



Animal Protection Index (API) 2020

Republic of France: ranking C

Executive summary

France does not have an overall legislative act dedicated to animal welfare, rather, animal protection provisions are laid out in the Penal Code, the Rural and Maritime Fishing Code, as well as secondary legislation in the form of Decrees. Animal cruelty including acts of ill-treatment and acts of negligence is prohibited. Furthermore, the abandonment of companion animals is prohibited. There is also a duty of care onto companion animal owners and breeders, set out in Decree of 25 October 1982. Various other Decrees transpose EU legislation within French legislation.

Since the API was first published in 2014, the Civil Code was amended in 2015 to recognise that animals are sentient beings, as formerly they were considered to be 'moveable or immoveable assets'. This definition, however, remains limited as it only applies to vertebrates, and does not encompass wild animals nor ownerless domesticated animals. Furthermore, animals remain subject to the regime of goods.

France's main agriculture and food law, Law No. 2018-938 passed on 30 October 2018 entitled 'loi pour l'équilibre des relations commerciales dans le secteur agricole et alimentaire et une alimentation saine, durable et accessible à tous (EGalim)', includes several measures relating to animal welfare. Among others, the legislation extends the offence for animal abuse in rearing to transport and slaughter activities, and it doubles the sentence for animal abuse from six months imprisonment and a €7,500 fine to one-year imprisonment and a €15,000 fine.

However, there is room for improvement in many areas related to animal welfare. In particular, bullfighting and cockfighting are exempted from the basic anti-cruelty provisions laid out in Article 521-1 of the Penal Code. The use of animals for entertainment, such as in circuses and in marine mammal shows, is largely authorised in France, although there was an attempt to ban the breeding of dolphins in captivity that passed in May 2017, before being repealed in January 2018. Furthermore, France still allows fur farming and the force-feeding of geese and ducks for foie gras production. Decree No. 85-956 also allows the culling of dogs 'suspected' of having rabies. With regards to wild animals, it is regrettable that current President Emmanuel Macron has reduced the price of hunting permits and has increased the list of species allowed to be hunted, as well as the quotas for each of these species.

The Ministry of Agriculture and Food is responsible for the protection of most animals. The Ministry of Ecological and Solidarity Transition - which is in practice the Ministry of the Environment - is responsible for issues concerning free-roaming wild animals and collaborates with the Ministry of Agriculture and Food on issues concerning captive wild animals. The issue of animal experimentation is covered by several Ministries, the Ministry of Agriculture and Food, the Ministry of the Environment, the Ministry of Defence and the Ministry of Higher Education and Research. The Ministry of Agriculture and Food has developed a 2016-2020 Strategy on Animal Welfare, and has assigned responsibility to the National Committee of Plant and Animal Health (CNOPSAV), made up of farmers, scientists,



animal protection organisations, to implement this Strategy. Various institutions are responsible for managing the use of animals in scientific research, among which FRANCOPA, which promotes alternatives to animal research.

The Government of France is urged to amend the provisions of the Civil Code, the Penal Code and the Rural and Maritime Fishing Code to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings, and to enshrine this principle into legislation. The Government of France is urged to ban the confinement of farm animals – for instance, in sow stalls for pigs, and in cages for egg-laying hens – and the Government is urged to mandate the humane slaughter of all farm animals, with stunning prior to slaughter. The Government of France is furthermore urged to ban fur farming, which is inherently cruel, causing pain and distress to animals. As culture should not be an excuse for animal cruelty, the Government of France is urged to repeal the cultural exemptions that currently allow bullfighting, cockfighting and the force-feeding of ducks and geese to operate legally. The Government of France is also strongly encouraged to prohibit all forms of entertainment causing animal suffering, such as rodeos, circuses and marine mammal shows. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	B
<p>At the European Union (EU) level, based on the 1997 Treaty of Amsterdam, Article 13 forms part of the Lisbon Treaty, signed in 2007, which subsequently became the Treaty on the Functioning of the European Union (TFEU).¹ Article 13 of the TFEU explicitly recognises animal sentience and requires that Member States 'pay full regard to the welfare requirements of animals' in formulating and implementing European Union policies on agriculture, fisheries, transport, research and technological development.</p> <p>Article 9 of Law 76-629 of 1976² on the Protection of Nature declares that animals are sentient beings, however, this applies only to animals who are owned, thus excluding free-living animals. Article 9 provides that all animals, as they are sentient beings, must be placed by their owners in conditions that are compatible with the biological imperative requirements of their species.</p> <p>The Rural and Maritime Fishing Code³ also recognises owned animals as sentient beings, using the same wording (in Article L214-1⁴) as in Law 76-629.</p> <p>The Penal Code⁵ also makes a distinction between offences against animals and offences against property.</p> <p>Until 2015, the French Civil Code⁶ classified animals as either 'moveable or immoveable assets' (Articles 524 and 528). Following a long campaign led by animal protection organisations, the French National Assembly approved on 28 January 2015 an amendment to the Civil Code recognising animals as sentient.⁷ The Civil Code was formally amended on 26 February 2015 to recognise that animals are 'living beings gifted with sentience' (Article 515-14).⁸ In order to ensure consistency, subsequent articles in the Civil Code, such as 524 and 528, do not include animals in the moveable or immoveable asset categories. Article 515-14 of the Civil Code carries on stating</p>	

¹ <https://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

² https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=F4D536FB9B04E75B3B2C9DEDE1534FF8.tplgfr30s_1?cidTexte=JORFTEXT000000684998&dateTexte=20200103

³ <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT0000006071367>

⁴ https://www.legifrance.gouv.fr/affichCode.do;jsessionid=F4D536FB9B04E75B3B2C9DEDE1534FF8.tplgfr30s_1?idSectionTA=LEGISCTA000022200247&cidTexte=LEGITEXT0000006071367&dateTexte=20200103

⁵ <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT0000006070719>

⁶ <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT0000006070721>

⁷ https://www.lemonde.fr/planete/article/2015/01/28/les-animaux-sont-desormais-officiellement-doues-de-sensibilite_4565410_3244.html

⁸ <https://www.humanite.fr/statut-des-animaux-meubles-ou-etres-sensibles-628354>



'subject to the laws which protect them, animals are subject to the regime of goods'.

Analysis

Article 13 of the TFEU is a fundamentally important principle, providing a legal recognition of sentience and requirement for member states to pay full regard to the welfare requirements of animals when formulating and implementing European policy. However, it is important to note that as Article 13 represents a minimum standard to which any government must commit, its scope and impact for animals is limited.

Whilst positive that Article 13 explicitly acknowledges animal sentience, the requirement that member states pay 'full regard' to animal welfare is vague and does not create a precise and enforceable duty. Article 13 does not cover every type of new law, and applies only to 'agriculture, fisheries, transport, internal market, research and technological development and space policies. Additionally, there is currently a derogation in Article 13 for 'cultural practices'. France has used this derogation to continue unacceptable practices such as bullfighting and foie gras production, under the protection of Article 13.

France has a long history of animal protection and was one of the first countries to introduce animal protection legislation with its 1850 Grammont Law on Animal Mistreatments⁹ that made it an offence to mistreat domestic animals in public. France was one of the first countries to recognise some animals as sentient beings through the 1976 Law on the Protection of Nature. Today, broad principles stemming from the 1976 Law are applied to animals under human care and implemented via Articles L.214-1 to L.214-3 of the Rural Code; namely, that animals are sentient beings and must be placed by their owners in conditions that suit their biological imperatives and that it is forbidden to abuse or to mistreat them. Companion animals, farm animals, other domesticated animals, animals in laboratories and wild animals held in captivity are therefore covered by this protection. Wild animals and ownerless domesticated animals are not covered by this recognition of sentience.

The 2015 amendment to the Civil Code represents a step forward towards better animal protection. Widely acclaimed as the outcome of a 10-year reflections and 10-month Parliamentary debate, this amendment is seen as historic to recognise animals for their intrinsic rather than commercial value.¹⁰ Through this amendment, the Civil Code now aligns with the two other Codes (Rural and Maritime Fishing and Penal) in acknowledging animals as sentient beings. This is also consistent with the Treaty on the Functioning of the European Union. This coherence amongst Codes will hopefully allow for further amendments in favour of animal protection to be adopted more easily in various legislations.

This amendment is, however, restricted in two main ways. Firstly, the recognition of sentience is limited to certain categories of animals. Neither wild animals nor ownerless domesticated animals are covered by this definition of sentience. Furthermore, though the latest scientific evidence available to date shows that some invertebrates are sentient (i.e. cephalopods and decapod crustaceans), the French law is only applicable to vertebrates.

⁹ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000332380&categorieLien=id>

¹⁰ <https://www.30millionsdamis.fr/actualites/article/8451-statut-juridique-les-animaux-reconnus-definitivement-comme-des-etres-sensibles-dans-le-code/>

Furthermore, the practical implications of this amendment are limited since just after acknowledging animals as sentient beings, Article 515-14 of the Civil Code carries on stating that ‘subject to the laws that protect them, animals are subject to the regime of goods’. In practice, therefore, animals remain treated as goods.

Despite the Civil Code having been amended, this reform appears to be more a symbolic measure than a concrete achievement for animals. If this amendment grants a highly needed sentient status to animals, it is extremely limited in the sense that no protection regime is associated with this new definition of animals as sentient. In short, even though animals are no longer defined as ‘goods’, they remain under the same protection regime as goods. The usefulness of this definition change without associated protection laws has been put in question.¹¹

Enforcement mechanisms

The Penal Code makes it an offence to physically abuse or sexually abuse, or to commit an act of cruelty to a domesticated animal, or a tamed animal, or an animal held in captivity. The maximum penalty is two years’ imprisonment and a €30,000 fine (Article 521-1). Offenders may also be prohibited from keeping animals for a period of five years or more, and be prevented from working with animals.

Key recommendations

- **Given the extensive body of scientific evidence proving that animals are sentient, the Government of France is urged to amend the provisions of the Civil Code, the Penal Code and the Rural and Maritime Fishing Code to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations. As such, the sentence in Article 515-14 of the Civil Code stating that animals are subject to the regime of goods should be repealed.**

2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation

Ranking	B
There is no overall animal welfare Act in France. Rather, animal protection provisions are laid out in the Penal Code and the Rural and Maritime Fishing Code. Under the Rural and Maritime Fishing Code and the Penal Code, animals who are owned have protection from deliberate acts of cruelty	

¹¹ <https://www.lepetitjuriste.fr/droit-civil/le-nouveau-statut-juridique-de-l-animal-une-idee-audacieuse-pour-une-reforme-ineffective/>



and neglect. Article 521-1 of the Penal Code makes it an offence to seriously physically abuse or sexually abuse, to commit an act of cruelty to, or to abandon a domesticated animal, or a tamed animal, or an animal held in captivity. There are exemptions for bullfighting where an uninterrupted local tradition can be invoked, and for cockfighting in localities where an uninterrupted tradition can be established.

There are more detailed animal welfare provisions in the Rural and Maritime Fishing Code, as Chapter IV is dedicated to animal protection. The Ministry of Agriculture and Food's website explains that animal abuse may be characterised by physical beatings and by situations of deprivation or neglect, and that the law covers both. For instance, under Articles L-214 to L-217 of the Rural and Maritime Fishing Code, animal abuse includes depriving companion animals of food and water, or failure to provide a suitable environment. Another example of neglect being considered animal cruelty is that under Articles L-214 to L-218 of the Rural Code, it is considered abuse to keep outdoor cattle, sheep, goats and horses without providing facilities to protect them from climatic conditions. However, the practice of force-feeding ducks and geese to produce foie gras is exempted from anti-cruelty legislation.

According to Article R214-17 of the Rural and Maritime Fishing Code, ill-treatment of animals include:

- to deprive them of food or water necessary to meet their physiological needs;
- to leave them without care in the event of illness or injury;
- to place and maintain them in a habitat or an environment likely to be inappropriate to the climatic conditions bearable by the species or the unsuitability of the materials, installations or layout used, a cause of suffering, injury or accident;
- to use, unless absolutely necessary, fastening or restraining devices as well as fences, cages or more generally any form of detention unsuitable for the species under consideration or likely to cause injury or suffering.

Similarly, according to Article R214-18 of the Rural and Maritime Fishing Code, the fact of keeping cattle, sheep, goats or horses in the open air is considered ill-treatment when:

- there are no devices and installations intended to avoid the suffering that could result from climatic variations;
- the absence of fences, natural obstacles or a sufficient number of fastening or restraint devices is such as to put them at risk of an accident.

The laws concerning deliberate and intentional cruelty do not apply to wild animals, although conservation measures are in place for mutilation, destruction, capture and poaching of endangered or protected species in the Environment Code and Ministerial Orders list protected species.¹²

The Law for the balance of agricultural trade relations and healthy and sustainable food¹³ was adopted on 2 October 2018. This legislation primarily focuses on improving animal-based production and contains various animal welfare measures. Notably, the law establishes:

¹² <http://www.cpepesc.org/Faune-sauvage-au-regard-de-la.html>

¹³ https://www.legifrance.gouv.fr/affichTexte.do?sessionId=702D1C4C41DBFB79B23245B3C2C59A06.tplgfr31s_2?cidTexte=JORFTEXT000037547946&dateTexte=&oldAction=rechJO&categorieLien=id&idJO=JORFCONT000037547943



- Extension of the offense of animal abuse in breeding to transport and slaughter activities;
- Doubling of the sentences for animal abuse from six months imprisonment and a €7,500 fine to one-year imprisonment and a €15,000 fine (through modifying Article L.215-11 of the Rural and Maritime Fishing Code);
- Animal protection associations may bring civil action when official controls have revealed ill-treatment of animals;
- Designation of an animal protection officer in each slaughterhouse with whistleblower status granted to all employees;
- Experimentation with video surveillance in voluntary slaughterhouses;
- Ban on the use of any new or refurbished building rearing egg-laying hens in cages.

