

F. Slaughter or killing of animals

1. Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (Text with EEA relevance)

Official Journal L 303, 18/11/2009 P. 0001 – 0030

[Whereas]

(15) Protocol No (33) underlines the need to respect the legislative or administrative provisions and customs of the Member States relating, in particular, to religious rites, cultural traditions and regional heritage when formulating and implementing the Community's policies on, inter alia, agriculture and the internal market. It is therefore appropriate to exclude from the scope of this Regulation cultural events, where compliance with animal welfare requirements would adversely affect the very nature of the event concerned.

(18) Derogation from stunning in case of religious slaughter taking place in slaughterhouses was granted by Directive 93/119/EC. Since Community provisions applicable to religious slaughter have been transposed differently depending on national contexts and considering that national rules take into account dimensions that go beyond the purpose of this Regulation, it is important that derogation from stunning animals prior to slaughter should be maintained, leaving, however, a certain level of subsidiarity to each Member State. As a consequence, this Regulation respects the freedom of religion and the right to manifest religion or belief in worship, teaching, practice and observance, as enshrined in Article 10 of the Charter of Fundamental Rights of the European Union.

Article 2 Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) "killing" means any intentionally induced process which causes the death of an animal;
 - (b) "related operations" means operations such as handling, lairaging, restraining, stunning and bleeding of animals taking place in the context and at the location where they are to be killed;
 - (c) "animal" means any vertebrate animal, excluding reptiles and amphibians;
 - (d) "emergency killing" means the killing of animals which are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering;
 - (e) "lairaging" means keeping animals in stalls, pens, covered areas or fields associated with or part of slaughterhouse operations;
 - (f) "stunning" means any intentionally induced process which causes loss of consciousness and sensibility without pain, including any process resulting in instantaneous death;
 - (g) "religious rite" means a series of acts related to the slaughter of animals and prescribed by a religion;
- (...)

Article 4 Stunning methods

1. Animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I. The loss of consciousness and sensibility shall be maintained until the death of the animal.

The methods referred to in Annex I which do not result in instantaneous death (hereinafter referred to as simple stunning) shall be followed as quickly as possible by a procedure ensuring death such as bleeding, pithing, electrocution or prolonged exposure to anoxia.

(...)

4. In the case of animals subject to particular methods of slaughter prescribed by religious rites, the requirements of paragraph 1 shall not apply provided that the slaughter takes place in a slaughterhouse.

Article 27 Reporting

(...)

2. No later than 8 December 2012, the Commission shall submit to the European Parliament and to the Council a report on systems restraining bovine animals by inversion or any unnatural position. This report shall be based on the results of a scientific study comparing these systems to the ones maintaining bovines in the upright position and shall take into account animal welfare aspects as well as the socioeconomic implications, including their acceptability by the religious communities and the safety of operators. This report shall, if appropriate, be accompanied by legislative proposals with a view to amending this Regulation concerning the systems restraining bovine animals by inversion or any unnatural position.

2. Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (Text with EEA relevance)

Official Journal L 182, 12/07/2007 P. 0019 – 0028

[Whereas]

(1) The Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community requires that in formulating and implementing agriculture policies, the Community and the Member States are to pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

3. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin

Official Journal L 139, 30/04/2004 P. 0055 – 0205, last amended by Commission Regulation (EU) No 16/2012 of 11 January 2012, Official Journal L 008, 12/01/2012 P. 0029 - 0030

Annex III Specific requirements

Chapter IV: Slaughter Hygiene

Food business operators operating slaughterhouses in which domestic ungulates are slaughtered must ensure compliance with the following requirements.

(...)

7. Stunning, bleeding, skinning, evisceration and other dressing must be carried out without undue delay and in a manner that avoids contaminating the meat. In particular:

(a) the trachea and oesophagus must remain intact during bleeding, except in the case of slaughter according to a religious custom;

4. Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing

Official Journal L 340, 31/12/1993 P. 0021 – 0034, end of validity: 31/12/2012; repealed by Council Regulation (EC) No 1099/2009 of 24 September 2009, Official Journal L 303, 18/11/2009 P. 0001 – 0030

[Whereas]

(...)

Whereas at the time of slaughter or killing animals should be spared any avoidable pain or suffering;

Whereas, however, it is necessary to allow for technical and scientific experiments to be carried out and to take account of the particular requirements of certain religious rites.

(...)

Chapter I General provisions

Article 2 (2)

However, in the Member States, 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 Directive 64/433/EEC.

Article 5

1. Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:

(...)

(c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;

(...)

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. (...)