

August 2025

AVEC contribution on TRIS notification 2025/0319/NL

Title of draft act: Proposed Act by the Member Ouwehand amending the Animals Act in connection with limiting the suffering of animals at the time of slaughter.

Member State: Netherlands

Date received: 25 June 2025

End of standstill: 26 September 2025. (technical-regulation-information-system.ec.europa.eu)

EXECUTIVE SUMMARY

AVEC **strongly objects to the national ban on electrical water-bath stunning (WBS) and mechanical tilting for poultry** envisaged in the Dutch proposal. WBS is an EU-authorised stunning method under Regulation (EC) No 1099/2009¹, with detailed technical parameters in Annex I. A unilateral prohibition would (i) fragment the internal market and undermine harmonisation; (ii) disrupt Halal supply chains and export markets that require reversible stunning; (iii) produce disproportionate socio-economic impacts, especially in species/lines where no workable alternative is widely validated (e.g., ducks); and (iv) lack the necessary “new scientific evidence” and proportionality tests required by Article 26 of Regulation 1099/2009 for restricting Annex I methods.

We therefore urge the Commission to issue a **Detailed Opinion** and the notifying authority to **withdraw** the measure.

1) WHAT THE DUTCH DRAFT WOULD DO

The notification explicitly lists, inter alia:

- “a ban on ... electric water baths for poultry (chickens, ducks and turkeys)”;
- “a ban on mechanical tilting without stunning of crates of poultry”; and other provisions.

2) CONFLICT WITH EU HARMONISATION AND LEGAL TESTS UNDER REG. 1099/2009

- **Harmonised baseline:** EU law allows WBS and controlled tilt when Annex I parameters are met (frequency, current, exposure, etc.). This method is embedded in the EU’s harmonised framework.
- **Scope for stricter national rules is limited and conditioned:** Article 26 permits stricter national rules only in narrow fields and, for Annex I stunning methods, requires notification grounded in “new scientific evidence” and strict necessity/proportionality. The NL file does not demonstrate new Annex-I-level evidence necessitating an outright ban on WBS.
- **CJEU context:** While the Court has accepted reversible prior stunning requirements in the context of ritual slaughter (C-336/19)², that line of case-law does not endorse blanket bans on an EU-authorised stunning method used beyond ritual contexts. Proportionality and rights balancing remain essential.

¹ [EUR-Lex](https://eur-lex.europa.eu)

² curia.europa.eu

Requested action: The Commission should issue a **Detailed Opinion** questioning: (a) compliance with Article 26(3) (“new scientific evidence” for restricting Annex I methods); (b) proportionality in light of available risk-mitigation within WBS (see Section 5); (c) internal market effects and equal treatment of operators.

3) INTERNAL MARKET FRAGMENTATION AND COMPETITIVENESS RISKS

The poultry supply chain is highly integrated cross-border. A unilateral WBS and tilting ban will push throughput and investment to other Member States where WBS and tilting remains lawful, distorting competition and undermining the level playing field. NEPLUVI stresses the measure’s inconsistency with uniform EU rules and warns of major operational consequences if WBS and related steps such as controlled tilting are prohibited without EU-level alignment.

4) DISPROPORTIONATE IMPACTS ON HALAL PRODUCTION, CONSUMER CHOICE AND EU EXPORTS

- Stakeholder submissions from **World Halal Food Council** and **Halal Quality Control** emphasise that reversible electrical WBS is the only internationally accepted stunning method for Halal poultry under widely recognised standards (OIC/SMIIC; Malaysia MS 1500:2019; Indonesian rules). A national WBS ban would choke EU Halal supply chains, depress exports to the GCC, Malaysia, Indonesia, and reduce consumer choice within the EU.
- These organisations request that the proposal be **rejected or suspended** pending full consultation and impact analysis on religious rights, trade, and consumers. AVEC concurs.

5) ANIMAL-WELFARE REALITY: IMPROVE WBS WHERE NEEDED; DO NOT BAN IT

- **WBS and controlled tilting can meet high welfare when correctly operated.** EFSA/HSA³ and peer-reviewed literature detail how correct frequency/current settings, prevention of pre-stun shocks, metering/monitoring, shackle design, maximum shackle time, and training are decisive for humane outcomes. These are solvable compliance issues, not grounds for a categorical ban.
- **CAS is not a panacea.** CO₂-based gas systems can be aversive, and alternatives (e.g., CO₂-inert gas mixes, LAPS)⁴ are still under optimisation and not universally accepted by Halal authorities. An enforced switch can trade one welfare concern for another while disrupting religious compliance.
- **Species/line constraints:** NEPLUVI notes no workable alternative is yet widely available for ducks, making a blanket prohibition particularly harmful and likely to push production elsewhere rather than improve welfare.

6) PROPORTIONAL, EU-COMPATIBLE ALTERNATIVE (AVEC PROPOSAL)

If the policy aim is to **reduce welfare risks associated with poor WBS and uncontrolled tilting practice**, the proportionate, EU-compatible path is to **tighten performance and auditing requirements** rather than ban an EU-authorized method:

1. **Mandatory real-time control and recording** of WBS and tilting parameters (current, frequency, voltage, exposure), with calibrated meters visible to operators; alarm/stop when parameters deviate³.

³ efsa.onlinelibrary.wiley.com, hsa.org.uk

⁴ [PMC](#), [MDPI](#), [sitesv2.anses.fr](#)

2. **Engineering controls** to prevent pre-stun shocks (dry, insulated entry; water level geometry; constant-current systems) and to limit shackle time³.
3. **Competency certification** for staff (set-up, monitoring, ABMs at bleed rail) and enhanced official controls targeted at high-risk plants³.
4. **Outcome-based welfare verification** using indicators of unconsciousness validated for broilers/turkeys (e.g., corneal reflex absence, tonic/clonic phases, posture), with corrective-action protocols⁴.
5. **Transitional, species-specific pathways:**
 - Maintain WBS for ducks and Halal production until internationally recognised reversible alternatives are available and accepted;
 - Encourage innovation (e.g., less-aversive gas mixes) via EU-level research/standard-setting rather than unilateral bans⁴.

7) CONCLUSION AND REQUEST

AVEC respectfully asks the Commission to **issue a Detailed Opinion** against the notified ban on electrical WBS and mechanically controlled tilting and to invite the Netherlands to **withdraw** the measure. The Dutch objective (higher welfare at slaughter) is legitimate, but the chosen instrument—a categorical WBS ban—is unnecessary, disproportionate, and harmful to the internal market, religious rights/consumer choice, and EU trade. The Commission should steer improvements through EU-level harmonised standards and controls, not a national prohibition that dismantles an EU-authorised method.

AVEC Secretariat