The first Animal Legal Code in France, compiling all the legislation applicable to animals, was published on 22 March 2018, with the intention to be used by magistrates, prosecutors, lawyers or even veterinarians.¹⁴

Analysis

It is positive that French law prohibits cruel acts towards animals, and that neglect is included within the definition of animal cruelty. Furthermore, France should be recognised for prohibiting the abandonment of companion animals.

However, it is regrettable that anti-cruelty provisions apply only to companion, tame or captive animals in French legislation, thus leaving out wild animals. There are no basic provisions against cruelty and abuse applicable to wild animals. Wild animals are also excluded from the definition of animals being sentient.

There is some lack of regard for the suffering of animals used in certain production or leisure activities that the French deem to be traditional practices, but which many other countries have banned on grounds of involving unacceptable cruelty towards sentient animals. For example, cockfighting and bullfighting are permitted in France in areas where an uninterrupted tradition can be shown or demonstrated (Article 521-1 of the Penal Code). The force-feeding of ducks and geese is also required for foie gras production (Article L654-27-1 of the Rural and Maritime Fishing Code).

The website of the Ministry of Agriculture and Food, which is the government Ministry responsible for animal protection, gives information on its website about its responsibilities, about work carried out in consultation with animal protection organisations, scientists and other professionals, and about its funding of research programs on the welfare of animals.¹⁵ The Ministry advises that local authorities, the Departmental Directorates of Protection of Populations, are responsible for implementing animal protection legislation, for example by carrying out inspections. The Ministry states that its services conduct 15,000 inspections annually to ensure animal protection.¹⁶

¹⁴ https://www.lemonde.fr/planete/article/2018/03/21/le-premier-code-juridique-de-l-animal-voile-le-jour-en-france_5274284_3244.html

¹⁵ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>

¹⁶ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>

The Ministry of Agriculture and Food's website draws attention to current societal changes, which include debates on the status of the animal leading up to the 2015 amendment to the Civil Code, a growing media coverage of animal welfare issues in rearing and slaughter as well as dietary changes, such as a higher consumer demand for organic, vegetarian or vegan products. In addition, the Ministry also highlights a growing contestation of French agricultural production system by animal protection organisations.¹⁷ This change is significant in terms of how the Ministry portrays animal welfare organisations: whereas in 2014, the Ministry's website stated that animal welfare charities were empowered to draw attention to cruel or ill treatment of animals to bring about an investigation, the Ministry now merely states that animal protection organisations contest French agricultural production. This appears to be a more negative portrayal of animal welfare organisations.

There are well-established animal protection organisations in France, which are entitled to become party to prosecutions and to work with the authorities, for example, on investigations into mistreatment of animals and to assist with confiscation of animals. The animal welfare organisation One Voice exposes cases of cruelty against animals, rescues animals wherever possible and files lawsuits against perpetrators, emphasising that violence against animals is tangibly linked to violence against humans.¹⁸ Since current animal cruelty cases are dealt with by a Prosecutor in charge of environmental affairs, One Voice has launched a petition to obtain the appointment of a Prosecutor for violent actions towards all sentient beings, human or animal.¹⁹ One Voice reports that even when the most extreme cases of cruelty are prosecuted by the authorities, which is not always the case, it may take several years to finally obtain a sanction for the perpetrator.²⁰

Another animal protection organisation key in revealing animal cruelty cases is L214 – named after the article in the Rural and Maritime Fishing Code establishing animals as sentient – which focuses on farm animals.²¹ L214 conducts undercover investigations and has managed to attract media coverage and public outcry with its videos shot by hidden cameras in farms or slaughterhouses.²² In 2015, following the release of an L214 undercover video, a foie gras producer has for the first time appeared in court in France accused of 'serious animal cruelty'.²³ As a result, several renowned chefs have agreed to stop ordering foie gras from this production facility.²⁴

The exemptions given to activities involving extreme cruelty such as cock fighting, and the cultural acceptance of such activities, are barriers to improving animal welfare in France. In addition, the Ministry of Agriculture and Food promotes on its website the production of 'home-made' foie gras.²⁵ Presented as 'good' and easy to make, no mention is made of how foie gras is inherently cruel to the

¹⁷ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>

¹⁸ <https://onevoice.fr/fr/nos-combats/cellule-zoe/explication.html>

¹⁹ <https://onevoice.fr/fr/petitions/politique-penale-protection-animaux-et-humains.html>

²⁰ <https://onevoice.fr/fr/blog/leleveuse-maltraitante-recidiviste-enfin-jugee.html>

²¹ <https://www.l214.com/campagnes-de-protection-animale>

²² <https://www.l214.com/video>

²³ <https://www.theguardian.com/world/2015/jan/22/foie-gras-producer-ernest-soulard-trial-france>

²⁴ <https://stop-foie-gras.com/foie-gras-grands-chefs>

²⁵ <https://agriculture.gouv.fr/et-si-faisait-son-foie-gras-soi-meme>

animals who are force-fed to the point that their liver reaches 10 times their normal size.^{26,27} Even more worrying is that the Ministry's website presents foie gras as something 'natural' discovered 3,000 BC. It is here crucial to underscore that if geese indeed naturally over-feed themselves before travelling long distances, this natural phenomenon is not at all comparable to the industrial force-feeding of both geese and ducks that is being done today.²⁸ This article is highly misleading and this is regrettable that the Ministry encourages the production and consumption of a product made out of animal cruelty. It is clear that France's economic interests – as France is the first producer and consumer of foie gras worldwide – are given priority by the Ministry compared to animal welfare considerations.²⁹

Enforcement mechanisms

There are enforcement mechanisms in the Penal Code for offences relating to cruelty, abuse and mistreatment of animals covered by the law, namely domestic, tamed and captive animals. Depending on the gravity and the circumstances in which the acts were carried out, the Penal Code distinguishes:

- involuntary damage to the life or integrity of animals (R653-1 of the penal code) [1]
- ill-treatment of animals (R654-1 of the Penal Code)
- intentional harm to the life of an animal (R655-1 of the Penal Code), serious ill-treatment or acts of cruelty to animals and the abandonment of animals (521-1 of the Penal Code).

The penalty for the most serious cruelty issues, including abandonment of animals, is up to two years of imprisonment and/or up to a €30,000 fine (Article 521-1). There are five other classes of offences of which class 1 is the least serious and class 5 the most serious. The penalties for some classes of offence are so low that they are unlikely to act as a significant deterrent and/or as an impetus for police and prosecutors to take action. A class 1 offence, for example, currently has a penalty of a €38 fine, a class 2 offence a fine of €150, and a class 5 offence a fine of €1,500 (Article 131-13 Penal Code).

Departmental Directorates in charge of Population Protection (DDCSPP), which include, among others, Departmental Veterinary Services, have authority to intervene directly on the ground in situations involving the abuse of animals. They may directly, or together with the gendarmerie and the police, take appropriate action. Notably, in the event of reports of ill-treatment, the DDCSPP may directly or under the authority of the prefect (administrative police powers), implement the following measures:

- Request immediate measures to remedy the shortcomings noted;
- Mandate a veterinarian to establish a clinical assessment of the state of the animals and their living conditions, with a view to carrying out their care;
- Proceed with the removal of animals to save them from a situation of mistreatment;
- Have euthanasia performed, if necessary, by a veterinarian on the animals found to be physiologically destitute or seriously ill.

The DDCSPP can also intervene under the authority of the public prosecutor (judicial police powers), following a complaint for example, and draw up a report of offenses for transmission to the

²⁶ <https://agriculture.gouv.fr/etsi-faisait-son-foie-gras-soi-meme>

²⁷ <https://stop-foie-gras.com/gavage.php>

²⁸ <https://stop-foie-gras.com/filiere.php>

²⁹ <http://www.esdaw.eu/foie-gras-france.html>



prosecution.

Prefects in local authorities have powers to intervene in cases of ill treatment and neglect of animals (Article R214-17 Penal Code).

Administrative police measures are also available to town mayors to intervene in in certain cases. Inspections to monitor animal welfare are carried out by officers of health and animal welfare of the Departmental Veterinary Services checking, for example, the level of care provided to animals and the conditions in which animals are kept. The police have powers to intervene directly in instances of animal cruelty under control of the prosecutor.

Section 7 of the Rural and Maritime Fishing Code lays out that civil servants or designated agents have the power to inspect facilities, homes and vehicles transporting animals to verify that the corresponding animal protection articles of the Code are duly applied.

In addition, Article L215-11 of the Rural and Maritime Fishing Code lays out that anyone operating an establishment for the sale, grooming, transit, guard, education, training or presentation to the public of companion animals, a pound, a refuge, a slaughterhouse, a company transporting live animals, or a farm to exercise or let exercise unnecessarily ill-treatment of animals in its care, is liable to a €15,000 fine and one-year imprisonment.

Key recommendations

- **The Government of France has enacted extensive anti-cruelty legislation, which prohibits mistreating animals, as well as a failure to act in case of animal abuse. The Government of France should lead by example and encourage countries to enact detailed animal protection legislation, protecting the Five Freedoms of animals. However, the animal protection provisions laid out in the Penal Code and the Rural and Maritime Fishing Code do not apply to wild animals. The Government of France is therefore strongly encouraged to extend the scope of application of these Codes, so that it applies to all vertebrates, cephalopods and decapod crustaceans, including those living in the wild.**
- **The Government of France is urged to remove the cultural exemption for local and cultural traditions, currently enshrined in Article 521-1 of the Penal Code, which allows the cruel bullfighting and cockfighting practices to continue.**
- **The Government of France is urged to ban the force-feeding of ducks and geese, currently used for foie gras production, as this practice is inherently cruel and has been banned in other countries, such as the UK and Austria, on animal welfare grounds.**



Goal 2: Presence of animal welfare legislation

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	D
<p><u>Rearing</u></p> <p>At the EU level, the 1976 European Convention for the Protection of Animals kept for Farming Purposes³⁰ lays out general conditions for all the species of animals kept for the production of food, wool, skin, fur or for other farming purposes. Article 3 mandates that ‘animals shall be housed and provided with food, water and care [...] appropriate to their physiological and ethological needs’. Article 4 protects the freedom of movement of animals and Article 5 regulates the lighting, temperature, humidity, air circulation, ventilation and other environmental conditions.</p> <p>Based on this European Convention, Council Directive 98/58/EC³¹ gives general rules for the protection of animals of all species kept for the production of food, wool, skin or fur or for other farming purposes, including fish, reptiles or amphibians. Article 2 mandates that all animals whose welfare depends on frequent human attention shall be inspected at least once a day. Article 7 protects the animals’ freedom of movement, and Article 10 requires that breeding procedures (natural or artificial) likely to cause suffering or injury must not be practised, though there are exceptions to this. Article 21 further states that no animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.</p> <p>The provisions of the Penal Code prohibiting cruelty, abuse and mistreatment of animals apply to farm animals (Article 521-1).</p> <p>There is a wealth of legislation covering the welfare of animals used in farming with respect to rearing, transport and slaughter, which is based on the legal framework provided by the European Union, and which reflects the minimum standards set by the European Union.</p> <p>Article L214-1 of the Rural and Maritime Fishing Code provides that animals should be kept under conditions compatible with their biological requirements. Article L214-3 prohibits the abuse of domestic animals and provides that secondary legislation in the form of Decrees will make more precise rules to protect against abuse and prevent suffering. Those Decrees that have been made include the implementation of European Union Directives on the welfare of calves, pigs, laying hens,</p>	

³⁰<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680076da6>

³¹<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0058&from=EN>



conventionally reared meat chickens and a general welfare framework Directive.

The framework European Union Directive is implemented by the Decree of 25 October 1982 on rearing and keeping of animals.³² The requirements of this Decree include maintaining animals in a state of good health, avoiding unnecessary suffering, not keeping animals in the dark or in permanent light, providing sufficient water and food, and protecting animals kept outdoors from inclement weather and from predators. This law also contains provisions relating to the sale of animals in markets and fairs.

However, the law relating to the production of foie gras still requires the force-feeding of ducks and geese in order for the product to be labelled as such, and this is protected as part of France's cultural and gastronomic heritage (Article L654-27-1 Rural and Maritime Fishing Code).

In addition, the Ministry of Agriculture and Food has published a global strategy for animal well-being running from 2016 to 2020.³³ The Strategy is organised around the five key pillars and 20 actions.

1. Share knowledge and innovation: broadly, this theme aims at encouraging innovation and the sharing of knowledge with regards to animal welfare. It also aims at creating a national Reference Centre for Animal Welfare, which was done in 2017.

2. Increase the responsibility of actors at all levels: increase the collaboration with between farmers and animal welfare organisations. This pillar also emphasises the 'primary' role of livestock farmers in ensuring welfare standards.

3. Pursue the changes in practices in favour of animal welfare: during rearing, transport and slaughter, and for animals used in scientific research. Measures are evoked but only in vague terms (e.g. alternative methods to castration or beak conditioning), with no legally binding character as of now.

