



Slaughter without stunning

Position Paper
May 2021

Slaughter without stunning

Summary

Due to the serious animal welfare concerns associated with slaughter without stunning, Eurogroup for Animals calls for repealing the derogation to mandatory stunning as set forth by Article 4.4 of the Council Regulation 1099/2009 (Slaughter Regulation). Resources should be urgently allocated to validating humane reversible stunning methods for all relevant species.

Background

According to the Slaughter Regulation on the protection of animals at the time of killing, in the European Union (EU) animals shall be killed only after having been stunned, with a derogation to this rule for "*animals subject to particular methods of slaughter prescribed by religious rites*" (Art. 4.4). However, as recently clarified by the Court of Justice of the EU (CJEU) in case C-336/19, Member States are empowered by Article 26.2 not to implement such a derogation, thus making stunning compulsory also for the production of halal¹ and kosher² meat. The CJEU indeed concluded that reversible stunning allows "*a fair balance to be struck between the importance attached to animal welfare and the freedom of Jewish and Muslim believers to manifest their religion*".

Nowadays, part of the involved religious communities accept stunning or reversible stunning. The latter is to all effects accepted as compatible with slaughter according to religious practices by many religious groups.

¹ "Halal" is the denomination used for the meat coming from animals slaughtered in line with Muslim community religious rite. This method of slaughtering animals consists of using a well-sharpened knife to make a swift, deep incision that cuts the front of the throat, the carotid artery, trachea, and jugular veins. The slaughter can be performed by a Muslim or an adherent of other religions. Blood must be drained from the veins.

² "Kosher" is the denomination used for the meat coming from animals slaughtered in line with Jewish community religious rites. The slaughter process is the same of Halal meat production, but kosher only allows one kind of Rabbi, called the Sachet, to slaughter animals. The Sachet is specially trained for slaughtering animals.

As of now, the Member States have interpreted Articles 4.4 and 26.2 of the Slaughter Regulation in different ways (Annex I). EU figures on the number of animals slaughtered without prior-cut stunning is not available. In 2015 the European Commission launched a quantitative survey to obtain a more complete picture on how the derogation on slaughter without stunning was being applied. Disappointingly, the survey has never been finalised due to difficulties in identifying a sufficiently reliable methodology to collect and complete the data. Indeed, in most Member States there is no traceability or control on the use of the derogation laid down in Art 4.4 of the Slaughter Regulation .

Additionally, some countries are using the derogation to stun for trade purposes, thus ignoring its original aim (to respect human rights) and converting it into a commercial opportunity.

From a scientific point of view, it is well-documented that serious welfare problems are highly likely to occur after the throat cut, since the animal can feel anxiety, pain, distress and other sufferings (EFSA, 2004; 2019; 2020; FVE, 2002). In the framework of the Dialrel project, scientists concluded that with the utmost probability animals feel pain during the throat cut without prior-stunning (Von Holleben K. et al., 2010). In 2011 on the occasion of the Symposium on "*Recent advances in the welfare of livestock at slaughter*" it was clearly demonstrated that the act of slaughtering an animal by ventral neck incision is associated with noxious stimulation, which makes the death process painful for the animals (Johnson C.B., et al, 2011).

Eurogroup for Animals' position

Eurogroup for Animals welcomed the [announced](#) revision of the Slaughter Regulation in the framework of the Farm-to-Fork strategy (EU, 2020) and in order to guarantee animal welfare, calls on the European Commission and the European co-legislators to:

- Repeal the derogation to mandatory stunning. No derogation should be in place either for slaughter according to religious rites or for any other kinds of slaughter (e.g. domestic slaughter).
- Allocate resources to validating humane reversible stunning methods for all relevant species. In the meantime, as a transitional measure whenever pre-cut stunning is still not carried out during religious slaughter, the basic requirement of immediate post-cut stunning³ must be performed. This shall be applied only until the reversible stunning techniques are validated for all species.
- Make the following conditions mandatory in case of animals slaughtered in the context of religious rites:
 1. Bovine animals should be killed in an upright position and should not be inverted or placed in a horizontal position prior to killing.
 2. No further processing, e.g. dressing procedures or electrical stimulation, must be performed on the animals before the bleeding has ended and the animal is dead.

³ In this case, animals will be stunned immediately after the incision, if not stunned before.

- Operators must put in place and implement appropriate monitoring procedures to verify and confirm that both carotid arteries (or the vessels from which they arise) are severed, and that animals do not exhibit signs of life before further processing of the carcasses. An appropriate time-frame should be guaranteed to ensure that all the operations are carried out properly.
- A veterinary of the state veterinary service must always be present when animals are slaughtered.

Contact

Francesca Porta

Senior Programme Officer, Farmed Animals
f.porta@eurogroupforanimals.org

Slaughter without stunning

References

Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing. OJ L 303, 18.11.2009, p. 1–30. [[Online](#)].

EFSA (2004). Scientific Opinion of the Panel on Animal Health and Welfare (AHAW) on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals. EFSA Journal (2004), 45, 1-29. [[Online](#)].

EFSA (2019). Scientific Opinion of the Panel on Animal Health and Welfare (AHAW) on slaughter of animals: poultry. EFSA Journal 2019;17(11):5849, 91 pp. [[Online](#)].

