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TABLE OF ABBREVIATIONS

ALCASDE	Alternatives to Castration and Dehorning
BSE	Bovine Spongiform Encephalopathy (Mad Cow disease)
BTSF	Better Training for Safer Food
CoE	Council of Europe
EFTA	European Free Trade Association
EU	European Union
FVO	Food and Veterinary Office
IASP	International Association for the Study of Pain
OIE	World Organisation for Animal Health
PETI	The Committee on Petitions

1. Introduction

“True human goodness, in all its purity and freedom, can come to the fore only when its recipient has no power. Mankind’s true moral test, its fundamental test (which is deeply buried from view), consists of its attitude towards those who are at its mercy: animals. “

Milan Kundera, The Unbearable Lightness of Being

1.1 Topic

The main topic of this master thesis is Farm Animal Welfare in the European Union. It is a topic which has been flying under radar for a long time but at one point, when people started to realize its importance, it started to get much more attention. Animal welfare is an extremely important topic nowadays and that is mainly because it deals with living creatures which are capable of feelings; that is what makes all the related issues that much graver. During the last few decades the European Union has really tried to control some of the aspects of animal treatment but still the situation is a little bit different in every member state.

Firstly, in the beginning we are going to define some basic ideas to better understand the whole topic. This will include looking at animals as living creatures, how people perceived them throughout the history and their current status. Subsequently, we are going to focus on animal welfare in general, its history and evolution in Europe, including all the legislation that regulates this matter. Afterwards, the aim will be on specific animal welfare areas and their regulation by EU legislation. This will translate in an observation of member states and their compliance with the EU legislation. Various aspects of farm animal welfare will be discussed also from moral and ethical point of view with the intent to combine this with the legal perspective.

1.2 Research questions

The purpose of this master thesis is to clarify the situation of animal welfare in the European Union with the focus on farm animals. This all revolves around one core hypothesis:

EU legislation provides sufficient protection for farm animals and helps to keep a high level of animal welfare.

This research will analyze the animal rights in general and the standards that need to be met in order to be able to proclaim the effective protection of farm animal rights. Furthermore, we

will also discuss the various legal attempts of the EU that have led to improvement in this area; as well as current situation in various member states and their compliance with the EU legislation.

1.3 Theoretical framework

The whole master thesis will revolve around farm animal welfare. It is a term which is not new but too old neither. It started to be regularly used in the second half of the 20th century. Those were the times when the small, usually family based farms were not enough anymore. They could not cover people's demand for all the animal products. That was the beginning of the industrial farming, which started to place quantity over quality. Most farmers started to be more producers than farmers. The original close relationships with farm animals that farmers always had started to fade away, because of the incredible quantity of animals being bred on these industrial farms. Slaughterhouses started to get more and more work, since every day masses of animals went through, oftentimes thousands and thousands of animals.

With such a mass-oriented approach the individual needs of animals got left behind. Animals were being treated like a commodity. It was around this time when farm animals became part of this insane machine which farm animal industry is. This machine works non-stop; it takes animals inside so that all the products, that customers desire, can come out. Unfortunately, producers as well as costumers started to focus too much on the products, forgetting where they come from and for what price they were achieved. Oftentimes this price includes terrible living conditions for the animals in an environment which they barely survive in.

All these things happening provided an incentive for people who realised that animals must be treated better. Initial ideas about farm animal welfare started to be formulated and so it evolved into today's situation, where there are solid animal welfare standards but at the same time huge holes in certain aspects which need to be covered.

1.4 Methodology

The methodology used in this master thesis is mainly based on analysing the theoretical and practical aspects of animal welfare, as well as analysing particular legislations. We are also trying to analyze the basic issues which need to be addressed and the effectiveness of the various measures taken for this purpose. Comparative method is also used when we look at animal welfare situation in various member states.

1.5 Importance of the research

Farm animal welfare is a topic which is starting to get more attention but still not as much as it deserves. Many people still do not feel the importance to discuss the issues happening in the farm animal industry. Oftentimes, they have such approach because animals simply do not represent anything valuable to them, so they do not attribute their welfare importance.

However, farm animal welfare is an area which needs to be regulated properly. We need to clearly state what is animal welfare and what conditions need to be met, in order to proclaim a good animal welfare. It is important that the EU actively stimulates improvements in this area, but also member states should not take the whole issue lightly and take serious measures to implement good animal welfare standards.

Even though, there is EU legislation on the topic, as well as national legislation of member states, there are still weak spots which need to be fixed. This will also be the focus of this research – clarify the most important issues of farm animal welfare which are still pending.

2. Animal Welfare – moral & ethical aspects

2.1 Status of animals

Throughout the history of mankind, the status of animals in human society was always the same – they should be the people, since they are on the evolutionary apex of all creatures. Historically, probably the oldest mention of this belief can be found in the Bible.¹

Even the early philosophers claimed that animals are purely tools which should serve humans.

It was Aristotle who argued that animals have lower place in the natural hierarchy because they lacked reason. Such hierarchy gave those of a higher position (humans) the right to use those placed lower, as well as the responsibility connected to this.²

Stoics had probably the most extreme perception of animals as tools. According to them, mice make us be more cautious about where we put out things; on the other hand, cocks wake us up, etc.³

For René Descartes, animals were purely machines which only respond to stimuli. According to him, animals do not have awareness of anything happening to them, because they lack any reason or thoughts, as well as a consciousness and souls. Therefore, their moral position in our human society should correspond to that.⁴

Immanuel Kant believed that even though, animals were only „things“ to which humans have no obligations, they should still be treated in a morally correct way because the way we treat them translates into the person we are, which affects human society as a whole.⁵ The teachings of Immanuel Kant regarding animals represent a form or bridge between the mentioned outdated opinions of early philosophers and today's general beliefs.

Fortunately, as we evolved, there started to appear initiatives on defining the differences between humans and animals. Surprisingly, contrary to the old beliefs, it has been proven that

¹ Genesis 1:26, *The Holy Bible*

² Lori Gruen, *Ethics And Animals* (Cambridge University Press 2014). p. 2

³ *Ibid.*

⁴ *Ibid.* p. 3

⁵ *Ibid.* p. 4

animals are not that different because they, in fact, share multiple traits and capacities with humans.

They have the ability to express emotions, engage in complex social behaviors, solve various problems and some species even develop their own cultures.⁶

Knowing these facts, humans' perception of animals has drastically changed.

2.2 Ethical obligations to animals

Should humans have any moral or ethical obligations towards animals at all? At the end of the day, what is the point of it? If we mistreat an animal, use it for our own purposes or kill, it is still „just“ an animal. Furthermore, even animals themselves kill each other⁷ and use each other, sometimes in cruel ways. Therefore, it seems like a part of nature, since we are animals too, human ones, it is only logical that we should do what non-human animals do – behave naturally. But what is really „natural“? Generally, it is understood that natural actions are such actions which have not been influenced by any cultural traditions or practices of human civilization. What is truly natural should be wild and free from any human concepts, which also includes morals and ethics. So should we behave without taking into account any moral principles or ethical beliefs? Considering that some non-human animal species also have cultures they have developed through out the time, it is safe to say that cultural innovation and progress is a part of natural behavior, at least of some species.⁸

In some animals, there is occurrence of actions which seem to happen on a moral basis. There have been various cases demonstrating this, e.g. dolphins protecting swimmers against the attack of white sharks or a hippo saving an impala from crocodile's attack and trying to revive the injured animal.⁹

This can be a testament to the fact that in many animal species, morals do exist. It is logical, because moral and ethical decisions are based upon emotions; and we have already discussed that animals do have emotions.

Despite all this, even today we think of animals as something less. Many people (as well as national legislations) still consider animals as mere „things“ but at the same time realising they

⁶ *Ibid.* p. 5

⁷ Bernard E Rollin, *Animal Rights & Human Morality* (Prometheus Books 2006). p. 63

⁸ *Ibid.* p. 47

⁹ *Ibid.* p. 46

are living creatures too.¹⁰ Maybe the lack of value attributed to animals' lives is the result of the lack of people's belief about animals' capacity to feel all the different emotions that we discussed.¹¹

To get even deeper into the philosophical realm, we should consider one last thing. Should animals be considered as objects of ethical attention?

Many animals lack capacities which are typical for humans (e.g. self-awareness/recognition of oneself in the mirror, imagination, sense of existing over time). However, there are some humans who lack these capacities as well, because of their mental state (newborns, people after brain damage).¹² On the other hand, there are animals which possess such capacities.¹³ In spite of this, our ethical attitudes towards those two groups differ dramatically.¹⁴ This creates inconsistency in moral behavior.¹⁵

The most common reasoning is – they are just animals. However, that can be considered as a discrimination based on species. Throughout the history of our civilization, we have encountered many forms of discrimination – based on race, gender, ethnical background, religion, etc. Any form of such or any other discrimination is strictly forbidden and absolutely unacceptable, not only by European but also by global standards. But still one form of discrimination remains – discrimination of animals and their interests.¹⁶ We do not attribute animals' interests such a value as to human interests, despite the fact that animals' interests are much more simple – to live a good life.¹⁷

If we would go even further on the philosophical line of thinking, we would get into the type of theories which discuss if it is ethical to use animals, including killing them and using for food. However, this is not the purpose of this master thesis, but rather it is to focus on the current situation of our society where it is generally morally accepted to do that. The main issue that this master thesis wants to tackle is the treatment of animals on today's farms and the whole meat industry, which places more importance on quantity than quality. In an environment like this, individual needs tend to disappear or be disregarded for that matter. As a consequence, the farm animals, which are sentient beings with their own lives and own interests, are treated as pure things

¹⁰ Peter Singer, *Animal Liberation* (Thornsons 1986). p. 95

¹¹ Cass R Sunstein and others, *Animal Rights* (Oxford University Press 2006). p. 205

¹² *Ibid.* p. 282

¹³ Tom L Beauchamp and R. G Frey, *The Oxford Handbook Of Animal Ethics* (Oxford University Press 2014). p. 15

¹⁴ Matthew Scully, *Dominion* (Souvenir Press 2011). p. 21

¹⁵ Lori Gruen, *Ethics And Animals* (Cambridge University Press 2014). p. 64

¹⁶ Tom Regan, *The Case For Animal Rights* (2nd edn, University of California Press 1985). p. 87

¹⁷ Lori Gruen, *Ethics And Animals* (Cambridge University Press 2014). p. 54-55

in many instances. As we have already said, the interests of animals are often belittled, just because they are different than human interests.

But as Lori Gruen stated: „Difference does not justify disregard.“¹⁸

2.3 What is animal welfare?

Animal welfare „means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.“¹⁹

This definition by OIE is a good pillar upon which further rules, including legislation, can be built.

Animal welfare should certainly take into account the natural needs of animals, which consist of good living environment, sufficient feed and water, as well as rest. Furthermore, they should be safeguarded against any form of unnecessary suffering and pain. All of this can be understood as protecting their interest to have a good life.

2.4 Animal pain

In order to maintain a good animal welfare, pain is something that should be avoided at all costs; something that animals should not experience. Obviously, the more pain animals experience throughout their lives, the poorer is their welfare.²⁰

The IASP defined pain as “an unpleasant sensory and emotional experience associated with actual or potential tissue damage, or described in terms of such damage.”²¹ Such a definition is very important in order to be able to assess it. However, sometimes it can be difficult to see any

¹⁸ *Ibid.* p. 55

¹⁹ OIE, *Terrestrial Animal Health Code* (1968)

²⁰ D.M. Broom, 'Assessing Welfare And Suffering' (1991) 25 Behavioural Processes.

²¹ IASP, 1979

particular signs of pain, especially in certain animal species like cattle, which are evolutionary programmed as not to show any signs of pain, weakness or sickness; that is a part of their natural defense mechanism against predators.²²

Therefore, farmers should pay extra attention to each individual animal to be able to see if something is wrong. They should also provide animals with proper living conditions, which can often times serve as a prevention.²³

2.5 Consumers

Good animal welfare has been becoming also an important requirement by society, i.e. consumers. People start to realize where all the animal products that they buy come from. People have known that for a long time. However, to know and to realize are sometimes two different things. Many people who buy meat no longer just subconsciously know that it comes from a living creature, they start to realize it.²⁴ By realizing it, they think about how the animal lived, in what conditions²⁵; if it was taken good care of, provided with enough freedom and with all natural needs fulfilled; if it didn't suffer during slaughter; all these things come to mind of today's customers.²⁶

Therefore, there is an increased demand in the EU for animal products which guarantee good animal welfare.

Many farmers are hesitant about increasing the welfare standards on their farms because it requires additional investments which equals higher price of their products. There are two groups of farmers. One group consists of farmers who rely on selling large quantities of animal products for the conventional market where the price is low. Therefore, they profit the low price, as well as the big proportion of customers to whom low price is priority.²⁷

Other group of farmers focuses on quality before quantity. This means that they maintain higher animal welfare standards which equals high quality product. Such high quality is demanded by variety of customers, but they can be mostly divided into two groups – the ones who look for the most healthy and nutritional animal products (which is guaranteed by high animal welfare) and

²² J. N. Huxley and H. R. Whay, 'Current Attitudes Of Cattle Practitioners To Pain And The Use Of Analgesics In Cattle' (2006) 159 *Veterinary Record*.

²³ D. L. Coleman and L. S. Slingsby, 'Attitudes Of Veterinary Nurses To The Assessment Of Pain And The Use Of Pain Scales' (2007) 160 *Veterinary Record*.

²⁴ H.J Blokhuis and others, *Improving Farm Animal Welfare* (Wageningen Academic Publishers 2013). p. 35

²⁵ Bernard E Rollin, *The Unheeded Cry* (Oxford University Press 1989). p. 256

²⁶ *Ibid.* p. 38

²⁷ *Ibid.* p. 33-34

the ones who look for these products because of ethical reasons, i.e. they want to buy products of animals which lived a good life (which should also be guaranteed by high animal welfare).²⁸

Most of them are concerned that this would mean decrease in demand for their products. It is true that such producers cannot compete with products from certain third countries from the price perspective. However, they have a competitive advantage in terms of high animal welfare standards. This alone can serve as a very good marketing tool for the gradually changing customer tendencies in the EU.²⁹

²⁸ *Ibid.* p. 55

²⁹ 'Animal Welfare: Commission Report Confirms The Potential Benefits Of Banning Conventional Battery Cages For Laying Hens' (Europa.eu, 2008)
<http://europa.eu/rapid/press-release_IP-08-19_en.htm?locale=en>

3. Farm Animal Welfare in the EU (general)

The beginning of European Animal Law, or so to speak, law protecting animal rights throughout the whole Europe, can be noted already in 1974. That year the Council of Europe passed a directive which meant to protect animals at the time of slaughter, making it obligatory to render them unconscious before they were killed. This directive was later replaced by the Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing. However, neither this directive is currently in force because it was replaced by Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

3.1 European Convention for the Protection of Animals kept for Farming Purposes

In 1976 another important step was taken as the European Convention for the Protection of Animals kept for Farming Purposes was passed. The focus of this convention was to provide farm animals a better life in terms of the environment they grow up and live in, as well as the way they are treated. Based on convention's article 3,

„Animals shall be housed and provided with food, water and care in a manner which – having regard to their species and to their degree of development, adaptation and domestication – is appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge.“

Based on convention's article 5:

„The lighting, temperature, humidity, air circulation, ventilation, and other environmental conditions such as gas concentration or noise intensity in the place in which an animal is housed, shall – having regard to its species and to its degree of development, adaptation and domestication – conform to its physiological and ethological needs in accordance with established experience and scientific knowledge.“

The convention also sets an obligation to frequently inspect the health status of animals as well as the condition of the technical equipment used in the stock-farming systems.

