



Comitato Nazionale per la Bioetica

Ritual slaughtering
and
animal suffering

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CONTENTS

| |
|--|
| Presentation |
| Introduction |
| Ritual Slaughtering |
| Ritual Slaughtering and its ethical meaning |
| The ethical meaning of animal suffering |
| Ritual slaughtering and Religious Freedom |
| Ritual slaughtering and Animal Well being: can they go together? |
| ANNEX 1 - Prof. Maurizio Severini's report on Ritual slaughtering and Animal Suffering |
| ANNEX 2 - Prof. Alberto Roccella – <i>Ritual Slaughtering and Islamic law</i> |
| ANNEX 3 – The legislation in force in some European Union member states |
| ANNEX 4 a - DIRECTIVE 93/119/EC OF THE EUROPEAN COUNCIL, 22 December 1993, on the protection of animals during slaughtering or killing |
| ANNEX 4 b – LEGISLATIVE DECREE 1 SEPT. 1998, N.333. Enforcement of Directive 93/119/EC on the protection of animals during slaughtering or killing |
| ANNEX 4 c – European Convention on the protection of animals for slaughter - Signed in Strasbourg on 10 May 1979 |
| ANNEX 4 d – LAW 8 MARCH 1989, N. 101. Provisions on relations between the State and the Italian Union of Jewish Communities. |
| ANNEX 5 – Rev. Riccardo Di Segni – <i>Ritual Slaughtering (shechitah ????)</i> |
| ANNEX 6 – Ersilia Francesca – <i>An introduction to Islamic dietary rules</i> |
| ANNEX 7 – Main biblical texts underlying the Jewish ritual slaughtering |
| ANNEX 8 – Main Koranic texts underlying the Muslim ritual slaughtering |

| |
|--|
| |
| ANNEX 9 – Prof. Luisella Battaglia: the meaning of “ <i>ethics of bioculture</i> ” |
| |
| ANNEX 10 – Legislation in force in Malaysia |
| |
| ANNEX 11 - References |
| |
| Working Party |

RITUAL SLAUGHTERING AND ANIMAL SUFFERING

1. INTRODUCTION.

As the title explains, this document does not intend to consider ritual slaughtering in its entirety. It simply aims at examining this practice from a specific standpoint, i.e. the increased pain and suffering it may provoke to animals. For some time now, in fact, the CNB (National Bioethics Committee; hereinafter 'CNB') has become aware of the ties between the ethical debate on human beings and the whole of living beings by defining two guiding principles: according to the first, "of all forms of life, human life (has] a primacy, not only factual but especially axiological and such primacy justifies, although to a limited extent, the subjection of every other living being to human beings" (*Animal testing and health of living subjects*, 17 April 1997); the second principle stresses that such primacy should be seen as "a sign of responsibility, not power", meaning that it cannot "give rise to or, even worse, justify cruel, violent practices on animals " (*Bioethics and veterinarian science. Animal well being and human health*, 30 November 2001).

We believe that any debate on ritual slaughtering and animal suffering should be placed within the framework of these two principles. The primacy of human beings over any other form of life underlies our attention to ritual slaughtering as an expression of religious freedom, a fundamental dimension of human life; the principle of responsibility implies the need to seek and enhance every possible way to minimize or eliminate animal suffering in any form of slaughtering and, more specifically, in ritual slaughtering.

Before commencing our debate, it is worth to make a few remarks on the meaning of ritual slaughtering with an eye to the inter-cultural dimension of bioethics.

On several occasions, the CNB has underlined the need to address this issue starting from the balance between the respect of a few universal values and the attention given to the peculiarities of each individual culture. This approach prevents from rejecting a practice deeply rooted in the culture and traditions of any community on the mere grounds that it is different from the practice followed by another segment of the population, were it even the majority: it is necessary to justify why such difference would make a practice ethically unacceptable. When no reason can be found or it is not sufficiently sound, the respect for diversity may turn out to be quite positive for the social integration of a number of communities that have recently settled down in Italy (suffice to think of Muslim immigrants).

In the next pages, the issue of the compatibility of ritual slaughtering with the ethical and legal principles of the Italian society will be addressed. It is worth to note that in the event these two principles turn out to be compatible, a significant (and growing) proportion of the population living in Italy would no longer be forced to abandon a major element of its own traditions. Most importantly, this could be a good example of integration, i.e. respecting the religious and cultural traditions of a community as long as they fit the key principles of a harmonious social co-existence.

2. *Ritual slaughtering.*

Ritual slaughtering is a common practice particularly for the Islamic and Jewish religions. It consists of killing an animal by cutting its trachea and esophagus with a very sharp blade, to ensure an immediate, deep and blunt resection of blood vessels. This act is performed in compliance with specific rules of religious origin and is accompanied by a series of actions (blessings, invoking the name of God, etc.) underlying its ritual significance and sacred nature.

In principle, ritual slaughtering may be performed by any Muslim and Jewish: in actuality – except for a few specific cases that will be addressed later (see par. 6)- it is performed by specially trained people inside abattoirs authorized to do this type of slaughtering.

An animal eligible for ritual slaughtering must be intact: this rules out any technique that might cause some lesions. During ritual slaughtering, the animal is first restrained and then immediately killed by resecting its trachea, esophagus and the neck large blood vessels. On the other hand, in ordinary slaughter the animal is immobilized (albeit less strictly), stunned with a captive bullet gunshot (in case it is a bovine breed) that perforates the brain cortex and then killed by cutting at least one carotid artery or the blood vessels they originate from; as to other animal species (like birds and pigs), different stunning methods are used like electro narcosis.

Both stunning techniques (gunshot and electroshock) impair the animal's intact nature and are therefore rejected by the Jewish community and, despite some diverging positions about the electric shock, by the Muslim community as well.

** For further information on ritual slaughtering in Italy, refer to annex n. 1*

** As to the regulatory framework on ritual slaughtering in Italy, refer to annex n. 2*

**For a summary of the regulatory framework across the European Union member states, see annex
n. 3*

** The main rules issued by the European Union and by Italy on this subject are contained in annex
n. 4*

3. *THE ETHICAL MEANING OF RITUAL SLAUGHTERING.*

Ritual slaughtering brings a fundamental problem to our attention: the legitimate killing of an animal for human nutrition. The present social and economic organization tends to deny this problem, even though it is at the core of a specific area of bioethics, the so called "ethics of bioculture", dealing with the moral issues regarding the way humans handle their relations with other non human beings.

After losing the direct relationship between man and farm animals that characterized our past and that in some way “humanized” the killing of an animal, slaughtering for nutritional purposes has been depersonalized and organized around procedures that are largely driven by economic and industrial considerations. This diminishes the practical effect of those provisions – although these deserve our appreciation and we can only wish they are enforced more and more often and broadly – aimed at protecting the animal well being in the course of such procedures.

In ritual slaughtering, the animal killing is seen as a sacred, very serious and solemn act: not an ordinary, trivial act that anyone can perform without thinking about the fact that it amounts to kill a living being. Slaughtering, within a religious context, is a reminder for human beings: they cannot arbitrarily decide upon the fate of other living subjects; they are simply allowed to use them within the framework of a specific reference. Such reference, for both religions, is the reference to God. This is precisely the profound meaning of the ritualized slaughtering or the blessing and invoking that come with it. It is appropriate to wonder to what extent the modern industrial slaughtering methods have changed (or reduced and even misled) the original meaning of ritual slaughtering: however, its ethical value cannot be lost.

The care paid (sometimes with a very high degree of detail) to the different steps of ritual slaughtering has also another meaning: to reduce the animal suffering. The emphasis put on the sharpness of the blade that resects the blood vessels, the way resection must be performed and the slaughter man’s technical expertise is meant to do whatever one can do to make the animal die as fast and painless as possible. Clearly, these rules should be considered in the light of the knowledge and techniques that existed when they were created: hence, one may question whether the progress in such knowledge and techniques would call for a revision of some of these rules without affecting in anyway whatsoever the profound, essential meaning of ritual slaughtering. At any rate, it is worth to stress that in ritual slaughtering there is no intention to be cruel with animals: on the opposite, avoiding any useless suffering has always been a target. All these elements demonstrate that ritual slaughtering is, for the Islamic and Jewish culture and religion, much more than a mere dietary practice whereas it constitutes a true element of worship.

** As to the meaning and method of ritual slaughtering in the Jewish religious tradition, please refer to annex n. 5*

** As to the meaning and methods of ritual slaughtering in the Muslim religious tradition, please refer to annex n. 6*

** The main biblical references underlying the Jewish ritual slaughtering are reported in annex n. 7*

**The main Koranic references underlying the Muslim ritual slaughtering are reported in annex n. 8*

**As to the “ethics of bioculture” meaning, please refer to annex n. 9*

4. THE ETHICAL MEANING OF ANIMAL SUFFERING.

As already noted, human beings have specific responsibilities vis-à-vis animals: in this respect, the animal suffering acquires a specific ethical value and poses a few difficult questions to the human conscience.

Elsewhere, the CNB has affirmed the need to start from the responsibility of man towards the animal world to develop an ethics of care, based on an attitude of availability vis-à-vis the other and the recognition of a constitutive, essential inter-dependency between human beings and animals.

Generally speaking, the expression '*to take care of*' has multiple meanings. It seems to refer to a fundamental availability vis-à-vis the other; an attitude stemming from the recognition of an essential, constitutive inter-dependency which translates into a serious commitment to understand the real needs of the other and take responsibility for it.

Thus, the ethics of care:

- a. Insists on *needs* (not simply on interests);
- b. Attributes a crucial value to *compassion*;
- c. Places *dedication* (vs performance) at the core of the debate
- d. Leverages on the notion of *responsibility* (not on the notion of right)
- e. Does not imply *reciprocity* (vs the rights/duties correlation);

For such reasons, it looks especially suitable to constitute a bioethical paradigm of relations with the non human world. It is a matter of interpreting the notion of *care* in a strong, constructive way; not a mere call for sentimentalism or an idyllic vision, but a responsible commitment to reduce the suffering of animals and promote their well being, paying attention to the unavoidable question of inter-specific conflicts, capable of setting ethical limits that cannot be exceeded, to guide and regulate our relationships with the living world.

In this perspective, a reference to bioethical responsibilities cannot forget the concrete, real commitment to match such responsibilities with regulations on the protection of animals.

5. RITUAL SLAUGHTERING AND RELIGIOUS FREEDOM

One additional aspect of ritual slaughtering should be underlined, especially within the framework of an intercultural bioethics: its relationship with religious freedom.

Religious freedom not only consists of acts of worship but also of behaviors and activities that followers deem to be implicitly requested by the rules: for examples, rules on clothing, not working on religious holidays

or the refusal to serve the army, etc. For the Islamic and Jewish religions in particular, ritual slaughtering is one of these activities: eating animal meat is allowed only when the animal has been slaughtered in full observance of some prescriptions established by their respective religious laws. This practice is not simply allowed or recommended, it is binding for every follower of the two religious communities, as recently acknowledged through a decision issued by the federal constitutional Court of Germany (1 BvR 1783/99, 15 January 2002).

The fact that a given behavior is a manifestation of religious freedom does not make it automatically lawful or morally acceptable. When religious freedom translates into behaviors, it must respect some limits, particularly those concerning the freedom of others and the protection of rights, public order, morals and health: in such a context, also the attention to the needs of those special "moral patients" that animals are, passive targets of human obligations of a legal and moral nature, becomes important. More specifically, these limits are set by making a comparative judgment of the religious freedom and the other values protected by our legal system, to decide from time to time whether a specific manifestation of religious freedom clashes against other fundamental needs.

As for ritual slaughtering, any comparison should be referred to a principle that has become increasingly important for the social consciousness of the Italian population: the protection of animals. This principle has been partially made explicit in the provisions punishing the ill-treatment of animals (see, *inter alia*, art. 727 of the Criminal Code and law 22 November 1993 n. 473, New rules against the ill treatment of animals). Such provisions are insufficient, even within the limited notion of animal protection; this is also why the Italian Parliament is presently debating new bills on this subject. These provisions look even more insufficient when the emphasis shifts from the protection to the well being of animals (from a standpoint that is not solely legal): in fact, this approach requires an ethics of animal care that "translates into a serious commitment to understand the real needs (of living beings) and responsibly take care of them ". Reference to such responsibility cannot forget "the resolve and concrete commitment to appropriately translate intentions into the regulations on the protection of animals" (Bioetica e scienze veterinarie cit.).

These days, ethical awareness goes beyond the human species, being the result of an evolving self-consciousness typical of human beings. We are heading for an ethics of animal treatment which, for human beings, is well rooted and consolidated.

We can now try and make a comparative judgment, implying a number of fundamental steps.

a) first of all, ritual slaughtering does not exceed the above limits unless one demonstrates that suffering caused to ritually slaughtered animals is greater than the suffering caused by other forms of slaughtering allowed by our legal system.

There is no sure method to measure the pain of animals and this is why no firm conclusion can be drawn. Based on scientific studies in this field, most authors believe (even though a minority of researchers holds a different opinion) that slaughtering after animal stunning causes less pain than slaughtering with no previous stunning: the Italian legislation is based on this assumption. Following the pattern outlined by the European Union directives, stunning is generally imposed despite a number of exceptions (including ritual slaughtering, involving a rather small fraction of animals slaughtered with no previous stunning).

b) secondly, if one hypothesizes that ritual slaughtering implies more suffering, it is necessary to quantify this excess suffering that is part of a chain of pain, at times very long, experienced by the animal to be slaughtered.

While any suffering, however small it can be, is always significant from an ethical viewpoint, we cannot neglect the findings of scientific research (although inconsistent). According to these latter, the time difference in terms of animal suffering slaughtered with or without stunning is a matter of seconds. Nonetheless, however short this suffering time can be, being a prelude to death, it might have a highly significant bioethical value; also the restraint of animals to slaughter with no previous stunning requires special mechanical operations that are, in their turn, stressful. Precisely because suffering is inherent in slaughtering, each increment of this pain represents an additional burden that should be avoided in the name of the bioethical principle called *non maleficenza*, i.e. the duty not to intentionally harm any "moral patient".

«You cannot claim you are truly taking care of someone –*Bioetica e scienze veterinarie* reports– unless you are prepared to worry and personally commit to reduce his suffering, to every extent possible, and promote his well being, especially when the individual in question does not know or cannot defend itself”.

c) Finally, if you believe that the excess suffering of an animal due to the absence of stunning is significant, you also need to evaluate whether it is acceptable to safeguard religious freedom in the name of slaughter. In other words, it is necessary to repeat the same comparative process that the CNB has already completed on other occasions, to decide whether it is acceptable to inflict pain to animals in playful or entertainment activities or in the pursuit of high level scientific objectives.

Since the particular constitutional safeguard recognized by our system to religious freedom implies that ritual slaughtering is legally acceptable, the CNB believes it is bioethically acceptable provided that its related practices are not in conflict with the very ritual of slaughtering while being conducive to the minimization of animal suffering.

6. RITUAL SLAUGHTERING AND ANIMAL WELL BEING: CAN THE TWO GO TOGETHER?

The conclusion reached in the previous paragraph can be furthered. In fact, everyone should manifest their own religion through ways that have the minimum negative impact possible on every other living being and,

more generally, on the human habitat. This obligation persists even when, by comparing the different values at play, a specific manifestation of religious faith is legally lawful.

In ritual slaughtering, the key issue seems to be the lack of animal stunning and the restraint techniques employed. As already noted, throughout the European Union member states, the legislation assumes that an animal will suffer less if made unconscious prior to slaughtering: the bioethical principles of precaution and responsibility impose to consider this possibility.

Therefore, the CNB hopes that:

a) research will be furthered to achieve conclusions in both the scientific and religious fields; the goal is to strike a balance between religious practices and the minimization of animal suffering. In particular, the CNB wishes to specify the notion of animal integrity, typical of each religion and different from the mere animal's state of vigilance. In fact, based on previous experiences in other European regions, it may be possible to identify techniques that limit the animal vigilance without causing any lesion that may impair its integrity;

b) more research is conducted on forms of stunning possibly acceptable by religious rules, as it seems to happen already in some cases;

c) the legitimate economic needs of slaughter houses do not prejudice the observance of time and techniques required for a proper performance of slaughtering, especially ritual slaughtering.

The need to avoid useless suffering to animals, the need to observe elementary health and sanitation rules and the need not to offend the sensitivity of people, induce the CNB to reject spontaneous and uncontrolled ritual slaughtering, carried out outside authorized abattoirs, with no proper veterinarian control. The problems rising in countries where the Muslim immigration is more substantial call for an urgent set up of specific ritual slaughtering facilities, quite numerous on the occasion of some religious holydays; for example, slaughter houses could remain open also on those dates. However, one should not forget that the spontaneous, uncontrolled slaughtering of animals is not exclusively practiced by the Muslim community: actually, it is performed on multiple occasions on both religious and secular grounds and reasons. This is why any observation on ritual slaughtering should be the tip of the iceberg for a broader debate on a more responsible relationship between humans and animals. It is necessary to address the issue of the higher economic costs for consumers resulting from a correct bioethical approach of this relationship. It is the entire legislation (and even more its enforcement) on animal breeding for slaughtering to raise doubts, requiring structural interventions to actually respect the ethics of care that has been mentioned earlier: in fact, the way these animals, increasingly part of the industrial production process, are forced to live as they grow up, the way they are carried to the slaughter house and the way slaughtering is performed often times are less than ideal in terms of respect owed to animals.

- *A concise illustration of the legislation in force in Malaysia and the opinions expressed by Muslim religious authorities is contained in Annex n.10*
- * *Bibliographic references on ritual slaughtering are contained in annex n.11*

ANNEX 1

PROF. MAURIZIO SEVERINI'S REPORT ON RITUAL SLAUGHTERING

Some degree of sensitive attempt to minimize the suffering of slaughter animals can be traced back in the Italian legislation since the end of 1800. However, reference is generally made to the need to induce the animal's death as quickly as possible. For bovine, buffalo, equine, swine, sheep and goat breeds, a specific point of reference has been for a long time art. 9 of the Regulation on health surveillance of meat, approved by R.D. 20 December 1928, n. 3298. That article explicitly referred to two procedures that do not cause death, indeed. The first entailed the use of captive bullet guns. This method could cause the animal "stunning", i.e. its loss of consciousness but certainly did not kill it, while causing a severe brain injury. The second method consisted of resecting the elongated medulla (enervation). In this way, sensitivity was lost but it was never proven that the procedure also determined a loss of consciousness. Art.9 so recited: "killing shall be immediately followed by the resection of the neck large vessels (commonly called jugulation) to obtain a complete blood loss". Clearly, that article did not offer any clear definition of the notions of slaughtering, killing and animal death. No mention was made of the term "stunning". Also, the difference between consciousness and loss of sensitivity was unclear even among technical experts. It may be unnecessary to recall that "killing" methods such as a club shot on the forehead or the nape were quickly abandoned in abattoirs since they often implied acts of cruelty. Unfortunately, these systems have long been used in family-run slaughter houses, particularly in the rural areas. It was only much later that Law 2 August 1978, n. 439 (in transposing a European Directive) clearly introduced the notion of "stunning" defined as "a procedure carried out by means of a mechanical device, electricity or gas anesthesia, with no repercussions on the health of meat and entrails; when applied to an animal, it shall determine a state of unconsciousness throughout slaughtering, so as to avoid any useless suffering to animals" (belonging to the above mentioned species). For emergency slaughter and farmers' slaughter for family use exceptions were possible, provided that no "cruel treatment or useless suffering" was inflicted to animals. The subsequent Ministerial Decree 16 February 1980 specified that the acceptable stunning methods were based on: a) captive bullets devices, b) power-driven appliances (using electric power), c) carbon dioxide.

As to the other animal species, such as poultry, rabbits and breeding game, a series of specific provisions dating back to the early seventies contained a constant reference to jugulation killing after electric power stunning.

More recently, DPR 333, presently in force, has defined stunning as "any procedure on animals that quickly determines a state of unconsciousness through death"; it introduced a definition of "slaughtering" ("killing an animal through bleeding to death") and "killing" ("any procedure causing the death of the animal").

The same DPR lists the allowed stunning methods for any animal to slaughter. They include: 1) captive bullet gun; 2) brain commotion; 3) electro narcosis; 4) exposure to carbon dioxide. The listed killing methods include

: 1) free bullet gun or rifle; 2) electrocution; 3) exposure to carbon dioxide. Each of the above killing methods can only be employed when specifically authorized by the competent authorities. In particular, the use of free bullet weapons is envisaged only exceptionally and especially for large breeding game; as to the other two methods, they mostly fall under the rules envisaged for the two previously described stunning methods.

At present, also considering the rules allowing the slaughtering of animals with no previous stunning according to religious rites, domestic or breeding animals for human nutrition can be:

- a) Slaughtered with no previous stunning, in compliance with the Jewish and Islamic rituals,
- b) Slaughtered after stunning,
- c) Killed through an authorized method.