4. Prevent and increase the rapidity of action in case of animal mistreatment: improve the training of control services, raise prosecutors' awareness about the importance of pursuing legal action in case of animal mistreatment. A collective reflection (study) should be done with regards to how to fund measures intended to rescue abused animals. Concrete measures falling under this pillar is that the crime of animal mistreatment is extended to transport and slaughter conditions, instead of only the rearing stage. Penalties are also doubled in case of animal mistreatment, which was achieved through the EGalim law.³⁴ Animal protection organisations can now file lawsuits to denounce a case of animal mistreatment.³⁵

5. Inform the public of the progress and results of this action plan: sharing knowledge with the public, which may be translated by a change in product labelling, and engage with agribusinesses and retailers.

³² <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000864910>

³³ https://agriculture.gouv.fr/sites/minagri/files/160627_ani_bea_strategie.pdf

³⁴ <https://agriculture.gouv.fr/egalim-des-mesures-pour-lutter-contre-la-maltraitance-animale>

³⁵ <https://agriculture.gouv.fr/egalim-des-mesures-pour-lutter-contre-la-maltraitance-animale>

This National Strategy was incorporated in the broader framework of the Agriculture and Food 'EGalim' legislation, promulgated on 1 November 2018.³⁶

Rearing – pigs

At the EU level, welfare provisions for pigs are laid out in Council Directive 2008/120/EC.³⁷ Among animal welfare provisions, Article 3 prohibits the tethering of sows or gilt (female pig after puberty and before farrowing). The ban of individual sow stalls was decided in 2001, and a phase-out period of 12 years was allowed to adapt to the new systems. From 1 January 2013, sows must be kept in groups rather than in individual stalls. However, stalls may still be used for the first 28 days of gestation, and one week before the expected time of birth (Article 3.4).

Article 8 mandates inspections of pigs' rearing conditions and Article 12 provides that Member States may apply, within their territories, stricter provisions for the protection of pigs than the ones laid down in this Directive.

Chapter I of the Annex of the Directive provides that 'all procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body, or the alteration of bone structure, shall be prohibited'. However, there are exemptions to this general prohibitions for:

- teeth grinding or clipping (before 7 days old)
- tail-docking
- castration of male pigs by other means than tearing of tissues
- nose-ripping only when the animals are kept in outdoor husbandry systems and in compliance with national legislation.

Tail-docking and teeth grinding/clipping must not be carried out routinely, 'but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred'. There is no requirement to use anaesthetic for castration, except if the procedure is carried out after the 7th day of life.

Chapter II mandates that no piglets shall be weaned from the sow at less than 28 days of age, though piglets may be weaned up to seven days earlier if they are moved into 'specialised housings'.

In France, Decree of 16 January 2003³⁸ lays down minimum standards for the protection of pigs (implementing in Council Directive 2008/120/EC).

Rearing – broiler chickens

At the EU level, welfare provisions for broiler chickens are laid out in Council Directive 2007/43/EC.³⁹ Notably, Article 3.2 requires that the maximum stocking density is 33kg/m². However, Article 3.3 allows for derogation to this general rule: a derogation to allow an increase

³⁶ <https://agriculture.gouv.fr/egalim-des-mesures-pour-lutter-contre-la-maltraitance-animale>

³⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0120&from=EN>

³⁸ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005633899>

³⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0043>

above 33kg/m² up to 39kg/m² can be given when additional documented details for each house are kept and the house achieves certain climatic parameters. In addition, the documentation accompanying the flock at the slaughterhouse shall include the daily mortality rate and the cumulative daily mortality rate. A further increase above 39kg/m² up to 42kg/m² is allowed where, in addition to the conditions mentioned in the previous point being met, monitoring by the authorities confirms records of low mortality rates and good management practices.

Article 4.2 requires that the training courses for people dealing with chickens focus on 'welfare aspects'. Article 7 requires inspections to be carried out.

Annex I to this Directive provides detailed conditions with regards to the drinkers, feeding, litter, ventilation, heating, noise and light requirements. Annex I also mandates that inspections shall be carried out twice a day. Similar to the wording of the Council Directive 2008/120/EC for pigs, all surgical interventions 'carried out for reasons other than therapeutic or diagnostic purposes which result in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited'. However, two exemptions exist to this prohibition:

- beak trimming, which may be carried out when other measures to prevent feather pecking and cannibalism are exhausted. Beak trimming shall be carried out by qualified staff on chickens that are less than 10-days-old.

- castration of chickens, which shall only be carried out under veterinary supervision by personnel who have received a specific training.

In France, Decree of 28 June 2010⁴⁰ lays down minimum standards for the protection of broiler chickens (implementing in Council Directive 2007/43/EC). This Decree transposes Council Directive 2007/43/EC, and notably authorises the same maximum stocking density of 42 kg/m². The Ministry of Agriculture has also created a sheet summarising the legislation in place for broiler producers, and using the OIE definition of animal welfare.⁴¹

In January 2020, France pledged to outlaw the culling of unwanted male chicks by the end of 2021.⁴²

Rearing - egg-laying hens

At the EU level, welfare provisions for egg-laying hens are laid out in Council Directive 1999/74/EC.⁴³ Non-enriched cage systems have been prohibited since 1 January 2012 (Article 5.2). Two cage systems are now in use:

- enriched cages where laying hens have at least 750 cm² of cage area per hen
- alternative systems where the stocking density does not exceed nine egg-laying hens per m² usable area, with at least one nest for every seven hens and adequate perches.

⁴⁰ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022415200&dateTexte=&categorieLien=id>

⁴¹ <https://agriculture.gouv.fr/sites/minagri/files/documents/pdf/Protection-animale-poulets-de-chair-2.pdf>

⁴² <https://www.bbc.co.uk/news/world-europe-51301915>

⁴³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0074&from=EN>



In both systems, all hens must have a nest, perching space, litter to allow pecking and scratching and unrestricted access to a feed trough.

Article 8 mandates inspections of the systems of rearing for egg-laying hens.

The Annex to the Directive specifies that all hens must be inspected by the owner or the person responsible for the hens at least once a day (Article 1). Sound level must be minimised (Article 2) and light levels shall allow hens to show 'normal levels of activity'. Article 8 prohibits all mutilations except beak trimming, provided it is carried out on egg-laying hens less than 10 days old.

In France, Decree of 1 February 2002⁴⁴ lays out minimum standards for the protection of laying hens (implementing Council Directive 1999/74/EC).

In 2018, President Emmanuel Macron pledged that, by 2022, all eggs should be from laying hens raised in free range conditions, thus banning the use of all cages.⁴⁵ On 2 October 2018, the Law for the balance of agricultural trade relations and healthy and sustainable food was adopted. Article 68 modifies Article L.214-11 of the Rural and Maritime Fishing Code, which prohibits putting into use any new or refurbished building for raising laying hens reared in cages. However, it is reported that a draft Decree would allow the putting into use any refurbished buildings using egg-laying hens reared in cages, as long as their overall productivity is not increased. Thus, a farm that wishes, without increasing its production capacity, to replace its cages with entirely new cages, could do so.⁴⁶ At the time of writing, such a Decree has not been passed.

In January 2020, France pledged to outlaw the culling of unwanted male chicks by the end of 2021.⁴⁷

Rearing - dairy cattle and calves

There is no EU legislation dedicated to dairy cattle.

Council Directive 2008/119/EC⁴⁸ lays out the minimum standards for the protection of calves. Article 3 prohibits the use of confined individual pens after the age of eight weeks, except if required by a veterinarian. Individual pens must have perforated walls, allowing the calves to have direct visual and tactile contact. Article 3 further sets out minimum dimensions for individual pens and for calves kept in group. Inspections of facilities should be carried out (Article 7). Annex I of the Directive lays down specific conditions for the rearing of calves. Notably, calves must not be kept permanently in darkness. Member States make provisions for 'appropriate natural or artificial lighting'. Moreover, all housed calves must be inspected by the owner or the person responsible for the animals at least twice daily and calves kept outside must be inspected at least once daily. The accommodation for calves must

⁴⁴ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000776442>

⁴⁵ https://www.lepoint.fr/societe/en-2022-tous-les-oeufs-devront-venir-de-poules-elevees-en-plein-air-19-02-2018-2196140_23.php

⁴⁶ <https://www.civf.fr/presse/communiqués/2019/09/poulespondeuses-un-discret-decret-qui-fait-reculer-le-bien-etre-animal>

⁴⁷ <https://www.bbc.co.uk/news/world-europe-51301915>

⁴⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0119&from=EN>



allow them to lie down, rest, stand up and groom for themselves without difficulty. Importantly, calves must not be tethered, with the exception of group-housed calves that may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute.

In France, Decree of 20 January 1994⁴⁹ lays down minimum standards for the protection of calves and has been amended to implement Council Directive 2009/119/EC. This Decree establishes the minimum standards relating to the protection of calves kept for breeding and fattening, and applies to calves under the age of six months and which are not kept with their mother for suckling. Article 3 sets the standards relating to accommodation in groups, individually or in stalls. An annex, made up of 13 articles, contains the general provisions relating to the conditions of calf rearing. The Decree falls short of specifying standards for dairy cattle or prohibiting zero-grazing systems for dairy cattle and calves.

Transport

At the EU level, welfare provisions for animal transport are laid out in Council Directive EC 1/2005.⁵⁰ This Directive defines the responsibilities of all actors involved in the transport chain of live animals entering or leaving the EU. Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Article 7 forbids long journeys (i.e. exceeding 8 hours) unless the means of transport has been inspected and approved under Article 18(1).

Chapter IV, Section 4 of the Rural and Maritime Fishing Code is dedicated to live animal transport. Article L.214-12 implements Council Directive EC 1/2005 with regards to animal transport, and anyone involved in transporting animals for profit must be authorised by the Departmental Veterinary Services. Training of staff involved with the transport of animals is overseen by the Directorate General of Education and Research of the Ministry of Agriculture and Food. The police have oversight of control of documents concerning animal transport, for example relating to stocking density. Furthermore, The Ministry of Agriculture's website emphasises that the live animal transport is strictly regulated, especially in case of heat wave.⁵¹

Slaughter

At the EU level, welfare provisions for animals at the time of slaughter are laid out in Council Directive EC No 1099/2009.⁵² Article 3 states that animals shall be spared any 'avoidable pain, distress or suffering during their killing and related operations'. Article 4 mandates that animals must be stunned prior to being slaughtered, and the loss of consciousness and sensibility shall be maintained until the death of the animal. Article 5 specifies that workers should check whether animals do not present any signs of consciousness in the period between the end of the stunning process and death. Annex I to this Directive lists all the stunning methods possible. Annex II sets out the requirements regarding the layout, construction and equipment of slaughterhouses.

⁴⁹ <http://extwprlegs1.fao.org/docs/pdf/Fra11151.pdf>

⁵⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

⁵¹ <https://agriculture.gouv.fr/canicule-et-transport-danimaux-vivants-point-dactualite>

⁵² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1099&from=EN>



In 2018, following a favourable opinion of the European Food Safety Authority on low atmospheric pressure system for the stunning of broiler chickens, Annexes I and II to Council Regulation (EC) No 1099/2009 have been amended by Commission Implementing Regulation (EU) 2018/723⁵³ to approve the stunning of broiler chickens through asphyxia due to low atmospheric pressure.⁵⁴

Council Directive EC No 1099/2009 is implemented in French legislation through Articles R214-63 to R214-81 of the Rural and Maritime Fishing Code and through Decree of 12 December 1997⁵⁵ relating to the procedures for immobilising, stunning and killing animals and the conditions for animal protection in slaughterhouses. Article R214-70 of the Rural and Maritime Fishing Code lays out that stunning is mandatory except for 1/ ritual slaughter; 2/ killing of farmed game when the process used, which must be previously authorised, results in immediate death; and 3/ emergency killing. Religious slaughter must be carried out in a slaughterhouse by those authorised by a religious authority (Article R214-73), with the cattle and sheep being immobilised via a mechanical process (Article R214-74). Decree of 28 December 2011⁵⁶ lays out conditions that slaughterhouses must fulfil in order to be authorised to carry out slaughter operations without stunning, as well as the procedures for obtaining this authorisation. The Ministry of Agriculture has also created various sheets summarising recommendations for ritual slaughters.⁵⁷

Following the release of undercover footages showing cruelty acts committed in slaughterhouses by the animal welfare organisation L214, a law was proposed in November 2016 to ensure the respect of animals at slaughter.⁵⁸ The initial proposal included five key measures, namely:

1. The creation of a National Ethics Committee in slaughterhouses, comprised of professionals working in the agricultural sector, veterinarians, sociologists, legal experts, philosophers, parliamentarians, researchers focusing on animal welfare, representatives from farms, animal protection organisations, consumer associations and religious organisations.

2. The creation of a local committee in charge of checking that legal requirements are met for each slaughter facility. This local committee would include local politicians, slaughterhouse owners, farmers, veterinary services, butchers, animal protection organisations, consumer associations and religious representatives.

3. For slaughterhouses with more than 50 staff members, the permanent presence of veterinary services would be required at the stunning and slaughter stages. For facilities employing less than 50 people, the presence of veterinary services should be strengthened.

4. Cameras would be required in all slaughterhouse facilities. It is made clear that if this proposal benefits from 'a strong support' from French citizens, such cameras should not be used as a video surveillance tool against staff members.

⁵³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0723&from=EN>

⁵⁴ <https://www.efsa.europa.eu/en/efsajournal/pub/5056>

⁵⁵ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000204001&dateTexte=>

⁵⁶ <http://extwprlegs1.fao.org/docs/pdf/fra108246.pdf>

⁵⁷ <https://agriculture.gouv.fr/tout-savoir-sur-labattage-rituel>

⁵⁸ [http://www2.assemblee-nationale.fr/documents/notice/14/propositions/pion4203/\[index\]/propositions-loi](http://www2.assemblee-nationale.fr/documents/notice/14/propositions/pion4203/[index]/propositions-loi)

5. Parliamentarians should be authorised to conduct unexpected visits to slaughterhouses facilities, possibly with registered journalists.