3.2 Council Directive 98/58/EC concerning the protection of animals kept for farming purposes

This legislation is considered to be the pillar of European Animal Law. It sets out the basic principles of animal welfare, not for particular species, but for all animals. It was modeled after the European Convention for the Protection of Animals kept for farming purposes.³⁰

The rules set out by this Directive virtually form 5 basic freedoms:³¹

I. Freedom from hunger and thirst

Animals must be provided with enough feed and water. Their diet shall be wholesome and appropriate to their species, as well as age. It should provide them with all the nutritional benefits that they need and keep them healthy.^{32 33}

An example of inappropriate feeding is when the animals are provided with only small amounts of concentrated food. This is very unnatural to them, since their bodies are construed for consuming large quantities of roughage. Providing of such inappropriate feed causes not only health problems (e.g. digestive) but also behavioral problems (e.g. tail biting, feather-pecking).

II. Freedom from discomfort

Environment must provide comfort and shelter to animals. This include adequate air circulation, air humidity, temperature, dust levels, light and noise levels; all of these factors must be frequently checked and regulated because they form the living conditions of the animals.³⁴

Signs of any discomfort must be inspected carefully, since each animal species requires slightly different living environment. For example, under certain temperature one animal may show signs of cold by shivering, but other animal may show signs of warmth by sweating. This is highly correlated also with factors like humidity or air circulation. Therefore, housing conditions must be perceived and managed as one complex system.³⁵

³⁰ Nicholas K. Pedersen, 'Detailed Discussion of European Animal Welfare Laws 2003 to Present: Explaining the Downturn' (2009) The Animal Legal and Historical Center, Michigan State University

³¹ 'Animal Welfare On The Farm - Food Safety' (ec.europa.eu, 2018)
<https://ec.europa.eu/food/animals/welfare_en>

³² Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes[1998] OJ 2 221/23

³³ H.J Blokhuis and others, *Improving Farm Animal Welfare* (Wageningen Academic Publishers 2013). p. 97

³⁴ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes[1998] OJ 2 221/23

³⁵ H.J Blokhuis and others, *Improving Farm Animal Welfare* (Wageningen Academic Publishers 2013). p. 98

III. Freedom from pain, injury and disease

Animals must be spared any unnecessary pain or suffering. Therefore, if an animal is sick or injured, an immediate care should be provided, even veterinary treatment, if necessary.³⁶

Pain can be sometimes caused by the farmers themselves as a result of routine practices, e.g. castration, beak trimming, tail-docking. These are considered to be mutilations which should be limited as much as possible and if carried out, it should be without any unnecessary pain or suffering.³⁷

IV. Freedom to express normal behaviour

The facilities in which animals live should provide enough possibilities for the animal to be able to express its natural behavior. This includes different natural materials which animals can investigate or manipulate, as well as the presence of other animals, so that social contact can be maintained.³⁸

The importance of the environment enabling animals to express their natural behavior can be noted when animals lack such possibility – they start to be bored, frustrated, even aggressive. This should be avoided at all costs. Therefore, an environment which basically simulates the conditions that the animal would have in nature is the absolute ideal.³⁹

V. Freedom from fear and distress

Any potential pain or suffering of the animals must be avoided. However, this includes also the mental aspect. Animals must not only be spared of physical suffering but also of the mental one. This includes fear, anxiety, distress, frustration or panic; all of these must be prevented.⁴⁰

All of these five freedoms formed stable pillars for the further development of animal welfare in Europe. All the subsequent legislation in one way or another correlates with the basic principles of this Directive. This just further underlines the importance of this legislative piece.

³⁶ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes[1998] OJ 2 221/23

³⁷ H.J Blokhuis and others, *Improving Farm Animal Welfare* (Wageningen Academic Publishers 2013). p. 98

³⁸ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes[1998] OJ 2 221/23

³⁹ H.J Blokhuis and others, *Improving Farm Animal Welfare* (Wageningen Academic Publishers 2013). p. 98

⁴⁰ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes[1998] OJ 2 221/23

4. Farm Animal Welfare in the EU (on farms)

4.1 Cattle

4.1.1 Behavior

Cattle have a very complex behavior which manifests itself in various ways; several basic behavioral traits have been identified in cattle – shyness/boldness, exploration/avoidance, activity, aggressiveness and sociability.⁴¹ Cattle are very sensitive animals, requiring gentle treatment. Therefore, any harsh or aggressive behavior can affect their emotional state negatively. That is a crucial piece of knowledge which should be known to every farmer, because it has been proven that cattle's temperament is directly correlated with their overall health. From farmer's point of view that means better reproduction, as well as milk yield and meat quality.⁴² Cattle are also very social and gregarious animals; any form of isolation, even short-term, can cause severe stress to the animal. It has been proven that stress (measured by heart-rate and cortisol levels) drastically declines once the animal is reunited with the other cattle.⁴³

All these behavioral traits form the cattle's personality which should be considered as a foundation for any welfare improvements.

4.1.2 Mutilations

4.1.2.1 Branding

Livestock branding serves two main purposes. First of all, it provides a form of identification of the animal which is needed to prove ownership and also prevent rustling. Secondly, it helps farmers who graze their animals on an open range along with animals owned by other farmers to distinguish their own herd.⁴⁴

⁴¹ Denis Réale and others, 'Integrating Animal Temperament Within Ecology And Evolution' (2007) 82 Biological Reviews.

⁴² Bodo Brand and others, 'Temperament Type Specific Metabolite Profiles Of The Prefrontal Cortex And Serum In Cattle' (2015) 10 PLOS ONE.

⁴³ Alain Boissy and Pierre Le Neindre, 'Behavioral, Cardiac And Cortisol Responses To Brief Peer Separation And Reunion In Cattle' (1997) 61 Physiology & Behavior.

⁴⁴ Bernard E Rollin, *Farm Animal Welfare* (1st edn, Wiley-Blackwell 2003). p. 58

The oldest and original method of branding is hot-iron branding. This method obviously causes animal welfare problems because the red-hot iron pressed against skin creates third-degree burn on the animal's body. Such an experience is not only incredibly painful, but also it causes a tremendous amount of stress which can have various negative consequences, e.g. weight loss.⁴⁵

However, with time also different methods of branding have been developed, like freeze branding. This method consists of an iron mark cooled with liquid nitrogen being pressed into the skin of the animal which consequently damages melanocytes (the pigment-producing hair cells) and therefore, causing the hair on the branded spot to grow in a white color. Freeze branding is probably not as painful as hot-iron branding but obviously it is not painless. Furthermore, it is effective only on dark-colored animals.⁴⁶

Another form of livestock identification is tattooing of the ears. However, this method is very time-consuming and also ineffective in terms of identification from a longer distance.⁴⁷

Ear tagging

As a response to the BSE crisis, the EU decided to create a system for permanent identification of bovine animals. The main purpose behind it was to enable the farmers to trace the individual animals from their birth to their death. Such a thing as easy traceability is really crucial for preventing various infectious diseases, as for example the BSE.⁴⁸

Ear tagging of cattle in the EU is governed by the Regulation (EC) No 1760/2000. This regulation provides all the requirements in terms of bovine identification which shall be applied by the member states.

First of all, each animal should receive double ear tags (one in each ear) with a specific number which helps to identify the individual animal as well as the holding⁴⁹ on which the animal was born. Such ear tags shall be kept throughout the whole life of the animal. Therefore, they should be of high quality so they can indeed be permanent. No matter if the animal is transported

⁴⁵ *Ibid.*

⁴⁶ *Ibid.* p. 59

⁴⁷ *Ibid.* p. 59

⁴⁸ 'Bovine Animals - Identification - Food Safety' (ec.europa.eu, 2018)

<https://ec.europa.eu/food/animals/identification/bovine_en>

⁴⁹ Holding is defined by the Regulation as „any establishment, construction or, in the case of an open-air farm, any place situated within the territory of the same Member State, in which animals covered by this Regulation are held, kept or handled“.

to another member state, the original ear tag should remain. Without the permission of the competent authority⁵⁰ no ear tags shall be removed or replaced.⁵¹

Also, during any transport the animal should be accompanied by an individual passport.

Based on this regulation, member states shall also establish national computerised databases for the purposes of recording the identity of the animals, including all the holdings on the territory of the particular member state, as well as the movement of the animals.

Last but not least, also the keepers of animals should maintain a register of all the animals on their holdings. This register must be up-to-date and the competent authority should have access to such register on request.⁵²

From 18th of July 2019, there will be two options for identification of bovine animals: either the traditional ear tags or an electronic identifier. The use of such electronic identifier will be voluntary and therefore, will not be subject to control. However, all farmers should use the same electronic system. Such an electronic identifier may be either an electronic ear tag (which seems like the most practical), ruminal bolus or an injectable transponder.⁵³

The ear tagging is officially recognized by the EU as the correct method for cattle identification. It is certainly more „human“ than all the previous methods.

4.1.2.2 Castration

Castration is another from the „regular“ procedures conducted upon farm animals. From the farmers' perspective it serves two main purposes. First of all, castration is done mainly to prevent inbreeding⁵⁴ which may cause various genetic defects and decrease the overall

⁵⁰ Competent authority is defined by the Regulation as „the central authority or authorities in a Member State responsible for, or entrusted with, carrying out veterinary checks and implementing this title or, in the case of the monitoring of premiums, the authorities entrusted with implementing Regulation (EC) No 3508/92“.

⁵¹ Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 [2000] OJ L204/1

⁵² *Ibid.*

⁵³ 'Bovine Animals - Identification - Food Safety' (ec.europa.eu, 2018)
<https://ec.europa.eu/food/animals/identification/bovine_en>

⁵⁴ A. Akinbobola, 'Castration Of Farm Animals' (Livestocking, 2018)
<<https://www.livestocking.net/castration-of-farm-animals>>

genetic quality of the herd.⁵⁵ The genetics of cattle are not affected only by inbreeding but also by breeding with a bull with non-ideal genetics.⁵⁶ Therefore, farmers usually select just the „special“ bulls with the best genetic potential for breeding and castrate the rest for the purpose of meat.

Second, it is for the taste of the meat. The hormones produced in testicles affect the taste of the meat and also quality of the meat. A bull's meat is much harder and solid since the bull has more developed muscle mass. A steer's meat is more tender which is a quality preferred by most people consuming meat.⁵⁷

Thirdly, bulls are notorious for their aggressiveness which is caused mainly by high levels of testosterone. That is another reason why bulls are castrated. It increases the manageability of the animals, since steers are much easier to handle than bulls are and therefore, it also improves the safety of people taking care of them.⁵⁸

Castrating of calves is done very early in their lives, usually as early as 2 weeks after birth.⁵⁹

For the general public, the idea of castrating just a few days old animal is outrageous. The reasoning behind an early castration is the widespread belief that at such a young age the animal doesn't feel pain. However, this is not supported by any scientific evidence and it would actually be incredible if all faculties would be formed at birth except the capacity to feel pain.⁶⁰

Most castrations are done with a knife. This is basically a surgical operation which is not easy and needs to be performed really diligently. Another method of castration is by a device called burdizzo which through applied force simply crushes the spermatic cord and the blood vessels which lead into the testicles. The result of this is a testicular necrosis and subsequent complete deterioration of the testes. Last commonly used method is elastration,

⁵⁵ Amy M. Armstrong, 'Steer Vs. Bull' (Animals.mom.me, 2018)
<<http://animals.mom.me/steer-vs-bull-3150.html>>

⁵⁶ Jeremiah Wood, 'Why, When And How To Castrate Bulls' (Cattle Starter, 2016)
<<http://www.cattlestarter.com/2016/12/15/why-when-and-how-to-castrate-bulls/>>

⁵⁷ 'Castration – Why Do They Do That?' (Iowa Agriculture Literacy, 2016)
<<https://iowaagliteracy.wordpress.com/2016/09/02/castration-why-do-they-do-that/>>

⁵⁸ Bernard E Rollin, *Farm Animal Welfare* (1st edn, Wiley-Blackwell 2003). p. 60

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

which similarly as the previous method cuts off the blood supply to the testicles by applying a rubber ring over them. This also results in a testicular necrosis.^{61 62}

It is really hard to compare these methods in a sense of acceptability from the moral perspective. However, in the sense of the pain caused to the animal, there are veterinarians who hold an opinion that the burdizzo method is the most acceptable. On the other hand, it is a well-known fact that ischemia (lack of blood supply) results in pain. Therefore, to decide which of these methods is more human is a really difficult task.⁶³

From the ethical perspective, if a castration really needs to be performed on an animal, all the pain caused by it should be eliminated or at least decreased to the bare minimum. Therefore, the use of anaesthesia and/or analgesia seems as the ideal way to do it. Many countries in the EU have already started to use either anaesthesia or analgesia, or both, when performing castration on farm animals.

Even though the use of anaesthesia and analgesia is a step forward, the best solution is simply not to castrate at all.

Earlier we mentioned reasons for castration. Now we will go through them and reaffirm if those reasons are really legit.

The only purpose of preventing inbreeding is to avoid having genetic defects in the herd which can also happen if the breeding happens with a bull with non-ideal genetics. Bulls who are not suitable for breeding can be simply isolated from the females. This is already practiced in many countries, for example in the UK, where bulls are not castrated. So this can be definitely manageable also by other countries.

The quality of the meat should not be an issue because consumers are not able to tell the difference between meat from young bulls and steers in terms of tenderness. Furthermore, young bulls can be marketed at the age of 13-14 months, that is 3 months earlier than steers; bulls simply gain weight faster and more easily because of the high testosterone levels. That means they also have more muscle mass, i.e. meat.⁶⁴

⁶¹ *Ibid.* p. 61

⁶² A. Akinbobola, 'Castration Of Farm Animals' (Livestocking, 2018)
<<https://www.livestocking.net/castration-of-farm-animals>>

⁶³ Bernard E Rollin, *Farm Animal Welfare* (1st edn, Wiley-Blackwell 2003). p. 61

⁶⁴ *Ibid.*

Castration is also done in order to block the overly aggressive nature of bulls. But what some people may forget is that after castration, the growth hormones produced by the testes need to be replaced, i.e. supplied to the bull's body otherwise – in form of injection. Fortunately, such artificial hormone replacement had been banned in the EU a long time ago. However, it still occurs in other parts of the world, e.g. USA - with which EU had a dispute.⁶⁵

We also debated about which castration method is the most „acceptable“. Fact is, that open castration with a knife, even with the application of anaesthesia and/or analgesia, includes a significant risk of infection.⁶⁶ Also this method should be avoided during the fly season because direct contact of the opened tissue with insect can have awful consequences for the animal.

⁶⁷

On the other hand, the burdizzo method has the least likelihood of infection but it requires a lot of skill, because mistakes can be made easily; and if performed incorrectly, the farmer can crush the animal's urethra with the device which always requires additional surgeries. Furthermore, this method also keeps the animal in pain for up to a week.⁶⁸

Elastrator method is considered the worst because the animal feels chronic pain which can last for up to three weeks and also it includes a huge risk of clostridial infections and tetanus.⁶⁹

After summarizing all the pros and cons of castration, it is safe to say again that the best solution is simply not to castrate because it causes only complications for the animals, as well as the farms.

⁶⁵ Nicholas Perdakis and Robert Read, *The WTO And The Regulation Of International Trade: Recent Trade Disputes Between The European Union And The United States* (Edward Elgar Publishing 2005). p. 191-214

⁶⁶ Conor Finnerty, 'The Pros And Cons Of The Different Castration Methods For Bulls' (Agriland.ie, 2017) <<https://www.agriland.ie/farming-news/the-pros-and-cons-of-the-different-castration-methods-for-bulls/>>

⁶⁷ Matt Claeys, 'Castration: Not Cutting Will Cut Profits' [1996] Animal Husbandry Newsletter <https://projects.ncsu.edu/cals/an_sci/extension/animal/news/janfeb96/jf963art.html>

⁶⁸ Conor Finnerty, 'The Pros And Cons Of The Different Castration Methods For Bulls' (Agriland.ie, 2017) <<https://www.agriland.ie/farming-news/the-pros-and-cons-of-the-different-castration-methods-for-bulls/>>

⁶⁹ Matt Claeys, 'Castration: Not Cutting Will Cut Profits' [1996] Animal Husbandry Newsletter <https://projects.ncsu.edu/cals/an_sci/extension/animal/news/janfeb96/jf963art.html>

4.1.2.3 Dehorning

In herds, sometimes conflicts arise and as a consequence, animals can hurt not only each other but farmers as well. Therefore, dehorning is performed which serves one main purpose: improve the safety of farmers and also the safety of animals.