EFSA (2020). Scientific Opinion of the Panel on Animal Health and Welfare (AHAW) on the welfare of animals: cattle. EFSA Journal 2020;18(11):6275, 107 pp. [[Online](#)].

FVE (2002). Federation of Veterinarians of Europe Position Paper on the Slaughter of animals without prior-stunning. FVE/02/104 Final, 2002 [[Online](#)].

Johnson C.B., Gibson Y.J., Stafford K.J., and Mellor D.J., (2011). Pain perception at slaughter. Presentation given on 1st July 2011 at Centenary International Symposium of Humane Slaughter Association. 2011.

Judgment of the Court (Grand Chamber) of 17 December 2020 *Centraal Israëlitisch Consistorie van België e.a. and Others*. Request for a preliminary ruling from the *Grondwettelijk Hof*. Reference for a preliminary ruling – Protection of animals at the time of killing – Regulation (EC) No 1099/2009 – Article 4(1) – Obligation to stun animals before they are killed – Article 4(4) – Derogation in the context of ritual slaughter – Article 26(2) – Power of Member States to adopt national rules aimed at ensuring more extensive protection of animals in the case of ritual slaughter – Interpretation – National legislation requiring, in the case of ritual slaughter, stunning which is reversible and cannot cause death – Article 13 TFEU – Charter of Fundamental Rights of the European Union – Article 10 – Freedom of religion – Freedom to manifest religion – Limitation – Proportionality – Lack of consensus among the Member States of the European Union – Discretion afforded to Member States – Principle of subsidiarity – Validity – Differing treatment of ritual slaughter and the killing of animals during hunting or recreational fishing activities and cultural or sporting events – No discrimination – Articles 20, 21 and 22 of the Charter of Fundamental Rights Case C-336/19. [[Online](#)].

Von Holleben K., von Wenzlawowicz M., Gregory N., Anil H., Velarde A., Rodriguez P., Cenci Goga B., Catanese B., and Lambooi B., (2010). Dialrel Project, Report on good and adverse practices - Animal welfare concerns in relation to slaughter practices from the viewpoint of veterinary sciences. [[Online](#)].

Annex I_ Overview of the interpretation and application by certain EU Member States of the derogation laid down in Art 4.4 of Council Regulation 1/2005

In **Sweden, Norway, Switzerland, Iceland, Slovenia,** and **Denmark** stunning is always compulsory before slaughter, also for religious slaughter. In **Austria, Estonia, Latvia,** and **Slovakia** stunning is required immediately after the incision if the animal has not been stunned before.

In **Sweden** all domestic animals must be stunned before slaughter. Religious slaughter without stunning has been prohibited since 1937 (Animal Welfare Ordinance 1988:539, 30 §).

In **Germany** the national authority gives abattoirs the permission to slaughter animals without stunning only if they show they have local religious customers for the request (Tierschutzgesetz §4a). To obtain this permission, applicants need to fulfil many requirements: requirements on the slaughterhouse, requirements on the slaughter-procedure, data about species and number of animals.

In December 2014, the **Polish Constitutional Court** overturned the ban on kosher and halal slaughter since the protection of animals "does not take priority over constitutional guarantees of religious freedom," with Judge Maria Gintowt-Jankowicz stating in her final verdict that "the constitution guarantees the freedom of religion which includes the carrying out of all activities, practices, rites and rituals which have a religious character".

In 2014 the **Lithuanian Parliament** passed a bill that legalises slaughter without stunning for halal and kosher meat. The new law was designed to stimulate export of Lithuanian non-stunned meat to Israel and the Middle East to compensate for the ban imposed on import of Lithuanian meat by Russia.

In 2016 the **Dutch Ministry of Agriculture** announced the plan to ban the export of kosher and halal meat in an effort to reduce the number of animals killed through non-stunned slaughter. Currently, there is a private member bill initiative in the Dutch Parliament to ban slaughter without prior stunning. The Parliament is expected to work on such a bill only after the national election (March 2021).

In **Belgium** in 2017 the Governments of Wallonia and Flanders banned slaughter without stunning within their regions. The bans came into force, respectively, on 1st September and on 1st January 2019. Both the Walloon and Flemish decrees have been challenged in the Belgian Constitutional Court, which asked the CJEU to issue a preliminary ruling on whether barring religious slaughter is legitimate under the Slaughter Regulation and aligned to the religious freedom set forth by the Charter of Fundamental Rights of the EU. The CJEU enshrined the legitimacy of the two regions in requiring mandatory (reversible) stunning for slaughter operations carried out in the context of religious rites.

In **Finland** animals must be stunned before bleeding. This means that animals have to be unconscious when they enter the bleeding stage that kills them. The Finnish legislation does not allow traditional halal or kosher slaughtering. However, the legislation does

permit religious slaughter procedures where the bleeding is started simultaneously with the stunning. The Parliament is expected to vote on an animal welfare law proposal which forbids slaughter without prior-stunning.

EUROGROUP FOR ANIMALS

© Eurogroup for Animals, May 2021

Eurogroup for Animals
Rue Ducale 29 – 1000 Brussels
Tel: +32 (0)2 740 08 20

info@eurogroupforanimals.org
eurogroupforanimals.org