In its first lecture in December 2016, the law was adopted but the key Article 4, requiring cameras in slaughterhouses, was deleted from the text.⁵⁹ In a second lecture on 12 January 2017, the law was eventually adopted by the French National Assembly, gathering only 5% of its Parliamentarians.⁶⁰ Importantly, proposal 4 related to mandatory cameras in slaughterhouses was approved (28 votes for and 4 votes against).⁶¹ However, this proposal will not translate fully in practice. As a consequence, however, proposal 3 was taken off the text since the Minister Stephane Le Foll explained that the permanent presence of veterinary services is not needed if cameras are already in place. Unfortunately, this law was again debated in May 2018, to be included in a broader law related to Agriculture and Food.⁶² The amendment that was eventually approved is very different than the initial mandatory video criterion. The final version of the law stipulates that in the six months following the official promulgation of the law, slaughterhouses will be given the opportunity, on a voluntary basis, to install cameras in their facilities for a period of two years. A report will be published in 2020 to assess the usefulness of such cameras.⁶³

This amended version of the law on respecting animals at slaughter is now included in a broader, new legislation on Agriculture and Food (Law 'EGalim'), voted by Parliament on 2 October 2018 and promulgated on 1 November 2018.⁶⁴ This law contains a pillar on 'strengthening animal welfare' which includes:

- several provisions to increase sanctions in case of maltreatment of animals;
- the capacity for animal protection organisation to file a lawsuit in case of maltreatment of animals;
- the designation of a person responsible for animal protection in each slaughterhouse, with the designated capacity to be the first one signalling a problem;
- the 'trial' of video surveillance in slaughterhouses, taking part on a voluntary basis, as implemented by Decree No. 2019-379 of 26 April 2019;⁶⁵
- a trialling period for using mobile slaughter facilities, as implemented by Decree No. 2019-324 of 15 April 2019;⁶⁶
- the interdiction of building or converting a building for the production of eggs from hens reared in battery cages.

⁵⁹ <https://www.30millionsdamis.fr/actualites/article/11335-lassemblee-rejette-linstallation-de-cameras-dans-les-abattoirs/>

⁶⁰ <http://www.fondation-droit-animal.org/92-du-nouveau-en-matiere-de-protection-animale-en-abattoir-en-france/>

⁶¹ <http://www.thierryvallatavocat.com/2017/01/la-video-surveillance-dans-les-abattoirs-votee-le-12-janvier-2017-par-l-assemblee-nationale.html>

⁶² <https://www.30millionsdamis.fr/actualites/article/13866-abattoirs-la-video-surveillance-encore-en-discussion-a-lassemblee-nationale/>

⁶³ <https://www.dailymotion.com/video/x6kd40l>

⁶⁴ <https://agriculture.gouv.fr/egalim-ce-que-contient-la-loi-agriculture-et-alimentation>

⁶⁵ <http://extwprlegs1.fao.org/docs/pdf/Fra185739.pdf>

⁶⁶ <http://extwprlegs1.fao.org/docs/pdf/Fra185757.pdf>

Analysis

The wording of Council Directive 98/58/EC is quite general and does not consider species-specific needs, by comparison to the other Directives.

With regards to pigs, it is positive that the ban on sow stalls has entered into force since 2013. However, this ban is limited as stalls are still allowed to be used for the first 28 days of gestations, and shortly before giving birth.

The many exemptions provided in Chapter I of the Annex of Council Directive 2008/120/EC allows for piglet mutilations to be performed without anaesthetics. The use of anaesthetic is only mandated for castration, occurring on a piglet at least 7-days-old. Piglet mutilations are extremely cruel, and these exemptions represent a legal loophole allowing for the inhumane treatment of farm animals.

Castration is practiced to avoid the development of undesirable sexual or aggressive behaviour, and to avoid the development of 'boar taint, which gives pork meat a distinctive taste and odour. The European Commission acknowledges on its website that castration has become 'a significant animal welfare concern in recent years', inflicting pain 'even on very young pigs'.⁶⁷ A working group, made of representatives of European farmers, meat industry, retailers, scientists, veterinarians and animal welfare NGOs, met in 2010 and developed the European Declaration on Alternatives to Surgical Castration of Pigs.⁶⁸ Two key decisions were taken through this Declaration: the surgical castration of pigs, if carried out, shall be performed with prolonged analgesia and/or anaesthesia with methods mutually recognised. Secondly, the surgical castration of pigs should be abandoned by 1 January 2018. Over 30 stakeholders (animal welfare NGOs, industry practitioners etc.) signed this voluntary agreement.

With regards to broiler chickens, Council Directive 2007/43/EC represents the first legal instrument in which 'welfare indicators' were included as a means of scientific assessment. It is positive that the Directive goes into details about the environment of rearing of chickens (i.e. drinkers, feeding, litter, ventilation and heating, noise, light requirements). The Directive also provides a maximum stocking density, however, by allowing derogations to be made, the Directive enables large-scale, industrial farming practices to be developed in the EU. In such crowded conditions, the Five Freedoms of broiler chickens cannot be fulfilled. In addition, the exemptions for beak trimming and chicken castration enables this practice to be carried out without anaesthetics.

With regards to egg-laying hens, the 2012 ban on the use of battery cage systems was an important step to improve the welfare of egg-laying hens. By comparison to battery cages, enriched cages provide 20% more space to each hen (the equivalent of an A4 paper with a postcard). Enriched cages have nest boxes, litter, perch space and some scratching materials, and house up to 10 hens. Though the current two systems in use (enriched cages and alternative systems) represent incremental improvements to the life of hens, the EU still allows for hens to be raised in cages. When reared in cages, the Five Freedoms of egg-laying hens are necessarily compromised.

⁶⁷ https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/castration_alternatives_en

⁶⁸ https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_farm_pigs_castalt_declaration_en.pdf



In September 2018, a European Citizen Initiative (ECI) entitled 'End the Cage Age' was launched, supported by a coalition of animal welfare NGOs, among which World Animal Protection.⁶⁹ The ECI invites the European Commission to propose legislation to prohibit the use of:

- cages for laying hens, rabbits, pullets, broiler breeders, layer breeders, quail, ducks and geese;
- farrowing crates for sows;
- sow stalls, where not already prohibited
- individual calf pens, where not already prohibited

Since September 2019, as over 1 million verified signatures have been collected from EU citizens, the European Commission will be invited to propose the above-mentioned legislation.⁷⁰

With regards to dairy cattle and calves, it is regrettable that there is no EU legislation protecting the welfare-specific needs of dairy cattle. It is positive that calves must not be tethered, though this should be a full ban. Moreover, EU legislation allows for the isolation of calves under eight weeks old. The isolation of calves is detrimental to their welfare, and the provision that calves in isolation need to be able to see other calves is not sufficient to satisfy their need for social interactions.

With regards to animal transport, it is positive that the Council Directive EC 1/2005 recognises in its preamble that, 'for reasons of animal welfare the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible'. However, the exception of Article 7, allowing the transport of animals for over 8 hours, is detrimental to animal welfare. In fact, long live animal transport is known to cause stress. Moreover, many breaches of Council Directive EC 1/2005 have been reported, including the transport of unfit animals, exceeding stocking densities, requirements on feed, water and rest not respected, insufficient headroom and bedding, and too elevated temperatures.⁷¹

In 2015, the European Commission launched a three-year Pilot Project aiming at improving animal welfare during transport by developing and disseminating Guides to Good and Best Practice for the transport of the main livestock species.⁷² In September 2017, the contractor of the project published five extensive guides to good practices, as well as 17 technical fact sheets on good animal transport practices.⁷³ This is a positive development, however, a total ban on long live animal transport would grant stronger protection to animals.

⁶⁹ <https://www.eesc.europa.eu/en/newsmedia/news/end-cage-age>

⁷⁰ <https://eci.endthecageage.eu/>

⁷¹ <https://www.ciwf.org.uk/media/7434627/report-on-implementation-of-eu-regulation-on-welfare-of-animals-during-transport-compassion-in-world-farming-october-2018.pdf>

⁷² https://ec.europa.eu/food/sites/food/files/animals/docs/aw_prac_transport_pilotreport.pdf

⁷³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>



With regards to slaughter, it is positive that the Council Directive EC No 1099/2009 mandates stunning prior to slaughter, however, numerous EU countries have exemptions to this requirement, notably due to religious reasons. In 2018, the European Commission has also developed a series of fact sheets outlining how various species should be stunned.⁷⁴ This appears to show that the EU Commission is willing to disseminate knowledge and improve animal welfare.

The undercover videos released by the animal protection organisation L214 in October 2015 of a slaughterhouse in Alès sparked public outcry.⁷⁵ Images show horses, sheep, cows, veal calves and pigs being killed in terrible suffering, sometimes still conscious. Following this video, a Commission of Investigation ('Commission d'enquête') was created, presided by Parliamentarian Olivier Falorni, in order to shed light on the conditions of slaughter in French slaughterhouses.⁷⁶ This type of commission is the 'the strongest control tool' at the disposal of Parliament. This Commission organised discussions and open online public consultations, as well as visits to slaughterhouses. The Commission issued a report with 65 proposals on five key themes: change rules, increase transparency, enhance staff training, improve slaughter techniques and upgrade the equipment. To be implemented, some of these proposals required a change in the law, which led to the initial legislative proposal in 2016.

The voting process of this law has been quite lengthy and confusing, as proven by the fact that the debate for this legislation was re-opened in May 2018. The fact that this law does not constitute a stand-alone legislation but is included in a broader agriculture legislation highlights that animal welfare concerns are only seen through the lens of sustaining animal-based agricultural production. It is also regrettable that this law has been stripped from its key measure of implementing mandatory cameras in slaughterhouses, to eventually be reduced to voluntary participation of slaughterhouses - which was already possible prior to the law, as reminded by Olivier Falorni.⁷⁷ It appears clear that the Government is not supportive of this law as former Minister of Agriculture Stéphane Travert stated mandatory cameras are 'not needed' in slaughterhouses since, supposedly, videos cannot help determine whether the animal truly suffers.⁷⁸ His comment contradicts the regular undercover videos shot by L214 revealing brutal and sometimes illegal slaughter practices.

In France, secondary legislation in the form of Decrees implement EU legislation with regards to farm animals. For pigs, there is no legislation that mandates the group-housing of sows, bans the use of farrowing crates, and mutilations such as tail docking, teeth resection or castration of piglets. For laying hens, there is no legislation completely banning the use of enriched or colony cages: though this was announced during the electoral campaign of Emmanuel Macron, the now President has not enshrined this within legislation. There is no legislation specifically outlining animal welfare requirements for dairy cattle, and is no legislation banning zero-grazing systems (for dairy cows and calves). There are also no provisions in law that ban long-distance transport (greater than eight hours) or that require animals to be slaughtered as close to the point of rearing as possible. It is positive that the 'EGalim' law

⁷⁴ https://ec.europa.eu/food/animals/welfare/practice/slaughter/2018-factsheets_en

⁷⁵ <https://www.l214.com/enquetes/2015/abattoir-made-in-france/>

⁷⁶ [http://www2.assemblee-nationale.fr/documents/notice/14/propositions/pion4203/\[index\]/propositions-loi](http://www2.assemblee-nationale.fr/documents/notice/14/propositions/pion4203/[index]/propositions-loi)

⁷⁷ <https://www.30millionsdamis.fr/actualites/article/13866-abattoirs-la-videosurveillance-encore-en-discussion-a-lassemblee-nationale/>

⁷⁸ <https://www.dailymotion.com/video/x6jx1dr>



doubled the penalties for animal abuse, the law falls short of mandating the use of video surveillance in slaughterhouses, which makes it hard to detect such abuse.

The status of farm animals in French legislation is now aligned with EU law, as the Civil Code rightly defines them as sentient beings. However, animals are still treated as mere goods in practice, which constitutes de facto a barrier to improving animal welfare. This is illustrated by the legal protection under the umbrella of cultural and gastronomic heritage given to the inhumane practice of force-feeding ducks and geese, and the requirement in French law that force-feeding is used in order to produce foie gras (Article L-654-27-1 Rural and Maritime Fishing Code). In contrast to some countries having banned foie gras on the ground of animal welfare, such as the UK and Austria, France is still not ready to revise its production.⁷⁹

The 2016-2020 National Strategy on animal welfare is an important step to mainstream farm animal welfare. It is positive that the Ministry acknowledges new societal demands for higher welfare⁸⁰, and by affirming the ethical dimension of animal welfare concerns.⁸¹ However, the Ministry of Agriculture and Food acknowledges that this Strategy was motivated by economic interest, to make animal-based agricultural production 'more sustainable'.⁸² Government policy is supportive of farming animals for food, considering animal-based foods as a necessity, demonstrated, for example, by legislation requiring every meal produced in public sector schools to contain meat, egg or dairy products.⁸³ It is also worth highlighting that in December 2018, the supermarket chain Casino alongside three independent organisations recognised for their expertise in animal welfare launched the first animal welfare label of products.⁸⁴

The most recent Food and Veterinary Office audit to evaluate animal welfare controls in place at slaughter and during related operations was carried out by the European Directorate General for Food and Health Safety in 2015.⁸⁵ This audit operation concluded that the situation in France for slaughter is broadly satisfactory with the exception of ritually slaughtered poultry and poultry stunned with an electrical water bath, with parameters below those required by EU legislation. In addition, the report highlights that slaughterhouses' own control systems are lacking and do not include adequate records showing that the slaughterhouses comply with Regulation (EC) No 1099/2009. The audit report furthermore shows that animals unfit for transport (Regulation (EC) No 1/2005) are frequently transported to slaughterhouses, under the support of veterinary certificates, and no effective actions have been taken to correct this.