However, there are many reasons against dehorning; in particular protecting the animal's integrity, avoiding the unnecessary stress and pain associated with dehorning and also strengthening the relationship between the animal and the farmer.⁷⁰

Dehorning is the practice of removing animal's horns partly or entirely, after they have already formed from the horn bud. The various methods of dehorning include the use of embryotomy wire, guillotine shears, dehorning knives or saws, spoons, cups, tubes or high-tension rubber bands. Very common method is the Barnes-type scoop dehorner.⁷¹

All of these methods represent an extremely painful experience for the animal and they can have significant physical and mental effects on it. They involve a lot of bloody mess and huge health risks.

The presence of the cornual diverticulum of the frontal sinus causes surgical dehorning of adult cattle to be more invasive.⁷² Dehorning of adult cattle is associated with increased risks of sinusitis, bleeding, prolonged wound healing, and infection.⁷³

For these reasons, disbudding is often times preferred. It is a method of destroying the horn-producing cells of the horn bud. In this procedure there is no need to open the frontal sinus, as opposed to dehorning. The horn-producing cells can be removed using either chemical and hot-iron methods or physical methods. Each one has its advantages and also disadvantages. Hot-iron disbudding is performed very commonly and is considered as quite reliable. However, it is known to be very painful for the animal.⁷⁴ On the other hand, it causes probably less distress than physical dehorning using a scoop since the nociceptors⁷⁵ are destroyed the the heat and therefore, pain

⁷⁰ F. Kling-Eveillard and others, 'Attitudes Of Farmers Towards Cattle Dehorning' (2015) 179 *Livestock Science*.

⁷¹ 'Welfare Implications Of Dehorning And Disbudding Cattle' (Avma.org, 2014)
<<https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Dehorning-and-Disbudding-Cattle.aspx>>

⁷² *Ibid.* p. 2-3

⁷³ *Ibid.* p. 7

⁷⁴ B. Bengtsson and others, 'Cryosurgical Dehorning Of Calves: A Preliminary Study' (1996) 138 *Veterinary Record*.

⁷⁵ „special endings that can sense different types of harmful stimuli — anything that damages or threatens to damage tissues in your body“ – Mayo Clinic
<<https://www.mayoclinic.org/understanding-pain/art-20208632>>

perception is reduced. But a huge disadvantage of the hot-iron method is that the excessive heat can damage the underlying bone and in the worst-case scenario even brain damage can occur.⁷⁶

The chemical methods include the use of caustic materials like sodium hydroxide or calcium hydroxide. These can serve their purpose effectively, but they are also extremely dangerous because they can cause damage to the surrounding skin or/and eyes.⁷⁷

Another chemical method is the injection of calcium chloride applied under the horn bud which results in its necrosis, but this procedure causes huge discomfort to the animal if no prior sedation is used.^{78 79}

Creating alternatives to dehorning was one of the aims of the EU project ALCASDE which helped to improve farm animal welfare in this aspect. The alternatives are: firstly, to avoid dehorning/disbudding completely; secondly, to keep polled cattle (which is genetically hornless); and lastly, to use horn/bud removing methods which are less stressful for animals.

Usually, on farms where the herds are smaller, the farmer can dedicate more time to each animal individually and therefore, the animal-human relationship is quite strong. That is why such farmers care a lot about the well-being of the animals they take care of.⁸⁰ Vast majority of them has openly admitted that they feel really bad when they see their animals suffer and which is why also dehorning/disbudding practices are not something they like to do. However, they do it for the already mentioned safety reasons.⁸¹

On the other hand, farmers who own larger herds, generally, find it more difficult to pay such attention to their animals because they are so many. That does not mean they do not care

⁷⁶ D.O. Kihurani, S.M. Mbiuki and T.A. Ngatia, 'Healing Of Dehorning Wounds' (1989) 145 British Veterinary Journal.

⁷⁷ K.J. Vickers and others, 'Calf Response To Caustic Paste And Hot-Iron Dehorning Using Sedation With And Without Local Anesthetic' (2005) 88 Journal of Dairy Science.

⁷⁸ Koger LM. 'Dehorning by injection of calcium chloride.' (1976); 71 Vet Med Small Anim Clin

⁷⁹ 'Welfare Implications Of Dehorning And Disbudding Cattle' (Avma.org, 2014)

<<https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Dehorning-and-Disbudding-Cattle.aspx>>

⁸⁰ A.C. Dockès and F. Kling-Eveillard, 'Farmers' And Advisers' Representations Of Animals And Animal Welfare' (2006) 103 Livestock Science.

⁸¹ Rhoda Wilkie, 'Sentient Commodities And Productive Paradoxes: The Ambiguous Nature Of Human–Livestock Relations In Northeast Scotland' (2005) 21 Journal of Rural Studies.

about their well-being, it just means that for such farmers it is harder to maintain an adequate level of animal welfare.⁸²

The significant pain associated with dehorning makes this practice much less popular in today's Europe than in the past. For the benefit of animals, the farmers rather opt for disbudding most of the times, which needs to be performed very early in the calf's life.

However, most farmers, who feel a strong bond with their animals and really care about them, want to avoid the horn/bud removal procedures entirely. Therefore, they agree that raising polled cattle is a much better practice. Even despite this fact, it is still not that common because the number of polled bulls is not sufficient. But this is expected to change in the near future which will hopefully decrease or even eliminate the practice of dehorning/disebudding completely.^{83 84}

Here some ethical dilemmas may arise regarding the fact that this is basically an artificial breeding manipulation which some may claim interferes with the animal's integrity. But this argument may be rebutted by the fact that this practice consists purely of increasing the frequency of alleles which have been present in the species genome since ancient times; and furthermore, it is certainly a great step away from the barbaric practices of dehorning/disebudding and one step closer to improving animal welfare.⁸⁵

Even though many farmers, despite disliking it, claim dehorning/disebudding to be needed, there are still farmers who choose simply not to do it. These farmers do not even opt for the polled cattle. They simply let the animals grow the way they were supposed to grow, the way nature created them. Some people may argue that this way the animals are more dangerous and harder to handle. Even the safety issues have a solution if people put in some effort and creativity. Some farmers came up with a really smart alternative solution which consists of gluing small round balls on top of the horns. Such a practice is mostly observed in organic farms. This way the interests of both – animals and farmers – are met. The integrity of animals is respected; the horns can serve their natural purpose as tools for expression of social behavior in order to maintain a social

⁸² Tiina Kauppinen, Kari Mikko Vesala and Anna Valros, 'Farmer Attitude Toward Improvement Of Animal Welfare Is Correlated With Piglet Production Parameters' (2012) 143 *Livestock Science*.

⁸³ Jack J. Windig, Rita A. Hoving-Bolink and Roel F. Veerkamp, 'Breeding For Polledness In Holstein Cattle' (2015) 179 *Livestock Science*.

⁸⁴ K.-U. Götz and others, 'Polled Fleckvieh (Simmental) Cattle – Current State Of The Breeding Program' (2015) 179 *Livestock Science*.

⁸⁵ Jack J. Windig, G. Cozzi and I. Vessier, 'Introduction To The Special Issue On Alternatives For Cattle Dehorning' (2015) 179 *Livestock Science*.

hierarchy in the herd; plus, any possible injuries to farmers or animals themselves are limited because of the round shape of horn endings.⁸⁶

4.1.2.4 Nose ringing

Generally, nose ringing is a practice performed on bulls and calves. Because of bulls' size, strength and their aggressive nature, nose rings are used on them for the purpose of human safety. Since the nose is very sensitive, just a slight pull of the nose ring can calm down the bull and thereby, keep him under better control.

On the other hand, nose ringing of calves is a very common practice in the dairy industry. It is performed in order to wean calves. These nose rings usually have spikes on them which hurt the cow every time the calf tries to suckle the udder. Therefore, not only is the calf unable to suckle the milk because of the nose ring, but also usually it is denied the milk by the cow because of the pain the nose ring causes to the udder.⁸⁷

This practice has faced many negative responses from the animal welfare activists; particularly pointing out the fact that the animals know the best by nature for how long they should feed their calves their milk and humans should simply not interfere to their natural behavior this way, especially so early in their lives.

Many dairy farmers claim that they need to wean the calves sometimes because they are already too old to drink the mother's milk. However, in reality the practice of weaning by the use of nose-ringing is done for the purpose of saving more milk from the cow and consequent selling of the milk to consumers. It is quite unlikely that any farmer would care about a calf "being too old to drink its mother's milk", if he would not be interested in using this cow's milk for his own profit. That is one of the reasons why the dairy industry is getting a darker reputation nowadays, because many people start to realize that often times the calves are being denied the milk from their mothers just so that the customers can buy it in stores.⁸⁸

⁸⁶ Marie-France Bouissou, 'Social Relationships In Domestic Cattle Under Modern Management Techniques' (1980) 47 *Bolletino di zoologia*.

⁸⁷ Monika Budzynska and Daniel M. Weary, 'Weaning Distress In Dairy Calves: Effects Of Alternative Weaning Procedures' (2008) 112 *Applied Animal Behaviour Science*.

⁸⁸ *Ibid.*

4.1.2.5 Tail docking

Tail docking serves various purposes which can be summarized into these: reducing the risk of leptospirosis in milkers; improving the hygiene of the udder and the cow as a whole; reducing the risk of mastitis and improving cleanliness of milk; reducing the chance of tail injury and improving performance.⁸⁹

However, all these things may not even be that related to the tail itself. Firstly, the docking of tail for the purpose of leptospiriosis prevention is supposedly effective, because it eliminates the possibility of urine-soaked tail⁹⁰ coming into contact with milker's skin/face. Despite this fact, some researchers⁹¹ believe that transmission of leptospirosis likely occurs from sources other than tail.

Secondly, the udder hygiene is quite a polemic because even though there are studies which have proven the improved hygiene effect of tail docking, there have been also many studies which found no hygiene difference at all between tail-docked cows and intact cows.⁹²

Thirdly, the risk of mastitis caused by dirty tail is not always reduced by docking it. Various studies have shown that in many cases there is basically no difference in the utter cleanliness of docked cows in comparison with intact cows.⁹³

Fourthly, the tail injury prevention is another reason for tail docking. It seems like the utmost simplification of the problem's solution – in order to prevent the injury of the tail, we just remove the tail. When we look more closely into the causes of such injury, we will find out that solution is elsewhere. Tail injuries mostly occur from trampling in indoor feedlots because the tail usually lies away from the animal's body unprotected.⁹⁴ However, the inflexible, hard surface (e.g. slatted floor) is much more likely to produce such injury as opposed to a flexible, soft surface. It

⁸⁹ 'Welfare Implications Of Tail Docking Of Cattle' (Avma.org, 2014)

<<https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Tail-Docking-of-Cattle.aspx?PF=1>>

⁹⁰ Urine of infected animals is considered to be the primary source of transmission of leptospirosis

⁹¹ C.G. Mackintosh and others, 'Epidemiology Of Leptospirosis In Dairy Farm Workers In The Manawatu. Part II. A Case-Control Study Of High And Low Risk Farms' (1982) 30 New Zealand Veterinary Journal.

⁹² 'Welfare Implications Of Tail Docking Of Cattle' (Avma.org, 2014)

<<https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Tail-Docking-of-Cattle.aspx?PF=1>>

⁹³ Cassandra B. Tucker, David Fraser and Daniel M. Weary, 'Tail Docking Dairy Cattle: Effects On Cow Cleanliness And Udder Health' (2001) 84 Journal of Dairy Science.

⁹⁴ H. Drolia, U.A. Luescher and A.H. Meek, 'Tail-Tip Necrosis In Ontario Feedlot Cattle: Two Case-Control Studies' (1990) 9 Preventive Veterinary Medicine.

has been observed that slatted floor facilities have also higher stocking densities which is also a contributing factor to such injury and a consequent necrosis of the tail tip.⁹⁵

Solid bedded floors seem like the ideal solution for this problem. Even though they require more bedding and labor, they certainly feel more natural to animals and also dramatically increases the incidence of tail injury.⁹⁶

This seems far more rational solution than just to simply dock the tail.

As every bodypart, tails have a natural function and they play a big role in the life of cattle. Not only is it a communication tool, it also plays a role in the control of flies. Fly avoidance behaviors have been observed in animals which underwent the tail docking procedure. Such behaviors include stomping or kicking the trunk, tail swishing, skin twitching (which is a consequence of panniculus reflex), movement of head and ears, and in the worst- case scenario taking flight, which can be considered as the apex of accumulated stress from fly bites. It has also been observed that almost twice as many flies were present on the rear limbs of docked animals in comparison with intact ones.⁹⁷

4.1.3 EU legislation

Currently, there is no EU legislation which would focus specifically on cattle mutilations. However, despite this fact, there are Council of Europe recommendations on farm animal welfare and one of them deals with cattle. These recommendations were adopted by Standing Committee of the European Convention for the Protection of Animals kept for Farming Purposes; they are considered as part of *acquis communautaire* of the EU.⁹⁸

Articles 17 and 18 of the Recommendation concerning cattle deals with mutilations.

⁹⁵ Schrader L, Roth H-R, Winterling C, et al. 'The occurrence of tail tip alteration in fattening bulls kept under different husbandry conditions' (2001) 10 Ani Welfare.

⁹⁶ James R Gillespie, *Modern Livestock & Poultry Production* (Delmar Publishers 1983).

