary, tethered, in such a way that they can lie down. Where animals are not tethered, food must be provided in a way which allows animals to eat undisturbed.

**Article 35.** Containers in which animals are transported must be handled with care. They must not be thrown and knocked over. Where possible, they must be loaded and unloaded horizontally. They must be unloaded by mechanical equipment.

**Article 36.** If animals are delivered in containers with perforated or flexible bottoms, they must be unloaded with particular care in order to avoid injury. Where appropriate, animals must be unloaded from containers individually.

**Article 37.** Animals which have been transported in containers must be slaughtered as soon as possible; otherwise if necessary they must be watered and fed in accordance to Article 33.

## **V. Restraint of animals before stunning, slaughter or killing**

**Article 38.** Animals are restrained in such a way as to spare them any avoidable pain, suffering, agitation, injury and contusions. In case of religious slaughter, restraint of bovine animals before slaughter using a



mechanical method in order to avoid any pain, suffering or agitation and any injuries and contusions to the animals is obligatory.

**Article 39.** Animals' legs must not be tied, and animals must not be suspended before stunning, slaughtering or killing. Poultry and rabbits may be suspended, but it is necessary to secure them against a strain at the moment of stunning in order to stun them effectively and without undue delay. Holding an animal in a restraint system may in no circumstances be regarded as suspension.

**Article 40.** Animals which are stunned or killed by mechanical or electrical means applied to the area of the head must be presented in such a position that equipment of stunning or killing may be applied easily in a particular place and for the appropriate time.

**Article 41.** Electrical stunning equipment must not be used as a means of restraint or to make animals move.

## **VI. Stunning and killing of animals for economic purposes other than animals reared for fur.**

**Article 42.** Animals may be stunned by:

1. captive bolt pistol;
2. concussion;
3. electrocution;
4. exposure to carbonic dioxide.

**Article 43.** Animals may be killed by:

1. free bullet pistol or a rifle;
2. electrocution;
3. exposure to carbonic dioxide.

**Article 44.** The State Food and Veterinary Service may authorise to kill certain species of animals by cutting their head, breaking their neck or keeping them in a vacuum chamber, if this complies with the provisions of Articles 55-58 of these Requirements.

**Article 45.** Stunning must not be carried out unless it is possible to bleed animals immediately afterwards.

**Article 53.** Back-up for stunning must be available in a slaughterhouse for poultry, which enable to stun every bird individually.

## **VII. Requirements for bleeding of animals**

**Article 59.** For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before animals regain consciousness.

**Article 60.** All animals which have been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise. After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before bleeding has ended.

**Article 61.** Where one person is responsible for stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

**Article 62.** Manual back-up must be available where poultry is bled by means of automatic neck-cutters in a slaughterhouse for poultry so that, in the event of a breakdown, a bird may be slaughtered immediately.

To sum up, religious slaughter of animals without previous stunning is allowed, provided that the State Food and Veterinary service has issued a license beforehand. In case of religious slaughter, bovine animals must be restrained before slaughter by using a mechanical method in order to avoid any pain, suffering, agitation, injuries and contusions.

## *B. Short Overview of the Legal History*

Religious slaughter was first regulated in 1997 by the Law on the Care, Keeping and Use of Animals. In 2000, Article 9 § 4 was slightly amended, by substituting “veterinary service” with “State Food and Veterinary Service”. However, it should be noted that small Jewish and Muslim communities living in Lithuania do not usually perform religious slaughter, but they tend to import kosher or halal beef meat from Poland.

In 2002, the Order on the Animal Protection Requirements at the Time of Slaughter or Killing was adopted in order to implement the Council Directive 93/119/EC on the Protection of Animals at the Time of Slaughter or Killing.

Finally, the Order of the Director of the State Food and Veterinary Service no B1-625 of 5 July 2004 on Stunning Animals was adopted according to the Law on the Care, Keeping and Use of the Animals and the Order on the Animal Protection Requirements at the Time of Slaughter or Killing.<sup>5</sup> Article 1 forbids the use of an electric stick in order to stun animals in a slaughterhouse.

Religious slaughter may fall within the scope of the Criminal Code. According to Article 145, inhibition to perform religious rituals, so far as they do not disturb public order and do not violate rights of citizens, shall be punished by imprisonment up to a year or penitentiary works up to the same period or a fine”.<sup>6</sup> Also, Article 250 § 1 of the Criminal Code stipulates that cruel behaviour with animals, which caused their killing or injury as well as their torture and has been performed by a person who has been fined for the same acts during the year shall be punished by penitentiary works up to 6 months or a fine.<sup>7</sup>

Finally, Article 90 of the Administrative Code stipulates that cruel behaviour with animals as well as their torture shall be fined from 100 to 300 litas”.<sup>8</sup>

## *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

### ENDNOTES

<sup>1</sup> See <http://www3.lrs.lt>; <http://lggd.lt>.

<sup>2</sup> **Lietuvos Respublikos, Gyvunu Globos, Laikymo ir Naudojimo Istatymas 1997 m. lapkricio 6 d. Nr. VIII-500** (Istatymas skelbtas: Žin., 1997, Nr. 108-2728).

<sup>3</sup> **9 straipsnis. Gyvunu skerdimas.** 1. Skerdyklose gyvunai turi būti apsvaiginami ir skerdziami Valstybines maisto ir veterinarijos tarnybos patvirtintais budais ir konkrečiai gyvunu rušiai pritaikytais instrumentais.

2. Gyvunus apsvaiginti ir skersti skerdyklose turi teise tik veterinarijos specialistu apmokyti asmenys.

3. Ukines paskirties gyvunu laikymo, šerimo ir girdymo iki skerdimo, skerdimo taisykles tvirtina Vyriausybės igaliota institucija.

4. Skersti gyvunus pagal religinius ritualus be išankstinio apsvaiginimo leidžiama tik turint Valstybines maisto ir veterinarijos tarnybos leidimą.

Straipsnio pakeitimai: Nr. VIII-1797, 00.07.04, Žin., 2000, Nr.61-1808 (00.07.26).

<sup>4</sup> **Lietuvos Respublikos, Valstybines Maisto ir Veterinarijos Tarnybos Direktorius Isakymas, Del Skerdžiamu Arba Žudomu Gyvunu Geroves Reikalavimu Patvirtinimo, 2002 m. gruodžio 11 d. Nr. 659** (Žin., 2002, Nr. 126-5747).

<sup>5</sup> **Lietuvos Respublikos, Valstybines Maisto ir Veterinarijos Tarnybos Direktorius Isakymas Del Gyvunu Svaiginimo, 2004 m. liepos 5d. Nr. B1-625** (Žin., 2004, Nr.109-4104).

„Vadovaudamasis Lietuvos Respublikos gyvunu globos, laikymo ir naudojimo istatymu (Žin., 1997, Nr. 108-2728), Europos Komisijos Sveikatos ir vartotoju apsaugos generalinio direktorato 2004 m. birželio 21–25 d. misijos Nr. DG (SANCO)/7306/2004 rezultatais ir siekdamas užtikrinti Valstybines maisto ir veterinarijos tarnybos direktoriaus 2002 m. rugpjucio 1 d. isakymu Nr. 659 patvirtintu Skerdžiamu arba žudomu gyvunu geroves reikalavimu (Žin., 2002, Nr. 126-5747) igyvendinama: 1. Draudžiama naudoti elektrine lazda gyvunams svaiginti skerdyklose. 2. Įpareigojama apskrisciu, rajonu valstybines maisto ir veterinarijos tarnybas kontroliuoti gyvunu svaiginima skerdyklose. 3. Pavestum isakymo vykdymo kontrole Maisto ir veterinarijos audito tarnybai, Valstybines maisto ir veterinarijos tarnybos Gyvunu sveikatingumo skyriui.“

<sup>6</sup> **Lietuvos Respublikos Baudžiamasis kodeksas, 1964** (Žin., 1994, Nr. 60-1182).

<sup>7</sup> **Lietuvos Respublikos Baudžiamasis kodeksas, 1964** (Žin., 1988, Nr. 14-111; 1994, Nr 60-1182).

<sup>8</sup> **Lietuvos Respublikos Administraciniu teises pažeidimu kodeksas** (Žin.,2000, Nr. 22-552).

## LUXEMBOURG

### *A. Legislation<sup>1</sup>*

#### **Law on the Protection of Life and Welfare of Animals of 15 March 1983<sup>2</sup>**

**Article 8.** A vertebrate shall not be killed or slaughtered unless previously stunned or anaesthetised without prejudice to the legal provisions regulating the practice of hunting and fishing.

However, poultry slaughter may be performed by beheading.

[...]

Grand-ducal regulations may ban, allow or order certain slaughter or killing methods, so that both vertebrates and invertebrates shall be spared any avoidable pain or suffering.

Whoever breaches the provisions of articles 3-16 of the European Convention for the Protection of Animals for Slaughter, signed in Strasbourg on 10th May 1979 and approved by law of 15th April 1980, shall be found guilty of acts of cruelty or mistreatment.<sup>3</sup>

#### **Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995<sup>4</sup>**

**Article 3.** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.<sup>5</sup>

**Article 5.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

- a) moved and if necessary lairaged in accordance with the provisions of Annex A;
- b) restrained in accordance with the provisions of Annex B;
- c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;
- d) bled in accordance with the provisions of Annex D.

(2) In the case of animals subject to particular method of slaughter required by certain religious rites, the relevant authority may grant a derogation from the requirements laid down in paragraph 1 c).

In this case, the religious authority on whose behalf is carried out shall be responsible for the enforcement of the special provisions which apply to slaughter according to certain religious rites.<sup>6</sup>

**Article 7.** No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this Regulation.

The official veterinarian shall ensure that the persons employed for slaughtering possess the necessary skill, ability and professional knowledge.<sup>7</sup>

**Article 8.** Inspections and controls in slaughterhouses shall be carried out by the official veterinarian, who shall at all times have free access to all parts of slaughterhouses in order to ascertain compliance with this Regulation. However, such inspections and controls may be carried out at the same time as controls carried out for other purposes.<sup>8</sup>

#### **Annex B. Restraint of animals before stunning, slaughter or killing**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

(4) Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.<sup>9</sup>

### **Annex C. Stunning or killing of animals other than animals reared for fur**

#### **I. Permitted methods**

##### **A. Stunning**

- 1) Captive bolt pistol
- 2) Concussion
- 3) Electronarcosis
- 4) Exposure to carbon dioxide

##### **B. Killing**

- 1) Free bullet pistol or rifle
- 2) Electrocutation
- 3) Exposure to carbon dioxide<sup>10</sup>

### **Annex D. Bleeding of animals**

(1) For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.

(2) All animals which have been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise.

After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

(3) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.<sup>11</sup>

### **Regulation on the Sanitary Conditions of Fresh Meat Production and Sale of 7 June 1996<sup>12</sup>**

**Article 32.** The removing of the innards must be undertaken without undue delay and completed no later than 45 minutes after stunning or, in the case of religious slaughter, no later than half an hour after bleeding. [...]<sup>13</sup>

**Article 33.** It is forbidden to pierce knives in the flesh, to wash the flesh with cloth or other materials and to blow the flesh. Nevertheless, the blowing of an organ may be allowed if required by a religious rite, but the so treated organ may not be used for human consumption.

[...].<sup>14</sup>

To sum up, according to Article 5 § 2 of the Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995, a derogation from the compulsory requirement of stunning can be granted in case of slaughter carried out according to a religious rite. However, there exists a gentlemen's agreement between the competent authority and the animal welfare associations, according to which such a derogation will not be granted. There have been indeed few applications, but the competent authority has never granted the exemption and has suggested instead to use the slaughterhouses located beyond the borders.

### *B. Short Overview of the Legal History*

The Law on Animal Protection of 26 February 1965 punished the killing of an animal carried out without preventing an animal from feeling distress and pain as far as possible. However, this provision did not prohibit the carrying out of hunting and religious slaughter (Article 2 § 1).<sup>15</sup> The Law of 15 April 1980 executed the 1979 European Convention for the Protection of Animals for Slaughter.<sup>16</sup>

Religious slaughter is currently regulated by the Law on the Protection of Life and Welfare of Animals of 15 March 1983 and by the Regulation on the Protection of Animals at the time of Slaughter or Killing of 19 January 1995, which has transposed the European Council Directive 93/119/EEC of 22 December 1993. The currently binding legal provisions – as well as the former ones – formally allow the carrying out of religious slaughter. However, as a matter of fact, religious slaughter was last performed in 1979.

### *C. Recent Court Decisions*

There have been no judgements concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.legilux.public.lu>.

<sup>2</sup> **Loi du 15 mars 1983 ayant pour objet d'assurer la protection de la vie et le bien-être des animaux** (Journal Officiel du Grand-Duché de Luxembourg N° 15 du 19 mars 1983).

<sup>3</sup> **Article 8.** Un animal vertébré ne peut être tué ou abattu qu'après avoir été au préalable étourdi ou anesthésié sans préjudice des dispositions légales réglant l'exercice de la chasse et de la pêche.

Toutefois l'abattage de la volaille peut se faire par décapitation.

[...]

Des règlements grand-ducaux peuvent interdire, autoriser ou ordonner certains procédés d'abattage ou de mise à mort afin qu'il ne soit pas causé aux animaux tant vertébrés qu'invertébrés des douleurs autres que celles qui sont inévitables.

Se rend coupables d'actes de cruauté ou de mauvais traitement envers un animal quel qu'il soit qui contrevient aux dispositions des articles 3 à 16 de la Convention européenne sur la protection des animaux d'abattage, signée à Strasbourg le 10 mai 1979 et approuvée par la loi du 15 avril 1980.

<sup>4</sup> **Règlement grand-ducal du 19 janvier 1995 sur la protection des animaux au moment de leur abattage ou de leur mise à mort** (Journal Officiel du Grand-Duché de Luxembourg N° 8 du 6 février 1995).

<sup>5</sup> **Article 3.** Toute excitation, douleur ou souffrance évitable doit être épargnée aux animaux pendant l'acheminement, l'hébergement, l'immobilisation, l'étourdissement, l'abattage et la mise à mort.

<sup>6</sup> **Article 5. 1.** Les solipèdes, les ruminants, les porcs, les lapins et les volailles introduits dans les abattoirs aux fins d'abattage doivent être:

- a) acheminés et si nécessaire hébergés conformément aux indications figurant à l'annexe A;
- b) immobilisés conformément aux indications figurant à l'annexe B;
- c) étourdis avant abattage ou mis à mort instantanément conformément aux dispositions de l'annexe C;
- d) saignés conformément aux indications figurant à l'annexe D.

2. Pour les animaux faisant l'objet de méthodes particulières d'abattage requises par certains rites religieux, l'autorité compétente peut accorder une dérogation aux exigences prévues au paragraphe 1 point c).

Dans ce cas l'autorité religieuse pour le compte de laquelle des abattages sont effectués est responsable pour l'application des dispositions particulières applicables à l'abattage selon certains rites religieux.

<sup>7</sup> **Article 7.** Toute personne se livrant à des activités comme l'acheminement, l'hébergement, l'immobilisation, l'étourdissement, l'abattage ou la mise à mort d'animaux doit imposer des connaissances et capacités nécessaires pour les accomplir de manière humaine et efficace, conformément aux prescriptions du présent règlement.

Le vétérinaire officiel s'assure de l'aptitude, des capacités et des connaissances professionnelles des personnes employées pour l'abattage.

<sup>8</sup> **Article 8.** L'inspection et le contrôle des abattoirs sont effectués par le vétérinaire officiel qui a en permanence libre accès à toutes les parties des abattoirs afin de pouvoir s'assurer du respect des dispositions du présent règlement. Ces inspections et contrôles

peuvent toutefois être effectués lors de contrôles réalisés à d'autres fins.

#### <sup>9</sup>**Annex B. Immobilisation des animaux avant l'étourdissement, l'abattage ou la mise à mort**

1. Les animaux doivent être immobilisés d'une manière appropriée conçue pour leur épargner toute douleur, souffrance, agitation, blessure ou contusion évitables.

Cependant, dans le cas d'abattage rituel, l'immobilisation des animaux de l'espèce bovine avant abattage avec un procédé mécanique ayant pour but d'éviter toutes douleurs, souffrances et excitations, ainsi que toutes blessures ou contusions aux animaux est obligatoire.

2. Il est également interdit de lier les pattes des animaux et de suspendre les animaux avant l'étourdissement ou la mise à mort. Toutefois les volailles et les lapins peuvent être suspendus pour l'abattage pour autant que les mesures appropriées soient prises pour que les volailles et les lapins sur le point de subir l'étourdissement soient dans un état de relaxation tel que cette opération puisse s'effectuer efficacement et sans délai inutile.

Par ailleurs, le fait de bloquer un animal dans un système de contention ne peut en aucun cas être considéré comme une suspension.

3. Les animaux qui sont étourdis ou mis à mort par des moyens mécaniques ou électriques appliqués à la tête doivent être présentés dans une position telle que l'appareil puisse être appliqué et utilisé commodément, avec précision et pendant la durée convenable. L'autorité compétente peut toutefois, pour les solipèdes et les bovins, autoriser le recours à des moyens appropriés en vue de restreindre les mouvements de la tête.

4. Il est interdit d'utiliser, comme moyen de contention, d'immobilisation ou pour faire bouger les animaux, les appareils électriques servant à l'étourdissement.

#### <sup>10</sup>**Annexe C. Etourdissement et mise à mort des animaux autres que les animaux à fourrure**

I. Procédés autorisés

##### A. Etourdissement

- 1) Pistolet à tige perforante
- 2) Percussion
- 3) Electronarcose
- 4) Exposition au dioxyde de carbone

##### B. Mise à mort

- 1) Pistolet ou fusil à balles
- 2) Electrocutation
- 3) Exposition au dioxyde de carbone

#### <sup>11</sup>**Annexe D. Saignée des animaux**

1. Pour les animaux qui ont été étourdis, la saignée doit commencer le plus tôt possible après accomplissement de l'étourdissement et être effectuée de manière à provoquer un saignement rapide, profus et complet. En tout état de cause, la saignée doit être effectuée avant que l'animal ne reprenne conscience.

2. Tous les animaux qui ont été étourdis doivent être saignés par incision d'au moins une des deux artères carotides ou des vaisseaux dont elle est issue.

Après incision des vaisseaux sanguins, aucune autre procédure d'habillage ni aucune stimulation électrique ne doit être pratiquée sur les animaux avant l'achèvement de la saignée.

3. Lorsqu'une personne est responsable de l'étourdissement, de l'accrochage, du hissage et de la saignée des animaux, cette personne doit effectuer ces opérations consécutivement pour un même animal avant de les effectuer pour un autre.

#### <sup>12</sup>**Règlement grand-ducal du 7 juin 1996 relatif aux conditions sanitaires de production et de mise sur le marché de viandes fraîches** (Journal Officiel du Grand-Duché de Luxembourg N° 50 du 2 août 1996).

<sup>13</sup> **Article 32.** L'éviscération doit être effectuée sans délai et terminée au plus tard 45 minutes après l'étourdissement ou, en cas d'abattage imposé par un rite religieux, une demi-heure après la saignée. [...]

<sup>14</sup> **Article 33.** Il est interdit de ficher les couteaux dans les viandes, de nettoyer ces viandes à l'aide d'un linge ou d'autres matériaux et de procéder au soufflage. Toutefois, le soufflage d'un organe, lorsqu'il est imposé par un rite religieux, peut être autorisé, mais, dans ce cas, l'organe qui a fait l'objet d'un soufflage est interdit à la consommation humaine.

[...].

<sup>15</sup> Article 2 de la loi du 26 février 1965 sur la protection des animaux (Journal Officiel du Grand-Duché de Luxembourg N° 13 du 22 mars 1965):

“Se rendent coupables d'actes de cruauté ou de mauvais traitements, notamment:

1° Ceux qui abattront ou mettront à mort un animal sans veiller à ce qu'il n'en éprouve qu'un minimum d'angoisse et de douleur, cela sans préjudice de l'exercice légal de la chasse et de l'abattage rituel.

[...]”.

<sup>16</sup> Loi du 15 avril 1980 portant approbation de la Convention européenne sur la protection des animaux d'abattage, signée à Strasbourg, le 10 mai 1979 (Journal Officiel du Grand-Duché de Luxembourg N° 28 du 24 avril 1980).

## MALTA

### *A. Legislation<sup>1</sup>*

#### **Animal Welfare Act of 8 February, 2001<sup>2</sup>**

##### **Part V Killing of Animals**

**11.** The Minister may make regulations –

- (a) specifying the cases in which it shall be permissible to kill animals, and the manner in which such killing may take place;
- (b) providing for the manner in which, and the person by whom an animal may be killed; and
- (c) prescribing the facilities and equipment of slaughterhouses.

**12.** The Minister may make rules to regulate stunning method and derogations therefrom: provided that such methods shall bring animals into a state of unconsciousness which lasts until they are slaughtered.

**13.** (1) Except in cases of an emergency which visibly indicate extreme pain conducive to death, only a veterinary surgeon or another competent person shall be permitted to kill an animal of a domesticated breed or any wild animal which has been domesticated, except animals bred for the production of food.

(2) In the case where it is necessary to terminate an animal's life, this shall be done with the minimum of physical and mental suffering as in the circumstances is appropriate.

(3) Except in an emergency, the method chosen shall either -

- (a) cause immediate loss of consciousness and death; or
- (b) begin with the induction of deep general anaesthesia to be followed by a step which will ultimately cause death.

(4) The person responsible for the killing shall make sure that the animal is dead before the carcass is disposed of.

(5) The following methods of killing shall be prohibited -

- (a) drowning and other methods of suffocation which do not produce the effects required by subarticle (3)(b);
- (b) the use of any poisonous substance or drug, the dose and application of which cannot be controlled so as to give the effect mentioned in subarticle (3);
- (c) electrocution, unless preceded by immediate induction of loss of consciousness.

#### **Animal Slaughter or Killing (Protection) Regulations, 2003<sup>3</sup>**

##### **Chapter I General provisions**

##### **Definitions.**

**2.** For the purposes of these regulations the following definitions shall apply –

- (a) “competent authority” means the central authority or a Trading Partner competent to carry out veterinary checks or any authority to which it has delegated that competence. In the territory of Malta, “competent authority” means the Veterinary Services. However, the religious authority on whose behalf slaughter is carried out shall be competent for the application and monitoring of the special provisions, which apply to slaughter according to certain religious rites. As regards the said provisions, that authority shall operate under the responsibility of the official veterinarian, as defined in article 2 of European Union Council Directive 64/433/EEC.

[...].

**Avoidable excitement, pain and suffering to animals.**

3. Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.

**Chapter II Requirements applicable to slaughterhouses**

**Construction, facilities and equipment of slaughterhouses.**

4. The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.

**Methods used for slaughter in slaughterhouses.**

5. (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be –

(a) [...];

(b) Restrained in accordance with the provisions of Schedule B;

(c) Stunned before slaughter or killed instantaneously in accordance with the provisions of Schedule C;

(d) Bled in accordance with the provisions of Schedule D.

(2) In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of sub-regulations (1)(c) of this article shall not apply.

(3) Veterinary Services may, for establishments qualifying for derogation pursuant to articles 4 and 13 of European Union Council Directive 64/433/EEC and articles 7 of European Union Council Directive 71/118/EEC, grant derogation from sub-regulation (1)(a) in respect of cattle, and from the methods for stunning and killing referred to in Schedule C in respect of poultry, rabbits, pigs, sheep and goats, provided that the requirements laid down in article 3 are met.

Instruments, restraint, equipment and installation used for stunning and killing.

6. (1) Instruments, restraint and other equipment and installations used for stunning or killing must be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the provisions of these regulations. The Veterinary Services shall check that the instruments, restraint and other equipment used for stunning or killing comply with the above principles and shall check regularly to ensure that they are in a good state of repair and will allow the aforementioned objective to be attained.

(2) Suitable spare equipment and instruments must be kept at the place of slaughter for emergency use. They shall be properly maintained and inspected regularly.

**Who may engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals.**

7. No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of these regulations. The Veterinary Services shall ensure that persons employed for slaughtering possess the necessary skill, ability and professional knowledge.

**Inspections and controls in slaughterhouses.**

8. Inspections and controls in slaughterhouses shall be carried out under the responsibility of the Veterinary Services, which shall at all times have free access to all parts of slaughterhouses in order to ascertain compliance with these regulations. However, such inspections and controls may be carried out at the same time as controls carried out for other purposes.

**Chapter III Slaughter and killing outwith slaughterhouses**

**Application of regulation 5.**

9. (1) Where animals referred to in regulation 5(1) are brought outwith slaughterhouses, regulation 5(1)(b), (c) and (d) shall apply.



(2) Veterinary Services may, however, grant derogation from sub-regulation (1) of this regulation, in respect of poultry, rabbits, pigs, sheep and goats slaughtered or killed outwith slaughterhouses by their owner for his personal consumption, provided that regulation 3 of these regulations is complied with and that pigs, sheep and goats have been stunned in advance.

#### **Chapter IV Final provisions**

**Procedure adopted in accordance with the European Commission and in accordance to the procedure laid down under article 11 of the Animal Welfare Act.**

13. (1) If necessary, rules on the protection of animals the time of slaughter or killing other than those in these regulations shall be adopted according to the procedure laid down in article 11(a) of the Animal Welfare Act, 2001, and in accordance with the procedure of the European Council acting by a qualified majority on a proposal from the European Commission.

(2) The Schedules to these regulations shall be amended by the same procedure.

#### **Health certificate accompanying meat.**

15. To enable meat to be imported from a third country the health certificate accompanying such meat must be supplemented by an attestation certifying that in slaughterhouses or establishments which have been or are to be approved in third countries for the purpose being able to export to the territory of Malta, the animals referred to in Article 5 have been slaughtered under conditions which offer guarantees of humane treatment at least equivalent to those provided for in these regulations.

#### **Schedule B Restraint of animals before stunning, slaughter or killing**

1. Animals must be restrained in an appropriate manner in such a way as to spare them any pain, suffering, agitation, injury or contusions. However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

2. Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay. Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

[...].

#### **Schedule D Bleeding of animals**

1. For animals, which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.

2. All animals, which have been stunned must be bled by at least one of the carotid arteries or the vessels from which they arise. After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

3. Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

4. Manual backup must be available where poultry is bled by means of automatic neckcutters so that, in the event of a breakdown, birds may be slaughtered immediately.

To sum up, stunning is not compulsory in case of slaughter carried out according to some religious rites. The religious authority on whose behalf slaughter is carried out is competent for the application and monitoring of the special provisions applying to religious slaughter. This authority operates under the responsibility of the official veterinarian.

### *B. Short Overview of the Legal History*

Before the approval of the 2003 Animal Slaughter or Killing (Protection) Regulations (which were issued to implement the provisions of the European Council Directive 93/119/EEC), religious slaughter was not expressly regulated, but families were allowed to perform it in their own places, provided that animals were slaughtered for personal consumption, and not for trade. Those who wanted to perform this kind of slaughter had to notify the police that they would carry the special knife from their home to the place where slaughter would be performed.

In Malta there is only one slaughterhouse for ruminants. Jews have never used it, whereas Muslims have slaughtered animals there, after notifying the director of the veterinary service, who had to grant a permit. Religious slaughter has usually been the first or the last of the slaughter activities. The competent authorities are now trying to set up a place specifically devoted to the carrying out of religious slaughter.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### **ENDNOTES**

<sup>1</sup> See <http://www.legal-malta.com/>.

<sup>2</sup> Chapter 439, ACT No. XXV of 2001.

<sup>3</sup> Legal Notice 260 of 2003.

## NETHERLANDS

### *A. Legislation<sup>1</sup>*

#### **Law on Animal Health and Welfare of 24 September 1992<sup>2</sup>**

**Article 44.** (1) By or pursuant to a general decree of government, rules shall be made regarding the killing of animals in categories or species which are set by this decree.

(2) Rules pursuant to the first paragraph relate to, in any case:

- a) the manner in which, the situations in which, and the persons by whom animals may be killed;
- b) the stunning of animals for slaughter;
- c) the workplace equipment and installations in slaughterhouses.

(3) Slaughter of animals without previous stunning according to the Jewish or the Islamic rite is allowed.

(4) Slaughter, as referred to in the third paragraph, may only take place in institutions designated by the Minister, in agreement with the Minister of Health, Welfare and Sport.

(5) A designation as referred to in the fourth paragraph takes place:

- a) if it regards the slaughter according to the Jewish rite: upon request of the Permanent Committee of the General Affairs of the Dutch-Jewish Religious Community;
- b) if it regards the slaughter according to the Islamic rite: upon request of one or more organisations which can be considered to represent all or a certain group of Muslims in the Netherlands;

in so far as it is clear from the concerned request that, in the part of the country that will be served by the designated institution, there is a need for meat from animals slaughtered according to the relevant rite.

(6) Furthermore, a designation as referred to in the fifth paragraph takes place upon request of Jewish or Muslim groups in another country with which respectively the Committee referred to in the fifth paragraph, section a, or the organisations referred to in section b have an agreement, if, in the request, it is shown that the Jewish or Muslim group needs imported meat from animals slaughtered in accordance with the relevant rite.

(7) The Minister determines, in accordance with the Minister of Health, Welfare and Sport, and in consultation with the designated institute, and

- a) as to the need for meat from animals slaughtered according to the Jewish rite: in consultation with the Permanent Committee for the General Affairs of the Dutch-Jewish Religious Community, or
- b) as to the need for meat from animals slaughtered according to the Islamic rite: in consultation with the organisations referred to in the fifth paragraph, section b,

the number of animals to be slaughtered in a certain period of time per institution, with which the need for meat referred to above can be met.

(8) Slaughter without previous stunning may only take place:

- a) as to slaughter according to the Jewish rite: by persons authorised thereto by the Chief Rabbinate of the Netherlands, and
- b) as to slaughter according to the Islamic rite: by persons appointed thereto by the organisations referred to in the fifth paragraph, section b, as long as the persons have shown written proof thereof to an inspector veterinarian.

Regarding the number of animals to be slaughtered by them, these persons shall comply with the amounts indicated for each institution; to this end, they follow the instructions of the inspector veterinarian, who ensures that the set amount is not passed.

