

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

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

1 This Regulation lays down rules for the killing of animals bred or kept for the production of food, wool, skin, fur or other products as well as the killing of animals for the purpose of depopulation and for related operations.

However as regards fish, only the requirements laid down in Article 3(1) shall apply.

2 Chapter II, except for Article 3(1) and (2) thereof, Chapter III and Chapter IV except for Article 19 thereof, shall not apply in case of emergency killing outside of a slaughterhouse or where compliance with those provisions would result in an immediate and serious risk for human health or safety.

3 This Regulation shall not apply:

- a where animals are killed:
 - (i) during scientific experiments carried out under the supervision of a competent authority;
 - (ii) during hunting or recreational fishing activities;
 - (iii) during cultural or sporting events;
- b to poultry, rabbits and hares slaughtered outside of a slaughterhouse by their owner for his/her private domestic consumption.

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;
- (h) 'cultural or sporting events' means events which are essentially and predominantly related to long established cultural traditions or sporting activities, including racing or other forms of competitions, where there is no production of meat or other animal products or where that production is marginal compared to the event as such and not economically significant;
- (i) 'standard operating procedures' means a set of written instructions aimed at achieving uniformity of the performance of a specific function or standard;
- (j) 'slaughtering' means the killing of animals intended for human consumption;
- (k) 'slaughterhouse' means any establishment used for slaughtering terrestrial animals which falls within the scope of Regulation (EC) No 853/2004;
- (l) 'business operator' means any natural or legal person having under its control an undertaking carrying out the killing of animals or any related operations falling within the scope of this Regulation;
- (m) 'fur animals' means animals of the mammal species primarily reared for the production of fur such as minks, polecats, foxes, raccoons, coypu and chinchillas;
- (n) 'depopulation' means the process of killing animals for public health, animal health, animal welfare or environmental reasons under the supervision of the competent authority;
- (o) 'poultry' means farmed birds, including birds that are not considered to be domestic birds but which are farmed as domestic animals, with the exception of ratites;
- (p) 'restraint' means the application to an animal of any procedure designed to restrict its movements sparing any avoidable pain, fear or agitation in order to facilitate effective stunning and killing;
- (q) 'competent authority' means the central authority of a Member State competent to ensure compliance with the requirements of this Regulation or any other authority to which that central authority has delegated that competence;
- (r) 'pithing' means the laceration of the central nervous tissue and spinal cord by means of an elongated rod-shaped instrument introduced into the cranial cavity.

CHAPTER II

GENERAL REQUIREMENTS

Article 3

General requirements for killing and related operations

- 1 Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.
- 2 For the purposes of paragraph 1, business operators shall, in particular, take the necessary measures to ensure that animals:
 - a are provided with physical comfort and protection, in particular by being kept clean in adequate thermal conditions and prevented from falling or slipping;
 - b are protected from injury;
 - c are handled and housed taking into consideration their normal behaviour;
 - d do not show signs of avoidable pain or fear or exhibit abnormal behaviour;
 - e do not suffer from prolonged withdrawal of feed or water;
 - f are prevented from avoidable interaction with other animals that could harm their welfare.
- 3 Facilities used for killing and related operations shall be designed, constructed, maintained and operated so as to ensure compliance with the obligations set out in paragraphs 1 and 2 under the expected conditions of activity of the facility throughout the year.

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.
- 2 Annex I may be amended to take account of scientific and technical progress on the basis of an opinion of EFSA and in accordance with the procedure referred to in Article 25(2).

Any such amendments shall ensure a level of animal welfare at least equivalent to that ensured by the existing methods.
- 3 Community guidelines concerning the methods set out in Annex I may be adopted in accordance with the procedure referred to in Article 25(2).
- 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 5

Checks on stunning

1 Business operators shall ensure that persons responsible for stunning or other nominated staff carry out regular checks to ensure that the animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death.

Those checks shall be carried out on a sufficiently representative sample of animals and their frequency shall be established taking into account the outcome of previous checks and any factors which may affect the efficiency of the stunning process.

When the outcome of the checks indicates that an animal is not properly stunned, the person in charge of stunning shall immediately take the appropriate measures as specified in the standard operating procedures drawn up in accordance with Article 6(2).

2 Where, for the purpose of Article 4(4), animals are killed without prior stunning, persons responsible for slaughtering shall carry out systematic checks to ensure that the animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding.