The fundamental issue regarding the protection of animal well being can be split into two main factors for each of the above listed killing systems. The first factor is the appropriate use of stunning, slaughtering or killing techniques. The currently available stunning and killing systems seem rather satisfactory even though, in my view, some doubts exist about the way “stunning methods” are managed. As to slaughtering (through regular jugulation or ritual slaughtering), its proper execution relies upon the skills and responsibility of the staff. The second influencing factor is the restraint of animals to be stunned or killed. This cannot occur in an entirely “natural” way and inevitably causes some degree of stress to the animal. Also, the bigger the animal, the more it needs to be immobilized and the more complicated this procedure can be. “Soft” restraint and start up/advancing systems obviously cause less trauma to animals.

As to the use of the various stunning, slaughtering and killing systems in the different Italian facilities, the following applies:

Birds: power stunning with water bath (immersing the head into a water tub) followed by the resection of neck vessels (jugulation); in a few cases, the high voltage employed may cause death (in which case it becomes killing) followed by jugulation.

Rabbits: a) brain commotion induced by skull percussion, mechanical or other; b) electro narcosis with dry electrodes (both followed by jugulation);

Bovine and equine: stunning through a captive bullet gun followed by jugulation. In a number of facilities equipped with special restraint devices, bovine ritual slaughtering is also performed.

Swine: wide use of electro narcosis, mostly manual (forceps); automated electro narcosis in some large facilities. In rare cases, killing through electrocution. Use of captive bullet gun is limited to few, small facilities. Jugulation follows in all cases.

Sheep and goats: manual electro narcosis; captive bullet gun is used in smaller facilities only. Jugulation follows in all cases. Ritual slaughtering in some facilities.

ANNEX 2

Alberto Roccella

RITUAL SLAUGHTERING AND ISLAMIC LAW

from Silvio Ferrari (edited by) *Musulmani in Italia. La condizione giuridica della comunità islamica in Italia* ed. il Mulino, Bologna 2000

1. The Islamic religion requests its followers to observe dietary prescriptions for animal meat, the origin of which results directly from the Koran:

«You are prohibited to eat animals deceased by natural death, pork meat and blood, animals upon which, at the time of killing, a name other than God was invoked, suffocated animals, animals killed by club shots, deceased after falling or after being hit by horn shots, animals partly devoured by wild beasts, unless you have finished to kill them in the prescribed way and, again, what has been sacrificed to idols on stone blocks in front of your houses; also, you are prohibited to share among you, through arrows, any killed animals, since this is pitiless; woe to those who deny your religion; but do not fear them, fear me »¹.

Such prescriptions are part of a broader complex of dietary rules known as prescriptions about *halâl* (or allowed) food although they are not entirely original. Indeed, they remind of more ancient prescriptions of the Jewish religion resulting from the Toràh², commonly known as *kashèr* food prescriptions.

From a legal standpoint, we need to examine such prescriptions and their relationship with religious freedom.

Actually, both Jewish and Islamic dietary prescriptions are not true acts of worship; rather, they are lifestyle habits justified by religious considerations. They cannot be directly related to the more traditional, consolidated freedom of religion; this latter enjoys universal protection being one aspect of the free expression of thinking, worship and propaganda³.

Religious freedom is addressed in these terms both in art. 18 of the Italian constitution and in art. 9 of the European convention on the protection of human rights and the fundamental freedoms, 4 November 1950 (transposed in Italy by l. 4 August 1955, n. 848), and also in art. 18 of the international pact on civil and political rights of New York, 16 December 1966.

Yet, it would be too simplistic to settle this issue by denying that it forms part of the religious freedom and that it is up to ordinary courts to govern the subject according to mere criteria of convenience or political advisability.

In fact, the first systematic study on the international protection of religious freedom had already acknowledged that «the list and specifications of religious expressions, specifically protected by art. 9 of the European convention on human rights do not confine in any way whatsoever the notion of freedom of religious expression, while they are nothing more than an example of possible activities belonging to different beliefs»⁴.

At any rate, while the respect of Islamic dietary prescriptions may be questioned as a content of religious freedom, it is hard to deny that such respect is related to the above said freedom.

In fact, Jewish and Muslims, unless the respect of religious prescriptions on animal meat is guaranteed, are forced to totally exclude meat from their diet, with a remarkable reduction of the quality of their life; as an alternative, they have to give up the observance of such religious precept. The respect of dietary prescriptions about meat, therefore, constitutes one aspect of the right to live in compliance with one's own religious precepts.

The connection between religious freedom and dietary prescriptions is clear from the anthropological analysis of Jewish prohibitions, which have been interpreted as symbols aimed at inducing meditation on the unity, purity and completeness of God; according to this interpretation, the observance of dietary rules would have been a major part of the great liturgical act of thankfulness and adoration culminating with the sacrifice in the temple⁶.

With specific regard to Jewish ritual slaughtering (*shechitàh*), it is closely connected to a religious concept. Slaughtering is not an act of worship per se, but it is certainly an act inspired by religion:

«The animal killing should not be performed arbitrarily, it *should become sacred*. This is because the death of a living being shall never be transformed into a simple, ordinary, routine act. The *shechitàh* is an educational act that should teach and induce people to think about what they do, never forgetting the cruelty of such actions»⁷.

In Italy, to this day it was not necessary to further the relationship between slaughtering and protection of religious freedom, since this issue never emerged concretely. Interestingly, in the United States, where the problem actually emerged for the Santeria religion, a couple of years ago the Supreme Court censured the limitations set to slaughtering by local orders, on the grounds that they were in conflict with the first amendment of the Constitution, regarding the freedom of religion.

One of the first legal studies on the issues resulting from the Islamic presence in Italy addressed another problem, quite distinct from slaughtering: «in case of imprisonment or hospitalization in public hospitals are Muslims entitled to follow a diet compliant with their own religious rules?»⁹.

This question addresses, in even more serious terms, the same issue implied in the regulation of slaughtering. The answer undoubtedly looks positive, particularly if you assume that the freedom of religion is fully protected only when you are not forced to infringe religious precepts in prisons and hospitals where, more often than not, people cannot take care of their diet by themselves.

2. Islamic and Jewish religious dietary prescriptions on animal meat have historically become part of a tradition according to which ritual slaughtering must be performed by jugulation, using a very sharp, intact blade; one cut only shall resect the trachea and esophagus so as to obtain a full, complete hemorrhage.

Moreover, this tradition has developed into the religious prohibition to eat dead animals (or killed by club shots, according to the Koran) in that the animal at the time of slaughtering 'shall be fully healthy and vigilant'. Ritual slaughtering, therefore, is compatible with the previous stunning which has been made mandatory by law in several countries to minimize the animal suffering¹⁰.

In Italy, in particular, the protection of animals from cruelty or unnecessary suffering can be traced in the legislation as early as in the last century: in fact, the 1889 Criminal Code punished (art. 491) the ill treatment of animals. This policy later continued with l. 12 June 1913, n. 611¹¹ and, especially in the last decades, with a broad set of provisions, partly implementing European directives, on specific aspects of protection, including slaughtering as well¹².

On the one hand, we are faced with a practice resulting from religious prescriptions; on the other, with a regulatory tendency to protect animals; to some extent, this latter has developed also because of the political success of green parties and the new awareness of animal issues, as expressed by the recent philosophical debate on animals¹³.

Two significant aspects deserve to be highlighted.

The reasons leading to prescribe animal stunning prior to slaughtering, however noble and right, are alien to the reasons that may legitimize any limitation to the freedom of religion. Art. 19 of the Republican constitution, in fact, expressly provides for the mere limitation of a habit, while the European Convention on human rights and the international pact on civil and political rights of 1966 establish (despite some differences in the wording) that the freedom of religion may be subject only to those restrictions that are deemed to be required for public safety, for the protection of public order, health or the public morals or for the protection of fundamental freedoms and the rights of others¹⁴.

Secondly, as already noted, both Jewish and Islamic ritual slaughtering, is not a deliberate ill treatment; on the contrary, it intends to be a rather quick and pain-free method (on the basis of the knowledge and techniques available when such traditions developed) causing the death of animals doomed to human nutrition.

The cultural and value system of the two religions on the subject of slaughtering is not radically different from the modern western society of Christian origin; both (and the first is historically older) agree on the need to minimize animal suffering. The only difference is the way slaughtering is performed, such as previous stunning, not accepted by either religions. Furthermore, animal slaughtering in the Western civilization has been totally secularized, while for both religions it has remained an act inspired by religion.

Such two sets of considerations consistently suggest to meet the Jewish and Islamic religious needs, as the regulations on the subject have done to date.

4. The major regulatory source for a long time has been r.d. 20 December 1928, n. 3298, *Approvazione del regolamento per la vigilanza sanitaria delle carni*, on the slaughtering of bovine, buffalo, swine, sheep, goats and horses¹⁵.

Prior to that, slaughtering was governed by r.d. 21 July 1927, n. 1586, according to which (art. 9) in animal slaughtering it was necessary to employ procedures causing death as fast as possible, through captive bullet exploding devices or by resecting the elongated medulla (enervation) or through a different system authorized by the authorities, after hearing the health provincial council¹⁶. Killing had to be immediately followed by the resection of the large neck blood vessels (commonly called jugulation) to get a bleeding to death. Slaughtering by resecting the elongated medulla (enervation) had to be performed solely by skilled staff, duly authorized by the slaughter house director.

R.d. n. 3298 of 1928, art. 9, fully reported the provisions contained in the same article of r.d. n. 1586 of 1927; one final section was added, though: «slaughtering to be performed in observance of religious precepts shall always take place in full compliance with the rules set by said precepts».

R.d. n. 3298 of 1928 did confirm the protection of animals against avoidable suffering, as previously noted by l. 12 June 1913, n. 611 and r.d. n. 1586 of 1927, extensively and philosophically debated at that time¹⁷. At the same time, regulations fully accepted the notion of slaughtering in observance of religious precepts.

The same criteria were followed by the European Council Directive 74/577/EC of 18 November 1974 on the stunning of animals prior to slaughtering¹⁸.

The Directive was based on the fact that national legislations on animal protection were so different that they could compromise the functioning of the single market since the relevant costs varied among member states. Also, the Directive tried to take a community action aimed at preventing, in general terms, any cruel treatment on animals; to this end, the Directive imposed to the member states to take measures so that the slaughtering of bovine, sheep, swine, goats and solipeds (equine) would be preceded by stunning according to appropriate procedures.

The Directive specified the meaning of stunning, defined as a procedure carried out by means of a mechanical tool, electricity or gas anesthesia without causing any repercussions to the health of meat and entrails; applied to any animal, it would cause a state of unconsciousness throughout slaughtering, thus avoiding any useless suffering to animals. This procedure was supposed to be approved by the competent authorities.

However, the Directive did not regard stunning as an absolute must. In fact, it established (art. 3) that in a few special cases, i.e. emergency slaughtering and slaughtering for personal consumption, the competent authority could allow exemptions from the Directive provisions; at the same time, it imposed that no cruel treatment or useless suffering would be inflicted to animals at the time of stunning and slaughtering.

The Directive established under art. 4 that it did not cause any prejudice whatsoever to the national provisions on special slaughtering methods required by some religious rituals. Thus, the Directive did not protect ritual slaughtering directly: however, it allowed the States to allow exemptions, where deemed advisable, from mandatory stunning for religious slaughtering.

Finally, the Directive established (art. 5) a deadline: by 1 July 1975, the member states could adjust the national legislation to the provisions contained in the Directive. Since the Italian Republic did not adopt any provision by that deadline, the Commission of the European Community submitted a case to the Court of Justice.

During the case discussion, the terms of the question came out quite clearly. Italy called on art. 9 of the regulation on the health control of meat claiming that it was only a formal default. On the other hand, the Court of Justice observed that art. 9 of r.d. n. 3298 of 1928 did not impose stunning: it simply contained a generic provision to adopt animal slaughtering procedures capable of causing death as quickly as possible, leaving the administrative authority with the task of approving them. The Directive made stunning mandatory, envisaging three methods only (mechanical tool, electro narcosis, gas anesthesia)¹⁹ and imposed to make the animal unconscious throughout slaughtering. The case ended with a default control procedure²⁰.

Italy transposed Directive n. 74/577/EC with l. 2 August 1978, n. 439, regarding buffalo breeds as well (not mentioned in the Directive).

The law reported the provisions of the Directive on the obligation to stun animals prior to slaughtering (art. 1); a decree of the Minister of Health would issue the guidelines required for the implementation of such obligation (art. 2, paragraph one). Regional authorities were declared in charge of checking with slaughter houses the suitability of tools and methods employed for animal stunning prior to slaughtering as well as the qualifications of the staff (art. 2, paragraph two). Also, the law entrusted the Regions with (art. 3) the power to allow exemptions as provided for in art. 3 of the Directive²¹; also, reference was made to the option contained in art. 4 of the Directive whereby it is established that (art. 4) «the provisions of the present law shall not be enforced whenever special slaughtering methods, in observance of religious rituals, are authorized by decree by the Health Minister together with the Minister of the Interior».

Law n. 439 of 1978 was then followed by the implementation rules provided for in art. 2²², outlining (art. 1) the stunning methods²³, the skills of the staff in charge of such operations (art. 2), the exemption rules envisaged by the Directive and by the law (art. 3). As to the infringement of said rules, (art. 4) art. 727 of the Criminal Code (ill treatment of animals) and art. 358 of the health legislation single text²⁴ were also referred to.

After some time, there was a follow up to art. 4 of law n. 439 of 1978 through the ministerial decree 11 June 1980²⁵, issued by the Health Minister in agreement with the Minister of the Interior, entitled *Autorizzazione alla macellazione degli animali secondo i riti religiosi ebraico ed islamico* (Authorized slaughter of animals according to the Jewish and Islamic religious rituals).

The decree mentioned a request from the Union of Israel Communities in Italy to be authorized to perform animal slaughtering according to the Jewish ritual; a similar request came from the Cultural Islamic Center of Italy to allow the Islamic communities in Italy to slaughter animals according to the Islamic ritual. The decree acknowledged that the Israeli communities and the Islamic Center had been recognized as 'enti morali' ("moral Entities")²⁶ and that a number of Islamic countries not having enough facilities and slaughter houses had requested to import bovine, ovine and equine meat from Italy, slaughtered within the country, provided that slaughtering would be made in compliance with the Islamic ritual.

The decree authorized slaughtering with no previous stunning performed according to the Jewish and Islamic rituals by the respective communities (art. 1); it established that «slaughtering shall be performed by qualified staff with an extensive knowledge and training in the execution of ritual methods. Slaughtering shall be made through a very sharp knife so as to resect simultaneously the esophagus, trachea and the large blood vessels of the neck» (art. 2).

The decree established that (art. 3) «throughout the operation all measures to minimize suffering and unnecessary excitement shall be adopted. To this end, animals shall enter the slaughter room only once preparations have been completed. Containment, preparation and jugulation of animals shall be performed with no delay »²⁷.

The decree, therefore, regarded Jewish or Islamic needs as significant, as allowed (not imposed, though) by Directive n. 74/577/EEC. Mandatory previous stunning was exempted in ritual slaughtering; yet, the need to protect animals against avoidable suffering during slaughtering has been confirmed (and stressed, indeed), as the Italian legal system had already envisaged. The same principle inspired the European Directive.

The ministerial decree has been commented by many. For instance, some simply took note of a clash between two principles, i.e. the principle of religious freedom and the respect of animal rights, with the subsequent, hard-to-solve moral conflict²⁸. The decree was also criticized by those who, despite being aware of Jewish and Islamic religious needs, see animal protection as a value having a greater importance²⁹. On the other hand, the decree was seen positively by those who try to promote the integration of immigrants from Islamic countries into the Italian society (as well as the respect of any specific ethnic, cultural and religious identity)³⁰. In fact, by allowing ritual slaughtering without stunning the integration process becomes easier: you don't have to give up animal meat or, even more complicated and expensive, you don't have to import ritually slaughtered meat from abroad³¹.

Authorized ritual slaughtering, fully legitimized by the European Directive and by law n. 439 of 1978, cannot be criticized from a formal standpoint.

In fact, Directive 74/577/EEC did allow exemptions from stunning in a few select cases, i.e. emergency slaughter and farmers' slaughtering for personal consumption (art. 3). Also, d.m. 16 February 1980 had identified, in compliance with art. 3 l. 2 August 1978, n. 439, more special cases where stunning could be avoided (art. 3): force majeure or cases by necessity, due to acts of God or other emergencies causing supply problems in given areas due to the interruption of food supplies.

In other words, stunning prior to slaughter was not an absolute must: multiple exemptions were allowed, also for reasons less important than the religious needs of Jewish and Islamic ritual slaughter.

Finally, Italy was not the only European country allowing ritual slaughtering. Also France, in fact, has allowed this type of slaughter³²; Spain has complied with the health regulations while allowing ritual slaughtering in the agreements signed with the Federation of Israeli communities and the Islamic Commission³³. Ritual slaughtering is equally allowed in United Kingdom and Denmark³⁴.

4. The protection of slaughter animals is the focus of a European convention adopted by the Council of Europe in Strasbourg on 10 May 1979; this latter tends to consistently apply killing methods that spare pain and suffering to animals to the largest extent possible; fear, tension, pain and animal suffering at the time of death may have repercussions on the meat quality as well.

The European convention applies to solipeds, ruminants and swine as well as to rabbits and poultry; its scope is therefore broader than Directive 74/577/EEC. As envisaged by the European Directive, it makes stunning mandatory prior to slaughter (art. 12). Art. 17, section 1 of the convention, however, allows the contracting parties to allow exemptions from the provisions on preliminary stunning in given circumstances, including killing on the grounds of religious rituals. Here too, animals shall be spared any avoidable pain or suffering (art. 17, paragraph 2).

In ritual killing, it is mandatory to restrain animals (bovine species) through a mechanical method, to avoid any pain, suffering and excitement to the animal itself, as well as any wound or contusion (art. 13). No containment method causing an avoidable suffering is allowed; the same applies to fasten the hind legs of animals or hang them prior to stunning or, in ritual killing, before blood has totally flown out (art. 14). Finally, each contracting party authorizing killing on the grounds of religious rituals shall check that slaughter men are authorized by religious bodies, unless it is the contracting party itself to issue any required permits or authorizations (art. 19).

The European convention on slaughter animal protection is, therefore, inspired by the same principles contained in Directive n. 74/577/EEC. It sought to protect animals against unnecessary suffering at the time of slaughter, and it is even more detailed than the Directive. The convention did not expressly protect the Jewish and Islamic religious needs, but it left the parties entirely free to accept or reject ritual slaughtering. Italy signed the Strasbourg convention after implementing the European Directive³⁵, without directly amending law n. 439 of 1978 and the subsequent administrative deeds³⁶.

5. D.m. 11 June 1980 has apparently and fully met the Jewish and Islamic needs with respect to ritual slaughtering.

After the enactment of that decree, the relationships between the State and the Union of Italian Jewish Communities were governed by l. 8 March 1989, n. 101, on the basis of the agreement entered on 27 February 1987, attached to the same law. Art. 6, paragraph 2 of the law (which replicates, with no changes, art. 5, second paragraph of the agreement) establishes that «slaughtering according to the Jewish ritual keeps being governed by ministerial decree 11 June 1980, published in the Official Journal n. 168, 20 June 1980, in compliance with the Jewish laws and traditions».

Thus, the agreement with the Union of Jewish communities did not introduce any novelty in terms of ritual slaughtering³⁷. Yet, it turned d.m. 11 June 1980 into a covenant guarantee, pursuant to art. 8, third paragraph, Cost., vis-à-vis the Union of the Jewish Communities; this latter implicitly admitted that the decree was sufficient to ensure compliance with Jewish religious rules; the Union requested (and obtained) only a commitment from the State not to amend or revoke that decree (with reference to slaughtering according to the Jewish ritual) in the lack of a previous agreement with the Union itself³⁸.

Islamic religious needs equally appear to be met by d.m. 11 June 1980: to our knowledge, no request to amend or extend the decree has even been put forward. Indeed, all three agreements drafted by Islamic organizations between 1993 and 1996 repeated the same formula (of the agreement with the Union of Jewish communities), despite some slight formal changes that have no influence on the substantive matter³⁹.

If all Islamic organizations have just requested to interpret d.m. 11 June 1980 as a covenant guarantee for themselves (as already established with the Union of Jewish communities) without making any different or further request, it may be hypothesized that the decree has been regarded as suitable to protect the religious needs of Islamic organizations⁴⁰.

This can equally explain why the bill on religious freedom drafted by the Government in 1997 did not contain any provision on slaughtering⁴¹; most likely, it was not perceived as an open issue deserving a new regulatory solution; more likely, it was intended to be a fact-finding or a confirmation of the legislation in force.

5. As to the most recent provisions on slaughtering and the marketing of meat, the Directive of the Council of European Communities 91/497/EEC, 19 July 1991⁴², introduced a new text to replace Directive 64/433/EEC on the health conditions for the production and marketing of fresh meat. The Directive, implemented in Italy through legisl. decree. 18 April 1994 n. 286, does not specifically address religious ritual slaughtering although this is expressly envisaged and therefore protected⁴³.

Later, another Directive of the Council of the European Communities 93/119/EC, 22 December 1993⁴⁴ was introduced: this is specifically focused on the protection of animals during slaughtering or killing.