The Food and Veterinary Office also carry out audit in the egg industry, the most recent one being in 2015, during which compliance with animal welfare requirements for laying hens, newly built poultry

⁷⁹ <https://www.lcanimal.org/index.php/campaigns/foie-gras-an-appetite-for-cruelty/aboutfoie-gras>

⁸⁰ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>

⁸¹ <https://agriculture.gouv.fr/2016-2020-une-strategie-globale-pour-le-bien-etre-des-animaux-en-france>

⁸² <https://agriculture.gouv.fr/2016-2020-une-strategie-globale-pour-le-bien-etre-des-animaux-en-france>

⁸³ <https://www.theguardian.com/lifeandstyle/wordofmouth/2011/oct/26/french-government-banning-vegetarianism-schools>

⁸⁴ <https://www.groupe-casino.fr/etiquetage-bien-etre-animal-3-nouveaux-acteurs-rejoignent-la-demarche-les-fermiers-du-sud-ouest-l'association-avigers-et-les-fermiers-de-loue/>

⁸⁵ http://ec.europa.eu/food/auditsanalysis/audit_reports/details.cfm?rep_id=3490

houses are inspected by the competent authorities.⁸⁶ The report shows that only 1% of all houses are subject to an animal welfare inspection each year.

A more recent audit was carried out by the European Directorate General on Health and Safety in 2017 to evaluate the welfare conditions of animals during long-distance transport by road to non-EU countries. The audit report concluded that the current measures 'do not provide satisfactory assurances' that live animals exports operate smoothly and that these journeys are correctly planned and carried out in line with animal welfare requirements to prevent causing unnecessary pain, suffering or injury to the animals.⁸⁷

Enforcement mechanisms

The 1976 European Convention for the Protection of Animals kept for Farming Purposes does not contain any enforcement mechanism. At the EU level, a Directive requires Member States to achieve a particular result, but it does not devise laws on how to reach these goals. As such, Member States have some leeway to decide on their own legislations which will achieve the intended results. By contrast, a Regulation is a binding legislative act, directly applicable to the entirety of the EU.

Breach of the prohibition in the Penal Code of cruelty, abuse and mistreatment of animals is punishable with up to two years' imprisonment and/or up to a €30,000 fine (Article 521-1).

Breach of the prohibition on abuse in Article L214-3 of the Rural and Maritime Fishing Code is punishable with a fixed fine (Article L215-12).

There are also enforcement mechanisms relating to the legislation on rearing, transport and slaughter of farm animals in the corresponding Decrees implementing EU law within French legislation.

Departmental Directorates of Veterinary Services are tasked with applying the regulatory framework relating to farm animal rearing. They have access to the premises and facilities where animals are kept in order to monitor compliance with the law, conduct regular inspections or investigations of farms and have powers to instigate prosecutions and to remove animals. The Departmental Directorates are responsible for regular monitoring of animal welfare in slaughterhouses.

Key recommendations

- **The Government of France is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**

⁸⁶ http://ec.europa.eu/food/auditsanalysis/audit_reports/details.cfm?rep_id=3534

⁸⁷ http://ec.europa.eu/food/auditsanalysis/audit_reports/details.cfm?rep_id=3942

- The Government of France is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.⁸⁸ Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.
- Legislation regarding the transport of animals should protect their Five Freedoms. In addition, the Government of France is strongly urged to ban the export of live animals over long distances (i.e. more than eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and, for some species and modes of transport, it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.
- It is positive that the EGalim law, adopted on 2 October 2018, extended the protection from abuse to animals during transport and at slaughter. However, one of the key initial provisions of the law, mandating the use of cameras in slaughterhouses, was eventually rejected. As such, the Government of France is urged to mandate the use of video surveillance in all slaughterhouses.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	C
<p><u>Zoos</u></p> <p>At the EU level, welfare provisions for wild animals kept in zoos are laid out in Council Directive 1999/22/EC.⁸⁹ 'Zoos' are defined as 'all permanent establishments where animals of wild species are kept for exhibition to the public for 7 or more days a year', with the exceptions of circuses, pet shops and any other establishments that Member States deem not to host sufficient animals. Article 3 provides that zoos shall implement conservation measures. Among them, one measure is welfare-oriented since zoos have to accommodate their animals 'under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species</p>	

⁸⁸ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

⁸⁹ <https://www.eaza.net/assets/Uploads/Governing-documents/EU-Zoo-Directive-1999.pdf>

specific enrichment of the enclosures; and maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition.’ Article 4 mandates the licencing and inspections of existing and new zoos. Article 8 lays out that Member States shall determine penalties for a breach of this Directive: such penalties shall be effective, proportionate and dissuasive.

The EU Zoos Directive Good Practices (2015),⁹⁰ while not legally binding, are aimed at supporting practitioners and Member States in implementing the spirit and requirements of the Council Directive 1999/22/EC. The Directive includes recommendations regarding key aspects of animal health and welfare within the zoo environment such as temperature, enclosure size and furnishings and noise.

Council Regulation (EC) 1/2005⁹¹ on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible of being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that ‘no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them’. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

The provisions of the Penal Code prohibiting cruelty, abuse and mistreatment of animals apply to animals in captivity (Article 521-1).

The Rural and Maritime Fishing Code, Article L214-1 provides that animals should be kept under conditions compatible with their biological requirements. Article L214-3 prohibits the abuse of tame or captive wild animals and provides that secondary legislation in the form of Decrees will make more precise rules to protect against abuse and prevent suffering. Those Decrees that have been made include a Decree of 25 March 2004 laying down general rules of operation for zoological establishments of a fixed and permanent nature (DEVN0430016A),⁹² which incorporates the requirements of European Union Directive 1999/22. The Decree requires zoos to be licenced and to provide for the safety and security of animals and people. Article 10 requires animals to be kept in conditions of a high standard that satisfy their biological and species-specific requirements and permit a wide expression of natural behaviours. Article 11 specifies that social animals must not be isolated, except for sanitary reasons or if they become aggressive. Article 12 specifies that animal welfare and the prevention of abnormal behaviours are ensured through a continuous improvement of the conditions of living of animals – through improving the space and enrichment available, the methods of rearing and the social making of animal groups. Article 15 specifies that learning techniques for animals shall not infringe upon the animal’s wellbeing. Visitors are not allowed to touch non-domestic species except if this intervention does not infringe upon the animal’s wellbeing; such operation must serve ‘educational purposes’.

⁹⁰ https://ec.europa.eu/environment/nature/pdf/EU_Zoos_Directive_Good_Practices.pdf

⁹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

⁹² <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT0000000610915>



Licences to keep non-domestic animals, including in zoos, are granted by the Head of the Prefecture of the Department in question. Zoos are required to have two licenses, an operation licence for the establishment and a certificate of competence held by at least one full-time employee. The basis for the granting of licences is the ability of the applicants to comply with the legal requirements and to provide appropriate animal care. Requirements for applications for certificates of competence are outlined in a circular issued by the Ministry of Ecology on 11 April 2008.⁹³

Articles L. 413-1 to L. 413-5 of the Environment Code⁹⁴ regulate the keeping of wild animals in captivity. The general principles are that establishments must provide for the biological needs of animals, ensure the safety of people, encourage conservation, and promote facility quality and staff expertise. Accommodation provided for animals must be adapted to their biological characteristics and thus meet their physiological needs.

Private keeping of wild animals

Chapter IV, Section 2 of the Rural and Maritime Fishing Code defines 'companion animal' as 'any animal owned or intended to be owned by humans for their pleasure'. Order of 11 August 2006⁹⁵ establishes the list of species, breeds or varieties of domestic animals. Appendix 1 lists all the species of companion animals, and this definition also applies to Articles R. 411-5 et R. 413-8 of the Environment Code.

The private keeping of wild animals is regulated through Order of 10 August 2004⁹⁶ on the operation of animal breeding facilities for non-domestic species – according to this Order, anyone keeping at their home a non-domestic species constitutes an 'animal breeding facilities'. Breeding is authorised if it is done with a non-commercial purpose and the number of animals is limited. This 2004 order was repealed by the Order of 8 October 2018⁹⁷ laying down general rules for keeping animals of non-domestic species. Article 1 establishes that anyone who owns non-domestic species must:

- have a place of accommodation, facilities and equipment designed to guarantee the well-being of animals housed, in order to meet their physiological and behavioural needs;
- have the skills required and adapted to the species and number of animals so that they are kept in good health and maintenance;
- prevent risks relating to the animal's security and to the security and peace of third parties;
- prevent the introduction of animals into the natural environment and the transmission of human or animal pathologies.

Owners must keep a registry of their animals (Article 8).

⁹³ http://droitnature.free.fr/pdf/Arretes%20Ministeriels/Metropole/Faune%20Captive/2008_0411_circulaire%20Cd cElevage_n2008_02.pdf

⁹⁴ <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006074220>

⁹⁵ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000789087#JORFARTI000002254536>

⁹⁶ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005851004>

⁹⁷ https://www.legifrance.gouv.fr/affichTexte.do?sessionId=7AF5438128E55C0F387BA6362695B791.tplqfr30s_1?cidTexte=JORFTEXT000037491137&dateTexte=20181014

Fur farming

At the EU level, a ban on cat and dog fur was introduced by Regulation No 1523/2007,⁹⁸ and has entered into force on 31 December 2008. The Regulation bans the placing on the market and the import to or export from the Union of cat and dog fur and products containing such fur.

In April 2019, a Bill No. 1896 was laid out, proposing to ban mink fur production and the sale of mink fur.⁹⁹ At the time of writing, this Bill has not been adopted.

Analysis

Council Directive 1999/22/EC provides general provisions for animals kept in zoos. Following the wording of Article 3, zoos are primarily intended to achieve conservation efforts, taking into account animal welfare. It is positive that zoos must be licenced to operate, and that such a licence can only be obtained if criteria of Article 3 are met, which includes welfare provisions relating to enrichment, husbandry, veterinary care and nutrition. Enrichment must be species-specific, but there is no mention of the psychological distress that is induced by constraining animals in enclosures. This Directive could be improved by focusing on the mental wellbeing of animals, rather than on satisfying their basic needs (e.g. nutrition requirements). In particular, a provision could be made to ensure that the size of enclosure is large enough to enable individuals to express normal behaviours, as well as allowing social interactions. Moreover, the frequency of inspections is not mandated in this Directive.

It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

Any ban on fur farming is a positive step for animals, as the fur farming industry is inherently cruel, and fur cannot be produced without causing large amount of pain, distress and suffering to animals. It is thus positive that the EU has implemented a ban on fur farming, though this ban appears very much limited since it covers only two species. The most common species farmed for their fur in Europe – rabbits, minks, foxes – are not included in this ban. Furthermore, there is no legislation at the EU level mandating humane slaughter for animals farmed for their fur.

With regards to animals kept in zoos, it is positive that zoos must receive a licence to operate, and that zoos must be inspected. The welfare of captive animals appears to have informed various Articles of Decree of 25 March 2004 laying down general rules of operation for zoological establishments of a fixed and permanent nature. However, this Decree does not lay out species-specific provisions nor guidance on environmental enrichment. The legislation falls short of using the Five Freedoms as a guiding principle. Furthermore, direct interaction between the public and wild animals are allowed if

⁹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1523&from=EN>

⁹⁹ <https://www.politique-animaux.fr/elevage/proposition-de-loi-n-1-896-visant-abolir-lelevage-de-visons-pour-leur-fourrure-et-en-interdi>



these serve an 'educational purpose': this vague wording does not provide a detailed definition as to what activities are regarded as educational.

France was part of an assessment of European Union zoos carried out in 2011 to evaluate the level of implementation and enforcement of the European Union Directive 1999/22. The country report on France noted a number of serious concerns.¹⁰⁰ The Ministry of Ecology states that it applies its licensing and inspection procedures to 300 establishments that it defines as zoos. However, as at 2011 there were a reported 943 zoos in France. The report therefore recommended that the government ensure that all permanent establishments that are open for seven days or more in a year, and that display any number of non-domestic animal species to the public, are licenced and receive regular inspections, and meet the specified requirements of Decree 25/03/2004 and the Environment Code.

Furthermore, the private keeping of wild animals is largely authorised in France. Though Decree of 8 October 2018 mandates that anyone who owns in their private home a wild animal must have facilities and equipment designed to guarantee the welfare of the animals, this measure appears weak since there is no precise, species-specific definition as to what such facilities should be. French legislation fails to recognise that many wild animals cannot thrive in captivity, even less so in private homes.

In addition, it is regrettable that France allows the exploitation of animals for the production of fur. Fur farming is inherently cruel and causes pain, distress and suffering to animals.¹⁰¹ In addition, several luxury brands have now adopted a no-fur policy, hence this could hopefully be used as an economic incentive for France to outlaw fur farms.¹⁰²

Enforcement mechanisms

Breach of the prohibition in the Penal Code of cruelty, abuse and mistreatment of animals is punishable with up to two years' imprisonment and/or up to a €30,000 fine (Article 521-1).

Breach of the prohibition on abuse in Article L214-3 of the Rural and Maritime Fishing Code is punishable with a fixed fine (Article L215-12).

