

Agreement on unstunned slaughtering in accordance with religious rites

Parties to the Agreement:

1. The State Secretary for Economic Affairs, Agriculture and Innovation, Dr H. Bleker, acting as the administrative authority and as representative of the State of the Netherlands, hereinafter referred to as the "State Secretary";
2. The Association of Slaughterhouses and Meat-Processing Enterprises [*Vereniging van Slachterijen en Vleesverwerkende Bedrijven*], duly represented in this matter by its Chairman, Mr A.G.M. Westgeest, hereinafter referred to as the "VSV";
3. The Muslims and the Government Liaison Committee [*Contactorgaan Moslims en Overheid*], duly represented in this matter by its Chairman, Mr R. Bal, hereinafter referred to as the "CMO";
4. The Permanent General Affairs Committee of the Organization of Jewish Communities in the Netherlands [*Nederlands-Israëlitisch Kerkgenootschap*], duly represented in this matter by its Chairman, Mr J.M. Hartog, and its Secretary, Mr R.E. Vis, hereinafter referred to as the "NIK";

Parties to the Agreement have considered as follows:

- Assuming the right to freely profess one's religion or convictions about life that is enshrined constitutionally and in international law and preservation of the possibility of performing unstunned slaughtering in accordance with religious rites, it is possible to implement improvements as regards animal welfare during the slaughtering process, whereby optimal circumstances must be assumed as regards the welfare of the animal, in such a manner as is compatible with the Jewish or Islamic rite;
- During discussion of the legislative proposal submitted by Ms Thieme for amendment of the Health and Welfare of Animals Act [*Gezondheids- en welzijnswet voor dieren*] in connection with the introduction of mandatory preliminary stunning of animals in cases of ritual slaughtering, the State Secretary indicated that he considered that there were alternatives regarding that legislative proposal for taking steps to improve animal welfare;
- In that connection, the State Secretary took the initiative to conclude an Agreement with the parties concerned to optimise the conditions regarding unstunned slaughtering in accordance with religious rites (letter of 20 December 2011 (Parliamentary Documents [*Kamerstukken*] I 2011/12, 31571, I);
- The arrangements to be agreed on in the present Agreement and implementation of said Agreement shall take account of the right to freely profess one's religion or convictions about life that is enshrined constitutionally and in international law;
- Parties to the Agreement wish to bring about an improvement of animal welfare during the process of unstunned slaughtering in accordance with religious rites;

- Regulation (EC) No. 1099/2009¹ on the protection of animals at the time of killing will become applicable on 1 January 2013. Amongst other things, that Regulation sets forth requirements regarding the standard operating procedures and monitoring procedures, as well as requirements for the training and competence of personnel involved in the process of killing animals;
- In order to comply with the requirements arising from said Regulation, detailed arrangements are necessary to bring about improvements in welfare during the process of unstunned slaughtering in accordance with religious rites;
- To that end, it is desirable in the present Agreement to make arrangements regarding making standards mandatory for all persons in regulations pursuant to the applicable legal framework, in particular Section 44 of the Health and Welfare of Animals Act or the Animals Act [*Wet dieren*], as soon as this has entered into effect;
- With due observance of the currently applicable legal framework, including Section 44 (5) and (8), of the Health and Welfare of Animals Act. Where slaughtering in accordance with the Islamic rite is concerned, it is also desirable to set forth in the regulations pursuant to the Animals Act that designation of a slaughterhouse and slaughterers will take place at the request of the Islamic Slaughtering Committee [*Commissie Islamitisch Slachten*] of the Muslims and the Government Liaison Committee.

Parties to the Agreement therefore agree as follows:

Section 1 (Definitions)

In this Agreement – where a to c are concerned: in accordance with the provisions of Regulation (EC) 1099/2009 – the following terms shall be understood to have the meanings assigned to them below:

- a. religious rites: a series of acts related to the slaughtering of animals and prescribed by a religion;
- b. stunning: stunning as described in Article 2(f) of Regulation (EC) 1099/2009;
- c. slaughtering: the killing of animals intended for human consumption;
- d. Regulation (EC) 1099/2009: Council Regulation (EC) No. 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (*OJEC L 303*);
- e. Scientific Advisory Committee: the Scientific Advisory Committee on unstunned slaughtering in accordance with religious rites to be set up by the State Secretary pursuant to Section 4(2).