⁹⁷ 'Welfare Implications Of Tail Docking Of Cattle' (Avma.org, 2014)

<<https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Tail-Docking-of-Cattle.aspx?PF=1>>

⁹⁸ Hans Spoolder, Maria Schöne and Marc Bracke 'Initiatives to reduce mutilations in EU livestock production' (2016) Wageningen UR Livestock Research. p.14

Article 17 sets out a general rule which states that “procedures resulting in the loss of a significant amount of tissue, or the modification of bone structure of cattle shall be forbidden.”⁹⁹

In particular these procedures include tongue modification/mutilation, dehorning by different means than surgically and docking of tails. However, there are exceptions for procedures carried out for veterinary purposes and procedures carried out in the interest of animals or if protection of people is necessary. These procedures include disbudding, dehorning (if performed surgically), nose ringing of bulls and cows. Exceptions are allowed also for castration of bull and bull-calves (most preferably surgically and local or general anaesthesia should be used), spaying of fattening cows and notching or punching of animal's ears.¹⁰⁰

Branding

This Recommendation allows the use of hot-branding, as well as the use of freeze-branding. The majority of member states also allows the use of these methods, but they are barely used nowadays; the most frequent method of identification is ear tagging. Ireland, Belgium and Sweden allow freeze-branding but not hot-branding. Austria, Germany and Netherlands have banned both of these methods. Possible reason, why so few member states decide to officially ban the practice of branding, is because it is barely used in practice.¹⁰¹

Ear notching/chipping

Even though the Recommendation of CoE allows ear notching as a form of identification, there are some member states which have banned this practice: Sweden, Netherlands, Germany, Hungary and Austria. Ear chipping is allowed in all member states but it is not done very often.¹⁰²

⁹⁹ Recommendation concerning cattle adopted by the Standing Committee on 21 October 1988, Council of Europe <https://www.coe.int/t/e/legal_affairs/legal_co-operation/biological_safety_and_use_of_animals/farming/Rec%20cattle%20E.asp>

¹⁰⁰ *Ibid.*

¹⁰¹ Hans Spoolder, Maria Schöne and Marc Bracke 'Initiatives to reduce mutilations in EU livestock production' (2016) Wageningen UR Livestock Research. p. 15

¹⁰² *Ibid.*

Nose ringing

The majority of member states are of the opinion that in the case of nose ringing, the advantages for human safety outweigh the animal welfare disadvantages. Therefore, most of the member states allow this practice. Austria, Belgium and Netherlands allow nose ringing of breeding bulls only. The single member state which banned nose ringing completely is Germany.¹⁰³

Tail docking

According to the CoE Recommendation, tail docking should not be allowed. Therefore, most member states have banned this practice in their domestic legislation. But as always, there are exceptions; in this case Germany (allowed for male cattle younger than 3 months) and Austria (allowed for calves but tail cannot be docked shorter than 5 cm).¹⁰⁴

4.1.3.1 Council Directive 2008/119/EC laying down minimum standards for the protection of calves

This is the only EU legislation in regards to cattle, more specifically calves. It sets out the minimum requirements for their protection so that their welfare can be maintained. A calf is defined here as „a bovine animal up to six months old“. ¹⁰⁵

This Directive recognizes the natural behavioral needs of calves as animal species living in herds; therefore, they should be reared in groups so they have contact with the other calves. (directive)

Article 3 of the Directive states that it shall be strictly prohibited to confine calves in individual pens after the age of 8 weeks. However, there may be exceptions, when a veterinarian decides that isolation of the animal would be better for health reasons, so it can receive proper treatment.¹⁰⁶

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (Codified version) [2009] OJ 2 10/7

¹⁰⁶ *Ibid.*

Width of such individual pen has to be at least the same as the body length of the calf, measured while standing. With the exception of sick calves, individual pens shall not have solid walls but rather perforated ones so that calves can still maintain some direct visual and tactile contact.¹⁰⁷

In cases when the calves are kept in groups, each calf shall have a space of at least 1,5 m² if it weighs less than 150 kg; 1,7 m² if it weighs anywhere between 150 kg and 220 kg; and at least 1,8 m² if the calf weighs more than 220 kg.¹⁰⁸

Regardless of this Directive, the whole veal industry is causes many animal welfare issues, for several reasons. First of all, it revolves around selling meat of calves which are basically young animals which have not reached adulthood yet. From the moral point of view, it seems wrong to kill animals that young. Secondly, the young life of calves reared for their meat is devalued by many factors - they are separated from their mother at a very early age (which has been proved to negatively affect calves' emotions and mood for a long time)¹⁰⁹; plus, they oftentimes lack sufficient living space, as well as social contact.¹¹⁰ Although, those are the aspects on which the Directives focuses, in practice it is still not ideal. In the treatment of calves, as well as other young animals, one should take into consideration the fact that they are basically just infants with their needs – to play, socialize, feel tenderness.¹¹¹

4.2 Pigs

4.2.1 Behavior

Originally, pigs were domesticated from the wild boar a long time ago. Therefore, they maintained the same habits and behaviours because they have them rooted deep inside of their DNA. It has been scientifically proved many times that pigs are highly intelligent animals with unique personalities and extraordinary emotional capacities. They are able to sense the emotions of other pigs and adjust their own behavior accordingly.¹¹²

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ Rolnei R. Daros and others, 'Separation From The Dam Causes Negative Judgement Bias In Dairy Calves' (2014) 9 PLoS ONE.

¹¹⁰ Tom Regan, *Empty Cages* (Rowman & Littlefield Publishers 2005). p. 90

¹¹¹ *Ibid.*

¹¹² Marino, Lori; & Colvin, Christina M. (2015). Thinking Pigs: A Comparative Review of Cognition, Emotion, and Personality in *Sus domesticus*. *International Journal of Comparative Psychology*, 28

That only shows that they are very social by nature which can also be observed on their tendency to interact with other pigs quite frequently. Even in natural conditions, they prefer to live in family groups. The natural social interaction is a trait that pigs possess since their birth. The behavior of piglets can be a testament to that; they form social dominance relationships with their mates within hours of their birth.¹¹³

Pigs are also very curious and investigative animals which was observed in the study of Stolba and Wood-Gush. During daylight pigs spent approximately three quarters of time exploring their environment and foraging. Pigs did this by rooting, grazing, walking around and manipulating various objects.¹¹⁴

To ensure that the welfare of pigs is on point, it is crucial to adjust their living conditions on farm according to their natural behavior.

4.2.2 Housing

Council Directive 2008/120/EC laying down minimum standards for the protection of pigs

This Directive was the first legislative act of the EU which was aimed specifically at the protection of pigs. The main purpose of this Directive was to extend the level of welfare that the Council Directive 98/58/EC concerning the protection of animals kept for farming purposes provided.

Pigs are by nature very curious animals with the desire to investigate their environment by digging with their snouts. This represents a natural activity and also a form of exercise for them. They are also very social animals with the tendency to look for social interactions with other pigs when provided such opportunity; this can be observed mainly on the behavior of sows.¹¹⁵ This Directive takes all these aspects into consideration in its provisions. It also recognizes certain practices like tail-docking, tooth-clipping, tooth grinding and castration as painful and therefore,

¹¹³ H. B. Graves, 'Behavior And Ecology Of Wild And Feral Swine (Sus Scrofa)' (1984) 58 Journal of Animal Science.

¹¹⁴ A. Stolba and D. G. M. Wood-Gush, 'The Behaviour Of Pigs In A Semi-Natural Environment' (1989) 48 Animal Production.

¹¹⁵ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version) [2009] OJ 2 47/5

detrimental to their welfare. Hence, such practices shall be limited or ideally abandoned completely.¹¹⁶

However, the main content of this Directive is aimed towards the living conditions of pigs. Most importantly, it sets specific minimum standards for the floor area in which pigs move. The size of this area is directly correlated to the age of pigs and if they are kept in a group.

For weaners¹¹⁷ and rearing pigs¹¹⁸ kept in a group the minimum size of floor area varies from 0,15 m² to 1,00 m² based on the weight of the pig. For gilts after service and sows kept in groups this area should be at least 1,64 m² and 2,25 m² respectively. The Directive also sets strict prohibition of any installations in which sows and gilts are tethered. Furthermore, sows and gilts should be provided with manipulable material to satisfy their natural behavior.¹¹⁹

The importance of such material being present in the environment of pigs is much greater than it seems. Without the presence of appropriate material which can be explored, the pigs turn their attention to the pen structures and other pigs, which in the worst cases can lead to damaging behavior like biting of ears or tails.¹²⁰

If housed indoors, bedding the floor with a thick layer of saw or other complex natural material is essential for providing pigs with some sort of natural environment and thereby, maintaining a good level of welfare.¹²¹

They should be also provided with sufficient amount of high-fibre and high-energy food.¹²²

Another important part of the Directive is the setting of requirements for light and maximum levels of noise, so that the pigs feel comfortable.¹²³

Special requirements for weaning are established as well; the piglets should not be weaned from their mother earlier than 28 days of age.¹²⁴

¹¹⁶ *Ibid.*

¹¹⁷ Weaner is defined by the Directive as „a pig from weaning to the age of 10 weeks“.

¹¹⁸ Rearing pig is defined by the Directive as „a pig from 10 weeks to slaughter or service“.

¹¹⁹ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version) [2009] OJ 2 47/5

¹²⁰ Heather Pickett BSc (Hons) MSc, 'Welfare of pigs in the EU: The urgent need for reform of existing legislation and effective enforcement' (2009) A Report by Compassion in World Farming. p. 3

¹²¹ *Ibid.*

¹²² Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version) [2009] OJ 2 47/5

¹²³ *Ibid.*

¹²⁴ *Ibid.*

The Directive also puts an emphasis on the persons attending to the pigs have sufficient amount of knowledge on how to treat them based on the instructions and guidance they receive on training courses dedicated to animal welfare.¹²⁵

Overall, this Directive puts a good solid basis for minimum welfare requirements of pigs from which the further legislative and most importantly practical progress can be made.

4.2.3 Mutilations

4.2.3.1 Castration

Probably the most significant reason for the castration of pigs is the so called „boar taint“ – an odor present in the meat of uncastrated male pigs. It is caused by the combination of skatole, androstenone and indole. Androstenone is an important substance which is required during male animals' sperm cells development. Skatole is present in bodies of both male and female animals. Its production is the result of degradation of particular amino acids. However, male pigs are affected by it approximately three times more than female pigs.¹²⁶

Therefore, it is considered such a significant issue from the consumer perspective and the solution producers decide to take most of the times is castration of male piglets, which lowers the concentration of skatole dramatically. But castration of piglets causes various moral and animal welfare issues; furthermore, if it is done without any anaesthesia or pain relief (which is usually the case).

Such practice has been viewed for a long time as completely normal and necessary routine which is just part of the industry. However, as our society evolves, so do evolve also the social values and priorities of people. Therefore, more and more of today's consumers care about the origin of the „product“ because they do realize there is a sentient being behind it. For that reason, many of them demanded less invasive and less painful alternatives to the practice of castration.

In 2010, as a response to this stimulus, European Declaration on alternatives to surgical castration of pigs was agreed. The Declaration states two main objectives.¹²⁷

¹²⁵ *Ibid.*

¹²⁶ 'Boar Taint' (Boars heading for 2018, 2018) <<http://boars2018.com/background/what-is-boar-taint/>>

¹²⁷ 'Pig Welfare Crisis Continues: European Declaration On Alternatives To Painful Surgical Castration Fails To Deliver - Eurogroup For Animals' (Eurogroup for Animals, 2018) <<http://www.eurogroupforanimals.org/pig-welfare-crisis-continues-european-declaration-alternatives-painful-surgical-castration-pigs-fails-deliver>>

First, it stipulates that from the 1st of January 2012 the surgical castration of pigs (if carried out at all) shall be performed with the use of prolonged anaesthesia and/or analgesia and with methods which are mutually recognised.¹²⁸

Second, it stipulates a long-term goal which is to abandon surgical castration of pigs as such by the 1st of January 2018 in all EU and EFTA countries.¹²⁹

It is very clear that this second long-term goal is quite connected to the first one in a sense of progression. The EU didn't want to harshly ban the surgical castration of pigs right away and therefore, gave member states more time and allowed them to make gradual adjustments in this field with the final goal to abandon this practice by the set date. This step-by-step progressive change should have occurred in the light of the first stipulation of the Declaration – use of prolonged anaesthesia/or analgesia. Despite the wording of this stipulation being very clear, the compliance of member states with it varies tremendously, probably more than it should. At least that was the result of the survey done in 2015 by FVE and the European Commission.¹³⁰

This survey was done in 24 member states and included: the percentage of entire (non-castrated male pigs); the percentage of immunocastrated and surgically castrated piglets; and last but not least, the methods of castration used in each country.

The best result came out of Norway and Switzerland.

In Norway, 99 % of piglets were surgically castrated, less than 1 % was immunocastrated and almost 1 % was left intact. Even though, the number of surgically castrated piglets was very high, 99 % of them were castrated using both analgesia and anaesthesia. Only 1 % was castrated without analgesia or anaesthesia. In Switzerland, 92,5 % of piglets were surgically castrated, 2,5 % were immunocastrated and 5 % were left intact. Again, the number of surgical castrations performed is very high but in 97 % of cases both analgesia and anesthesia were used. Only 3 % of piglets were castrated without analgesia or anaesthesia.¹³¹

The Netherlands and Sweden did not show such good results as Norway and Switzerland, but they were still respectable.

¹²⁸ European Declaration on alternatives to surgical castration of pigs.

¹²⁹ *Ibid.*

¹³⁰ Nancy De Briyne and others, 'Pig Castration: Will The EU Manage To Ban Pig Castration By 2018?' (2016) 2 Porcine Health Management.

¹³¹ *Ibid.*

In the Netherlands, 80 % of male pigs were left intact which is quite good. However, from the 20 % of castrated piglets only 30 % of them were castrated using both analgesia and anaesthesia. The remaining 70 % were surgically castrated without analgesia or anaesthesia. In Sweden, none of the male pigs were left intact. Only 6 % of them were immunocastrated and the remaining 94 % were surgically castrated. From the 94 % of piglets, only 24 % were castrated using both analgesia and anaesthesia and the remaining 76 % were castrated with analgesia only.¹³²

Finland, Germany, Luxembourg, Denmark and Iceland showed a bit lower level of animal welfare than previously mentioned countries, but their results were also fairly good. Overall, the majority of pigs were castrated in these countries but most of the times analgesia was used.

In Finland, 4 % of male pigs were left intact, 96 % were castrated. In 99 % of cases, the castration was done with the use of analgesia. In Germany, 20 % were left intact and the remaining 80 % of male pigs were castrated using analgesia in 99 % of cases. In Luxembourg the situation was quite similar but only 1 % of male pigs were left intact. The 99 % of piglets were castrated using analgesia in 99 % of cases. In Denmark, 5 % of pigs were left intact and the rest was surgically castrated; in 95 % of cases it was carried out with the use of analgesia. In Iceland, 95 % of piglets were castrated and 95 % out of those were castrated with the use of analgesia.¹³³

What is quite good is the fact that analgesia was used the majority of time. What is not so good is the fact that in all of these countries castrations were performed using analgesia only and no anaesthesia.

In Austria, 95 % of piglets were castrated; 1 % of castrations were done with the use of both analgesia and anaesthesia, 72 % with the use of analgesia only and the remaining 27 % without analgesia or anaesthesia. In France, 20 % of male pigs were left intact but the remaining 80 % of piglets were castrated with the use of analgesia only in 50 % of cases. The other 50 % were castrated without the use of analgesia or anaesthesia.¹³⁴

From this point on the level of animal welfare was just getting worse in terms of the survey results.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ *Ibid.*

In Czech Republic, 90 % of male pigs were castrated using both analgesia and anaesthesia only in 6 % of cases. The other 31 % of castrations were performed with the use of analgesia only and the remaining 63 % were castrated without the use of analgesia or anaesthesia.¹³⁵

Spain and Portugal showed a high number of intact males but on the other hand, the castrations were mostly done without analgesia or anaesthesia.

In Spain, 80 % of male pigs were left intact which is a high number in comparison with previous countries. But out of the 20 % of castrated piglets, only 1 % were castrated using both analgesia and anaesthesia, 7 % were castrated using analgesia only and 92 % without the use of analgesia or anaesthesia. In Portugal the number of intact male pigs was even higher at 85 %. However, stunning 100 % of castrations were done without the use of analgesia or anaesthesia.¹³⁶

In Belgium, only 15 % of male pigs were left intact, 67 % were castrated using both analgesia and anaesthesia in 3 % of cases, only analgesia in 6 % of cases and in 91 % of cases the castration were done without the use of analgesia or anaesthesia. However, what is remarkable about the results of Belgium is that it showed the highest implementation of immunocastration out of all the surveyed countries – 18 % of male pigs were immunocastrated.¹³⁷

Slovakia also showed good implementation of immunocastration because 10 % of pigs were castrated by this method which is the second highest number out of all the surveyed countries, right after Belgium. The remaining 90 % of pigs were surgically castrated. In 12 % of cases only analgesia was used and in the remaining 88 % of cases the castration was done without the use of analgesia or anaesthesia.¹³⁸

In Estonia, 100 % of male pigs were castrated; 10 % with the use of analgesia only and 90 % without the use of analgesia or anaesthesia. In Slovenia only 1 % of male pigs were left intact, the remaining 99 % were surgically castrated using both analgesia and anaesthesia in 1 % of cases and only analgesia in 9 % of cases. The 90 % were castrated without the use of analgesia or anaesthesia. In Italy, only 2 % of male pigs were left intact, 5 % were immunocastrated and 93 % were surgically castrated. Only 0,5 % of castrations were done with the use of both analgesia and anaesthesia; 2,5 % with the use of analgesia only and the remaining 97 % without the use of analgesia or anaesthesia.¹³⁹

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

In Romania, 5 % were immonocastrated and 95 % were surgically castrated. Only 2 % were castrated using both analgesia and anaesthesia; 4 % with the use of analgesia only and 94 % without the use of analgesia or anaesthesia. In Hungary, only 1 % of male pigs were left intact, the remaining 99 % were surgically castrated and 100 % of these castrations were done without the use of analgesia or anaesthesia. In Latvia, 100 % of male pigs were surgically castrated and 100 % of these castrations were done without the use of analgesia or anaesthesia.¹⁴⁰

The results show that in the last few countries, mainly Hungary and Latvia, the animal welfare level showed to be not ideal.