The legislation specifies that zoos must be inspected on a regular basis to ensure compliance with regulations. With regards to the private keeping of wild animals,

The website of the Ministry of Ecology gives information on the type of controls that are carried out. However, it appears that enforcement provisions do not relate to all establishments keeping wild animals in captivity, as the Ministry of Ecology advises it inspects 300 of the estimated 943 zoos in France.

Key recommendations

¹⁰⁰

<https://www.bornfree.org.uk/storage/media/content/files/Publications/FINDINGS%20%26%20RECOMMENDATIONS.pdf>

¹⁰¹ <https://www.furfreealliance.com/horrific-conditions-on-french-mink-fur-farm-in-eure-et-loire-exposed/>

¹⁰² <https://www.racked.com/2018/9/7/17833484/fashion-bans-fur-burberry-gucci>

- The Government of France is urged to remove the provision in Decree of 25 March 2004 allowing direct contact between members of the public and wild animals kept in zoos.
- The Government of France is strongly encouraged to enact further detailed, species-specific legislation mandating environmental enrichment for animals housed in zoos.
- At present, the private keeping of wild animals as companion animals is authorised through a permit system. The Government of France is encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.
- The Government of France is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	D
<p><u>Care of companion animals</u></p> <p>The European Convention for the Protection of Pet Animals¹⁰³ is a treaty of the Council of Europe to companion animals and ensure minimum protection standards. Signed in 1987, the treaty entered into force in 1992 and is now open to countries outside members from the Council of Europe. As of March 2019, the Convention has been ratified by 24 countries including France.</p> <p>Article 1 prohibits anyone from causing unnecessary pain, suffering or distress, or to abandon a companion animal. Article 2 creates a duty of care onto animal owners, responsible for their health and welfare. Article 10 forbids surgical procedures for the purpose of modifying the appearance of a companion animal, or for other non-curative purposes. In particular, the docking of tails, the cropping of ears, devocalisation, declawing and defanging are prohibited. Exceptions exist if a veterinarian considers non-curative procedures necessary or to prevent the reproduction of animals. Article 11 specifies that the killing of companion animals shall be done with the minimum of physical and mental suffering appropriate to the circumstances.</p> <p>Chapter III contains Supplementary Measures for Stray Animals. Article 12 mandates that the capture of stray animals must be done with the least amount of suffering possible. Once captured, animals may be kept or killed 'in accordance with the principles laid down in this Convention'.</p> <p>The provisions of the Penal Code prohibiting cruelty, abuse and mistreatment of animals apply to</p>	

¹⁰³ <https://www.coe.int/en/web/conventions/fulllist/-/conventions/rms/090000168007a67d>



companion animals. Article 521-1 of the Penal Code makes it an offence to seriously physically abuse or sexually abuse, to commit an act of cruelty to, or to abandon a domesticated animal.

Under Article R214-21 of the Rural and Maritime Fishing Code, it is illegal to carry out surgical procedures on animals for cosmetic purposes. However, tail docking is exempted. Article L214-3 of the Rural and Maritime Fishing Code prohibits the abuse of domestic animals and provides that secondary legislation in the form of Decrees will make more precise rules to protect against abuse and prevent animal suffering.

As an example of these Decrees, Decree of 25 October 1982 sets minimum requirements for the breeding and keeping of companion and other animals. This Decree is in accordance with Article 214-1 of the Rural and Maritime Fishing Code, which requires animals to be placed by their owners in conditions that are compatible with their biological needs. For companion animals, the Decree requires them to have access to food and water, sufficient space to move and to stand up, protection from extremes of hot and cold, a clean sheltered area and to be maintained in a good state of health. Dogs kept in kennels must have a minimum area of five square metres and a minimum height of two metres, and excrement must be removed daily. Permanently leashed dogs must have a chain proportionate to their size and strength that permits them to stand up, lie down and to move freely. Animals must not be left in cars unless they are protected from heat and have sufficient air. The Decree permits pet shops to display pets in their windows provided measures have been taken to protect the animals from the sun, excessive hot, cold or light levels ensuring that sufficient air is available.

Under Article 214-6 of the Rural and Maritime Fishing Code, professional breeders of dogs and cats are subject to inspection and must register with the Departmental Directorate of Veterinary Services. The law requires at least one person in direct contact with the animals to have a certificate of competence attesting to his knowledge of the species concerned including biological, physiological and behavioural needs. Establishments with more than nine dogs over four months of age are subject to rules governing classified facilities and must have been licenced to operate.

A decree was added in 2014 detailing sanitary and animal welfare requirements which must be met by any facility displaying, selling or providing a shelter to animals. Animal welfare standards are chosen according to the biological and behavioural needs of each species. This decree officially came into force on 1 January 2015.¹⁰⁴ Another decree adopted in December 2014 publishes an official list of facilities allowed to provide training to professionals working with animals.¹⁰⁵

Under Article 214-8 of the Rural and Maritime Fishing Code, the purchaser of a pet must be provided at the time of delivery by the seller with a certificate of disposal, background information on the characteristics and needs of the animal and a veterinary certificate. Roadside sales or transfers of pets are prohibited.

Law No. 2008-582¹⁰⁶ of 20 June 2008 relates to dogs who are considered 'dangerous'. Dogs likely to be dangerous are classified into two categories according to their morphological characteristics

¹⁰⁴ <https://agriculture.gouv.fr/les-animaux-de-compagnie>

¹⁰⁵ <https://agriculture.gouv.fr/les-animaux-de-compagnie>

¹⁰⁶ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000019060485&categorieLien=id>

(Article L211-12 of the Rural and Maritime Fishing Code). Category 1 include American Staffordshire terrier type dogs (formerly Staffordshire terrier), also called 'pit bulls'; Mastiff type dogs, also called 'boerbulls' and Tosa type dogs. Any acquisition, transfer for consideration or free of charge, introduction or import into French territory is prohibited and liable to six months' imprisonment and a fine of €15,000, according to Article L215-2 of the Rural and the Maritime Fishing Code. Category 2 includes is made up of three breeds (listed in a genealogical book recognised by the Ministry of Agriculture and Food and one type, namely: American Staffordshire terrier dogs, Rottweiler dogs and Tosa.

In addition, the 2016-2020 Strategy on Animal Welfare decided by the Government includes companion animals.¹⁰⁷ The Government promises stricter regulation of the pet trade, so that any person intending to sell cats and/or dogs would be required to register prior to starting any sale activity. Each seller will be attributed a unique registration number, in order to increase the traceability of the pet traded. This is also intended to help authorities spot any illegal or undeclared breeding and/or selling facility, which may not ensure suitable animal welfare standards. Furthermore, the Government states that a study is needed to regulate events during which companion animals are gathered (e.g. exhibitions) to ensure animals are not harmed.

Stray animals

The 6 January 1999 Law 99-5¹⁰⁸ relating to dangerous and stray animals and animal welfare makes Mayors responsible for ensuring that there are facilities for stray animals and procedures for collecting such animals. Mayors are also required to institute measures to prevent stray dogs and cats by requiring dogs in the town to be leashed and muzzled (Article 213 of the Rural and Maritime Fishing Code). Each municipality must have a pound able to house stray animals. If the animals have not been taken back by their owner after eight days, then they are considered abandoned and thus become the property of the pound, which may decide to euthanise the animal, if a veterinarian considers such a procedure necessary. If the pound has been officially declared with a case of rabies, animals are immediately euthanised if their owner does not claim his/her animal back within eight days. Under Law No. 2008-852 of 20 June 2008, all dog bites must be reported to town mayors, and the owner of the dog must take their animal to a veterinarian for a health and behaviour check.

Law 99-5 modifies Article L211 of the Rural and Maritime Fishing Code, which lays out that if an animal is likely to present a danger for other companion animals or humans, the Mayor may require from the animal owner to take measure to reduce the risk of aggression. If not done, the Mayor may place the animal in a shelter. If, after eight days, the animal owner does not show that he/she will limit the risk posed by his/her animal, then the shelter may authorise the euthanasia of the animal, following veterinary advice.

Decree No. 2002-1381¹⁰⁹ lays out specific measures with regards to stray animals. For the application of Articles L211-21 and L211-22 of the Rural Code, the Mayor takes all measures likely to allow a fast allocation of responsibility of any stray animal or in state of wandering who would be

¹⁰⁷ https://agriculture.gouv.fr/sites/minagri/files/160627_animal_bea_strategie.pdf

¹⁰⁸ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000558336&categorieLien=id>

¹⁰⁹ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000783168&categorieLien=id>

found accidented, as well as of any animal who would be found wandering or in a state of wandering outside the hours and working days of the pound, or of the structure that it has designated as the place of deposit.

Article 8 of Decree No. 96-596 of 27 June 1996¹¹⁰ relating to the fight against rabies states that the Mayor may, by decree, order the slaughter of animals suspected of rabies in the event that they pose a danger to people, or when local circumstances do not allow the effective and immediate implementation of surveillance measures.

Analysis

At the EU level, the European Convention for the Protection of Pet Animals lays down important principles for the welfare of companion animals, notably by creating a positive duty of care onto animal owners and through prohibiting the abandonment of companion animals. It is also positive that the Convention prohibits surgical procedures on companion animals for appearance purposes.

However, the Convention does not provide as strong protections for the welfare of stray animals. In fact, the Convention authorises the killing of stray animals, instead of mandating their rehoming or placing them in a non-kill shelter.

It is positive that the Penal Code prohibits the abandonment of companion animals, and that Decree of 25 October 1982 establishes a duty of care onto animal owners. Furthermore, the Government has invested time and resources in promoting responsible pet ownership and raising awareness of the needs of companion animals, for example, via the publication "Living with a companion animal", which is available from veterinary practices, breeders, animal shelters, municipalities and other organisations according to the Ministry of Agriculture and Food's website since 2009.¹¹¹ The key laws mentioned are the basic anti-cruelty and neglect laws in Article L-214 of the Rural and Maritime Fishing Code. Other legislation highlighted in the booklet to prospective or actual pet owners encompasses issues concerning the ownership and control of dangerous dogs (Articles R623-3 and 221-6-2 of the Penal Code) and requirements for all dogs and cats to be registered and identified (Article 215-15).

The Union of Petfood Makers (Federation des Fabricants d'Aliments pour Chiens, Chats, Oiseaux et Autres Animaux Familiers) estimates that 49.5% of French homes have at least one companion animals, and 42% have at least a cat or a dog.¹¹² In 2002, the Ministry of Agriculture, Food and Forestry published a booklet on the welfare of animals introduced with a charter of fundamental principles for the relationship between humans and animals that included the statement that animals have a right to respect and that society must safeguard the welfare of animals that it uses. However, these principles do not themselves have any legislative status. In 2015, the Ministry of Agriculture and the NGO National Council of Animal Protection (CNPA) jointly produced a two-part leaflet on 'living with a cat

¹¹⁰ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000194190&categorieLien=id>

¹¹¹ <https://agriculture.gouv.fr/file/animauxcompagnieguidebienvivre2009.pdf>

¹¹² <https://www.facco.fr/les-chiffres/>

or a dog'.¹¹³ This leaflet reminds potential owners of the regulation surrounding the sale of companion animals and the owners' responsibility vis-à-vis their animals (e.g. education, vaccination etc.).^{114,115}

Addressing cruelty to pets appears to be a mainstream concern of much of society in France, with cases involving extreme cruelty attracting widespread media coverage and public outcry. However, animal protection organisations report that it is only the most extreme cases of cruelty that are investigated and prosecuted and sometimes only after long delays.¹¹⁶ For example, in one 2011 case involving the confiscation of 46 dogs from breeders, the animal protection organisation One Voice had a dossier of concerns raised with enforcement authorities dating back to 1999.¹¹⁷

Law No. 2008-582 has negative effects on animals, since it can lead to the euthanasia of dogs considered 'dangerous' if the animal owner is unable to present the required permit for the dog, following a one-month delay (Article 5).

Regarding stray animals, it is regrettable that French legislation allows for the culling of animals suffering from rabies through Article 8 of Decree No. 96-596, since culling has been scientifically proven to be inefficient, by comparison to humane population control measures.

Enforcement mechanisms

The European Convention for the Protection of Pet Animals does not contain any enforcement mechanisms.

Breach of the prohibition in the Penal Code of cruelty, abuse and mistreatment of animals is punishable with up to two years' imprisonment and/or up to a €30,000 fine (Article 521-1).

Breach of the prohibition on abuse in Article L214-3, the rule on breeders in Article L214-6 and the rule on sale of pets in Article L214-8 of the Rural and Maritime Fishing Code is punishable with a fixed fine (Article L215-12).

Key recommendations

- **The Government of France is urged to amend Article R214-21 of the Rural and Maritime Fishing Code, in order to fully ban cosmetic mutilations, including tail docking.**
- **The Government of France is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been scientifically proven to be ineffective. At present, Decree No. 96-596 allows for animals 'suspected' of rabies**

¹¹³ <https://agriculture.gouv.fr/les-animaux-de-compagnie>

¹¹⁴ https://agriculture.gouv.fr/sites/minagri/files/2015-7volets_recto.pdf

¹¹⁵ https://agriculture.gouv.fr/sites/minagri/files/2015-7volets_verso.pdf

¹¹⁶ <https://www.animal-cross.org/pour-une-justice-efficace-pour-protger-les-animaux-domestiques-ou-tenus-en-captivite/>

¹¹⁷ <http://www.onevoice.fr/presse/proces-en-appel-du-chenil-de-loise-2/>

to be slaughtered. The Government of France should also implement education programmes on dog bite prevention.