3 For the purpose of paragraphs 1 and 2, business operators may use checking procedures as described in the guides to good practice referred to in Article 13.

4 Where appropriate, in order to take account of the high level of reliability of certain stunning methods and on the basis of an opinion of EFSA, derogations from the requirements laid down in paragraph 1 may be adopted in accordance with the procedure referred to in Article 25(2).

Article 6

Standard operating procedures

1 Business operators shall plan in advance the killing of animals and related operations and shall carry them out in accordance with standard operating procedures.

2 Business operators shall draw up and implement such standard operating procedures to ensure that killing and related operations are carried out in accordance with Article 3(1).

As regards stunning, the standard operating procedures shall:

- a take into account the manufacturers' recommendations;
- b define for each stunning method used, on the basis of available scientific evidence, the key parameters set out in Chapter I of Annex I ensuring their effectiveness to stun the animals;
- c specify the measures to be taken when the checks referred to in Article 5 indicate that an animal is not properly stunned or, in the case of animals slaughtered in accordance with Article 4(4), that the animal still presents signs of life.

3 For the purpose of paragraph 2 of this Article, a business operator may use standard operating procedures as described in the guides to good practice referred to in Article 13.

4 Business operators shall make available to the competent authority their standard operating procedures upon request.

Article 7

Level and certificate of competence

1 Killing and related operations shall only be carried out by persons with the appropriate level of competence to do so without causing the animals any avoidable pain, distress or suffering.

2 Business operators shall ensure that the following slaughter operations are only carried out by persons holding a certificate of competence for such operations, as provided for in Article 21, demonstrating their ability to carry them out in accordance with the rules laid down in this Regulation:

- a the handling and care of animals before they are restrained;
- b the restraint of animals for the purpose of stunning or killing;
- c the stunning of animals;
- d the assessment of effective stunning;
- e the shackling or hoisting of live animals;
- f the bleeding of live animals;
- g the slaughtering in accordance with Article 4(4).

3 Without prejudice to the obligation set out in paragraph 1 of this Article, the killing of fur animals shall be carried out in the presence and under the direct supervision of a person holding a certificate of competence as referred to in Article 21 issued for all the operations carried out under his supervision. Business operators of fur farms shall notify the competent authority in advance when animals are to be killed.

Article 8

Instructions for the use of restraining and stunning equipment

Products marketed or advertised as restraining or stunning equipment shall only be sold when accompanied by appropriate instructions concerning their use in a manner which ensures optimal conditions for the welfare of animals. Those instructions shall also be made publicly available by the manufacturers via the Internet.

Those instructions shall in particular specify:

- (a) the species, categories, quantities and/or weights of animals for which the equipment is intended to be used;
- (b) the recommended parameters corresponding to the different circumstances of use, including the key parameters set out in Chapter I of Annex I;
- (c) for stunning equipment, a method for monitoring the efficiency of the equipment as regards compliance with the rules laid down in this Regulation;
- (d) the recommendations for maintenance and, where necessary, calibration of the stunning equipment.

Article 9

Use of restraining and stunning equipment

1 Business operators shall ensure that all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose.

Business operators shall draw up a record of maintenance. They shall keep those records for at least one year and shall make them available to the competent authority upon request.

2 Business operators shall ensure that during stunning operations appropriate back-up equipment is immediately available on the spot and is used in the case of failure of the stunning equipment initially used. The back-up method may differ from that first used.

3 Business operators shall ensure that animals are not placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

Article 10

Private domestic consumption

Only the requirements of Articles 3(1), 4 (1) and 7(1) shall apply to the slaughtering of animals, other than poultry, rabbits and hares, and the related operations outside of a slaughterhouse by their owner or by a person under the responsibility and supervision of the owner, for private domestic consumption.

However, also the requirements laid down in Article 15(3) and in points 1.8 to 1.11, 3.1 and, in as far as it refers to simple stunning, point 3.2 of Annex III shall apply to the slaughtering of animals, other than poultry, rabbits, hares, pigs, sheep and goats, outside of a slaughterhouse by their owner or by a person under the responsibility and supervision of the owner for private domestic consumption.

Article 11

Direct supply of small quantities of poultry, rabbits and hares

1 Only the requirements of Articles 3(1), 4(1) and 7(1) shall apply to the slaughtering of poultry, rabbits and hares on the farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat, provided that the number of animals slaughtered on the farm does not exceed the maximum number of animals to be established in accordance with the procedure referred to in Article 25(2).