On the opposite side, in the UK (former EU member) 98 % of male pigs were left intact which is a very good number. Out of the 2 % of castrations 4,5 % were performed with the use of both analgesia and anaesthesia; 4,5 % with the use of analgesia only and the remaining 91 % without the use of analgesia or anaesthesia.¹⁴¹

Undeniably the best results came out of Ireland where 100 % of the male pigs were left intact which is brilliant because that is exactly the main goal that EU tried to achieve with the Declaration. However, it is obvious that these results didn't happen in Ireland just in a few years because of the Declaration. The practice of leaving the male pigs intact is something that Irish farmers are known for and it just has been historically the way they treat their animals.

What this survey showed is that the animal welfare varies tremendously. In some countries, the results were pretty good. In some countries, defects in one area were compensated by good results in different area. In other countries, the overall results were not so good.

Does this mean that the countries with the best results care the most about animal welfare? Does it mean that the countries with the worst results show no compassion with animals at all? It would probably not be fair to make such a statement. Maybe it is not a coincidence that the countries which showed the best results are also the ones with the best economies. Therefore, it is not wise to compare countries like Norway and Switzerland with countries like Hungary or Latvia. Of course, the level of animal welfare in each country is determined by the mentality of people and their priorities; how much of a value do they put on animal rights and animal welfare; if they still perceive animals only as „something“ which is supposed to serve people or if they keep moving with the modern age and era where people start to realize the importance of taking animals' feelings into consideration. But another aspect which determines the level of animal welfare in

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

each country is its economical situation. The more developed, more advanced countries can simply put more money into improving the treatment of animals. The less developed countries maybe even have the will to do so but they simply have other priorities in terms of spending the national budget.

As of January 2018, which was the planned deadline of the Declaration when all the surgical castration should have been abandoned, such practice is still pretty common. It is difficult to say what the EU can do about it because there are lot of aspects which differentiate the member states and their ability to fullfill these requirements. Good thing is that the improvement in animal welfare keeps progressing. Hopefully, some member states will catch up to the ones which are currently more ahead.

4.2.3.2 Tail docking

Docking the tail of pigs is a fairly common practice, but from the welfare perspective, it is just a mutilation of the animal. It is done mainly to prevent tail-biting - behavior which pigs resort to when they are not provided with enough resources to express their natural curious and investigating behavior.¹⁴²

This only proves that when animals' behavioral needs are repressed, at some point they come out, but in different, abnormal ways. Such behavior is just a product of poor and stressful environment. Therefore, tail-docking is maybe a solution to tail-biting, but tail-biting is not the real problem that needs to be solved. The real issue lays in the insufficient living conditions of pigs, which make them distressed and frustrated. Once this issue will be fixed, tail-docking will get fixed by itself for it is only a consequence of the bad enironment – which is the real issue.

Tail-docking is done very early in pig's life. It is a practice which is very painful for pigs, moreover, when done without anaesthesia (which is usually the case). In many instances it causes long-term chronic pain and infections.¹⁴³

¹⁴² Ottavio Marzocchi , 'Routine Tail-Docking of Pigs' (2014) Study for the PETI Committee.

<[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509997/IPOL_STU\(2014\)509997_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509997/IPOL_STU(2014)509997_EN.pdf)>

¹⁴³ R. B. D'Eath and others, 'Why Are Most EU Pigs Tail Docked? Economic And Ethical Analysis Of Four Pig Housing And Management Scenarios In The Light Of EU Legislation And Animal Welfare Outcomes' (2015) 10 animal.

4.2.4 EU Legislation

Tail-docking as well as tooth-clipping and tooth-grinding is regulated by the Council Directive 2008/120/EC in its Annex I in the following way:

„Neither tail-docking nor reduction of corner teeth must be carried out routinely but only where there is evidence that injuries to sows’ teats or to other pigs’ ears or tails have occurred. Before carrying out these procedures, other measures shall be taken to prevent tail-biting and other vices, taking into account environment and stocking densities. For this reason inadequate environmental conditions or management systems must be changed.“¹⁴⁴

However, these mutilations have been regulated for a long time, since already the Council Directive 91/630/EEC dedicated a provision just to them.

Despite the fact that routine tail-docking ban (as well as the other mutilations) has been in effect for almost 30 years now, many countries still have not implemented it as would be expected from them. Most member states have implemented the regulation and its ban on routine tail-docking in terms of national legislation, but there is a lack of enforcement from the national governments; which should be stricter when these rules are not followed in the actual practice.

Unfortunately, this has been the case in many countries and that was an incentive that stimulated the active participation of society to change it.

4.2.4.1 *Petition 0336/2012*

The first initiative was the Petition 0336/2012 in which the petitioner (Danish citizen) raised the issues of pig welfare. More specifically, the petition was aimed towards the lack of implementation of the Directive in regards to the routine tail-docking of pigs in Denmark as well as most EU member states.

In September 2012, the Commission replied with a statement that proper enforcement of requirements set by the Directive is a priority, however, it is the responsibility of individual member states to ensure that the EU legislation will be properly enforced. Set of actions, intended to facilitate member states’ work in this aspect, was also proposed by the Commission. These included discussions with member states, EU guidelines on tail-docking and also the provision of

¹⁴⁴ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version) [2009] OJ 2 47/5

enrichment material for pigs as well as professional training for veterinarians via the BTSF programme.¹⁴⁵

After the first discussion on the petition, which took place on the 20th of March 2013 in Brussels during the PETI committee meeting, members of PETI decided to keep the petition open. Reason for that was mainly the approach for the Commission which was different than the members of PETI committee expected. From their point of view, the Commission should have chosen tougher attitude towards non-compliance of the Directive by farmers in the EU. Furthermore, PETI members suggested that the Commission should seriously consider launching infringement proceeding against member states which do not comply with the relevant provisions of the Directive.¹⁴⁶

Second meeting of the PETI committee, where the members re-examined the petition, took place on the 1st of April 2014. Second reply of the Commission, which the PETI committee received on the 30th October 2013, was not much different from the first one. Although, the Commission affirmed that the routine tail-docking is a reality happening in the EU, it did not agree with PETI committee on the statement that infringement procedures against infringing member states would be the best measure to solve this issue. It also ruled out any amendments of the current legislation on the matter. Instead it pointed out the importance of focusing on developing proper guidelines as well as e-learning tools.¹⁴⁷

In 2014, FVO organized visits to EU member states to find out to what extent they comply with the Directive. Based on the data collected by FVO, only 6 member states complied with the tail-docking requirements at that time (Sweden, Finland, Slovakia, Cyprus, Lithuania and United Kingdom). There was no information about the situation in Spain, Ireland, Malta, Croatia and Latvia. The rest of member states did not comply.¹⁴⁸

As of 2018, the situation does not seem to be improving by much. Farmers in many member states keep tail-docking their pigs on a routine basis. With the Commission unwilling to start infringement procedures yet, the only tool to control the situation at least partially are supposed to be the guidelines.

¹⁴⁵ Ottavio Marzocchi , 'Routine Tail-Docking of Pigs' (2014) Study for the PETI Committee.

¹⁴⁶ Minutes of the Meeting of the Committee on Petitions of 20 March 2013, from 09.00 to 12.30 and from 15.00 to 18.30

¹⁴⁷ Ottavio Marzocchi , 'Routine Tail-Docking of Pigs' (2014) Study for the PETI Committee.

¹⁴⁸ *Ibid.*

These guidelines address tail-docking as well as the enrichment materials which are one of the crucial components for creating somewhat natural environment for pigs, so they feel comfortable and free to express their behavioral needs.

The latest legislation regarding pig tail-docking is the Commission Recommendation (EU) 2016/336 of 8 March 2016 on the application of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs as regards measures to reduce the need for tail-docking.

This Recommendation contains everything that member states and their farmers should know in order to comply with the Directive. It focuses mostly on the enrichment materials and all the characteristics they need to possess.¹⁴⁹

Hopefully, member states will start to take their responsibility of ensuring the compliance with the Directive seriously. If not, then the Commission should consider using infringement proceedings as the last tool it has left.

4.3. Poultry (Chickens)

4.3.1 Behavior

Evolutionary, chicken is considered to be a mixture between red junglefowl and grey junglefowl which can be found in India and Southwest Asia. This mixture happened several thousands years ago and since then, chicken has been globally spread as one of the most popular farm animals.¹⁵⁰

The beak is probably the most important sensory organ that chickens possess. It is equipped with many nerve endings, especially at the tip, which allows chickens to identify all objects they encounter in the most precise way. They use their beak to eat, drink and also to explore their

¹⁴⁹ The Commission Recommendation (EU) 2016/336 of 8 March 2016 on the application of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs as regards measures to reduce the need for tail-docking [2016] OJ 2 62/20

¹⁵⁰ Lori Marino, 'Thinking Chickens: A Review Of Cognition, Emotion, And Behavior In The Domestic Chicken' (2017) 20 Animal Cognition. p. 4

environment, to nest and to preen. Furthermore, beaks serve as weapons as well; especially when chickens establish their position in social hierarchy or when defending themselves.¹⁵¹

It is a very essential part of their every day life. Like humans need hands, so do the chickens need their beaks.

Chickens are perceived by the general public as animals with a really low intellect. However, that could not be further away from truth. They maybe do not have the mental capacity of a chimpanzee but their intelligence is quite remarkable in a variety of aspects.

First of all, it is their deductive reasoning. When shown a confrontation between a familiar dominant chicken and stranger chicken, in which the dominant one lost, the other chickens avoided confrontation with the stranger chicken because of their deduction that this chicken beat the dominant one which could beat them. Similarly, when chickens witnessed such a confrontation but with a different result of dominant chicken winning, they confronted the stranger chicken 50 % of time.^{152 153}

Chickens also posses great numerical abilities, even basic arithmetics as was shown in the experiment done by Rugani and others.¹⁵⁴

Besides that, chickens also have perception of time intervals, episodic memory, the ability of self-control, self-awareness and complex communication among each other. They are definitely able to feel emotions and a big range of them, even being able to show empathy to one another.¹⁵⁵

All these behavioral traits should be taken into consideration when trying to improve the welfare of chickens. Their environment should be addjusted to fit all their natural needs and their treatment should take into consideration their intelectual and emotional abilities.

In poultry farming, chickens are divided into two basic categories based on the purpose they serve the farmer. First category are the broiler chickens which are bred purely for their meat. Second category are egg-laying hens which are bred for obvious reason – to lay eggs.

¹⁵¹ *Ibid.* p. 5

¹⁵² *Ibid.* p. 7-8

¹⁵³ Michèle-E. Hogue, Jacques P. Beaugrand and Paul C. Laguë, 'Coherent Use Of Information By Hens Observing Their Former Dominant Defeating Or Being Defeated By A Stranger' (1996) 38 Behavioural Processes.

¹⁵⁴ R. Rugani and others, 'Arithmetic In Newborn Chicks' (2009) 276 Proceedings of the Royal Society B: Biological Sciences.

¹⁵⁵ Lori Marino, 'Thinking Chickens: A Review Of Cognition, Emotion, And Behavior In The Domestic Chicken' (2017) 20 Animal Cognition. p. 21

Fundamentally, regardless of these two categories, chickens are kept either inside housing structures only or also outside. In the next pages, we are going to look at the various housing systems for broiler chickens as well as for egg-laying hens and compare them.

4.3.2 Broiler chickens

4.3.2.1 Intensive farming systems

As already obvious from the name of the system itself, it is focused on very intensive breeding of chicken, meaning that they are bred to grow very quickly and gain weight quickly as well (approximately 50 grams per day). Therefore, their lives are very short, mostly lasting just few weeks. The chickens are slaughtered anywhere between 21 to 170 days of age.¹⁵⁶

In the EU, the average slaughter age is 42 days when the chicken weights at 2,5 kg.¹⁵⁷

Broilers chickens are bred in sheds which are generally barren, except for feeding and drinking points.¹⁵⁸ The floor in the sheds is covered with litter (such as wood shaving or straw) to absorb the excreta of chickens.

Minimum welfare standards for broiler chickens are regulated by the Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production.¹⁵⁹

This directive specifies the minimum living conditions in which broiler chickens in the EU should be kept. It includes housing, food and water requirements, as well as all the necessary care according to the physiological and ethological needs of the chickens.

Based on this Directive, the drinkers should be stable and maintained in such a position that spillage of water is minimised. Food shall be available continuously and not withdrawn from chickens more than 12 hours before the time of their slaughter comes. Chickens shall also have permanent access to dry litter.¹⁶⁰

¹⁵⁶ 'The Life of: Broiler Chickens' (2013) Farm Animal Welfare Compendium. p. 2
<<https://www.ciwf.org.uk/media/5235306/The-life-of-Broiler-chickens.pdf>>

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production [2007] OJ 2 182/19

¹⁶⁰ *Ibid.*

The Directive also states that chickens should be provided with sufficient ventilation and also heating and cooling if necessary. All noises which could disturb chicken should be minimised. Minimum requirements for lighting are also set by the directive, allowing for comfortable living environment.¹⁶¹

All the chickens should be inspected at least twice a day with special focus on maintaining an appropriate level of animal welfare and health. In case any sign of health disorder is observed on a chicken during such inspection, immediate help and treatment shall be sought.¹⁶²

Most importantly, this Directive sets requirements for stocking densities at 33 kg/m² being the upper limit which shall not be exceeded, except for specific cases.¹⁶³ The reduction of stocking density is a crucial step to better welfare in terms of more freedom and more natural behavior of the chickens.

All the mentioned aspects of broiler chickens welfare, which the Directive covers, proves its overall importance in the further development of this area.

Nonetheless, from the animal welfare perspective, such living conditions are still not sufficient. In a situation when the broilers are raised to reach a target weight of 2,5 kg and are kept in stocking density of 33 kg/m², it is only one m² for 13 chickens.¹⁶⁴

Therefore, it can be concluded that indoor housing systems may provide „sufficient“ living conditions for chickens based on today's animal welfare standards but still, they are not comparable with other alternative farming systems which certainly provide more freedom.

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ B. Spindler, Andreas Briese and Joerg Hartung, 'How much floor space needs a broiler chicken?' (2011) Conference Paper

4.3.2.2 Higher welfare/Alternative farming systems

These farming systems are defined in the Commission Regulation (EC) No 543/2008.¹⁶⁵

I. Free range

The mentioned Regulation divides free range farming systems into another three subcategories.

a) Free range¹⁶⁶

In this system, chickens „have had during at least half their lifetime continuous daytime access to open-air runs comprising an area mainly covered by vegetation“. ¹⁶⁷ Such area shall be at least 1m² per chicken. The maximum stocking density indoors is 13 chickens per m² but no more than 27,5 kg of liveweight per m². The minimum slaughter age is 56 days. ¹⁶⁸

The housing is either a fixed shed or a mobile house that can be moved around. These houses have popholes through which the chickens can exit and enter the pasture. ¹⁶⁹

The popholes should have a combined length of at least 4 m per 100m² of the house. ¹⁷⁰

b) Traditional free range¹⁷¹

Chickens in this farming system are usually slower growing breeds, same as in the „free range“ system. They should have a „continuous daytime access to open-air runs at least as from the age of 6 weeks“. ¹⁷² These runs shall consists of an area covered mainly by vegetation and shall be at least 2 m² per chicken. The maximum stocking density indoors is 12 chickens per m² but no more than 25 kg of liveweight per m². The minimum slaughter age is 81 days. The house shall not contain more than 4800 chickens. Houses also must have popholes (with the same combined length as in „free range“ system) allowing chickens to enter the pasture. During the fattening stage chickens' diet shall consist at least 70 % of cereals. ¹⁷³

¹⁶⁵ Commission Regulation (EC) No 543/2008 Laying down detailed rules for the application of Council Regulation (EC) 1234/2007 as regards the marketing standards for poultrymeat [2008] OJ 2 157/46

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ 'The Life of: Broiler Chickens' (2013) Farm Animal Welfare Compendium. p. 4
<<https://www.ciwf.org.uk/media/5235306/The-life-of-Broiler-chickens.pdf>>

¹⁷⁰ Commission Regulation (EC) No 543/2008 Laying down detailed rules for the application of Council Regulation (EC) 1234/2007 as regards the marketing standards for poultrymeat [2008] OJ 2 157/46

¹⁷¹ *Ibid.*

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

c) Free range – total freedom¹⁷⁴

This farming system is basically identical to the „traditional free range“ system. However, in this system chicken shall have „continuous daytime access to open-air runs of unlimited area“.