(9) By a general decree of government rules shall be stipulated, in the interest of protecting slaughter animals as far as slaughter according to the Jewish and Islamic rite is concerned.

(10) A proposal for a general decree of government as referred to in the ninth paragraph is presented to us by the Minister and the Minister of Health, Welfare and Sport.<sup>3</sup>

**Article 107.** (1) The Minister can grant exemption or waiver to what is determined by or pursuant to this law, in so far as it is not inconsistent with the interest of health or animals welfare, or the interest of human health in so far as it is connected with the animal by-products not meant for human consumption.

(2) An exemption or waiver of what is determined by or pursuant to Articles 97 to and including 99, as well as of a rule that is also in the interest of fighting animal diseases indicated in agreement with the Minister of Health, Welfare and Sport, is granted in agreement with the Minister of Health, Welfare and Sport.

(3) Requirements or conditions can be attached to an exemption or waiver. They can be granted with limitations. They can be revoked at all times.<sup>4</sup>

### **Decree on the Act of Religious Slaughter of 6 November 1996<sup>5</sup>**

**Article 1.** In this decree, the following is meant by:

- a) act: Health and welfare act for animals;
- b) slaughterhouse: institution or installation, including facilities for the moving or sheltering of animals that are used for the commercial slaughter of single-hoofed animals, ruminants, rabbits, or poultry;
- c) moving: unloading or herding animals from the unloading bays of the slaughterhouse, stalls, or pens to the rooms or places where they will be slaughtered;
- d) sheltering: the keeping, and in this case the taking care of, in an appropriate manner by providing water, food, and rest for animals in stalls, pens, sheltered or pastures of the slaughterhouse, before animals are slaughtered.
- e) fastening: applying a method to an animal that is meant to restrict its movement to make the effective stunning or killing easier;
- f) stunning: applying a method to an animal that is meant to bring it immediately in a state of unconsciousness that continues until its death;
- g) kill: the application of a method to an animal that results in its death;
- h) slaughter: the killing of an animal by letting it bleed to death;
- i) directive 93/119/EEC: directive no. 93/119/EEC of the Council of the European Union of 22 December 1993 on the protection of animals at the time of slaughter or killing (OJ L 340).<sup>6</sup>

**Article 2.** This decree is applicable to animals that are slaughtered without previous stunning according to the the Jewish or Islamic rite.<sup>7</sup>

**Article 3.** In moving, sheltering, fastening, slaughter or killing, the animal shall be spared any avoidable excitement, pain, suffering, injury or bruising.<sup>8</sup>

**Article 4.** The moving, sheltering, fastening, slaughter or killing of animals shall be carried out by persons who have the necessary knowledge and skills to execute the tasks humanely and effectively.<sup>9</sup>

**Article 5.** (1) The slaughter of animals that have not been stunned shall take place in compliance with the instructions given by the inspector veterinarian or the inspector in the interest of the protection of slaughter animals.

(2) The instructions referred to in the first paragraph can relate to:

- a) the course of events of the slaughter process, including the way in which and the order in which animals are presented for slaughter;
- b) the number of persons that must be involved in the fastening, slaughter and bleeding of animals;

c) the cessation of the slaughter process in case it has been insufficiently guaranteed that the requirements of this decree will be fulfilled during such process.

(3) Without prejudice to the second paragraph, a maximum of one person may be present at slaughter near the persons involved in the slaughter acts and the persons who execute the Jewish or Islamic rite during the slaughter acts.<sup>10</sup>

**Article 6.** (1) The structure, furnishings and facilities of slaughterhouses and the use thereof shall be such as to spare animals any avoidable excitement, pain or suffering.

(2) The instruments, installations and further facilities for the fastening and killing of animals are designed, made, kept and used in such a way as to kill animals quickly and effectively.

(3) Appropriate replacement instruments, installations and further facilities are present in slaughterhouse for emergencies.

(4) The instruments, installations and facilities referred to in the second and third paragraphs shall be in a good state of repair and for this purpose shall be inspected respectively at least once a before use or regularly.<sup>11</sup>

**Article 7.** Animals that are brought into slaughterhouses for slaughter shall be are moved and, if necessary, lairaged in accordance with Annex A of the Directive 93/119/EEC.<sup>12</sup>

**Article 8.** (1) Animals are restrained in accordance with Annex B of the Directive 93/119/EEC.

(2) Cattle are restrained by way of a device with a time mechanism which, during 45 seconds after activation thereof, makes it impossible to end the restraining; this mechanism shall be activated immediately after performing the throat cut.

(3) Sheep and goats are restrained with the help of a by at least two people, or with the help of a restraining device by at least one person; after perfo the throat cut the sheep and goats remain in the position they had at the moment of the throat cutting for at least 30 seconds.<sup>13</sup>

**Article 9.** (1) The throat cut is performed with a razor-sharp knife by a person who is not charged at the same time with the restraining of animals.

(2) Animals are bled in accordance with Annex D of the Directive 93/119/EEC.

(3) No further slaughter actions shall be performed on sheep, goats, and poultry during at least 30 seconds, and on cattle during at least 45 seconds after the cut of the throat.<sup>14</sup>

**Article 10.** (1) An amendment of one or more sections of the Directive 93/119/EEC enters into force for the application of the articles of this decree, as referred in these sections, on the day on which the concerned amended directive enters into force, unless another time is set, by ministerial decree published in the Official Gazette.

(2) The Minister notifies the amendments of the Directive referred to in the first paragraph in the Official Gazette.<sup>15</sup>

**Article 11.** (1) By derogation to Article 8, second paragraph, it is allowed to restrain cattle by way of a device without a time mechanism for a period of one year after the entry into force of this decree; in that case the restraining is not ended during the 45 seconds following the throat cut.

(2) By derogation to Article 8, third paragraph, it is allowed to restrain sheep and goats without using a stretcher or a restraining device for a period of six months after the entry into force of this decree.<sup>16</sup>

**Article 13.** (1) This decree enters into force at a time, which is determined by a royal decree and which can be different for different articles or sections of articles.

(2) The latter decree shall not be adopted before four weeks have passed from the presentation of the current decree to both chambers of the States-General, nor if, within that term, one of the chambers or at least a fifth of the constitutional number of members of one of the chambers want to regulate by law the entry into force of this decree.<sup>17</sup>

## Animal Welfare Exemption-Arrangement as amended on 2 October 2006<sup>18</sup>

### Chapter IV. Religious Slaughter

**Article 9.** (1) Article 44, fourth to and including seventh paragraph, and eighth paragraph, section b, concerning the second sentence of the Health and Welfare Act for Animals, is not applicable to an institution recognised by the Minister of Agriculture, Nature and Food Quality, on the basis of Article 4 of the Regulation (EC) no. 853/2004 of the European Parliament and the Council of the European Union of 29 April 2004 on the hygiene of foodstuff (OJ L 226), which notifies to the Minister of Agriculture, Nature and Food Quality, before slaughter, that the animals in the institution shall be slaughtered according to the Islamic or Jewish rite.

(2) The notification referred to in the first paragraph is submitted with a form made a \_\_\_\_\_ purpose by the Food and Goods Authority, a model of which shall be available on [www.vwa.nl](http://www.vwa.nl).

(3) The institutions that are designated on the basis of the 2004 Arrangement for the Designation of Slaughter Institutions for the slaughter of animals without previous stunning in compliance with the Islamic or Jewish rite, and the institutions that are designated by the Minister of Agriculture, Nature and Food Quality, in agreement with the Minister of Health, Welfare and Sport, for the slaughter of animals without previous stunning during the Islamic Feast of Sacrifice in 2006, have submitted a notification as referred to in the first paragraph.

(4) The first paragraph is not applicable to an institution where no animals have been slaughtered without previous stunning according to the Islamic or Jewish rite, since the day it was notified that the animals in the institution would be slaughtered without previous stunning according to the Islamic or Jewish rite, nor to an institution as referred to in the third paragraph [where no animals have been slaughtered without previous stunning according to the Islamic or Jewish rite] since the day this arrangement entered into force.<sup>19</sup>

To sum up, Dutch legislation allows the carrying out of religious slaughter without previous stunning. Concerned institutions must notify to the competent authorities, through a form made available for this purpose, that they will slaughter animals without previous stunning according to the Islamic or Jewish rite.

The restraint system for cattle to be slaughtered according to a religious rite must have a timed lock, which shall be activated immediately after severing both carotid arteries. Restraint cannot be ceased for at least 45 seconds after the cut, which must be performed without delay after restraining the animal.

Sheeps and goats must be restrained by at least two persons or through a restraining device by at least one person. They must be restrained for at least 30 seconds and remain in the position they held when the cut is performed. In this period of time no further dressing procedures may be performed on them.

The persons charged with carrying out religious slaughter without previous stunning are authorised by the Chief Rabbi, as far as the Jewish rite is concerned, or appointed by the organisations representing all or a specific group of Muslims, as to slaughter according to the Islamic rite. The inspector veterinarian must ensure that the set number of animals to be slaughtered according to a religious rite is not passed.

A person other than those involved in restraining the animals shall perform the cut by means of a razor-sharp knife, immediately after the animal is restrained. Prayers and any other actions cannot delay the carrying out of the cut.

For the three days of the religious festival of *Aid el Kebir*, the competent authority issues a specific instruction to the veterinarian offices, reminding that the authorised maximum number of animals slaughtered per day in each slaughterhouse must be respected.<sup>20</sup>

Even though most of the Islamic or Jewish religious slaughter in the Netherlands is performed without stunning, some form of stunning is accepted by some Muslim communities.<sup>21</sup> During a mission concerning animal welfare carried out on behalf of the European Commission in 2002, a slaughterhouse for calves was visited. It was found that all animals were stunned by means of a captive bolt device and then slaughtered according to the Islamic rite. This arrangement was the result of an agreement between the central competent authority and the Halal office based in the Saudi Arabian embassy, which followed consultations among a Dutch animal welfare group, the meat industry and the government.<sup>22</sup>

## B. Short Overview of the Legal History

The first act regulating religious slaughter was the Meat Inspection Act of 1919. Until 1975, slaughter according to the Islamic rite was not allowed in the Netherlands, as the law stipulated special rules only for Jewish slaughter without previous stunning. In 1977 the law was amended to extend such special rules to religious slaughter according to the Islamic rite, too.

In 1993 the European Directive 93/119/EEC was transposed into Dutch law. In 2004, the Arrangement for the Designation of Slaughter Institutions was issued. It included the list of the slaughterhouses authorised to carry out religious slaughter without previous stunning, along with the indication of the species and the yearly and daily maximum number of animals slaughtered according to a religious rite in each slaughterhouse.

Until 2006, slaughter without previous stunning could only take place in institutions designated by the Dutch competent authority, after a request, which has to prove the need for meat from animals slaughtered according to a religious rite, was submitted by the concerned Jewish or Islamic organisation and assessed by the Minister of Agriculture, Nature and Food Quality. A request could also be submitted by an Islamic or Jewish foreign group, with which the relevant Islamic or Jewish organisation had an agreement, if it was shown that the group had a need for imported meat from animals slaughtered in accordance with the relevant rite. In consultation with such Jewish or Islamic organisation and the Minister for Health, Welfare and Sport, the Dutch competent authority determined the number of animals to be slaughtered, per time period and institution, in order to meet such needs.

In 2006, the declaration-of-need system was set aside by one based on notification (*melding*), regulated by the Animal Welfare Exemption-Arrangement. The new notification system applies to the institutions designated on the basis of the 2004 Arrangement for the Designation of Slaughter Institutions, as well as to those authorised to slaughter animals without previous stunning during the 2006 religious festival of *Aid el Kebir*.

## C. Recent Court Decisions

There have been no recent court decisions concerning religious slaughter.

### ENDNOTES

<sup>1</sup> See <http://wetten.overheid.nl>.

<sup>2</sup> **WET van 24 september 1992, houdende vaststelling van de Gezondheids- en welzijnswet voor dieren** (Staatsblad van het Koninkrijk der Nederlanden 1992, 585).

<sup>3</sup> **Artikel 44.** 1. Bij of krachtens algemene maatregel van bestuur worden regelen gesteld omtrent het doden van dieren van bij die maatregel aangewezen soorten of categorieën van dieren.

2. De krachtens het eerste lid gestelde regelen hebben in ieder geval betrekking op:

- de wijze waarop, de situaties waarin en de personen die dieren mogen worden gedood;

- de bedwelming van slachtdieren;

- de bedrijfsuitrusting en installatie in slachterijen.

3. Het slachten van dieren zonder voorafgaande bedwelming volgens de Israëlitische of de Islamitische ritus is toegestaan.

4. Het slachten, bedoeld in het derde lid, mag slechts geschieden in door Onze Minister, in overeenstemming met Onze Minister van Volksgezondheid, Welzijn en Sport aan te wijzen inrichtingen.

5. Een aanwijzing als bedoeld in het vierde lid vindt plaats:

a. indien het betreft het slachten volgens de Israëlitische ritus: op verzoek van de Permanente Commissie tot de Algemene Zaken van het Nederlands-Israëlitisch Kerkgenootschap;

b. indien het betreft het slachten volgens de Islamitische ritus: op verzoek van één of meer organisaties die geacht kunnen worden alle of een bepaalde groep islamieten in Nederland te vertegenwoordigen; een en ander voor zover uit het desbetreffende verzoek blijkt dat in het deel van het land dat vanuit de aan te wijzen inrichtingen pleegt te worden bediend behoefte bestaat aan vlees, afkomstig van volgens de desbetreffende ritus geslachte dieren.

6. Een aanwijzing als bedoeld in het vierde lid vindt plaats op verzoek van een Israëlitische of Islamitische groepering in een ander land, waarmee wordt ingestemd door de in het vijfde lid, onderdeel a, genoemde commissie, onderscheidenlijk de in onderdeel b bedoelde organisaties indien in het verzoek wordt aangetoond dat bij die Israëlitische of Islamitische groepering behoefte bestaat aan de import van vlees afkomstig van volgens de desbetreffende ritus geslachte dieren.

7. Onze Minister stelt, in overeenstemming met Onze Minister van Volksgezondheid, Welzijn en Sport en in overleg met de aangewezen inrichting en

a. voor zover het betreft de behoefte aan vlees, afkomstig van volgens de Israëlitische ritus geslachte dieren: in overleg met de Permanente Commissie tot de Algemene Zaken van het Nederlands-Israëlitisch Kerkgenootschap, of

b. voor zover het betreft de behoefte aan vlees, afkomstig van volgens de islamitische ritus geslachte dieren: in overleg met de in het vijfde lid, onderdeel *b*, bedoelde organisaties,

het aantal in een bepaald tijdvak per inrichting ritueel te slachten dieren vast, waarmee in de bedoelde behoefte aan vlees kan worden voorzien.

8. Het slachten zonder voorafgaande bedwelming mag slechts geschieden:

a. voor zover het betreft het slachten volgens de israëlitische ritus: door personen die daartoe door het Opperrabbinaat voor Nederland zijn gemachtigd, en

b. voor zover het betreft het slachten volgens de islamitische ritus: door personen die daartoe door de in het vijfde lid, onderdeel *b*, bedoelde organisaties zijn aangewezen, mits die personen daarvan door een schriftelijk bewijs aan de keuringsdierenarts hebben doen blijken.

Deze personen voegen zich ten aanzien van het aantal door hen ritueel te slachten dieren af aan de voor elke inrichting aangewezen hoeveelheid; zij volgen ter zake de aanwijzingen van de keuringsdierenarts op, die toeziet, dat het vastgestelde aantal niet wordt overschreden.

9. Bij algemene maatregel van bestuur worden in het belang van de bescherming van het slachtdier regelen gesteld omtrent het slachten volgens de israëlitische of de islamitische ritus.

10. Een voordracht voor een algemene maatregel van bestuur als bedoeld in het negende lid wordt Ons gedaan door Onze Minister en Onze Minister van Volksgezondheid, Welzijn en Sport.

<sup>4</sup> **Artikel 107** 1. Onze Minister kan, voor zover het belang van de gezondheid of het welzijn van dieren dan wel, voor zover het verband houdt met niet voor menselijke consumptie bestemde dierlijke bijproducten, het belang van de gezondheid van mensen zich daartegen niet verzet, van het bij of krachtens deze wet bepaalde vrijstelling of ontheffing verlenen.

2. Een vrijstelling of ontheffing van het bij of krachtens de artikelen 97 tot en met 99 bepaalde alsmede van een voorschrift dat tevens in het belang is van de bestrijding van een dierziekte die is aangewezen in overeenstemming met Onze Minister van Volksgezondheid, Welzijn en Sport wordt in overeenstemming met Onze Minister van Volksgezondheid, Welzijn en Sport verleend.

3. Aan een vrijstelling of ontheffing kunnen voorschriften of voorwaarden worden verbonden. Zij kunnen onder beperkingen worden verleend. Zij kunnen te allen tijde worden ingetrokken.

<sup>5</sup> **BESLUIT van 6 november 1996, houdende uitvoering van artikel 44, negende lid, van de Gezondheids- en welzijnswet voor dieren (Besluit ritueel slachten)** (Staatsblad van het Koninkrijk der Nederlanden 1996, 573).

<sup>6</sup> **Artikel 1** In dit besluit wordt verstaan onder:

a. wet: Gezondheids- en welzijnswet voor dieren;

b. slachthuis: inrichting of installatie, met inbegrip van voorzieningen voor het verplaatsen of onderbrengen van dieren, die wordt gebruikt voor het commercieel slachten van eenhoevigen, herkauwers, konijnen of pluimvee;

c. verplaatsen: het uitladen van dieren of drijven van dieren van de bij het slachthuis behorende losplaatsen, stallen of hokken naar de lokalen of plaatsen waar zij zullen worden geslacht;

d. onderbrengen: het houden en in voorkomend geval op andere wijze verzorgen door het verschaffen van water, voeder en rust, van dieren in door een slachthuis gebruikte stallen, hokken, overdekte plaatsen of weiden, voordat de dieren worden geslacht;

e. fixeren: het toepassen op een dier van een methode waarop is gericht de bewegingen van het dier te beperken ten einde het doeltreffend bedwelmen of doden te vergemakkelijken;

f. bedwelmen: toepassen op een dier van een methode die het dier onmiddellijk brengt in een staat van bewusteloosheid die aanhoudt totdat de dood intreedt;

g. doden: het toepassen op een dier van een methode die resulteert in de dood van het dier;

h. slachten: het doden van een dier door het te laten verbloeden;

i. richtlijn 93/119/EG: richtlijn nr. 93/119/EG van de Raad van de Europese Unie van 22 december 1993 inzake de bescherming van dieren bij het slachten of doden (*PbEG* L 340).

<sup>7</sup> **Artikel 2** Dit besluit is van toepassing op dieren die zonder voorafgaande bedwelming worden geslacht volgens de israëlitische of de islamitische ritus.

<sup>8</sup> **Artikel 3** Bij het verplaatsen, onderbrengen, fixeren, slachten of doden wordt de dieren elke vermijdbare opwinding of pijn, elk vermijdbaar lijden of vermijdbare verwondingen of kneuzingen bespaard.

<sup>9</sup> **Artikel 4** Het verplaatsen, onderbrengen, fixeren, slachten of doden van dieren wordt uitgevoerd door personen die de nodige kennis en vaardigheden bezitten om de taken humaan en doeltreffend uit te voeren.

<sup>10</sup> **Artikel 5** 1. Het onbedwelmd slachten van dieren geschiedt overeenkomstig de door de keuringsdierenarts of de keurmeester in het belang van de bescherming van het slachtdier gegeven aanwijzingen.

2. De in het eerste lid bedoelde aanwijzingen kunnen betrekking hebben op:

– de gang van zaken rond het slachtproces, daaronder mede verstaan de wijze waarop en de volgorde waarin dieren worden aangeboden voor de slacht;

– het aantal personen dat betrokken dient te zijn bij het fixeren, slachten en verbloeden van het dier;

– het staken van het slachtproces indien onvoldoende is gegarandeerd dat daarbij wordt voldaan aan de eisen van dit besluit.

3. Onverminderd het tweede lid mag, naast de bij de slachthandelingen betrokken personen en de personen die tijdens de slachthandelingen de israëlitische of islamitische ritus verrichten, ten hoogste één persoon bij het slachten aanwezig zijn.

<sup>11</sup> **Artikel 6** 1. De bouw, de inrichting en de voorzieningen van slachthuizen en het gebruik daarvan zijn zodanig, dat de dieren elke vermijdbare opwinding of pijn of elk vermijdbaar lijden wordt bespaard.

2. De instrumenten, de installaties en de verdere voorzieningen voor het fixeren of doden van dieren zijn zo ontworpen, vervaardigd en onderhouden, en worden zo gebruikt dat de dieren snel en doeltreffend worden gedood.

3. In de slachtruimte zijn voor noodgevallen passende vervangende instrumenten, installaties en verdere voorzieningen aanwezig.

4. De in het tweede en derde lid bedoelde instrumenten, installaties en voorzieningen, verkeren in een goede staat van onderhoud en worden met het oog daarop ten minste dagelijks voor het gebruik, onderscheidenlijk regelmatig geïnspecteerd.

<sup>12</sup> **Artikel 7** Dieren die in een slachthuis worden binnengebracht om te worden geslacht, worden verplaatst en zo nodig ondergebracht overeenkomstig bijlage A bij richtlijn 93/119/EG.

<sup>13</sup> **Artikel 8** 1. Dieren worden gefixeerd overeenkomstig bijlage B bij richtlijn 93/119/EG.



2. Runderen worden gefixeerd door middel van een toestel dat is voorzien van een tijd-mechanisme dat gedurende 45 seconden na het bedienen daarvan, de opheffing van de fixatie onmogelijk maakt; dit mechanisme wordt onmiddellijk na het toebrengen van de halssnede in werking gesteld.

3. Schapen en geiten worden gefixeerd met behulp van een toestel door tenminste twee personen, of met behulp van een fixatietoestel door tenminste één persoon; na het toebrengen van de halssnede blijven schapen en geiten gedurende tenminste dertig seconden gefixeerd in de positie die de dieren innamen op het moment van het toebrengen van de halssnede.

<sup>14</sup> **Artikel 9** 1. Het toebrengen van de halssnede gebeurt met een vlijmscherp mes door een persoon die niet tevens belast is met het fixeren van de dieren.

2. Dieren worden bij het verbloeden behandeld overeenkomstig bijlage D bij richtlijn 93/119/EG.

3. Bij schapen, geiten en pluimvee worden ten minste gedurende 30 seconden en bij runderen ten minste gedurende 45 seconden na het aanbrengen van de halssnede geen verdere slachthandelingen verricht

<sup>15</sup> **Artikel 10** 1. Een wijziging van één of meer onderdelen van richtlijn 93/119/EG treedt voor de toepassing van de artikelen van dit besluit, waarin naar die onderdelen wordt verwezen, in werking met ingang van de dag waarop aan de betrokken wijzigingsrichtlijn uitvoering moet zijn gegeven, tenzij bij besluit van Onze Minister, dat in de *Staatscourant* wordt bekendgemaakt, een ander tijdstip wordt vastgesteld.

2. Onze Minister doet van een wijzigingsrichtlijn als bedoeld in het eerste lid mededeling in de *Staatscourant*.

<sup>16</sup> **Artikel 11** 1. In afwijking van artikel 8, tweede lid, is het gedurende een periode van een jaar na het inwerkingtreden van dit besluit toegestaan om runderen te fixeren door middel van een toestel dat niet is voorzien van een tijdmechanisme; in dat geval wordt de fixatie niet binnen 45 seconden na het aanbrengen van de halssnede opgeheven.

2. In afwijking van artikel 8, derde lid, is het gedurende een periode van zes maanden na het inwerkingtreden van dit besluit toegestaan om schapen en geiten te fixeren zonder gebruik te maken van een burrie of fixatietoestel.

<sup>17</sup> **Artikel 13** Dit besluit treedt in werking met ingang van een bij koninklijk besluit te bepalen tijdstip, dat voor de verschillende artikelen of onderdelen van artikelen verschillend kan worden vastgesteld.

Laatstbedoeld besluit wordt niet genomen voordat vier weken zijn verstreken nadat het onderhavige besluit is voorgelegd aan de beide kamers der Staten-Generaal, en evenmin indien binnen die termijn door of namens een der kamers of door ten minste een vijfde van het grondwettelijk aantal leden van een der kamers de wens te kennen wordt gegeven dat inwerkingtreding van dit besluit bij wet wordt geregeld.

<sup>18</sup> **Wijziging Vrijstellingsregeling dierenwelzijn** (Staatscourant 2006, 197).

<sup>19</sup> **Artikel 9** 1 Artikel 44, vierde tot en met zevende lid en achtste lid, onderdeel b, voor wat betreft de tweede volzin, van de Gezondheids- en welzijnswet voor dieren is niet van toepassing op een op grond van artikel 4 van verordening (EG) nr. 853/2004 van het Europese Parlement en de Raad van de Europese Unie van 29 april 2004 houdende vaststelling van specifieke hygiënevoorschriften voor levensmiddelen van dierlijke oorsprong (pbEG L 226), door de Minister van Landbouw, Natuur en Voedselkwaliteit erkende inrichting die voorafgaand aan het slachten aan de Minister van Landbouw, Natuur en Voedselkwaliteit meldt dat in de inrichting dieren volgens de islamitische of israëlitische ritus zullen worden geslacht.

2 De melding, bedoeld in het eerste lid, wordt gedaan door de Voedsel en Waren Autoriteit beschikbaar gesteld formulier, waarvan een model op [www.vwa.nl](http://www.vwa.nl) zal worden geplaatst.

3 Inrichtingen die op grond van de Regeling aanwijzing slachthinrichtingen 2004 zijn aangewezen om dieren zonder voorafgaande bedwelming volgens de islamitische of israëlitische ritus te slachten en inrichtingen die door de Minister van Landbouw, Natuur en Voedselkwaliteit in overeenstemming met de Minister van Volksgezondheid, Welzijn en Sport zijn aangewezen om tijdens het islamitisch offerfeest in 2006 dieren zonder voorafgaande bedwelming volgens de islamitische ritus te slachten, hebben een melding als bedoeld in het eerste lid gemaakt.

4 Het eerste lid is niet van toepassing op een inrichting waarin, vanaf de dag waarop is gemeld dat in die inrichting dieren zonder voorafgaande bedwelming volgens de islamitische of israëlitische ritus zullen worden geslacht, dan wel voor wat betreft een inrichting als bedoeld in het derde lid vanaf de dag waarop deze regeling in werking treedt, meer dan een jaar geen dieren zonder voorafgaande bedwelming volgens de islamitische of israëlitische ritus zijn geslacht.

<sup>20</sup> **Final Report of a Mission carried out in the Netherlands from 6 to 9 June 2006 in order to assess Animal Welfare at Slaughter DG(SANCO)/8041/2006 – MR Final**, 31 January 2007, pp. 7-9, <http://europa.eu>.

<sup>21</sup> **Final Report of a Mission carried out in the Netherlands from 6 to 9 June 2006 in order to assess Animal Welfare at Slaughter DG(SANCO)/8041/2006 – MR Final**, 31 January 2007, p. 7, <http://europa.eu>.

<sup>22</sup> **Final Report of a Mission carried out in the Netherlands from 7 to 11 January 2002 concerning Animal Welfare during Transport DG(SANCO)/8503/2002 – MR Final**, 28 May 2002, p. 12, <http://europa.eu>.

## POLAND

### *A. Legislation<sup>1</sup>*

#### **Animal Protection Act of 21 August 1997 as amended on 11 March 2004<sup>2</sup>**

**Article 34.** (1) A vertebrate animal may be killed in slaughterhouses only after a previous loss of consciousness, caused by duly qualified persons.

(2) The waiting room of a slaughterhouse must be acoustically insulated and separated by a partition from the room designated for stunning animals. Likewise, the room designated for stunning animals must be separated from the rooms where animals are bled and subject to further slaughter-related procedures.

(3) If ungulate animals are slaughtered in households, they may be killed only after being previously stunned by a semi-skilled slaughterman.

(4) It is forbidden to:

1. kill animals in the prenatal period, except for scientific purposes,
2. kill vertebrate animals with the participation of children or in their presence,
3. gut, scull, remove skin, smoke and separate parts of homeothermic animals before the arrest of respiratory and muscle reflexes.

(5) The requirements laid down in paragraphs 1 and 3 do not apply to animals subject to particular methods of slaughter according to a religious rite.

(6) The Minister of Agriculture will lay down, in the form of an ordinance:

1. the qualifications of the persons entitled to perform professional slaughter,
  2. the conditions of unloading, moving, lairaging, restraining in order to slaughter or kill animals,
  3. the conditions and methods to slaughter and kill animals, according to their species
- taking into account the safeguard of humane treatment of animals at the time of killing or slaughter.<sup>3</sup>

#### **Ordinance of the Minister of Agriculture and Rural Development of 9 September 2004 concerning the qualifications of persons authorised for professional slaughter, as well as the requirements and methods for slaughter and killing of                      as amended on 11 August 2006<sup>4</sup>**

**Article 3.** (1) Restraining, stunning, bleeding or killing of animals without bleeding shall be carried out by persons, who:

1. are at least 18 years old;
2. completed at least basic vocational education;
3. completed theoretical training and three-month practice at the place of slaughter, under the permanent supervision of a person who has a certified three-year professional experience at the place of slaughter.

(2) The qualifications referred to in paragraph 1, subparagraph 3 shall be certified by a document stored at the slaughterhouse.

(3) The operations related to the movement and lairaging of animals may be carried out by                      ons other than those referred to in paragraph 1, where they have completed a one-month training at the slaughterhouse under the permanent supervision of an individual having a certified three-year professional experience with the movement and lairaging of animals.

(4) The supervisors referred to in paragraph 1, subparagraph 3 and paragraph 3 shall be appointed by the institution managing the slaughterhouse with the consent of the Veterinary Officer competent for the area where the slaughterhouse is located.<sup>5</sup>

**Article 6.** Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be moved in accordance with the procedure laid down in Annex 1 to this Ordinance.<sup>6</sup>

**Article 7.** (1) The animals referred to in paragraph 6 shall be restrained in such a way as to spare them pain, suffering or injury.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing.