The Directive specifies that the European Convention on slaughter animal protection had been approved in the name of the Community through the Council's decision 88/306/EEC⁴⁵; however, the scope of the Convention was broader than Directive 74/577/EEC. Also, the Directive was introduced to promote the establishment of the internal market for animals and products of animal origin, given the impact of the national legislations on the protection of animals during slaughtering and killing on competitive conditions; again, the purpose was to avoid any pain or suffering to animals in those circumstances.

The Directive has introduced a new approach to animal protection during slaughtering or killing so as to align the community protection to the standard contained in the Strasbourg Convention of 10 May 1979. Also, it abrogated Directive 74/577/EEC, effective from 1 January 1995. This was the final deadline within which the member states were supposed to adjust the national systems to this new regulatory approach (art. 17 and 18).

Italy complied with the new Directive with over three years of delay, through legisl. decree. 1 September 1998, n. 333⁴⁶; the first twelve articles, to the exception of some minor adjustments, exactly reproduce the articles of the Directive. The final provisions of the Directive (art. 13-18) by their nature had to be transposed into the national legislation only to a limited extent: articles 13 and 14 of legisl. decree. n. 333 of 1998, therefore, reproduce articles. 14, par. 3 and art. 15, second paragraph, of the Directive. As to the attachments to the legislative decree (identified by letters from A to G), they reproduce the Directive attachments as well.

Given the major overlapping between the Directive and the legislative decree, it is worth to have a look at the decree itself: it contains a general provision whereby transfer, lairaging, restraint, stunning, slaughtering and killing shall be conducted in such a manner to spare animals any avoidable excitement, pain and suffering (art. 3).

This general provision is then detailed in art. 7, whereby the same operations can only be performed by employees suited to perform such activities with the necessary theoretical and practical preparation in an effective, humanitarian manner; the competent authority shall ascertain the suitability, skills and professional knowledge of slaughter men.

The legislative decree also establishes that (art. 5, paragraph 1, lett. c) solipeds, ruminants, swine, rabbits and birds carried to slaughter houses for slaughtering, shall be stunned prior to slaughtering or instantly killed⁴⁷, in compliance with provisions contained in annex C (quite specific in illustrating the stunning and killing methods allowed for the different animal breeds).

The decree paid special attention to slaughtering on the grounds of religious rituals; here, the competent authority in charge of enforcing and controlling the specific slaughter methods envisaged by each religious ritual is the religious authority on the account of which slaughter is effected; this latter acts under the responsibility of the official veterinarian of the local health unit (now called company) which in turn is responsible for the additional provisions contained in the same decree (art. 2, paragraph 1, lett. h).

In agreement with the Directive, the decree has equally established that provisions on stunning do not apply to slaughtering on the grounds of religious rituals (art. 5, paragraph 2).

This is not the only exemption allowed. Art. 5, paragraph 3, in fact, specifies that slaughter houses covered by special schemes⁴⁸ may be exempted, provided that the general provisions contained in art. 3 on killing and stunning procedures prescribed by annex C for poultry, rabbits, swine, sheep and goats are observed. Art. 9 extends mandatory stunning to home slaughtering by private subjects for family consumption, although this is allowed only for specie sheep, pork and goats⁴⁹, excluding poultry and rabbits.

Finally, legisl. decree. n. 333 of 1998 introduced a series of sanctions (in the event its provisions are infringed (art. 15) and abrogated l. 2 August 1978, n. 439 (art. 16).

The new regulations have not introduced a different evaluation (*vis-a-vis* the previous rules) in terms of value balancing. More specifically, from a substantive standpoint the new regulations on slaughtering equally meet the Jewish and Islamic religious requirements.

Yet, it can be noted that d.m. 11 June 1980, although not expressly mentioned (and never officially revoked) was actually taken over by legisl. decree. n. 333 of 1998. Ritual slaughtering, in fact, is now *directly* allowed by the primary regulatory source (the legislative decree) and not by an administrative deed (articles 1 and 4 of d.m. 11 June 1980), on the basis of a provision (that might have not actually used) contained in law n. 439 of 1978 (abrogated). Also the vocational qualifications of those in charge of ritual slaughtering, addressed in art. 2 of d.m. 11 June 1980, are now directly governed by legisl. decree. n. 333 of 1998 (articles 2, paragraph 2 and art. 7). Art. 3 of d.m. 11 June 1980 imposed the obligation to avoid any unnecessary excitement and suffering; now, this obligation is envisaged by art. 3 of legisl. decree. n. 333: this amounts to a novation of the regulatory source and an extended obligation, since it is now necessary to spare animals from avoidable pain as well.

Legisl. decree. n. 333 of 1998 was enacted without any previous agreement with the Union of Jewish Communities nor it contains a safeguard clause for Jewish slaughtering. From a formal standpoint, this is a violation of the 1987 agreement with the Union of Jewish Communities; this latter had not generically protected slaughtering according to the Jewish ritual; it just covered the specific scheme introduced by d.m. 11 June 1980. To our knowledge, no complaint has ever been made by the Jewish party for this formal violation: it may be seen as a forgetfulness of rights (and even a failed observance of the covenants subscribed by the State) in ecclesiastic relations, as previously and poignantly reported⁵⁰.

The new system is important with an eye to some follow up of the proposed agreement submitted by Islamic organizations: in fact, it would make no sense to keep making reference to new agreements in d.m. 11 June 1980, since reference needs to be made to legisl. decree. n. 333 of 1998.

7. One final issue (illustrated at the end of par. 1) is the *halâl* diet in prisons and hospitals and, more generally, in public services, school canteens in the first place.

The same is true for Jewish food *kashèr*, but this was not addressed in the agreement with the Union of Jewish communities; on the other hand, the three draft agreements prepared by Islamic organizations do not address this issue either⁵¹.

As hinted above, in the attempt of promoting the integration of Islamic individuals it would be undoubtedly necessary to allow them to have a diet compliant with the Jewish and Islamic religious principles. Wherever the Islamic presence is substantial, we learn from the newspapers that this approach has already been followed and put in place⁵².

On the other hand, the *halal* or *kashèr* diets do not pose a legal issue like slaughtering: it is rather a matter of quality standards in the provision of public services.

In this particular case, the most appropriate instrument should not be the law (except for prisons) but the charters of public services setting the quality standards offered to the general public. A positive impetus

might come from the President of the Council of Ministers, in charge of issuing the general approach and scheme that any charter of public services is supposed to follow⁵³.

¹ The text reports verse 4 of Sūra V, in the Italian translation of the Koran by L. Bonelli, Milano, Hoepli, 1976². See also the following verses: II, 168; VI, 146-147; XVI, 115-116.

² Genesis, 9, 4; Leviticus, 11, 1-47; 17, 12-14; Deuteronomy, 12, 16 and 23-24; 14, 3-21; 15, 23. As to Jewish food restrictions, see *Dietary Laws and Food*, in *Encyclopaedia Judaica*, Jerusalem, Keter Publishing House Jerusalem, vol. VI, 1974³, p. 26 and following pages. See also p. 1414 and following. See also R. Di Segni, *Guida alle regole alimentari ebraiche* edited by the meeting of rabbis in Italy, Roma, Carucci, 1986². As to Islamic food rules and any comparison with biblical provisions, see under HAYAWAN in *The Encyclopaedia of Islam*, by B. Lewis *et al.*, Leiden-London, E.J. Brill-Luzac & Co., III, 1986, p. 305 ss. And especially pp. 306-308; see also E. Francesca, *Introduzione alle regole alimentari islamiche*, Roma, Istituto per l'oriente C.A. Nallino, 1995.

³ In general on religious freedom, see S. Lariccia, *La libertà religiosa*, in *Trattato di diritto amministrativo* by Giuseppe Santaniello, vol. XII, *Libertà costituzionali e limiti amministrativi*, Padova, Cedam, 1990, pp. 227 ss.

⁴ In such terms, see F. Margiotta Broglio, *La protezione internazionale della libertà religiosa nella Convenzione europea dei diritti dell'uomo*, Milano, Giuffrè, 1967, p. 44.

⁵ A positive opinion is expressed; see F. Castro, *L'Islam in Italia: profili giuridici*, in «QDPE», 1996/1, p. 278, according to which the rights introduced by art. 19 Const. also include *halàl* food, allowed by the Islamic food laws.

⁶ M. Douglas, *Purity and danger. An Analysis of Concepts of Pollution and Taboo*, Harmondsworth, Penguin Books, 1970, trad. it. *Purezza e pericolo. Un'analisi dei concetti di contaminazione e tabù*, Bologna, Il Mulino, 1993², pp. 104-105.

⁷ R. Di Segni, *Guida alle regole alimentari ebraiche*, cit., p. 71.

⁸ United States Supreme Court, sentence 11 June 1993, *Church of Lukumi v. City of Hialeah*, in «United States Supreme Court Reports», vol. 124, 1995, p. 472 ss.

⁹ L. Musselli, *Islam ed ordinamento italiano*, in «Il diritto ecclesiastico», 1992, I, p. 638. The question obviously extends to Jewish and users of school canteens, particularly when canteens are part of the school service and it is virtually impossible to do without the school food.

¹⁰ Islamic ritual slaughtering covers many more rules: the slaughter man must be Muslim, the animal head at the time of slaughter must face the *qibla*, the animal must present vital signs right after slaughtering. An accurate description of such rules are provided by the World Federation of Khoja Shia Ithnaasheri Muslim Communities on Internet <http://www.world-federation.org/shialaw/hunting.htm>, and by the Federation of Australian Muslim Students and Youth on Internet <http://www.ozemail.com.au/~famsy/Slaughtering.html>.

¹¹ Art. 9 of law n. 611 of 1913 was later amended by l. 10 February 1927, n. 292.

¹² For a summary of the legislative developments see also A. Cosseddu, *Maltrattamento di animali*, in *Digesto IV - Discipline penali*, VII, Torino, Utet, 1993, p. 528 ss. The legislation following this essay includes, other than the sources listed below, also legislative decree 30 December 1992, n. 532 (*Implementation of EEC Directive n. 91/628 on animal protection during transport*) and l. 22 November 1993, n. 473 (*Nuove norme contro il maltrattamento degli animali*).

¹³ Two major books are those written by P. Singer, *Animal Liberation*, New York, Random House, 1975, tr. it. *Liberazione animale*, Milano, Mondadori, 1991 (utilitarian approach) and T. Regan, *The Case for Animal Rights*, Berkeley, University of California Press, 1983, tr. it. *I diritti animali*, Milano, Garzanti, 1990 (natural law approach). As to the recent Italian literature, also for more bibliographic indications, in addition to the journal «Etica & Animali», see F. D'Agostino, *I diritti degli animali*, in «Rivista internazionale di filosofia del diritto», 1994, pp. 78-104; L. Battaglia, *Etica e diritti degli animali*, Roma, Laterza, 1997.

¹⁴ To discuss such criteria as possible limitations to the freedom of religion, see S. Ferrari and I.C. Ibán, *Diritto e religione in Europa occidentale*, Bologna, Il Mulino, 1997, p. 27.

¹⁵ As to slaughtering of birds, rabbits and game see d.P.R. 10 August 1972, n. 967 and particularly art. 6.

¹⁶ The captive bullet gun has a punch that returns into the barrel after shooting. In enervation, a knife is used to cut the spinal marrow. Both systems cause unconsciousness and pain-insensitivity.

¹⁷ See C. Goretti, *L'animale quale soggetto di diritto*, in «Rivista di filosofia», 1928, 348 ss., where (p. 363) «the only right we need grant to animals is the right not to be ill treated».

¹⁸ Directive 74/577/EEC, in «Official Journal of the European Community», n. L 316 26 November 1974.

¹⁹ The Directive did not allow enervation or stunning with a sledgehammer (or poleaxe), a practice widely used in slaughter houses in the past: one or more club shots on the nape determine a brain commotion and unconsciousness. However, this stunning system lends itself to several errors: see the vibrant criticisms made by P. Singer, *Liberazione animale*, cit., p. 165.

²⁰ Court of Justice of the European Community, 6 June 1978, case 147/77, in «Raccolta della giurisprudenza della corte», 1978, p. 1311.

²¹ The regional administrative competences considered in the text were fully compliant with d.P.R. 24 July 1977, n. 616, according to which administrative functions in the field of «health and hospital assistance», of regional competence, also include hygiene and veterinarian assistance, as well as prophylaxis, inspection and vigilance of animals and their diet or animal food (art. 27, first paragraph, let. l).

²² D.m. Sanità 16 February 1980, in «Official Journal» n. 56, 27 February 1980.

²³ More recommendations on the enforcement of regulations on animal stunning before slaughter were given through a circular letter from the General Directorate for Veterinarian Services of the Ministry of Health n. 78, 11 October 1984.

²⁴ Art. 358 of the health legislation single text, approved by r.d. 27 July 1934, n. 1265, provides for a financial administrative sanction (up to 400,000 lire) for any infringement of the regulations enforcing said single text. Therefore, we cannot fully subscribe to the critique that the lack of sanctions in law n. 439 of 1978 would have made its content partly symbolic (cfr. V. Pocar, *Gli animali non umani. Per una sociologia dei diritti*, Roma-Bari, Laterza, 1998, p. 69). What is true is that law n. 439 of 1978 has not introduced any specific sanctions; however, there exists a set of sanctions for the infringement of the implementation rules (and therefore also of the main principles contained in the same law) and this sanction system was referred to by d.m. 16 February 1980.

²⁵ Published in «Official Journal», n. 168, 20 June 1980.

²⁶ Israeli communities have been recognized by r.d. 30 October 1930, n. 1731 (later abrogated by art. 34 l. 8 March 1989, n. 101) and by r.d. 24 September 1931, n. 1279; the Cultural Islamic Center of Italy has been recognized by d.P.R. 21 December 1974, n. 712.

²⁷ Finally, the decree authorized slaughtering with no previous stunning where performed according to the Islamic ritual in slaughter houses authorized to the export of meat pursuant to art. 7 of d.P.R. 11 February 1961, n. 264 (in other words, not necessarily by the Islamic communities authorized by art. 1. See the specific instructions contained in the above mentioned circular letter of the Ministry of Health n. 78, 11 October 1984. This specific possibility to authorize slaughtering according to the Islamic ritual simply aimed at facilitating exports and had a purely commercial interest; it was not meant to protect the religious practices inside the country.

²⁸ See V. Pocar, *Gli animali non umani*, cit., p. 69.

²⁹ See G. Vignoli, *La protezione giuridica degli animali di interesse zootecnico (Legislazione italiana e Convenzioni internazionali)*, in «Rivista di diritto agrario», 1986, I, p. 761: «the dutiful respect of religious minorities' beliefs, however small they can be, does not justify any legal permission to employ methods that are considered as revolting by the majority of the population; this approach may be worse than the previous legislation on this matter».

³⁰ See E. Camassa Aurea, *L'immigrazione proveniente dai Paesi islamici. Conflitti ipotizzabili e soluzioni possibili*, in «Archivio giuridico Filippo Serafini», 1996, p. 60, stressing the advisability to ensure a diet that allows to observe ritual prescriptions.

³¹ This is what the Jewish in Switzerland have to do, since in that country ritual slaughtering without stunning is not allowed: see R. Lapidoth, *La liberté de religion en droit international et le Judaïsme*, in *La tutela della libertà di religione. Ordinamento internazionale e normative confessionali*, a cura di S. Ferrari e T.

Scovazzi, Padova, Cedam, 1988, p. 128. During the first decades of the last century, another solution was employed: E. Casasco, *L'uomo e gli animali (Gli inutili maltrattamenti)*, Milano, Hoepli, 1929, p. 154 reports that since in Switzerland ritual slaughtering is not allowed, «Jewish followers bring their food animals to the borders with Italy and France where they can slaughter their own way ».

³² As for the food issues resulting from the Islamic presence in France, B. Basdevant-Gaudemet, *Lo statuto giuridico dell'Islam in Francia*, in «QDPE», 1996/1, pp. 105-108; A. Ferrari, *L'Islam e la repubblica, ovvero un interrogativo per il separatismo francese*, *ibidem*, pp. 132-133 (with hints on the authorization granted to the Jewish slaughter). See also A. Boyer, *Le droit des religions en France*, Paris, Puf, 1993, pp. 221-223.

³³ The agreement (April 1992) between Spain, the Federation of Israeli communities and the Islamic Commission has been ratified by laws 10 November 1992, nn. 25 e 26. Covenants and approval laws are published in J. Bonet et al., *Acuerdos del Estado español con los judíos, musulmanes y protestantes*, Salamanca, Publicaciones Universidad pontificia, 1994, with several essays (p. 264 ss.) including M. Tedeschi, *Gli accordi spagnoli di cooperazione e l'esperienza italiana*; see also V. Reina and M.A. Félix Ballestra, *Acuerdos del Estado español con confesiones religiosas minoritarias. Actas del VII congreso internacional de derecho eclesiástico del Estado*, (Barcelona, 1994), Madrid, Marcial Pons, 1996; J. Martínez-Torrón, *Separatismo y cooperación en los acuerdos del Estado con las minorías religiosas*, Granada, Editorial Comares, 1994; J.A. Souto Paz, *Gli accordi dello Stato spagnolo con le minoranze confessionali tradizionali*, in «Il diritto ecclesiastico», 1993, I, p. 532 ss.

In Spain, protection is granted also to the names «kashèr» and «halal», by reference to the industrial property regulations.

³⁴ See J.S. Nielsen, *Muslims in Western Europe*, Edinburgh, Edinburgh University Press, 1995², p. 52 & p. 78; for more information on Sweden and Switzerland, where imports are common since ritual slaughtering is not allowed, see p. 84 & p. 89.

³⁵ The ratification of the Strasbourg convention of 10 May 1979 on the protection of slaughter animals was authorized by l. 14 October 1985, n. 623; under art.5, the minimum and maximum financial administrative sanctions for any infringement to the Convention are also outlined (set by the Regions).

³⁶ D.m. 11 June 1980 had authorized ritual slaughtering for the Jewish and Islamic communities; however, it was stressed that slaughter should be performed by qualified staff with a proper knowledge and training in the execution of their respective ritual methods (art. 2). This was sufficient to fulfil the requirement envisaged by art. 19 of the European Convention on animal protection.

³⁷ The limited reference to covenants in studies on agreements appears to be justified: see some hints in R. Botta, *L'intesa con gli israeliti*, in «QDPE», 1987, p. 115 and V. Parlato, *Le intese con le confessioni acattoliche. I contenuti*, Torino, Giappichelli, 1996², pp. 54-55.

³⁸ The complementary agreement with the Union of Italian Jewish Communities entered on 6 November 1996 and followed by l. 20 December 1996, n. 638 did not discuss slaughtering.

³⁹ The draft agreement prepared by the Union of Islamic communities and organizations in Italy (Ucoii) in February 1993 (see in particular art. 6) is published in «QDPE», 1993/2, p. 561 and following: see also the analyses by L. Musselli, *Libertà religiosa ed Islam nell'ordinamento italiano*, in «Il diritto ecclesiastico», 1995, I, p. 454 ss. and R. Acciai, *La bozza di intesa fra la Repubblica italiana e l'Unione delle Comunità ed organizzazioni islamiche in Italia (U.C.O.I.I.)*, in V. Parlato & G.B. Varnier, *Principio pattizio e realtà religiose minoritarie*, Torino, Giappichelli, 1995, p. 258 ss.

The draft agreement of the Islamic religious community - Coreis (see art. 12 in particular) was presented in San Remo on 28 May 1996 and is published in «QDPE», 1998/2, p. 567 ss.: see also M. Tedeschi, *Verso un'intesa tra la repubblica italiana e la Comunità islamica in Italia?*, in «Il diritto di famiglia», 1996, p. 1574 ss.

The draft agreement of the Association of Italian Muslims (Ami), prepared in 1996 (see art. 6 in particular), is published in «QDPE», 1996/2, p. 536 and following; it was briefly commented on by L. Musselli, *A proposito di una recente proposta di bozza d'intesa con l'Islam*, in «Il diritto ecclesiastico», 1997, I, pp. 295-296.

⁴⁰ In Italy the issue of the *Aïd el Kebir* holiday never came out nor was it raised by the Islamic organizations; on this holiday, a mutton is ritually slaughtered for domestic use. The same problem is quite significant in France, as recalled by A. Ferrari, B. Basdevant-Gaudemet and A. Boyer in the essays cited under note 32.

⁴¹ APC, XIII leg., bill n. 3497 on «Rules on religious freedom and abrogation of the legislation on "allowed worships"», presented by the Government on 3 July 1997, published in «ODPE», 1997/2, p. 591; see also the bill with the same title drafted by the Council of Ministers on 13 September 1990, *ibidem*, 1990/2, p. 530.

⁴² Published in «GUCE» n. L 268/87 24 September 1991.

⁴³ See annex I, chapter VII, par. 32. Il legisl. decree. n. 286 of 1994 and its annexes, amended by d.m. 23 November 1995, in «Official Journal» n. 303 30 December 1995, ord. suppl. n. 157.

⁴⁴ Published in «Official Journal of the European Community», n. L 340 31 December 1993.

⁴⁵ Published in «Official Journal of the European Community» n. L 137 2 June 1988.

⁴⁶ Legisl. decree. 1° September 1998 n. 333 was issued on the basis of the legislative delegation under l. 24 April 1998, n. 128 (Community law 1995-1997), art. 1, paragraph 9, lett. b).

