



The European criteria and legislation of animal welfare

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The farm housing systems for cattle, pigs and poultry production are the example of intensive production characterized

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- high concentration of animals
- the intensity of literless keeping floor systems
- the presence of battery keeping systems
- minimalization or completely elimination of pastures
- the using of tethering systems

- **The restriction of movement**
- **The increase of drives away of animals between the bouldings**
- **The high level of mechanisation wysoki stopień mechanizacji produkcji**
- **The numerous treatments performed on animals (piercing, tattooing, castration, trimming petioles, canines, and others).**

The main conception of welfare (welfare, well – being) Farm Animal Welfare Council contained in livestock welfare codex :

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1. Freedom from hunger and thirst: by ready access to fresh water and a diet to maintain full health and vigour.
2. Freedom from discomfort: by providing an appropriate environment including shelter and a comfortable resting area.
3. Freedom from pain, injury and disease: by prevention or rapid diagnosis and treatment.
4. Freedom to express normal behaviour: by providing sufficient space, proper facilities and company of the animal's own kind.
5. Freedom from fear and distress: by ensuring conditions and treatment which avoid mental suffering.

- The decreasing of the welfare criteria in the breeding environment directly affects the health of animals by reducing their resistance, and as a result also minimizes the production effects.
- To prevent this, government organizations dealing with animal rights are developing legal provisions regulating breeding standards in animal production.

The Historical, ethical and economical aspects of animal protection development in European Community countries

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**Their beginnings are already recorded in the Code of Hammurabi (second millennium before Christ),
in Moses (1,400 BC),
Solomon (around 965-926 BC),
Aristotle (384-322 BC),
Francis of Assisi (1182-1226) and others.**

The Historical, ethical and economical aspects of animal protection development in European Community countries

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From the European Union (Community) countries, England was the first to introduce legal regulations on aspects related to animal protection.

Already in 1770, mistreatment of animals was treated here by the court as an offense.

In individual German countries=lands, regulations on animal protection were introduced from 1838.

Saxony was the first to do so.

In Dresden in 1837, the first German Society for the protection of animals was founded.

The animal protection legislation development

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The country	The first legislation acts	The year of aclamation	The first separate legislation act about animal protection
Austria	The Cancler Decret	1946	1939
Belgium	Code pendal	1867	1929
Denmark	The civil codex	1866	1950
France	Loi Grammont?	1850	1850
Greece	?	?	1901
Spain	The King's decret	1925	
Nederlands	Wetboek van Strafrecht art. 254 i 455	1881	1961

The animal protection legislation development



Kind of country	The forst legislation	The year of aclamation	The first separate legislation act about animal protection
Italy	The police Reglement for Toskany	1849	1913
Luxemburg	The Penal code (kodeks karny)	1879	1965
Germany	The Penal Code of the Reich	1879	1933
Norway	Novelisation of Penal Statute	1874	1935
Portugal	The Penal code	1886	1989
Switzerland	The Penal code	1937	1978
Sweden		1900	1944

Universal Declaration of Animal Rights

The Universal Declaration of Animal Rights was solemnly proclaimed in Paris on 15 October 1978 at the UNESCO headquarters.

The text, revised by the International League of Animal Rights in 1989, was submitted to the UNESCO Director General in 1990 and made public that same year.

Preamble:

Considering that Life is one, all living beings having a common origin and having diversified in the course of the evolution of the species,

- Considering that all living beings possess natural rights, and that any animal with a nervous system has specific rights,
- Considering that the contempt for, and even the simple ignorance of, these natural rights, cause serious damage to Nature and lead men to commit crimes against animals,
- Considering that the coexistence of species implies a recognition by the human species of the right of other animal species to live,
- Considering that the respect of animals by humans is inseparable from the respect of men for each other, It is hereby proclaimed that:

Definitions

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- **Conventions** – the primary law – the tractates (treaties) concluded by Members of European Countries - from the legal point of view these are ordinary international agreements,

European Convention for the Protection of Animals for Slaughter, 10/5/1979:

- <http://conventions.coe.int/Treaty/EN/Treaties/Html/102.htm>

Defintions

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- **Regulation** - in the EU it is the most important legal act with the widest scope; two bodies are authorized to issue regulations: **the Council of the European Union** and **the European Commission**.
- The legal basis for the legal regulations is art. 288 (ex Article 249 TEC) of the **Treaty on the Functioning of the European Union**. According to art. 288 TFEU has general scope, is binding in its entirety and is directly applicable in all Member States.
- Regulations can be addressed to an unlimited number of entities, both to **governments** and **individuals persons**.
- They can be issued jointly by the **European Parliament** and the **Council of the European Union** in accordance with the **so-called ordinary legislative procedure**, by the EU Council itself or by the European Commission.