(3) Cattle slaughtered in accordance with religious rites of registered religious associations shall be restrained with mechanical facilities used for tying.

(4) Poultry and rabbits may be suspended before stunning, provided that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and immediately.

(5) Holding an animal in a restraint system shall not be regarded as suspension as referred to in paragraph 2.

(6) Animals which are stunned or killed by mechanical or electrical means applied to the head must be restrained in such a way that the effect of stunning is obtained in the shortest possible period of time.

(7) Equipment to restrict head movements may be used to stun solipeds and cattle.

(8) Electronarcosis equipment must not be used as a means of immobilisation of animals or to make them move.<sup>7</sup>

**Article 8.** (1) Animals referred to in Article 6 shall be stunned immediately before slaughter with the use of:

1. a captive bolt instrument or
2. a concussion instrument, or
3. electronarcosis, or
4. a carbon dioxide;
5. a stick – in case of small batches of rabbits.

(2) The provision of paragraph 1 shall not be applied to animals slaughtered in accordance with religious rites of registered religious associations.

(3) Ostriches shall be stunned only with the use of a concussion instrument or electronarcosis.

(4) The specific requirements and methods for applying instruments referred to paragraph 1 are laid down in Annex 2 to this Ordinance.

(5) Animals shall be stunned only where bleeding can be started before the elapse of time specified in Article 10.<sup>8</sup>

**Article 10.** (1) Bleeding of animals:

1. shall be started after the stunning, however no later than:

- a) 60 seconds – for cattle and solipeds,
- b) 15 seconds – for sheep and goats,
- c) 10 seconds – for pigs bled in a laying position,
- d) 20 seconds – for pigs bled in a suspended position,
- e) 15 seconds – for other warm-blooded animals;

2. shall be completed before the animal regains consciousness;

3. should be profuse and complete, and carried out in the shortest possible period of time, by incising at least one of the carotid arteries or the vessels from which they arise.

(2) Before the completion of bleeding of animals:

1. no dressing procedures may be performed;
2. no electrical stimulation may be performed.

(3) Where one person is responsible for stunning, hoisting and bleeding, all those operations shall be carried out consecutively on one animal before carrying them out on another animal.

(4) In the event of failure of the device used for bleeding poultry, the stunned batch of poultry shall be immediately bled with a knife.<sup>9</sup>

**Article 11.** (1) The animals referred to in Article 6 and slaughtered outwith slaughterhouses shall be restrained, stunned and bled according to the procedure laid down in Articles 7, 8 and 10.

(2) The provision of paragraph 1 shall not apply to poultry, rabbits, pigs, sheep and goats slaughtered at farms for personal consumption, provided that pigs, sheep and goats are stunned before bleeding.

(3) Slaughter of pigs, sheep and goats at farms shall be carried out only by persons having the qualifications referred to in Article 3 § 1.<sup>10</sup>

## **Annex 2. Specific Requirements and Methods for the Use of Instruments for Stunning Animals**

### **I. Captive bolt instrument**

[...].<sup>11</sup>

### **II. Concussion instruments**

[...].<sup>12</sup>

### **III. Stick for stunning**

Stunning must be carried out in such a way that the animal is immediately rendered unconscious and remains so until its death.<sup>13</sup>

### **IV. Electronarcosis**

[...].<sup>14</sup>

### **V. Carbon dioxide**

[...].<sup>15</sup>

To sum up, Poland allows slaughter without previous stunning carried out according to the religious rites of a registered religious community, and performed by persons authorised and appointed by the concerned religious community. The Minister of Agriculture has also specified that registered religious communities may supervise slaughter carried out outwith slaughterhouses, but in this case the meat obtained must be used for private consumption and cannot be sold.

The Ordinance approved on 9 September 2004 regulates in great detail the qualifications of the persons authorised for professional slaughter, as well as the methods for slaughter and killing of animals. The restraining, stunning, and bleeding of animals may be carried out only by persons who are at least 18 years old, have completed at least basic vocational education as well as theoretical training and three-month practice at the place of slaughter, under the personal supervision of a person who has a certified three-year professional experience at the slaughterhouse. Such supervisors are appointed by the institution managing the slaughterhouse with the consent of the Veterinary Officer competent for the area where the slaughterhouse is located.

## ***B. Short Overview of the Legal History***

The 1997 Animal Protection Act has regulated religious slaughter for the first time.

On 16 November 2006 a meeting took place in the office of the Head Veterinary Doctor in order to define the requirements and the conditions of slaughter and processing of *halal* meat in Poland. A number of issues were settled and it was decided that the following rules would become binding from 1 December 2006:

1. The Chairman of the Council of Imams of the Muslim Religious Association of Poland is the person competent to issue a *halal* certificate for meat and food products in Poland.
2. Slaughter and processing without a *halal* certificate is illegal. If such slaughter and processing takes place, it shall be declared by the Chairman as inconsistent with *halal* principles.
3. The Council of Imams of the Muslim Religious Association of Poland appoints and authorises in writing a coordinator, who shall coordinate the whole production process exclusively in plants licensed to perform such production, together with a group of specialists for slaughter and processing in *halal* system and veterinary inspection.
4. No *halal* production can be performed in Poland without obtaining a license for production from the Chairman or without his personal supervision or supervision of a person authorised by him.
5. The Head Veterinary Doctor keeps a list of plants with a license for production in *halal* system. A plant is included in the list by presenting a copy of the certificate issued by the Chairman through a District Veterinary Doctor competent for the area where the activity is carried out.
6. Due to the fact that *halal* production is a separate technological process, there should be relevant documentation prepared in a plant, which should comprise in particular:
  - a. Keeping registers and reports on the number of animals slaughtered in *halal* system, total final mass of the product and the number and type of animals;
  - b. Entries made in the documentation of procedures proving that the plant has qualifications to produce in *halal* system and the description of the process;
  - c. Reports referred to in point 6.a. should be signed by the producer and the Chairman of the Council of Imams of the Muslim Religious Association of Poland or a person authorised by the latter.
7. The co-operation of the Veterinary Inspection Office with the Chairman in plants referred to in point 3. aims at supervising the fulfillment of the requirements concerning animal welfare.
8. Members of specialised groups for production in *halal* system who have access to the production zone of a plant, referred to in point 3., must meet the healthcare requirements and possess valid medical record books.
9. The Chairman guarantees close co-operation with the Head Veterinary Doctor, Provincial and District Veterinary Inspectors and will work as a consultant for veterinary doctors as to the specifics of *halal* production.
10. The Veterinary Inspection Office will pay special attention to labeling products with a *halal* symbol and, in the event that products do not come from *halal* production, a communication must be sent to the Imams of the Muslim Religious Association of Poland.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://isip.sejm.gov.pl>.

<sup>2</sup> **Ustawa z dnia 21 sierpnia 1997 r. o ochronie zwierząt** (Dz.U. z 1997 r. Nr 111, poz. 724) as amended by **Ustawa z dnia 11 marca 2004 r. o ochronie zdrowia zwierząt oraz zwalczaniu chorób zakaźnych zwierząt** (Dz.U. z 2004 r. Nr. 69, poz 625).

<sup>3</sup> **Art. 34.** 1. Zwierzę kregowe w ubojni może zostać usmiercone tylko po uprzednim pozbawieniu świadomości przez osoby posiadające odpowiednie kwalifikacje.

2. Pomieszczenie poczekalni przedubojowej powinno być izolowane akustycznie i oddzielone przegrodą od pomieszczenia przeznaczonego do pozbawiania świadomości. Podobnie powinno być oddzielone pomieszczenie przeznaczone do pozbawiania świadomości od pomieszczeń, w których dokonuje się wykrwawiania oraz dalszych czynności obróbki poubojowej.

3. W uboju domowym zwierzęta kopytne mogą być usmiercane tylko po uprzednim ich pozbawieniu świadomości przez przyuczonego ubojowca.

#### 4. Zabrania się:

- 1) usmiercania zwierząt w okresie okolo porodowym, z wyjątkiem potrzeb badań naukowych,
- 2) usmiercania zwierząt kregowych przy udziale dzieci lub w ich obecności,
- 3) wytrzewiania (patroszenia), oparzania, zdejmowania skóry, wedzenia i oddzielania części zwierząt stałocieplnych, przed ustaniem odruchów oddechowych i miesniowych.

5. Wymogów określonych w ust. 1 i 3 nie stosuje się przy poddawaniu zwierząt szczególnym sposobom uboju przewidzianym przez obrządki religijne.

6. Minister właściwy do spraw rolnictwa określi, w drodze rozporządzenia:

- 1) kwalifikacje osób uprawnionych do zawodowego uboju,
- 2) warunki wyładunku, przemieszczania, przetrzymywania, unieruchamiania w celu dokonania uboju lub usmiercenia zwierząt,
- 3) warunki i metody uboju i usmiercania zwierząt stosownie do gatunku

- mając na względzie zapewnienie humanitarnego traktowania zwierząt podczas ich uboju lub usmiercania.

<sup>4</sup> **Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z dnia 2 września 2004 r. w sprawie kwalifikacji osób uprawnionych do zawodowego uboju oraz warunków i metod uboju i usmiercania zwierząt** (Dz. U. z. 2004 r. Nr. 205, poz. 2102), as amended by **Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z dnia 11 sierpnia 2006 r. zmieniające rozporządzenie w sprawie kwalifikacji osób uprawnionych do zawodowego uboju oraz warunków i metod uboju i usmiercania zwierząt** (Dz. U. z dnia 28 sierpnia 2006 r.)

<sup>5</sup> § 3. 1. Unieruchamianie, ogłuszanie, wykrwawianie lub usmiercanie zwierząt bez wykrwawiania przeprowadzają osoby, które:

- 1) ukończyły 18 lat;
- 2) posiadają wykształcenie co najmniej zasadnicze zawodowe;
- 3) odbyły szkolenie teoretyczne oraz trzymiesięczną praktykę na stanowisku ubojowym, pod stałym nadzorem osoby posiadającej udokumentowany 3-letni staż pracy na stanowisku ubojowym.

2. Kwalifikacje, o których mowa w ust. 1 pkt 3, są potwierdzane dokumentem, który jest przechowywany w ubojni.

3. Czynności związane z przemieszczaniem i przetrzymywaniem zwierząt mogą być wykonywane przez osoby inne niż określone w ust. 1, jeżeli odbyły miesięczny staż w ubojni pod stałym nadzorem osoby posiadającej udokumentowany 3-letni staż pracy przy przemieszczaniu i przetrzymywaniu zwierząt.

4. Osoby nadzorujące, o których mowa w ust. 1 pkt 3 i ust. 3, wyznacza podmiot prowadzący ubojnię po udzieleniu zgody przez powiatowego lekarza weterynarii właściwego ze względu na miejsce położenia ubojni.

<sup>6</sup> § 6. Zwierzęta jednokopytne, przeżuwacze, świnię, króliki i drób dostarczone do ubojni w celu uboju przemieszcza się w sposób określony w załączniku nr 1 do rozporządzenia.

<sup>7</sup> § 7. 1. Zwierzęta, o których mowa w § 6, unieruchamia się w sposób zapobiegający zadawaniu im bólu, cierpienia lub urazów.

2. Konczyn zwierząt nie kępuje się, a zwierząt przed ogłuszeniem lub usmierceniem nie podwiesza się.

3. Bydło poddawane ubojowi zgodnie z obyczajami religijnymi i zarejestrowanych związków wyznaniowych jest unieruchamiane przy użyciu mechanicznych urządzeń służących do krepowania.

4. Drób lub króliki można podwieszać przed ogłuszeniem, przy czym podczas ich ogłuszania ciało zwierzęcia powinno być rozluźnione w celu zapewnienia całkowitego i natychmiastowego pozbawienia wrażliwości na ból.

5. Nie jest podwieszeniem, o którym mowa w ust. 2, trzymanie zwierząt w urządzeniach unieruchamiających.

6. Zwierzęta, które ogłusza się z zastosowaniem mechanicznych lub elektrycznych urządzeń przykładanych do głowy, unieruchamia się w taki sposób, aby efekt ogłuszenia został osiągnięty w jak najkrótszym czasie.

7. Do ogłuszania koni lub bydła mogą być stosowane urządzenia ograniczające ruchy głowy.

8. Niedopuszczalne jest stosowanie urządzeń do elektronarkozowania i unieruchamiania i przepędzania zwierząt.

<sup>8</sup> § 8. 1. Zwierzęta, o których mowa w § 6, przed ubojem niezwłocznie ogłusza się przez zastosowanie:

- 1) urządzenia z zablokowanym bolcem lub
- 2) urządzenia udarowego, lub
- 3) elektronarkozy, lub
- 4) dwutlenku węgla;
- 5) paliki - w przypadku małych partii królików.

2. Przepisu ust. 1 nie stosuje się do zwierząt poddawanych ubojowi zgodnie z obyczajami i religijnymi zarejestrowanych związków wyznaniowych.

3. Strusie ogłusza się wyłącznie przez zastosowanie urządzenia udarowego lub elektronarkozy.

4. Szczegółowe warunki i sposoby stosowania urządzeń, o których mowa w ust. 1, są określone w załączniku nr do rozporządzenia.

5. Zwierzęta ogłusza się wyłącznie w przypadku, gdy można przystąpić do ich wykrwawiania przed upływem czasu określonego w § 10.

<sup>9</sup> § 10. 1. Wykrwawianie zwierząt:

1) rozpoczyna się po ich ogłuszeniu, przy czym nie później niż w:

- a) 60 sekund - w przypadku bydła i jednokopytnych,
- b) 15 sekund - w przypadku owiec i kóz,
- c) 10 sekund - w przypadku świń wykrwawianych w pozycji leżącej,
- d) 20 sekund - w przypadku świń wykrwawianych w pozycji wiszącej,
- e) 15 sekund - w przypadku pozostałych zwierząt ciepłokrwistych;

2) kończy się przed odzyskaniem przez zwierzę świadomości;

3) powinno być obfite i całkowite oraz wykonane w możliwie najkrótszym czasie przez naciecie co najmniej jednej tetnicy szyjnej lub naczyń ją poprzedzających.

2. Przed zakończeniem wykrwawiania zwierząt:

- 1) nie przeprowadza się żadnych czynności związanych z obróbką poubojową;
- 2) nie stosuje się pobudzenia elektrycznego.

3. W przypadku gdy jedna osoba wykonuje czynności ogłuszania, podwieszania i wykrwawiania, wszystkie te czynności wykonuje się kolejno na jednym zwierzęciu, a następnie przystępuje do ich wykonywania na następnym zwierzęciu.

4. W przypadku wystąpienia awarii urządzenia używanego do wykrwawiania drobiu ogłuszona partię drobiu niezwłocznie poddaje się wykrwawieniu przy użyciu noża.

<sup>10</sup> § 11. 1. Zwierzęta, o których mowa w § 6, poddawane ubojowi poza ubojnią unieruchamia się, ogłusza i wykrwawia w sposób określony w § 7, 8 i 10.

2. Przepisu ust. 1 nie stosuje się do drobiu, królików, świń, owiec i kóz poddawanych ubojowi w gospodarstwie na potrzeby własne gospodarstwa, przy czym świnię, owcę i kozę ogłusza się przed wykrwawieniem.

3. Uboju świń, owiec i kóz w gospodarstwach dokonują wyłącznie osoby posiadające kwalifikacje, o których mowa w § 3 ust. 1.

<sup>11</sup> **ZALACZNIK Nr 2 SZCZEGÓŁOWE WARUNKI I SPOSOBY STOSOWANIA URZADZEN DO OGLUSZANIA ZWIERZAT**

**I. Urządzenie z zablokowanym bolcem**

[...].

<sup>12</sup> **II. Urządzenie udarowe**

[...].

<sup>13</sup> **III. Palka do ogłuszania**

Ogłuszenia dokonuje się w sposób powodujący natychmiastową utratę przytomności zwierzęcia trwającą do jego śmierci.

<sup>14</sup> **IV. Elektronarkoza**

[...].

<sup>15</sup> **V. Dwutlenek węgla**

[...].

## PORTUGAL

### *A. Legislation<sup>1</sup>*

#### **Decree of the Ministry of Agriculture, Rural Development and Fisheries no. 28/96 of 2 April 1996<sup>2</sup>**

##### **Annex A. Chapter I**

**Article 5.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

- a) moved and if necessary lairaged in accordance with the provisions of Annex B;
- b) restrained in accordance with the provisions of Annex C;
- c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex D;
- d) bled in accordance with the provisions of Annex E.

(2) In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of point c) of the previous paragraph shall not apply.<sup>3</sup>

##### **Article 7. [...].**

(4) The religious authority on whose behalf slaughter according to certain religious rite is carried out shall operate under the responsibility of the official veterinarian.<sup>4</sup>

##### **Annex C. Restraint of animals before stunning, slaughter and killing**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. [...].

(4) Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.<sup>5</sup>

To sum up, in the case of animals subject to particular methods of slaughter required by certain religious rites, the stunning of animals before slaughter is not compulsory (Annex A, Chapter 1, Article 5 § 2 of the Decree no. 28/96). However, it is compulsory to restrain bovine animals before religious slaughter, by using a mechanical method meant to avoid any pain, suffering or agitation and any injuries or contusions to the animals (Annex C § 1 cit. leg.). The religious authority on whose behalf slaughter is carried out shall operate under the responsibility of the official veterinarian (Annex A, Chapter 1, Article 7 § 4 cit. leg.). Religious slaughter of animals must take place in licensed slaughterhouses in the presence of the official veterinarian.

Official veterinarians reportedly tend to insist that animals to be slaughtered according to a religious rite are stunned before slaughter, and have reached an agreement over such a procedure with some communities such as the Muslim community of Porto.



## *B. Short Overview of the Legal History*

The first legal act regulating religious slaughter is Decree no. 28 of 2 April 1996, which has transposed the European Council's Directive 93/119/EEC with few changes. It is also to be noted that religious slaughter is performed very rarely in some areas of the country, like the northern regions.

## *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

### ENDNOTES

<sup>1</sup> See <http://www.dgv.min-agricultura.pt>.

<sup>2</sup> Ministério da Agricultura, do Desenvolvimento Rural e Pescas, Decreto-Lei n.º 28/96 de 2 de Abril, Diário da República – I Série-A, n.º 79 – 2.4.1996.

<sup>3</sup> **Anexo A. Capítulo I**

[...]

**Artigo 5º**

1- Os solípedes, os ruminantes, os suínos, os coelhos e as aves de capoeira introduzidos para abate em matadouros devem ser:

a) Encaminhados e, se necessário, estabulados em conformidade com as disposições do anexo B;  
b) Imobilizados em conformidade com as disposições do anexo C;  
c) Atordoados antes do abate ou mortos instantaneamente em conformidade com as disposições do anexo D;  
d) Sangrados em conformidade com as disposições do anexo E.

2 - As exigências previstas na alínea c) do número anterior não se aplicam aos animais que são objecto de métodos especiais de abate requeridos por determinados rituais religiosos.

<sup>4</sup> **Artigo 7º**

1- Apenas podem proceder ao encaminhamento, à estabulação, à imobilização, ao atordoamento, ao abate ou à occisão de animais pessoas que possuam os conhecimentos e capacidade necessários para efectuar essas operações de modo humanitário eficaz, de acordo com os requisitos do presente regulamento.

2 - O médico veterinário oficial, conforme definido na alínea p) do artigo 2.º do regulamento aprovado pela Portaria n.º 971/94, de 29 de Outubro, certificar-se-á da aptidão, capacidade e conhecimentos profissionais das pessoas encarregadas do abate.

3 - Para o cumprimento do disposto no número anterior devem os interessados demonstrar junto da autoridade competente que estão nas condições referidas.

4 - As autoridades religiosas por conta das quais são efectuados abates segundo certos rituais religiosos actuam sob a responsabilidade do médico veterinário oficial.

<sup>5</sup> **Anexo C. Imobilização dos animais antes do atordoamento, abate ou occisão**

1- Os animais devem ser imobilizados de modo a evitar qualquer sofrimento, agitação, lesões ou contusões inúteis.

No entanto, em caso de abate segundo ritual religioso, é obrigatória a imobilização dos animais da espécie bovina antes do abate com um processo mecânico, com vista a evitar quaisquer dores, sofrimentos, agitação, lesão ou contusão aos animais:

2 - É proibido prender as patas dos animais ou suspendê-los antes do atordoamento ou abate. Contudo, as aves de capoeira e os coelhos podem ser suspensos para abate, desde que tenham sido tomadas medidas apropriadas para que, no momento do atordoamento, os animais estejam num estado de relaxação tal que permita que a operação de atordoamento se faça em condições eficazes e sem demoras desnecessárias.

Além disso, a fixação de um animal por um sistema de contenção não poderá nunca ser considerada como uma suspensão.

3 - Os animais atordoados ou mortos por meios mecânicos ou eléctricos aplicados na cabeça devem ser posicionados de forma a permitir que o equipamento seja aplicado e utilizado comodamente, com precisão e durante o tempo estritamente necessário.

[...].

4 - É proibido utilizar o equipamento de atordoamento eléctrico como meio de contenção ou imobilização dos animais ou para os obrigar a moverem-se.

## REPUBLIC OF CYPRUS

### *A. Legislation<sup>1</sup>*

#### **Animal Protection and Welfare Law no. 46(I)/1994 of 10 June 1994<sup>2</sup>**

**Article 32.** (1) The Council of Ministers may enact regulations in order to apply more effectively the present Law, as well as to specify all matters requiring specification.

(2) In particular and without prejudice to paragraph 1, such regulations may contain provisions regarding all or certain of the following matters:

[...]

d) Stunning, killing or slaughter of animals [...].

#### **Regulation on Animal Protection at the Time of Slaughter or Killing (216/2002) of May 2002<sup>3</sup>**

**Article 5.** (1) Without prejudice to paragraph 2, the owner or the person who manages or administers a slaughterhouse must take all necessary measures, so that:

a) the establishment, equipment and operation of slaughterhouse shall be such as to spare animals any avoidable excitement, pain or suffering.

b) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

i) moved and if necessary lairaged in accordance with the provisions of Annex A;

ii) restrained in accordance with the provisions of An        ;

iii) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;

iv) bled in accordance with the provisions of Annex D.

(2) In the case of animals subject to particular metho    of slaughter required by certain religious rites, the requirements of paragraph 1 b) iii) shall not apply. The religious authority on whose behalf the slaughter is carried out shall be competent for the application of such religious rite. As to other issues, the religious authority has to apply the said regulations under the        onsibility of a veterinarian.

#### **Annex B. Restraint of animals before stunning, slaughter or ki ling**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

(4) Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.

To sum up, the competent religious authorities must apply to the Veterinary Services for a special derogation in order to perform religious slaughter. The Veterinary Service examines the application and, in case of a positive answer, religious slaughter can be carried out. The religious authority on whose behalf slaughter is carried out is competent for the application and monitoring of the relevant religious provisions during the slaughter. Under all circumstances, the religious authority operates under the responsibility of the official veterinarian.

However, it should be noted that in the Republic of Cyprus religious slaughter is not a common practice and concerns a very small number of animals. Indeed, it is virtually a non-existent issue.

### *B. Short Overview of the Legal History*

Before the enactment of Law 46(I)/1994, the Law on Cruelty to Animals was in force. Such law was enacted during the British Rule of Cyprus prior to independence and remained in force as Cap. 47 of the 1959 Edition of the Laws of the Republic of Cyprus, compiled before Independence (former Cap. 68 of the 1949 Edition). Such Law was translated into Greek as the Protection of Animals Law, and it was repealed with the enactment of Law 46(I)/1994.

As stipulated by Article 32 of Law no. 46(I)/1994, the Council of Ministers enacted the Regulations on Protection of Animals at the Time of Slaughter or Kill on 2 May 2002. Before its entry into force, the Cruelty to Animals Regulations (Subsidiary Legislation of Cyprus, 1960 Edition, p. 79) were in force. Such regulations had been enacted on the basis of Cap. 47 and continued to be in force even after the enactment of Law 46(I)/1994 and until 2002. Neither the Law on Cruelty to Animals nor the Cruelty to Animals Regulations contained provisions concerning religious slaughter.

The Republic of Cyprus signed the 1979 European Convention for the Protection of Animals for Slaughter on 25 June 1986 and executed it through the Law 27(III) 4.

These provisions are legally binding only in the Republic of Cyprus. As to the so-called Turkish Republic of Northern Cyprus, this is not a member of the European Union, thus it has not adopted the European Directive 93/119/CE. However, few years ago two bills were prepared in order to harmonise legislation respectively on animal welfare and food hygiene according to the EU standards, but they have never been approved. If approved, the law on animal welfare would have modified the current practice on religious slaughter.

In the so-called Turkish Republic of Northern Cyprus, there exist two big private slaughterhouses, supervised by the Veterinary Department. The veterinary must be present at the slaughterhouse before and after slaughter. Cattle and poultry are stunned (the former by using a captive bolt, and the latter by electrical shock). On the contrary, goats and sheep are not stunned. However, this seems to be due to financial reasons, and not religious ones. It should also be noted that religious slaughter tends to be carried out by Turkish settlers, and not by Turkish Cypriots.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.parliament.cy/parliamenteng/index.htm>.

<sup>2</sup> Law no. 46(I)/1994 on Animal Protection and Welfare.

<sup>3</sup> Official Gazette 2002 Annex III(I) 1891.

## ROMANIA

### *A. Legislation<sup>1</sup>*

#### **Order no. 180 of 11 August 2006 of the National Authority for Veterinary Health and Food Safety concerning the regulation for veterinary health on animals' protection during slaughter and killing<sup>2</sup>**

##### **Article 2. [...]**

(2) In the case of religious slaughter, the religious authority carrying out the slaughter will be competent to apply and monitor specific provisions applicable to the slaughter according to certain religious rites. The actions of the religious authority will be carried out under the supervision of a veterinary doctor accredited by the state, according to the provisions of Art. 2 of the Regulation for veterinary health regarding the health conditions for production and trade of fresh meat, approved by Order 401/2002, published in the Official Gazette, Section I, No. 32, of January 22, 2003, transposing the Council Directive 64/433/CEE.<sup>3</sup>

**Article 3.** Animals will be spared any avoidable excitement, pain suffering during movement, lairaging, stunning, slaughter or killing.<sup>4</sup>

##### **Article 5. [...]**

(2) Animals slaughtered according to specific methods required by a religious rite are exempted from the general requirements laid down in Article 5 § 1) c).<sup>5</sup>

#### **Annex no. 2. Restraint of animals before stunning, slaughter or killing<sup>6</sup>**

**Article 1.** Animals must be restrained in such a way as to spare them any intentional or unintentional pain, suffering, agitation or contusions. In the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid pain, suffering or agitation and any injuries or contusions to the animals is obligatory.<sup>7</sup>

**Article 2.** Animals' legs must not be tied, and animals must not be suspended before stunning or killing. Birds and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state. Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.<sup>8</sup>

**Article 3.** Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.<sup>9</sup>

**Article 4.** Electrical stunning equipment must not be used as a means of restraint or immobilisation or to make animals move.<sup>10</sup>

#### **Annex no. 3. Stunning and killing of animals other than animals reared for fur<sup>11</sup>**

##### **Permitted methods**

##### **(1) Stunning**

1. Captive bolt pistol
2. Concussion
3. Electronarcosis
4. Exposure to carbon dioxide

##### **(2) Killing**

1. Gun or rifle
2. Electrocution

3. Exposure to carbon dioxide<sup>12</sup>**Annex no. 4. Bleeding of animals<sup>13</sup>**

**Article 1** (1) For animals which have been stunned, bleeding must be as soon as possible after stunning and be carried out in such a way as to bring rapid, profuse and complete bleeding. In any event, the bleeding must be carried out before the animal regains consciousness.

(2) a) All animals which have been stunned must be bled by incising at least one of the carotid arteries or a blood vessel.

[...]

3) The person responsible for the stunning, shackling, hoisting and bleeding of animals, must carry out those operations consecutively on one animal before carrying them out on another animal.<sup>14</sup>

The National Authority for Veterinary Health and Food has compiled a Guide for the protection of animals during killing, recommending the following methods of killing for each category of animals:<sup>15</sup>

Method	Procedure	Species			
		Bovine	Sheep and Goats	Pigs	Poultry
Mechanical	Gun with free bullet or rifle	Yes	Yes	Yes	Yes
	Non-penetrating captive bullet followed by bleeding	Yes	Yes	Yes	No
	Non-penetrating captive bullet	Yes (only adults)	Yes	Yes (only newly born)	Yes
	Cervical dislocation (manual and mechanical)	No	No	No	Yes (small number of birds)
	Maceration	No	No	No	Yes (only for poultry of one day old and eggs)
Electrical	Applied in 2 stages	Yes (only for calves)	Yes	Yes (After a week)	No
	Applied once (including water drowning)	Yes (only for calves)	Yes	Yes (After a week)	Yes
Gas	Mixture of CO <sub>2</sub>	No	Yes (only for newly born)	Yes (only for newly born)	Yes

	<b>Azot mixed with CO<sub>2</sub></b>	No	Yes (only for newly born)	Yes (only for newly born)	Yes
	<b>Azot and/or inert gas</b>	No	Yes (only for newly born)	Yes (only for newly born)	Yes
	<b>CO</b>	No	Yes (only for newly born)	Yes (only for piglets)	Yes
<b>Lethal injections</b>	<b>Drugs (Barbiturice)</b>	Yes	Yes	Yes	Yes
<b>Adding anaesthetic drugs in water and food</b>	<b>Drugs (Barbiturice )</b>	No	No	No	Yes
<b>Killing unconscious animals</b>	<b>Decapitation</b>	No	No	No	Yes
	<b>Spinal</b>	Yes	Yes	Yes	Yes
	<b>Bleeding</b>	Yes	Yes	Yes	Yes

This document does not mention religious slaughter or requirements for slaughter according to a religious rite.

To sum up, the carrying out of religious slaughter without previous stunning is permitted. According to Article 5 § 2 of the Order no. 180 of 11 August 2006 of the National Authority for Veterinary Health and Food Safety concerning the regulation for veterinary health on animals' protection during slaughter and killing, animals slaughtered according to specific methods required by a religious rite are exempted from the general requirements laid down in Article 5 § 1 letter c), which stipulates that animals brought to slaughterhouses to be slaughtered shall be stunned or killed instantaneously.