⁴⁷ Legisl. decree. 333 of 1998 offered some definitions under art. 2, paragraph 1. Stunning means any procedure on animals that can rapidly induce unconsciousness until death occurs (lett. e); killing refers to any procedure causing the death of the animal (lett. f); slaughtering refers to the killing of an animal through bleeding to death (lett. g).

⁴⁸ It is: a) limited capacity slaughter houses (600 bovine units/equivalent a year, and anyway no more than 12 animals a week), as in art. 5 legisl. decree. 18 April 1996, n. 286 and following amendments; b) farms with an annual production of poultry smaller than 10.000 units, sold in small quantities directly to the final consumer within the farm or on the weekly market or the closest market or sold to a retailer in the same place or in the vicinity, for direct sale to final consumers (d.P.R. 10 December 1997, n. 495, art. 4); c) establishments for the slaughtering of poultry for the production of fatty liver (d.P.R. 10 December 1997, n. 495, art. 12).

⁴⁹ At present, the issue of the *Aïd el Kebir* Islamic holiday, as noted in note 40, cannot be resolved.

⁵⁰ See C. Cardia, *L'art. 6 del trattato del Laterano. Un caso di amnesia giuridica*, in «Il diritto ecclesiastico», 1997, I, p. 25 ss.

⁵¹ The two agreements signed by Spain, cited in note 32, do not touch upon this subject either.

⁵² G. Galvano, *A Palermo la mensa scolastica è multirazziale*, in «Corriere-Scuola», fasc. all. al «Corriere della sera» 26 March 1999.

⁵³ Promoting a better quality of public services is a major reform policy, started with d.p.c.m. 27 January 1994, in «Official Journal» n. 43 22 February 1994 and later developed in art. 2 of d.l. 12 May 1995, n. 163, turned into law. 11 July 1995, n. 273.

ANNEX 3

THE LEGISLATION IN FORCE IN A NUMBER OF EUROPEAN UNION COUNTRIES

(data and information taken from Richard Potz, Brigitte Schinkele, Wolfgang Wiesheider (Hrsg.), *Schächten. Religionsfreiheit und Tierschutz*, Freistadt-Egling, Plöchl-Kovar, 2001, pp. 166-182)

Belgium

Slaughtering is governed by a royal decree on animal protection at the time of their killing and by another decree on the forms of slaughtering envisaged by specific religions (Arrête royal 16.1.1998 relatif à la protection des animaux pendant l'abattage ou la mise à mort, Moniteur Belge, 19.2.1998, 4676; Arrête royal 11.2.1998 relatif à certain abattages prescrits par un rite religieux, Moniteur Belge, 1.2.1988, 2888), enforcing

art. 16.2 of the law on animal protection (Loi 14.8.1986 relative à la protection et au bien-être des animaux, Moniteur Belge, 3.12.1986, 16382). Such decree enforces the European Directive 93/119. In essence, the decree on ritual slaughtering establishes it can only be done in public and private slaughter houses, in locations previously authorized by the authorities. Art. 2.1 of such decree establishes that slaughterers shall receive a mandate or proxy by their own religious community.

Denmark

Slaughter animals must be killed as quickly and pain-free as possible (art. 13.1 of the law on animal protection, Dyrevaerenslov 6.6. 1991, n. 386). Animal stunning before slaughter is mandatory. The Ministry of Justice governed the slaughtering procedure and exempted it from the mandatory stunning in the case of ritual slaughtering (Bekendtgørelse 14.12.1994, n. 1037 as amended by deed n. 550 of 24. 6.1997 and deed n. 849 of 19.11.1997). Animals need to be stunned with a gunshot right after the sacrificing cut.

Finland

In Finland, ritual slaughtering is allowed. Art. 11 of the law on animal protection (Säädöskokoelma (SDK)/Författningssamling (FöfS) 333/1971) establishes some obligations: ritual slaughtering can only be performed in slaughter houses authorized by the Ministry of Agriculture and Forestry; a veterinarian shall always be in attendance; experts and delegates from the religious community shall truncate the carotid artery right after turning the animal upside down, through a very sharp instrument; animals shall be stunned right after the sacrificing shot. A different regulation is followed in the Åland island: art. 32.1 of the law on animal protection prohibits bleeding to death unless animals have been previously stunned or directly killed (Djurskyddslag for landskapet Åland, Ålands Författningssamling 1998/95 iVm Landskapsförordning om slakt och avlivning djur Åkands Författningssamling 1998/98)

France

A decree on animal protection at the time of slaughter or death (Décret 97-903 del 1.10.1997, Journal Officiel 1997, 14422) was enacted to enforce the European Directive 93/119 and based on art. 276 of the Rural Code. To our purposes, we need to refer to art. 8 and articles 11-14. Ritual slaughtering can only be performed inside abattoirs and slaughter houses; stunning is not mandatory. Cattle, sheep and goats shall be mechanically immobilized prior to slaughtering and kept still during bleeding to death.

Slaughter men shall have a proxy from an acknowledged religious community and be authorized by the Ministry of Agriculture, upon request of the Ministry of the Interior (art. 13.1). Religious communities shall inform the Ministry of Agriculture about the details of slaughter men, their proxy (art. 13.2) and any withdrawal of such proxy. In the absence of an acknowledged religious community, the prefect of the department where the slaughter house is located may decide upon any individual request submitted (art. 13.3).

This approach, giving some religious communities (excluding others) the power to do ritual slaughtering, has originated a dispute settled by the European Court of human rights with the sentence of 27 June 2000 on the Cha'are Shalom ve Tsedek vs France case.

Greece

Greek regulations fully comply with the European Directive 93/119. Art. 5, lett. ? prescribes the stunning of slaughter animals whereas art. 5.2 of the law on slaughtering exempts ritual slaughtering from such obligation.

Luxembourg

The Luxembourg regulations on animal protection at the time of their slaughtering or killing (Règlement grand-ducal du 19.1.1995 sur la protection des animaux au moment de leur abattage ou de leur mise à mort, Mémorial, Journal Officiel du Grand-Duché de Luxembourg 1995 A-8,11) transposes the provisions contained in the European Directive 93/119. To our purposes, reference should be made to art. 5.2: the exemption from mandatory stunning for ritual slaughtering does not apply *ex lege* while it must be authorized by the Ministry in charge of veterinarian activities.

The Netherlands

Following the European Directive 93/119 and enforcing art. 44.9 of the law on animal protection (Gezondheids- en welzijnswet voor dieren, Staatsblad van het Koninkrijk der Nederlanden (Stb) 1992/585) two different pieces of legislation are applied in the Netherlands: a law on ritual slaughtering (Besluit 16.11.1996, houdende uitvoering van artikel 44, negende lid, van de Gezondheids- en welzijnswet voor dieren (Besluit ritueel slachten) Stb 1996/573) and another on the killing of animals at large (Besluit 16.5.1997 houdende regelen ter zake van het doden van dieren (Besluit doden van dieren) Stb 1997/235). According to art. 2.2 of this latter, slaughter carried out on the basis of the Jewish and Islamic rituals does not fall under the regulation on the killing of animals at large but under the law on ritual slaughtering. Thus, unlike those countries where the only exception to the general rules is the stunning of animals, two different legal provisions apply in the Netherlands. Nonetheless, both of them focus on the minimization of the suffering of animals when they are carried, immobilized, killed and slaughtered; attention is given to the professional skills of slaughtermen, the state of premises and instruments and so forth.

As to slaughtering not preceded by stunning, the veterinarian or supervisor in charge of slaughter animal protection shall provide specific indications: in the event the legal provisions on ritual slaughtering are not observed, slaughtering may be interrupted.

Portugal

Also Portugal has enforced the European Directive 93/119 (Decreto-Lei 28/96, Diario da Republica I Serie-A n. 79/1996, 682). The provision exempting from mandatory stunning slaughter performed according to religious rituals is contained in annex A, art. 5.2 of the decree.

United Kingdom

Ritual slaughtering is subject to detailed provisions contained in the regulation on animal protection during slaughter and death (The Welfare of Animals (Slaughter and Killing) Regulations 1995 Statutory Instruments 1999/400). Articles 21 and 22 describe slaughter performed according to religious rituals: the second provision establishes that mandatory stunning does not apply when animals are slaughtered as per annex 12 (on ritual slaughtering). These rules only apply to ritual slaughtering for the preparation of food for Jewish and Muslims.

Ritual slaughtering with no stunning shall be performed in specific abattoirs, duly authorized. Slaughtermen are only those with the relevant professional qualification, licensed by the religious authority.

Northern Ireland regulation on animal protection at the time of slaughtering and killing (Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996, Statutory Rules of Northern Ireland 558) overlaps with the English regulations. The major difference is the possibility to do ritual slaughtering also outside abattoirs in the presence of a person authorized by the Ministry of Agriculture.

Spain

Spain has amended its own national legislation to enforce the European Directive 93/119 by enacting on 20 January 1995 the Royal Decree n. 53 (Boletín Oficial del Estado 39, 15.2.1995, 5146). Art. 5.1 introduces mandatory stunning; the following paragraph contains an exception for slaughter based on specific religious rituals. The second, additional provision of the law specifies that the execution and control of ritual slaughtering procedures shall be conducted by religious authorities under the supervision of the Veterinarian Office.

Sweden

Paragraph 14.1 of the law on animal protection (Djurskyddslag, Svensk författningssamling (SFS) 1988:534) establishes that animals shall be stunned before being slaughtered.

Ritual slaughtering has been prohibited in Sweden since 1937. From 1938 to 1979 the Jewish communities killed animals through gas or electric power. In 1979, the use of electric power was prohibited; as a consequence, ritually slaughtered animal meat was imported from Denmark. The Swedish state subsidizes

such imports, due to the excess costs that they entail, but the issue of ritual slaughtering is more and more politically debated.

ANNEX 4 a

DIRECTIVE 93/119/EC OF THE COUNCIL OF THE EUROPEAN UNION

22 December 1993

on animal protection during slaughtering or killing

THE COUNCIL OF THE EUROPEAN UNION,
having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,
having regard to the proposal from the Commission (1),
having regard to the opinion of the European Parliament (2),
having regard to the opinion of the Economic and Social Committee (3),
whereas Council Directive 74/577/EEC (4) established rules on the stunning of animals before slaughter;
whereas the European Convention for the Protection of Animals for slaughter was approved on behalf of the Community by Council decision 88/306/EEC (5);
whereas the scope of the Convention is wider than existing Community rules on the matter;
whereas national laws concerning the protection of animals at the time of slaughter or killing have an impact on the conditions of competition and accordingly on the operation of the common market in agricultural products;
whereas there is therefore the need to establish common minimum standards for the protection of animals at the time of slaughter or killing in order to ensure rational development of production and to facilitate the completion of the internal market in animals and animal products;
whereas at the time of slaughter or killing animals should be spared any avoidable pain or suffering;
whereas, however, it is necessary to allow for technical and scientific experiments to be carried out and to take account of the particular requirements of certain religious rites;
Whereas the rules should also ensure satisfactory protection, at the time of slaughter or killing, for animals not covered by the Convention;

Whereas in the declaration on the protection of animals annexed to the Final Act of the Treaty on European Union, the Conference calls upon the European Parliament, the Council and the Commission, as well as the Member States, when drafting and implementing Community legislation on the common agricultural policy, to pay full regard to the welfare requirements of animals;

Whereas in so doing Community action must comply with the requirements arising out of the principle of subsidiarity laid down in Article 3b of the Treaty;

Whereas Directive 74/577/EEC should be repealed,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I General provisions

Article 1

1. This Directive shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purpose of disease control.

2. It shall not apply to:

- technical or scientific experiments relating to the procedures mentioned in paragraph 1, carried out under the supervision of the competent authority,
- animals which are killed in cultural or sports events,
- wild game killed in accordance with Article 3 of Directive 92/45/EEC.

Article 2

For the purposes of this Directive the following definitions shall apply:

1. slaughterhouse: any premises, including facilities for moving or lairaging animals, used for the commercial slaughter of animals referred to in Article 5 (1);
2. movement: unloading of animals or driving of them from unloading platforms, stalls or pens at slaughterhouses to the premises or place where they are to be slaughtered;
3. lairaging: keeping animals in stalls, pens, covered areas or fields used by slaughterhouses in order to give them any necessary attention (water, fodder, rest) before they are slaughtered;
4. restraint: the application to an animal of any procedure designed to restrict its movements in order to facilitate effective stunning or killing;
5. stunning: any process which, when applied to an animal, causes immediate loss of consciousness which lasts until death;
6. killing: any process which causes the death of an animal;
7. slaughter: causing the death of an animal by bleeding;
8. competent authority: the central authority of a Member State competent to carry out veterinary checks or any authority to which it has delegated that competence.

However, in the Member States, the religious authority on whose behalf slaughter is carried out shall be competent for the application and monitoring of the special provisions which apply to slaughter according to certain religious rites. As regards the said provisions, that authority shall operate under the responsibility of the official veterinarian, as defined in Article 2 of Directive 64/433/EEC.

Article 3

Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing.

CHAPTER II Requirements applicable to slaughterhouses

Article 4

The construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.

Article 5

1. Solipeds, ruminants, pigs, rabbits and poultry brought into slaughterhouses for slaughter shall be:
 - (a) moved and if necessary lairaged in accordance with the provisions of Annex A;
 - (b) restrained in accordance with the provisions of Annex B;
 - (c) stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C;
 - (d) bled in accordance with the provisions of Annex D.
2. In the case of animals subject to particular methods of slaughter required by certain religious rites, the requirements of paragraph 1(c) shall not apply.
3. With due regard for the general rules of the Treaty, the competent authorities of the Member States may, for establishments qualifying for derogations pursuant to Articles 4 and 13 of Directive 64/433/EEC, Article 4 of Directive 91/498/EEC and Articles 7 and 18 of Directive 71/118/EEC, grant derogations from paragraph 1(a) in respect of cattle, and from paragraph 1(a) and from the methods for stunning and killing referred to in Annex C in respect of poultry, rabbits, pigs, sheep and goats, provided that the requirements laid down in Article 3 are met.

Article 6

1. Instruments, restraint and other equipment and installations used for stunning or killing must be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the provisions of this Directive. The competent authority shall check that the instruments, restraint and other equipment used for stunning or killing comply with the above principles and shall conduct checks at regular intervals to ensure that they are in a good state of repair and will allow the aforementioned objective to be attained.
2. Suitable spare equipment and instruments must be kept at the place of slaughter for emergency use. They shall be properly maintained and inspected regularly.

Article 7

No person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of animals unless he has the knowledge and skill necessary to perform the tasks humanely and efficiently, in accordance with the requirements of this Directive.

The competent authority shall ensure that persons employed for slaughtering possess the necessary skill, ability and professional knowledge.

Article 8

Inspections and controls in slaughterhouses shall be carried out under the responsibility of the competent authority, which shall at all times have free access to all parts of slaughterhouses in order to ascertain compliance with this Directive. However, such inspections and controls may be carried out at the same time as controls carried out for other purposes.

CHAPTER III Slaughter and killing outwith slaughterhouses

Article 9

1. Where animals referred to in Article 5 (1) are slaughtered out with slaughterhouses, Article 5 (1)(b), (c) and (d) shall apply.
2. Member States may, however, grant derogations from paragraph 1 in respect of poultry, rabbits, pigs, sheep and goats slaughtered or killed out with slaughterhouses by their owner for his personal consumption, provided that Article 3 is complied with and that pigs, sheep and goats have been stunned in advance.

Article 10

1. Where animals referred to in Article 5 (1) are to be slaughtered or killed for purposes of disease control, this shall be carried out in accordance with Annex E.
2. Animals farmed for their fur shall be killed in accordance with Annex F.
3. Surplus day-old chicks, as defined in Article 2 (3) of Directive 90/539/EEC, and embryos in hatchery waste shall be killed as rapidly as possible in accordance with Annex G.

Article 11

Articles 9 and 10 shall not apply in the case of an animal which has to be killed immediately for emergency reasons.

Article 12

Injured or diseased animals must be slaughtered or killed on the spot. However, the competent authority may authorize the transport of injured or diseased animals for the purpose of slaughter or killing provided that such transport does not entail further suffering for the animals.

CHAPTER IV Final provisions

Article 13

1. If necessary, rules on the protection of animals at the time of slaughter or killing other than those in this Directive shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.
2. (a) The Annexes to this Directive shall be amended by the Council acting on a proposal from the Commission, in accordance with the procedure laid down in paragraph 1, in particular in order to adapt them to technological and scientific progress;
(b) in addition, and no later than 31 December 1995, the Commission shall submit to the Council a report drawn up on the basis of an opinion from the Scientific Veterinary Committee together with appropriate proposals concerning the use, in particular, of:
 - free bullet pistols, applied to the brain, or of gases other than those referred to in Annex C or combinations thereof for stunning and more particularly carbon dioxide for the stunning of poultry,
 - gases other than those referred to in Annex C or combinations thereof for killing,
 - any other scientifically recognized procedure for stunning or killing.The Council shall act by a qualified majority on these proposals;
(c) by way of derogation from (a), and no later than 31 December 1995, the Commission, in accordance with the procedure laid down in Article 16, shall submit to the Standing Veterinary Committee a report drawn up on the basis of an opinion from the Scientific Veterinary Committee, together with appropriate proposals, with a view to laying down:
 - (i) the strength and duration of use of the current necessary to stun the various species concerned;

(ii) the gas concentration and length of exposure necessary to stun the various species concerned;
(d) pending implementation of paragraphs (b) and (c), national rules in the matter shall apply, in compliance with the general provisions of the Treaty.

Article 14

1. Commission experts may make on-the-spot checks in so far as is necessary to ensure a uniform application of this Directive. In order to do this, they may check a representative sample of establishments to ensure that the competent authority is checking that said establishments are fulfilling the requirements of this Directive. The Commission shall inform the Member States of the result of the checks carried out.

2. The checks referred to in paragraph 1 shall be carried out in collaboration with the competent authority.

3. A Member State in whose territory a check is being carried out shall give all the necessary assistance to the experts in carrying out their duties.

4. The detailed rules for implementing this Article shall be determined in accordance with the procedure laid down in Article 16.

Article 15

In the course of the inspection of slaughterhouses or establishments which have been or are to be approved in third countries for the purpose of being able to export to the Community in accordance with Community rules, the Commission experts shall ensure that the animals referred to in Article 5 have been slaughtered under conditions which offer guarantees of humane treatment at least equivalent to those provided for in this Directive.

To enable meat to be imported from a third country the health certificate accompanying such meat must be supplemented by a declaration certifying that the above requirement has been met.

Article 16

1. Where the procedure laid down in this Article is to be followed, the matter shall without delay be referred to the Standing Veterinary Committee by its chairman, either upon his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the intended measures when they are in accordance with the opinion of the Committee.

(b) Where the intended measures are not in accordance with the opinion of the committee or no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date on which the matter was referred to it, the Council has not acted, the proposed measures shall be adopted by the Commission, unless the Council has decided against the said measures by a simple majority.

Article 17

Directive 74/577/EEC shall be repealed with effect from 1 January 1995.

Article 18

1. Member States shall bring into force the laws, regulations and administrative provisions, including any penalties, necessary to comply with this Directive on 1 January 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. However, as from the date laid down in paragraph 1, Member States may, with due regard for the general rules of the Treaty, maintain or apply in their country more stringent provisions than those contained in this Directive. They shall inform the Commission of any such measures.

3. Member States shall communicate to the Commission the text of the main provisions of the national law which they adopt in the field governed by this Directive.

Article 19

This Directive is addressed to the Member States.

Done at Brussels, 22 December 1993.

For the Council

The President

J.-M. DEHOUSSE

(1) OJ No C 314, 5. 12. 1991, p. 14.

(2) OJ No C 241, 21. 9. 1992, p. 75.

(3) OJ No C 106, 27. 4. 1992, p. 15.

(4) OJ No L 316, 26. 11. 1974, p. 10.

(5) OJ No L 137, 2. 6. 1988, p. 25.

ANNEX A

REQUIREMENTS FOR THE MOVEMENT AND LAIRAGING OF ANIMALS IN SLAUGHTERHOUSES

I. General requirements

1. Every slaughterhouse coming into operation after 30 June 1994 must have suitable equipment and facilities available for the purpose of unloading animals from means of transport, and all existing slaughterhouses must comply with these requirements by 1 January 1996.

2. Animals must be unloaded as soon as possible after arrival. If delay is unavoidable they must be protected from extreme weather conditions and provided with adequate ventilation.

3. Animals which might injure each other on account of their species, sex, age or origin must be kept and lairaged apart from each other.

4. Animals must be protected from adverse weather conditions. If they have been subjected to high temperatures in humid weather they must be cooled by appropriate means.

5. The condition and state of health of the animals must be inspected at least every morning and evening.

6. Without prejudice to the provisions laid down in Chapter VI of Annex I to Directive 64/433/EEC, animals which have experienced pain or suffering during transport or upon arrival at the slaughterhouse, and unweaned animals, must be slaughtered immediately. If this is not possible, they must be separated and slaughtered as soon as possible and at least within the following two hours. Animals which are unable to walk must not be dragged to the place of slaughter, but must be killed where they lie or, where it is possible and

does not entail any unnecessary suffering, transported on a trolley or movable platform to the place of emergency slaughter.

