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of Food
and Agriculture

Ministry of Environment and Food



Ministry of Economic Affairs



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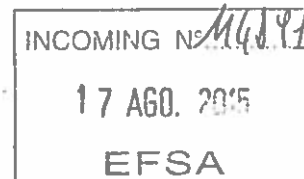
Ministry of Enterprise and Innovation
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Dr. Bernhard Url
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Date: 17.08.2015

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Subject: Request to EFSA for a scientific opinion on animal welfare aspects in respect of the slaughter or killing of pregnant livestock animals (cattle, pigs, sheep, goats, horses)

Dear Dr. Url,

Recent scientific studies indicate that the slaughter of pregnant animals in the EU is not an isolated phenomenon and assume that fetuses can experience pain and suffering from a critical developmental stage onwards.

If it can be assumed from an animal welfare point of view that fetuses experience pain and suffering, provisions for the protection of unborn animals should not only exist with regard to laboratory animals (see Directive 2010/63/EC). Appropriate regulations should rather also be included in the EU legislation on the protection of animals at the time of killing (Regulation (EC) No 1099/2009).

It should be clarified at EU level how the slaughter of pregnant animals during the critical stage of their pregnancy can be avoided and - if in special cases unavoidable - what should be done to assure humane treatment of the fetuses after the killing of the dam.

Therefore Germany, Denmark, The Netherlands and Sweden ask EFSA for a scientific opinion on the animal welfare aspects in respect of the slaughter or killing of pregnant animals. In view of the importance of this topic, we would request EFSA to finalize its opinion by 30 November 2016.

Our services remain at your disposal for further information. On this matter, you can also contact

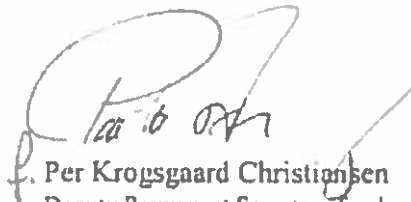
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Yours sincerely,



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Drs. J. Gooijer
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Enc: Request for a scientific opinion on animal welfare aspects on slaughter / killing of pregnant animals
Expertise from the Friedrich-Loeffler-Institute, Germany, (in German and English)
including detailed literature references

ANNEX

Request from Denmark, Germany, the Netherlands and Sweden for a scientific opinion on animal welfare aspects in respect of the slaughter or killing of pregnant livestock species (cattle, pigs, sheep, goats, horses)

Recent scientific studies indicate that the slaughter of pregnant animals in the EU is not an isolated phenomenon (Lücker et al., 2003, Di Nicolo, 2006; Riehn et al., 2010; Braunmiller, 2015). These results contradict the statements of the SCVPH (Scientific Committee on Veterinary Measures relating to Public Health) that assumed in its opinion on the potential risks of hormonal residues in beef to human health (1999) that heifers are only slaughtered in exceptional cases.

Scientific studies on the sensation of pain in foetuses come to controversial results: Some of these studies say that, not being in an awake state and lacking appropriate cortex participation, foetuses have no faculty of sensation and perception as long as they have not started breathing following their development from the uterus (Mellor, 2010; Mellor and Gregory, 2003; Mellor and Stafford, 2004; Mellor and Diesch, 2006; Mellor et al., 2005). The Terrestrial Animal Health Code of the OIE (2008) also recommends, among other things, that from an animal welfare point of view, foetuses should remain in the unopened uterus until death. This concept of "foetal unconsciousness" with regard to the sensation and perception of e.g. pain is rejected by other scientists, however. According to Merker (2007), a conscious perception of sensory stimuli also takes place in the brain stem. Bellieni and Buonocore (2012) indicate that a foetal sensation of pain is present during the last third of the pregnancy at the latest.

Directive 2010/63/EC on the protection of animals used for scientific purposes also covers foetal forms of mammals, as there is evidence that they are at an increased risk of experiencing pain, suffering and distress in the last third of the period of their development (cf. recital no 9).

In contrast to this, Regulation (EC) No 1099/2009 on the protection of animals at the time of killing does not contain any provisions with regard to the protection of unborn animals. At the same time, Regulation (EC) No 1099/2009 does not provide the Member States with a possibility to adopt stricter national regulations for the killing of animals (here: the foetuses) in slaughterhouses either.

If it can be assumed from an animal welfare point of view that foetuses are able to experience pain and suffering from a certain developmental stage onwards, provisions for the protection of unborn animals should not only regard laboratory animals. Appropriate regulations should rather also be included in the EU legislation on the protection of animals at the time of killing.

It should be clarified at EU level how the slaughter of pregnant animals from a critical phase of gestation onwards (after which the foetus is considered to be able to perceive pain) can be avoided. As it can be assumed that even in the case of a potential ban on the slaughter of pregnant animals a certain part of slaughter animals will be falsely declared as not pregnant it should be clarified how the foetuses should be killed after the killing of the dam. Furthermore, comparable animal welfare problems with regard to dealing with foetuses also exist in the case of emergency slaughters or killings of the dam for animal health reasons.

Above all, we consider it necessary to review the current practice in slaughterhouses to leave developed foetuses in the uterus until death and to determine appropriate stunning and killing methods for foetuses of dams slaughtered in the critical phase of gestation. As it can be assumed from an animal welfare point of view that foetuses in general are able to experience pain and suffering from a critical phase of gestation onwards, the scientific opinion should cover the main livestock species (cattle, pigs, sheep, goats, horses).

Therefore, in view of the above, and in accordance with Article 29 of Regulation (EC) No 178/2002, Germany asks EFSA for a scientific opinion on the following aspects:

1. Assess the prevalence of pregnant livestock animals slaughtered in the critical developmental stage after which the foetus is considered to be able to perceive pain in EU MS and at EU level; the study should include cattle, pigs, sheep, goats, horses; cattle could be feasible due to data being collected under the Livestock Database
2. Assess the reasons why pregnant animals are slaughtered in the critical phase of gestation and propose recommendations to reduce the number of animals slaughtered while pregnant in this stage
3. Assess the scientific evidence available on the capacity of foetuses to experience pain
4. Provide scientific advice on methods suitable for stunning and killing of foetuses of the main livestock species, taking into consideration their developmental stage
5. Provide scientific advice on methods suitable for estimating the age of foetuses of the main livestock species at the slaughterhouse after the dam has been slaughtered, in order to identify if the foetus has reached the critical developmental stage after which it is considered to be able to perceive pain