Section 2 (Arrangements regarding Standards for Improving Animal Welfare)

1. Parties to the Agreement endorse the following standards:

- a. unconsciousness:

1°. Within a period of 40 seconds from the point when the animal's throat is cut, the slaughterer shall test whether the animal has lost consciousness on the basis of the following indicators. The following indicators can be utilised to determine unconsciousness, with at least three of them being found to be negative:

- spontaneous eyelid reflex;
- pain stimulus nasal septum;
- spontaneous rhythmic breathing;
- righting reflex;
- blink-to-threat reflex.

¹ Council Regulation (EC) No. 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (*OJEC L 303*).

2°. If the animal is still conscious after the end of the period of 40 seconds after its throat is cut referred to in 1°, the animal shall be immediately stunned by means of an additional intervention.

b. cut to throat:

the cut to the throat shall be administered with an uninterrupted, flowing movement, with the aim of having the animal bleed as fast as possible.

c. knife:

1°. the knife that is used shall at all times be extremely sharp and undamaged, and shall be cleaned after each cut;

2°. the length of the knife shall be at least one-and-a-half times to twice the width of the surface to be cut.

d. Up to the point when Parties to the Agreement have made further arrangements, on the basis of the advice provided by the Scientific Advisory Committee, on the suitability of the animal as regards its type, size, weight, and mental condition for being slaughtered unstunned in accordance with religious rites, it shall be up to the slaughterer to determine whether the animal is suitable as regards its type, size, weight, and mental condition for being slaughtered unstunned in accordance with religious rites.

e. the duration and method of fixation of an animal:

1°. The animal that is to be killed shall not cease to be restrained before it has been established by means of the unconsciousness test that it is definitely unconscious;

2°. The head and body of animals that are to be slaughtered unstunned shall be restrained mechanically; in the case of the head of a sheep or goat, manual restraint is permitted;

3°. The restraint equipment:

- shall be in good condition;
- shall not contain any sharp projections;
- shall consist of smoothly moving parts, without jolting movements causing the animal to become agitated;

- shall not cause noises that cause stress to the animal;
- shall be appropriate for the animal that is to be killed;
- shall hold the animal in a comfortable position before and during restraint, with the equipment being able to exert sufficient pressure to keep the animal restrained without thereby causing unnecessary stress;
- shall have a floor that prevents slipping; it shall not be possible in any way for animals to slip just before and during restraint;

4°. The animal shall not enter the restraining box before the slaughterer is ready with the knife to kill the animal;

5°. If animals have a thick coat so that the cut to the throat can be administered less easily than normal, the animal's throat shall first be shorn, or the wool shall be separated at the location of the cut.

2. The State Secretary shall make efforts to ensure the introduction of legislation setting forth the standards referred to in Subsection 1.

3. Further to Subsection 2, the State Secretary shall make efforts to ensure the introduction of legislation regarding the mandatory registration of slaughterhouses before they are permitted to carry out unstunned slaughtering in accordance with religious rites, which registration can be suspended or withdrawn if they fail to comply with the above-mentioned regulations or other rules to which the slaughterhouses are made subject, instead of the current notification obligation.

4. Further to Subsections 2 and 3, the State Secretary shall make efforts to ensure the introduction of legislation regarding the matters referred to in Section 4(9), after consultation with and after approval by those Parties to the Agreement referred to in 2 to 4 of the opening words.