II. Requirements for animals delivered other than in containers

1. Where slaughterhouses have equipment for unloading animals, such equipment must have a non-slip flooring and, if necessary, be provided with lateral protection. Bridges, ramps and gangways must be fitted with sides, railings or some other means of protection to prevent animals falling off them. Exit or entry ramps must have the minimum possible incline.

2. During unloading, care must be taken not to frighten, excite or mistreat the animals, to ensure that they are not overturned. Animals must not be lifted by the head, horns, ears, feet, tail or fleece in such a way as to cause them unnecessary pain or suffering. When necessary, they must be led individually.

3. Animals must be moved with care. Passageways must be so constructed as to minimize the risk of injury to animals, and so arranged as to exploit their gregarious tendencies. Instruments intended for guiding animals must be used solely for that purpose, and only for short periods.

Instruments which administer electric shocks may be used only for adult bovine animals and pigs which refuse to move, provided that the shocks last no more than two seconds, are adequately spaced out and that the animals have room ahead of them in which to move. Such shocks may be applied only to the muscles of the hindquarters.

4. Animals must not be struck on, nor shall pressure be applied to, any particularly sensitive part of the body. In particular, animals' tails must not be crushed, twisted or broken and their eyes must not be grasped. Blows and kicks must not be inflicted.

5. Animals must not be taken to the place of slaughter unless they can be slaughtered immediately. If they are not slaughtered immediately on arrival they must be lairaged.

6. Without prejudice to derogations granted pursuant to Articles 4 and 13 of Directive 64/433/EEC, slaughterhouses must be equipped with a sufficient number of pens for adequate lairaging of the animals to protect them from the effects of adverse weather.

7. In addition to complying with requirements already laid down in Community rules, lairages must have:

- floors which minimize the risk of slipping and which do not cause injury to animals in contact with them,
- adequate ventilation, taking into account the extremes of temperature and humidity which may be expected. Where mechanical means of ventilation are required, provision must be made for emergency back-up facilities in the event of breakdown,
- artificial lighting at a level sufficient to permit inspection of all animals at any time; if necessary, adequate back-up lighting must be available,
- where necessary, equipment for tethering animals,
- where necessary, adequate supplies of a suitable bedding material for all animals kept in the lairage overnight.

8. Where, in addition to the lairages referred to above, slaughterhouses also have field lairages without a natural shelter or shade, appropriate protection from adverse weather must be provided.

Field lairages must be maintained in such a condition as to ensure that animals are not subjected to physical, chemical or other health hazards.

9. Animals which are not taken directly upon arrival to the place of slaughter must have drinking water available to them from appropriate facilities at all times. Animals which have not been slaughtered within 12 hours of their arrival must be fed, and must subsequently be given moderate amounts of food at appropriate intervals.

10. Animals which are kept for 12 hours or more at a slaughterhouse must be lairaged and, where appropriate, tethered, in such a way that they can lie down without difficulty. Where animals are not tethered, food must be provided in a way which will permit the animals to feed undisturbed.

III. Requirements for animals delivered in containers

1. Containers in which animals are transported must be handled with care, and must not be thrown, dropped or knocked over. Where possible, they must be loaded and unloaded horizontally and mechanically.
2. Animals delivered in containers with perforated or flexible bottoms must be unloaded with particular care in order to avoid injury. Where appropriate, animals must be unloaded from the containers individually.
3. Animals which have been transported in containers must be slaughtered as soon as possible; otherwise they must if necessary be watered and fed in accordance with point II.9.

ANNEX B

RESTRAINT OF ANIMALS BEFORE STUNNING, SLAUGHTER OR KILLING

1. Animals must be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.
However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.
2. Animals' legs must not be tied, and animals must not be suspended before stunning or killing.
However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, right before being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.
Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.
3. Animals which are stunned or killed by mechanical or electrical means applied to the head must be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The competent authority may, however, in the case of solipeds and cattle, authorize the use of appropriate means to restrain head movements.
4. Electrical stunning equipment must not be used as a means of restraint or immobilization or to make animals move.

ANNEX C

STUNNING OR KILLING OF ANIMALS OTHER THAN ANIMALS REARED FOR FUR

I. PERMITTED METHODS

A. Stunning

1. Captive bolt pistol
2. Concussion
3. Electronarcosis
4. Exposure to carbon dioxide

B. Killing

1. Free bullet pistol or rifle
2. Electrocution
3. Exposure to carbon dioxide

C. The competent authority may, however, authorize decapitation, dislocation of the neck and the use of a vacuum chamber as a method of killing for certain specific species, provided that Article 3 is complied with and that the specific requirements laid down in point III of this Annex are met.

II. SPECIFIC REQUIREMENTS FOR STUNNING

Stunning must not be carried out unless it is possible to bleed the animals immediately afterwards.

1. Captive bolt pistol

(a) Instruments must be positioned so as to ensure that the bullet enters the brain cortex. In particular, it is prohibited to shoot cattle in the poll position.

Sheep and goats may be shot in the poll position if the presence of horns prevents use of the crown position. In such cases the shot must be placed immediately behind the base of the horns and aimed towards the mouth, and bleeding must commence within 15 seconds of shooting.

(b) When using a captive bolt instrument, the operator must check to ensure that the bolt retracts to its full extent after each shot. If it does not so retract, the instrument must not be used again until it has been repaired.

(c) Animals must not be placed in stunning pens unless the operator who is to stun them is ready to do so as soon as the animal is placed in the pen. Animals must not be placed in head restraint until the slaughter man is ready to stun them.

2. Concussion

(a) This is only permitted using a mechanically-operated instrument which administers a blow to the skull. The operator must ensure that the instrument is applied in the proper position and that the correct strength of cartridge is used, in accordance with the manufacturer's instructions, to produce an effective stun without fracturing the skull.

(b) However, in the case of small batches of rabbits, where a non-mechanical blow to the skull is used, that operation must be carried out in such a way that the animal is immediately rendered unconscious and remains so until its death and in compliance with the general provisions of

Article 3.

3. Electronarcosis

A. Electrodes

1. Electrodes must be so placed that they span the brain, enabling the current to pass through it. Appropriate measures must also be taken to ensure that there is good electrical contact, in particular by removing excess wool or wetting skin.

2. Where animals are stunned individually, the equipment must:

(a) incorporate a device which measures the impedance of the load and prevents operation of the equipment itself if the minimum required current cannot be passed;

(b) incorporate an audible or visible device indicating the length of time of its application to an animal;

(c) be connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

B. Waterbath stunners

1. Where waterbath stunners are used to stun poultry, the water level must be adjustable in order to ensure that there is good contact with the bird's head.

The strength and duration of the current used in this case will be determined by the competent authority so as to ensure that the animal is immediately rendered unconscious and remains so until death.

2. Where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned must be maintained.

3. Appropriate measures must be taken to ensure that the current passes properly, in particular good electrical contacts and wetting the shackle-to-leg contact.

4. Waterbaths for poultry must be adequate in size and depth for the type of bird being slaughtered, and must not overflow at the entrance. The electrode which is immersed in the water must extend over the length of the waterbath.

5. If necessary, manual back-up must be available.

4. Exposure to carbon dioxide

1. The concentration of carbon dioxide for stunning pigs must be at least 70 % by volume.

2. The chamber in which pigs are exposed to the gas, and the equipment used for conveying the pigs through it, must be so designed, constructed and maintained as to avoid injury to the pigs and compression of the chest and enable them to remain upright until they lose consciousness.

Adequate lighting must be provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings.

3. The chamber must be fitted with devices for measuring the gas concentration at the point of maximum exposure and for giving a clearly visible and audible warning if the concentration of carbon dioxide falls below the required level.

4. Pigs must be placed in pens or containers in which they can see each other and conveyed into the gas chamber within 30 seconds from their entry into the installation. They must be conveyed as rapidly as possible from the entrance to the point of maximum concentration of the gas and must be exposed to it long enough to ensure that they remain unconscious until they have been killed.

III. SPECIFIC REQUIREMENTS FOR KILLING

1. Free bullet pistol or rifle

These methods, which may be used to kill various species, in particular large farmed game and deer, are subject to authorization by the competent authority, which must ensure in particular that they are used by duly qualified staff and in compliance with the general provisions of Article 3 of this Directive.

2. Decapitation and dislocation of the neck

These methods, which are to be used only for killing poultry, are subject to authorization by the competent authority, which must ensure in particular that they are used by duly qualified staff and in compliance with the general provisions of Article 3 to this Directive.

3. Electrocution and carbon dioxide

The competent authority may authorize the killing of various species by these methods provided that, in addition to the general provisions of Article 3, the specific provisions laid down in point II (3) and (4) of this Annex are complied with. It shall also, to achieve this, lay down the strength and duration of the current used and the concentration and length of exposure to carbon dioxide.

4. Vacuum chamber

This method, which is to be used only for the killing without bleeding of certain animals for consumption belonging to farmed game species (quail, partridge and pheasant), is subject to authorization by the competent authority, which shall ensure, in addition to compliance with the requirements laid down in Article 3, that:

- the animals are placed in an airtight chamber in which a vacuum is swiftly achieved by means of a powerful electric pump,
- the vacuum is maintained until the animals are dead,
- the animals are held in groups in transport containers which can be placed in the vacuum chamber, which is designed for that purpose.

ANNEX D BLEEDING OF ANIMALS

1. For animals which have been stunned, bleeding must be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding.

In any event, the bleeding must be carried out before the animal regains consciousness.

2. All animals which have been stunned must be bled by cutting at least one of the carotid arteries or the vessels from which they arise.

After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

3. Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person must carry out those operations consecutively on one animal before carrying them out on another animal.
4. Manual back-up must be available where poultry is bled by means of automatic neck-cutters so that, in the event of a breakdown, birds may be slaughtered immediately.

ANNEX E KILLING METHODS FOR DISEASE CONTROL

Permitted methods

Any method permitted under Annex C which causes certain death.

In addition, the competent authority may, in compliance with the general provisions of Article 3 of this Directive, permit the use of other methods for killing conscious animals, ensuring in particular that:

- if methods are used which do not cause immediate death (for example, captive bolt shooting), appropriate measures are taken to kill the animals as soon as possible, and in any event before they regain consciousness,
- nothing more is done to the animals before it has been ascertained that they are dead.

ANNEX F METHODS OF KILLING FUR ANIMALS

I. Permitted methods

1. Mechanically-operated instruments which penetrate the brain.
2. Injection of an overdose of a drug with anesthetic properties.
3. Electrocutation with cardiac arrest.
4. Exposure to carbon monoxide.
5. Exposure to chloroform.
6. Exposure to carbon dioxide.

The competent authority shall decide on the most appropriate method of killing for the different species concerned in compliance with the general provisions of Article 3 of this Directive.

II. Specific requirements

1. Mechanically-operated instruments which penetrate the brain

(a) Instruments must be positioned so as to ensure that the bullet enters the brain cortex.

(b) This method is permitted only if it is followed by immediate bleeding.

2. Injection of an overdose of a drug with anesthetic properties

Only those anesthetics, doses and applications which cause immediate loss of consciousness followed by death may be used.

3. Electrocutation with cardiac arrest

Electrodes must be placed so that they span the brain and the heart and the minimum current level used must lead to immediate loss of consciousness and cardiac arrest. However, for foxes, where electrodes are applied to the mouth and rectum, a current of an average value of 0.3 amps must be applied for at least 3 seconds.

4. Exposure to carbon monoxide

(a) The chamber in which the animals are exposed to the gas must be designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised.

(b) The animals must be introduced into the chamber only after it has been filled with a concentration of carbon monoxide of at least 1 % by volume, supplied by a source of 100 % carbon monoxide.

(c) The gas produced by an engine specially adapted for that purpose may be used to kill mustelids and chinchillas provided that tests have shown that the gas used:

- has been suitably cooled,
- has been sufficiently filtered,
- is free from any irritant matter or gas,

- and that the animals cannot be placed in the chamber until the concentration of carbon monoxide has reached at least 1 % by volume.

(d) When inhaled the gas must first induce a deep general anesthesia and must then cause certain death.

(e) The animals must remain in the chamber until they are dead.

5. Exposure to chloroform

Exposure to chloroform may be used to kill chinchillas provided that:

(a) the chamber in which the animals are exposed to the gas is designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised;

(b) the animals are introduced into the chamber only if it contains a saturated chloroform-air compound;

(c) when inhaled, the gas first induces a deep general anesthesia and then causes certain death;

(d) the animals remain in the chamber until they are dead.

6. Exposure to carbon dioxide

Carbon dioxide may be used to kill mustelids and chinchillas provided that:

(a) the chamber in which the animals are exposed to the gas is designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised;

(b) the animals are introduced into the chamber only when the atmosphere contains the highest possible concentration of carbon dioxide supplied by a source of 100 % carbon dioxide;

(c) when inhaled, the gas first induces deep general anesthesia and then causes certain death;

(d) the animals remain in the chamber until they are dead.

ANNEX G

KILLING OF SURPLUS CHICKS AND EMBRYOS IN HATCHERY WASTE

I. Permitted methods for the killing of chicks

1. Use of a mechanical equipment causing rapid death.

2. Exposure to carbon dioxide.

3. However, the competent authority may permit the use of other scientifically recognized killing methods provided that they comply with the general provisions of Article 3.

II. Specific requirements

1. Use of a mechanical equipment producing rapid death

(a) The animals must be killed by an equipment which contains rapidly rotating mechanically operated killing blades or expanded polystyrene projections.

(b) The capacity of the equipment must be sufficient to ensure that all animals are killed immediately, even if they are handled in large numbers.

2. Exposure to carbon dioxide

(a) The animals must be placed in an atmosphere with the highest obtainable concentration of carbon dioxide, supplied by a source of 100 % carbon dioxide.

(b) The animals must remain in this atmosphere until they are dead.

III. Permitted method for the killing of embryos

1. To kill any living embryos instantaneously, all hatchery waste must be treated by the mechanical equipment mentioned in point II (1).

2. However, the competent authority may permit the use of other scientifically recognized killing methods provided that they comply with the general provisions of Article 3.

ANNEX 4b

Legislative decree 1 September 1998, n. 333

Implementing Directive 93/119/CE on animal protection during slaughtering or killing

(Published in the Official Journal, 28 September 1998, n. 226)

Art. 1

The present decree applies to the transfer, lairaging, immobilization, stunning, slaughtering and killing of farm animals for the production of meat, leather, furs or other products, as well as to the killing of animals for prophylactic purposes and to fight against infectious and contagious disease. Provided that the provisions in force against the ill treatment of animals, the present decree does not apply to:

- a) Technical or scientific testing of methods to use for the activities under paragraph 1, performed under the control of the competent authority;
- b) Animals killed on the occasion of cultural or sports events;
- c) Game killed in compliance with article 3 of the decree of the President of the Republic 17 October 1996, n. 607 and following amendments.

Art. 2

The following definitions are used in the present decree:

- a) Slaughter house: any establishment or equipment, including the equipment for the transfer and lairaging of animals, used to slaughter animals for commercial purposes, as under article 5, paragraph 1;
- b) Transfer: unloading or carrying animals from unload platforms, fences or slaughter house stables to the slaughter premises or rooms;
- c) lairaging: keeping animals inside stables, fences or indoor spaces, as well as outdoor areas used in slaughter houses to possibly care them (provision of water, forage, rest) prior to slaughtering;
- d) immobilization: any system limiting the motion of animals to facilitate stunning or for an effective killing;
- e) stunning: any procedure that rapidly induces a state of unconsciousness in animals until they die;
- f) killing: any procedure causing the death of the animal;
- g) slaughtering: killing an animal by bleeding to death;
- h) competent authority: Ministry of Health, the veterinarian unit of the Region or autonomous province, the official veterinarian as defined under article 2, paragraph 1, letter g), of legislative decree 18 April 1994, n. 286 and following amendments; however, for ritual slaughtering, the competent authority in the area of enforcement and control any special provision on slaughtering according to religious rituals is the religious authority on behalf of which slaughter is performed; this acts under the responsibility of the official veterinarian with respect to the other provisions contained in the present decree. The owners of the slaughter establishments to be employed for religious slaughtering shall notify any prescribed requirements to the competent local veterinarian authority which in turn shall forward such notification to the Ministry of Health.

Art. 3

Transfer, lairaging, immobilization, stunning, slaughtering and killing shall be conducted in such a manner to avoid any unnecessary excitement, pain and suffering to animals.

Art. 4

The construction, establishment and equipment of slaughter houses as well as their operation shall avoid unnecessary excitement, pain and suffering to animals.

Art. 5

Solipeds, ruminants, pigs, rabbits and poultry, carried to slaughter houses for slaughtering, shall be:

- a) transferred and, if necessary, lairaged in compliance with the indications contained in annex A;
- b) restrained in compliance with the indications contained in annex B;
- c) stunned before slaughtering or instantly killed in compliance with the provisions contained in annex C;
- d) bled to death in compliance with the indications contained in annex D.

Provisions under paragraph 1, letter c), do not apply to ritual slaughter as under article 2, paragraph 1, letter h). Establishments entitled to the exceptions provided for in article 5 of legislative decree 18 April 1996, n. 286 and following amendments, as well as articles 4 and 12 of the decree of the President of the Republic 10 December 1997, n. 495, provided that the provisions of article 3 are observed, may be exempt from:

- a) provisions under paragraph 1, letter a), for cattle;
- b) provisions under paragraph 1, letter a), as well as killing and stunning procedures outlined in annex C, for poultry, rabbits, pigs, sheep and goats.

Art. 6

Instruments, materials for restraining animals, equipment and facilities for stunning or killing shall be designed, built, kept and used so as to ensure a fast and effective stunning or killing in compliance with the provisions of the present decree; the official veterinarian in charge will check their suitability and compliance with their specific requirements as well as their proper state of operation.

At the slaughter house, proper instruments and spare parts, specially kept and controlled by the official veterinarian, shall be available at all times for emergency use.

Art. 7

Transfer, lairaging, restraint, stunning, slaughtering or the killing of animals can only be performed by subjects with the theoretical and practical skills required to carry out such activities in an effective and humanitarian manner. The competent authority shall ascertain the eligibility, skills and professional know how of the subjects in charge of slaughtering.

Art. 8

Inspection and surveillance of slaughter houses to control the observance of provisions contained in the present decree shall be made by the competent authority at any time, also in the course of inspections for different purposes.

Art. 9

Provisions outlined under letters b), c) & d) of article 5, paragraph 1, also apply when animals are slaughtered in a venue other than a proper slaughter house. By way of exemption from paragraph 1, in case of home slaughter by private subjects (slaughter of poultry, rabbits, swine, sheep and goats for family consumption), provisions outlined under b), c) & d) of article 5, paragraph 1, shall not apply provided that provisions under article 3 are complied with and that cattle, pigs, sheep and goat species have been previously stunned.

Art. 10

Slaughter and killing of animals for disease control purposes, as per article 5, paragraph 1 shall comply with provisions contained in annex E. Fur animals shall be killed in compliance with provisions contained in annex F.

Day-old chicks, as defined in article 2, paragraph 2, letter c) of the Decree of the President of the Republic 3 March 1993, n. 587, and surplus embryos in hatchery waste shall be killed as rapidly as possible in compliance with provisions contained in Annex G.

Art. 11

Provisions contained in articles 9 and 10 do not apply to animals to be immediately killed for emergency reasons.

Art. 12

Injured or sick animals shall be slaughtered or killed on the spot; however, the official veterinarian may authorize their transport for slaughtering or killing purposes provided that this does not entail any further suffering for animals.

Art. 13

The competent authorities shall help and assist the experts of the European Commission in charge of performing inspections on the enforcement of provisions contained in the present decree.

Art. 14

The health certificate enclosed to any meat coming from a third country shall contain a declaration that said meat has been obtained from animals outlined under article 5, slaughtered in conditions at least equivalent as those provided for in the present decree.

Art. 15

Unless it constitutes a crime, failed compliance with prescriptions contained in article 5, paragraph 1, article 6, article 7, paragraph 1, as well as in articles 9 and 10 shall be subject to a fine from a minimum of 500,000 lire to three million lire. Repeated failed compliance with prescriptions contained in paragraph 1 shall be subject to a fine from a minimum of two million to twelve million lire. The Regions having established financial sanctions pursuant to Law 24 November 1981, n. 689, based on the delegation contained in art. 5 Law 14 October 1985, n. 623, with reference to the failed compliance

with provisions on the protection of animals for slaughter, shall adapt the contents of any Regional laws governing this matter to the principles contained in the present decree, as well as to the minimum and maximum fines as described under paragraphs 1 and 2.

Art. 16

Law 2 August 1978, n. 439 has been abrogated (repelled).