For the religious slaughter of animals, the religious authority carrying out the slaughter will be competent to apply and monitor the compliance with the specific requirements of this kind of slaughter, under the supervision of a veterinary doctor accredited by the public authorities (Article 2 § 2 leg. cit.). It is important to note that, when referring to "religious authorities", the country's legislation does not distinguish between state-recognised religious denominations, religious associations or religious groups – which constitute the tripartite system established by the 2006 Romanian Law on Religious Freedom and the General Statute of Religious Denominations.<sup>16</sup>

Articles 6 leg. cit. stipulates that the instruments, devices for restraining and installations used for stunning or killing must be designed, built, maintained and used in such a way as to carry out stunning or killing quickly and efficiently. The National Authority must verify the compliance with this provision.<sup>17</sup> According to Article 7 leg. cit., the personnel in charge with moving, lairaging, restraining, stunning, slaughtering or killing animals must have the knowledge and skills required to perform these tasks humanely and efficiently, in compliance with sanitary-veterinary provisions.<sup>18</sup>

### *B. Short Overview of the Legal History*

During the Second World War, Romania – like other European countries – prohibited the carrying out of religious slaughter without previous stunning of all animals, with the exception of poultry.<sup>19</sup> The Framework Law 60/1974 on Veterinary Health enforced during the Communist period did not include any specific provisions on this kind of slaughter.<sup>20</sup>

Thus, apart from the interbellic period, when historical contingencies – rather than the need to regulate animal welfare more systematically – provided the ground for the adoption of such a measure, religious slaughter was first regulated by the Order no. 425 of 19 September 2002 concerning provisions of veterinary health for the protection of animals during slaughter and killing.<sup>21</sup> Articles 2 § 2 and 5 § 2 of the Order 425/2002 are identical to the provisions of Order 180/2006. The trigger for the new provisions was the need to harmonise Romanian legislation with EU standards, which generated wide public debates – albeit not so much in relation with religious slaughter, as in relation with the traditional slaughter of pigs for Christmas and lambs for Easter, because many individual farmers have been affected by these stricter rules.

It should also be remembered that the Law no. 215 of 27 May 2004 concerning the approval of the Government Ordinance 42/2004 regarding veterinary activities has established the National Authority for Veterinary Health and Food Safety as a governing body.

### C. Recent Court Decisions

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.ansv.ro/legislatie.php?cmd=index>.

<sup>2</sup> **Autoritatea Nationala Sanitar Veterinara si pentru Siguranta Alimentelor, Ordin nr. 180 din 11 august 2006 pentru aprobarea Normei sanitare veterinare privind protectia animalelor în timpul sacrificarii si uciderii**, Monitorul Oficial nr. 721 din 23 august 2006.

<sup>3</sup> **Art. 2 [...]**

(2) În cazul sacrificarilor religioase, autoritatea religioasă în partea careia se practica sacrificarea va avea competenta de a aplica si de a monitoriza prevederile specifice ce se aplica sacrificarii în conformitate cu anumite ritualuri religioase. Referitor la prevederile mentionate anterior, autoritatea religioasa va actiona sub raspunderea unui medic veterinar oficial, conform prevederilor art. 2 din Norma sanitara veterinara privind conditiile de sanatate pentru producerea si comercializarea carnilor proaspete, aprobata prin Ordinul ministrului agriculturii, alimentatiei si padurilor nr. 401/2002, publicat în Monitorul Oficial al României, Partea I, nr. 32 din 22 ianuarie 2003, ce transpune Directiva Consiliului 64/433/CEE.

<sup>4</sup> **Art. 3** Animalele vor fi ferite de orice stimul, suferinta sau durere evitabila în timpul miscarii, adapostirii, asomarii, sacrificarii ori uciderii.

<sup>5</sup> **Art. 5 [...]**

(2) Pentru animalele supuse unor metode particulare de sacrificare cerute de unele ritualuri religioase, cerintele alin. (1) lit. c) nu se vor aplica.

<sup>6</sup> **Annex 2**, Autoritatea Nationala Sanitar Veterinara si pentru Siguranta Alimentelor, Ordin nr. 180 din 11 august 2006 pentru aprobarea Normei sanitare veterinare privind protectia animalelor în timpul sacrificarii si uciderii, Monitorul Oficial nr. 721 din 23 august 2006.

<sup>7</sup> **Art. 1** Animalele trebuie contentionate astfel încât sa nu li se provoace în mod intentionat sau neintentionat suferinta, durere, ranire sau contuzii. În cazul sacrificarii rituale, este obligatorie contentia bovinelor înainte de sacrificare prin folosirea unei metode mecanice care sa nu provoace durere, suferinta, contuzii sau ranire..

<sup>8</sup> **Art. 2** Picioarele animalelor nu trebuie legate, iar animalele nu trebuie suspendate înainte de asomare sau de ucidere. Pasarele si iepurii pot fi suspendati în vederea sacrificarii, cu condiția ca asomarea sa se realizeze fara întârziere si sa se ia masuri adecvate pentru a se asigura ca la punctul de asomare acestea se afla într-o stare de relaxare suficienta pentru o asomare eficienta. Mai mult decât atât, prinderea unui animal într-un sistem de contentie nu trebuie asociata sub nici o forma cu suspendarea animalului..

<sup>9</sup> **Art. 3** Animalele care sunt asomate sau ucise prin mijloace mecanice ori electrice, aplicate pe cap, trebuie prezentate într-o astfel de pozitie încât echipamentul sa poata fi folosit adecvat, cu usurinta si pe o perioada determinata. În cazul solipedelor sau bovinelor autoritatea competenta poate autoriza utilizarea unor mijloace adecvate care sa limiteze miscarile capului.

<sup>10</sup> **Art. 4** Echipamentul de asomare electrica nu va fi folosit ca un mijloc de limitare a miscarilor sau de imobilizare a animalelor si nici ca mijloc de a face animalele sa se deplaseze.

<sup>11</sup> **Annex 3**, Autoritatea Nationala Sanitar Veterinara si pentru Siguranta Alimentelor, Ordin nr. 180 din 11 august 2006 pentru aprobarea Normei sanitare veterinare privind protectia animalelor în timpul sacrificarii si uciderii, Monitorul Oficial nr. 721 din 23 august 2006.

<sup>12</sup> **METODE PERMISE**

(1) Asomarea

1. Pistolul cu glonte captiv
2. Lovirea urmata de pierderea cunostintei
3. Electronarcoza
4. Expunerea la dioxid de carbon

(2) Uciderea

1. Pistol cu glonte liber sau pusca
2. Electrocutarea
3. Expunerea la dioxid de carbon.

<sup>13</sup> **Annex 4**, Autoritatea Nationala Sanitar Veterinara si pentru Siguranta Alimentelor, Ordin nr. 180 din 11 august 2006 pentru aprobarea Normei sanitare veterinare privind protectia animalelor în timpul sacrificarii si uciderii, Monitorul Oficial nr. 721 din 23

august 2006.

<sup>14</sup> Art. 1. Pentru animalele care au fost asomate sangerar trebuie facuta imediat dupa asomare, astfel încât sa se asigure o sangerare rapida, profunda si completa. În orice caz, sangerarea trebuie facuta înainte ca animalele sa isi recapete cunostinta.

Art. 2. a) Toate animalele care au fost asomate trebuie gerate prin incizarea cel puțin a unei artere carotide sau a vaselor din care aceasta porneste.

b) Dupa incizia vaselor sanguine nu se va aplica nicio procedura de fasonare si nicio stimulare electrica înainte ca sangerarea sa fie completa.

Art. 3. Atunci când o singura persoana efectueaza asomarea, prinderea, agatarea si sangerarea animalelor, acea persoana trebuie sa efectueze aceste operatiuni fara întrerupere la fiecare animal înainte de a trece la animalul urmator.

<sup>15</sup> See <http://www.ansv.ro/legislatie.php?cmd=index>.

<sup>16</sup> See Law 489/2006 at <http://www.culte.ro>.

<sup>17</sup> **Art. 6** Instrumentele, echipamentele pentru contentiune si instalatiile folosite pentru asomare sau ucidere trebuie sa fie proiectate, construite, întretinute si folosite astfel încât sa asigure o asomare ori o ucidere rapida si eficienta, în conformitate cu prevederile prezentei norme sanitare veterinare. Autoritatea sanitara veterinara competenta va verifica daca instrumentele, modul de contentiune si alte echipamente folosite pentru asomare sau ucidere îndeplinesc cerintele mentionate mai sus si va verifica cu regularitate buna lor functionare si modul de întretinere, astfel încât sa fie îndeplinite obiectivele prezentei norme sanitare veterinare.

<sup>18</sup> **Art. 7** Personalul responsabil cu miscarea animalelor, cazarea, contentiunea, asomarea, sacrificarea sau uciderea acestora trebuie în mod imperativ sa aiba cunostintele si indemanarea necesare pentru a efectua aceste operatiuni în mod uman si eficient, în conformitate cu cerintele prezentei norme sanitare veterinare. Autoritatea competenta va dispune ca personalul angajat pentru sacrificare sa prezinte indemanarea necesara, abilitatea si cunostintele profesionale pentru aceasta operatiune.

<sup>19</sup> See <http://www.jewishvirtuallibrary.org/jsource/vjw/romania.html>.

<sup>20</sup> **LEGE nr. 60 din 29 octombrie 1974, Legea sanitara veterinara**, B.Of. nr. 136/2 noi. 1974.

<sup>21</sup> **Ministerul Agriculturii, Alimentatiei si Padurilor, Ordin nr. 425 din 19 septembrie 2002 pentru aprobarea Normei sanitare veterinare privind protectia animalelor in timpul sacrificarii sau uciderii.**



## SLOVAKIA

### *A. Legislation<sup>1</sup>*

#### **Law on Veterinary Care of 12 December 2006<sup>2</sup>**

**Article 22. Animal protection.** (1) The owner or keeper of an animal is obliged to safeguard protection and comfort of the animals raised or kept, [...], by complying with the requirements about

[...]

h) the protection of animals at the time of killing or slaughter,

[...]

(2) It is prohibited to ill-treat animals, by which – except for justified health or approved experimental reasons – it is understood any acting

a) causing permanent or long-term damages to the health of an animal,

b) causing permanent or long-term injuries to not renewable parts of an animal's organism apart from sterilising females and castrating males, from docking parts of dogs' tails in accordance with recognised breed standards up to an age of 14 days, and from dehorning calves up to an age of eight weeks in compliance with the conditions for stopping the spread of diseases,

c) [...]

(3) Furthermore it is prohibited

a) to dope animals or to feed them with anaesthetics and chemical substances which damage their health or induce an unphysiological condition, [...] apart from justified sanitary and approved experimental reasons,

b) to use stimuli, objects or instruments evoking such pain that they cause clinically noticeable injuries or clinically manifested negative alterations in the function of the nervous system or of other organic systems of an animal,

c) [...]

i) to kill an animal without an appropriate reason.

(4) An appropriate reason to kill an animal is

a) the case of self-defence and emergency,

b) the killing of a slaughter animal or any other animal that is used for gaining products of animal origin,

c) the killing of an animal in an authorised experiment,

d) [...]

f) the killing of unwanted animals if it is not possible to safeguard substitute care,

g) the hunting of animals in an authorised way.

(5) The prohibitions of paragraphs 2 and 3 refer to vertebrates only.<sup>3</sup>

**Article 23. Slaughter of animals for private home purposes.** (1) It is possible to slaughter cattle, sheep and pigs at the farmer's for private home purposes, if

a) the slaughter is notified to the competent regional veterinary and food authority at least one working day in advance,

b) the requirements of animal protection at the time of slaughter are fulfilled,

c) [...]

(2) Details about slaughtering slaughter animals for private home purposes may be regulated in a general ordinance of the ministry.<sup>4</sup>

### **Government Ordinance on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing as amended on 19 November 2003<sup>5</sup>**

**Article 1. Objective of the regulation.** (1) This government ordinance transposes the Directive of the Council attached in annex no. 1 into the legal order of the Slovak Republic.<sup>6</sup>

(2) This ordinance applies to the moving, lairaging, restraining, stunning, slaughtering and killing of animals raised or kept for the production of meat, skin, fur or other products, as well as to ways of killing animals in order to stop diseases.

(3) This ordinance does not apply to

- a) technical or scientific experiments concerning actions according to paragraph 2, carried out under the control of the competent organs,
- b) animals killed at cultural or sportive events,
- c) freely living animals hunted in an authorised way.

**Article 2. Definition of terms.** For its objectives this ordinance understands by

- a) [...],
- c) lairaging the keeping of animals in a stall, a stable, a            a covered area or in fields used by slaughterhouses in order to give them any necessary attention, as water, fodder, rest, before they are slaughtered,
- d) restraint the application to an animal of any procedure designed to restrict its movements in order to facilitate effective stunning or killing,
- e) stunning any process which, when applied to an animal, causes immediate loss of consciousness which lasts until death,
- f) killing any process which causes the death of an animal,
- g) slaughter causing the death of an animal by bleeding,
- h) competent organ the competent veterinary authority    the central authority of a Member State competent to carry out veterinary checks or any authority to which the central authority has delegated that competence.

**Article 3. Protection of animals.** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.

**Article 4. Requirements applicable to slaughterhouses.** The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.

**Article 5.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be

- a) moved and if necessary lairaged in accordance with the provisions of Annex no. 2,
- b) restrained in accordance with the provisions of Annex no. 3,
- c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex no. 4,
- d) bled in accordance with the provisions of Annex no. 5.

(2) In the case of animals subject to particular method of slaughter required by certain religious rites, the requirements of paragraph 1 c) shall not apply.

(3) The veterinary and food authorities of the Slovak    ublic (hereinafter State veterinary and food authorities) may, for establishments qualifying for derogations pursuant to specific provisions, grant derogations from paragraph 1 a) in respect of the moving and lairaging of cattle, and from paragraph 1 a) as

well as from the methods for stunning and killing referred to in Annex no. 4 in respect of poultry, rabbits, pigs, sheep and goats, provided that the requirements laid down in Article 3 are met.

**Article 6.** (1) Instruments, restraint and other equipment and installations used for stunning or killing must be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the provisions of this ordinance.

(2) The competent authority shall check that the instruments, restraint and other equipment used for stunning or killing comply with the above principles and shall check regularly to ensure that they are in a good state of repair and will allow the objective referred to in paragraph 1 to be attained.

(3) Suitable spare equipment and instruments must be kept at the place of slaughter for emergency use. They shall be properly maintained and inspected regularly.

**Article 8. Slaughter and killing of animals outwith slaughterhouses.** (1) Where animals referred to in Article 5 § 1 are slaughtered outwith slaughterhouses, the requirements of Article 5 § 1 letters b), c) and d) shall apply to their slaughter.

(2) The requirements of paragraph 1 do not apply to the slaughter or killing of poultry, rabbits, pigs, sheep and goats for owner's personal consumption, provided that Article 3 is complied with and that pigs, sheep and goats have been stunned in advance.

**Article 12. Slaughter of animals according to a religious method.** (1) A registered Church or Religious Society, which slaughters animals according to a religious method for its needs and to comply with certain traditional religious observances, may slaughter only        permission of the main veterinarian, meeting the general standards provided by Article 3.

(2) The permission to slaughter animal according to a religious method is issued on application for the period of one year by the main veterinarian.

(3) An application according to paragraph 2 must contain:

- a) the name and the residence of the applicant,
- b) the first name and the surname of the person entitled to act in the applicant's name,
- c) the first name and the surname of the person empowered or assigned to slaughter animals according to specific religious methods, documents proving the qualification and the length of practical experience with slaughtering animals according to specific religious methods,
- d) a reason why the application for a permission to slaughter animals according to a religious method has been filed,
- e) an expected number of animals that shall be slaughter while this permission is valid,
- f) the place where the animals will be slaughtered under veterinary control,
- g) the actual number of animals slaughtered according to a religious method while the previous permission to slaughter animals according to a religious method was valid if such a permission was issued in the past,
- h) the date when the application was filed and a signature of the person entitled to act in the applicant's name.

(4) The main veterinarian may reject the application or annul the permission to slaughter animals according to specific religious methods if

- a) a violation of the general standards provided by Article 3 is ascertained,
- b) the person empowered, assigned or carrying out slaughter of animals according to specific religious methods does not comply with qualification requirements,
- c) slaughter without veterinary control is ascertained,
- d) the number of slaughtered animals is not supplied according to paragraph 3 g).

(5) Animals may be slaughtered according to specific religious methods in approved slaughterhouses only, restrained and placed in a natural position for the animal species slaughtered; a restraining position of the body other than on the back may be considered as a natural position.

(6) Animals slaughtered according to specific religious methods must be rendered unconscious conforming to Annex no. 4 directly after the beginning of the religious slaughter at the latest.

(7) The regional veterinary and food authority must be informed about slaughter of animals according to a religious method one working day in advance at the latest.

**Article 13. Import from third countries.** (1) In the context of their protection, animals whose meat is imported to the Slovak Republic from third countries, must be treated at the time of their slaughter or killing in such a way that resembles at least the treatment which this ordinance guarantees to animals. The confirmation of compliance with this requirement must be attached to the sanitary certificate.

(2) Establishments located in the territory of a third country must be approved for export into countries of the European Communities by the European Commission. This requirement must be confirmed through a certificate attached to the consignment and issued by the competent body of the third country.

**Article 14. Control.** In order to safeguard uniform proceeding for the implementation of the European Commission's provisions referred to in Annex no. 1, the veterinarians assigned by the European Commission exercise control on site in collaboration with the competent body, which provides for the co-operation necessary to enforce their obligation. The State's veterinary and food authority takes the measures necessary to remedy observed irregularities. The competent authority incorporate and natural persons concerned by this control facilitate access to all necessary information, documents and persons as well as entrance to premises, establishments, equipment and means of transport to the experts assigned by the European Commission so that they can exercise control to the same extent as the competent authority.

### **Annex no. 3. Requirements for the restraint before stunning, slaughter or killing.**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

(2) In the case of slaughter according to a religious restraint before slaughter of bovine animals using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(3) Animals' legs must not be tied, and animals must not be suspended before stunning or killing; poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay. Holding an animal in a restraint system may in no circumstances be regarded as suspension.

(4) Animals which are stunned or killed by mechanical electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. In the case of solipeds and cattle the head must be restrained by appropriate means.

(5) Electrical stunning equipment must not be used as means of restraint or immobilisation or to make animals move.

### **Annex no. 4. Requirements for stunning or killing of animals other than animals reared for fur.**

#### **I. Permitted methods for stunning and killing.**

##### **(1) Stunning:**

- a) Captive bolt pistol which smashes the skull,
- b) Concussion without smashing the skull,
- c) Electrical discharge,
- d) Exposure to carbon dioxide.

##### **(2) Killing:**

- a) Free bullet pistol or rifle,
- b) Electrocutation,
- c) Exposure to carbon dioxide.

(3) On the basis of an individual application and having considered other available methods of killing, the main veterinarian may authorise decapitation, abrupt separation of the head from the animal's neck, dislocation of the neck, fracture of the complete jugular backbone also disconnecting the spinal cord, and the use of a vacuum chamber as an appropriate method of killing for certain species for a concrete applicant for one year limited, provided that Article 3 is complied and that the specific requirements laid down in point III of this Annex are met.

## II. Specific requirements for the stunning of animals.

Animals must not be stunned out unless they are slaughtered by bleeding immediately afterwards.

### (1) When using a captive bolt pistol which smashes the skull,

- a) the stunning instrument must be positioned and aimed s ure that the projectile enters the cerebral cortex; for cattle, the instrument is correctly positioned at the forehead at the intersection of the imaginary flow lines of the eye and basically the opposite horn, and aimed to the foramen ovale, for horses and pigs the instrument is correctly positioned at the forehead at the intersection of the imaginary flow lines of the eye and the opposite upper edge of the auricle, and aimed with cattle, for goats and sheep, the instrument is correctly positioned vertically at the top of the head d aimed between the curves of the jawbone,
- b) it is prohibited to stun cattle by shooting them in the poll position; it is permitted to stun sheep and goats by shooting them in the poll position if the presence horns prevents use of the crown position, in such cases the shot must be placed immediately behind the base of the horns and aimed towards the base of the tongue, and bleeding must commence within 15 seconds of shooting,
- c) when using a captive bolt instrument, the operator must check to ensure that the bolt retracts to its full extent after each shot. If it does not so retract, the instrument must not be used again until it has been repaired,
- d) animals must not be placed in head restraint until the slaughterman is ready to stun them,
- e) the penetration of the bolt which smashes the skull must be 9 mm deep for stunning animals with a living weight lower than 150 kg and 14 mm deep for stunning animals with a living weight bigger than 150 kg,
- f) when using a captive bolt instrument, suitable spare equipment must always be kept at the place of slaughter for emergency use,
- g) before bleeding each animal must be checked to ensure it is unconscious, having lost its regular breathing rhythm and the corneal reflex; the checks of the captive bolt stunning have to be recorded on a daily basis together with insufficiencies of the stunning; for reasons of control this record has to be stored for one year.

### (2) When using concussion without smashing the skull,

- a) this is only permitted using a mechanically-operated instrument which administers a blow to the skull. The operator must ensure that the instrument is applied in the proper position and that the correct strength of cartridge is used, in accordance with the manufacturer's instructions, to produce an effective stun without fracture of the skull,
- b) however, in the case of batches of up to 50 rabbits, w a non-mechanical blow to the skull is used according to no. 2 letter a), that operation must be carried out in such a way that the animal is immediately rendered unconscious and remains so until its death and in compliance with the general provisions of Article 3,
- c) fish may be slaughtered in equipments with a small capacity by applying a blow onto the top of their head, followed by breaking the spinal cord, severing the blood vessels from directly behind the head or severing the rib curves, and bleeding,
- d) when using concussion without smashing the skull, suitable spare equipment must always be kept at the place of slaughter for emergency use,
- e) before bleeding each animal must be checked to ensure that it is unconscious, having lost its regular breathing rhythm and the corneal reflex; the checks of the concussion stunning without smashing the skull

have to be recorded on a daily basis together with insufficiencies of the stunning; for reasons of control this record has to be stored for one year.

(3) When using electrical discharge,

a) the electrodes must be placed to the wet skin or to a place rid of excess wool or feathers in such a way that they span the brain, enabling the current to pass through it; for ruminants, the electrodes are appropriately placed at the medium distance between eye and ear at each side, for pigs it is possible to place the electrodes also tightly beneath or in front of the ear,

b) where animals are stunned individually, the apparatus must:

1. incorporate a device which measures the impedance of the load and prevents operation of the apparatus if the minimum required current cannot be passed,
2. incorporate an audible or visible device indicating the length of time of its application to an animal,
3. be connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator,

c) individual stunning of animals with electrocution is carried out with alternating current of a frequency of 50 Hz and the following amperage:

<i>Category of animals</i>	<i>Amperage per animal during 4 seconds</i>
Cattle	2.5 A
Calf	1.0 A
Pigs	1.3 A
Sheep and goats	1.0 A
Lambs	0.6 A
Rabbits	0.3 A
Ostrich	0.4 A

d) when using electrical discharge for stunning, suitable spare equipment independent from the supply of electrical energy must always be kept at the place of slaughter for emergency use,

e) before bleeding each animal must be checked to ensure that it is unconscious, having lost its regular breathing rhythm and the corneal reflex; the checks of the stunning through electrical discharge have to be recorded on a daily basis together with insufficiencies of the stunning; for reasons of control this record has to be stored for one year,

f) where electrical discharge is used to stun poultry in waterbath, the level of the water must ensure that there is good contact with the bird's head, and it is necessary to ensure a good conductivity by wetting the hooks or the noose with which the poultry is suspended,

g) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned must be maintained,

h) electrical discharge in the waterbath and consecutive bleeding is carried out with alternating current which leads to the animals immediate unconsciousness until it is killed with a frequency of 50 Hz and the following amperage, adjusted to one animal:

<i>Category of animals</i>	<i>Amperage per animal during 4 seconds</i>
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<i>Category of animals</i>	<i>Amperage per animal during 4 seconds</i>
– Broiler	120 mA
– Chicken	90 mA
– Turkey	150 mA
– Ducks and geese	130 mA during 6 seconds
– Quail	60 mA

i) waterbaths for poultry must be adequate in size and depth for the type of bird being slaughtered, and must not overflow at the entrance. The electrode which is immersed in the water must extend the length of the waterbath,

j) before stunning and at least every second hour from the beginning, the operator has to check the effectiveness of the stunning by testing the corneal reflex; the checks have to be recorded supplying date, time and result of the reflex; for reasons of control this record has to be stored for one year,

k) waterbath stunners must be equipped with a manual power switch enabling to stop the line in case of failure or insufficient stunning of the poultry,

l) also fish may be stunned with electrical discharge in the waterbath.

(4) When stunning through exposure to carbon dioxide

a) the concentration of carbon dioxide for stunning pigs be at least 80 % by volume at the point of maximum concentration,

b) the chambers in which pigs are exposed to the gas, and the equipment used for conveying the pigs through it, must be so designed, constructed and maintained as to avoid injury to the pigs and compression of the chest and enable them to remain upright until they lose consciousness. Adequate lighting must be provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings,

c) the chambers must be fitted with devices for measuring the gas concentration at the point of maximum exposure and for giving a clearly visible and audible warning if the concentration of carbon dioxide falls below the required level,

d) the function of the measuring devices must be checked on a regular basis, but at least once a year,

e) at least two pigs must be placed in pens or containers in which they can see each other and conveyed into the gas chamber within 30 seconds from their entry into the installation. They must be conveyed as rapidly as possible from the entrance to the point of maximum concentration of the gas and must be exposed to it for long enough to ensure that they remain unconscious until they have been killed, but at least for 90 seconds in the chamber with a gas concentration of more than 80 % by volume,

f) before bleeding each animal must be checked to ensure it is unconscious, having lost its regular breathing rhythm, the corneal reflex and the muscular tone; the checks of the effectiveness of the stunning through exposure to carbon dioxide have to be recorded on a daily basis together with insufficiencies of the stunning; for reasons of control this record has to be stored for one year,

g) also fish may be stunned through exposure to carbon dioxide, they must be completely immersed.

III. Specific requirements for killing.

(1) A free bullet pistol or a rifle, which may be used to kill various species, in particular large farmed game and deer, are subject to authorisation by the competent veterinarian, which must ensure in particular that they are used with a wholly jacketed bullet by duly qualified staff in a such way that leads to the animals immediate unconsciousness and consecutive death, and in compliance with the general provisions of Article 3 according to the animal species.

[...].

(2) Electrocutation may be used to kill various species bleeding in compliance with the provisions of Article 3; individual killing of animals with electrocutation is carried out with alternating current led through brain and heart until it stops beating or in a two-phase way through brain and without delay through heart with a frequency of 50 Hz and the following amperage:

<i>Category of animals</i>	<i>Amperage per animal during 8 seconds at least</i>
– Cattle	2.5
– Calf	1.0
– Pigs	1.3
– Sheep and goats	1.0
– Lambs	0.6
– Rabbits	0.3
– Ostrich	0.4

(3) Electrical waterbath may be used to kill poultry and fish without consecutive bleeding;

[...].

(4) Killing animals in waterbath is carried out with alternating current with a frequency of 50 Hz and the following amperage:

[...].

(5) Carbon dioxide may be used to kill various species without bleeding in compliance with the provisions of Article 3, this method is particularly appropriate for gallinaceous birds and fish;

[...].

(6) Decapitation and dislocation of the neck may only be used for killing a small number of poultry (up to 30 birds) by duly qualified staff and in compliance with the provisions of Article 3.

(7) The vacuum chamber may be used only for the killing of certain animals for consumption belonging to farmed game species, such as e.g. quail, partridge or pheasant, in compliance with the provisions of Article 3 [...].

(8) All animals may be killed through anaesthetics, if the chosen anaesthetic, the dosage and the way of administering cause immediate loss of consciousness resulting in the animal's death. This method is particularly appropriate for killing lambs, suckers and piglets.

#### **Annex no. 5. Requirements for bleeding animals.**

(1) An animal that has been stunned must be bled so as to ensure rapid and complete bleeding before the animal regains consciousness.

(2) Depending on the stunning method and the animal species the period from stunning to commencing the bleeding must not exceed

a) with captive bolt pistol

1. for cattle 60 seconds,

2. for sheep and goats 15 seconds,

3. for other animals 20 seconds,



b) with electrical discharge

1. and bleeding in a recumbent position 10 seconds,
2. and bleeding of a suspended animal 20 seconds,

c) with exposure to carbon dioxide 20 seconds.

(3) An animal that has been stunned must be bled by incising at least one of the carotid arteries or the vessels from which they arise; after incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animal before the bleeding has ended.

(4) Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.

(5) Manual back-up must be available where poultry is bled by means of automatic neck-cutters so that, in the event of a breakdown, birds may be slaughtered immediately.

To sum up, religious slaughter without previous stunning is allowed provided that a number of conditions are met:

- only registered Churches and Religious Societies may apply for an exemption and, thus, carry out the slaughter of animals according to a religious method. As a consequence, Jews are allowed to apply for such an exemption, as the Union of the Jewish Communities is a registered Religious Society, whereas Muslims, who have been so far denied their registration, cannot carry out religious slaughter without previous stunning;

- the permission to carry out the slaughter of an animal according to a religious method is issued on application, for the period of one year, by the official veterinarian. The official veterinarian may reject the application or annul the permission if the general standards of animal protection are not met; the operator does not comply with the qualification requirements; animals are slaughtered without veterinary control; or the number of slaughtered animals is not supplied as required in the application;

- post-cut stunning must be performed.

Meat may not be imported from third countries unless animals were treated according to a standard at least equal to that provided for by the present Ordinance at the time of slaughter or killing.

## *B. Short Overview of the Legal History*

Derogations from the requirement of stunning have always been granted since the foundation of the Slovak Republic in 1993. With the passing of time, Slovakia's legal provision concerning this issue have become more and more detailed. The first legal act providing for such a derogation – albeit limited to poultry – was the Animal Protection Act of 1995. This Act was repealed by Law no. 488/2002 on Veterinary Care, which stipulated that registered Churches and Religious Societies could obtain a permission to slaughter animals according to their religious methods, also without previous stunning (Paragraphs 6 and 31 letter d)).