Definitions

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- Issued by the EU Council can be divided into two groups: basic and executive, the latter being of lesser importance, they can not change the basic regulations (unless it has been so marked), and they can only decide on secondary issues.
- Among those, whose source is the European Commission, three groups can be distinguished:
 - issued on the basis of treaty instructions
 - issued under the powers granted to the Commission by the Council of the EU
 - issued for the proper functioning of the European Union and the **European Atomic Energy Community**.

Definitions

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- **Directive of the European Union** - an act of the secondary law of the European Union, which the legislators of the Member States of the Union are obliged to introduce (implement) specific legal regulations to achieve the desired state of affairs indicated in the directive.
- Directives adopted jointly by the European Parliament and the Council of the European Union (Community), as well as directives addressed to all Member States, shall be published in the Official Journal of the European Union and shall enter into force on the date indicated by them or on the twentieth day following the announcement.

Definitions

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- Directives have different weight: recommended, binding and introduced for a trial period. Directives on many issues leave the EU Member States considerable freedom to choose solutions.
- Although the directive simply obliges Member States to establish a given legal order, in the light of the case law of [the European Court of Justice](#), if a given country fails to implement, a citizen has the right to refer directly to the directive to all national provisions incompatible with the directive.
- A necessary requirement added by the ECJ is the dependence of this direct effect on whether the provisions of the directive seem unconditional and sufficiently precise in terms of their content.

Defintions

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- The European directive sets out the objectives to be achieved by the Member States, but leaves them the choice of means to achieve these goals.
- It can be addressed to one, several or all Member States.
- In order for the principles set out in the Directive to have effects at the level of the citizen, the national legislator must adopt an act transposing them into national law that adapts national law in terms of the requirements set out in the directive.
- The directive provides for a specific deadline for transposition into national law. However, Member States have a certain transposition margin taking into account national specificities. The transposition must take place within the deadline set in the directive.
- The Directives are used to approximate national laws, in particular in relation to the single market (eg standards related to product safety).

According to the World Declaration on Animal Rights by UNESCO pod presją opinii publicznej uchwalono przez Radę Europy w Strasburgu szereg konwencji dotyczących ochrony zwierząt:

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- **European Convention on the Protection of Animals kept for Farming purposes, 10/3/1976:**

(The date of implementation in Poland : 21.08. 2008 r.)

<http://conventions.coe.int/Treaty/EN/Treaties/Html/o87.htm>

- **Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes, 6/2/1992:**

<http://conventions.coe.int/Treaty/EN/Treaties/Html/145.htm>

The European Conventions

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- -European Convention for the Protection of Pet Animals, **13/11/1987**:
<http://conventions.coe.int/Treaty/EN/Treaties/Html/125.htm>
- European Convention for the Protection of Animals for Slaughter, 10/5/1979:
<http://conventions.coe.int/Treaty/EN/Treaties/Html/102.htm>
- (The date of implementation in Poland : 4. 10. 2008 r.)

The European Conventions

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- European Convention for the Protection of Vertebrate Animals used for Experimental and Other Scientific Purposes, **18/3/1986**:
<http://conventions.coe.int/Treaty/EN/Treaties/Html/123.htm>
- Protocol of amendment to the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes, **22/6/1998**:
<http://conventions.coe.int/Treaty/EN/Treaties/Html/170.htm>

The European Conventions

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- European Convention for the Protection of Animals during International Transport (Revised), **6/11/2003:**

<http://conventions.coe.int/Treaty/EN/Treaties/Html/193.htm>

- In breeding practice, the convention in point 1, contains recommendations regarding the maintenance conditions of individual animal species.
- These recommendations were developed by the Standing Committee of the Council of Europe, whose aim is to continually supplement the convention with new knowledge on the physiological and behavioral needs of animals as well as on new methods of maintenance.

