

No. 2**LEGISLATIVE PROPOSAL**

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc.

Greetings to all who shall see or hear the following. Be it known:

Whereas We have considered that it is desirable to amend the Animals Act and Economic Offences Act in order to limit the suffering of animals;

Having heard the Advisory Division of the Council of State and in consultation with the States-General, We hereby agree and decree:

ARTICLE I

The Animals Act is amended as follows:

A

The following article is added after Article 2.7:

2.7a. Ban on the sale, trade and delivery of mammals from 40 per cent of gestation

1. It is prohibited to sell, offer for sale, place on the market or deliver pregnant mammals whose gestation period is 40 per cent or more advanced for the purpose of killing for the commercial production of animal products.

2. The ban referred to in the first paragraph does not apply to cases specified by general administrative order under conditions to be determined by or pursuant to that order.

3. Any person who sells, offers for sale, places on the market or delivers a female mammal for killing for the commercial production of animal products must certify in writing that:

a. the animal is not pregnant or, if the animal is pregnant, that at that time the animal has not reached 40 per cent or more of its gestation period, and, where applicable, indicating the date on which the animal was covered or inseminated; or

b. if, at that time, the animal has reached a gestation period of 40 per cent or more, the reason why the ban under the second paragraph does not apply.

4. Any person who sells, offers for sale, places on the market or delivers a female mammal for killing for the commercial production of animal products must ensure that the operator of the establishment where the animal is to be slaughtered has the certificate referred to in the third paragraph.

B

Article 2.10 is amended as follows:

1. Paragraphs 2 to 5 are renumbered as 3 to 6 and the following new paragraph is added:
2. Prior stunning is required in cases in which an animal is killed for the commercial production of animal products.
2. The first sentence of the (new) fifth paragraph is amended as follows:
 1. The phrase “without prior stunning” is deleted.
 2. The period at the end of the sentence is replaced by “, if reversible stunning is used at a minimum prior to slaughter.”.
3. The (new) sixth paragraph is amended as follows:
 1. In the introductory wording, the words “referred to in the fourth paragraph” are replaced by the words “referred to in the fifth paragraph”.
 2. After replacing “, and” with a semicolon at the end of Part c and replacing the full stop at the end of Part d with “, and”, a new part is added, which reads:
 - e. the registration of establishments where animals are slaughtered according to the Jewish or Islamic rite.
 3. The following paragraph is added:
 7. It is prohibited to:
 - a. stun pigs with carbon dioxide, or
 - b. stun poultry with a water stunner.
 4. The following three paragraphs are added:
 8. Without prejudice to the seventh paragraph, the requirements of the fifth paragraph are met if the animals have been stunned in accordance with:
 - a. methods and the relevant specific implementation rules referred to in Annex I to Council Regulation No 1099/2009 of 24 September 2009 on the protection of animals at the time of slaughter or in other EU legal acts on the protection of animals at the time of slaughter designated by ministerial order, or
 - b. other methods to be designated by general administrative order.
 9. The general administrative regulation referred to in paragraph 8(b) may lay down rules on the conditions under which those stunning methods are applied, by which a distinction can be made according to the animal species or animal categories to be designated.
 10. By general administrative order, for the slaughter of chickens (*Gallus gallus*) in accordance with the Jewish or Islamic rite, derogations from the prohibition referred to in paragraph 7(b) may be made for a maximum of two years, provided that:
 - a. the stunning method is only applied in slaughterhouses that have been registered in accordance with rules laid down by that measure,
 - b. the measure determines the detailed rules for the application of that stunning method;and

c. no other reversible stunning method is designated for the slaughter of chickens (*Gallus gallus*) in the EU legal acts referred to in paragraph 8(a) and in the general administrative regulation referred to in paragraph 8(b) that is reasonably applicable in any slaughterhouse where chickens (*Gallus gallus*) are slaughtered according to the Jewish or Islamic rite at that time.

5. The following two paragraphs are added:

11. Mechanical non-horizontal emptying of containers containing poultry in a slaughterhouse is prohibited.

12. The prohibition in the eleventh paragraph does not apply if the animals have been stunned prior to mechanical non-horizontal emptying.

6. The tenth paragraph is deleted.

C

In Article 6.4, first paragraph, “2.10, third paragraph” is replaced by “2.10, fourth paragraph”.

D

In Article 8.6(1)(a), “2.7(1) to (3), 2.8(1) and (4)(f), 2.10(2), (3) and (4)” is replaced by “2.7(1) to (3), 2.8(1) and (4)(f), 2.10(3), (4) and (5),”.

E

In Article 9.1(1)(e), “Article 2.10(3)(p)” is replaced by “Article 2.10(4)(p)”.

F

In Article 10.10(1), “2.7(2), 2.8(2)(b) and (4), 2.10(1), (3) and (4),” are replaced by “2.7(2), 2.7a(2), 2.8(2)(b) and (4), 2.10(1), (4), (6), (8)(b) and (10),”.

G

Article 11.3 now reads:

Article 11.3. Transitional right to slaughter without stunning

1. Article 2.10, fourth paragraph, of the Animals Act as it read immediately prior to the entry into force of Article I (B) (1), (2) and (3) of the Act amending the Animals Act of.... will continue to apply for 18 months after that date to the slaughter of animals at an establishment which, at the time of entry into force of Article I (B) (1), (2) and (3) of that Act, is registered for slaughter without prior stunning.

2. The rules laid down by general administrative regulation pursuant to Article 2.10, fourth and fifth paragraphs, of the Animals Act, as they read immediately prior to the date on which Article I (B) (1), (2) and (3) of the Act amending the Animals Act on....of ... enters into force, will continue to apply for 18 months after that date to the slaughter of animals at an

establishment which, at the time of entry into force of Article I(B)(1), (2) and (3) of that Law, is registered for slaughter without prior stunning.

H

Article 11.4 now reads:

Article 11.4. Transitional right to stunning methods at the time of slaughter

1. Article 2.10(7)(a) will not apply for a period of three years after its entry into force to establishments for the slaughter of animals which, immediately prior to its entry into force, applied CO₂ stunning in pigs in accordance with the requirements laid down therein.

2. Article 2.10(7)(b) will not apply for three years after its entry into force to establishments for the slaughter of animals that used water bath stunning in poultry immediately prior to its entry into force in accordance with the relevant requirements.

I

Article 11.5 now reads:

Article 11.5. Transitional right to tipping of poultry without stunning

Paragraphs 11 and 12 of Article 2.10 will not apply for a period of three years after their entry into force to establishments for the slaughter of animals which were in operation as such immediately prior to their entry into force.

ARTICLE II

The Economic Offences Act is amended as follows:

1. In Article 1(1°), in the list in the Animals Act, “2.7(1) and (2) with regard to the subjects referred to in paragraph 2(a)(1°), 2.10(2) to (4),” is replaced by “2.7(1) and (2) with regard to the subjects referred to in paragraph 2(a)(1°), 2.7a(1), 2.10(2) to (5), (7), (8) and (11),”.

2. In Article 1(4°), in the list in the Animals Act, “2.7(3), 2.13,” is replaced by “2.7(3), 2.7a(3) and (4), 2.13,”.

ARTICLE III

This Act enters into force at a time to be decided by Royal Decree, which may differ for the various articles or subparagraphs thereof.

It is hereby ordered that this will be published in the Government Gazette and that all ministries, authorities, commissions and officials concerned will ensure its proper implementation.

Issued by

The Minister of Agriculture, Fisheries, Food Security and Nature,