•The Government of France is strongly encouraged to repeal Law No. 2008-582 prohibiting the ownership of dogs considered dangerous (based on morphology and breed). Instead of banning the keeping of these dogs, which results in the dogs being euthanised, the Government of France should encourage the adoption of such dogs and more public education on responsible pet ownership. The Government of France should overall promote responsible pet ownership, including the adoption of companion animals over the purchase of commercially bred animals.

6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation	
Ranking	E
<p><u>Animals used for entertainment</u></p> <p>The provisions of the Penal Code prohibiting cruelty, abuse and mistreatment of animals apply to animals used for entertainment (Article 521-1).</p> <p>Under the Rural and Maritime Fishing Code, Article L214-3 prohibits the abuse of domestic animals and provides that secondary legislation in the form of Decrees will make more precise rules to protect against abuse and prevent suffering. Those Decrees that have been made include general minimum requirements relating to the keeping of animals in the Decree of 25 October 1982 on the rearing and keeping of animals. This includes domestic equines. Requirements include maintaining animals in a state of good health, avoiding unnecessary suffering, not keeping animals in the dark or in permanent light and providing sufficient water and food.</p> <p>Under the Environment Code, wild animals kept in captivity must be provided with conditions that are adapted to their biological characteristics and thus meet their physiological needs (Articles L.413-1 to L.413-5).</p> <p>Dog fighting is prohibited under the basic anti-cruelty provision in Article 521-1 of the Penal Code. However, certain activities are exempted from the anti-cruelty legislation; namely bullfighting where an uninterrupted local tradition can be invoked, and cockfighting in localities where an uninterrupted tradition can be established. The term ‘uninterrupted local tradition’ has been left to individual courts to define.¹¹⁸ The word ‘invoked’ refers to a fact and the word ‘established’ refers to the interest of the</p>	

¹¹⁸ <https://www.animallaw.info/article/detailed-discussion-anti-maltreatment-laws-france-and-spain>

public.¹¹⁹ The Court of Appeal in Toulouse designated the Pyrenees, Garonne, Provence, Languedoc, French Catalonia, Gascony, Landes and the Basque Country as localities with a strong bullfighting tradition. However, the highest judicial Court of Cassation had a more restrictive interpretation.¹²⁰ It is an offence to build a new 'gallodrome' (cock fighting arena). In the French mainland, cock fighting is permitted in the Nord-Pas-de-Calais, and in overseas territories, cock fighting is permitted on the Reunion Island, French Guyana, French Antigua (Martinique and Guadeloupe) and French Polynesia. In 2015, the French High Court upheld the 1964 law that banned the construction of new cockfighting pits and rings throughout the nations and overseas departments, such as Reunion Island, French Guyana and the French Antilles.¹²¹

In Mars 2018, two laws proposals related to bullfighting were put forth. The first one requested to simply forbid bullfighting and cockfighting, by deleting the exemptions made for those activities in the Penal Code.¹²² Another Bill was proposed to ban bullfighting for children under 14 years-old.¹²³ This latter proposal followed a recommendation from the UN Committee on the Rights of the Child stating that bullfighting shows should be forbidden for underage children.¹²⁴ At the time of writing, none of these proposals has been adopted.

Decree of 18 March 2011¹²⁵ (DEVL1108130A) deals with the keeping of non-domestic animals in travelling spectacles such as circuses. This includes a requirement for animals to be kept in conditions that satisfy their biological and behavioural needs in line with the Environment Code, together with provisions requiring that animals have the possibility to exercise outside each day, have sufficient room in any outdoor enclosures to move freely, have a suitable diet and receive veterinary treatment if they are sick or injured. The law also requires an employee responsible for animals in a circus to hold a certificate of competence under Articles 213 -2 and 214- 4 of the Rural and Maritime Fishing Code. Circuses with non-domesticated animal species must also be authorised by the Prefect of the Department in which they are situated.¹²⁶ Animals must not be altered or drugged other than for reasons of their own health. Transport of circus animals must be carried out in accordance with EU Directives concerning animal transport. Circuses must also comply with endangered species legislation. A law was proposed in November 2017, which requested an amendment to Article 521-1 of the Penal Code punishing mistreatment on animals, to include a ban on the use of domestic or wild animals in travelling shows.¹²⁷ At the time of writing, this law has not been adopted.

¹¹⁹ <https://www.animallaw.info/article/detailed-discussion-anti-maltreatment-laws-france-and-spain>

¹²⁰ Idem

¹²¹ <https://www.ibtimes.com/cockfighting-french-court-upholds-law-banning-new-cockfight-pits-rings-2033212>

¹²² <https://www.politique-animaux.fr/corrida/proposition-de-loi-n-801-visant-abolir-corrida-et-les-combats-de-coqs>

¹²³ <https://pressfrom.info/fr/actualite/france/82377-une-loi-pour-interdire-la-corrida-aux-moins-de-14-ans.html>

¹²⁴ <http://animaljustice-droit.org/Tauromachie-L-ONU-dit-non-a-la-presence-d-enfants.html>

¹²⁵ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00002381660Z>

¹²⁶ <https://docplayer.fr/5023982-Charte-d-accueil-des-cirques-dans-les-communes-la-lettre-d-information-ministere-de-la-culture-et-de-la-communication.html>

¹²⁷ [http://www2.assemblee-nationale.fr/documents/notice/15/propositions/pion0421/\(index\)/propositions-loi](http://www2.assemblee-nationale.fr/documents/notice/15/propositions/pion0421/(index)/propositions-loi)

Cetaceans have been the subject of a Decree passed on 3 May 2017,¹²⁸ which forbade the breeding of orcas and dolphins in captivity, as well as the trade of these species among marine parks.¹²⁹ This outcome was notably made possible by various animal protection organisations, for some of them part of the broader network of NGO Dolphinarium-Free Europe.^{130,131} The Decree repealed and replaced the previous 1981 Decree which defined conditions under captivity. This new Decree, announced on 3 May 2017, introduced the following requirements:

1. Increase by at least 150% of the pool size;
2. Interdiction to treat the water with chlorine;
3. Creation of a specialised team of animal carers;
4. Interdiction of direct contact between the public and animals;
5. Stricter controls between dolphins' reproduction.¹³²

However, upon official publication on 6 May 2017, the law stated that breeding of both orcas and dolphins would be forbidden.¹³³

Three facilities currently have cetaceans in captivity in France: Marineland, the Parc Asterix and Planete Sauvage.¹³⁴ Following the announcement by the Minister of the Ecology Segolene Royal that breeding will be forbidden, these facilities appealed the decision to the French State Council.¹³⁵ The State Council eventually repealed the ban on breeding for procedural reasons on 29 January 2018. The Council declared that since the ban on breeding constitutes a significant change from the initial Decree, it should have undergone a public consultation.¹³⁶ The final legislation forbids captivity of marine mammals except for orcas (*Orcinus orca*) and bottlenose dolphins (*Tursiops truncatus*).¹³⁷

Draught animals

The provisions of the Penal Code prohibiting cruelty, abuse and mistreatment of animals apply to animals used for draught (Article 521-1).

Under the Rural and Maritime Fishing Code, Article L214-3 prohibits the abuse of domestic animals and provides that secondary legislation in the form of Decrees will make more precise rules to protect against abuse and prevent suffering. Those Decrees that have been made include general minimum requirements relating to the keeping of animals in the Decree of 25 October 1982 on the rearing and keeping of animals. This includes domestic equines. Requirements include maintaining animals in

¹²⁸ https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=B4EC701CCFE29A168B1434DE5ECBB01D.tpdila13v_3?cidTexte=JORFTEXT000034598383&dateTexte=&oldAction=rechJO&categorieLien=id&idJO=JORFCONT000034598275

¹²⁹ <https://one-voice.fr/fr/blog/la-fin-dun-esclavage.html>

¹³⁰ <https://one-voice.fr/fr/blog/captivite-des-dauphins-one-voice-repond-a-marineland.html>

¹³¹ <http://dfe.ngo>

¹³² <https://www.zoonaute.net/2017/05/03/dolphinariumfrance/>

¹³³ https://www.lepoint.fr/sciences-nature/orques-et-dauphins-l-arrete-surprise-de-segolene-royal-06-05-2017-2125355_1924.php

¹³⁴ <https://www.blogles-dauphins.com/dolphinariums-france-marineland-antibes-parc-asterix-planete-sauvage/>

¹³⁵ <https://one-voice.fr/fr/blog/captivite-des-dauphins-one-voice-repond-a-marineland.html>

¹³⁶ <https://www.30millionsdamis.fr/actualites/article/13112-le-conseil-detat-annule-l-arrete-sur-la-reproduction-des-dauphins-en-captivite/>

¹³⁷ <https://www.legifrance.gouv.fr/eli/arrete/2017/5/3/DEV1701628A/jo/texte>



a state of good health, avoiding unnecessary suffering, not keeping animals in the dark or in permanent light, and providing sufficient water and food.

In addition, the 2016-2020 Strategy on Animal Welfare refers to domestic equines, who amount to about 200,000 in France.¹³⁸ The Government highlights that the use of equines for sports, leisure or draught is particularly prevalent in France.¹³⁹ The Strategy affirms that a study shall be conducted among state services, veterinary services and farmers to enhance the dissemination of technical and scientific information related to horses' welfare, in order to prevent mistreatment. State control agents will increasingly work in collaboration with all actors involved in the equine sector.¹⁴⁰

Analysis

Despite the general provisions of the Environment Code mandating that animals kept in captivity must be provided with conditions that are adapted to their biological characteristics and physiological needs, thus taking into account their physical and psychological wellbeing, these provisions tarnished by the legal acceptance of various cruel entertainment practices. Notably, it is regrettable that French legislation authorises culture to be an excuse for animal cruelty, through allowing the bullfighting and cockfighting in certain regions of the country.

An opinion poll conducted in May 2018 shows that 74% of French people are in favour of banning bullfighting.¹⁴¹ From that same poll, 80% of French people consider that bullfighting and cockfighting cannot be defined as 'shows'. Bullfighting has been the subject of numerous and fierce debates in France, with bullfighting organisations on one side, and animal welfare organisations as well as doctors on the other. France has about 12 training schools for toreadors, sometimes accepting children as early as eight years-old.¹⁴² Anti-corridas organisations also point out to the fact that such training schools receive heavy subsidies from cities: this proves the willingness from the Government and local authorities to pursue such cruel practices for animals. The fact that the UN itself recommends banning bullfighting for at least young children, but that France has not yet followed this recommendation, proves that cultural traditions and powerful lobbying organisations prevail over animal welfare concerns. Legal action attempting to overturn the bullfighting exemptions from basic anti-cruelty legislation has failed. The French Constitutional Court found that 'traditional' fights held in areas of southern France 'do not harm people's protected constitutional rights'.¹⁴³ Though it is forbidden since 1964 to build new cockfighting pits, this is a positive yet insufficient development for the eradication of this cruel practice.

With regards to the use of animals in circuses, the existence of travelling circuses using animals is a barrier to improving animal welfare in France as it is extremely difficult, if not impossible, to meet the needs of animals that are continually in transit or temporary accommodation. Seeing that many countries in the world and the EU now fully or partially ban the use of wild animals, with legislation

¹³⁸ https://agriculture.gouv.fr/sites/minagri/files/160627_ani_bea_strategie.pdf page 8

¹³⁹ <https://agriculture.gouv.fr/2016-2020-une-strategie-globale-pour-le-bien-etre-des-animaux-en-france>

¹⁴⁰ https://agriculture.gouv.fr/sites/minagri/files/160627_ani_bea_strategie.pdf

¹⁴¹ <https://www.ifop.com/publication/les-francais-et-la-corrida-2/>

¹⁴² <https://pressfrom.info/fr/actualite/france/82377-une-loi-pour-interdire-la-corrida-aux-moins-de-14-ans.html>

¹⁴³ <https://www.bbc.co.uk/news/world-europe-19673414>

having recently passed in European countries – such as Belgium, Ireland, England and the Netherlands – France is clearly lacking behind.¹⁴⁴ There are estimated to over 200 circuses using more than 1,500 animals in France.¹⁴⁵ A 2003 working paper produced by the European Parliament’s Directorate for Research on the situation of the circus in European Union Member States notes that circuses are promoted and supported by the French government.¹⁴⁶ For example, the Department of Theatre and Entertainment of the Ministry of Culture was reported to subsidise 94% of the circus activities in France. The research paper highlighted a report on travelling circuses in France produced by the Ligue Française des Droits de l’Animal or LFDA (French League for Animal Rights), which criticised the conditions in which animals are held because of the total contradiction with their behavioural needs and the practice of ignoring species-specific requirements. For example, the report highlighted that animals such as elephants, hippopotamuses, polar bears and sea-lions require large quantities of water that circuses cannot provide.