The following recommendations have now been developed:

- **Pigs - 21 November 1986 year**
- **Poultry - 21 Nov 1986 year**
- **Fur animals - 19 October 1990 year**
- **Fur animala (22.06.1999),**

- **Cattle - 21 October 1988 year**
- **Appendix A: Special arrangements for bulls and steers,**
(buhajów i wołów opasowych)
- **Appendix B: Special arrangements for cows and heifers,**
- **Appendix C: Special arrangements for calves (08.06.1993)**

- **Goats and sheep - 6 Nov 1992 year**
- **Laying hens *Gallus gallus* (28.11.1995),**
- **about the breeding of ostrich birds (22.04.1997),**
- **for the Peking duck (22.06.1999),**
- **for Muscovy duck and hybrid of Muscovy duck and Peking duck (22.06.1999),** (dla kaczki piżmowej i hybryd kaczki piżmowej i pekińskiej)
- **or domestic geese and their crossbreeds (22.06.1999).**

These recommendations usually address the following issues:

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- **general findings (definitions, scope, features biological species of the animal species),**
- **management,**
- **care, control,**
- **buildings, fences and equipment,**
- **treatments, phenotype and / or genotype changes.**
- **pregnancy, delivery, milking techniques,**
- **killing animals.**

The using range:

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- **agricultural usable animals**
- **Except to: wild animals,**
 - **competitions, exhibitions, events,**
 - **experimental and laboratory animals,**
 - **invertebrate animals.**

- -Art. 13 of the Consolidated version of the Treaty on the Functioning of the European Union, JO C 115/47 of the 09.05.2008,

<http://eurlex.europa.eu/en/treaties/dat/11997D/htm/11997D.html#0110010013>

"In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage."

Provisions of Directive

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- providing animals with a sense of well-being,
- protection of animals against unnecessary suffering, pain or damage;
- taking into account the physiological and ethological needs of animals based on practical experience and research;
- taking into account the species of animal, the degree of its development, fit and domestication;
- control by competent authorities in the Member States to oversee compliance with the provisions of the Directive;
- reporting to the Commission;
- controls carried out by veterinary experts of the Commission;
- however, Member States may adopt stricter rules for their territory (the Directive contains minimum requirements).

Implementation of general principles of EU countries' activities in the field of mutual compliance of animal welfare

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- Defined in the document "On the European Union Strategy for the Protection and Welfare of Animals 2012-2015".
- As part of these strategies, a number of legislative acts have been introduced introducing minimum animal welfare requirements that take into account five basic requirements.
- The implementation of EU directives is related to the introduction on 1 January 2013 of requirements of area C, which defines the principles of cross-compliance of animal welfare, which contain general requirements for all farm animals.

Breakdown of cross compliance areas

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Area A, effective from January 1, 2009.

- Identification and registration of animals,
- Issues of environmental protection.

Area B in force from January 1, 2011.

- Public health,
- Animal health, reporting of certain diseases,
- Plant health.

Area C applicable from 1/01/2013.

- Animal welfare.

- The EU strategy on animal welfare and welfare includes improving welfare standards in 2012-2015, ensuring adequate legislation on their application and enforcement in all EU countries.
- The above strategy assumes
- implementation of pan-European, simplified rules enabling their better enforcement,
- implementing and controlling training in the field of animal welfare for animal owners and veterinarians carrying out farm inspections in the field of animal welfare,
- substantive assistance to Member States in the field of compliance with EU regulations,
- development of international cooperation involving the improvement of animal welfare,
- a harmonized, efficient and clear message to consumers

The EU regulations

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- Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, 8.8.1998:

http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&nmdoc=31998L0058&model=guichett

- The particular criteria of animal welfare in housing, kept and management of animals has been identified *szczegółowe kryteria dobrostanu w warunkach hodowli i zwierząt określają rozporządzenia:*

Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, 5.1.2005: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_003/l_00320050105en00010044.pdf

- **Council Directive 98/58/EC** of 20 July 1998 concerning the protection of animals kept for farming purposes, 8.8.1998: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0058:EN:NOT>