The new Veterinary Law, which entered into force on 1 January 2007, does not contain any specific provisions concerning religious slaughter. With the approval of the Government Ordinance no. 315/2003 on the Requirements for the Protection of Animals at the Time of their Slaughter or Killing of 9 July 2003, amended by the Government Ordinance no. 497 of 19 November 2003, the provisions regulating slaughter were moved from the level of parliamentary laws to government ordinances.

## *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

### ENDNOTES

<sup>1</sup> See <http://www.svssr.sk>.

<sup>2</sup> 39/2007 Z.z. Zákon o veterinárnej starostlivosti z 12. decembra 2006.

<sup>3</sup> § 22. Ochrana zvierat. (1) Vlastník alebo držiteľ zvierat a je povinný pri chove zvierat alebo držaní zvierat zabezpečiť ich ochranu a pohodu, ktorou sa rozumie dosiahnutie takého vzťahu medzi prostredím a každým individuálnym zvieratom, ktorý s ohľadom na druh zvierat, stupeň jeho vývoja, prispôsobenia sa a domestikácie zaručí jeho dobrý zdravotný stav, fyziologické a etologické potreby, dostatočnú voľnosť pohybu, sociálne vzťahy, rozvíjanie jeho daností a fyziologické prejavy správania, a to dodržiavaním požiadaviek na

[...]

h) ochranu zvierat v prípade ich usmrčovania alebo zabíjania,

[...].

(2) Zakazuje sa týranie zvierat, ktorým je každé konanie okrem odôvodneného zdravotného a schváleného pokusného dôvodu, ktorým sa

a) spôsobí zvieratu trvalé alebo dlhodobé poškodenie zdravia,

b) spôsobí zvieratu trvalé alebo dlhodobé porušenie neobnoviteľných častí organizmu okrem sterilizácie samíc a kastrácie samcov, kupírovania časti chvosta psov v súlade s uznanými plečnými znakmi do veku 14 dní a odrokovania teliat do veku osem týždňov pri dodržaní podmienok zabranujúcich rozširovaniu chorôb,

c) [...].

(3) Ďalej sa zakazuje

a) dopováť zvieratá alebo im podávať omamné látky a chemické látky poškodzujúce ich zdravie alebo navodzujúce ich nefyziologický stav, alebo podávať im potravu obsahujúcu látky alebo predmety, ktoré im spôsobujú bolesť, utrpenie alebo ich inak poškodzujú, okrem odôvodnených zdravotných a schválených pokusných dôvodov,

b) používať podnety, predmety alebo pomôcky vyvolávajúce bolesť tak, že spôsobujú klinicky zjavné poranenie alebo klinicky preukázateľné negatívne zmeny v činnosti nervovej sústavy alebo iných orgánových sústav zvierat,

c) [...].

i) usmrtiť zviera bez primeraného dôvodu.

(4) Primeraným dôvodom na usmrtenie zvierat a je

a) prípad nutnej obrany a krajnej núdze,

b) usmrtenie jatocného zvierat a alebo iného zvierat a využívaného na získavanie produktov živočíšneho pôvodu,

c) usmrtenie zvierat a v schválenom pokuse,

d) [...].

f) usmrtenie nechcených zvierat, ak pre ne nie je možná áhradná starostlivosť,

g) ulovenie zvierat a povoleným spôsobom.

(5) Zákazy podľa odsekov 2 a 3 sa vzťahujú len na stavovce.

<sup>4</sup> § 23. Zabíjanie zvierat pre súkromnú domácu spotrebu. (1) Hovädzí dobytok a ošípané možno zabíjať u chovateľa na súkromnú domácu spotrebu, ak

a) bolo zabíjanie zvierat nahlásené príslušnej regionálnej veterinárnej a potravinovej správe aspoň jeden pracovný deň vopred,

b) boli dodržané požiadavky na ochranu zvierat v prípade zabíjania,

c) [...].

(2) Podrobnosti o zabíjaní jatocných zvierat na súkromnú domácu spotrebu môže ustanoviť všeobecne záväzný právny predpis, ktorý vydá ministerstvo.

<sup>5</sup> Nariadenie vlády Slovenskej republiky 315/2003 Z.z., ktorým sa ustanovujú požiadavky na ochranu zvierat v prípade ich zabíjania alebo usmrčovania, in force from 1 August 2003, as amended by Ordinance 497/2003 Z.z. (in force from 1 December 2003). This ordinance is based on § 2 (1) letter k of L. No. 19/2002 Z.z. as amended by L. No. 207/2002 Z.z. and on § 3 (2) of L. No. 488/2002 Z.z. § 56 of the Law on Veterinary Care abrogated §§ 1 to 49 of L. No. 488/2002 Z.z., but did not abrogate this ordinance. Its legal basis is still considered the aforementioned § 2 (1) letter k of L. No. 19/2002 Z.z., which was most recently amended by L. No. 573/2005 Z.z.

<sup>6</sup> Directive no. 93/119/EC.

## SLOVENIA

### *A. Legislation<sup>1</sup>*

#### **Animal Protection Act of 18 November 1999 as amended on 26 April 2007<sup>2</sup>**

**Article 3.** No one may cause suffering, illness or death to an animal without good reason.<sup>3</sup>

**Article 4.** Cruelty to animals is considered to be:

- any handling or the absence of handling that is premeditated and causes lasting harm to the animal or the prolonged or repetitive suffering of the animal, or that affects its health;
- the avoidable or inappropriate killing of an animal.<sup>4</sup>

**Article 5.** The terms used in this Act shall have the following meaning:

[...]

15. Slaughter of animals is the method of killing animals for human consumption. Religious slaughter of an animal is the slaughter of an animal within a religious ceremony conducted by an authorised person of a religious community.

[...].<sup>5</sup>

**Article 25.** Prior to slaughter, warm-blooded animals must be stunned in the professional and prescribed way.

The following methods of handling shall be prohibited:

- slaughter without the professional and prescribed stunning of the animal prior to slaughter;
- slaughter of animals after the stunning which has not been carried out professionally;
- the bleeding of an animal which has not been carried out immediately after stunning;
- the commencement of further treatment of slaughtered animals before the animals have been bled properly.

Premeditated handling under paragraph two of this Article by a person registered for the activity of animal slaughter is considered to be cruelty to animals.

The provisions of paragraph one and two of this Article do not apply to the slaughter of poultry and rabbits at the rearing establishment for proper household consumption by the holder of activity.

An animal may exceptionally be slaughtered without stunning in the case of:

- emergency slaughter or other threat of death of the animal, or slaughter for other health reasons;
- an exceptional authorisation of religious slaughter by the administrative authority competent for the veterinary field.

[...]

A slaughterhouse must ensure the protection of animals intended for slaughter and prevent any avoidable distress and suffering of the animals.

The delivery of animals to the slaughterhouse and their rest prior to slaughter, the maintenance of animals prior to slaughter, the driving of animals from the point of unloading to the lairage or the point of slaughter of animals, the stunning and slaughter of animals must be carried out in compliance with the prescribed conditions.

In case of derogation from stunning prior to slaughter under this Article, care must be taken that all the avoidable suffering of animals prior to slaughter is prevented.<sup>6</sup>

**Article 42.** The supervision of the implementation of this Act, and the implementing regulations issued on the basis thereof, is carried out by the veterinarians, the agricultural, hunting, fishery inspectors, and the

inspectors competent for the preservation of nature (hereinafter referred to as: the competent inspector), each within the framework of his authorisations and competence.

Beside the persons referred to in the first paragraph, the supervision of the implementation of paragraphs two and three of Article 11, of Article 12 and of first, second, fourth, fifth, ninth and fifteenth line of Article 15 is also carried out by the police authority.

Associations operating in the field of animal protection have to communicate to the competent inspector the violations of this Act, which they have encountered during their operations, and to give warnings about irregularities and illegalities in relation to the protection of animals.<sup>7</sup>

**Article 43.** During inspection and control, in addition to the rights and obligations conferred upon him in compliance with other regulations, the competent inspector has also the following rights and obligations:

[...]

- to prohibit the carrying out of procedures which are not allowed or that are carried out under violation of the provisions of this Act;

[...]

- to prohibit slaughter of animals when the prescribed stunning and slaughter of animals has not been ensured;

[...].<sup>8</sup>

**Article 45.** [...]

A fine of 2.400 up to 84.000 euros will be imposed to any legal person or self-dependent individual entrepreneur which:

[...]

10. committed an infringement of the Article 25 of this Act;

[...]

A fine of 1.600 up to 4.100 euros for violations enumerated in the first paragraph will also be imposed to responsible persons of the legal person or of the self-dependent individual entrepreneur.

A fine of 800 up to 1.200 euros for violations enumerated in the first paragraph of this Article can be imposed to individual persons.<sup>9</sup>

#### **Rules on the protection of animals at the time of slaughter as amended on 5 January 2006<sup>10</sup>**

**Article 3. Protection of animals.** In procedures as determined in these Rules, it should be provided that animals are spared any avoidable excitement, pain and suffering.<sup>11</sup>

To sum up, Article 5 § 15 of the Animal Protection Act defines religious slaughter as the slaughter of an animal within a religious ceremony conducted by an authorised person of a religious community. Religious slaughter without previous stunning may be allowed upon an exceptional authorisation obtained by the Veterinary Administration of the Republic of Slovenia (VARS). If a slaughterhouse wants to perform religious slaughter without previous stunning, it must apply to the VARS, which decides after hearing the opinion of the Expert Council for the Protection of Animals. However, it must be noted that this Council only has an advisory role and its opinion is not binding for the VARS. So far, no authorisation allowing the carrying out of religious slaughter of large animals without previous stunning has been issued. Only in the case of poultry, four slaughterhouses have so far obtained an authorisation. Nevertheless, it must be noted that, also in these cases, the procedure for the carrying out of religious slaughter has included the previous stunning. Indeed, the only difference from conventional slaughter has consisted in the fact that the very act of slaughter (that is, the cutting of the blood vessels) was performed by an authorised representative of a religious community.

Apart from the case of slaughter carried out in slaughterhouses, Article 25 of the Animal Protection Act provides for another exception from the compulsory requirement of stunning before slaughter. Rabbits and

poultry slaughtered at the rearing establishment for proper household consumption by the holder of activity may not be stunned. However, when slaughter is carried out without previous stunning, all the avoidable suffering of animals prior to slaughter must be prevented.

The Rules on the protection of animals at the time of slaughter regulate various methods of stunning and killing of animals, but they do not regulate specifically religious slaughter without previous stunning. Thus, these Rules need amending in order to be consistent with the Animal Protection Act and with the EU law. For the moment, the handling, restraining and cutting of the blood vessels, in case of religious slaughter, are not yet regulated in detail. The VARS also operates on the basis of published scientific opinions of the European Food Safety Authority (EFSA), concerning the protection of animals at the time of stunning and killing, where some issues concerning religious slaughter are addressed as well. A set of unofficial guidelines has been produced, but these guidelines are legally non-binding. Following the scientific opinions of EFSA, the guidelines stipulate that the restraining of large animals must be achieved by the use of specially designed equipment, the cut has to be performed as swiftly as possible, and large animals must not be suspended until they become unconscious. According to Slovenian authorities, none of the slaughter facilities in Slovenia has so far installed an appropriate restraining equipment, which is the actual reason why no authorisation to perform the religious slaughter of large animals has been issued up to now.

It should also be remembered that authorised veterinarians, inspectors competent for the supervision of the implementation of the Animal Protection Act and – in rather exceptional cases – also the police may prohibit the slaughter of animals when the prescribed stunning and slaughter of animals according to the provisions of the Animal Protection Act has not been ensured.

### *B. Short Overview of the Legal History*

The Animal Protection Act, approved in 1999, is the first legal act regulating religious slaughter in Slovenia. When Slovenia was a member of Yugoslavia, the Animal Health Protection Act, entered into force in 1985, was legally binding and it did not contain any provisions concerning religious slaughter. Nonetheless, it stipulated that the inhumane slaughter of animals was as torture (Art. 79 § 7) and that the veterinarian inspector was competent for adopting measures in order to protect animals against torture (Art. 113 §1 (26)).

The currently binding legislation includes the Rules concerning the Expert Council for Animal Protection.<sup>12</sup> According to Articles 4 and 5, the Expert Council for Protection of Animals has the competence to deliver non-obligatory opinions inter alia in matters concerning religious slaughter.

The Rules on conditions for the slaughter outside slaughterhouses of animals intended only for household consumption were approved in 2004.<sup>13</sup> According to Article 4 § 1, the owner of an animal, who carries out the slaughter of the animal for household consumption, has to ensure that the animal is stunned, except in the case of rabbits and poultry.

The Veterinary Compliance Criteria Act was enacted in October 2005 in order to harmonise the Slovenian Veterinary Regulations with the new Hygiene Package of the European Union. The Act has had a important deregulatory impact on Slovenian regulations.<sup>14</sup> It repealed a series of provisions, such as the Rules on veterinary conditions for the production and placing on the market of fresh poultry meat<sup>15</sup> and the Rules on veterinary conditions for the production and placing on the market of fresh meat,<sup>16</sup> which incorporated special provisions on religious slaughter. These rules became void as from 1 January 2006. Provisions of the Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuff are directly applicable in Slovenia.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.uradni-list.si>.

<sup>2</sup> **Zakon o zaščiti živali** (ZZZiv), stran 14645 (Uradni list Republike Slovenije 98/1999 z dne 3.12.1999) amended by **Zakon o zaščiti živali (uradno prečiščeno besedilo)** (ZZZiv-UPB2), stran 5943 (Uradni list Republike Slovenije 43/ 7 z dne 18.5.2007).

<sup>3</sup> **3. člen.** Nihce ne sme brez utemeljenega razloga povzročiti živa i trpljenja, bolezn i ali smrti.

<sup>4</sup> **4. člen.** Mucenje živali je:

- vsako ravnanje ali opustitev ravnanja, storjeno naklepno, ki živali povzroci hujšo poškodbo ali dalj časa trajajoče ali ponavljajoče trpljenje, ali škodi njenemu zdravju;
- nepotrebna ali neprimerna usmr titev živali.

<sup>5</sup> **5. člen.** V tem zakonu uporabljeni izrazi pomenijo:

[...]

15. Zakol živali je način usmr tivitve živali za prehrano ljudi. Obredni zakol živali je zakol živali z religioznim ceremonialom, ki ga opravi pooblaš čena oseba verske skupnosti.

[...].

<sup>6</sup> **25. člen.** Pred zakolom se morajo toplokrvne živali na strokoven in predpisan način omamiti.

Prepovedana so naslednja ravnanja:

- zakol brez strokovnega in predpisanega omamljanja živali pred zakolom;
- zakol živali po omamljenju, ki ni izveden na strokoven način;
- izkrvavitev živali, ki ni izvedena takoj po omamljanju živali;
- začetek nadaljnje obdelave zaklanih živali, preden je žival popolnoma izkrvavela.

Ce ravnanje iz drugega odstavka tega člena naklepno izvr ši oseba, ki je registrirana za dejavnost klanja živali, se šteje, da gre za mucenje živali.

Določbe prvega in drugega odstavka tega člena ne velja za klanje perutnine in kuncev na domu pri rejcu, za lastno uporabo. Izjemoma se lahko žival zakolje brez omamljanja:

- ce gre za zakol v sili ali obstaja druga nevarnost pogina živali ali za zakol iz drugih zdravstvenih razlogov;
- ce upravni organ, pristojen za veterinarstvo, izjemoma dovoli obredni zakol.

[...]

V klavnici morata biti zagotovljena zaščita živali, namenjenih za zakol, in preprečevanje vsakega razburjenja in trpljenja živali, ki se jim je mogoče izogniti.

Doprema živali v klavnico in njihov pocitek do zakola, oskrba živali do zakola, gonjenje živali od mesta razkladanja do hleva oziroma prostora za klanje živali, omamljanje in zakol živali morajo biti v skladu s predpisanimi pogoji.

Pri vseh izjemah od omamljanja pred zakolom iz tega člena je treba poskrbeti, da bo živalim pred zakolom prihranjeno vse trpljenje, ki se mu je mogoče izogniti.

<sup>7</sup> **42. člen.** Nadzorstvo nad izvajanjem tega zakona in na njegovi podlagi izdanih predpisov neposredno opravljajo uradni veterinarji, kmetijski, lovski, ribiški inšpektorji ter inšpektorji, pristojni za ohranjanje narave (v nadaljnjem besedilu: pristojni inšpektor), vsak v okviru svojih pooblastil in pristojnosti.

Nadzorstvo nad izvajanjem določb drugega in tretjega odstavka 11. člena, 12. člena ter prve, druge, četrte, pete, šeste, devete in petnajste alineje 15. člena tega zakona poleg oseb iz prejšnjega odstavka opravlja tudi policija.

Društva, ki delujejo na področju zaščite živali, sporočajo pristojnemu inšpektorju kršitve določb tega zakona, ki jih ugotovijo pri opravljanju svojih nalog, ter opozarjajo na nepravilnosti in nezakonitosti v zvezi z zaščito živali.

<sup>8</sup> **43. člen.** Pri inšpekcijskem nadzorstvu ima pristojni inšpektor, poleg pravic in dolžnosti, ki jih ima po drugih predpisih, še te pravice in dolžnosti:

[...]

- prepovedati izvajanje posegov, ki niso dovoljeni oziroma se izvajajo v nasprotju z določbami tega zakona;

[...]

- prepovedati zakol živali, ce ni zagotovljeno predpisano omamljanje in zakol živali;

[...].

<sup>9</sup> **45. člen.** [...]

Z globo od 2.400 do 84.000 eurov se kaznuje pravna oseba ali samostojni podjetnik posameznik, ki:

[...]

- 10. ravna v nasprotju s 25. členom tega zakona;

[...]

Z globo od 1.600 do 4.100 eurov se za prekršek iz prejšnjega odstavka kaznuje tudi odgovorna oseba pravne osebe ali odgovorna oseba samostojnega podjetnika posameznika.

Z globo od 800 do 1.200 eurov se kaznuje posameznik za prekršek iz prvega odstavka tega člena.

<sup>10</sup> **Pravilnik o zaščiti živali pri zakolu** (Ur.l. RS, št. 33/05, 05/06).

<sup>11</sup> **3. člen. Zaščita živali**

Pri postopkih iz tega pravilnika je treba poskrbeti, da se živalim prihrani vsako vznemirjanje, bolečine ali trpljenje, ki se jim je mogoče izogniti.

<sup>12</sup> **Pravilnik o strokovnem svetu za zaščito živali** (Uradni list RS, št. 62/2000)

<sup>13</sup> **Pravilnik o pogojih za zakol živali izven klavnice za lastno domaco porabo** (Uradni list RS, št. 117/2004)

**4. člen. Minimalni pogoji pri klanju živali**

(1) Imetnik živali, ki zakolje žival za lastno domaco bo, mora zagotoviti:

- omamljenje živali z napravo s penetrantnim klinom (pištola za omamljanje) ali električnim tokom (električne klešče), razen v primeru klanja kuncev in perutnine;

[...]

<sup>14</sup> **Zakon o veterinarskih merilih skladnosti** (Uradni list RS, št. 93/2005). See Section B.

<sup>15</sup> **Pravilnik o veterinarskih pogojih za proizvodnjo in dajanje na trg svežega perutninskega mesa** (Uradni list RS, št. 28/2004)

Poglavje VII

Higienske zahteve za zakol in ravnanje s svežim mesom

[...]

33. V prostore za klanje se lahko pripelje samo živo perutnino. Perutnino je potrebno zaklati takoj po omamljanju, razen pri obrednem klanju.

[...].

Priloga II

Poglavje II

Posebni pogoji za odobritev klavnic z majhno zmogljivostjo

10. Poleg splošnih zahtev morajo klavnice z majhno zmogljivostjo imeti vsaj:

[...]

11. Živali, ki se jih pripelje v prostore za klanje, se mora po omamljanju takoj zaklati, razen če gre za obredni zakol.

[...].

#### **Rules on veterinary conditions for the production and placing on the market of fresh poultry meat**

Section VII

Hygiene requirements for slaughter and handling of fresh meat

[...]

33. Only live poultry can be taken to the place of slaughter. Poultry have to be slaughtered immediately after stunning, except in the case of ritual slaughter.

[...]

Annex II

Special conditions for approval of slaughterhouses with small capacity

10. Beside general conditions slaughterhouses with small capacity have to provide at least for:

[...]

11. Animals taken to the place of slaughter have to be slaughtered immediately after stunning, except in the case of ritual slaughter.

[...].

<sup>16</sup> **Rules on veterinary conditions for the production and placing on the market of fresh meat** (See Annex I, Section VII, points 32 and 33).

## SPAIN

### *A. Legislation<sup>1</sup>*

#### **Law no. 32 of 7 November 2007 concerning animal care during exploitation, transport, experiments and slaughter<sup>2</sup>**

##### **Article 6. Slaughter or killing of animals. [...]**

(3) When the slaughter of animals is carried out according to the rites of Churches, religious denominations or communities registered in the Register of Religious Entities, and the stunning requirements are inconsistent with the rules of the respective religious rite, the competent authorities will not demand the compliance with such requirements provided that the procedure is carried out within the limits referred to in Article 3 of the Organic Law no. 7 of 5 July 1980 on Religious Freedom.

In any case, the slaughter according to whatever religious rite shall be carried out under the supervision and according to the instructions of the official veterinarian.

The slaughterhouse shall notify the competent authority that it will carry out this kind of slaughter in order to have it registered for this purpose, without prejudice to the authorisation provided for in the European Community legislation.<sup>3</sup>

#### **Royal Decree no. 54 of 20 January 1995 related to the protection of animals at the time of slaughter or killing<sup>4</sup>**

**Article 1. Scope of the law.** (1) This Royal Decree shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purpose of disease control.

(2) The present Royal Decree shall not apply to:

- technical or scientific experiments relating to the procedures mentioned in paragraph 1, carried out under the supervision of the competent authority,
- animals which are killed in cultural or sports events,
- wild game killed in accordance with Article 3 of the Regulation of 13 July 1993.<sup>5</sup>

**Article 3. General conditions.** Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.<sup>6</sup>

**Article 4. General requirements applicable to slaughterhouses.** The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.<sup>7</sup>

**Article 5. Conditions concerning movement, restraint, stunning, slaughter and bleeding.** (1) Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

- a) moved and if necessary lairaged in accordance with the provisions of Annex A;
- b) restrained in accordance with the provisions of Annex B;
- c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;
- d) bled in accordance with the provisions of Annex D.

(2) In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of paragraph 1(c) shall not apply.

(3) The competent authority may grant derogations – in respect of small establishments qualifying for derogations pursuant to the Decree of 26 March 1992, concerning the conditions to be met in order to grant derogations as to specific sanitary rules on fresh meat production and commercialisation; Articles 4 and 12



of the Royal Decree no. 147 of 29 January 1993, concerning the sanitary rules on fresh meat production and commercialisation, and Article 8 of the Royal Decree no. 2087 of 20 October 1993 concerning the sanitary rules on poultry fresh meat production and commercialisation – from the provisions of paragraph 1, letter a) in respect of cattle and from the provisions of paragraph 1, letter a) and from the methods for stunning and killing referred to in Annex C in respect of poultry, birds, pigs, sheep and goats, provided that the requirements laid down in Article 3 are met.<sup>8</sup>

**Article 6. Conditions concerning instruments, restraint material, equipment and installations for stunning and killing.** (1) Instruments, restraint and other equipment and installations used for stunning or killing must be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the provisions of this Royal Decree. The competent authority shall check that the instruments, restraint and other equipment used for stunning or killing comply with the above principles and shall check regularly to ensure that they are in a good state of repair and will allow the aforementioned objective to be attained.

[...].<sup>9</sup>

**Article 7. Knowledge and skills of the persons charged with the handling of animals.** No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this Royal Decree.

The competent authority shall ensure that persons employed for slaughtering possess the necessary skill, ability and professional knowledge.<sup>10</sup>

**Article 8. Inspection and control in slaughterhouses.** Inspections and controls in slaughterhouses shall be carried out under the responsibility of the competent authority, which shall at all times have free access to all parts of slaughterhouses in order to ascertain compliance with this Royal Decree. However, such inspections and controls may be carried out at the same time as controls carried out for other purposes.<sup>11</sup>

**Article 9. Conditions concerning restraint, stunning, killing and bleeding of animals outwith slaughterhouses.** (1) Where animals referred to in Article 5 § 1 are slaughtered outwith slaughterhouses, Article 5 § 1 letters b), c) and d) shall apply.

(2) A derogation from paragraph 1 shall be granted in respect of poultry, rabbits, pigs, sheep and goats slaughtered or killed outwith slaughterhouses by their owner for his personal consumption, provided that Article 3 is complied with and that pigs, sheep and goats have been stunned in advance.<sup>12</sup>

**Article 11 Emergency killing.** Articles 9 and 10 shall not apply in the case of an animal which has to be killed immediately for emergency reasons.<sup>13</sup>

**Second additional provision. Killing carried out according to religious rites.** The religious authority recognised by current legislation, on behalf of which killing is carried out, shall be competent for the application and monitoring of the special provisions concerning slaughter according to religious rites. According to these provisions, such authority shall operate under the responsibility of the official veterinarian, as referred to in Article 2 of the Royal Decree no. 147 of 29 January 1993 concerning the sanitary rules on fresh meat production and commercialisation.<sup>14</sup>

## **Annex B. Restraint of Animals before Stunning, Slaughter or Killing**

(1) Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of religious slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

(2) Animals' legs must not be tied, and animals must not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

(3) Animals which are stunned or killed by mechanical electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

(4) Electrical stunning equipment must not be used as means of restraint or immobilisation or to make animals move.<sup>15</sup>

### **Annex C. Stunning or Killing of Animals other than Animals Reared for Fur**

#### **I Permitted Methods**

##### **A. Stunning**

1. Captive bolt pistol
2. Concussion
3. Electronarcosis
4. Exposure to carbon dioxide

##### **B. Killing**

1. Free bullet pistol or rifle
2. Electrocutation
3. Exposure to carbon dioxide

The competent authority may, however, authorise decapitation, dislocation of the neck and the use of a vacuum chamber as a method of killing for certain specific species, provided that Article 3 is complied with and that the specific requirements laid down in point III of this Annex are met.

#### **II Specific Requirements for Stunning**

Stunning must not be carried out unless it is possible to bleed the animals immediately afterwards.<sup>16</sup>

### **Law no. 25 of 10 November 1992 concerning the approval of the Cooperation Agreement between the State and the Federation of Jewish Communities of Spain<sup>17</sup>**

**Article 14.** (1) In agreement with the spiritual dimension and the specific peculiarities of Jewish traditions, the denominations "Casher" and its variants, "Kasher", "Kosher", "Kashrut", and those associated to the terms "U", "K" o "Parve" identify the food and cosmetic products made according to the Jewish law.

(2) In order to protect the correct usage of these denominations, the Federation of Jewish Communities of Spain shall apply for and obtain the corresponding trade mark registers from the Register of Industrial Property, according to currently binding legislation.

Having met such conditions, these products shall bear guarantee to have been made according to the Jewish law and tradition when they have the Federation of Jewish Communities of Spain's corresponding badge in order to be commercialised, imported and exported.

(3) The slaughter of animals carried out according to Jewish laws shall abide by the binding sanitary rules.<sup>18</sup>

### **Law no. 26 of 10 November 1992 concerning the approval of the Cooperation Agreement between the State and the Islamic Commission of Spain<sup>19</sup>**

**Article 14.** (1) In agreement with the spiritual dimension and the specific peculiarities of Islamic traditions, the denomination "Halal" identifies the food products made according to the Islamic law.

(2) In order to protect the correct usage of these denominations, the Islamic Commission of Spain shall apply for and obtain the corresponding trade mark registers in the Register of Industrial Property, according to currently binding legislation.

Having met such conditions, these products shall bear the guarantee to have been made according to the Islamic law and tradition when they have the Islamic Commission of Spain's corresponding badge in order to be commercialised, imported and exported.

3. The slaughter of animals carried out according to Islamic laws shall abide by the binding sanitary rule.<sup>20</sup>

[...]

To sum up, religious slaughter without previous stunning is allowed. Spanish legislation also grants the Federation of Jewish Communities of Spain and the Islamic Commission of Spain the possibility to obtain the corresponding trade mark that identifies respectively *Kosher* and *Halal* food products. In this way, they can clearly mark the food products made according to the Jewish or Islamic tradition and laws, and can commercialise, import and export them as such.

The religious authority recognised by current legislation, on behalf of which slaughter is carried out, shall be competent for the application and monitoring of the special provisions concerning slaughter according to religious rites, whereas the slaughterhouse shall notify the competent authority that it will carry out this kind of slaughter. The religious slaughter shall be carried out under the supervision and according to the instructions of the official veterinarian.

In Spain, the competence to regulate the slaughter of \_\_\_\_\_ belongs to the Autonomous Communities. However, few of them have regulated this issue. Because of such legislative vacuum, the necessary knowledge and skills that slaughtermen charged with carrying out religious slaughter should possess are not verified, and the slaughtermen appointed by the respective religious authority may carry out religious slaughter in slaughterhouses, without any kind of control by the official veterinary. In some places this situation is changing thanks to the creation of a Hala Institute established by Junta Islámica – one of the communities that are part of the Islamic Commission of Spain. In order to get the guarantee trade mark “Halal quality of Junta Islámica”, some private slaughterhouses are employing slaughtermen trained in the Halal Institute. This Institute also carries out inspection visits in such slaughterhouses in order to verify that they meet the required conditions to produce *Halal* meat.

During a Mission carried out in 2007 by the European Commission's Health and Consumer Protection Directorate-General, the Autonomous Communities of Catalonia and Extremadura were visited. At least three of the slaughterhouses that were visited performed Islamic slaughter, two in Catalonia for broilers and rabbits, and one in Extremadura for cattle.