2 The requirements laid down in Chapters II and III of this Regulation shall apply to the slaughtering of such animals when their number exceeds the maximum number referred to in paragraph 1 of this Article.

Article 12

Imports from third countries

The requirements laid down in Chapters II and III of this Regulation shall apply for the purposes of Article 12(2)(a) of Regulation (EC) No 854/2004.

The health certificate accompanying meat imported from third countries shall be supplemented by an attestation certifying that requirements at least equivalent to those laid down in Chapters II and III of this Regulation have been met.

Article 13

Development and dissemination of guides to good practice

1 Member States shall encourage the development and dissemination of guides to good practice to facilitate the implementation of this Regulation.

2 When such guides to good practice are drawn up, they shall be developed and disseminated by organisations of business operators:

- a in consultation with representatives of non governmental organisations, competent authorities and other interested parties;
- b having regard to scientific opinions as referred to in Article 20(1)(c).

3 The competent authority shall assess guides to good practice in order to ensure that they have been developed in accordance with paragraph 2 and that they are consistent with existing Community guidelines.

4 Where organisations of business operators fail to submit guides to good practice, the competent authority may develop and publish its own guides to good practice.

5 Member States shall forward to the Commission all guides to good practice validated by the competent authority. The Commission shall set up and run a registration system for such guides and make it available to Member States.

CHAPTER III

ADDITIONAL REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES

Article 14

Layout, construction and equipment of slaughterhouses

1 Business operators shall ensure that the layout and construction of slaughterhouses and the equipment used therein comply with the rules set out in Annex II.

2 For the purposes of this Regulation, business operators shall, when requested, submit to the competent authority referred to in Article 4 of Regulation (EC) No 853/2004 for each slaughterhouse at least the following:

- a the maximum number of animals per hour for each slaughter line;

- b the categories of animals and weights for which the restraining or stunning equipment available may be used;
- c the maximum capacity for each lairage area.

The competent authority shall assess the information submitted by the operator in accordance with the first subparagraph when approving the slaughterhouse.

3 The following may be adopted in accordance with the procedure referred to in Article 25(2):

- a derogations from the rules set out in Annex II for mobile slaughterhouses;
- b amendments necessary to adapt Annex II to take account of scientific and technical progress.

Pending the adoption of derogations referred to in point (a) of the first subparagraph, the Member States may establish or maintain national rules applying to mobile slaughterhouses.

4 Community guidelines for the implementation of paragraph 2 of this Article and Annex II may be adopted in accordance with the procedure referred to in Article 25(2).

Article 15

Handling and restraining operations at slaughterhouses

1 Business operators shall ensure that the operational rules for slaughterhouses set out in Annex III are complied with.

2 Business operators shall ensure that all animals that are killed in accordance with Article 4(4) without prior stunning are individually restrained; ruminants shall be mechanically restrained.

Systems restraining bovine animals by inversion or any unnatural position shall not be used except in the case of animals slaughtered in accordance with Article 4(4) and provided that they are fitted with a device that restricts both the lateral and vertical movement of the head of the animal and are adjustable to be adapted to the size of the animal.

- 3 The following methods of restraint shall be prohibited:
- a suspending or hoisting conscious animals;
 - b mechanical clamping or tying of the legs or feet of animals;
 - c severing the spinal cord, such as by the use of a puntilla or dagger;
 - d the use of electric currents to immobilise the animal that do not stun or kill it under controlled circumstances, in particular, any electric current application that does not span the brain.

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

4 To take account of scientific and technical progress, including an opinion of EFSA; Annex III may be amended in accordance with the procedure referred to in Article 25(2).

5 Community guidelines for the implementation of the rules set out in Annex III may be adopted in accordance with the procedure referred to in Article 25(2).

Article 16

Monitoring procedures at slaughterhouses

1 For the purposes of Article 5, business operators shall put in place and implement appropriate monitoring procedures in slaughterhouses.