- **Council Regulation (EC) No 1099/2009 of 24 September 2009** on the protection of animals at the time of killing, 18.11.2009: http://ec.europa.eu/food/animal/welfare/slaughter/regulation_1099_2009_en.pdf

The EU regulations

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The species protection legislation

Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, 3.8.1999:

http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celxapi!prod!CELEXnumdoc&lg=EN&numdoc=31999L0074&model=guichett

Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production, 12.7.2007:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:182:0019:0028:EN:PDF>

The EU regulations

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Council Directive 2008/119/EC of 18 December 2008

laying down minimum standards for the protection of calves
(Codified version), 15.1.2009:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0119:EN:NOT>

Council Directive 2008/120/EC of 18 December 2008

laying down minimum standards for the protection of pigs *OJ*
L 47, 18.2.2009, p. 5–13

<https://eur-lex.europa.eu/eli/dir/2008/120/oj>

EU regulations

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- **Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010** on the protection of animals used for scientific purposes, 20.10.2010:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010L0063:EN:HTML>

- Directive 2003/15/EC of the European Parliament and of the Council of 27 February 2003 amending Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products, 11.3.2003:
- http://www.safecosmetics.org/downloads/EU-Cosmetics-Directive_2003.pdf

EU regulations

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- **Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009** on trade in seal products, 31.10.2009:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R1007:EN:HTML>

- **Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007** banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur, 27.12.2007:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R1523:EN:NOT>

-Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98, 24.5.2004:

<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2004/R/02004R0812-20040701-en>

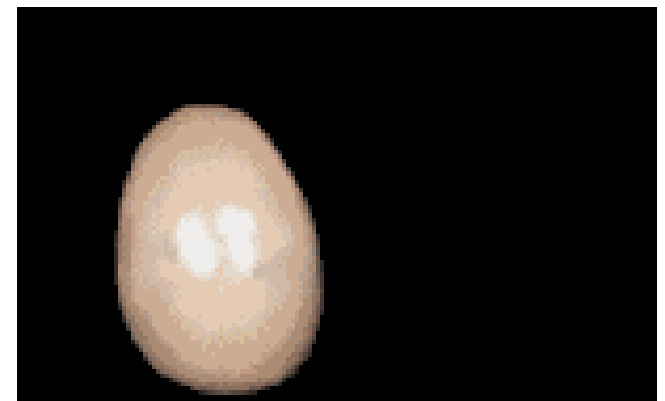
- The listed legal acts concern issues related to:
- qualifications of persons handling animals in the scope of their knowledge, skills and documented practical experience resulting from graduating from agricultural school or acquired while working with animals,
- storage of documentation regarding the treatment and deaths of animals,
- conducting animal health control, safety, access to feed and water,
- feeding wholesome feed suitable for the species and age, in accordance with the needs of animals and ensuring access to an adequate amount of fresh water,

- ensuring freedom of movement with the possibility of free standing up, lying down and access to feed, regardless of the type of maintenance system,
- ensuring an appropriate microclimate of livestock rooms in accordance with the physiological needs of animals by maintaining appropriate parameters: temperature, humidity, lighting, gas concentration, dust and dust,
- performing veterinary and zootechnical procedures only by persons with appropriate qualifications,
- using only authorized technologies in animal husbandry and breeding.

5. Council Directive 90/118/EEC of 5 March 1990
„on the acceptance of pure-bred breeding pigs for
breeding”.

6. Council Directive 90/119/EEC of 5 March 1990
„of hybrid breeding pigs for breeding”.

7. Council Directive 90/427/EEC of 26 June 1990
„on the zootechnical and genealogical conditions
governing intra-Community trade in equidae”.



11. Council Directive 87/328/EEC of 18 June 1987 „on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species”.

Commission Regulation (EC) No 644/2005 of 27 April 2005 authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council Text with EEA relevance

(Dziennik Urzędowy Unii Europejskiej 28.4.2005)

- 12. Council Directive 89/361/EEC** of 30 May 1989 concerning pure-bred breeding sheep and goats.
- 13. Commission Regulation (EC) No 252/2005** of 14 February 2005 amending Regulation (EC) No 349/2003 suspending the introduction into the Community of specimens of certain species of wild fauna and flora

Where You can find the legislation acts?