The competent authority of Catalonia highlighted the fact that it was difficult to identify a unique religious authority regarding the Islamic rite, that is “the religious authority on whose behalf slaughter is carried out” as referred to in Article 2 § 8 of the Directive 93/11 EC. It was also mentioned that religious slaughter becomes sometimes the main type of slaughter carried out in an establishment and that what should be an exception becomes a rule. Further, there is no compulsory labelling of meat slaughtered according to a religious rite.

In Extremadura, the competent authority addressed the \_\_\_\_\_ of religious slaughter in an instruction sent to the official veterinarians 10 days before the mission. According to this document, slaughterhouses carrying out religious slaughter will have to be specifically authorised for this activity, the slaughtermen performing this kind of slaughter will have to present a training certificate, and the meat obtained according to a religious rite will have to be labelled as “meat obtained according to the Jewish/Islamic rite without prior stunning before slaughter”. The application of this instruction has not been verified as it is very recent.

Last but not least, the Mission Report mentioned that \_\_\_\_\_ the slaughterhouses that were visited, a private institution recognised by the Spanish Office of Patents and Trademarks and having registered a specific label for meat slaughtered according to the Islamic rite, had issued authorisations for the slaughtermen performing Islamic slaughter. Also, the meat produced in this way could be labelled as *Halal*. However, the official veterinarians had not checked the conditions under which these authorisations had been granted in any of these slaughterhouses.<sup>21</sup>

## *B. Short Overview of the Legal History*

The General Regulation of Slaughterhouses of 5 December 1918 stipulated that all provincial capitals of the country, as well as the villages having more than 2,000 inhabitants, had to build a public slaughterhouse<sup>22</sup>. Although the existence of slaughterhouses in Spain dates back to the 12<sup>th</sup> century, only between the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup>, were slaughterhouses established as institutions. The 1918 regulation also prompted the unification of legal rules binding in all the country, although local administrations were charged with the control of slaughterhouses. Religious slaughter was not regulated. As to the killing of animals, Article 41 stipulated that “the slaughter of animals shall be carried out using a tack for the biggest animals, being bled immediately to avoid the bad aspect of meat when blood does not have a fast and easy exit; the rest of animals will be bled, in a fast manner and by skilled employers to avoid suffering and torture to the animal”.<sup>23</sup> Thus, no stunning procedures were prescribed. In addition, Article 43 did not allow “to introduce legs or arms of any person in the bleeding wounds of animals, although this person may request it in order to be relieved from a disease, as well as to do any other practices that could breach public hygiene rules”.<sup>24</sup>

On 31 January 1955, a provisional sanitary regulation concerning slaughterhouses and cold stores, and circulation of fresh meat and fish (“Reglamento Provisional Sanitario de los Mataderos y Almacenes Frigoríficos y de Circulación de Carnes y Pescados Frescos”) was approved. However, the 1918 regulation, although amended through the years, remained the legal basis of slaughter of animals in Spain until 1976, and none of the new provisions regulated religious slaughter.

After the end of the dictatorship, Spain’s opening up to the world market prompted the country to adapt its legislation to the rules of such international organisations as FAO, WHO, and OIE. As a consequence, on 26 November 1976 the technical-sanitary regulation concerning slaughterhouses, quartering rooms, centres of negotiation, storage, and distribution of meat and entrails (“Reglamentación Técnico-Sanitaria de Mataderos, Salas de Despiece, Centros de Contratación, Almacenamiento y Distribución de Carnes y Despojos”) was approved. Article 25 mentioned religious slaughter for the first time. It did not contain indeed a specific regulation, but it stipulated that religious slaughter had to be authorised by the General Directorate of Health.

A few years later, legislation was amended again in the framework of Spain’s application for the European Community’s membership. The European Directive 74/577/CEE of 18 November 1974 was executed by the Royal Decree no. 1617 of 18 December 1987, which repealed all what was contrary to the European legislation, including some provisions of the aforementioned Article 25 of the 1976 technical-sanitary regulation. However, the new law stated that it did not affect the procedures used to carry out slaughter of animals according to religious rites.

Finally, a new Royal Decree (Real Decreto no. 54 of 20 January 1995) was approved in order to implement the European Directive 93/119/CE of 22 December 1993. The Royal Decree is the faithful translation of the integral text of the European Directive, with the exceptions of some additional provisions.

Two more legal acts containing provisions on slaughter have been approved recently. The Royal Decree no. 640 of 26 May 2006, concerning specific conditions for the application of the European Community’s provisions on hygiene and on production and commercialisation of food products, regulates the slaughter of animals for private consumption (Article 4),<sup>25</sup> and the Law no. 32 of 7 November 2007 concerning animal care during exploitation, transport, experiments and slaughter confirms the possibility to carry out of slaughter according to certain religious rites (Article 6 § 3).

## *C. Recent Court Decisions*

In Spain, there have been no recent court decisions concerning religious slaughter, despite some violations denounced by such NGO’s as Animals’ Angels. There have been indeed few cases involving companies related with Halal practices, but they concerned insolvency problems – not religious slaughter.

### ENDNOTES

<sup>1</sup> See <http://www.boe.es>.

<sup>2</sup> **Ley 32/2007, de 7 de noviembre, para el cuidado de los animales, en su explotación, transporte, experimentación y sacrificio** (Boletín Oficial del Estado n. 268 de 8 de noviembre de 2007).

### <sup>3</sup> **Artículo 6. Sacrificio o matanza de animales**

[...]

3. Cuando el sacrificio de los animales se realice según los ritos propios de Iglesias, Confesiones o Comunidades religiosas inscritas en el Registro de Entidades Religiosas, y las obligaciones en materia de aturdimiento sean incompatibles con las prescripciones del respectivo rito religioso, las autoridades competentes no exigirán el cumplimiento de dichas obligaciones siempre que las prácticas no sobrepasen los límites a los que se refiere el artículo 3 de la Ley 7/1980, de 5 de julio, de Libertad Religiosa.

En todo caso, el sacrificio conforme al rito religioso de que se trate se realizará bajo la supervisión y de acuerdo con las instrucciones del veterinario oficial.

El matadero deberá comunicar a la autoridad competente que se va a realizar este tipo de sacrificios para ser registrado al efecto, sin perjuicio de la autorización prevista en la normativa comunitaria.

<sup>4</sup> **Real Decreto 54/1995, de 20 de enero, sobre protección de los animales en el momento de su sacrificio o matanza** (Boletín Oficial del Estado n. 39 de 15 de febrero de 1995).

<sup>5</sup> **Artículo 1. Ámbito de aplicación** 1. El presente Real Decreto se aplicará al desplazamiento, estabulación, sujeción, aturdimiento, sacrificio y matanza de animales criados y mantenidos para la obtención de carnes, pieles, pieles finas u otros productos, así como a los procedimientos de sacrificio en caso de lucha contra las epizootias.

2. El presente Real Decreto no será aplicable a:

a. Los experimentos técnicos o científicos relacionados con los procedimientos mencionados en el apartado 1, llevados a cabo bajo el control de la autoridad competente.

b. Los animales a los que se dé muerte en manifestaciones culturales o deportivas.

c. Los animales de caza silvestres a los que se dé muerte de conformidad con lo previsto en el artículo 3 de la Orden de 13 de julio de 1993, por la que se establecen las condiciones de concesión de excepciones temporales y limitadas respecto de las normas sanitarias específicas de producción y comercialización de carne de caza silvestre.

<sup>6</sup> **Artículo 3. Condiciones generales** No se causará a los animales agitación, dolor o sufrimiento evitables durante las operaciones de traslado, conducción, estabulación, sujeción, aturdimiento, sacrificio y matanza.

<sup>7</sup> **Artículo 4. Condiciones generales aplicables a los mataderos** La construcción, las instalaciones y los equipos de los mataderos, así como su funcionamiento, deberán ser los adecuados para no ocasionar a los animales agitación, dolor o sufrimiento evitables.

<sup>8</sup> **Artículo 5. Condiciones de conducción, sujeción, aturdimiento, matanza y sangrado de los animales.**

1. A los solípedos, rumiantes, cerdos, conejos y aves de corral introducidos en los mataderos para el sacrificio se les deberá:

a) Conducir y, si fuera necesario, estabular de conformidad con las indicaciones del anexo A.

b) Sujetar de conformidad con las indicaciones del anexo B.

c) Aturdir antes de su sacrificio, o dar muerte de forma instantánea, de conformidad con las disposiciones del anexo C.

d) Sangrar de conformidad con las indicaciones del anexo D.

2. En el caso de animales que sean objeto de métodos particulares de sacrificio, requeridos por determinados ritos religiosos, no serán de aplicación los requisitos establecidos en el párrafo c) del apartado 1.

3. La autoridad competente, por lo que se refiere a los pequeños establecimientos que se benefician de excepciones con arreglo a lo dispuesto en la Orden de 26 de marzo de 1992, por la que se establecen las condiciones de concesión de excepciones respecto de las normas sanitarias específicas de producción y comercialización de carnes frescas; los artículos 4 y 12 del Real Decreto 147/1993, de 29 de enero, por el que se establecen las condiciones sanitarias de producción y comercialización de carnes frescas, y en el artículo 8 del Real Decreto 2087/1994, de 20 de octubre, por el que se establece las condiciones sanitarias de producción y comercialización de carnes frescas de aves de corral, podrán establecer excepciones, en lo que se refiere al ganado vacuno, a las disposiciones establecidas en el párrafo a) del apartado 1, y por lo que se refiere a las aves de corral, los conejos, los porcinos, ovinos y caprinos, a lo dispuesto en el párrafo a) del apartado 1, así como a los procedimientos de aturdimiento y sacrificio contemplados en el anexo C, siempre y cuando se respeten los requisitos del artículo 3.

<sup>9</sup> **Artículo 6. Condiciones de los instrumentos, material de sujeción, equipos e instalaciones para el aturdimiento y matanza** 1. Los instrumentos, material de sujeción, equipos e instalaciones para el aturdimiento o la matanza deberán ser diseñados, contruidos, conservados y utilizados de modo que el aturdimiento o la matanza puedan efectuarse de forma rápida y eficaz, de conformidad con lo dispuesto en el presente Real Decreto. La autoridad competente verificará la conformidad de los instrumentos, del material de sujeción, del equipo de las instalaciones utilizadas para el aturdimiento o la matanza, con los principios anteriormente expuestos, y comprobará periódicamente que se encuentran en buen estado y permiten realizar el objetivo antes citado.

2. [...].

<sup>10</sup> **Artículo 7. Preparación y destreza de las personas encargadas del manejo de los animales** Toda persona que intervenga en la conducción, estabulación, sujeción, aturdimiento, sacrificio o matanza de animales deberá poseer la preparación y destreza necesarias para llevar a cabo estos cometidos de forma humanitaria y eficaz, de conformidad con lo dispuesto en el presente Real Decreto.

La autoridad competente verificará la aptitud, la destreza y los conocimientos profesionales de las personas encargadas del sacrificio de los animales.

<sup>11</sup> **Artículo 8. Inspección y control en el matadero** La inspección y el control de los mataderos se efectuará bajo la responsabilidad de la autoridad competente, que podrá acceder libremente en cualquier momento a todas las dependencias de los mismos, con objeto de cerciorarse de que se cumplen las disposiciones del presente Real Decreto. Tales inspecciones y controles podrán efectuarse, no obstante, con ocasión de controles efectuados con otros fines.

<sup>12</sup> **Artículo 9. Condiciones de sujeción, aturdimiento, matanza y sangrado de los animales fuera de los mataderos** 1. Las disposiciones de los párrafos b), c) y d) del apartado 1 del artículo 5 se aplicarán a los sacrificios de los animales mencionados en el apartado 1 del artículo 5 que se efectúen fuera de los mataderos.

2. Se establece una excepción a lo dispuesto en el apartado 1 en caso de sacrificio o matanza de aves de corral, conejos, porcino, ovinos y caprinos efectuados por su propietario fuera de los mataderos con destino a su propio consumo, siempre que se cumplan los requisitos del artículo 3 y que los animales hayan sido objeto de un aturdimiento previo.

<sup>13</sup> **Artículo 11. Sacrificio de urgencia** Las disposiciones de los artículos 9 y 10 no se aplicarán al animal que deba ser sacrificado inmediatamente por motivos de urgencia.

<sup>14</sup> **Disposición adicional segunda. Sacrificios realizados según determinados ritos religiosos** La autoridad religiosa reconocida por la legislación vigente, por cuenta de la cual se efectúen sacrificios, será competente para la ejecución y el control de las disposiciones particulares aplicables al sacrificio conforme a determinados ritos religiosos. En lo que se refiere a estas disposiciones, dicha autoridad actuará bajo la responsabilidad del veterinario oficial, tal como se define en el artículo 2 del Real Decreto 147/1993, de 29 de enero, por el que se establecen las condiciones sanitarias de producción y comercialización de carnes frescas.

#### **ANEXO B**

##### **Sujeción de los animales antes de su aturdimiento, sacrificio o matanza**

1. Los animales se sujetarán de forma adecuada para evitarles, en la medida de lo posible, todo dolor, sufrimiento, agitación, herida o contusión evitables.

No obstante, en el caso del sacrificio ritual será obligatoria la sujeción de los animales de la especie vacuna antes del sacrificio mediante un procedimiento mecánico, con el fin de evitar a dichos animales dolores, sufrimientos y excitaciones, así como heridas o contusiones.

2. Tampoco se atarán las patas de los animales ni éstos serán suspendidos antes del aturdimiento o matanza. No obstante, las aves de corral y los conejos podrán ser suspendidos para su sacrificio, siempre que se tomen las medidas adecuadas para que las aves y los conejos que vayan a someterse al aturdimiento se encuentren en un estado de relajación que permita efectuar dicha operación con eficacia y sin pérdidas de tiempo innecesarias.

Por otra parte, el hecho de bloquear a un animal en un sistema de sujeción no podrá considerarse en modo alguno como una suspensión.

3. Los animales aturridos o sacrificados por medios mecánicos o eléctricos aplicados a la cabeza se presentarán en una posición que permita aplicar y hacer funcionar el aparato con fácil precisión y durante el tiempo necesario. Las autoridades competentes podrán, no obstante, autorizar el recurso a medios adecuados de restricción de los movimientos de la cabeza en el caso de solípedos y vacunos.

4. Se prohíbe utilizar los aparatos de aturdimiento eléctrico para efectuar la sujeción o inmovilización o para obligar a los animales a moverse.

#### <sup>16</sup> **ANEXO C**

##### **Aturdimiento y matanza de los animales distintos de los animales de peletería**

###### **I. Métodos autorizados**

###### **A) Aturdimiento:**

1. Pistola de clavija perforadora.
2. Percusión.
3. Electronarcosis.
4. Exposición a dióxido de carbono.

###### **B) Matanza:**

1. Pistola o fusil de balas.
2. Electrocutación.
3. Exposición a dióxido de carbono.

Sin embargo, la autoridad competente podrá autorizar la decapitación, la dislocación del cuello y el uso de la campana de vacío como medio de dar muerte a ciertas especies determinadas, siempre que se cumplan las disposiciones del artículo 3 y los requisitos específicos del apartado III del presente anexo.

###### **II. Requisitos específicos para el aturdimiento**

No deberá practicarse el aturdimiento cuando no sea posible anestesiar a los animales inmediatamente después.

<sup>17</sup> **Ley 25/1992, de 10 de noviembre, por la que se aprueba el acuerdo de cooperación del estado con la federación de comunidades israelitas de España** (Boletín Oficial del Estado n. 272 de 12 de diciembre de 1992).

<sup>18</sup> **Artículo 14.** 1. De acuerdo con la dimensión espiritual y las particularidades específicas de la tradición judía, las denominaciones "Casher" y sus variantes, "Kasher", "Kosher", "Kashrut" y estas asociadas a los términos "U", "K" o "Parve", son las que sirven para distinguir los productos alimentarios y cosméticos elaborados de acuerdo con la Ley judía.

2. Para la protección del uso correcto de estas denominaciones la FCI deberá solicitar y obtener del Registro de la Propiedad Industrial los registros de marca correspondientes, de acuerdo con la normativa legal vigente.

Cumplidos los requisitos anteriores, estos productos, a efectos de comercialización, importación y exportación tendrán la garantía de haber sido elaborados con arreglo a la Ley y a la tradición judía, cuando lleven en sus envases el correspondiente distintivo de la FCI.

3. El sacrificio de animales que se realice de acuerdo con las leyes judías, deberá respetar la normativa sanitaria vigente.

<sup>19</sup> **Ley 26/1992, de 10 de noviembre, por la que se aprueba el Acuerdo de cooperación del estado con la comisión islámica de España** (Boletín Oficial del Estado n. 272 de 12 de diciembre de 1992).

<sup>20</sup> **Artículo 14.** 1. De acuerdo con la dimensión espiritual y las particularidades específicas de la Ley Islámica, la denominación "Halal" sirve para distinguir los productos alimentarios elaborados de acuerdo con la misma.

2. Para la protección del uso correcto de estas denominaciones, la "Comisión Islámica de España", deberá solicitar y obtener del Registro de la Propiedad Industrial los registros de marca correspondientes, de acuerdo con la normativa legal vigente.

Cumplidos los requisitos anteriores, estos productos, a efectos de comercialización, importación y exportación, tendrán la garantía de haber sido elaborados con arreglo a la Ley Islámica, cuando lleven en sus envases el correspondiente distintivo de la "Comisión Islámica de España".

3. El sacrificio de animales que se realice de acuerdo con las Leyes Islámicas, deberá respetar la normativa sanitaria vigente.

[...]

<sup>21</sup> European Commission. Health and Consumer Protection Directorate-General. Final Report of a Mission Carried out in Spain from 5 to 9 March 2007 in order to assess the System of Controls on Animal Welfare at Slaughter, pp. 13-14.

<sup>22</sup> Reglamento General de Mataderos, in Gaceta de Madrid de 12 de diciembre de 1918. It is also published in the "Diccionario de la Administración Española de Alcubilla", year 1918.

<sup>23</sup> **Artículo 41.** El sacrificio se hará utilizando la puntilla para las reses mayores, degollándolas inmediatamente para evitar el mal aspecto que las carnes presentan cuando la sangre no tiene pronta y fácil salida; las demás reses serán degolladas, procurándose que

estas operaciones sean realizadas con prontitud y por empleados hábiles, a fin de evitar torturas y sufrimientos a los animales.

<sup>24</sup> **Artículo 43.** No se permitirá introducir en las degolladuras de las reses brazos o piernas de persona alguna, aunque ésta lo solicite para aliviarse de alguna enfermedad, así como lña real ación de cualquiera otra práctica que fuese atentatoria a la higiene pública.

<sup>25</sup> **Real Decreto 640/2006, de 26 de mayo, por el que se re determinadas condiciones de aplicación de las disposiciones comunitarias en materia de higiene, de la producción y comercialización de los productos alimenticios** (Boletín Oficial del Estado n. 126 de 27 de mayo de 2006).

**Artículo 4.** Sacrificio de animales para consumo humano y comercia ización de carnes.

1. La carne procedente de aves de corral y lagomorfos en la explotación para la producción de alimentos sólo podrá destinarse para consumo doméstico privado, con excepción de las aves destinadas a la producción de foie-gras.

2. La autoridad competente podrá autorizar:

a. el sacrificio para consumo doméstico privado de animales domésticos de las especies porcina y equina, siempre que se sometan a un análisis de detección de triquina conforme a lo establecido en la normativa vigente;

b. el suministro directo por parte de los cazadores de pequeñas cantidades de caza silvestre o de carne de caza silvestre al consumidor final o a establecimientos locales de venta al por menor que suministran directamente al consumidor final, estableciendo para ello los requisitos necesarios. En el caso de especies sensibles a la triquinella se someterán a un análisis de detección de triquina conforme a lo establecido en la normativa vigente;

c. el sacrificio para consumo doméstico privado de animales rumiantes, estableciendo los requisitos para ello.

[...]

## SWEDEN

### *A. Legislation<sup>1</sup>*

#### **Animal Welfare Act no. 534 of 1988 as amended on 31 May 2007<sup>2</sup>**

**Article 13.** Animals shall be spared unnecessary discomfort and suffering when they are taken to slaughter and when they are slaughtered.<sup>3</sup>

**Article 14.** (1) Domestic animals shall be anaesthetised before being bled prior to slaughter.

No other measures may be taken in connection with slaughter until the animal is dead.

(2) The first sentence of paragraph 1) shall not apply to animals that must be slaughtered immediately due to illness or accident.

(3) The Government or the authority designated by the Government may issue further regulations providing for exemptions from the first sentence of paragraph 1) with respect to poultry and rabbits.<sup>4</sup>

**Article 15.** The Government or the authority designated by the Government may issue further regulations on the slaughter and killing of animals in other cases.<sup>5</sup>

#### **The Animal Welfare Ordinance no. 818 of 2006 as amended on 7 June 2007<sup>6</sup>**

**Article 30.** (1) Animals shall be anaesthetised prior to slaughter in such a way as to cause rapid unconsciousness. They must not regain consciousness.

(2) The Swedish Board of Agriculture may issue regulations concerning methods of anaesthesia.<sup>7</sup>

**Article 31.** The Swedish Board of Agriculture may issue regulations providing for, or may in individual cases grant, exemptions from the requirement of anaesthesia referred to in Article 14 § 1 of the Animal Welfare Act no. 534 of 1988 in the case of poultry and rabbits.<sup>8</sup>

**Article 32.** The Swedish Board of Agriculture may issue further regulations concerning the slaughter and killing of animals in other cases.<sup>9</sup>

**Article 32 a.** (1) If an animal is subjected to or it may be presumed it will be subjected to unnecessary suffering at a slaughterhouse, the official veterinarian shall prohibit slaughter, order the animal to be killed immediately or take other measures that are required immediately from an animal welfare perspective.

(2) The Swedish Board of Agriculture may issue additional regulations concerning the duties of an official veterinarian from an animal welfare perspective.<sup>10</sup>

To sum up, in Sweden animals must be stunned before slaughter. However, the competent authority may grant an exemption in individual cases only for poultry and rabbits. A person or a slaughterhouse that wants to be granted such an exemption, has to send an application to the Animal Welfare Agency. Nonetheless, no applications have been sent in the last 15 years.

### *B. Short Overview of the Legal History*

In Sweden slaughter without stunning was forbidden in 1937<sup>11</sup> and stunning prior to slaughter has been compulsory since then. Exemptions have been granted only in the case of small-scale slaughter of poultry carried out by the Jewish community.

In the early 1950s electrical stunning of cattle – accepted by the governmental authorities as well as Jewish community – was introduced in order to satisfy the believers' needs.<sup>12</sup> Only a few orthodox Jewish groups refused such a stunning method and continued to import meat. In 1979, the National Board of Agriculture, which, at that time, was the competent government body for animal welfare, banned electrical



stunning of cattle on the assumption that such a method did not ensure adequately animal welfare according to legislation. Today electrical stunning is still forbidden.<sup>13</sup> However, it is believed that the competent authorities would be open to discuss the possibility to grant exemptions for the electrical stunning of cattle, if the concerned religious communities applied for a derogation. There have been no requests so far.

The Swedish Government charged the Swedish Animal Welfare Agency with the task to study, analyse and evaluate the methods and attitudes regarding religious slaughter in other countries. In the 2005 report<sup>14</sup>, it was pointed out that Muslims and Jews in Sweden mainly prefer slaughter of non-stunned animals. However, most of Muslims also accept reversible stunning prior to the throat cut and some also accept a irreversible stunning method such as the use of a captive bolt, providing it does not cause cardiac arrest. Whereas *halal* slaughter is carried out with previous stunning, there is currently no slaughter method in which is accepted as kosher by the Jewish Community. Meat from animals slaughtered without stunning is imported.

Another report was published in 2007 on post-cut stunning in religious slaughter of cattle in other countries.<sup>15</sup> This method is regarded as inconsistent with Swedish standards of animal welfare and so is the use of the Weinberg pen as well as of an upright restraint pen, on the grounds it may cause unnecessary distress or injury.

### C. Recent Court Decisions

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://rixlex.riksdagen.se> or <http://www.notisum.se> or

<http://www.djurskyddsmyndigheten.se/Steria/templates/Page.aspx?id=482>

<sup>2</sup> **Djurskyddslag SFS 1988:534**, Utfärdad: 1988-06-02, Omtryck: SFS 2003:1077, Uppdaterad: t.o.m. SFS 2007:362.

<sup>3</sup> **13 §** När djur förs till slakt och när de slaktas, skall de skonas från onödigt obehag och lidande.

<sup>4</sup> **14 §** Husdjur skall vid slakten vara bedövat när blodet tappas av. Andra åtgärder vid slakten får inte vidtas innan djuret är dött.

Första stycket första meningen gäller inte om ett djur till följd av sjukdom eller olycksfall måste slaktas genast.

Regeringen eller den myndighet som regeringen bestämmer meddela föreskrifter om undantag från första stycket första meningen för fjäderfä och kaniner. Lag (2007:362).

<sup>5</sup> **15 §** Regeringen eller den myndighet som regeringen bestämmer får meddela ytterligare föreskrifter om slakt och om avlivning av djur i andra fall. Lag (2007:362).

<sup>6</sup> **Djurskyddsförordningen SFS 1988:539**, Utfärdad: 1988-06-02, Omtryck: SFS 2006:818, Uppdaterad: t.o.m. SFS 2007:484.

<sup>7</sup> **30 §** Bedövning före slakt skall ske så att djuret snabbt blir edvetslöst. Medvetandet får inte återkomma.

Djurskyddsmyndigheten får meddela föreskrifter om vilka bedövningsmetoder som får användas.

<sup>8</sup> **31 §** Jordbruksverket får meddela föreskrifter eller i enskilda fall besluta om undantag från kravet på bedövning i 14 § första stycket djurskyddslagen (1988:534) för fjäderfä och kaniner. Förordning (2007:484).

<sup>9</sup> **32 §** Jordbruksverket får meddela ytterligare föreskrifter om slakt och om avlivning av djur i andra fall. Förordning (2007:484).

<sup>10</sup> **32 a a §** Om ett djur utsätts eller kan antas bli utsatt för onödigt lidande på ett slakteri, skall den officiella veterinären förbjuda slakt, besluta om omedelbar avlivning av djuret eller vidta andra åtgärder som omedelbart krävs från djurskyddssynpunkt.

Jordbruksverket får meddela ytterligare föreskrifter om en officiell veterinärs uppgifter från djurskyddssynpunkt. Förordning (2007:484).

<sup>11</sup> SFS 1937:313.

<sup>12</sup> See Lotta Berg, *Schechita and electrically stunned cattle in Sweden 1952-1979*, in "Animal welfare at ritual slaughter", pp. 99-102, <http://www.vier-pfoten.de/website/output.php?idfile=2508>

<sup>13</sup> See the old regulations LSFS 1982:12, SJVFS 200:160 and up to-date DFS 2004:12.

<sup>14</sup> [http://www.djurskyddsmyndigheten.se/Documents/Rapporter/rapporter\\_2005/050426\\_religiosslakt.pdf](http://www.djurskyddsmyndigheten.se/Documents/Rapporter/rapporter_2005/050426_religiosslakt.pdf).

<sup>15</sup> [http://www.djurskyddsmyndigheten.se/Documents/Rapporter/rapporter\\_2007/religios\\_slakt\\_070423.pdf](http://www.djurskyddsmyndigheten.se/Documents/Rapporter/rapporter_2007/religios_slakt_070423.pdf).

## TURKEY

### *A. Legislation<sup>1</sup>*

#### **Law on Animal Health and Control n. 3285 of 8 May 1986**

**Article 33.** The slaughter of animals for commercial purposes will be carried out at the nearest slaughterhouse, and animals brought there must have a \_\_\_\_\_ of origin and a veterinary health report. These animals will be examined before and after slaughter.

**Article 55.** Those who slaughter or get their animals slaughtered for commercial purposes at places other than legal slaughterhouses, or those who sold or tried to sell the materials of animals which were slaughtered in such illegal places will be punished by a fine of TL 10,000 up to TL 100,000.

#### **Regulation on Animal Health and Control of 22 February 1989**

**Article 92.** All commercial slaughter must be carried out in a recognised slaughterhouse otherwise it will be illegal. Slaughter for personal consumption and during festivals are exempt from this rule.

If animals are brought from another province to be slaughtered they must have a veterinary health report. If they come from the local area a certificate of origin is sufficient.

Animals with the correct documentation will be inspected before and after being slaughtered. If the slaughterhouse belongs to the municipality, the municipality will organise the post-mortem inspection. If the municipality has no veterinary doctor a private veterinary doctor or an official veterinary doctor from another place can be assigned the duty.

#### **Animal Welfare Law n. 5199 of 24 June 2004**

**Article 12.** The slaughter of animals shall be performed promptly, \_\_\_\_\_ into consideration the conditions required by religious rules, in accordance with the hygienic rules and procedures without frightening or intimidating the animal and in such a way as to cause the least pain. It shall be ensured that the slaughter of animals is performed by competent persons.

The provisions regarding the killing of animals as a sacrifice, in accordance with the religious rules and health requirements and taking into consideration environmental cleanness, the prompt slaughter of animals with the method causing the least pain, and the provisions regarding the competent persons performing the slaughter, slaughtering facilities and other relevant matters shall be enacted in a regulation issued by the Ministry under which the Presidency of Religious Affairs is established, after having received the opinions of the Ministry and relevant institutions and organisations.

#### **Regulation for the Operation and Supervision Procedure and Principles of Plants Producing Poultry Meat n. 25694 of 8 January 2005**

**Article 1.** This Regulation aims to regulate the slaughter of poultry in plants whose technical and hygienic conditions are appropriate; the inspection, production under necessary technical and hygienic conditions, refrigeration, preservation, chopping, turning into end products, wrapping, packaging and transferring of meats and plucks which are to be obtained from slaughter poultry and providing production of safe meat and meat products.