2 The monitoring procedures referred to in paragraph 1 of this Article shall describe the way the checks referred to in Article 5 have to be carried out and shall include at least the following:

- a the name of the persons responsible for the monitoring procedure;
- b indicators designed to detect signs of unconsciousness and consciousness or sensibility in the animals; indicators designed to detect the absence of signs of life in the animals slaughtered in accordance with Article 4(4);
- c criteria for determining whether the results shown by the indicators referred to in point (b) are satisfactory;
- d the circumstances and/or the time when the monitoring must take place;
- e the number of animals in each sample to be checked during the monitoring;
- f appropriate procedures to ensure that in the event that the criteria referred to in point (c) are not met, the stunning or killing operations are reviewed in order to identify the causes of any shortcomings and the necessary changes to be made to those operations.

3 Business operators shall put in place a specific monitoring procedure for each slaughter line.

4 The frequency of the checks shall take into account the main risk factors, such as changes regarding the types or the size of animals slaughtered or personnel working patterns and shall be established so as to ensure results with a high level of confidence.

5 For the purpose of paragraphs 1 to 4 of this Article, business operators may use monitoring procedures as described in the guides to good practice referred to in Article 13.

6 Community guidelines concerning monitoring procedures in slaughterhouses may be adopted in accordance with the procedure referred to in Article 25(2).

Article 17

Animal welfare officer

1 Business operators shall designate an animal welfare officer for each slaughterhouse to assist them in ensuring compliance with the rules laid down in this Regulation.

2 The animal welfare officer shall be under the direct authority of the business operator and shall report directly to him or her on matters relating to the welfare of the animals. He or she shall be in a position to require that the slaughterhouse personnel carry out any remedial actions necessary to ensure compliance with the rules laid down in this Regulation.

3 The responsibilities of the animal welfare officer shall be set out in the standard operating procedures of the slaughterhouse and effectively brought to the attention of the personnel concerned.

4 The animal welfare officer shall hold a certificate of competence as referred to in Article 21, issued for all the operations taking place in the slaughterhouses for which he or she is responsible.

5 The animal welfare officer shall keep a record of the action taken to improve animal welfare in the slaughterhouse in which he/she carries out his/her tasks. This record shall be kept for at least one year and shall be made available to the competent authority upon request.

6 Paragraphs 1 to 5 shall not apply to slaughterhouses slaughtering less than 1 000 livestock units of mammals or 150 000 birds or rabbits per year.

For the purpose of the first subparagraph, 'livestock unit' means a standard measurement unit that allows the aggregation of the various categories of livestock in order to enable them to be compared.

When applying the first subparagraph, Member States shall use the following conversion rates:

- a adult bovine animals within the meaning of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽¹⁾ and equidae: 1 livestock unit;
- b other bovine animals: 0,50 livestock unit;
- c pigs with a live weight of over 100 kg: 0,20 livestock unit;
- d other pigs: 0,15 livestock unit;
- e sheep and goats: 0,10 livestock unit;
- f lambs, kids and piglets of less than 15 kg live weight: 0,05 livestock unit.

CHAPTER IV

DEPOPULATION AND EMERGENCY KILLING

Article 18

Depopulation

1 The competent authority responsible for a depopulation operation shall establish an action plan to ensure compliance with the rules laid down in this Regulation, before the commencement of the operation.

In particular, the stunning and killing methods planned and the corresponding standard operating procedures for ensuring compliance with the rules laid down in this Regulation shall be included in the contingency plans required under Community law on animal health, on the basis of the hypothesis established in the contingency plan concerning the size and the location of suspected outbreaks.

- 2 The competent authority shall:
- a ensure that such operations are carried out in accordance with the action plan referred to in paragraph 1;
 - b take any appropriate action to safeguard the welfare of the animals in the best available conditions.

3 For the purposes of this Article and in exceptional circumstances, the competent authority may grant derogations from one or more of the provisions of this Regulation where it considers that compliance is likely to affect human health or significantly slow down the process of eradication of a disease.

4 By 30 June each year, the competent authority referred to in paragraph 1 shall transmit to the Commission a report on the depopulation operations carried out during the previous year and make it publicly available via the Internet.

With regards to each depopulation operation, that report shall include, in particular:

- a the reasons for the depopulation;
- b the number and the species of animals killed;
- c the stunning and killing methods used;
- d a description of the difficulties encountered and, where appropriate, solutions found to alleviate or minimise the suffering of the animals concerned;
- e any derogation granted in accordance with paragraph 3.

5 Community guidelines for the drawing up and implementation of depopulation action plans may be adopted in accordance with the procedure referred to in Article 25(2).

6 Where appropriate, in order to take account of the information collected by the ADNS, a derogation from the reporting obligation laid down in paragraph 4 of this Article may be adopted in accordance with the procedure referred to in Article 25(2).