Annex A

(envisaged by article 5, paragraph 1, letter a)

PROVISIONS ON THE MOVEMENT AND LAIRAGING OF ANIMALS IN SLAUGHTERHOUSES

I. General requirements.

1. Slaughter houses shall be provided with facilities to unload animals from means of transport within six months from the entry into force of the present decree.
2. Animals shall be unloaded as soon as possible after their arrival. In case of inevitable delays, animals shall be protected from extreme weather and provided with an adequate ventilation.
3. Animals which might injure each other on account of their species, gender, age or origin shall be kept separate from one another.
4. Animals shall be protected from extreme weather conditions. In the event they have been exposed to high temperatures with a high humidity, animals shall be cooled by appropriate means.
5. The condition and state of health of animals shall be checked at least every morning and every night.
6. Without prejudice to provisions laid down in Chapter VI of Annex I to Directive 64/433/EEC, animals that have experienced pain or any suffering during transport or upon their arrival at the slaughter house and unweaned animals shall be slaughtered immediately. In the event this is not possible, they shall be kept separate from the others and be slaughtered as soon as possible within the following two hours. Animals that cannot walk shall not be dragged to the slaughtering place; they shall be killed on the spot or, should this not be possible and without causing any useless suffering, they shall be transported on a trolley or a movable platform to the emergency slaughter place.

II. Requirements for animals delivered by transport means other than containers.

1. Slaughter houses provided with equipment for unloading animals shall have a non-slippery flooring and, where necessary, be provided with lateral protection. Bridges, ramps and gangways shall be provided with lateral walls, railings or other protection to prevent animals from falling off. Exit or entry ramps shall have the minimum possible slope.
2. During unloading, animals shall not be frightened, excited or ill treated; also, they shall not be caused to fall upside down. Animals shall not be lifted by their head, horns, ears, feet, tail or fleece in such a way as to cause them unnecessary pain or suffering. Where required, animals shall be individually led.
3. Animals shall be moved with due care. Passageways shall be so constructed as to minimize the risk of injury and arranged so as to exploit the animals' gregarious attitude. Instruments can only be used to hold animals in the right direction and for short periods of time only. Instruments delivering an electric shock can only be used with adult bovine and pigs that refuse to move, provided that such shocks do

- not last more than two seconds, are properly spaced out and animals have enough room ahead to move; shocks can be delivered to posterior muscles only.
4. Animals shall not be hit or pressure be applied to any sensitive body region. In particular, the tail of animals shall not be crushed, twisted or broken nor their eyes be grasped. Hitting or kicking animals is prohibited.
 5. Animals shall not be moved to the place of slaughtering unless they can be slaughtered immediately. In the even they are not slaughtered immediately after their arrival, animals shall be lairaged.
 6. Without prejudice to derogations granted by virtue of provisions contained in art.4 and 13 of Directive 64/433/EEC, slaughter houses shall have a sufficient number of stables and pens for the proper lairaging of animals, so that these latter are not exposed to adverse weather.
 7. In addition to complying with Community rules, lairages shall be provided with:
 - floors minimizing the risk that animals slip and may be injured;
 - proper ventilation, considering the minimum and maximum temperature and humidity level which may be expected. Where mechanical ventilation systems are employed, emergency facilities to be used in case of faults shall be equally provided;
 - lighting, at a level sufficient to inspect all animals in any circumstances; where necessary, a suitable, backup lighting system shall be made available;
 - where necessary, equipment for tethering animals;
 - where necessary, bedding materials for all animals placed in lairages at night.
 8. Where, in addition to the lairages mentioned above, slaughter houses also have field lairages with no shelter or shade, appropriate protection from adverse weather shall be provided. Field lairages shall be maintained so as not to expose animals to physical, chemical or other hazards.
 9. Upon their arrival, animals that are not immediately taken to the slaughter place, shall always have drinking water available from proper devices. Animals not slaughtered within twelve hours from their arrival shall be fed; afterwards, they shall be administered moderate amounts of fodder at appropriate time intervals.
 10. Animals spending twelve or more hours at the slaughter house shall be left in lairages and, where appropriate, tethered, in such a way that they can lie down without difficulty. When animals are not tethered, they shall be fed in such a way that they can eat undisturbed.

III. Requirements for animals delivered in containers.

1. Containers in which animals are transported shall be handled with care; they shall not be dropped, thrown or knocked over. If possible, they shall be loaded and unloaded horizontally through mechanical means.
2. Animals delivered in containers with perforated or flexible bottoms shall be unloaded with special care to avoid injury. If necessary, animals shall be individually unloaded from said containers.
3. Animals transported in containers shall be slaughtered as soon as possible; otherwise they shall be given food and water in compliance with provisions contained under item II.9.

Annex B

(provided for by article 5, paragraph 1, letter b)

RESTRAINT OF ANIMALS BEFORE STUNNING, SLAUGHTER OR KILLING

1. Animals shall be appropriately restrained to spare them any pain, suffering, agitation, injury or contusion. However, in the case of ritual slaughtering, restraint of bovine species prior to slaughtering using a mechanical method to avoid any pain, suffering or excitement, as well as any injury or contusion shall be mandatory.
2. Animals' legs shall not be tied nor animals shall be suspended before stunning or killing. However, poultry and rabbit may be suspended for slaughter, provided that appropriate measures are taken to ensure that, just before stunning, they are sufficiently relaxed for stunning can be carried out effectively and with no undue delay. However, use of a containment system to restrain an animal shall not be regarded as suspension in any circumstances.
3. Animals which are stunned or killed by mechanical or electrical means applied to the head, shall be positioned in such a way that the instrument can be applied and operated with no difficulty, accurately and for the required time. As regards solipeds and cattle, the competent authority may authorize the use of special instruments to restrain the head movements.
4. Electrical stunning devices shall not be used to restrain or immobilize animals or to make them move.

Annex C

(provided for by article 5, paragraph 1, letter c)

STUNNING AND KILLING OF ANIMALS OTHER THAN FUR ANIMALS

- I. Permitted methods
 - A. Stunning:
 - 1) Captive bolt gun;
 - 2) Brain commotion;
 - 3) Electronarcosis;
 - 4) Exposure to carbon dioxide.
 - B. Killing:
 - 1) Free bullet gun or rifle;
 - 2) electrocution;
 - 3) exposure to carbon dioxide.

The competent authority may authorize beheading, neck dislocation and use of a "vacuum chamber" to kill some specific species, provided that the requirements laid down in article 3 and the specific provisions contained in item III of the present Annex are complied with.

- II. Specific requirements for stunning.

Stunning shall not be performed unless it is possible to bleed animals immediately.

1. Captive bolt gun:

- a) Instruments shall be positioned in such a way that the bullet goes into the brain cortex. More specifically, with cattle shooting behind horns between ears is prohibited. As to sheep and goats, shooting in the above mentioned region is allowed in the event horns prevent the crown position. The shot shall be placed just below the horn base, towards the mouth; bleeding shall commence within the following 15 seconds;

- b) When using a captive bolt instrument, the operator shall make sure that the bullet retracts fully after each shot. Otherwise the instrument cannot be used again until it has been repaired;
- c) Animals shall not be placed in a stunning box unless the operator in charge of stunning them is ready as soon as the animal is placed in the pen. The animals' head shall not be restrained until the slaughterman is ready to stun it.

2. Percussion:

- a) This method is allowed only when a mechanical instrument delivering a shock to the brain is used. The operator shall check the proper position of the instrument and that a cartridge of sufficient strength is used, according to the manufacturer's directions, so as to stun without causing a skull fracture;
- b) However, for small batches of rabbits, where a non mechanical blow is delivered to the skull, such operation shall be carried out in such a way that the animal becomes unconscious immediately and remains unconscious until its death, in compliance with general provisions contained in article 3.

3. Electronarcosis:

A. Electrodes:

- 1) Electrodes shall be placed around the brain to enable the passage of electric power through it. Also, appropriate measures shall be taken to get a proper electrical contact, i.e. remove excess fleece or moisten the skin;
- 2) When animals are stunned individually, the equipment shall:
 - a) be provided with a device measuring the load impedance to stop the equipment operation unless the minimum prescribed power cannot be conveyed;
 - b) be provided with a light or acoustic device showing the length of application to a given animals;
 - c) be connected to a device, perfectly visible by the operator, showing the voltage and power intensity.

B. Water baths:

- 1) In the case of poultry, should water bath stunning be employed, the water level shall be adjustable so as to allow a proper contact with the animals' head. The intensity and duration of current shall be established by the competent authority so as to ensure that the animal immediately becomes unconscious until its death;
- 2) When poultry is stunned by groups in a water bath, a voltage sufficient to generate a current strong enough to stun each bird shall be maintained;
- 3) Appropriate measures shall be taken to ensure the effective passage of current and, more specifically, a proper contact and wetting of such contact between the legs and shackle-to-leg contacts;
- 4) Water baths for poultry shall have the right size and depth for the type of birds to slaughter and shall not overflow at the time of entry. The electrode immersed into water shall be as long as the waterbath;
- 5) if necessary, manual intervention shall be available.

4. Exposure to carbon dioxide:

- 1) The carbon concentration for stunning of pigs shall not lower than 70% by volume;
- 2) The chamber where pigs are exposed to gas and the devices employed to move animals through it shall be designed, built and maintained so as to avoid animals may be injured or have a chest compression and to allow them to stand before fainting. The routing mechanism and the chamber shall be properly illuminated so that a pig can see other pigs or the surrounding environment;
- 3) The chamber shall be provided with gas concentration meters at the point of maximum exposure. They shall emit a visible and audible alarm signal in the event the carbon dioxide concentration is lower than expected;
- 4) Pigs shall be arranged in pens or containers so that each pig can see other pigs and be driven into the gas chamber within thirty seconds from entry into the facility. They shall be driven as quickly as possible from the threshold to the point where gas has its maximum concentration and be exposed to gas long enough to remain unconscious until their death.

III. Specific requirements for killing.

1. Free bullet gun or rifle.

These methods can be employed to kill a number of species, e.g. large farmed game and deer; they are subject to authorization by the competent authority which shall specifically make sure that they are employed by duly qualified staff and in compliance with general provisions contained in article 3 of the present Directive.

2. Beheading and neck dislocation.

These methods, to be used to kill poultry only, are subject to authorization by the competent authority which shall specifically make sure that they are employed by duly qualified staff and in compliance with provisions contained in article 3.

3. Electrocutation and carbon dioxide.

The competent authority may authorize killing of different species through these methods provided that, in addition to provisions contained in art. 3, the specific provisions laid down in items 3 and 4 of point II of the present Annex are complied with; to this end, the authority shall establish the intensity and duration of current, the carbon dioxide concentration and the length of exposure to this latter.

4. Vacuum chamber.

This method, to be used only for killing without bleeding of some animals to be eaten, i.e. farmed game (quails, partridge and pheasant), is subject to the authorization by the competent authority which shall make sure, in addition to compliance with provisions of article 3:

- that animals are placed in an air-tight chamber where vacuum is quickly obtained through a powerful electric pump;
- that vacuum is maintained until the death of animals;
- that animals are held in group, in special containers to be placed into the vacuum chamber, of the appropriate size.

Annex D

(provided for by article 5, paragraph 1, letter d)

BLEEDING OF ANIMALS

1. For animals that have been stunned, bleeding shall start as soon as possible after stunning, so as to cause a rapid, complete and full bleeding. Bleeding shall be carried out before the animal regains consciousness.
2. Bleeding of animals shall be obtained through the resection of at least of the two carotid arteries or the blood vessels they originate from. After resecting blood vessels, no other operation shall be performed on animals nor any electric stimulation before the end of bleeding.
3. The person in charge of stunning, shackling, hoisting and bleeding of animals shall carry out such operations consecutively on one animal before doing the same on another animal.
4. Should poultry be bled through automatic beheading, direct manual intervention shall be available so that, in the event of a malfunctioning of the device, the animal can be slaughtered immediately.

Annex E

(provided for by article 10, paragraph 1)

KILLING METHODS FOR DISEASE CONTROL

Permitted methods

Any method permitted under Annex C ensuring a sure death. The competent authority, in compliance with provisions of article 3, may authorize further methods to kill conscious animals, ensuring in particular that:

- if methods are used which do not cause immediate death (e.g. captive bolt shooting), appropriate measures are taken to kill animals as soon as possible and in any event before they regain consciousness;

- no other operation is performed on animals before their death has been ascertained.

Annex F

(provided for by article 10, paragraph 2)

METHODS TO KILL FUR ANIMALS

I. Permitted methods

1. mechanically-operated instruments perforating the brain.
2. injection of a lethal dose of an agent with anesthetic properties.
3. electrocution followed by cardiac arrest
4. exposure to carbon monoxide.
5. exposure to chloroform.
6. exposure to carbon dioxide.

The competent authority shall decide on the most appropriate method to kill the different species in compliance with provisions contained in article 3.

II. Specific requirements.

- I. Mechanically-operated instruments perforating the brain:

a) instruments shall be positioned in such a way that the bullet goes into the brain cortex;

b) this method is allowed only when it is immediately followed by bleeding.

II. Inoculating a lethal dose of an agent with anesthetic properties. Only anesthetics causing the immediate loss of consciousness followed by death are allowed; their use is allowed only if administered at the appropriate dose and inoculation methods.

III. Electrocutation followed by cardiac arrest

1) Electrodes shall be placed so as to hit brain and heart; it is understood that the minimum voltage level shall cause the immediate loss of consciousness and cause the cardiac arrest. However, with respect to foxes, should the electrodes be placed in the mouth and rectum, a current with an average intensity of 0.3 A shall be applied for at least three seconds.

B.

Exposure to carbon monoxide:

- 1) The chamber in which animals are exposed to gas shall be designed, built and maintained so as to prevent animals from being injured and allow them to be supervised;
- 2) Animals shall be introduced into the chamber only when the carbon monoxide concentration inside the chamber itself is at least 1% by volume, originating from a carbon monoxide source with a 100% concentration;
- 3) gas produced by a specially adapted engine may be used to kill mustelids and chinchillas provided that tests have shown that the gas used:

- has been appropriately cooled;

- has been sufficiently filtered;

- is free from any irritant matter or gas;

- and that animals can be introduced only when the carbon monoxide concentration is at least 1% by volume;

d) when inhaled, such gas shall first cause a deep, general anesthesia and, finally, a sure death;

e) animals shall remain in the chamber until they are dead.

5. Exposure to chloroform.

Exposure to chloroform may be employed to kill chinchillas provided that:

a) The chamber in which animals are exposed to gas shall be designed, built and maintained so as to prevent animals from being injured and allow them to be supervised;

- b) animals are introduced into the chamber only when this latter contains a saturated chloroform/air compound;
- c) when inhaled, gas shall first cause a deep, general anesthesia and, finally, a sure death;
- d) animals remain in the chamber until they are dead.

6. Exposure to carbon dioxide.

Carbon dioxide may be used to kill mustelids and chinchillas provided that:

- a) The chamber in which animals are exposed to gas shall be designed, built and maintained so as to prevent animals from being injured and allow them to be supervised;
- b) animals are introduced into the chamber only when the atmosphere contains the highest concentration of carbon dioxide supplied by a carbon dioxide source with a 100% concentration;
- c) gas, when inhaled, shall first cause a deep, general anesthesia followed by a sure death;
- d) animals remain in the chamber until they are dead.

Annex G

(provided for by art. 10, paragraph 3)

KILLING OF SURPLUS CHICKS AND EMBRYOS IN HATCHERY WASTE

I. Methods allowed to kill chicks.

1. mechanical equipment inducing a fast death.
2. exposure to carbon dioxide.
3. however, the competent authority may authorize further scientifically acknowledged killing methods provided that they comply with provisions contained in article 3.

II. Specific requirements.

1. Use of a mechanical device inducing a fast death:
 - a) Animals shall be killed by a device fitted with fast rotating blades or expanded polystyrene projections;
 - b) The device shall be powerful enough to kill animals immediately, even if they are in large numbers.
2. Exposure to carbon dioxide:
 - a) Animals shall be placed in an atmosphere containing the highest concentration of carbon dioxide supplied by a carbon dioxide source at a concentration of 100%;
 - b) Animals shall remain in the above mentioned atmosphere until they are dead..

III. Methods allowed to kill embryos.

1. to instantly kill all living embryos, all hatchery waste shall be treated by means of the mechanical device mentioned under point II.1.
2. however, the competent authority may authorize the use of further scientifically acknowledged killing methods, provided that they comply with provisions contained in article 3.

ANNEX 4c

European Convention for the Protection of Animals for Slaughter

Signed in Strasbourg on 10 May 1979

The member States of the Council of Europe, signatory hereto,

Considering that it is desirable to ensure the protection of animals which are to be slaughtered;

Considering that slaughter methods which as far as possible spare animals suffering and pain should be uniformly applied in their countries;

Considering that fear, distress, suffering and pain inflicted on an animal during slaughter may affect the quality of the meat,
Have agreed as follows:

Chapter I

GENERAL PRINCIPLES

Article 1

1. This Convention shall apply to the movement, lairaging, restraint, stunning and slaughter of domestic solipeds, ruminants, pigs, rabbits and poultry.

2. For the purpose of this Convention:

Slaughterhouse: shall mean any premises under health control, intended for the professional slaughter of animals to produce meat for consumption or for any other reason;

Moving animals: shall mean unloading or driving them from unloading platforms or from stalls or pens at slaughterhouses to the premises or place where they are to be slaughtered;

Lairaging: shall mean keeping animals in stalls, pens or covered areas at slaughterhouses in order to give them the necessary attention (water, fodder, rest) before they are slaughtered;

Restraint: shall mean the application to an animal of any procedure in conformity with the provisions of this Convention designed to restrict its movements in order to facilitate stunning or slaughter;

Stunning: shall mean any process in conformity with the provisions of this Convention, which when applied to an animal induces a state of insensibility which lasts until it is dead, thus sparing it in any event any avoidable suffering;

Slaughter: shall mean causing the death of an animal after restraint, stunning and bleeding with the exceptions provided for in Chapter III of this Convention.

Article 2

1. Each Contracting Party shall take the necessary steps to ensure the implementation of the provisions of this Convention.
2. Nothing in this Convention shall, however, prevent Contracting Parties from adopting more stringent rules to protect animals.
3. Each Contracting Party shall ensure that the design, construction and facilities of slaughterhouses and their operation shall be such as to ensure that the appropriate conditions provided for in this Convention are complied with in order to spare animals any avoidable excitement, pain or suffering.
4. For slaughtering outside or inside slaughterhouses each Contracting Party shall ensure that the animals are spared any avoidable pain or suffering.

Chapter II

DELIVERY OF ANIMALS TO SLAUGHTERHOUSES AND THEIR LAIRAGING UNTIL THEY ARE SLAUGHTERED

Article 3

1. Animals shall be unloaded as soon as possible. While waiting in the means of transport they shall be protected from extremes of weather and provided with adequate ventilation.
2. The personnel responsible for moving and lairaging such animals shall have the knowledge and skills required and shall comply with the requirements set out in this Convention.

Paragraph I

THE MOVING OF ANIMALS WITHIN THE PRECINCTS OF SLAUGHTERHOUSES

Article 4

1. The animals shall be unloaded and moved with care.
2. Suitable equipment such as bridges, ramps, or gangways, shall be used for unloading animals. The equipment shall be constructed with flooring which will permit a proper foothold and, if necessary, shall be provided with lateral protection. Bridges, ramps and gangways shall have the minimum possible incline.

3. The animals shall not be frightened or excited. In any event care must be taken to ensure that animals are not overturned on bridges, ramps or gangways and that they cannot fall from them. In particular animals shall not be lifted by the head, feet or tail in a manner which will cause them pain or suffering.

4. When necessary, animals shall be led individually. Corridors along which they are moved must be so designed that they cannot injure themselves.

Article 5

1. When animals are moved their gregarious tendencies shall be exploited. Instruments shall be used solely to guide them and must only be used for short periods. In particular, they shall not be struck on, nor shall pressure be applied to, any particularly sensitive part of the body. Electric shocks may be used for bovine animals and pigs only, provided that the shocks last no more than two seconds, are adequately spaced out and the animals have room to move; such shocks shall be applied only to appropriate muscles.

2. Animals' tails shall not be crushed, twisted or broken and their eyes shall not be grasped. Blows and kicks shall not be inflicted.

3. Cages, baskets or crates in which animals are transported shall be handled with care. They shall not be thrown to the ground or knocked over.

4. Animals delivered in cages, baskets or crates with flexible or perforated bottoms shall be unloaded with particular care in order to avoid injuring the animals' extremities. Where appropriate they shall be unloaded individually.

Article 6

1. Animals shall not be taken to the place of slaughter unless they can be slaughtered immediately.

2. Animals which are not slaughtered immediately on arrival shall be lairaged.

Paragraph II

LAIRAGING

Article 7

1. Animals shall be protected from unfavorable climatic conditions. Slaughterhouses shall be equipped with a sufficient number of stalls and pens for lairaging of the animals with protection from the effects of adverse weather.

2. The floor of areas where animals are unloaded, moved, kept waiting or temporarily based, shall not be slippery. It shall be such that it can be cleaned, disinfected and thoroughly drained of liquids.

3. Slaughterhouses shall have covered areas with feeding and drinking troughs and arrangements for tying up animals.

4. Animals which must spend the night at the slaughterhouse shall be so housed and, when, appropriate, tied up in such a way that they may lie down.
5. Animals naturally hostile to each other on account of their species, sex, age or origin shall be separated from each other.
6. Animals which have been transported in cages, baskets or crates shall be slaughtered as soon as possible; otherwise they shall be watered and fed in accordance with the provisions of Article 8.
7. If animals have been subjected to high temperatures in humid weather, they shall be cooled.
8. Where climatic conditions make it necessary (e.g. high humidity, low temperatures), animals shall be placed in well-ventilated accommodation. During foddering the stalls shall be adequately lit.