**Article 5.** The documents necessary for the work permit certificate:

[...]

g) the work permit certificate issued by the trade association to which the person who is to be employed as responsible manager is affiliated and a written document signed between the responsible manager and the

owner of the plant where the duties of the responsible manager as specified in this Regulation are written openly or referred to,

a written document signed by the responsible person in industrial premises and slaughterhouses owned by the municipalities including the employed veterinarians; and in the industrial premises and slaughterhouses owned by the Meat and Fish Products Joint Stock Company, signed by the director of the industrial premise or slaughterhouse, in which the names and duties and competence of the person who has been employed as responsible manager, as specified in Article 30 of the “Regulation regarding work permit and food registry and production licence procedures of the companies which produce food and material and instruments relating to food and employment of responsible manager” published in the Official Gazette no. 25566 of 27 August 2004, as well as the duties and authorities specified in this Regulation are written openly or by referring to the related articles of this regulation.

h) In private industrial premises and slaughterhouses, the work permit certificate issued by the trade association to which the veterinarian who is to be employed as inspection veterinarian is affiliated and a written document signed between the veterinarian and the owner of the plant, in which the duties of the veterinarian as specified in this Regulation are written openly or referred to,

a written document which has been signed by the responsible person in industrial premises and slaughterhouses owned by the municipalities including employed veterinarians; and in the industrial premises and slaughterhouses owned by the Meat and Fish Products Joint Stock Company, signed by the director of the industrial premises or slaughterhouse, in which the names, duties and authorities of the person who has been employed as responsible manager as specified in this Regulation are written openly or by referring to the related articles of this regulation.

**Article 9.** In the plants that have obtained work permits, the following issues related to slaughter, internal cleaning and refrigeration must be taken into account:

a) Animals fit for slaughter have to be taken to a slaughterhouse with a veterinary health report or certificate of origin. Slaughter of animals without the veterinary health report or certificate of origin shall not be carried out.

b) Inspection veterinarians carry out inspections according to the rules of his profession and under sufficient light.

c) Inspection one by one of the animals coming from a poultry yard and being permanently under veterinary control is not compulsory, if a document which includes the following data is presented to the inspection veterinarian within 72 hours:

1. the species of poultry that are to be slaughtered,
2. the number of poultry that are to be slaughtered,
3. the names of the firms where feed has been bought,
4. the names of seed additives and the dates on which they started and then stopped to be used,
5. evaluation of the veterinarian who is responsible for the poultry yard about the health of animals and, where existing, the results of laboratory analyses,
6. dates when medications have been given to poultry,
7. if vaccination has been performed, the name, date and type of the vaccine,
8. the planned date to carry out slaughter.

ç) If animals come from poultry yards under control with veterinarian reports have a disease which can be spread to human beings or animals or they behave, one by one or together, in a way which implies they have such a disease, inspection veterinarian is carried out to examine each box of these animals.

d) If the animals brought for slaughter do not come from poultry yards which are kept under control, all animals are to be inspected one by one.

e) No animal is allowed to enter the plant except those for slaughter.

f) Animals are to be brought to the slaughter place alive and they are to be taken into the slaughterhouse, as soon as possible, through an entrance by being shackled from their legs on a conveyor.

[...]

**Article 18.** In industrial premises and slaughterhouses, the employment of a sufficient number of veterinarian inspectors, one for each slaughter line and shift, for performing the duties referred to above is compulsory.

a) A veterinarian inspector is responsible for performing all checks before and after slaughter of animals and for stamping of produced meat, pluck and their products with labels having the work permit number that has been given to each industrial premise or slaughterhouse by the competent authority.

b) Animals cannot be slaughtered before the veterinary inspector examines them, and meat and other products cannot be taken away from the slaughterhouse before completing the checks that must be carried out after slaughter.

c) The veterinarian inspector is authorised to carry out        kind of check on animals brought for slaughter, meat and other products for control and verification purposes.

ç) The veterinarian inspector must record regularly the data regarding the number of slaughtered animals, the quantity of meat obtained, the diseases which have been detected and the procedures applied on meat, pluck and by-products which are suspicious and must be destroyed.

d) The responsible manager and the owner of the industrial premise or slaughterhouse are responsible for providing the veterinarian inspector with the facilities        for him to perform his duties easily.

e) The veterinarian inspector approves the document prepared by the responsible manager, which declares meat and meat products produced in the industrial premises or slaughterhouse are suitable from a health point of view, by developing it as a veterinary health report, and he controls the suitability of the vehicles used in moving live animals and meat, pluck and their products under the conditions specified in this Regulation and [he controls] whether cleaning and disinfection are carried out in an appropriate way.

f) A veterinarian inspector is assigned his tasks by a contract which is approved by the public notary on the basis of a document issued from the trade association he has been registered in. A copy of the contract is to be sent to the competent authority within 7 days from the date on which the contract has been signed.

g) If a veterinarian inspector wants to resign from his job, he has to inform the competent authority in writing. If the veterinarian inspector resigns from his job, recruitment of a new veterinarian inspector/surgeon by the owner of the plant is compulsory.

g) A veterinarian inspector cannot do any other jobs during working days and hours.

## **Regulation for the Procedures and Principles on the Establishment, Opening, Operation and Inspection of Red Meat and Meat Products Processing Establishments n. 26499 as amended on 20 Aprile 2007**

**Article 1.** This Regulation aims to ensure the sound production of meat and meat products by verifying that slaughter of bovine and ovine in establishments is carried out in proper technical and hygienic conditions; inspection, storage, cutting, processing, obtaining the final product, wrapping, packaging and transporting meat obtained from slaughter animals; and to make arrangements for the disposal of waste produced by processing establishments.

**Article 4.** For the purposes of this Regulation, the following terms shall have the following meanings:

[...]

g) Slaughterhouses: the facilities where slaughter animals are being slaughtered and/or meat is being stored following the slaughter process, and which are graded as first, second and class according to their capacity and technical and hygienic conditions.

- Slaughterhouses of the first class: slaughterhouses meeting the conditions laid down in this Regulation and having the maximum slaughter capacity, depending on the size of the slaughter room, slaughter and post-slaughter hygienic conditions, cold storage capacities and space in stables.
- Slaughterhouses of the second class: slaughterhouses meeting the conditions laid down in this Regulation and having a slaughter capacity of maximum 18 slaughtering units per day.
- Slaughterhouses of the third class: slaughterhouses meeting the conditions laid down in Regulation and having a slaughter capacity of maximum 8 slaughtering units per day.

[...]

m) Slaughtering unit: unit used to determine the slaughter capacity of a slaughterhouse, namely each of 1 head of cattle, 1 water buffalo, 1 camel, 2 ostriches, 4 pigs, 8 sheep, 10 goats, 130 rabbits.

[...]

s) Veterinary Inspector: independent veterinarian who is charged with the duty to examine slaughter animals prior to and following the slaughtering, has a certificate for meat examination held by the Ministry, and is authorised to work at private meat plants and slaughterhouses, as well as the veterinarian who is appointed by the concerned institutions to work at industrial premises and slaughterhouses belonging to the Municipalities and the Meat and Fishery Products Joint Stock Company.

[...]

#### **Article 10.** [...]

f) No animals, except the ones that are going to be slaughtered, are allowed to enter the slaughterhouse premises.

[...]

#### **Article 11.** [...]

a) It is compulsory to bring slaughter animals together with their certificates of origin or veterinary health reports.

b) Animals shall be moved to the slaughter hall in such a way as to spare them any stress. It is forbidden to slaughter on the floor. During the slaughter process animals shall suffer as little as possible. In industrial premises and slaughterhouses of the first and second class slaughter and the following procedures have to be carried out on a conveyor system. In third class slaughterhouses hooks can be used.

[...]

To sum up, in Turkey the majority of the population is Muslim and - except for poultry – religious slaughter without previous stunning is currently the most commonly practiced method of slaughter.

All commercial slaughter must be performed in recognised slaughterhouses. However, there is an exception for slaughter carried out for personal consumption and during religious festivals. Slaughter must be carried out quickly and in such a way as to cause as little as possible pain, taking into account a number of conditions including religious rules and hygienic regulations. The provisions regarding the slaughter of animal according to religious rites and health requirements shall be enacted by a Regulation.

### ***B. Short Overview of the Legal History***

The 1986 Law on Animal Health and Control and the 2004 Animal Welfare Law are the first legal acts enacted by Turkey which are aimed at regulating slaughter, particularly as far as slaughterhouses and the veterinarians' presence and duties are concerned. A few other regulations have also been enacted in order to adapt Turkey's legislation to the European Union's standards.

Turkey is currently preparing other draft laws within the framework of EU enlargement process. Among them is a regulation on the protection of animals at the time of slaughter and killing.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://rega.basbakanlik.gov.tr>; <http://www.kkgm.gov.tr>.

## UNITED KINGDOM

### *A. Legislation<sup>1</sup>*

#### **Statutory Instrument 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations of 14 March 1995<sup>2</sup>**

##### **PART I**

##### **INTRODUCTORY**

[...]

##### **Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“animal” includes bird;

[...]

“authorised person” means any person authorised in writing by the Minister for the purposes of these Regulations;

[...]

“killing”, in relation to an animal, means causing the death of the animal by any process other than slaughter;

“knacker's yard” means any premises used for the slaughter or killing of solipeds, ruminants, pigs, rabbits or birds, the flesh of which is not intended for human consumption, including any associated facilities for moving or lairaging such animals;

“lairaging”, in relation to an animal, means keeping the animal in a stall, pen, covered area or field used by a slaughterhouse or knacker's yard in order to confine it until it is slaughtered or killed or to give it any necessary attention before it is slaughtered or killed;

[...]

“movement”, in relation to an animal, means unloading it or driving it from an unloading place, stall or pen at a slaughterhouse or knacker's yard to the premises or place where it is to be lairaged, slaughtered or killed;

“pithing” in relation to an animal, means the destruction of its brain tissue after stunning to the extent that irreversible loss of consciousness is ensured;

“restraining pen” means a pen or compartment which is—

(a) suitable for restraining for slaughter by a religious method (as defined in paragraph 2 of Schedule 12) in an upright position any ox, bullock, cow, heifer or steer or any calf which is too large to be restrained manually on a cradle or on a table;

(b) constructed so as to permit one animal at a time to be confined in it without discomfort and so as to prevent any substantial movement of the animal forwards, backwards or sideways once it has been placed in position for slaughter; and

(c) approved by the Minister under paragraph 3 of Schedule 12;

“restraint”, in relation to an animal, means the application of any procedure designed to restrict its movements in order to facilitate effective stunning or killing;

“slaughter”, in relation to an animal, means causing the death of the animal by bleeding;

“slaughterhouse” means any premises used for the commercial slaughter or killing of solipeds, ruminants, pigs, rabbits or birds the flesh of which is intended for human consumption, including any associated facilities for moving or lairaging such animals;

“stunning”, in relation to an animal, means any process which causes immediate loss of consciousness which lasts until death;

“stunning pen” means a pen or compartment which is suitable for confining adult bovine animals while they are being stunned and which is so constructed that it—

- (a) permits one animal at a time to be confined in it without discomfort;
- (b) prevents any substantial movement forwards, backwards or sideways of an animal confined in it;
- (c) restricts the movement of the head of any animal confined in it without causing the animal any avoidable excitement so as to permit accurate stunning and allows the head of the animal to be released immediately after the animal has been stunned; and
- (d) allows unimpeded access to the forehead of the animal confined in it;

“wild game” means wild land mammals which are hunted (including wild mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game) and wild birds.

### **Application and exemptions**

3.—(1) These Regulations apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, skin, fur or other products, to methods of killing animals for the purpose of disease control and to the killing of surplus chicks and embryos in hatchery waste.

(2) These Regulations do not apply to any act lawfully done under the Animals (Scientific Procedures) Act 1986.

(3) These Regulations do not apply to any animal which is killed during a sporting event.

(4) These Regulations do not apply to the killing of wild game.

### **Humane treatment of animals**

4.—(1) No person engaged in the movement, lairaging, restraint, stunning, slaughter or killing of animals shall—

- (a) cause any avoidable excitement, pain or suffering to any animal; or
- (b) permit any animal to sustain any avoidable excitement, pain or suffering.

(2) Without prejudice to paragraph (3) below, no person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of any animal unless he has the knowledge and skill necessary to perform those tasks humanely and efficiently in accordance with these Regulations.

(3) Schedule 1 shall have effect in relation to the licensing of slaughtermen.

(4) Parts II and III below are without prejudice to the generality of paragraphs (1) and (2) above.

### **Safeguarding the welfare of animals**

5. The occupier of a slaughterhouse or knacker's yard shall ensure that at all times when there are live animals on the premises a person (whether or not himself) is available who is competent, and who has authority to take whatever action may be necessary to the welfare of the animals in accordance with these Regulations.



## PART II

### REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES AND KNACKERS' YARDS

[...]

#### **The slaughter of animals in slaughterhouses and knackers' yards**

**9.** Where any soliped, ruminant, pig, rabbit or bird is brought into a slaughterhouse or knacker's yard for slaughter, that animal shall be—

(a) moved and lairaged in accordance with Schedule 3;

(b) restrained in accordance with Schedule 4;

(c) subject to regulation 22, stunned before slaughter in accordance with Parts I and II of Schedule 5;  
and

(d) bled or pithed in accordance with Schedule 6.

[...]

## PART III

### SLAUGHTER OR KILLING ELSEWHERE THAN IN SLAUGHTERHOUSES OR KNACKERS' YARDS

[...]

#### **The slaughter of animals elsewhere than in a slaughterhouse or knacker's yard**

**14.** Subject to regulations 16 and 17, where any soliped, ruminant, pig, rabbit or bird is slaughtered elsewhere than in a slaughterhouse or knacker's yard, that animal shall be—

(a) restrained in accordance with Schedule 4;

(b) subject to regulation 22, stunned before slaughter in accordance with Parts I and II of Schedule 5;  
and

(c) bled or pithed in accordance with Schedule 6.

[...]

#### **The slaughter or killing of animals elsewhere than in a slaughterhouse or knacker's yard for private consumption**

**16.** Regulations 14 and 15 shall not apply in respect of any bird, rabbit, pig, sheep or goat which is slaughtered or killed by its owner for his private consumption, provided that—

(a) regulation 4(1) is complied with; and

(b) any such animal that is slaughtered is stunned before slaughter in accordance with Parts I and II of Schedule 5

[...]

## PART IV

### SLAUGHTER BY A RELIGIOUS METHOD

#### **Additional requirements relating to slaughter by a religious method**

**21.** Schedule 12 shall have effect in relation to the slaughter of any animal by a religious method.

#### **Exemption for slaughter by a religious method**

**22.** Schedule 5 (which relates to the stunning and killing of animals) shall not apply to any animal which is slaughtered in accordance with Schedule 12 (which relates to slaughter by a religious method).

## PART V

### EXECUTION, OFFENCES AND PENALTIES

#### **Powers of authorised persons**

**23.**—(1) An authorised person, upon producing, if required to do so, some duly authenticated document showing his authority, may at any time enter—

(a) any slaughterhouse or knacker's yard; or

(b) any land or premises, other than premises used wholly or mainly as a dwelling, where he reasonably suspects that any activity which is governed by these Regulations is, or has been, carried on, for the purpose of ascertaining whether there is or has been any contravention of these Regulations.

(2) An authorised person shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations.

(3) Without prejudice to the generality of paragraph (2) above, an authorised person may in particular, where he has a reasonable suspicion that there is or has been a contravention of these Regulations—

(a) take samples (and, if necessary, send the samples for laboratory testing) from any animal, carcase or part of a carcase;

(b) take away any carcase or part of a carcase (and, if necessary, send it for laboratory testing);

(c) require the production of any relevant record or document;

(d) inspect any relevant record or document;

(e) take copies of any relevant record or document; and

(f) take away any relevant record or document.

(4) An authorised person may take with him into the slaughterhouse or knacker's yard or onto premises or land such other persons as he considers necessary, including a representative of the European Commission acting for the purposes of Article 14 of Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing.

#### **Obstruction**

**24.**—(1) No person shall—

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

#### **Offences by bodies corporate**

**25.**—(1) Where a body corporate is guilty of an offence under these Regulations and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar officer of the body corporate; or

(b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

### **Offences and penalties**

**26.—**(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence.

(2) Any person guilty of an offence by virtue of regulation 4(2) or (3) or 24(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence by virtue of regulation 25 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of any other offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

(5) Paragraph (1) above shall not apply to anything done or omitted by the Minister or an authorised veterinary surgeon in exercise of functions conferred by these Regulations.

### **Defence**

**27.** A person who contravenes any provision in these Regulations shall not be guilty of an offence in respect of such contravention if he proves that by reason of accident or other emergency the contravention was necessary for preventing injury or suffering to any person or animal

## **SCHEDULE 1**

### **THE LICENSING OF SLAUGHTERMEN**

#### **Scope of this Schedule**

**1.** The requirements of this Schedule shall not apply to any person who—

(a) for emergency reasons relating to the welfare of any animal has to slaughter or kill that animal immediately;

(b) slaughters or kills any animal elsewhere than in a slaughterhouse or knacker's yard, provided that he is the owner of the animal and the slaughter or killing is for his private consumption;

(c) slaughters or kills any animal other than for a commercial purpose;

(d) kills by means of a free bullet any animal in the field;

(e) kills a bird by means of dislocation of the neck or decapitation on premises forming part of an agricultural holding on which the bird was reared;

(f) kills any animal for the purpose of disease control in accordance with Schedule 9;

(g) kills any fox or mink in accordance with Schedule 10;

(h) kills surplus chicks or embryos in hatchery waste in accordance with Schedule 11;

(i) operates any automatic equipment used to stun, slaughter or kill any animal without performing any of the operations specified in paragraph 3 below;

(j) shackles birds before stunning or killing; or

(k) is a veterinary surgeon acting in the exercise of his functions or a person acting under the direction of a veterinary surgeon so acting.

#### **The licensing of slaughtermen**

**2.** No person shall carry out any of the operations specified in paragraph 3 below except—

(a) under and in accordance with the terms of a licence granted and registered under paragraph 5 below;

(b) under and in accordance with the terms of a licence issued by a local authority under the Slaughter of Poultry Act 1967 (“the 1967 Act”), the Slaughterhouses Act 1974 (“the 1974 Act”), the Slaughter of Animals (Scotland) Act 1980 (“the 1980 Act”) or any regulations made under any of those Acts; or

(c) under and in accordance with the terms of a provisional licence granted under paragraph 7 below.

### **Operations which require a licence**

3. The operations mentioned in paragraph 2 above for which a licence is required are any of the following—

(a) the restraint of any animal for the purpose of stunning, slaughtering or killing that animal;

(b) the stunning of any animal;

(c) the slaughter of any animal;

(d) the killing of any animal;

(e) the pithing of any stunned animal;

(f) the assessment of effective stunning, pithing or killing of any animal by any person whose duty it is to make such an assessment;

(g) the shackling or hoisting of any stunned animal; and

(h) the bleeding of any animal which is not dead.

### **Certificates of competence**

4.—(1) In this Schedule “certificate of competence” means—

(a) a certificate issued under sub-paragraph (2) below by a veterinary surgeon authorised for the purpose by the Minister (“an authorised veterinary surgeon”);

(b) a certificate issued by a veterinary surgeon which accompanied an application for a licence under the Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991 (“the 1991 Regulations”) in accordance with Regulation 5(1)(a)(i) and Schedule 1 thereto; or

(c) a licence granted to the applicant for the purpose of slaughtering animals by the Jewish method by the Rabbinical Commission (referred to in Part IV of Schedule 12) in England and Wales or by the Chief Rabbi in Scotland.

(2) An authorised veterinary surgeon shall issue a certificate of competence if—

(a) having assessed the applicant, the authorised veterinary surgeon is of the opinion that the applicant—

(i) is competent to carry out all the operations mentioned in paragraph 3 above in respect of which he is applying for a certificate without causing avoidable pain, excitement or suffering to any animal; and

(ii) has sufficient knowledge of the provisions of all the relevant legislation and of any relevant current code issued under regulation 7 relating to the operations in respect of which he is applying for a certificate;

(b) the applicant is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a certificate; and

(c) the applicant is not below the age of 18.

(3) Any person applying for a certificate of competence who has been convicted of any offence mentioned in paragraph 8(b) below shall give to the authorised veterinary surgeon written details of any such conviction.

(4) Any certificate of competence issued under sub-paragraph (2) above shall specify the matters which it covers, namely—

- (a) the relevant operations mentioned in paragraph 3 above;
- (b) the relevant species of animals; and
- (c) the relevant equipment or instruments.

### **The grant and registration of licences**

5.—(1) Where the Minister receives a certificate of competence for registration, together with the appropriate fees, he shall grant and register a licence (hereinafter referred to as “a registered licence”) if—

- (a) in his opinion the applicant is a fit and proper person to hold a licence; and
- (b) the applicant provides any information required in sub-paragraph (2) below.

(2) Any person applying to the Minister for a registered licence shall give written details if—

- (a) he has been refused by any local authority (and if so by which) a licence to slaughter animals under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts;
- (b) he has had any such licence revoked or suspended by any local authority (and if so by which); or
- (c) he has been convicted of any offence mentioned in paragraph 8(b) below.

(3) Any licence granted and registered under sub-paragraph (1) above shall specify the matters which it covers, namely—

- (a) the relevant operations mentioned in paragraph 3 above;
- (b) the relevant species of animals; and
- (c) the relevant equipment or instruments.

(4) Any registered licence which is granted under sub-paragraph (1) above shall be valid throughout Great Britain and shall remain in force until any such time as it may be revoked or suspended by the Minister.

### **Modification of registered licences**

6.—(1) Any holder of a registered licence who wishes it to be modified in respect of any of the matters set out in sub-paragraph 5(3) above shall first obtain a provisional licence in respect of those modifications.

(2) A certificate of competence in respect of any modifications shall be obtained in accordance with paragraph 4 above and sent to the Minister in accordance with paragraph 5 above before a registered licence to cover those modifications can be granted.

### **Grant of provisional licences**

7.—(1) An authorised veterinary surgeon shall grant a provisional licence to any applicant who—

- (a) is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a provisional licence;
- (b) is not below the age of 18; and
- (c) provides any information required by sub-paragraph (2) below.

(2) Any person applying to an authorised veterinary surgeon for a provisional licence shall give written details if—

- (a) he has been refused by any local authority (and if so by which) a licence to slaughter animals under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts;
- (b) he has had any such licence revoked or suspended by any local authority (and if so by which);
- (c) he has had any licence issued under these regulations revoked or suspended by the Minister; or
- (d) he has been convicted of any offence mentioned in paragraph 8(b) below.

(3) Any provisional licence granted in accordance with sub-paragraph (1) above shall specify the matters which it covers, namely—

- (a) the relevant operations mentioned in paragraph 3 above;
- (b) the relevant species of animals; and
- (c) the relevant equipment or instruments.

(4) A provisional licence shall authorise a person to carry out matters which it covers only in the presence of, and in accordance with any directions given by, a person who is—

- (a) a veterinary surgeon;
- (b) the holder of a registered licence granted in accordance with sub-paragraph 5(1) above and covering the same matters as the provisional licence; or
- (c) the holder of a licence issued by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts.

(5) Any provisional licence granted under sub-paragraph (1) above shall remain in force for such period not exceeding three months as may be specified in the provisional licence and may be renewed at the discretion of an authorised veterinary surgeon.

(6) Any provisional licence granted under sub-paragraph (1) above shall be valid throughout Great Britain.

#### **Refusal of a provisional licence, a certificate of competence or a registered licence**

8. An authorised veterinary surgeon may refuse to issue a certificate of competence or refuse to grant a provisional licence and the Minister may refuse to grant a registered licence if the applicant—

- (a) has failed to comply with—
  - (i) any condition of any licence previously granted to him under these Regulations; or
  - (ii) any condition of any licence to slaughter animals previously granted to him by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts; or
- (b) has been convicted of an offence under—
  - (i) these Regulations;
  - (ii) the 1967 Act or any regulations made under it;
  - (iii) the 1974 Act or any regulations made under it;
  - (iv) the 1980 Act or any regulations made under it;
  - (v) the Protection of Animals Acts 1911 to 1964;
  - (vi) the Protection of Animals (Scotland) Acts 1912 to 1964;
  - (vii) any order made under the Animal Health Act 1981 regulating the transport of animals;
  - (viii) Part I of the Agriculture (Miscellaneous Provisions) Act 1968 or any regulations or order made under it; or
  - (ix) any other provision concerning the welfare of animals.

#### **Suspension and revocation of licences**

9.—(1) The Minister may suspend or revoke a registered licence granted under these Regulations or any licence granted by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts, and an authorised veterinary surgeon may revoke any provisional licence, if—

- (a) he is satisfied that the holder of the licence is no longer a fit and proper person to hold it;
- (b) he is satisfied that the holder of the licence is not, or is no longer, competent to carry out the operations which the licence authorises;

(c) the holder has failed to comply with—

(i) any condition of the licence granted to him under these regulations; or

(ii) any condition of a licence previously granted to him by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts; or

(d) the holder has been convicted of an offence under any of the provisions set out in paragraph 8(b) above.

(2) An authorised veterinary surgeon may grant a provisional licence under paragraph 7(1) above to any person whose registered licence has been suspended or revoked.

### **Fees**

**10.** The Minister may charge an applicant for, or a holder of, a certificate of competence or a licence (as the case may be) such reasonable fees as he may determine in respect of—

(a) the assessment of the competence of any person who applies for a certificate of competence;

(b) any assessment of the competence of any person who applies for a modification of his licence;  
and

(c) the issue and the registration of the licence.

### **Appeals system**

**11.—**(1) Where the Minister or the authorised veterinary surgeon (as the case may be)—

(a) refuses to issue a certificate of competence;

(b) refuses to grant a registered licence;

(c) refuses to modify a registered licence;

(d) refuses to grant a provisional licence;

(e) suspends a registered licence;

(f) revokes a provisional licence; or

(g) revokes a registered licence,

he shall, as soon as reasonably practicable, give to the applicant or holder of the licence (as the case may be) a notice in writing of the reasons for the refusal, suspension or revocation (hereinafter referred to as “a notice”).

(2) Any person to whom a notice is given shall have a right to make written representations to the Minister or to the authorised veterinary surgeon and to be heard by an independent person appointed by the Minister.

(3) The notice shall inform the person to whom it is given—

(a) of his right to make representations in writing;

(b) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made;

(c) of his right to be heard; and

(d) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard.

(4) In the event of any person to whom the notice is given making any representations (whether orally or in writing) to the Minister or to the authorised veterinary surgeon (as the case may be), the Minister or the authorised veterinary surgeon shall reconsider his decision to refuse, suspend or revoke in the light of those representations.

(5) In the event of any person to whom the notice is given being heard by the independent person, the Minister or the authorised veterinary surgeon shall reconsider his decision to refuse, suspend or revoke in the light of the findings of the independent person.

### **Savings provisions**

**12.—**(1) Any licence issued by a local authority under the 1991 Regulations shall remain in force (subject to any conditions attached thereto) until its expiry date and until such time shall be valid throughout Great Britain.

(2) Any licence issued by a local authority under the 1974 Act or the 1980 Act that is in force on 31st March 1995 shall remain in force (subject to any conditions attached thereto) until the end of the period of 18 months following the date on which it was due to expire and until such time shall be valid throughout Great Britain

[...]

### **SCHEDULE 4**

Regulations 9(b), 10(b) and 14(a)

### **RESTRAINT OF ANIMALS BEFORE STUNNING, SLAUGHTER OR KILL G**

**1.** In this Schedule “animal” means any soliped, ruminant, pig, rabbit or bird.

**2.** No person shall stun, slaughter or kill, or cause or permit to be stunned, slaughtered or killed, any animal without restraining it in an appropriate manner in such a way as to spare it any avoidable pain, suffering, agitation, injury or contusions

**3.** Without prejudice to the generality of paragraph 2 above no person shall—

(a) in any slaughterhouse, stun, or cause or permit to be stunned, any adult bovine animal, unless at the time it is stunned it is confined in a stunning pen or in a restraining pen which (in either case) is in good working order;

(b) in any knacker's yard, stun, or cause or permit to be stunned, any adult bovine animal, unless at the time it is stunned it is either confined in a stunning pen which is in good working order or its head is securely fastened in such a position as to enable it to be stunned without the infliction of avoidable excitement, pain or suffering; or

(c) slaughter, or cause or permit to be slaughtered, by a method any bovine animal, as defined in paragraph 1(b)(ii) of Schedule 12, which is not stunned, or stunned and pithed, before slaughter unless that animal is restrained in accordance with paragraph 3 of Schedule 12.

**4.** No person shall—

(a) place, or cause or permit to be placed, any adult bovine animal in a stunning pen; or

(b) fasten, or cause or permit to be fastened, the head of any adult bovine animal, unless the person who is to stun the animal is ready to do so as soon as the animal is placed in the stunning pen or its head is fastened.

**5.** No person shall tie, or cause or permit to be tied, the legs of any animal.

**6.—**(1) Subject to sub-paragraph (2) below, no person shall suspend, or cause or permit to be suspended, any animal before stunning or killing.

(2) The prohibition in sub-paragraph (1) above shall not apply in the case of birds which may be suspended for stunning or killing provided that—

(a) no bird is suspended in such a manner as to cause it avoidable pain or suffering;

(b) appropriate measures are taken to ensure that, at the point of being stunned or killed, the bird is in a sufficiently relaxed state for stunning or killing to be carried out effectively and without undue delay; and

(c) no bird is suspended for more than 6 minutes in the case of a turkey or 3 minutes in other cases before being stunned or killed.



(3) For the purposes of this paragraph, any animal which is held in a restraint system is not regarded as being suspended.

7. The occupier of a slaughterhouse or knacker's yard and any person engaged in the stunning or killing of any animal shall ensure that any animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

8. No person shall use, or cause or permit to be used, any electrical stunning or killing equipment or any other instrument which applies an electric current to animals—

- (a) as a means of restraining any animal;
- (b) as a means of immobilising any animal; or
- (c) except in accordance with paragraph 11 of Schedule 3, as a means of making any animal move.

9.—(1) No person shall operate, or cause or permit to be operated, any shackle line unless—

(a) each bird suspended from it is kept clear of any object which may cause it avoidable excitement, pain or suffering, including when its wings are outstretched, until it is stunned;

(b) it is possible to relieve any avoidable excitement, pain or suffering which a bird suspended from a shackle appears to be suffering or to remove such a bird from the shackle; and

(c) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, any bird suspended from it can be performed without undue haste and with proper regard for the welfare of the bird.