Article 19

Emergency killing

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

CHAPTER V

COMPETENT AUTHORITY

Article 20

Scientific support

1 Each Member State shall ensure that sufficient independent scientific support is available to assist the competent authorities, upon their request, by providing:

- a scientific and technical expertise relating to the approval of slaughterhouses as referred to in Article 14(2) and the development of new stunning methods;
- b scientific opinions on the instructions provided by manufacturers on the use and maintenance of restraining and stunning equipment;
- c scientific opinions on guides to good practice developed within its territory for the purposes of this Regulation;
- d recommendations for the purposes of this Regulation, in particular in relation to inspections and audits;

- e opinions on the capacity and suitability of separate bodies and entities to fulfil the requirements laid down in Article 21(2).

2 Scientific support may be provided via a network, subject to all the tasks listed in paragraph 1 being performed with respect to all the relevant activities taking place in the Member States concerned.

For this purpose, each Member State shall identify a single contact point and make it publicly available via the Internet. Such contact point shall be responsible for sharing technical and scientific information and best practices regarding the implementation of this Regulation with its counterparts and the Commission.

Article 21

Certificate of competence

1 For the purposes of Article 7, Member States shall designate the competent authority responsible for:

- a ensuring that training courses are available for personnel involved in killing and related operations;
- b delivering certificates of competence attesting the passing of an independent final examination; the subjects of this examination shall be relevant for the categories of animals concerned and correspond to the operations referred to in Article 7(2) and (3), and to the subjects set out in Annex IV;
- c approving training programmes of the courses referred to in point (a) and the content and modalities of the examination referred in point (b).

2 The competent authority may delegate the final examination and the issuance of the certificate of competence to a separate body or entity which:

- a has the expertise, staff and equipment necessary to do so;
- b is independent and free from any conflict of interest as regards the final examination and the issuance of the certificates of competence.

The competent authority may also delegate the organisation of the training courses to a separate body or entity which has the expertise, staff and equipment necessary to do so.

The details of bodies and entities to which such tasks have been delegated shall be made publicly available by the competent authority via the Internet.

3 Certificates of competence shall indicate for which categories of animals, type of equipment and for which of the operations listed in Article 7(2) or (3) the certificate is valid.

4 Member States shall recognise certificates of competence issued in another Member State.

5 The competent authority may issue temporary certificates of competence provided that:

- a the applicant is registered in one of the training courses referred to in paragraph 1(a);
- b the applicant is to work in the presence and under the direct supervision of another person who holds a certificate of competence issued for the specific activity to be undertaken;
- c the validity of the temporary certificate does not exceed three months; and

- d the applicant provides a written declaration stating that he/she has not previously been issued another temporary certificate of competence of the same scope or demonstrates to the satisfaction of the competent authority that he/she was unable to take the final examination.

6 Without prejudice to a decision by a judicial authority or by a competent authority prohibiting the handling of animals, certificates of competence, including a temporary certificate of competence, shall only be issued if the applicant provides a written declaration stating that he/she has committed no serious infringement of Community law and/or national law on the protection of animals in the three years preceding the date of application for such a certificate.

7 Member States may recognise qualifications obtained for other purposes as equivalent to certificates of competence for the purposes of this Regulation provided that they have been obtained under conditions equivalent to those laid down in this Article. The competent authority shall make publicly available and keep up to date, via the Internet, a list of qualifications recognised as equivalent to the certificate of competence.

8 Community guidelines for the application of paragraph 1 of this Article may be adopted in accordance with the procedure referred to in Article 25(2).

CHAPTER VI

NON-COMPLIANCE, PENALTIES AND IMPLEMENTING POWERS

Article 22

Non-compliance

1 For the purpose of Article 54 of Regulation (EC) No 882/2004, the competent authority may in particular:

- a require business operators to amend their standard operating procedures and, in particular, slow down or stop production;
- b require business operators to increase the frequency of the checks referred to in Article 5 and amend the monitoring procedures referred to in Article 16;
- c suspend or withdraw certificates of competence issued under this Regulation from a person who no longer shows sufficient competence, knowledge or awareness of his/her tasks to carry out the operations for which the certificate was issued;
- d suspend or withdraw the delegation of power referred to in Article 21(2);
- e require the amendment of the instructions referred to in Article 8 with due regard to the scientific opinions provided pursuant to Article 20(1)(b).