Paragraph III

CARE

Article 8

1. Unless they are conducted as soon as possible to the place of slaughter, animals shall be offered water on arrival in the slaughterhouse.
2. With the exception of animals to be slaughtered within twelve hours of their arrival, they shall subsequently be given moderate quantities of food and water at appropriate intervals.
3. Where animals are not tied up, feeding receptacles shall be provided which will permit the animals to feed undisturbed.

Article 9

1. The condition and state of health of the animals shall be inspected at least every morning and evening.
2. Sick, weak or injured animals shall be slaughtered immediately. If this is not possible, they shall be separated in order to be slaughtered as soon as possible.

Section IV

OTHER PROVISIONS

Article 10

In respect of reindeer, each Contracting Party may authorize derogations from the provisions of Chapter II of this Convention.

Article 11

Each Contracting Party may prescribe that the provisions of Chapter II of this Convention shall be applied *mutatis mutandis* to moving and lairaging of animals outside slaughterhouses.

Chapter III

SLAUGHTERING

Article 12

Animals shall be restrained where necessary immediately before slaughtering and, with the exceptions set out in Article 17, shall be stunned by an appropriate method.

Article 13

In the case of the ritual slaughter of animals of the bovine species, they shall be restrained before slaughter by mechanical means designed to spare them all avoidable pain, suffering, agitation, injury or contusions.

Article 14

No means of restraint causing avoidable suffering shall be used; animals' hind legs shall not be tied nor shall they be suspended before stunning or, in the case of ritual slaughter, before the end of bleeding. Poultry and rabbits may, however, be suspended for slaughtering provided that stunning takes place directly after suspension.

Article 15

Other slaughter operations than those mentioned in Article 1, paragraph 2 may commence only after the animal's death.

Article 16

1. The stunning methods authorized by each Contracting Party shall bring animals into a state of insensibility which lasts until they are slaughtered, thus sparing them in any event all avoidable suffering.

2. Use of the puntilla, hammer or pole-axe shall be prohibited.

3. In the case of solipeds, ruminants and pigs, only the following stunning methods shall be permitted:

- mechanical means employing instruments which administer a blow or penetrate at the level of the brain;
- electro-narcosis;
- gas anesthesia.

4. Each Contracting Party may authorize derogations from the provisions of paragraphs 2 and 3 of this Article in the case of slaughter of an animal at the place where it was reared by the producer for his personal consumption.

Article 17

1. Each Contracting Party may authorize derogations from the provisions concerning prior stunning in the following cases:

- slaughtering in accordance with religious rituals;
- emergency slaughtering when stunning is not possible;
- slaughtering of poultry and rabbits by authorized methods causing instantaneous death;
- killing of animals for the purposes of health control where special reasons make this necessary.

2. Each Contracting Party availing itself of the provisions of paragraph 1 of this Article shall, however, ensure that at the time of such slaughter or killing the animals are spared any avoidable pain or suffering.

Article 18

1. Each Contracting Party shall make certain of the skill of persons who are professionally engaged in the restraint, stunning and slaughter of animals.

2. Each Contracting Party shall ensure that the instruments, equipment or installations necessary for the restraint and stunning of animals comply with the requirements of the Convention.

Article 19

Each Contracting Party permitting slaughter in accordance with religious ritual shall ensure, when it does not itself issue the necessary authorizations, that animal sacrificers are duly authorized by the religious bodies concerned.

Chapter IV

FINAL PROVISIONS

Article 20

1. This Convention shall be open to signature by the member States of the Council of Europe and by the European Economic Community. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. This Convention shall enter into force six months after the date of the deposit of the fourth instrument of ratification, acceptance or approval by a member State of the Council of Europe.

3. In respect of a signatory party ratifying, accepting or approving after the date referred to in paragraph 2 of this Article, the Convention shall come into force six months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 21

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, upon such terms and conditions as it deems appropriate, invite any non-member State to accede thereto.

2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect six months after the date of its deposit.

Article 22

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorized to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General. Such withdrawal shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 23

1. Any Contracting Party may, insofar as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 24

The Secretary General of the Council of Europe shall notify the member States of the Council and any Contracting Party not a member of the Council of:

(a) any signature;

(b) any deposit of an instrument of ratification, acceptance, approval or accession;

(c) any date of entry into force of this Convention in accordance with Articles 20 and 21 thereof;

(d) any declaration received in pursuance of the provisions of Article 22, paragraph 2;

(e) any notification received in pursuance of the provisions of Article 22, paragraph 3;

(f) any notification received in pursuance of the provisions of Article 23 and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at Strasbourg, this 10th day of May 1979, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding Parties.

(List of signatures)

Scope of the Convention, 15 April 1994

Participating States Ratification

Signing (A)

Entry into force

Denmark* 23 February 1981 11 June 1982

Finland 2 December 1991 3 June 1992

Germany 24 February 1984 25 August 1984

Greece 12 November 1984 13 May 1985

Ireland 10 December 1981 11 June 1982

Italy 7 February 1986 8 August 1986

Luxembourg 24 July 1980 11 June 1982

Norway 12 May 1982 13 November 1982

Netherlands* 27 June 1986 28 December 1986

Portugal 3 November 1981 11 June 1982

Slovenia 20 October 1992 A 21 April 1993

Sweden 26 February 1982 27 August 1982

Switzerland 3 November 1993 4 May 1994

* Declarations, see below.

Declarations

Denmark

The Convention does not apply to Greenland and to Färöer Islands.

Netherlands

The Convention applies to the Kingdom in Europe, to Dutch Antilles and Aruba.

ANNEX 4d

Law 8 March 1989, n. 101. Provisions about the relationships between the State and the Union of Italian Jewish Communities.

Art. 6. “[...] 2. Slaughtering performed on the basis of the Jewish ritual continues to be governed by the ministerial decree 11 June 1980, published in the Official Journal n. 168 20 June 1980, in compliance with the Jewish law and tradition”.

ANNEX 5

Rav Riccardo Di Segni

RITUAL SLAUGHTERING (*SHECHITÀH* ?????) ¹

From *Guida alle regole alimentari ebraiche* edited by Assembly of Rabbis in Italy
Ed. LAMED Roma 2000

Origin and Meaning

To the exclusion of fish, in order to eat animals these shall be killed in a special way called *shechitah*. This is how animals offered for sacrifice in biblical temples were killed and also when the Sanctuary was in existence. The obligation to employ the same technique for animals to be eaten by ordinary people, as it happens today, is not expressly formulated in the Bible but is regarded as implicit by the oral tradition. The sentence «thou shall slaughter as I ordered you» (Deut. 12.21) indicates, according to the traditional interpretation, the existence of a specific regulation on slaughter, dating back to the origins of the Jewish religion that imposed the same type of slaughtering for all animals, sacred or lay.

The obligation to use *shechitah* for slaughtering also derives from the prohibition to eat meat *nevelah*, a health rule contained in Exodus 22.30 and Deuteronomy 14.21; *nevelah* literally means "carcass", i.e. an animal dead of natural causes; more specifically, it also means an animal not dying through *shechitah*, and even animals undergoing *shechitah*, when, for whatever, *shechitah* has not been performed appropriately.

Shechitah is the cutting of trachea and esophagus by means of a very sharp, intact blade with no slots or notches. A very accurate control of the blade is performed to rule out even the tiniest deformity that might cause pain or slow down the procedure, no matter how small this can be. Immediately afterwards, the blade is rubbed on the neck through rapid movements, without stopping or causing pressure on the neck of the animal antero-posteriorly. The blade shall cut the portion of the trachea under the larynx and remain visible at all times as the wound opens up, without injuring organs.

The death of the animal is quick and virtually pain-free; at the same time, by cutting the neck vessels, a quick and abundant bleeding is obtained.

This description may be quite impressive for those who are not used to it. But it is precisely on the basis of this impression that one can try and explain the ritual.

In our society, and especially in modern cities, direct contact with the animal world has been lost. People buy meat from a butcher's shop and do not worry about its origin or about the life of the animal before it was slaughtered or about slaughtering itself. However, a visit to a slaughter house would be important to realize the existence of several problems that the present organization of society leads to totally overlook or ignore.

In essence, it all boils down to whether sacrificing an animal for human nutrition or to get economic benefits from it may be justifiable or not.

¹ Rules are contained in M.T., *Shechitah* 1-4, and S.A. *Yorèh De'ah* 1-27

This issue cannot be ignored by a religious experience like the Jewish one, characterized by the education and training of the human consciousness to fully respect life in its many forms.

To the Jewish, alike many other ancient cultures, this problem has existed since the beginning of their history. According to a common interpretation of some excerpts from the Bible, (Genesis, 1.29, 9.4), the Bible tells us that human beings were first vegetarian and became carnivorous only at a later time, when they received a specific authorization by God. In other words, in the biblical thinking, eating meat is not a natural or a taken-for-granted right: this act implies the violation of an order and can only be allowed at specific terms and conditions. The interpreting tradition has offered several explanations for this notion. To some, the permission to eat meat would result from the need to give humans, in any weather and economic conditions, the possibility to survive thanks to a varied diet. To others, the permission to eat meat shows that man sits on the top of the whole creation, since in nature every living being eats foods that occupy a lower hierarchical position. Consistently with this explanation, a rabbi principle prohibits ignorant individuals to eat meat; it is like claiming that only man, by virtue of his reason, is superior over animals and therefore has the right to exploit the animal world to his own advantage.

A different interpretation, not excluding the previous ones, underlines the implicit violence of carnivorous feeding. Killing any living being, as results from many traditional sources, is perceived as a guilty experience. The study of religions demonstrates that the sense of guilt not only characterize the Jewish, but is common to numerous cultures. Originally even the *sacrifice*, according to recent claims, was fundamentally driven by a sense of guilt. Offering an animal to the divinity is not the ultimate goal but the means to allow humans to eat animal meat. If the death of the animal is a gift to the divinity, it no longer originates a sense of guilt. At a later time, the sacrifice acquired a broader meaning, i.e. the expiation not only on the death of the sacrificed animals but also on any committed faults; this is the meaning that was accepted and celebrated by the Jewish.

Traces of this evolving interpretation can be found also in the Bible. The Toràh does not automatically allow the Jewish to eat meat; permission is the final step of several gradual facilities (see Lev. 15.2- 7, Deut. 12). When the Jewish stayed in the Sinai desert, the meat of domestic quadrupeds could only be eaten if the animals had been offered for sacrifice. Killing a domestic animal through the same technique employed for sacrifices was regarded as an extremely severe fault: bloodshed. When the Jewish arrived in Heretz Israel the distance from the central sacrifice worship venue made eating meat impossible or, at least, complicated, if meat had to be offered for sacrifice; then, the free consumption of animal meat was allowed provided that they were killed through *shechitah*.

Despite such changes, *shechitah* still expresses the original tie with the principles governing the diet. Killing an animal to eat its meat is not a lawful act; while the sacrifice cannot expiate guilt anymore (since the sacrifice is now a ritual that expresses much broader values and the venue of sacrifice is too far away), the notion shall

be expressed by a ritual, called *shechitah*. Killing an animal is not an arbitrary choice, but a sacred gesture. The death of a living being shall never become a simple, ordinary, routine action. *Shechitah* is an educational act that should teach and lead people to think about, and never shall the cruelty of this action be forgotten.

The Latin term "mactare" originating the Italian word "mattatoio" ('slaughterhouse') hides an original etymological meaning: it derives from "magis auctus", i.e. making more grand, grow, making sacred. Even in the Latin and other ancient cultures, there was a sacred form of killing: a form and an idea that have totally been lost.²

The Jewish culture, instead, did not want to lose the link with the original notion. Killing an animal keeps being a sacred act, part of the actions and choices that make nutrition a ritual.

The sacred conception and the educational goal of *shechitah* also emerge from its requirements; in theory, anyone could do it, but a consolidated tradition allows only highly qualified experts to perform it, people with a sound cultural background and a behavior that strictly adheres to the Jewish religious rules. Moreover, the *shochet* ' job (those who perform *shechitah*) is ruled by specific economic standards about financial rewards and relations with meat resellers, to avoid any risk to break religious rules for personal interest. The Jewish law intended to create a special professional figure precisely to avoid any moral and psychological degeneration around the act of killing of an animal.

Traditionally, *shechitah* has also had a practical purpose with regard to the prohibition of blood (see on page 60); the technique employed enables a fast, major bleeding of the animal, thus eliminating most of the prohibited substance.

All Jewish sources unanimously agree that the *shechitah* is the quickest, most pain-free way to kill an animal; many claim that *shechitah* should be performed precisely for this reason. However, this position is not endorsed by many critics of *shechitah*; this latter has been criticized in many different world regions and in a number of nations (like Switzerland), the civil law has expressly prohibited this practice. The argument held by those who criticize *shechitah* is that this technique would cause an excessive suffering to animals, avoidable through more modern, sophisticated killing methods. Most criticisms generally come from the circles of those who protect and defend animals. In the debate that periodically surrounds these topics, it is often forgotten that the Jewish religion, since its very origins and through precise rules, has expressed and keeps expressing a high degree of sensitivity towards animal suffering, rarely seen in many of today's cultures. On a number of occasions, in the dispute against *shechitah* the animal protection motives simply covered an anti-Jewish secret agenda.

SCIENTIFIC ARGUMENTS

Scientific arguments in favor of *shechitah*, deriving from experimental observation, can be summarized as follows:

in *shechitah* carotid arteries and jugular veins are resected, whereas vertebral arteries are spared. The brain circulation is mostly supplied by carotid arteries and, to a lesser extent, by vertebral arteries. The carotid

² cfr.A.Di Nola, *Antropologia religiosa*, Vallecchi, Firenze 1974, pag.210

resection immediately stops most of the brain blood flow and within 5 – 6 seconds causes a sudden drop of arterial pressure; this process is so fast that the compensating flow that might come from the vertebral circulation is not effectively activated; this is the reason why not enough blood gets into the brain. The loss of consciousness, making painful sensation impossible, occurs when the brain flow loss amounts to 50%. The pressure in brain ventricles drops even faster in the cortical regions; within 8 – 10 seconds from *shechitah* the equilibrium regulatory centers, located in the cerebellum, cease functioning; the perception of pain, controlled by the brain cortex stops even earlier. In humans, brain anoxia (lack of oxygen) is a pleasant way to lose consciousness.

In the effort to agree upon further objective evaluation criteria, diagnostic systems such as electrocardiogram (ECG) and electroencephalogram (EEG), or evoked potentials have been employed. ECG detects the heart's electrical activity; actually, this latter may persist for a longer time after *shechitah*, while it is not a brain activity index. EEG measures the brain electric potentials: right after *shechitah* they become abnormal and continue for some time; the same happens with other slaughtering methods, including those that cause direct injury to the brain. Some believe that the EEG synchronization indicates the loss of consciousness; they estimate that in *shechitah* this happens on average after 7.5 seconds. Evoked potentials record activity in given brain areas in response to certain stimuli (visual, tactile, etc). Evoked potentials persist after *shechitah* for at least 20 seconds, at times for 120; however, the significance of this observation is unclear: the lack of a response indicates the lack of consciousness while the presence of a response does not necessarily mean that there is consciousness or perception of pain; pain sensitivity is a complex phenomenon depending on several factors; it is lost prior to the interruption of the evoked activity which can occur quite rapidly; to this date, no scientific method has been able to unquestionably prove or deny it.

Each slaughtering method implies some cruelty towards animals. Based on the data at our disposal, we can safely claim that from a scientific standpoint, with respect to any other slaughtering method commonly defined as "humane", *shechitah* does not present truly negative aspects.³

Things are different with respect to the methods and instruments required to restrain and block the animal prior to *shechitah*, preventing any avoidable suffering. Jewish experts also agree with many criticisms along this line: in fact, special equipment has been designed and built specifically for this purpose; it is advisable, to protect *shechitah* and its meanings, that the Jewish authorities do their best so that each slaughter house is provided with such equipment.

³ Based on Levinger p.264-268 and X-XIII and to the file prepared by the European Board of *Shechitah* (E.B.S.) – "Scientific Evidence", May 1991, illustrating the opinion expressed by P.O. Odberg, E. Ellendorff, C.Daly, J. VonHoof, C. Burvenich, R. Dantzer, W. Schulze, M.Casteels, E. Lambooj. See also I.M. Levinger, *Shechitah in the Light of the year 2000*, Maskil L'David, Yerushalaim 1995.

In Italy, *shechitah* was prohibited only at the time of racial laws. At present, its operation is expressly protected by art. 6/2 of law 8/5/1989, n.101, governing the relationships between the Italian State and the Union of Italian Jewish Communities. Likewise, the European Union regulations, being Italy one of its member states, may have an impact on the Italian legislation; the present provisions do expressly allow ritual slaughtering according to the Jewish ritual.

ANNEX 6

Ersilia Francesca

AN INTRODUCTION TO ISLAMIC DIETARY LAWS

RITUAL SLAUGHTERING

The term *mayta* (feminine of *mayt*, or *mawayit*, dead, indicating irrational or still objects) defines both found dead animals and those not slaughtered according to the prescribed method. It appears in Kor.XXXVI, 33 as an adjective and then in Kor XVI, 115; VI, 145; II, 171; V, 3, as a noun, to indicate the carcass of a dead animal not ritually slaughtered, as the Koran exegesis explains. The Sura VI, 139 clearly suggests that the notion of *mayta* was not unknown to pre-Islamic Arabs; thus, Koranic prescriptions seem to reflect (although this has not been finally proven) a pre-existing habit, suited to the needs of the new religion.

Other than “dead animals” (*mayta*) the Koran (V, 3) prohibits animals that have been “suffocated”, “killed by club shots”, “beheaded” or “killed by horn hits” and those “partly devoured by beasts”, unless their throat has been cut³¹.

There exist two methods to ritually slaughter (*dakat, tadkiya*) an animal whose meat can be eaten: the so called *dabh* (slaughter), i.e. fully resecting the animal's throat, trachea and jugular veins, with one motion of the hand without extracting the knife from the wound, and the method called *uahr* (to slaughter) where it is not necessary to cut the trachea and the two jugular veins. It is recommended (and mandatory for Malichites) to ‘uahr’ camels and other long neck animals and to slaughter the others (bovine, sheep, poultry etc.)³²

Lawful slaughter can be made by any discerning Muslim, unless he has committed some capital crime or, according to Malichite, he is drunk or mad since these individuals cannot express their intention validly. Slaughtering committed by a minor or a woman is allowed, while a Eunuch or an hermaphrodite are generally excluded from this practice.

At the time of slaughtering, it is mandatory to express one's intention and call the name of God. Also, it is recommended to: 1. use an iron, sharp instrument; 2. turn the animal towards the *qibla*; 3. lay the animal on the right side to be slaughtered through the method called *dabh* (camels and other animals subject to the *nahr* method shall stand up on their feet).

It is blameworthy: 1. that several animals are slaughtered around a common pit, both because it is impossible to turn them all towards the *qibla*, and also to avoid their suffering as they see other animals being slaughtered; 2. burn or cut body parts of the animal before it dies.

In addition to *dabh* and *nahr* there exists the ‘*aqr*’ (to injure) method: inflicting a deadly injury after expressing one's intention to the game being hunted. The injury shall be inflicted through a sharp weapon or specially trained animals (dogs, falcons, etc.) thrown by the hunter himself or by another designated person (cfr. Kor. V,4).

It is allowed to ritually slaughter (the animal's meat becomes therefore lawful, *hala*) a severely injured or sick animal, so sick it does not want to survive, provided that it shows sign of life during slaughtering.

The fetus of a ritually slaughtered female – according to Malichites and Sciafeites – is thought to be implicitly slaughtered with the mother; to Hanafites, only a born alive embryo can be slaughtered and eaten, while a born dead embryo is considered *mayta* and is therefore prohibited.

The prohibition to eat dead animals does not include locusts and fish, for which no ritual slaughtering is prescribed. However, Malichites request that in killing locusts the intention is expressed and the name of God spoken, as in lawful slaughtering. According to Malichites, Sciafeites, Hanabalites and Ibadites, you can

³¹ For similar Jewish prescriptions see Lev.17,15; 22, 8 Deut. 14,21; Ezech. 4,14

³² Islamic ritual slaughtering presents many similarities with the Jewish one (*shechitah*), requiring the resection of trachea and oesophagus through an extremely sharp, intact blade. The blade slides over the neck of the animal and moves fast; it never stops while no pressure is exerted on the neck anteriorly and posteriorly. See R.Di Segni, *Guida alle regole alimentari ebraiche*, 69-70

eat both the dead fish floating on water (*tafi*) and the fish carried by the sea to the shores. To Hanafites, eating found dead fish is blameworthy, while Shiites deem it prohibited.

Most traditional sources endorse the first opinion – in fact, it is said that the ritual slaughter of fish is done by the sea³³ – whereas different traditions (especially of Iraqi origin) claim the opposite³⁴.

ANNEX 7

Biblical texts underlying Jewish ritual slaughtering

From *Bibbia Ebraica* by I Rav Dario Di Segni ed Giuntina, Firenze 1995

Genesis 1.29 : God said: "See, I give you every seed-bearing plant that is upon all the earth, and every tree that has seed-bearing fruit; they shall be yours for food".