5. Further to Subsections 2, 3, and 4, the State Secretary shall make efforts to ensure that it is provided in the implementation regulations pursuant to the

Animals Act that designation of slaughterhouses and slaughterers that/who are permitted to carry out unstunned slaughtering in accordance with the Jewish or Islamic rite shall be effectuated:

- a. where designation of slaughterhouses for slaughtering in accordance with the Jewish rite is concerned: at the request of the Permanent General Affairs Committee of the Organization of Jewish Communities in the Netherlands, and where designation of slaughterers for slaughtering in accordance with the Jewish rite is concerned: at the request of the Chief Rabbinate of the Netherlands [*Opperrabbinaat voor Nederland*];
- a. where slaughtering in accordance with the Islamic rite is concerned: at the request of the Islamic Slaughtering Committee of the Muslims and the Government Liaison Committee.

Section 3 (Training)

1. After consultation with Parties to the Agreement, detailed rules shall be set up regarding training in order to implement the provisions of Section 21 in conjunction with Annex IV(g) of Regulation (EC) 1099/2009 regarding the training of persons in slaughterhouses who perform actions involving slaughtering in accordance with religious rites.
2. The training referred to in Subsection 1 shall be in accordance with the religious rules regarding the manner of slaughtering.

Section 4 (Scientific Advisory Committee on Unstunned Slaughtering in Accordance with Religious Rites)

1. Parties to the Agreement shall determine jointly which research questions they wish to submit for further scientific advice.
2. Parties to the Agreement shall determine for each research question which scientist/scientists or institutes will be requested to provide answers.
3. After consultation with the other Parties to the Agreement, the State Secretary shall appoint a Scientific Advisory Committee.
4. Parties to the Agreement may if they wish propose an expert for membership of said Scientific Advisory Committee.
5. The Scientific Advisory Committee shall advise Parties to the Agreement on the basis of the research results.
6. Meetings of the Scientific Advisory Committee shall be chaired by the State Secretary. Parties to the Agreement shall jointly designate an observer to attend said meetings.
7. If Parties to the Agreement are unable to reach agreement regarding the further arrangements to be agreed on in the light of the advice provided, Parties to the Agreement may jointly or separately request a second opinion. The provisions of Subsection 2 shall apply to the second opinion *mutatis mutandis*. The Ministry of Economic Affairs, Agriculture and Innovation shall bear the costs arising from the request for such second opinion.
8. Parties to the Agreement shall decide jointly, on the basis of the advice referred to in Subsection 5, on any further arrangements to be agreed on.
9. Parties to the Agreement shall in any case have research carried out on:
 - a. the way in which and the circumstances under which an increase can be achieved in the number of animals that have definitely lost consciousness within the time referred to in Section 2(1)(1°);
 - b. the location where the cut to the animal's throat is to be administered, with a distinction being made, if necessary, according to the species and category of animal. In the case of advice regarding the location for administering the cut to the animal's throat, the Scientific Advisory Committee shall take account of at least the following aspects: the prevention of ballooning, the speed of exsanguination, and the speed of the loss of consciousness;

- c. the manner in which the provisions of Section 2(1)(d) can be implemented;
- d. the desirable method of restraint from the point of view of animal welfare;
- e. the specification of the standard operating procedures, the guides to good practice, and the monitoring procedures referred to in Regulation (EC) 1099/2009 that are necessary from the point of view of animal welfare.

Section 5 (Supervision)

1. Parties to the Agreement agree that permanent supervision constitutes the basic assumption for unstunned slaughtering in accordance with religious rites, with the cost of such supervision being borne by the slaughterhouses.
2. The State Secretary shall make efforts to create a legal basis for permanent supervision of slaughterhouses that perform unstunned slaughtering in accordance with religious rites and for passing on the costs incurred for permanent supervision to the slaughterhouses.
3. The State Secretary may decide to reduce the frequency of supervision of slaughterhouses. Amongst other things, he may decide to do so if slaughterhouses participate in a quality assurance system which includes guarantees regarding the application of the provisions pursuant to Section 2 and monitoring of compliance with those provisions.
4. If he considers that the circumstances require it, the State Secretary may reverse a decision referred to in Subsection 2 or may reconsider that decision.