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- <https://eur-lex.europa.eu/>

The Polish legislation

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The President of Republic of Poland Act 21 August 1997 r.
„About Animal Protection ”. (Dz. U. z dnia 23 września 1997 r.)
The novelisation of The President of Republic of Poland Act 6
June 2002 r.
„About the changing of Act about animal protection” (Dz. U. Z
dnia 28 Aug 2002



18.03.2020

ACT of the President of the Republic of Poland

of 16 September 2011

"On the amendment to the Act on the protection of animals and the Act on maintaining cleanliness and order in municipalities"

OJ No. 230, item 1373

REGULATIONS OF THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

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of February 15, 2010

(Journal of Laws 56 item 344)

"On the requirements and procedure for maintaining farm animal species for which protection standards have been laid down in European Union legislation.,,

of 28 June 2010

"On minimum conditions for keeping farmed animal species other than those for which protection standards have been laid down in European Union legislation. "

REGULATION OF THE MINISTER FOR AFFAIRS INTERNAL AND ADMINISTRATION

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of August 26, 1998

"On the terms and conditions for catching homeless animals".

(Journal of Laws of September 5, 1998)

- **ACT OF THE PRESIDENT OF THE REPUBLIC OF POLAND** dated January 15, 2015.

"On the protection of animals used for scientific or educational purposes (Journal of Laws item 266))



- **REGULATION OF THE MINISTER OF SCIENCE AND HIGHER EDUCATION** of November 4, 2015

- "Regarding information on animals used in procedures and the mode of providing such information" (Journal of Laws of November 23, 2015, item 1934)

- **REGULATION OF THE MINISTER OF SCIENCE AND HIGHER EDUCATION** of May 5, 2015 "On training,

- apprenticeships and internships for persons performing activities related to the use of animals for scientific or educational purposes" Journal U. of May 8, 2015 Pos. 628.

Act of the President of the Republic of Poland

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of 15 January 2015

on the protection of animals used for scientific or educational purposes. Dz. Of Laws of 2015, item 266

REGULATION OF THE MINISTER OF HOME AFFAIRS AND ADMINISTRATION

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of 28 April 2003 on the list of dog breeds considered
aggressive



THE MAIN VETERINARIAN INSTRUCTION

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Nr GIWz.420/AW-1/10 12 January 2010 r.

„In the matter of the conduct of controls in animal slaughterhouses in terms of animal welfare and reporting on controls carried out in this area”.

THE MAIN VETERINARIAN INSTRUCTION

No GIWz.400/AW-54/09 22 April 2009 year

„ Regarding the proceedings of poviats veterinary surgeons in carrying out controls on the performance of animal transport by road in terms of their welfare and on reporting on controls carried out in this area ”

THE MAIN VETERINARIAN INSTRUCTION

No GIWpr.02010-7/2017 JULY 2017 r.

„regarding the conduct of the inspection the welfare of chicken broilers on the farm based on post-mortem inspection”.

The aims of the legislation acts

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- Improvement of living conditions and animal husbandry.
- Reducing the morbidity and mortality of animals.
- Providing all species of animals with specific rights guaranteeing them a dignified existence.



Standards included in legislation acts

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- Basic technological standards.
- Required dimensions of stands and the size of the area of pens.
- Some legal regulations regarding livestock construction.
- Required distances for individual objects and devices.
- Required surface dimensions of the catwalks (depending on the species of animals).
- Requirements for floors.

- Requirements for technological partitions, passage ways and communication systems.
- Environmental conditions in animal rooms.
- Temperature, humidity, cooling and air movement.
- Ventilation and required air exchange quantities
- Permissible concentrations of air pollutants.

- Requirements in the area of room lighting.
- Storage systems for animal manure.
- Surface indicators of manure plates and the capacity of tanks for liquid manure.

In the case of finding a violation of the regulations, the competent authority issues appropriate recommendations, leading to the removal of violations and preventing such situations in the future:

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- **individual treatment of the breeder,**
- **confiscation of injured animals,**
- **killing of injured animals,**
- **issuing a breeder's ban on further breeding of animals,**
- **demand for a document certifying competence,**
- **initiation of proceedings in a law enforcement offense or criminal proceedings.**