(2) No person shall, in connection with the slaughter or killing of any bird, use, or cause or permit to be used, any shackle line, machine or other equipment unless—

(a) there is ready access to any such equipment used on live birds and its controls; and

(b) except in an emergency to relieve suffering, it is used in connection with the slaughter or killing of birds of the type, size and weight for which it was designed.

## SCHEDULE 5

Regulations 9(c), 10(c), 14(b), 15 and 16(b)

## STUNNING OR KILLING OF ANIMALS OTHER THAN ANIMALS REARED FOR FUR

### PART I

#### INTRODUCTORY

##### Interpretation

1. In this Schedule “animal” means any soliped, ruminant, pig, rabbit or bird.

##### General provision

2. The occupier of a slaughterhouse or knacker's yard and any person engaged in the stunning or killing of any animal shall ensure that any instrument, restraining equipment and other equipment, and any installation, which is used for stunning or killing is used in such a way as to facilitate rapid and effective stunning or killing in accordance with these Regulations.

### PART II

#### STUNNING

##### Stunning of animals

3. No person shall stun, or cause or permit to be stunned, any animal unless it is possible to—

(a) bleed or pith it without delay and in accordance with Schedule 6; or

(b) kill it without delay and in accordance with Part III of this Schedule.

##### Permitted methods of stunning animals

4. No person shall stun any animal, or cause or permit any animal to be stunned, except by one of the following methods—

- (a) captive bolt;
- (b) concussion; or
- (c) electronarcosis.

**Specific requirements for stunning by use of a captive bolt instrument**

5.—(1) No person shall use, or cause or permit to be used, a captive bolt instrument to stun any animal unless—

(a) subject to sub-paragraph (3) below, the instrument is positioned and aimed so as to ensure that the projectile enters the cerebral cortex; and

(b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.

(2) No person shall shoot, or cause or permit to be shot, any bovine animal in the back of the head.

(3) No person shall shoot, or cause or permit to be shot, a sheep or goat in the back of its head, unless the presence of horns prevents use of the top or the front of its head, in which case it may be shot in the back of the head provided that—

(a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and

(b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed within 15 seconds of shooting in accordance with Part III of this Schedule.

6. Any person who uses a captive bolt instrument shall check that the bolt is retracted to its full extent after each shot and if it is not so retracted shall ensure that the instrument is not used again until it has been repaired.

**Specific requirements for stunning by concussion**

7.—(1) Subject to sub-paragraph (2) below, no person shall stun, or cause or permit to be stunned, by concussion any animal except by an instrument which is applied in the proper position and which is used with the correct strength of cartridge or other propellant, in accordance with the manufacturer's instructions to produce an effective stun without fracture to the skull by administering a non-penetrative blow to the skull.

(2) Sub-paragraph (1) above shall not apply to small batches of rabbits, which may be stunned using a non-mechanical blow to the skull provided that the operation is carried out in such a way that the animal is immediately rendered unconscious and remains so until it is dead.

**Specific requirements for stunning by electronarcosis — electrodes**

8. No person shall use, or cause or permit to be used, electrodes to stun any animal unless—

(a) the electrodes are so placed that they span the brain, and a sufficient current to pass through it;

(b) appropriate measures are taken to ensure that there is good electrical contact; and

(c) the strength and duration of the current used is such that the animal is immediately rendered unconscious and remains so until it is dead.

9. No person shall use, or cause or permit to be used, electrodes to stun any animal individually unless the apparatus—

(a) incorporates a device which—

(i) measures the impedance of the load; and

(ii) prevents operation of the apparatus unless a current can be passed which is sufficient to render an animal of the species being stunned unconscious until it is dead;

(b) incorporates an audible or visible device indicating the length of time of its application to an animal; and

(c) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

**Specific requirements for stunning by electronarcosis — waterbath stunners**

**10.** No person shall use, or cause or permit to be used, a water bath stunner to stun any bird unless—

(a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with the bird's head;

(b) the strength and duration of the current used is such that the bird is immediately rendered unconscious and remains so until it is dead;

(c) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned is maintained; and

(d) appropriate measures are taken to ensure that the current passes efficiently, in particular that there are good electrical contacts and the shackle-to-leg contact is kept wet.

**11.** No person shall use, or cause or permit to be used, any waterbath stunner unless—

(a) it is adequate in size and depth for the type of bird being slaughtered;

(b) it does not overflow at the entrance, or, if an overflow is unavoidable, measures are taken to ensure that no bird receives an electrical shock before it is stunned; and

(c) the electrode which is immersed in the water extends the length of the waterbath.

**12.** No person shall use, or cause or permit to be used, any waterbath stunner unless a person is available to ascertain whether it has been effective in stunning the birds and who, where it has not been effective, will either stun and slaughter or kill any bird without delay.

### PART III

### KILLING

#### Methods of killing animals

**13.** No person shall kill, or cause or permit to be killed, any animal except by one of the following methods—

(a) free bullet;

(b) electrocution;

(c) for birds only, decapitation or dislocation of the neck; or

(d) exposure of pigs and birds to gas mixtures in accordance with Schedule 7.

#### Specific requirements for killing by electrocution

**14.** No person shall kill, or cause or permit to be killed, any animal by electrocution unless—

(a) the strength and duration of the current used are sufficient to kill immediately an animal of that species; and

(b) the animal has been stunned in accordance with paragraph 5 or with paragraphs 8 and 9 or with paragraphs 10 and 11 above.

### SCHEDULE 6

Regulations 9(d) and 14(c)

### BLEEDING OR PITHING OF ANIMALS

**1.** In this Schedule “animal” means any soliped, ruminant, pig, rabbit or bird.

2.—(1) The occupier of a slaughterhouse or knacker's yard shall ensure that any animal that has been stunned before bleeding or pithing is bled or pithed without delay after it has been stunned.

(2) Any person engaged in the bleeding or pithing of any animal which has been stunned shall ensure that the animal is bled or pithed without delay after it has been stunned.

(3) In England and Wales no person shall bleed any bull, cow, heifer, steer, calf, sheep, goat or pig in a slaughterhouse, knacker's yard or lairage within sight of any other such animal.

(4) Paragraph (3) above shall not apply in the case of any such animal which is slaughtered or killed in accordance with paragraph 5 of Schedule 3 (which relates to emergency slaughter and killing).

3.—(1) Subject to sub-paragraph (3) below, any person engaged in the bleeding of any animal that has been stunned shall ensure that—

(a) the bleeding is rapid, profuse and complete;

(b) the bleeding is completed before the animal regains consciousness; and

(c) the bleeding is carried out by severing at least one of the carotid arteries or the vessels from which they arise.

(2) Subject to sub-paragraph (3) below, after severance of at least one of the carotid arteries or the vessels from which they arise of any animal that has been stunned before bleeding, no person shall cause or permit any further dressing procedure or any electrical stimulation to be performed on any animal before the bleeding has ended and in any event not before the expiry of—

(a) in the case of a turkey or goose, a period of not less than 2 minutes;

(b) in the case of any other bird, a period of not less than 90 seconds;

(c) in the case of bovine animals, a period of not less than 30 seconds; and

(d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.

(3) Sub-paragraphs (1) and (2) above shall not apply to any animal which has been pithed.

4.—(1) Where one person is responsible for the stunning and pithing, or for the stunning, shackling, hoisting and bleeding, of animals other than birds or rabbits, or for some of those operations, such operations must be carried out by him consecutively in respect of one animal before being so carried out by him in respect of another animal.

(2) Where one person is responsible for the stunning and bleeding of birds or rabbits, those operations must be carried out by him consecutively in respect of one bird or rabbit before being so carried out by him in respect of another bird or rabbit.

#### **Manual back up of automatic machinery**

5.—(1) The occupier of a slaughterhouse shall ensure that no bird is slaughtered by means of automatic neck cutters unless, whenever the neck cutters are operated, a person is present who is able to ascertain whether or not the neck

cutters have effectively severed at least one of the carotid arteries or the vessels from which they arise.

(2) In the event of the machinery not being effective in severing at least one of the carotid arteries or the vessels from which they arise, the occupier of the slaughterhouse in which the neck cutters are situated shall ensure that the bird is slaughtered or killed immediately.

## SCHEDULE 12

Regulations 21 and 22

### ADDITIONAL PROVISIONS FOR SLAUGHTER BY A RELIGIOUS METHOD

#### PART I

##### GENERAL

##### **Interpretation**

1. In this Schedule—

(a) “animal” means any sheep, goat or bovine animal;

(b) “bovine animal” means—

(i) in sub-paragraph (a) above and paragraph 7(b) below, any ox, bullock, cow, heifer, steer or calf; and

(ii) elsewhere, any ox, bullock, cow, heifer or steer or any calf which is too large to be restrained manually for slaughter on a cradle or table; and

(c) “bird” means any turkey, domestic fowl, guinea-fowl, duck, goose or quail.

##### **Slaughter by a religious method**

2. In this Schedule references to slaughter by a religious method are references to slaughter without the infliction of unnecessary suffering—

(a) by the Jewish method for the food of Jews by a Jew who holds a licence in accordance with Schedule 1 (which relates to the licensing of slaughtermen) and who is duly licensed—

(i) in England and Wales by the Rabbinical Commission referred to in Part IV of this Schedule; or

(ii) in Scotland by the Chief Rabbi; or

(b) by the Muslim method for the food of Muslims by a Muslim who holds a licence in accordance with Schedule 1.

#### PART II

### PROVISIONS RELATING TO THE SLAUGHTER OF ANIMALS BY A RELIGIOUS METHOD

##### **Slaughter of bovine animals by a religious method**

3.—(1) Subject to sub-paragraph (3) below, no person shall slaughter, or cause or permit to be slaughtered, any bovine animal in a slaughterhouse by a religious method unless the animal is in an upright position in a restraining pen which has been approved by the Minister and which the Minister is satisfied has been installed in such a manner as to ensure that it will operate efficiently.

(2) The Minister may, for the purposes of sub-paragraph (1) above, give his approval to a restraining pen, but he shall not give any such approval unless he is satisfied that the pen is of such a size and design, and is able to be so operated, as to protect a bovine animal from any avoidable pain, suffering, agitation, injuries or contusions while confined in it or while entering it and, in particular, unless he is satisfied that the pen—

(a) contains an effective means of restraining any bovine animal confined in it (including a suitable head restraint for that purpose); and

(b) contains means of support which will take the weight of the animal during and following slaughter in it.

(3) Sub-paragraphs (1) and (2) above shall not apply where the bovine animal is stunned, or stunned and pithed, before slaughter, but in such cases any bovine animal shall be restrained before stunning in accordance with paragraph 3(a) of Schedule 4.

### **Use and maintenance of restraining pens**

4. The occupier of a slaughterhouse in which there is a restraining pen shall ensure that—

(a) the means of restraining and supporting a bovine animal confined in such a pen described in paragraph 3(2)(a) and (b) above are used in respect of any bovine animal confined in it;

(b) the pen is kept in good working order; and

(c) if it has been modified after it has been approved by the Minister, the pen is not used again until a fresh approval is given by the Minister.

### **Handling of animals during slaughter**

5. The occupier of a slaughterhouse where animals are slaughtered by a religious method and any person engaged in the slaughter of any animal by a religious method shall ensure that—

(a) no bovine animal is placed in a restraining pen unless the person who is to carry out the slaughter is ready to make the incision immediately the bovine animal is placed in the pen;

(b) no animal is shackled or hoisted until the appropriate period referred to in paragraph 7 below has elapsed and unless the animal is unconscious;

(c) any sheep or goat, or any calf which is small enough to be restrained manually on a cradle or table, is slaughtered only on a cradle or table and that only one such animal is placed on the cradle or table at any one time; and

(d) where the slaughter is carried out in a slaughterhouse, a captive bolt instrument is kept close to the restraining pen, cradle or table for use in case of emergency and is immediately used where the animal is subjected to any avoidable pain, suffering or agitation or has any injuries or contusions.

### **Method of slaughter**

6. Any person who slaughters by a religious method any animal which has not been stunned before bleeding shall—

(a) before each animal is slaughtered, inspect the knife to be used and ensure that it is not used unless it is undamaged and of sufficient size and sharpness to be capable of being used to slaughter the animal in the manner described in sub-paragraph (b) below; and

(b) ensure that each animal is slaughtered by the severance, by rapid, uninterrupted movements of a knife, of both its carotid arteries and both its jugular veins.

### **Handling animals after slaughter by a religious method**

7. The occupier of a slaughterhouse in which animals are slaughtered by a religious method and any person engaged in the slaughter by a religious method of any animal shall ensure that where the animal has not been stunned, or stunned and pithed, before bleeding it is not moved until it is unconscious and in any event not before the expiry of—

(a) in the case of any sheep or any goat, a period of not less than 20 seconds; and

(b) in the case of any bovine animal, a period of not less than 30 seconds,

after it has been slaughtered in the manner described in paragraph 6 above.

### **Slaughter by a religious method elsewhere than in a slaughterhouse**

8. No person shall slaughter any animal by a religious method, or cause or permit any animal to be so slaughtered, elsewhere than in a slaughterhouse unless the slaughter is carried out in the presence of an authorised person.

### PART III

#### PROVISIONS RELATING TO THE SLAUGHTER OF BIRDS BY A RELIGIOUS METHOD

##### **Slaughter of birds by a religious method**

**9.** Any person who slaughters by a religious method any bird which has not been stunned before slaughter shall ensure that—

(a) each bird is slaughtered by the severance, by rapid and uninterrupted movements of a knife, of its carotid arteries; and

(b) the knife to be used for the slaughtering of the birds is undamaged and of sufficient size and sharpness to enable each bird to be slaughtered in the manner described in sub-paragraph (a) above.

##### **Handling birds after slaughter by a religious method**

**10.** The occupier of a slaughterhouse in which birds are slaughtered by a religious method and any person engaged in the slaughter of any bird by a religious method shall ensure that, where the bird has not been stunned before bleeding, no further dressing procedure or any electrical stimulation is performed on the bird before it is unconscious and in any event not before the expiry of—

(a) in the case of a turkey or goose, a period of not less than 2 minutes; and

(b) in the case of any other bird, a period of not less than 90 seconds, after it has been slaughtered in the manner described in paragraph 9 above.

### PART IV

#### THE RABBINICAL COMMISSION FOR THE LICENSING OF SHOCHETIM

##### **Membership**

**11.** The Rabbinical Commission for the licensing of Shochetim (in this Part referred to as “the Commission”) shall consist of a permanent chairman and nine other members.

**12.** The Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth shall, by virtue of his office, be the permanent chairman of the Commission.

**13.** Of the members of the Commission other than the permanent chairman—

(a) one, who shall be a vice-chairman, shall be appointed by the Spanish and Portuguese Synagogue (London);

(b) three shall be appointed by the Beth Din appointed by the United Synagogue (London);

(c) two shall be appointed by the Federation of Synagogues (London);

(d) one shall be appointed by the Union of Orthodox Hebrew Congregations (London); and

(e) two shall be appointed by the president for the time being of the London committee of deputies of British Jews to represent provincial congregations.

##### **Supplementary provisions**

**14.** The functions of the Commission shall be exercisable notwithstanding any vacancy amongst the members thereof.

**15.** The quorum of the Commission shall be four.

#### **Statutory Instrument 1999 No. 400. The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations of 18 February 1999**

##### **Amendment of the Welfare of Animals (Slaughter or Killing) Regulations 1995**

**2.** —(1) The Welfare of Animals (Slaughter or Killing) Regulations 1995 shall be amended in accordance with the following provisions of this regulation.

[...]

(4) In Schedule 12 (additional provisions for slaughter by a religious method) paragraph 8 shall be replaced by the following paragraph:

**“Prohibition against slaughter by a religious method elsewhere than in a Slaughterhouse**

No person shall slaughter any animal by a religious method, or cause or permit any animal to be so slaughtered, elsewhere than in a slaughterhouse licensed under regulation 4 of the Fresh Meat (Hygiene and Inspection) Regulations 1995”.

To sum up, religious slaughter without previous stunning is allowed. Much of the meat from animals slaughtered by a religious method is not sold as such. However, the vast majority of halal meat comes from animals that were stunned before slaughter with a reversible method, whereas three premises producing kosher meat practise post-cut stunning of cattle.<sup>3</sup>

Religious slaughter is defined as the slaughter by a religious method without the infliction of unnecessary suffering by the Jewish method for the food of Jews by a Jew who holds a licence and who is duly licensed by the Jewish competent authority, and by the Muslim method for the food of Muslims by a Muslim who holds a licence. The licensing of slaughtermen is regulated in great detail.

A few rules only apply to religious slaughter without previous stunning. An animal slaughtered cannot be moved until it is unconscious and in any event not before the elapse of at least 20 seconds in the case of sheep and goats, and at least 30 seconds in the case of cattle. Inverted restraint systems are prohibited. Each animal must be slaughtered by the severance of both its carotid arteries and both its jugular veins, by rapid and uninterrupted movements of a knife. The knife to be used must be inspected before slaughter, in order to ensure that it is undamaged and of sufficient size and sharpness.

As to the celebration of the festival of Aid el Kebir, “British Muslims often prefer to send money to the country from which their families originated. Some, however, want to slaughter sheep in this country. Under British law slaughter must take place only in licensed slaughterhouses, unless the slaughter is carried out in the presence of an authorised person. The Ministry of Agriculture has tried hard to prevent slaughtering taking place outside the slaughterhouse. They have produced leaflets in five languages and distributed them in Mosques. If Muslims wish to slaughter in the slaughterhouse, they are encouraged to let a licensed Muslim slaughterman do it for them and just to watch their sheep being slaughtered. If not, then they can slaughter a sheep under the supervision of a licensed slaughterman. Most of these animals would be pre-stunned, which is acceptable to most Muslims. Some more traditional Muslims feel that pre-stunning violates the Koran.”<sup>4</sup>

It should be noted that in Northern Ireland it is still legal the carrying out of religious slaughter without previous stunning outwith a slaughterhouse, provided that an authorised person is present.

## *B. Short Overview of the Legal History*

A derogation from the compulsory requirement of previous stunning in case of animals used for religious slaughter was granted by the Slaughter of Animals (Scotland) Act 1928 as far as Scotland was concerned, the Slaughter of Animals Act (Northern Ireland) 1932 as far as Northern Ireland was concerned, and the Slaughter of Animals Act 1933 as far as England and Wales were concerned. The enactment of the European Communities’ legislation concerning the welfare of animals at the time of slaughter and killing has not affected the legal provisions on religious slaughter.<sup>5</sup>

In more recent times, the Food Standards Agency has approved four Food Law Practice Guidances, respectively for England (March 2006), Northern Ireland (June 2006), Wales (July 2006), and Scotland (September 2006), which deal with matters concerning *halal* food.<sup>6</sup>

The issue of religious slaughter is hotly debated in the UK, as it is shown by a number of reports prepared and submitted to the government by animal welfare associations.<sup>7</sup> The government has recognised the importance of providing the necessary guarantees as to hygiene, veterinary control and inspections, and meat labelling. However, it has rejected all recommendations to end the religious exemption for slaughter without previous stunning.<sup>8</sup>



### *C. Recent Court Decisions*

There have been no recent court decision on religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.opsi.gov.uk>.

<sup>2</sup> The scope of the application of the Statutory Instrument is limited to England, Scotland and Wales. The same legal provisions have been extended to Northern Ireland by means of the Statutory Rule 1996 No. 558. Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996.

<sup>3</sup> House of Commons. Note SN/SC/1314 on Religious Slaughter of 5 February 2010, pp. 4-5.

<sup>4</sup> *Ibidem*, p. 5.

<sup>5</sup> House of Commons. Note SN/SC/1314 on Religious Slaughter of 2 January 2009, p. 2.

<sup>6</sup> See <http://www.food.gov.uk>.

<sup>7</sup> See for example the Farm Animal Welfare Council's Report on the Welfare of Livestock when Slaughtered by Religious Methods (1985), the Royal Society for the Prevention of Cruelty to Animals' Farm Animal Welfare Booklet (1995), the Farm Animal Welfare Council's Report on the Welfare of Farmed Animals at Slaughter or Killing: Part 1 Red Meat Animals (2003), and the Royal Society for the Prevention of Cruelty to Animals' Information Sheet on Religious Slaughter (February 2009).

<sup>8</sup> Defra Press Release 127/04 on Government Response to Farm Animal Welfare Council Report on the welfare of farmed animals at slaughter or killing: part 1 red meat animals (1 April 2004), and Defra Response to FAWC Recommendations (March 2005).

## URUGUAY

### *A. Legislation<sup>1</sup>*

#### **Decree 369/983 of 7 October 1983 approving the Official Regulation for Veterinary Inspection of Products of Animal Origin<sup>2</sup>**

**Article 1.** Slaughterhouses, industrialised sites, cold storage plants and any company or person who carries out industrial activities related to products of meat are subject to Official Veterinary Inspections as established in these regulations as well as the Technical Standards established by the Animal Industry Directorate.<sup>3</sup>

**Article 2. Definitions.** For the purposes of the current Regulations the following definitions shall apply:

a) Approved premises: the sites approved by the Ministry of Agriculture and Fisheries and under the control of the Animal Industry Directorate.

b) Slaughterhouse: any industrial and commercial organisation which is dedicated to slaughter and preparation of chilled and frozen meats with full use by-products, alone or through a third party.<sup>4</sup>

**Article 181. Application.** Humane slaughter and handling of animals is obligatory in all slaughterhouses approved by the Ministry of Agriculture and Fisheries.

The different methods of religious slaughter remain excepted from the above.<sup>5</sup>

**Article 182. Suspension of business.** The Official Veterinary Inspector may order a temporary (partial or total) suspension of slaughter activities if it becomes apparent that the handling and slaughter of the animals is being carried out inhumanely.<sup>6</sup>

**Article 183. Pace of stunning.** Stunning and bleeding of animals must be carried out at a rate compatible with the distribution of the carcasses for the various slaughter operations.<sup>7</sup>

**Article 184. Bleeding.** Bleeding of animals must be as complete as possible. Blood can only be used for consumption purposes if it comes from animals slaughtered on approved sites and inspected and declared fit for human consumption. Blood must be defibrinated, handled and kept under hygienic conditions. The use of anticoagulants is subject to the regulations of the Animal Industry Directorate.<sup>8</sup>

**Article 185. Skinning.** During slaughter the carcasses should not come into contact with each other. [...].<sup>9</sup>

**Article 186. Scalding.** Scalding should be carried out in accordance with the methods approved by the Animal Industry Directorate. In cases of immersion scalding, this should be carried out in tanks or basins made of resistant material which can be easily sterilised.

It is forbidden to put live animals in the scalding tank. The scalding tanks must be kept clean and have a system of constantly renewed water.<sup>10</sup>

**Article 187. Removal of Fur/Hair.** Removal of fur/ hair from the animals must be carried out by machine except in those cases where there is an authorisation from the Official Veterinary Inspector.

After the mechanical process, any remaining fur/ hair removal can be carried out manually.<sup>11</sup>

**Article 188. Prior washing.** After the fur/ hair removal processes have been completed the carcasses of pigs must be washed prior to the disembowelling operation.<sup>12</sup>

**Article 189. Division of the sternum.** The sternum of each animal must be cut and separated prior to disembowelling in such a way that an inspection of the thoracic and abdominal cavities as well as the corresponding organs can be carried out correctly.<sup>13</sup>

**Article 190. Disembowelling.** Disembowelling must be carried out efficiently and hygienically within the guidelines established by the Animal Industry Directorate. The contamination of the carcass and the organs by the gastrointestinal contents must be effectively prevented.<sup>14</sup>

**Article 191. Washing.** The carcasses must be pressure washed with water at an appropriate temperature.<sup>15</sup>

**Article 192. Insufflations.** Air must not be blown into the internal organs, mechanically or by any other means, except in the case of ritual procedures.<sup>16</sup>

To sum up, religious slaughter without previous stunning is allowed. In Uruguay there are at least three authorised *kosher* slaughterhouses located in Colonia, Tacuarembó and Canelones.

### *B. Short Overview of the Legal History*

The Law no. 14.810 of 11 August 1979 on the commercialisation of meat in the internal market did not contain any provisions concerning religious slaughter.<sup>17</sup> The Law no. 17.997 of 2 August 2006 on the identification system and animal register, approved in order to envisage a traceability system of products of animal origin in the national territory, does not contain any provisions concerning religious slaughter, too.<sup>18</sup>

Animal welfare is being the object of few bills. However religious slaughter is not an issue in Uruguay. The complaints of animal welfare associations have generally concerned not so much slaughter according to the Jewish and Islamic rites, as the slaughter of poultry carried out by groups of Afro-Cuban religious tradition, because this is regarded as an act of cruelty to animals, and because the slaughtered poultry are usually left on the beaches, which get polluted in this way.

### *C. Recent Court Decisions*

There have been no recent court decisions concerning religious slaughter.

#### ENDNOTES

<sup>1</sup> See <http://www.mgap.gub.uy>.

<sup>2</sup> **Decreto 369/983 de 7 de octubre de 1983 que aprueba el Reglamento Oficial de Inspección Veterinaria de Productos de Origen Animal.**

<sup>3</sup> **Art. 1.** Los establecimientos de faena, establecimientos industrializadores, depósitos frigoríficos y todas aquellas empresas o personas que tengan actividades industriales relacionadas con los productos de origen cárnico estarán sujetos a la Inspección Veterinaria Oficial que este Reglamento establece, así como a las Normas Técnicas que al respecto dicte la Dirección de Industria Animal.

<sup>4</sup> **Art. 2. Definiciones.** A los fines del presente Reglamento, se entiende por:

a) Establecimiento habilitado: el total del ámbito habilitado por el Ministerio de Agricultura y Pesca y bajo control de la Dirección de Industria Animal.

b) Establecimiento de faena: toda organización industrial y comercial que dedicada a la faena y preparación de carnes enfriadas y congeladas, asegure de por sí o por medio de terceros, el integral aprovechamiento de los subproductos.

<sup>5</sup> **Art. 181. Aplicación.** El manejo y sacrificio por métodos humanitarios será de empleo obligatorio en todos los establecimientos de faena habilitados por el Ministerio de Agricultura y Pesca. Quedarán exceptuados los distintos métodos de sacrificio ritual.

<sup>6</sup> **Art. 182. Suspensión de actividades.** La Inspección Veterinaria Oficial podrá disponer la suspensión temporal, en forma parcial o total de las operaciones de faena cuando compruebe que el manejo y sacrificio de los animales se realiza con métodos no humanitarios.

<sup>7</sup> **Art. 183. Ritmo de insensibilización.** Las operaciones de insensibilización y desangrado de los animales no se efectuará con más rapidez que aquella con la que pueden aceptarse las carcasas para las distintas operaciones de la faena.

<sup>8</sup> **Art. 184. Desangrado.** El desangrado de los animales, deberá ser lo más completo posible. Sólo podrá utilizarse sangre para fines comestibles cuando la misma proceda de animales faenados en establecimientos habilitados y que hayan sido inspeccionados y declarados aptos para el consumo humano. La misma debe ser recogida desfibrinada, manipulada y conservada en condiciones higiénicas. El uso de anticoagulantes estará sujeto a las disposiciones que a los efectos dicte la Dirección de Industria Animal.

<sup>9</sup> **Art. 185. Desollado.** Durante la faena las carcasas no podrán estar en contacto entre sí. [...].

<sup>10</sup> **Art. 186. Escaldado.** La operación de escaldado se realizará de acuerdo a métodos aprobado por la Dirección de Industria Animal. Cuando se trate de escaldado por inmersión, este se realizará en tanques o piletas de materiales inalterables de fácil higienización. Se prohíbe la introducción de animales vivos en el tanque de escaldado. Los tanques de escaldado deberán mantenerse limpios y poseerán un sistema de renovación constante de agua.

<sup>11</sup> **Art. 187. Depilado.** La operación de pelado de animales deberá realizarse mecánicamente excepto en aquellos casos en que exista autorización de la Inspección Veterinaria Oficial.

Luego del pelado se puede realizar el retoque de los animales en forma manual.

<sup>12</sup> **Art. 188. Lavado previo.** Luego de terminadas las operaciones de pelado y retoque las carcasas suínas deberán lavarse previo a las operaciones de evisceración.

<sup>12</sup> **Art. 189. División del esternón.** El esternón de cada animal debe ser cortado y separado en forma previa a la evisceración de forma tal de poder realizar una correcta inspección de las cavidades torácica y abdominal así como de los órganos correspondientes.

<sup>14</sup> **Art. 190. Evisceración.** La evisceración debe realizarse en forma higiénica y eficiente, dentro de los plazos que establezca la Dirección de Industria Animal. Deberá prevenirse eficazmente la contaminación de la carcasa y los órganos por el contenido gastrointestinal.

<sup>15</sup> **Art. 191. Lavado.** Las carcasas se lavarán con agua a presión y temperatura adecuada.

<sup>16</sup> **Art. 192. Insuflación.** No se podrá insuflar aire, mecánicamente o por cualquier otro medio en las vísceras, exceptuando los procedimientos rituales.

<sup>17</sup> See <http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=14810&Anchor>.

<sup>18</sup> See <http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=17997&Anchor>.



The DIALREL project is funded by the European Commission and involves partners from 11 countries. It addresses issues relating to religious slaughter in order to encourage dialogue between stakeholders and interested parties. Religious slaughter has always been a controversial and emotive subject, caught between animal welfare considerations and cultural and human rights issues. There is considerable variation in current practices and the rules regarding religious requirements are confusing. Consumer demands and concerns also need to be addressed and the project is collecting and collating information relating to slaughter techniques, product ranges, consumer expectations, market share and socio-economic issues. The project is multidisciplinary and based on close cooperation between veterinarians, food scientists, sociologists, and jurists and other interested parties.

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Project Coordinator  
Dr. Mara Miele  
School of City and Regional  
Planning  
Cardiff University  
Glamorgan Building  
King Edward VII Avenue  
Cardiff, CF10 3WA  
United Kingdom  
Tel : +44 (0)29 20879121  
Fax: +44 (0)29 20874845  
e-mail: [MieleM@Cardiff.ac.uk](mailto:MieleM@Cardiff.ac.uk)  
[www.dialrel.eu](http://www.dialrel.eu)