Section 6 (Disputes)

1. All disputes in connection with the present Agreement or with arrangements associated with said Agreement shall in the first instance be the subject of consultation between Parties to the Agreement.
2. If consultation as referred to in Subsection 1 fails to lead to a solution, the dispute concerned shall be resolved by arbitration in accordance with the rules of the Netherlands Arbitration Institute [*Nederlands Arbitrage Instituut*], without recourse to the courts, on the understanding that:
 - a. the arbitration tribunal shall consist of three arbitrators;
 - b. the arbitration proceedings shall take place in The Hague;
 - c. the arbitration tribunal shall give a ruling in accordance with the rules of law;
 - d. the case shall not be combined – pursuant to Section 1046 of the Code of Civil Procedure [*Wetboek van Burgerlijke Rechtsvordering*] – with other arbitration proceedings unless such other proceedings are exclusively between Parties to the Agreement.
3. The Ministry of Economic Affairs, Agriculture and Innovation shall bear the costs arising from the arbitration proceedings referred to in Subsection 2.
4. Subsections 1, 2, and 3 shall not apply to disputes regarding the provisions of Section 2(2) to (5) nor to the provisions of Section 5(2) to (4).

Section 7 (Evaluation)

1. Parties to the Agreement shall evaluate the implementation and operation of this Agreement every three years, doing so for the first time after the lapse of a period of three years from the Agreement entering into effect.
2. Said evaluation shall be carried out, and a report thereof drawn up, by a committee consisting of three members appointed by Parties to the Agreement.
3. Should the opinions within said committee differ regarding the evaluation or the outcomes thereof, the committee's report shall state the various opinions.
4. Said committee shall submit its report to Parties to the Agreement no later than three months from the point referred to in Subsection 1.
5. No later than two months after submission of the report as referred to in Subsection 4, Parties to the Agreement shall consult regarding measures to be taken in the light of the outcomes of the evaluation; such measures may, for example, include amendment or termination of the Agreement.

6. In its report as referred to in Subsection 4, the committee may make recommendations for the measures to be taken as referred to in Subsection 5.

Section 8 (Entry into effect)

This Agreement shall take effect one day after being signed by all Parties to the Agreement and is entered into for an indefinite period.

Section 9 (Cancellation, Amendment, Derogation, Termination)

1. Each Party to the Agreement may cancel this Agreement, in writing, at six weeks notice if a change in circumstances have occurred such that the Agreement should reasonably terminate within a short period. Such cancellation must specify said change in circumstances.
2. If a Party to the Agreement cancels the Agreement, the other Parties to the Agreement shall consult regarding the consequences thereof for the Agreement.
3. Should unforeseen circumstances arise that have significant consequences for the performance of this Agreement, Parties to the Agreement shall consult regarding the necessity of amending this Agreement.
4. Parties to the Agreement shall consult within six weeks of a Party to the Agreement notifying the other Parties to the Agreement, in writing, of its wish to do so.
5. Should such consultation not lead to agreement within eight weeks, any Party to the Agreement may cancel this Agreement, in writing, observing the period of notice referred to in Section 1.
6. Should the legislative proposal for amendment of the Health and Welfare of Animals Act in connection with the introduction of the mandatory preliminary stunning of animals in cases of ritual slaughtering (31 571) become law and enter into force, Parties to the Agreement shall consult regarding the consequences thereof for the Agreement.

Section 10 (Publication)

The text of this Agreement shall be published in the Government Gazette [*Staatscourant*] within four weeks of it being signed.

The Hague, 5 June 2012

[Signature]

The State Secretary for Economic Affairs, Agriculture and Innovation,
Dr H. Bleker

The Chairman of the Association of Slaughterhouses and Meat-Processing Enterprises,
Mr A.G.M. Westgeest

[Signature]

The Chairman of the Muslims and the Government Liaison Committee,
R. Bal

[Signature]

The Chairman and Secretary of the Permanent General Affairs Committee of the
Organization of Jewish Communities in the Netherlands,
Mr J.M. Hartog and Mr R.E. Vis

[Signature]