



Partij voor de Dieren

Tweede Kamerfractie

Mr Olivér Várhelyi
Commissioner for Health and Animal Welfare
European Commission

The Hague, 16 June 2025

Concerns: notification through Council Regulation (EC) No 1099/2009 of national measures regarding the stunning of animals at slaughter

Your Excellency,

I am writing to you regarding the legislative initiative I have taken for a national bill aimed at reducing the suffering of animals at the time of slaughter. Both in the Netherlands and across the European Union, animal welfare has long been recognised as an important issue, and in recent decades, societal concern for animal welfare has continued to grow. This growing concern has increasingly been reflected in the legislative processes, with the interests of animals receiving greater consideration in policy decisions and a gradual incorporation of these interests into concrete laws.

The intrinsic value of animals is strongly acknowledged in Dutch law. In the Animals Act (Wet dieren), which came into force in 2013, the intrinsic value of animals was explicitly recognised. This value must be explicitly taken into account in the treatment of animals. Any impact on animal welfare must be avoided beyond what is reasonably necessary. The interests of the animal are made visible and weighed against other relevant interests.

I took the legally established intrinsic value of individual animals as a starting point for my national bill. This principle compels the legislature to not only protect animal welfare and intrinsic value in principle but to ensure this protection in practice and to take additional steps where necessary.

In line with this legal framework, I have concluded that further measures are necessary to protect animals during slaughter. The objective of my legislative proposal is to reduce animal suffering during slaughter as much as possible. To achieve this goal, my proposal introduces several national measures. Two of these measures require an uncommon trajectory, for which approval from the European Commission is needed. These involve a national ban on the use of electrical waterbaths for poultry (chickens, ducks, and turkeys), and a national ban on the use of CO₂ for the stunning of pigs.

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For the bans on CO₂ stunning for pigs and electrical waterbath stunning for poultry, I wish to start the trajectory as described in article 26, paragraph 3 of the Council Regulation on the protection of animals at the time at killing (EC) No 2009/1099. Although the aforementioned methods are permitted in the European Union, the Regulation emphasizes that it is appropriate to allow Member States certain flexibility to maintain or adopt more extensive national rules, as long as these are not used in a way to prejudice the correct functioning of the internal market. Article 26, paragraph 3 creates the opportunity for Member States to adopt additional measures regarding the stunning methods listed in Annex I when they deem such measures necessary based on new scientific evidence.

I would also like to point out that the Regulation states that recommendations to phase out the use of carbon dioxide for pigs and electrical waterbath were not included in the Regulation because the impact assessment had shown that such phase-out was not economically viable at the time of the Regulation's entry into force. However, it has since become evident that such a phase-out is economically viable in the Netherlands and that there are sufficient alternatives available.

Due to new scientific evidence I deem it necessary to take measures aimed at ensuring more extensive protection of animals at the time of killing.

Numerous (recent) studies have shown that pigs experience pain and fear when subjected to CO₂ stunning (Atkinson et al., 2020; Gerritzen & Reimert, 2019). Once pigs are exposed to high concentrations of CO₂, it takes approximately thirty to sixty seconds before they lose consciousness (Verhoeven et al., 2016). This exposure causes severe irritation to the eyes, nasal mucosa, throat, and lungs, which scientists describe as painful (Steiner et al., 2019). It induces a sensation of breathlessness, triggering a fear response in the brain and causing panic (AVMA, 2020; Beausoleil & Mellor, 2015). Pigs react to this pain by screaming and gasping for air (Atkinson et al., 2015; O'Malley et al., 2018; Rodriguez et al., 2008; Terlouw et al., 2016). They also attempt to escape from the gas stunning systems (Verhoeven et al., 2016; Atkinson et al., 2020).

The European Food Safety Authority (EFSA) concluded in 2020: "Exposure to CO₂ at high concentrations (...) is considered a serious welfare concern by the Panel, because it is highly aversive and causes pain, fear and respiratory distress," and "There are no preventive or corrective measures to the pain, fear and respiratory distress caused by the exposure to high CO₂ concentrations as this is inherent to the stunning method."

According to the 2024 risk assessment by the Office of Risk Assessment & Research of the Netherlands Food and Consumer Product Safety Authority (NVWA), CO₂ stunning of pigs poses a "persistently high risk" to animal welfare (NVWA, 2024).

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For the electrical waterbath method, birds are hung upside down by their legs. This causes pain and fear in the animals. The NVWA describes the process as “stressful and painful.” (NVWA, 2024) In 2021, the Ministry of Agriculture concluded that hanging birds upside down causes stress and pain, as the abdominal organs press against the lungs, making breathing difficult. (LNV, 2021)

A 2021 animal welfare risk inventory of Dutch slaughterhouses found that NVWA inspectors, researchers, and NGOs all reported that waterbath stunning of chickens, ducks, and turkeys presents serious welfare risks (LNV, 2021). Individual birds may have high electrical resistance, preventing sufficient current from passing through their bodies to render them unconscious. These animals suffer from the painful electrical shock, which may even cause cardiac arrest. Other birds pull themselves up and thereby avoid the waterbath altogether, remaining fully conscious when killed by a rotating blade, or drowned in the scalding water tank. Some birds are subjected to painful electric shocks, for instance to their wings, before being fully stunned (NVWA, 2024).