Genesis 9.4 : "But flesh with the life thereof, which is the blood thereof, shall ye not eat.

Exodus 22.30: You will be holy men before Me; You must not eat flesh torn by beasts in the countryside; give it to dogs for food".

Deuteronomy 12.21: If the place where the LORD your God chooses to put his Name is too far away from you, you may slaughter animals from the herds and flocks the LORD has given you, as I have commanded you, and in your own towns you may eat as much of them as you want.

Deuteronomy 14.21:

Do not eat anything you find already dead. You may give it to an alien living in any of your towns, and he may eat it, or you may sell it to a foreigner. But you are a people holy to the LORD your God. Do not cook a young goat in its mother's milk.

³³ I. Ma. XXVIII, 18; Da. VII, 6

³⁴ Ibn Hazm, *K. al-muhalla*, Cairo 1928-33, VII, 394

ANNEX 8

Koranic texts underlying the Muslim ritual slaughtering

From *Il Corano / introduzione, traduzione e commento di Alessandro Bausani* - Milano - 2001

Sura V

Al-Mâ'ida
(the dressed table)

3 You cannot eat dead animals, blood, pork meat and anything upon which a name other than Allah was invoked, suffocated animals, animals killed by club shots, animals dead after falling off, dead because of horn blows or animals devoured by wild beasts, unless you have cut its throat [before its death] and animals that have been killed on an altar [for worship] and also (you are prohibited) from drawing by lots with arrows. This is unjust. Those who do not believe no longer hope to keep you away from your religion: so do not fear them, fear Me.

I have made your religion perfect, I completed My grace for you and I did like to give you Islâm as your religion.

Should you be hungry, with no intention to sin, know that Allah is merciful and forgiving.

Sura VI

Al-An'âm
(the Cattle)

145 Say:«In what I was revealed I do not find other prohibitions about food, except dead animals, blood and pork meat – which is dirty – and what has been sacrificed to somebody other than Allah». If you have been forced to this, unintentionally and not by rebellion, just know that your Lord is merciful and forgiving.

ANNEX 9

Luisella Battaglia

The meaning of ethics of bioculture.

The term bioculture refers to a whole of institutions, social practices and organized activities (breeding farms, laboratories, etc.) where humans employ animals for their purposes and exploit them on a regular basis to their own exclusive benefit.

Such activities are characterized by two elements: the complete control by humans (animals are genetically controlled and programmed) ; reducing animals to means.

How can we frame ethics in a field characterized by the control and exploitation of other living creatures? The need of an ethical debate precisely stems from the recognition of the absolute power of humans on non-humans, a power that should be subject to rules and the acceptance of specific responsibilities: *in primis*, the historic responsibility of taming. One of the key issues in the ethics of bioculture is the link between power and responsibility. The fact that we have power over other beings does not mean that we are completely free to do what we like or is most useful to us; such power exercise, in fact, entails a specific responsibility for the well being of others. Therefore, a sound ethical principle should be as follows: if we breed animals to use their products or bodies, our responsibility vis-à-vis them not only does not diminish but it rather increases.

In many ways, these observations are amazing: in fact, we are used to think of our (possible) responsibility vis-a-vis the animals that we take care of or that we own (the so called *pets*). How should be responsible vis-a-vis income-generating animals? A possible answer is twofold.

Firstly, it is necessary to make a distinction between the moral and affective dimensions. Similarly to human ethics, our duties towards others do not depend on our feelings of affection or liking. A moral behavior assumes an unbiased position, the lack of any arbitrary discrimination.

Secondly, the acknowledgement that such animals provide us with 'services', that we use their products and bodies and that we live *on them and of them*, should make us feel responsible for their well being. We should at least treat them fairly, given the services that they provide. This is a fundamental issue for our collectivity since not only it concerns zoophiles – 'animals' friends' – but also, and perhaps most importantly, their consumers, owners, each and every individual having a *direct* relationship with them, to exploit them.

The ethics of bioculture, therefore, has some significant implications:

a) moving from a purely economic to a moral perspective. In this framework, animals are not solely *resources* to exploit, *goods* to rationally administer; they are creatures with their own interests, needs, deserving to be protected.

b) a new role of human beings, characterized by the shift from a culture of *despotism* to the culture of *custody*. Thanks to the scientific and technical progress, we have become aware of a power that not only makes us arbitrators of our own evolution but also responsible for the future of the planet and its species. The fact that our species is more powerful does not mean that we are totally free to do whatever we like: we have serious responsibilities, stemming from our overwhelming primacy.

Hence, no practice can be allowed on the mere grounds that is *productive*, nor our interest can justify any action. The unanswered questions are: what sacrifices a given practice causes to the well being of animals? What fundamental interests are so denied? Animal husbandry is an industrial process where everything is aimed at maximizing the final output: for any given number of calories, proteins, carbohydrates given to cattle or poultry, a specific number of eggs, liters of milk, kilograms of meat shall be produced.

The ethics of bioculture provides that farms are organized in such a way to ensure a given well being to animals, which implies a scientific knowledge of their behavioral and physiologic needs, based on specific ethological studies. In this manner, we can adopt husbandry methods that combine the production capacity of animals and their fundamental well being.

ANNEX 10

DEPARTMENT OF ISLAMIC DEVELOPMENT, PRIME MINISTER'S DEPARTMENT, MALAYSIA. MAY 2001

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| GENERAL GUIDELINES ON THE SLAUGHTERING OF ANIMALS AND THE PREPARATION AND HANDLING OF HALAL FOOD. |
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1. INTRODUCTION

These guidelines for the slaughtering of animals and the preparation and handling of Halal food will have to be observed at all establishments involved in the processing of Halal food. It will also serve as a basis for ascertaining the Halal status of the establishment by the competent authority in Malaysia. These guidelines will apply to all foreign establishments intending to export their products to Malaysia and shall be used together with existing guidelines on Good Manufacturing Practices and hygienic sanitary requirements.

2. HALAL FOOD

Halal food means food permitted under the Islamic Law (a law based on the al-Quran, al-Hadith, Ijma' (consensus) and Qiyas (deduction of analogy) according to the Syafei or any one of the Hanafi, Maliki or Hanbali School of Thought or fatawa approved by the relevant Islamic Authority) and which fulfill the following conditions:-

- a. The food or its ingredients do not contain any components or products of animals that are not Halal to Muslims according to the Syariah Law or animals which are not slaughtered according to the Syariah Law.
- b. The food does not contain any ingredients that are considered najis (filthy) according to the Syariah Law.
- c. It is not prepared, processed or manufactured using equipment that is contaminated with things that are considered najis according to the Syariah Law.

During its preparation, processing, packaging, storage or transportation, it should be physically separated from other food that does not meet the requirements stated in items (i), (ii) or (iii) above or things that have been decreed as najis by the Syariah Law.

3. HALAL DRINKS

All kinds of water and beverages are Halal except those that are either poisonous, intoxicating, hazardous to health or mixed with najis.

NAJIS

According to the Syariah Law, najis are :-

3.1.1 Any liquid and objects discharged from all orifices of human beings or animals such as urine, excrement, blood, vomit, pus including the sperm and ova of pigs and dogs except sperm and ova of all animals.

3.1.2 Dead animals or Halal animals that are not slaughtered according to the Syariah Law.

3.1.3 Halal food and drinks are considered najis if they are contaminated or have direct contact with things that are not permitted by Islam. The three kinds of naji (extreme, medium or light) are applicable in this case.

3.2 FOOD AND DRINKS DERIVED FROM BIOTECHNOLOGY

Animals that have been treated (excluding feeding) with any product derived from non-Halal sources (obtained through biotechnology or genetic engineering) become non-Halal animals. Likewise any food or drink derived from such animals are then deemed non-Halal according to the Syariah Law.

4. SOURCES OF HALAL FOOD AND DRINKS

4.1 ANIMALS

Animals can be divided into two categories :-

4.1.1 LAND ANIMALS

All land animals are Halal except the following :-

4.1.1.1 Animals that are not slaughtered according to the Syariah Law.

4.1.1.2 Pigs and dogs or their descendants.

4.1.1.3. Animals with long-pointed teeth (canines or tusks) which are used to kill preys such as tigers, bears, elephants, cats, monkeys etc.

4.1.1.4 All predatory birds

4.1.1.5 Animals that are decreed by Islam to be killed such as mice, scorpions, crows, eagles, and mad dogs.

4.1.1.6 Animals that are forbidden to be killed such as bees, ants, spiders, woodpeckers etc.

4.1.1.7 Creatures that are considered dirty by the public such as lice, flies etc.

4.1.1.8 Animals that live both on land and in water (amphibians) such as crocodiles, turtles, frogs, seals etc.

4.1.1.9 Animals that have been treated (excluding feeding) with any product derived from non-Halal sources.

4.1.2 AQUATIC ANIMALS

Aquatic animals are those which live in water and cannot survive outside it, such as fish. All aquatic animals are Halal except those that are poisonous, intoxicating or hazardous to health.

4.2 PLANTS

All type of plant products and plant derivatives are Halal except those that are poisonous, intoxicating or hazardous to health.

4.3 MICRO-ORGANISMS AND MUSHROOMS

All type of micro-organisms and mushrooms and its by-products and/ or derivatives are Halal except those that are poisonous, intoxicating or hazardous to health.

5. HALAL SLAUGHTER

5.1 PRE-SLAUGHTER CONDITIONS FOR ANIMALS/ POULTRY

Only animals and poultry that fulfill the following will be allowed for slaughter :

5.1.1 All animals and poultry must be healthy, free from any signs of wounds and disease, or any form of disfigurement.

5.1.2 Animals and poultry should be treated in a humane manner prior to slaughter. Any ill-treatment, beating, acts that may cause stress or fear are strictly forbidden on all animals and poultry awaiting slaughter.

5.1.3 Any acts of injury or cutting is prohibited on animals prior to their slaughter.

5.2 CONDITIONS OF SLAUGHTER

The slaughtering of Halal animals should be fully separated from the slaughter of non-Halal animals. Halal slaughter should be carried out according to the following regulations:

5.2.1 Halal slaughter should be performed only by a Muslim (not a Kitabi or others) who is of sound mind, mature and who fully understands the fundamentals, rules and conditions related to the slaughter of animals in Islam.

5.2.2 The animals to be slaughtered must be animals that are Halal and can be eaten by a Muslim.

5.2.3 The animal must be fully alive or deemed to be alive at the time of slaughter.

5.2.4 The slaughtering should sever the trachea and esophagus. The carotid arteries and jugular veins will automatically be severed when both main vessels are cut off. The spinal cord should not be cut and the head is not to be severed completely. This is to bring about immediate and massive hemorrhage.

5.2.5 Slaughtering must be done only once. The "sawing action" of the slaughtering is permitted as long as the slaughtering implement is not lifted off the animal during the slaughtering. Any lifting of the knife is considered as the end of one act of slaughter. Multiple acts of slaughter on one animal are not allowed.

5.2.6 Bleeding must be spontaneous and complete.

5.2.7 Dressing of carcasses should only commence after ascertaining that the animal is dead.

5.2.8 Slaughtering implements, tools and utensils must be utilized only for the slaughter of Halal animals. The slaughtering implement or tool has to be kept sharp at all times.

5.2.9 The act of Halal slaughter should begin with an incision on the neck at some point just before the glottis (Adam's Apple) for animals with normal necks but after the glottis for animals with long necks such as chicken, geese, turkeys, ostriches, camels etc.

5.2.10 The phrase "bismillah..." (In the Name of Allah) is highly encouraged to be immediately invoked before the slaughter of each animal. In certain mazhab (school of thought), this invoking of the phrase "bismillah..." is compulsory.

5.2.11 The objective of slaughtering is only for the sake of Allah and not for other purposes.

5.2.12 All Halal verification certificates for Halal meat must be issued, approved and signed by an Islamic Association which has been accepted by the government of Malaysia along with the health certificate from the exporting country. In the other words, the slaughterhouse must be under the supervision of the local Islamic authority, which is capable of auditing the Halal certification, and duly recognized by

the Department of Islamic Development Malaysia (DIDM).

5.3 STUNNING OF ANIMALS

Stunning of animals prior to slaughter is permitted and shall be in accordance with the requirements below :

5.3.1 Three types of stunners shall be used to stun the animal, namely electrical, mechanical or pneumatic stunner.

5.3.2 The use of the stunning equipment shall be under the control of a Muslim supervisor or a trained Muslim slaughterman or Halal certification authority at all times.

5.3.3 The animal should only be stunned temporarily. The stunning should not either kill or cause permanent injury to the animal.

5.3.4 Gadgets that are used to stun pigs shall not be used to stun animals for Halal slaughter.

5.4 ELECTRICAL STUNNING

5.4.1 The electrical stunner should be of the type allowed by the government / Islamic authority in charge of slaughter.

5.4.2 A low and controlled voltage must be used so that the stunning will not damage the heart and brain or cause physical disability and death to the animals. The voltage of current used should be controlled by the Halal certification authority.

5.4.3 The type of stunner used for slaughtering the Halal animals should be "head only stunner" type, where both electrodes are placed on the head region.

5.4.4 Electrical stunning of poultry is allowed using water bath stunners only

5.5 MECHANICAL STUNNING

5.5.1 Mechanical stunners should only be used on cattle and buffaloes.

5.5.2 Non-penetrative type (mushroom head) percussion stunner should be allowed.

5.5.3 The stunner should not penetrate or break the animal's head. Any injury, if caused, should not be a permanent injury.

5.5.4 The skull of the animal (after the head is skinned) should be checked / examined for permanent injury. If the skull is found to have been penetrated or broken, the carcass should be identified as non-Halal and should be separated from Halal carcasses.

5.6 PNEUMATIC STUNNING

Pneumatic stunning or a stunner which uses air pressure is allowed for use in Halal slaughter. It is a device operated by electrical power to produce strong air pressure and it does not contain any sharp objects. Air pressure directed towards the atlanto-occipital region will render the animal unconscious for a few seconds.

5.7 MECHANICAL SLAUGHTER OF POULTRY

Slaughter of poultry by mechanical knife is permitted if it complies with the following procedures:

5.7.1 The operator (slaughterman) of the mechanical knife should be a Muslim. He will recite the prayer "Bismillahir rahmanir rahim" prior to switching on the mechanical knife and line.

5.7.2 The Muslim slaughterman, who switches on the mechanical knife should be present in the slaughter area at all times (during slaughter).

5.7.3 In the event that the slaughterman has to leave the slaughter area, he should be replaced by another Muslim slaughterman. The former will stop the line and switch off the mechanical knife. To restart the operation the second slaughterman must recite the prayer as in (5.7.1), before switching on the mechanical knife and line.

5.7.4 The knife used should be of the single blade type and must be kept sharp at all times.

5.7.5 During the act of slaughter, the throat, esophagus and major blood vessels in the neck region (jugular vein and carotid artery) of the bird must be severed.

5.7.6 The slaughterman is required to check that each bird is properly slaughtered. He or other Muslim slaughterman should slaughter manually any birds that miss slaughter by the mechanical knife.

The birds should be dead as a result of slaughter before they are sent for scalding.

6. GENERAL REQUIREMENTS FOR HALAL MEAT PRODUCTS

6.1 PREPARATION, PROCESSING, PACKAGING, TRANSPORTATION AND STORAGE

All food (including meat) should be prepared, processed, packaged, transported and stored in such a manner that it complies with all Islamic principles on Halal food along with the Codex General Principles on Food Hygiene and other relevant Codex Standards.

6.2 PROCESSING AND HANDLING

All processed food is Halal if it meets the following conditions:

6.2.1 The product or its ingredients does not contain any components or products of animals that are not Halal according to the Syariah Law or animals that are not slaughtered according to Syariah Law.

6.2.2 The product does not contain anything in large or small quantities that are considered najis according to the Syariah Law.

6.2.3 The product is prepared, processed or manufactured using equipment and facilities that are free from contamination with najis.

6.2.4 During its preparation, processing, packaging, storage or transportation, it should be totally separated from any food that does not meet all or any of the above three requirements or other things that are considered najis by the Syariah Law.

6.3 DEVICES AND UTENSILS

Premises and all facilities such as devices and utensils (machines) should only be used for processing Halal food. The same premises and facilities are not allowed to be used for processing both Halal and non-Halal food, although they can be washed and cleaned properly as required by the Syariah Law.

6.4 STORAGE, DISPLAY AND SERVING

All Halal products that are stored, displayed, sold or served should be categorized and labelled Halal at every stage so as to prevent it from being mixed or contaminated with things that are not Halal.

6.5 PACKAGING AND LABELING

The products shall be properly packed and shall fulfill the following conditions :

6.5.1 Packaging materials shall be Halal in nature.

6.5.2 The packaging material should not contain any raw materials that are considered najis by the Syariah Law

6.5.3 It should not be prepared, processed or manufactured by using equipment that is contaminated with things categorized as najis according to the Syariah Law.

6.5.4 During its preparation, processing, packaging, storage or transportation, it should be totally separated from other food that does not meet all or any of the above three requirements or any other things that are considered najis by the Syariah Law.

The packaging of meat and meat products shall be carried out in a clean and hygienic manner in sound sanitary conditions. The word halal or equivalent terms should appear on the label of the product.

7. HYGIENE AND SANITATION

Hygiene has been given much emphasis in Islam and it includes various aspects of personal hygiene, clothing, equipment and the premises used for processing or manufacturing of food. The objective is to ascertain that the food is produced under hygienic conditions and it is no hazardous to human health. The following are the conditions that must be fulfilled:-

7.1 The product shall be processed and packed under strict hygienic conditions in premises licensed in accordance with good manufacturing practices.

7.2 The above principles are embodied in the document "Recommended International Code Practice - General Principles of Food Hygiene (Ref. No. CAC/RCP 1-1969, Rev. 2 (1985))" and strict adherence to it is recommended. This document is in Section 1, Volume 1B, Codex Alimentarius - General Requirements (Food Hygiene).

8. COMPLIANCE

For a product to be deemed Halal, it shall comply with this guideline especially clauses

2-7. This shall be verified through site inspection by the competent authority from Malaysia.

9. THE DEGREE OF CONFIDENCE IN HALAL CERTIFICATION

In the certification of the Halal status, the examination process will cover all aspects of preparation, slaughtering, processing, handling, storage, transportation, cleaning, disinfection and management practices. The examination should not create or give rise to any question or doubt. The examiner will only confer the Halal status when he is fully confident and is satisfied beyond any reasonable doubt, on every aspects of the examination.

10. HALAL CERTIFICATION

10.1 The process of Halal certification a foreign establishment entails the site inspection of the plant by the competent authority from Malaysia along with the appointment of an Islamic Organization that will be entrusted with the responsibility of supervising and monitoring the Halal status at the plant concerned. The Islamic Organization will have to be officially accredited by the Department of Islamic Development, Malaysia (DIDM). The Halal certificate for products destined for export to Malaysia from this approved establishment, will then be issued by the accredited Islamic Organization.

10.2 The initial period of conferment of the Halal status to the approved establishment will be for a year. During this period the establishment will have to be monitored by the accredited Islamic Organization. To maintain its Halal status the establishment will have to undergo periodic inspection every two years by the competent authority from Malaysia.

It is obligatory on part of the Islamic Organization to monitor any approved establishment and to submit annual report on the Halal status of the establishment to DIDM. Failure to submit such reports will result in both the withdrawal of the Halal certification to the plant as well as the retraction of the recognition accorded to the Islamic Organization.

11. CONFERMENT OF HALAL STATUS

All establishments that fulfill all the terms and conditions above can be conferred the accreditation as an Halal establishment.

12. CANCELLATION / WITHDRAWAL OF HALAL STATUS

The Department of Islamic Development, Malaysia reserves the right to cancel or withdraw the conferment of Halal status to any establishment when the following occurs:

- a. With the discovery of any breach or infringement in the Halal requirements of the establishment concerned.
- b. The failure to submit regular annual reports on the Halal status of the establishment by the accredited Islamic Organization.
- c. Following the discovery that the Islamic Organization is no longer functional or has been deregistered.
- d. The Department of Islamic Development, Malaysia will be not willing to entertain any requests seeking reinstatement of Halal status subject to the following reasons:-
 - I. The failure to submit annual reports or the detection of any technical breaches will only warrant a repeat inspection of the establishment by the competent authority from Malaysia.
 - II. The detection of dishonest practices resulting in the loss of confidence by the competent authority in Malaysia will result in the suspension for a period not less than five years.

The suspended party can request for an inspection following the completion of the suspension period and which will be considered on its merits.

13. REQUESTS FOR INSPECTIONS FOR HALAL CERTIFICATION

The competent authority in Malaysia reserves the right to accept or refuse requests to perform inspections without the need to give any reason whatsoever in the event of such refusal.

ANNEX 11

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**“RITUAL SLAUGHTERING AND ANIMAL SUFFERING”
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Dr. Gianluca **FELICETTI** (LAV – Lega Anti Vivisezione – Member of the Commission on Breeding and Slaughtering of the Health Ministry)

Dr. Mario **SCIALOJA** (World Muslim League in Italy)

* Member of the National Bioethics Committee

** Chairman of the National Bioethics Committee