

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 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).

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1099/2009, CHAPTER II. (See end of Document for details)

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.

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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.

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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.

Status:

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Changes to legislation:

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