II.Organic

This type of farming is regulated by Commission Regulation (EC) No 889/2008.¹⁷⁵

It is the most animal friendly type of farming providing chickens with the most freedom to move and express their natural behavior.

Chickens shall have „access to an open air area for at least one third of their life“. ¹⁷⁶ This area shall be covered mainly by vegetation and shall be at least 4 m² per chicken. Maximum indoors stocking density in fixed houses is 10 chicken per m² but no more than 21 kg of liveweight per m². In mobile houses (not exceeding 150 m² floor space) it is 16 chicken per m² but no more than 30 kg of liveweight per m². The minimum slaughter age is 81 days.

Chickens, or all animals for that matter, on organic farm should be fed food in accordance with the rules of organic farming. The Regulation states it followingly:

„Livestock should be fed on grass, fodder and feedingstuffs produced in accordance with the rules of organic farming, preferably coming from the own holding, by taking into account their physiological needs. In addition, in order to provide for the basic nutritional requirements of livestock, certain minerals, trace elements and vitamins may need to be used under well-defined conditions.“¹⁷⁷

¹⁷⁴ *Ibid.*

¹⁷⁵ Commission Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control [2008] OJ 2 250/1

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

4.3.3 Egg-laying hens

Their welfare is regulated by the Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens.¹⁷⁸

This Directive is very significant because it represents the first big step taken forward in the welfare of laying hens. It divides the housing systems of egg-laying hens into three categories.

a) unenriched cages

In these cages, there shall be at least 550 cm² of cage area per hen. A feed trough for the hens should be provided with a length of at least 10 cm per hen, as well as drinking points, so hens have constant access to water. The height of the cages shall be at least 40 cm in 65 % of the cage area and not lower than 30 cm at any point.¹⁷⁹

The last provision in the Directive's chapter regarding unenriched cages states that, as of 1 January 2003, such cages „may not be built or brought into service for the first time“¹⁸⁰; as well as that all the member states shall ensure that the use of such cages for the rearing of hens will be prohibited from 1 January 2012 on.¹⁸¹

Thanks to this provision, this particular rearing system of egg-laying hens officially ceased to exist in the EU from this very date.¹⁸²

b) enriched cages

Hens in this type of cages shall be provided with at least 750 cm² of cage area per hen, 600 cm² of which shall be usable.¹⁸³

Cages shall be equipped with a nest; litter so that hens can peck and scratch and therefore, be allowed to express their natural behaviour; and last but not least, appropriate perches with at least 15 cm of space per hen. A feed trough which the hens can use without restriction must be available with at least 12 cm of space for each hen. A drinking system should be available in each

¹⁷⁸ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens [1999] OJ 2 203/53

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

¹⁸² Hans-Wilhelm Windhorst, 'Housing Systems In Laying Hen Husbandry. A Status Report' (Zootechnica International, 2017)

<<https://zootechnicainternational.com/poultry-facts/housing-systems-laying-hen-husbandry-second-part/>>

¹⁸³ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens [1999] OJ 2 203/53

cage and its size should be appropriate to the size of the group of hens. Between the tiers of cages there must be a minimum aisle width of 90 cm and at least 30 cm between the bottom tier of cages and the floor of the building.¹⁸⁴

c)alternative systems

In this rearing system, hens do not live in cages but in sheds which provide them with more freedom.

The maximum stocking density is 9 hens per 1 m² of usable area. Hens shall be provided with linear feeders allowing at least 10 cm of space per each hen, or circular feeders allowing at least 4 cm of space per each hen. Hens shall also be provided with continuous drinking troughs allowing at least 2,5 cm of space per hen, or circular drinking troughs allowing at least 1 cm of space for each hen. There shall be at least one nest for every 7 hens, as well as adequate perches available for all hens, providing at least 15 cm of space for each hen.¹⁸⁵ Specific requirements for the correct placement of such perches are also included in the Directive. There are also requirements for hen houses with more levels. There can be no more than 4 levels, hens should be able to move freely between levels, headroom between levels should be at least 45 cm and most importantly, the levels should be arranged in a way which prevents droppings falling down on the levels below.¹⁸⁶

If hens have access to open runs, there must be popholes allowing hens to enter them. These open runs should be equipped with a shelter to protect hens against harsh weather and possible predators.¹⁸⁷

4.3.4 Beak trimming and other mutilations

Beak trimming is another one of the „physical modifications“ done on farm animals. It is very common but as the rest of these interventions into animal integrity, it is very painful and therefore, can be obviously categorized as a mutilation.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

Same as other mutilations, also this one is done with a purpose behind it. The main goal of trimming the beak is to prevent cannibalism among the chickens.¹⁸⁸

Usually, when a bird gets stressed and nervous, it starts to peck the feathers, comb or other bodyparts of another bird. Most often, this causes an open bloody wound which attracts other birds and further encourages the cannibalistic pecking behavior. This causes serious injuries to the victimized bird and from a business point of view, it decreases the value of the bird because its flesh is torn and severely damaged. Therefore, such injuries often time also lead to the bird's death.¹⁸⁹

However, cannibalism is not a problem by itself. It is more like a consequence of a problem which is manifesting itself in such an abnormal way. The true problem which leads to cannibalistic behavior is the living environment in which the chickens live; in other words, poor management of the farm.¹⁹⁰

Chickens, like any living creatures, have their basic natural needs which must be fulfilled, in order to prevent such aggressive behavior, not repressed. It is very unfortunate that on many farms animals are still repressed in one way or another. In the case of chickens this includes mainly overcrowding; excessive heat; excessive light; absence of feed/water or shortage of feeder/waterer space; unbalanced (high energy and low fiber) diets; mixing different types of fowl (e.g. age, size, color); sudden changes in environment or management practices; shortage of nests or wrong placement of nests (near bright lights); leaving injured or dead fowls in the flock; raising slow feathering fowls with other fowls or introducing new fowls to the flock.¹⁹¹

In order to prevent this, chickens should be allowed to move as freely as possible and therefore, use their energy in an open run area. This will provide them with much more natural environment where they can express their natural exploring and foraging behavior, as well as their pecking instincts in the way they are supposed to - pecking greens and insects instead of their comrades.¹⁹²

¹⁸⁸ Thea Fiks - van Niekerk and Ingrid de Jong, 'Mutilations in poultry in European poultry production systems' (2007) 42(1) Lohmann Information, p. 6

¹⁸⁹ Phillip Clauer, 'Poultry Cannibalism: Prevention And Treatment' (Penn State Extension, 2018) <<https://extension.psu.edu/poultry-cannibalism-prevention-and-treatment>>

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

Chickens should be also provided with an adequate amount of fresh greens every single day. This high fibre diet will keep the fowls full and more comfortable.¹⁹³

A good practice is also providing chickens with a form of distraction and entertainment by placing shiny objects near them (e.g. shiny cans hanging above eye level). This will draw their attention away from the rest of the fowls.¹⁹⁴

Despite these facts, there are still supporters of beak trimming who argue that by omitting this practice, risk of harmful behavior by chickens increases. However, the general public is starting to realize that the husbandry systems should be adjusted according to the natural needs of animals and not vice versa – „adjusting“ (mutilating) animals so they can fit into the current husbandry practices.¹⁹⁵

Moreover, the practice of beak trimming is very painful, since the beak has many nerve endings, especially in the tip. It is done very early in chicks' lives, soon after they hatch. The most commonly used method is infrared beak trimming using a high intensity, infrared energy source. After the contact with this infrared laser, the beak remains intact but after few weeks the tip erodes.¹⁹⁶

Another method done by using a hot blade, but this method is considered as less welfare-friendly and therefore, is surpassed by the infrared laser method.¹⁹⁷

But still it is a painful intervention into the animal's integrity.

At first, the animal feels an acute pain caused by the laser or hot blade cut. Then the animal probably does not feel much pain¹⁹⁸, considering the fact that the nociceptors (which are responsible for registering pain) are destroyed.^{199 200}

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

¹⁹⁶ 'Beak Trimming - Poultry Hub' (Poultry Hub, 2018)

<<http://www.poultryhub.org/health/health-management/beak-trimming/>>

¹⁹⁷ 'Infrared Beak Treatment Method Compared With Conventional Hot-Blade Trimming In Laying Hens' [2009] Poultry Science.

¹⁹⁸ I. J. H. Duncan and others, 'Behavioural Consequences Of Partial Beak Amputation (Beak Trimming) In Poultry' (1989) 30 British Poultry Science.

¹⁹⁹ Thea Fiks - van Niekerk and Ingrid de Jong, 'Mutilations in poultry in European poultry production systems' (2007) 42(1) Lohmann Information, p. 35

²⁰⁰ Michael J. Gentle and others, 'Behavioural Evidence For Persistent Pain Following Partial Beak Amputation In Chickens' (1990) 27 Applied Animal Behaviour Science.

The period of not feeling any pain may last up to 26 hours but afterwards, as a result of nerve endings' regained ability to send signals, a period of chronic pain begins. This can last up to 6 weeks.²⁰¹

In some instances, permanent neuromas appeared in animals after the beak treatment, which most often than not led to lifelong chronic pain. Besides that, the animals become severely distressed. Usually, also their feed intake is lower since their ability to use the beak is hindered and they feel pain every time they try to peck with it.²⁰²

4.3.5 EU legislation

Beak trimming is regulated by the Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens; in point 8 of the annex the Directive states that all mutilations shall be prohibited. However, in order to prevent the unwanted feather pecking or cannibalistic behavior, Member States may authorize beak trimming; but it must be carried out by a qualified staff and on chicks which are less than 10 days old and intended for laying.²⁰³

There are also other forms of mutilations done on poultry like despurring, dubbing and toe clipping; but these are not regulated on the EU level; except the CoE Recommendation which allows them. Therefore, member states have legislative freedom in terms of allowing, limiting or restricting such practices. Even the provision of the Directive which regulates beak trimming provides quite a bit of freedom for member states, since the provision states „member states *may* authorise beak trimming“. ²⁰⁴

When such a legislative freedom of regulation of an area is granted to member states, it is natural that the situation of beak trimming and other mutilations done on poultry vary greatly across the whole EU.

²⁰¹ *Ibid.*

²⁰² J. Breward and M. J. Gentle, 'Neuroma Formation And Abnormal Afferent Nerve Discharges After Partial Beak Amputation (Beak Trimming) In Poultry' (1985) 41 *Experientia*.

²⁰³ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens [1999] OJ 2 203/53

²⁰⁴ *Ibid.*

Only Croatia banned de-toeing; other member states allow it within the first 72 hours of life, following the CoE Recommendation.²⁰⁵

Dubbing is banned in 8 member states: Austria, Belgium, Finland, Germany, Croatia, Hungary, Lithuania and Sweden.²⁰⁶

Pinioning is generally not accepted in the EU. The only member states which allow this practice are Ireland, Belgium and Hungary.²⁰⁷

Member states which have the strictest regulation regarding beak trimming are the northern Scandinavian countries – Sweden and Finland. In these three countries beak trimming has been banned for a long time and still is, as well as other mutilations.

Such a strict ban is also in effect in non-member countries – Norway and Switzerland.²⁰⁸

In Germany²⁰⁹, Austria²¹⁰ and Denmark²¹¹ the practice of beak trimming is also banned.

In the Netherlands beak trimming ban will take effect from September 2018. Other mutilations are prohibited.²¹²

In Belgium allow beak trimming only under certain conditions – when there is an indication of future animal welfare problems if beak trimming will not be carried out. In the actual practice most farms practice beak trimming because they always find some „indication“ to prove that it is needed.²¹³

²⁰⁵ Hans Spoolder, Maria Schöne and Marc Bracke 'Initiatives to reduce mutilations in EU livestock production' (2016) Wageningen UR Livestock Research. p.65

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

²⁰⁸ 'The Beak Trimming Action Group's Review' (2015)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480111/Beak-Trimming-Action-Group-Review.pdf>

²⁰⁹ 'Have You Prepared For The Ban On Beak Trimming?' (Hato.lighting, 2017)

<<https://www.hato.lighting/en/have-you-prepared-ban-beak-trimming>>

²¹⁰ 'Egg Production In Austria, BMNT' (Bmmt.gv.at, 2017)

<<https://www.bmmt.gv.at/english/agriculture/Productionandmarkets/Animal-production-in-Austria/Egg-production-in-Austria.html>>

²¹¹ 'Conditions Of Egg Laying Hens - Quality And Safety' (Danaeg, 2018) <<http://www.danaeg.com/quality-and-safety/animal-welfare/>>

²¹² 'Netherlands Bans Beak Trimming In Layer Hens' (PoultryWorld, 2018)

<<https://www.poultryworld.net/F2R/?returnurl=%2fHealth%2fArticles%2f2013%2f6%2fNetherlands-bans-beak-trimming-in-layer-hens-from-2018-1281266W%2f>>

²¹³ Thea Fiks - van Niekerk and Ingrid de Jong, 'Mutilations in poultry in European poultry production systems' (2007) 42(1) Lohmann Information

In France, Italy, Portugal and Spain, beak trimming is allowed as well as other mutilations and there seems to be no incentive to ban this practice. The same goes for the Eastern European countries.²¹⁴

The overall situations seems to improve gradually every year as more and more countries adopt the beak trimming ban as well as ban of other mutilations. The activity of national governments is crucial because the regulation that the Directive provides is very brief and furthermore, it applies only to laying hens. Therefore, member states have free hands in deciding what the future of poultry will look like in this aspect.

²¹⁴ 'The Beak Trimming Action Group's Review' (2015)
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480111/Beak-Trimming-Action-Group-Review.pdf>

5. Farm Animal Welfare in the EU (during transport)

5.1 Ethical aspects

Transportation is a significant event in the life of a farm animal. It can mean two things; either is the animal being transported to a new „home“ or it is transported to the slaughterhouse. Usually, it is the latter. Either way, transportation is a significant stressor to the animal, since it represents a completely new experience. If the handling of the transported animals is poor during this process, it is anything but pleasant and leaves the animals distressed, even injured and in worst case scenarios dead.

„Loading and unloading are often accomplished with unnecessary roughness, hotshotting, and ballyhoo, which is frightening and stressful to the animals and can cause bruising.“²¹⁵

Depending on the season, animals can be also exposed to extreme temperatures during the actual transport, which is very dangerous for their health and well-being.²¹⁶

There are five main stressors for the animals during the transport: „microclimate; loading density; duration of transport; the quality of transport; and the behavior of the individual animal and those around it.“²¹⁷

Therefore, it is crucial that close attention is paid to each one of these, in order to keep animals as calm and relaxed as possible, without causing any unnecessary physical or mental harm.

Cows are very sensitive animals and any kind of bad handling can leave permanent traces on them.

Furthermore, it has been proved that cattle in particular perceives novelty of environment even more stressful than electric shock.²¹⁸

Pigs also perceive transport as very stressful, even more if they have been raised in confinement their whole lives. After such a long time in so limited living environment, when they

²¹⁵ Bernard E Rollin, *Farm Animal Welfare* (1st edn, Wiley-Blackwell 2003). p. 68

²¹⁶ *Ibid.*

²¹⁷ 'Animal Welfare And Cow Transportation - Faunalytics' (Faunalytics, 2017)

<<https://faunalytics.org/animal-welfare-cow-transport/>>

²¹⁸ Ronald Kilgour, 'The Application of Animal Behavior and the Human Care of Farm Animals,' *Journal of Animal Science* (1978)46

are suddenly moved out, loaded and transported, they rightfully feel nervousness, anxiety and discomfort. Mixing of pigs as well as rough driving are also significant stressors.²¹⁹

The transport is maybe even more stressful for poultry, since chickens are much smaller in size than both cattle or pigs and therefore, they perceive a man as very large and dangerous for them.²²⁰

For that reason, capture is very stressful for them. No chicken wants to be aggressively grabbed by their legs and carried upside down.