2 When a competent authority suspends or withdraws a certificate of competence, it shall inform the granting competent authority of its decision.

Article 23

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and

dissuasive. The Member States shall notify those provisions to the Commission by 1 January 2013 and shall notify it without delay of any subsequent amendment affecting them.

Article 24

Implementing rules

Any detailed rules necessary for the implementation of this Regulation may be adopted in accordance with the procedure referred to in Article 25(2).

Article 25

Committee procedure

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, established by Article 58 of Regulation (EC) No 178/2002.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

CHAPTER VII

FINAL PROVISIONS

Article 26

Stricter national rules

1 This Regulation shall not prevent Member States from maintaining any national rules aimed at ensuring more extensive protection of animals at the time of killing in force at the time of entry into force of this Regulation.

Before 1 January 2013, Member States shall inform the Commission about such national rules. The Commission shall bring them to the attention of the other Member States.

2 Member States may adopt national rules aimed at ensuring more extensive protection of animals at the time of killing than those contained in this Regulation in relation to the following fields:

- a the killing and related operations of animals outside of a slaughterhouse;
- b the slaughtering and related operations of farmed game as defined in point 1.6 of Annex I to Regulation (EC) No 853/2004, including reindeer;
- c the slaughtering and related operations of animals in accordance with Article 4(4).

Member States shall notify the Commission of any such national rules. The Commission shall bring them to the attention of the other Member States.

3 Where, on the basis of new scientific evidence, a Member State deems it necessary to take measures aimed at ensuring more extensive protection of animals at the time of killing

in relation to the methods of stunning referred to in Annex I, it shall notify the Commission of the envisaged measures. The Commission shall bring them to the attention of the other Member States.

The Commission shall put the matter before the Committee referred to in Article 25(1) within 1 month of the notification and shall, on the basis of an opinion of EFSA and in accordance with the procedure referred to in Article 25(2), approve or reject the national measures involved.

Where the Commission deems it appropriate, it may, on the basis of the approved national measures, propose amendments to Annex I in accordance with Article 4(2).

4 A Member State shall not prohibit or impede the putting into circulation within its territory of products of animal origin derived from animals that have been killed in another Member State on the grounds that the animals concerned have not been killed in accordance with its national rules aimed at a more extensive protection of animals at the time of killing.

Article 27

Reporting

1 No later than 8 December 2014, the Commission shall submit to the European Parliament and to the Council a report on the possibility of introducing certain requirements regarding the protection of fish at the time of killing taking into account animal welfare aspects as well as the socioeconomic and environmental impacts. This report shall, if appropriate, be accompanied by legislative proposals with a view to amending this Regulation, by including specific rules regarding the protection of fish at the time of killing.

Pending the adoption of these measures, Member States may maintain or adopt national rules regarding the protection of fish at the time of slaughter or killing and shall inform the Commission thereof.

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.

3 No later than 8 December 2013, the Commission shall submit to the European Parliament and to the Council a report on the various stunning methods for poultry, and in particular multiple-bird waterbath stunners, taking into account animal welfare aspects, as well as the socioeconomic and environmental impacts.

Article 28

Repeal

1 Directive 93/119/EEC is repealed.

However, for the purpose of Article 29(1) of this Regulation, the following provisions of Directive 93/119/EEC shall continue to apply:

- a Annex A:
 - (i) paragraph 1 of Section I;
 - (ii) paragraph 1 and the second sentence of paragraph 3 and paragraphs 6, 7, 8 and the first sentence of paragraph 9 of Section II;
- b Annex C, paragraphs 3.A.2, the first subparagraph of 3.B.1, 3.B.2, 3.B.4 and paragraphs 4.2 and 4.3 of Section II.

2 References to the repealed Directive shall be construed as references to this Regulation.

Article 29

Transitional provisions

1 Until 8 December 2019, Article 14(1) shall only apply to new slaughterhouses or to any new layout, construction or equipment covered by the rules set out in Annex II which have not entered into operation before 1 January 2013.

2 Until 8 December 2015, Member States may provide for certificates of competence, as referred to in Article 21, to be issued by way of a simplified procedure to persons demonstrating relevant professional experience of at least three years.

Article 30

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 September 2009.

For the Council

The President

M. OLOFSSON

(1) OJ L 299, 16.11.2007, p. 1.