According to EFSA (2019), it is also very difficult to distinguish between birds that are electrically immobilized, and thus appear unconscious, but are, in fact, still conscious. These animals, too, are killed while fully conscious or drown in the scalding tank. Researchers and NVWA-staff have indicated that it is impossible to prevent a certain portion of birds from being inadequately stunned, even when slaughterhouses comply with legal standards (LNV, 2021).

At a Dutch slaughterhouse that until recently still used the waterbath method, many of the aforementioned serious animal welfare issues were observed in 2023 and 2024. It was frequently found that chickens remained conscious after electrical stunning. Chickens had their throats cut without being stunned, visibly flapping their wings in pain. Some chickens raised their heads to avoid the rotating blades, only to then drown, fully conscious, in the scalding water tank (NVWA, 2025).

From the perspective of preventing avoidable and unnecessary suffering, as prescribed in Article 3, paragraph 1 of Regulation (EC) No 1099/2009 on the protection of animals at the time of killing, I consider that a ban on CO₂ stunning of pigs and the use of the waterbath for poultry in the Netherlands is necessary. The remaining slaughterhouses that currently use these stunning methods have the option to – just as other slaughterhouses have already done – transition to alternative stunning methods that are already widely applied. This will reduce the suffering of a large number of animals at the time of slaughter.

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A transition period of three years will be given to slaughterhouses, to offer them the opportunity to adapt to the legal ban on these two stunning methods for the specified species. For slaughter according to religious rites, a temporary exemption is made for the electrical waterbath and instead a provision has been included in the law specifically, allowing the Minister – once a suitable reversible stunning method becomes available for poultry that respects the boundaries of religious freedom – to take the next step and also prohibit the use of the waterbath for this type of slaughter.

I respectfully request that you, on behalf of the European Commission, give the Netherlands authorization for the national adoption of the proposed measures.

Yours sincerely,

Esther Ouwehand
Leader of the Party for the Animals
Member of parliament of the House of Representatives of the Netherlands

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Attachment – new scientific evidence

Sources – CO₂ stunning of pigs

Atkinson, S., Algers, B., Pallisera, J., et al. (2020). Animal Welfare and Meat Quality Assessment in Gas Stunning during Commercial Slaughter of Pigs Using Hypercapnic-Hypoxia (20% CO₂ 2% O₂) Compared to Acute Hypercapnia (90% CO₂ in Air). *Animals* 10(12), 2440. DOI: 10.3390/ani10122440

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Verhoeven, M., Gerritzen, M., Velarde, A., Hellebrekers, L. & Kemp, B. (2016). Time to loss of consciousness and its relation to behavior in slaughter pigs during stunning with 80 or 95% Carbon Dioxide. *Frontiers in Veterinary Science*. DOI: 10.3389/fvets.2016.00038

Steiner, A.R., Flammer, S.A., Beausoleil, N.J., et al. (2019). Humanely Ending the Life of Animals: Research Priorities to Identify Alternatives to Carbon Dioxide. *Animals* 9(11), 911. DOI: 10.3390/ani9110911

AVMA (American Veterinary Medical Association). 2020. AVMA Guidelines for the Euthanasia of Animals: 2020 Edition.

Beausoleil, N.J., Mellor, D.J. (2015). Introducing breathlessness as a significant animal welfare issue. *N Z Vet J.* 63. 44-15.

Atkinson, S., Larsen, A., Llonch, P. et al. (2015). Group stunning of pigs during commercial slaughter in a Butina pasternoster system using 80% nitrogen and 20% carbon dioxide compared to 90% carbon dioxide.

O'Malley, C.I., Wurtz, K.E., Steibel, J.P. et al. (2018). Relationships among aggressiveness, fearfulness and response to humans in finisher pigs. *Appl. Anim. Behav. Sci.* 205, 194-201.

Rodríguez, P., Dalmau, A., Ruiz-de-la-Torre, J.L., et al. (2008). Assessment of unconsciousness during carbon dioxide stunning in pigs. *Animal Welfare.* 17, 341-349.

Terlouw, C., Bourguet, C. & Deiss, V. (2016). Consciousness, unconsciousness and death in the context of slaughter. Part I. Neurobiological mechanisms underlying stunning and killing. *Meat Sci.* 118, 133-146.

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Bureau Risicobeoordeling & Onderzoek van de NVWA. (2024). Advies van BuRo over de risicobeoordeling roodvlees- en grofwildketen.

Sources – electrical waterbath for chickens, ducks and turkeys

Nederlandse Voedsel- en Warenautoriteit. (2024). Bijlage 6 bij Werkvoorschrift toezicht op welzijn van pluimvee en konijnen in het slachthuis.

Nederlandse Voedsel- en Warenautoriteit. (2025). Besluit op Woo-verzoek 24-0742

Ministerie van Landbouw, Natuur en Voedselkwaliteit. (2021, 28 januari). Risico-inventarisatie voor dierenwelzijn in Nederlandse slachthuizen.

EFSA. (2019). Slaughter of animals: poultry.