Such rough handling often results to injuries, like broken bones.²²¹

Therefore, it is no surprise that the capture part of transport is so stressful to chickens, which are simply not used to a lot of human contact and then suddenly they are just violently wrenched out of their environment where they felt comfortable.²²²

It has been shown that mechanical broiler catchers can mitigate some of this stress, since they just scoop up the chickens. It is undoubtedly a stressful experience still, but at least with lesser risk of injuries occurred to chickens.²²³

5.2 Legislation

5.2.1 Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations

Transport of farm animals is regulated on the EU level by Council Regulation (EC) No 1/2005.²²⁴

²¹⁹ Bernard E Rollin, *Farm Animal Welfare* (1st edn, Wiley-Blackwell 2003). p. 97-98

²²⁰ Donald Broom and Andrew Ferguson Fraser, *Farm Animal Behaviour And Welfare* (3rd edn, CABI Publishing 1996).

²²¹ Bernard E Rollin, *Farm Animal Welfare* (1st edn, Wiley-Blackwell 2003). p. 135

²²² Joy A Mench, *Advances In Poultry Welfare* (1st edn, Woodhead Publishing 2017). p. 41

²²³ I. J. H. Duncan and others, 'Comparison Of The Stressfulness Of Harvesting Broiler Chickens By Machine And By Hand' (1986) 27 *British Poultry Science*.

²²⁴ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97[2005] OJ 2 3/1

5.2.1.1 Principal rules

This Regulation applies to every transport of „live vertebrate animals“ carried out in connection with an „economic activity“.

This definitely includes farmers, livestock/equine hauliers or slaughterhouses.²²⁵

The principal rule stated in Chapter I of the Regulation is that „No person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them.“²²⁶

Furthermore, there are several other basic conditions which must be fulfilled in order for the transport to be within the law.

First of all, the transport must be planned ahead, so the length of the journey is minimised and all the animals' needs are met during the journey.²²⁷

Secondly, animals need to be checked thoroughly to ensure that they are fit and in good health condition to endure the transport.²²⁸

Thirdly, it is crucial that all the means of transport, as well as the loading and unloading facilities are designed, constructed, maintained and operated so that any injuring or suffering to the animals is avoided and their safety is guaranteed.²²⁹

Fourthly, it is imperative that the people who handle the animals during transport are competent and trained for this purpose and they don't use violence, or any behavior for that matter, which would evoke fear in the animals or cause them unnecessary injury or suffering.²³⁰

Furthermore, the transport must be carried out without any delay to the place of destination and also, the welfare conditions of transported animals must be checked on a regular basis and maintained accordingly.²³¹

The space provided to the animals during transport must have sufficient floor area and height, according to the animals' size and the particular journey.²³²

²²⁵ 'Live Transport: Welfare Regulations' (GOV.UK, 2012)

<<https://www.gov.uk/guidance/farm-animal-welfare-during-transportation>>

²²⁶ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97[2005] OJ 2 3/1

²²⁷ *Ibid.*

²²⁸ *Ibid.*

²²⁹ *Ibid.*

²³⁰ *Ibid.*

²³¹ *Ibid.*

²³² *Ibid.*

Last but not least, animals must be provided with water, feed and rest in appropriate intervals and in adequate quantity and quality, according to their size and species.²³³

Chapter II sets duties and obligations of organisers, transporters, keepers and assembly centers. Every person transporting animals must carry proper transport documentation containing all the requirements set by the Regulation.²³⁴

Organisers must ensure, that the welfare of animals will not be compromised at any stage of the transport, by properly planning and coordinating the whole journey in advance, as well as taking into account the possible weather conditions.²³⁵

Keepers of the animals must ensure that all the technical rules and requirements in relation to the transported animals are met. They should also check the animals after arrival and determine their condition after the journey.²³⁶

Also, operators of assembly centers shall ensure that all the transported animals are treated in accordance with all the requirements set by the Regulation.²³⁷

The Regulation also sets duties and obligations for competent authorities, as well as the enforcement and exchange of information.²³⁸

5.2.1.2 Annex I

a) Fitness for transport

Every animal intended for transport must be fit and in good health condition so that no injury or unnecessary suffering is caused to them.

Any animal intended for transport which is injured or the one that shows physiological weaknesses or pathological processes shall not be even considered for transport. This includes situations when the animal is unable to move or walk pain-free without assistance; when the animals have an open wound; female animals which are soon to give birth or which have given birth recently; new-born mammals which do not have their navel completely healed; pigs younger than 3 weeks, lambs younger than 1 week, calves younger than 10 days, unless the journey is less than 100 km.²³⁹

²³³ *Ibid.*

²³⁴ *Ibid.*

²³⁵ *Ibid.*

²³⁶ *Ibid.*

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ *Ibid.*

There are also specific exceptions when even sick or injured animals can be transported. However, these must meet strict requirements set by the Regulation.

When animals get sick or injured during transport, as the very first thing, they should be separated from the rest of the animals and receive first-aid treatment, appropriate veterinary treatment and in worst case scenarios, undergo emergency slaughter or killing which must not cause them any unnecessary suffering.²⁴⁰

b) Means of transport

There are strict requirements for all the means of transport of animals, which must be constructed, maintained and operated in such a way that any injury or suffering is avoided and the safety of animals is ensured.

Animals must be also well protected against rough weather, extreme temperatures and any unexpected changes in climatical conditions.²⁴¹

The means of transport must be always properly cleaned, disinfected and have a flooring surface that is anti-slip and minimises the leakage of faeces or urine.²⁴²

Means of transport must also allow proper access to the animals for the purposes of their inspection and care, as well as sufficient amount of lightning for these purposes. An adequate air quality and quantity has to be maintained throughout the whole journey inside the means of transport. It must be also ensured that the animals do not escape or fall out during the journey.²⁴³

c) Transport practices

When the loading and unloading operations last longer than four hours, animals should be provided with feed and water, as well as supervision by authorised veterinarians in order to ensure that proper welfare is maintained during these operations.²⁴⁴

The facilities for loading and unloading, including their flooring, should by the nature of their construction prevent injuries and suffering, as well as minimise any distress and ensure the animals' safety. These facilities must be cleaned, disinfected and prevent slippage and escape of the animals. They must also provide adequate lighting.²⁴⁵

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

In instances, when animals are being transported in containers stacked upon one another, it must be ensured that faeces or urine will not fall on the animals placed below. Also, the stability of the containers must be secured, as well proper ventilation.²⁴⁶

Handling of the animals must not cause them any unnecessary pain or suffering. Therefore, striking/kicking is strictly prohibited, as well as applying pressure to any sensitive body parts. It is also prohibited to lift or drag the animals by their head, horns, ears, tail, legs or fleece. Prods or any other implements with pointed ends are prohibited as well. Instruments which produce electric shocks should be avoided and used only during exceptional circumstances. The only animals on which such devices can be used are adult bovine animals and adult pigs. If animals need to be tied, there are specific requirements for that too.²⁴⁷

Separation of the transported animals is sometimes needed to prevent any unnecessary complications. Such cases include transporting different species of animals or animals which differ greatly in size and age. Also, adult breeding boars or stallions must be transported separately, as well as sexually mature males from females. Same applies to animals with horns which cannot be transported with animals without horns. Also, tied animals cannot be transported together with untied animals. Animals which are hostile to each other shall also be handled and transported separately.²⁴⁸

However, there are some exceptions to these rules, for example when the separation would cause distress to the animals or when females are accompanied by dependent youngs.²⁴⁹

The Regulation also dedicates additional provisions aimed to livestock vessels and vessels transporting sea containers. It states all the construction and equipment requirements necessary to maintain good animal welfare.²⁵⁰

An important part of the Regulations are the provisions focusing on the watering and feeding intervals, journey times and resting periods. These differ based on the animal species, as well as their age. Requirements set in these provisions must be followed very strictly because they are directly correlated to the health and well-being of transported animals.²⁵¹

Additional provisions for long journeys state specific requirements that need to be fulfilled during every long journey, which is a journey that exceeds 8 hours, beginning from the moment when the first animals of the particular consignment is moved.²⁵²

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.*

²⁵¹ *Ibid.*

²⁵² *Ibid.*

Minimum space allowances are precisely defined by the Regulation. They differ based on the way of transport (rail, road, air, sea), as well as on the animal species, their size, age and health status.²⁵³

5.2.2 Council Regulation (EC) No 1255/97 concerning Community criteria for staging points and amending the route plan²⁵⁴

This Regulation sets common rules for control posts where transported animals rest for at least 24 hours, as part of the mandatory breaks during long journeys within the EU.

These control posts must fulfill certain requirements which are necessary for good animal welfare. Firstly, they have to be located in an area which is not subject to any animal health restrictions. Secondly, they must be under control of an official veterinarian who, *inter alia*, has the responsibility to ensure that the particular control post complies with provisions of this Regulation. Thirdly, control posts must be in compliance with all the relevant EU legislation regarding animal welfare. Fourthly, they must undergo regular inspections to ensure that all the requirements for approval set by this Regulation are fulfilled.²⁵⁵

In its Annex I, The Regulation also sets detailed requirements for control posts regarding health and hygiene measures, building standards, as well as for all the operations carried out here. All the facilities should be clean and disinfected so that animals' health is not compromised. They should provide adequate amount of space, as well as an environment in which the animals feel comfortable and their protection and safety is guaranteed. The handling of the animals must be in compliance with animal welfare standards at all times. They cannot be mistreated or frightened. Any behavior or handling which can cause an unnecessary pain or suffering to the animals is strictly prohibited.²⁵⁶

The control posts are used exclusively to receive the transported animals passing through; provide them with water, feed, rest, accommodation and care; as well as their dispatching. Every control post must be approved by the relevant national authority, which also issues an individual

²⁵³ *Ibid.*

²⁵⁴ Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC [1997] OJ 2 174/1

²⁵⁵ *Ibid.*

²⁵⁶ *Ibid.*

number to it. Control posts may be as well limited to only certain animal species or animals with certain health status.²⁵⁷

Owners of the control posts have also duties and obligations. They need to make sure that they accept only animals which are certified or identified based on the relevant EU legislation. But most importantly, they need to ensure that all the necessary care, feed and water is provided to the animals as stated by this Regulation. They must always call a veterinarian when needed. Furthermore, they must ensure that all the people working as the staff for the control posts have proper training and professional competence. The owners of control posts must also regularly communicate with the relevant authorities; mainly notify them about the departure of animals within one day, as well as inform them about any irregularities as soon as possible. Before an animal leaves a control post, it must undergo an obligatory check-up by an official veterinarian who must verify that the animal is fit to complete the journey.²⁵⁸

Member states must immediately suspend the use of a control post if severe violations of animal welfare occur there. It also must inform the Commission and other member states about it.²⁵⁹

As of 2018, these are the numbers of approved control posts in individual member states:²⁶⁰

Austria (0), Belgium (6), Bulgaria (2), Cyprus (0), Czech Republic (5), Germany (28), Denmark (0), Estonia (1), Spain (6), Finland (1), France (26), United Kingdom (9), Greece (4), Croatia (0), Hungary (10), Ireland (4), Italy (11), Luxembourg (0), Lithuania (0), Latvia (0), Malta (0), The Netherlands (4), Poland (16), Portugal (0), Romania (5), Sweden (0), Slovenia (1), Slovakia (0)

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

²⁶⁰ Doc. SANCO/2677/99 Rev.260 (List of approved control posts based on Article 3 Council Regulation (EC) 1255/97 (Updated 09/07/2018))

6. Farm Animal Welfare in the EU (at slaughter)

6.1 Ethical aspects

After the animal is born and lives a certain amount of time, there comes a moment which is inevitable in the meat industry and that is the moment of slaughter. This represents one of the biggest, if not the biggest challenge of the animal welfare. Regardless of the variety of opinions how animals should be perceived, one is certain – they are living creatures, sentient beings with emotions and the ability to show happiness, joy, content, as well as anxiety, distress, fear and suffering. It would be irrational and very bold of anybody to say that such beings do not possess the ability to know what death is. They most probably do not perceive it to such an extent as humans²⁶¹, but they certainly know, or better say, feel when it is near. It is something that evokes fear in most living creatures and that is why this experience, the last moments of animals' lives, must be made as much pain-free and fear-free as possible.²⁶²

Not only is it important to handle the animals well during their lives, but also during the transport when they are on their way to the slaughterhouse, as well as moments before killing and the moment of killing.

This is a very sensitive topic because it deals with lives of actual living creatures. If we look at animals as sentient beings which, on one hand, must be treated well in accordance with all the rules of animal welfare, it seems absurd when, on the other hand, we need to talk about their killing. However, that is simply a part of today's society; a truth which needs to be accepted. The meat industry will most certainly not exist forever for its pace is unsustainable for our planet. Therefore, certain changes will need to be made in the future; maybe eliminating the need to kill animals by using meat cultured in laboratories²⁶³ (which is already a reality and keeps developing)²⁶⁴; or maybe even by eliminating meat from people's diet completely. Obviously, those are just theoretical speculations. The main focus on this master thesis is the current situation of animal welfare, current state of meat industry and animals' position in it. Those things cannot be changed in a day. The only thing that can be done for the animals right now, is to accept it and guarantee them the highest level of welfare possible.

²⁶¹ Matthew Scully, *Dominion* (Souvenir Press 2011). p. 22

²⁶² Bernard E Rollin, *The Unheeded Cry* (Oxford University Press 1989). p. 255

²⁶³ Mark J. Post, 'Cultured Meat From Stem Cells: Challenges And Prospects' (2012) 92 Meat Science.

²⁶⁴ Christopher Bryant and Julie Barnett, 'Consumer Acceptance Of Cultured Meat: A Systematic Review' (2018) 143 Meat Science.

6.2 Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing

6.2.1 Scope and definitions

This Regulation applies to killing of animals which are bred or kept for the purpose of food, skin, wool, fur or other products; as well as to animals which are killed for the purpose of depopulation. Therefore, it applies to all farm animals; with the exception of poultry, rabbits and hares killed by their owner for private purposes outside of the slaughterhouse. Furthermore, the Regulation precisely defines all the key terms included in its provisions.²⁶⁵

6.2.2 General requirements

In Article 3, the Regulation states a basic rule:

„Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.“²⁶⁶

This rule should serve as a pillar for implementing all the provisions set by the Regulation.

Article 3 also imposes duties and obligations on the business operators.²⁶⁷

Most importantly, they need to make sure that protection and physical comfort is provided to the animals; this includes keeping the animals clean and in appropriate thermal conditions, as well as preventing them from slipping, falling or any injury for that matter which could cause them pain, distress or suffering. Business operators must also ensure that the animals do not exhibit an abnormal behavior, or any signs of pain or fear. Furthermore, the animals cannot suffer from a prolonged withdrawal of water or feed. Business operators must also take all the necessary measures to ensure that the housing and handling of animals takes into consideration their natural behavior, as well as avoid their contact with other animals which could harm their welfare.²⁶⁸

²⁶⁵ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing [2009] OJ 2 303/1

²⁶⁶ *Ibid.*

²⁶⁷ Business operator is defined by Art. 2 (1) of the Regulation as „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“.

²⁶⁸ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing [2009] OJ 2 303/1

Another basic rule is set out in the Article 4, which states that animals shall be killed only after stunning. The stunning must be carried out in accordance with the specific methods and the requirements for their application, mentioned in the Annex I of the Regulation. From the moment of stunning the animal should remain unconscious and without any sensibility until the death of the animal.²⁶⁹

It is the responsibility of the business operators to ensure that the personnel carrying out the stunning regularly checks on the animals to make sure that they do not show any signs of consciousness or sensibility and that they remain in such state until their death.²⁷⁰

This purpose of it is to make this experience as peaceful and calm as possible for the animals, so they do not even know when the moment of killing comes.

Furthermore, business operators must ensure that all the persons carrying out the slaughter operations hold a certificate of competence for such operations.

6.2.3 Slaughterhouses (additional requirements)

The Regulation also sets out additional requirements for slaughterhouses. This includes their layout, construction, as well as the equipment of the slaughterhouses. Handling and restraining operations must be carried out in compliance with all the requirements.

Special monitoring procedures shall be applied in the slaughterhouses in order to ensure that all the operations are carried out in compliance with the provisions of this Regulation.²⁷¹

Each slaughterhouse shall have its animal welfare officer who ensures such compliance. This officer is designated by the business operator and is under his/her direct authority. One of his main tasks is to directly report to the business operator all the matters related to the animal welfare in the particular slaughterhouse. The animal welfare officer shall require from the slaughterhouse personnel all the remedial actions which are necessary to assure compliance with the Regulation.²⁷²

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² *Ibid.*

6.2.4 Depopulation and emergency killing

Depopulation is defined by Article 2(n) of the Regulation as „the process of killing animals for public health, animal health, animal welfare or environmental reasons under the supervision of the competent authority“.²⁷³

It includes killing of large numbers of animals, therefore the name „depopulation“. It is a very unfortunate operation which is needs to be carried out properly and in compliance with all the requirements.

A competent authority which is responsible for this operation must establish an action plan before the depopulation even begins. This includes all the specific stunning and killing methods that will be used during depopulation. The competent authority has the responsibility to ensure that the depopulation will be carried out in compliance with the action plan, as well as the responsibility to safeguard the welfare of the animals. In exceptional cases, the competent authority may grant derogations from some of the provisions set out by the Regulation.²⁷⁴

Each year the competent authority must provide the Comission with a report on all the depopulating operations carried out during the previous year. This report must include the reasons for depopulation; number of animals killed, as well as their species; the type of stunning and killing methods used; description of any difficulties that arose during the operations and what measures were taken in order to minimise the suferring of animals. In case the competent authority granted a derogation, this fact should also be included in the report.²⁷⁵

Emergency killing is defined by Article 2(d) of the Regulation as „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“.²⁷⁶

When such situation arises, the keepers of the animals concerned should take all the neccessary measures to kill them as soon as possible.²⁷⁷

²⁷³ *Ibid.*

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*

6.2.5 Competent authority

The responsibility of each member state is to ensure that the competent authorities have assistance of an independent scientific support. This includes scientific expertise for the purposes of approval of slaughterhouses, as well as scientific opinions on the guides and instructions related to operations carried out in slaughterhouses.²⁷⁸

Competent authority should also provide special courses and training for persons involved in the killing of animals. In case of non-compliance with provisions of the Regulation, the competent authority shall take appropriate measures to ensure such compliance and if necessary, impose penalties upon those who infringed them. Such penalties must be „effective, proportionate and dissuasive.”²⁷⁹

6.3 Religious killing

Article 10 of the Charter of Fundamental Rights of the EU provides all the EU citizens with the freedom of religion. Since this legal document has a higher place in the legal hierarchy than the Regulation, it needs to be respected and taken into account first.

In practice this means that certain derogations are allowed in cases of religious rites, which are defined by Article 2 (g) of the Regulation as „series of acts related to the slaughter of animals and prescribed by a religion.”²⁸⁰ These derogations are mainly related to stunning which is prohibited in Muslim and Jewish religion.²⁸¹

Article 15 (2) states that the business operators must ensure that animals, which are killed in such a way without stunning, are individually restrained; ruminants should be restrained mechanically.²⁸² Article 5 (2) of the Regulation states that even during such slaughterings without stunning, the responsible personnel should make sure that the animals do not show any signs of consciousness or sensibility before they are released from restraint. They must also ensure that the animals killed do not show any signs of life before they undergo dressing or scalding.²⁸³

²⁷⁸ *Ibid.*

²⁷⁹ *Ibid.*

²⁸⁰ *Ibid.*

²⁸¹ Mara Miele, 'Religious Slaughter: Promoting A Dialogue About The Welfare Of Animals At Time Of Killing' (2013) 21 *Society & Animals*.

²⁸² Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing [2009] OJ 2 303/1

²⁸³ *Ibid.*

Muslim

The Qur'an sets out specific rules for treatment of animals during slaughter and teaches that animals should be treated well.²⁸⁴

The Islamic „halal“ method of slaughter is done by cutting the animal's throat with a sharp knife.

Before the actual killing, the personnel should make sure that the restraining equipment feels comfortable to the animal. Right before the actual killing it is compulsory to invoke the name of Allah. The killing must be done by one single cut because multiple acts of slaughter on the same animal are strictly prohibited. That means that the knife shall not be lifted off the animal during the act of killing. The cut must be fast, aggressive and very precise, so that it damages specific veins which will cause immediate and fast bleeding. Therefore, the individual performing the slaughter must be specially trained in this particular method of killing. Animals cannot be shackled and hoisted before bleeding and any further actions with the animal's body must be done only when there are no more signs of life.²⁸⁵

Jewish

The rules for Jewish slaughter of animals are set out in Talmud and Midrash. This slaughter method is called Shechita and strictly prohibits stunning before killing. Similar as the halal method, the killing should be done by a very precise cut of the animal's throat by a sharp blade. Subsequently, the animal is left to bleed out.²⁸⁶

6.3.1 How much do animals suffer?

The religious methods of slaughter are heavily criticized by animal welfare organizations and activists. These proponents of animal rights argue that by not stunning the animals before the killing, they suffer much more and feel much greater pain.²⁸⁷

Stunning, on the other hand, is supposed to mitigate such suffering by making the animals unconscious and not feeling anything when being killed. However, there is not sufficient

²⁸⁴ Christopher Needham, 'Religious slaughter of animals in the EU' (2012) Library Briefing, Library of the European Parliament, p. 4
<[http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120375/LDM_BRI\(2012\)120375_REV2_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120375/LDM_BRI(2012)120375_REV2_EN.pdf)>

²⁸⁵ *Ibid.*

²⁸⁶ *Ibid.*

²⁸⁷ *Ibid.* p. 1

scientific evidence proving that animals do not feel pain when unconscious; it may be argued that stunning only stops the animal from displaying pain.²⁸⁸

6.4 Killing of Baby Male Chicks

The very beginning of chicks' life is sad because they are born in a hatchery without their mother. Shortly after, their further life can take one of two directions, depending on their gender. Female chicks are transported to farms where they either lay eggs or are fed so their meat can be sold. Even though their final destiny is to die in a slaughterhouse, at least they live for some time; if they are lucky enough to live on an organic farm, they live quite a happy life.

But on the other hand, if chicks are so „unlucky“ that they are born as males, their life is pretty short. Once their gender is identified as male, they are just killed. These mass killings are done by various methods, e.g. gassing, maceration²⁸⁹. These are officially recognized and allowed methods, even in the EU. It is specified in the Annex I of the Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing.

The general public is rightfully disgusted by such practices. Producers reason these actions by the fact that male chicks are useless for them, since they cannot lay eggs and their meat is usually not suitable for meat production.

However, these mass killings are breaching all the ethical and moral principles that we discussed in the beginning, mainly the principle of interests. The chicks have only one interest – to live life, at least a short one. Producers have also just one interest – save costs for males which they will not need. So basically, the male chicks are born so they can die again in 1-3 days.

Fortunately, thanks to new technological advancements, this cruel practice may soon come to an end. Scientists in the USA, as well as in Germany and the Netherlands have developed special technologies which help to identify the chick's gender only a few days into the 21-day incubation period. This method works on identifying the chick's DNA by inserting a needle inside the egg or cutting a small hole with a laser. It is very likely that these technologies will be developed commercially by the year 2020²⁹⁰, which would finally end the grossly unhuman treatment of male chicks.

²⁸⁸ *Ibid.*

²⁸⁹ Maceration can be performed up to 72 hours of chicks' life.

²⁹⁰ Maryn McKenna, 'By 2020, Male Chicks May Avoid Death By Grinder' (2016)

<<https://www.nationalgeographic.com/people-and-culture/food/the-plate/2016/06/by-2020--male-chicks-could-avoid-death-by-grinder/>>

7. CONCLUSION

“One day the absurdity of the almost universal human belief in the slavery of other animals will be palpable. We shall then have discovered our souls and become worthier of sharing this planet with them.”

Martin Luther King

The main purpose of this master thesis was to answer the core hypothesis which stated that *EU legislation provides sufficient protection for farm animals and helps to keep a high level of animal welfare.*

In order to be able to answer, it is essential to understand what farm animal welfare is. It can be understood as the quality of life that farm animals have, as well as the fulfillment of all their natural needs. These include sufficient amount of appropriate feed and water; comfortable environment where the animals feel and are protected; proper care and treatment in case of sickness or injuries; environment which enables the animals to express their natural behavior and socialize with others of its own kind; and last but not least, protection from fear and distress. These are the basic needs which animals need in order to live a fulfilled life. The reason why people should care about the welfare of farm animals is because we are dealing with living creatures, sentient beings which have emotions, personalities, their own needs and interests; they have their own lives. That just underlines the importance of this topic. Furthermore, growing number of consumer are opting for products which guarantees high animal welfare. Some of them do it because they look for overall high-quality products, others do it because they sincerely care about welfare of animals from which the product they buy originates. This is a market tendency in the EU which farmers start to understand and adjust their production accordingly – by providing their animals with the best welfare possible.

Good animal welfare must fulfill all the basic needs that animals have in their everyday lives. These can also differ a bit, since each animal species is different from the other. Even though, in a lot of cases it may seem like good animal welfare is in place, there are still holes which are damaging the whole welfare image; holes which are still there either because of ignorance or incapability to make the necessary changes. These holes can have various forms but the one which stands out the most are the mutilations of animals, like branding, castration, tail docking, tooth

clipping and tooth grinding, nose ringing, beak trimming, de-toeing, dubbing, pinioning, etc. In most member states these are still considered routine practices. However, these practices cause a lot of pain and distress which is colliding with the principles of animal welfare. Interestingly, these mutilations have one thing in common – all of them are done in order to make the farmer's life easier. This, on the other hand, costs the animal loss of bodypart which served a purpose, as well as a lot of pain. Fortunately, the developing focus of the EU on good animal welfare keeps pushing on member states to limit the use of mutilations as much as possible, the final goal being to completely eliminate them.

An increased attention has been placed on farm animals also outside of the actual farm, particularly during their transport. Every journey is a stressful experience for animals; it means change of environment which many animals are sensitive to. Such uncomfortable feelings can be alleviated by providing the animals sufficient feed, water, rest and care during every journey, as well as safeguarding them against any dangers. What is probably the most sensitive part of animal welfare, which needs extra attention, is the way the animals are killed. Good animal welfare must not be maintained only during animal's life on farm, during transport but also at the time of killing. Even in the last moment before dying, animal should feel as comfortable and relaxed as possible. That is why mainly during time animals should be treated gently and with respect. Any unnecessary pain or suffering should be avoided at all costs.

Finally, to address the core hypothesis, it can be stated that EU legislation does provide sufficient protection for farm animals and helps to keep high animal welfare. However, this does not mean that the EU has achieved the ideal of animal welfare. There are still many aspects to work on. Mainly it should be a much stricter approach towards implementation of the EU legislation, including infringement proceedings if necessary. It has been observed that without such pressure, member states are simply taking too much time to implement the rules. One of the reasons is that many countries still perceive the topic of animal welfare as something less than secondary; most of the times they view animals as purely food sources, not living creatures and sentient beings which they are. The truth is that the status of animals in our society, as well as their welfare and rights, is the topic of future. We have evolved as humans in so many different aspects, developing new technologies, discovering new places; we even go as far as discovering the universe. But we forget about that what is so close to us – animals, which have been here for even longer than us. In this regard, we have not evolved by much. It looks like we have stayed on the same place or even went several steps back. Progress is the nature of our civilization and if we progress in all the different areas, we should also progress in the area of animal welfare. The

principal rule, which should serve as a guideline in animal welfare, should be – treat others like you want to be treated. We need to empathize with the animals because we are the more evolved ones, more powerful ones, the „rulers of the world“ and their lives are in our hands, so we have the responsibility and moral obligation to treat them well.

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Abstrakt

Das Hauptziel dieser Masterthese ist es ein Augenmerk auf das Wohlergehen der Tiere in der heutigen Zeit zu legen. Das Wohlergehen der Tiere ist ein sehr aktuelles Thema, aber unglücklicherweise wird es nicht von jedem so betrachtet. Die EU hat jedoch versucht mit einem Beispiel voranzugehen und einige Standards eingeführt, die von allen respektiert werden sollen. Verschiedenste Rechtsakte, festgesetzt auf EU Level (Richtlinien und Verordnungen), haben es ermöglicht das Thema bereits in vieler Hinsicht in der gesamten EU effektiv in Kraft zu setzen. Es bedarf jedoch der aktiven Einbindung jedes einzelnen Mitgliedsstaates um mehr Entwicklung hinsichtlich zu ermöglichen, denn viele der von der EU festgelegten Gesetze wurden teilweise entweder gar nicht oder nur teilweise implementiert. Genau darauf bezieht sich diese Masterthese.

Folgender Ablauf ermöglicht dies: Anfangs wird der Begriff “Wohlergehen der Tiere” im Kontext der EU Rechtsakten erläutert, wie sich dies auf Nutztiere ausweitet, und Gründe genannt warum dieses Thema einer besonderen Sorgfalt bedarf. Im Anschluss, wird eine Analyse durchgeführt, die sowohl eine theoretische Beurteilung wagt als auch den praktischen Charakter der Regelkonformität der einzelnen Mitgliedsstaaten hinsichtlich des Wohlergehen der Tiere beleuchtet. Die tiefgehende Recherche bezieht nicht nur neueste und ältere Legislative mit ein, sondern auch Journale und Bücher von wichtigen Autoren, um einerseits eine solide Rechtsgrundlage für das Wohlergehen der Tiere zu bilden und andererseits das Thema in jeder Hinsicht zu durchleuchten. Zitierungen und Format der Masterthesis unterliegen dem Standard von Oxford University (OSCOLA = Oxford University Standard for the Citation of Legal Authorities). Für die Recherche wurden sowohl analytische als auch vergleichende Methoden angewandt.

Stichwörter: Wohlergehen der Tiere, Nutztiere, Tierrechte, Tierrecht

Abstract

The main aim of this master thesis is to provide a look into today's farm animal welfare in the EU. Animal welfare is a very actual topic, but unfortunately, it is not being perceived this way by everyone. However, the EU has tried to lead by example and really pushed for certain welfare standards which need to be respected at all costs. There is number of legislative acts regulating this area on the EU level, including regulations and directives. The activity from the EU has shown to be effective in certain aspects but in order to achieve further progress, activity from the individual member states is needed as well. Many of the rules set out by the EU are not implemented correctly in member states, sometimes not at all. This is one of the issues that this master thesis is going to focus on.

In order to do that we need to clarify certain things first. In the very beginning we will explain what exactly animal welfare is, how it translates to farm animals and why animals should even have our attention. Afterwards, we will analyze specific legislation concerning animal welfare – from theoretical perspective, as well as from practical perspective. This will also include observation of the member states and assessment of their compliance with the EU legislation. This research was achieved through analysis of current but also past legislation, which provides a solid legal basis for animal welfare. Not just legislation, but also variety of journals and books from respected authors were used, which help to understand the issue of animal welfare from another perspective. This master thesis is written in accordance with Oxford University Standard for the Citation of Legal Authorities (OSCOLA). Research was done by analytical and comparative methods.

Keywords: Animal Welfare, Farm Animals, Animal Rights, Animal Law