It is encouraging to see that an increasing number of Mayors are refusing to host circuses in their municipalities if these have animals. In fact, over 60 mayors are now refusing to host circuses with wild animals as of November 2017,¹⁴⁷ among whom the mayors of Bagnolet, Fontenay-sous-Bois, Creil and Montreuil.¹⁴⁸ The latest to date was the Mayor of Dunkerque, who announced that travelling circuses with wild animals will no longer be accepted in the city by as of September 2020.¹⁴⁹

Legislation with regards to the Convention on International Trade in Endangered Species has also been applied to a circus animal in France: a 13-year-old hippopotamus born in France was confiscated in 2007 for being held without necessary CITES documentation.¹⁵⁰ Furthermore, in November 2017, a young female tiger escaped from its enclosure at a circus near Paris and, after wandering for a few minutes, was killed by the owner of the circus.¹⁵¹ This event added to the public outcry against the use of wild animals in circuses. Though the Paris Council stated it was against the use of wild animals in circuses, it refused to ban circuses with wild animals in the capital city, leaving the capacity to the national Government to legislate on that matter. At the national level, former Environment Minister said he was not in favour of circuses with animals but no law has yet been approved.¹⁵²

In relation to cetaceans captivity, the repeal of the ban on breeding for orcas and dolphins clearly demonstrates that there are strong economic interests at play for the three facilities displaying orcas and/or dolphins for entertainment purposes. In December 2018, eight animal welfare NGOs met with then Environment Minister François de Rugy to discuss the fate of cetaceans in captivity.¹⁵³ The

¹⁴⁴ <https://www.ifaw.org/france/actualites/classement-des-pays-interdisant-le-recours-aux-animaux-dans-les-cirques>

¹⁴⁵ [http://www2.assemblee-nationale.fr/documents/notice/15/propositions/pion0421/\(index\)/propositionsloi](http://www2.assemblee-nationale.fr/documents/notice/15/propositions/pion0421/(index)/propositionsloi)

¹⁴⁶ <https://op.europa.eu/en/publication-detail/-/publication/11bd70ea-33bb-11ea-ba6e-01aa75ed71a1>

¹⁴⁷ <https://www.lesinrocks.com/2017/11/16/actualite/les-animaux-sauvages-seront-ils-bientot-interdits-dans-les-cirques-francais-111007587/>

¹⁴⁸ http://www.notre-planete.info/actualites/actu_1797_Montreuil_interdiction_animaux_cirques.php

¹⁴⁹ <https://www.lavoixdunord.fr/679664/article/2019-12-12/dunkerque-decide-de-ne-plus-accueillir-des-cirques-presentant-des-animaux>

¹⁵⁰ <http://www.apsanaforum.org/t7005-un-hippopotame-confisque-a-un-cirque-retourne-en-afrique>

¹⁵¹ <http://www.fondation-droit-animal.org/96-la-france-toujours-en-retard-sur-la-question-des-animaux-dans-les-cirques/>

¹⁵² Idem

¹⁵³ <http://www.fondation-droit-animal.org/ong-recues-par-ministre-de-rugy-pour-discuter-sort-cetaces-captifs/>



Minister stated he was 'sensitive' to animal welfare and wished to advance a new Decree, yet no promise has been done to include a closure or a ban on cetacean breeding in a new Decree.

Enforcement mechanisms

Breach of the prohibition in the Penal Code of cruelty, abuse and mistreatment of animals is punishable with up to two years' imprisonment and/or up to a €30,000 fine (Article 521-1).

Breach of the prohibition on abuse in Article L214-3 of the Rural and Maritime Fishing Code is punishable with a fixed fine (Article L215-12).

Article 215-11 of the Rural Code provides for a penalty of six months imprisonment and a fine of €7,500 for unnecessary bad treatment of animals by any person operating a retail, grooming, dressage or public exhibition of pets at a business, shelter or breeding facility. The operator may also incur an additional penalty under part 11 of the Penal Code 131-6.

There are enforcement mechanisms with respect to certificates of competence.

Key recommendations

- Given that the physiological and behavioural needs of marine mammals cannot be met in captivity, the Government of France is strongly encouraged to ban the breeding, keeping and training of all marine mammals in captivity, so that these animals constitute the last generation in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.
- The Government of France is urged to forbid the organisation of and attendance to entertainment events causing animal suffering. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, following the initiatives of over 60 Mayors, the Government of France is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- The Government of France is urged to remove the cultural exemption for local and cultural traditions, currently enshrined in Article 521-1 of the Penal Code, which allows the cruel bullfighting and cockfighting practices to continue.

7. There are laws that apply to animals used for scientific research

Analysis of the legislation

Ranking

A



At the EU level, welfare provisions for animals used in scientific research are laid out in Directive 2010/63/EU,¹⁵⁴ which updated and replaced the 1986 Directive 86/609/EEC¹⁵⁵ on the protection of animals used for scientific purposes. This new Directive applies to live vertebrates and live cephalopods (Article 1.4). Article 4 enshrines the Three Rs principles in legislation – Replacement, Reduction, Refinement. Article 6 mandates that animals be killed with minimum ‘pain, suffering, distress’. Articles 7 and 8 provides exemptions for the use of endangered species and non-human primates in experiments, respectively. It is forbidden to take animals from the wild to carry experiments, except when the procedure cannot be achieved using an animal who has been bred for use in procedures. It is furthermore prohibited to use animals stray and feral animals of domestic species in experiments. (Article 11). Article 14 ensures that ‘Member States shall ensure that, unless it is inappropriate, procedures are carried out under general or local anaesthesia, and that analgesia or another appropriate method is used to ensure that pain, suffering and distress are kept to a minimum’.

With regards to animal testing for cosmetic products, Chapter V, Article 18 of Regulations EC No 1223/2009¹⁵⁶ of the European Parliament and of the Council of 2009 on cosmetic products prohibits to test finished cosmetic products and cosmetic ingredients on animals (testing ban). The same article also prohibits marketing finished cosmetic products and ingredients in the EU that were tested on animals (marketing ban). The testing ban on finished cosmetic products applies since 11 September 2004, while the testing ban on ingredients or combination of ingredients applies since 11 March 2009.

The use of alternative methods in animal experiments when scientific objectives can be achieved without using laboratory animals has been a legal requirement in France since 1976 (Law 76-629).

The provisions of the Penal Code prohibiting cruelty, abuse and mistreatment of animals apply to animals used for experiments. (Article 521-1).

Under the Rural and Maritime Fishing Code, Article L214-3 prohibits the abuse of domestic and captive animals, and provides that secondary legislation in the form of Decrees will make more precise rules to protect against abuse and prevent suffering. The Article confirms that this applies to scientific experiments and reiterates that these must be limited to strict necessity. Two Decrees have been made following the general provision of Article L214-3 of the Rural and Maritime Fishing Code: Decree 87-848 of 19 October 1987;¹⁵⁷ and Decree 2013-118 of 1 February 2014.¹⁵⁸

There is further detailed regulation in Articles R214-87 to R215-10 of the Rural and Maritime Fishing Code. The legislation is founded on the Three Rs principles – Replacement, Reduction, Refinement – and has detailed requirements regarding the establishment of ethical committees and the design of projects. The law requires licensing of all projects using animals by the Department of Research. Each facility must appoint a management structure to monitor the well-being of animals, to verify the qualifications of the personnel and to take responsibility for animal care and the design of projects. A

¹⁵⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0063&from=EN>

¹⁵⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31986L0609&from=EN>

¹⁵⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1223&from=EN>

¹⁵⁷ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000522762&categorieLien=cid>

¹⁵⁸ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027037840&categorieLien=id>



veterinarian (or a suitably qualified expert) must be designated to advise on the welfare of animals.

Article R214-112 of the Rural and Maritime Fishing Code permits the donation of unwanted animals by laboratories to animal protection organisations with the authorisation of the Prefect of the Department concerned, provided that a veterinarian attests there is no danger to public health, animal health and the environment.

Decree 87-848 of 19 October 1987 relating to experimentation on vertebrate sets out licencing and welfare requirements. This Decree modifies Chapter IV, Section 6 of the Rural Code, which is dedicated to the use of animals for experiments. This Decree is applicable to all vertebrates, including mammals in their foetal stage, and live cephalopods. Article R214-95 of the Rural Code lays out various welfare conditions such as housing, food and water access, and care adapted to their health and wellbeing. Any restriction of an animal's ability to fulfil his/her behavioural and physiological needs must be reduced to a minimum. All animals and their living conditions must be inspected at least once a day. Measures must be taken as soon as possible to end any abnormal behaviour or pain, suffering, anxiety or injury which could be avoided. Article R214-91 of the Rural Code prohibits the use of stray or wild animals for experiments, except when such animals are needed for an experiment critical to the health and wellbeing of animals of the same species; or when there is a serious threat to human, animal or planetary health; or when there is scientific evidence demonstrating that the results of such experiments can only be obtained using a wild or stray animal.

Article R214-117 lays out that any project that intends to use animals for scientific research is subject to an ethical evaluation by an ethics committee approved by Decree of the Minister in charge of research. All ethics committees comprise, at a minimum: one person with skills in the design of experimental procedures on animals; one person who has skills in the field of carrying out experimental procedures on animals; one person who can demonstrate competence in at least animal care and/or the killing of animals; a veterinarian; and a person not specialised in questions relating to the use of animals for scientific purposes.

In addition, Article R214-130 establishes a National Commission on Animal Experimentation (CNEA or 'Commission nationale de l'expérimentation animale'), which reports to the Ministry of Agriculture and the Ministry in charge of research. This Commission is in charge of advising the competent authorities and structures responsible for animal welfare on matters related to the acquisition, breeding, housing, care and use of animals in experimental procedures and to ensure sharing best practices; exchanging information on the functioning of structures responsible for animal welfare, and on project evaluations with the national committees of other member states in order to share best practices within the European Union. This Commission is made of representatives from the private sector, the various Ministries in charge of education agriculture, research, environmental protection and commerce; and three representatives from animal protection organisations.

Secondly, Decree 2013-118 of 1 February 2014 on the ethical evaluation and authorisation of projects involving the use of animals in experimental procedures implements European Union Directive 2010/63.

In 2005, the Government established a National Committee for Ethical Reflection on Animal Experimentation (C.N.R.E.E.A. or 'Comité national de réflexion éthique sur l'expérimentation

animale').¹⁵⁹ This Committee provides advice relative to ethical questions arising from animal experimentation. One its first actions was to create a National Charter on the Ethics of Animal Experimentation in 2008.¹⁶⁰ Its foreword includes the statement: 'animals are sensitive beings, capable of suffering, with cognitive and emotional functions and physiological and behavioural specific needs unique to each species'. The Charter comprises nine articles including general principles regarding the use of methods and techniques aimed at eliminating or reducing to an absolute minimum the suffering of animals and careful consideration of a sound scientific, ethical and societal basis to justify the use of an animal before any experiment begins.

In 2006, FRANCOPA, the French platform to promote the development, validation, and dissemination of alternative methods in animal testing, was established following a meeting at the Ministry of Research.¹⁶¹ The platform brings together key stakeholders within France including industry, academic institutions, and NGOs. It is chaired by the French Health Products Safety Agency. FRANCOPA has joined the European platform ECOPA (European Consensus Platform for Alternatives). In 2011, FRANCOPA organised a workshop in Paris at which the Director for Research and Innovation at the French Ministry of Higher Education and Research advised that the principle of utilising alternatives to animals is one that seems simple but is extremely difficult to implement. He emphasised "our responsibility to promote an optimal and rational development of alternative methods to animal testing".¹⁶²

In addition, the 2016-2020 Strategy on Animal Welfare also refers to animals used for scientific research.¹⁶³ The Strategy strengthens that the 'Three Rs rule' is to be applied – which corresponds to the Three Rs principles:

- replace as much as possible animals used in experiments by non-animal subjects
- reduce to the minimum the number of animals used in any project without compromising the project's objective
- refine procedures, to optimise methodologies used to reduce animal suffering whilst still guaranteeing robust scientific results.

With regards to animal testing on cosmetics, France falls under the EU commitment and has banned the testing on animals of finished cosmetic products, as well as their ingredients.

Analysis

At the EU level, it is positive that Directive 2010/63/EU enshrines the Three Rs principles in legislation. These respectively aim at replacing animals with non-animal methods as much as possible, reducing the number of animals used in experiments to the lowest level, and refining experimentation methods to cause the least amount of suffering possible. Numerous references are made throughout the Directive to the duty for Member States to reduce animal suffering as much as possible. However, a loophole appears in Article 14, as the use of anaesthetics or analgesia is mandated

¹⁵⁹ <https://www.enseignementsup-recherche.gouv.fr/cid70598/lencadrementreglementaire-de-l-utilisation-d-animaux-a-des-fins-scientifiques.html>

¹⁶⁰ https://www.recherche-animale.org/sites/default/files/charte_nationale_portant_sur_l_ethique_de_l_experimentation_animale_243579.pdf

¹⁶¹ <http://www.francopa.fr/web/francopa?page=home&out=txt&languageIhm=eng>

¹⁶² <http://www.francopa.fr/web/pdf/francopa/waiving.pdf>

¹⁶³ https://agriculture.gouv.fr/sites/minagri/files/160627_ani_bea_strategie.pdf



'unless it is inappropriate'. Thus, it is still possible in the EU to carry out experiments on live animals without them being rendered unconscious or insensitive to the pain.

With regards to animal testing for cosmetic products, it is positive that the EU has banned testing on finished cosmetic products and their ingredients through Regulations EC No 1223/2009. However, the testing and marketing bans remain limited. Notably, these bans only apply to cosmetic products and ingredients that are only used in cosmetics. Furthermore, the bans only apply to tests specifically aimed at consumer safety, but do not apply to worker safety tests. The bans also do not apply if the testing is intended to determine whether the product poses a risk to the environment.

It is positive that the welfare of animals used in scientific research is recognised as a unique issue in current national law, with several provisions of the Rural and Maritime Fishing Code dedicated to use of animals for scientific experiments (Articles R214-87 to R215-10). It is positive that the legislation is founded on the Three Rs principles – Replacement, Reduction, Refinement – and that all projects must be first approved by an ethics committee. It would be beneficial if such ethics committees could include as permanent members representatives of animal welfare organisations, rather than people from such organisation or with experience in the killing of animals.

Furthermore, it is positive that the Government has created various structures dedicated to the use of animals for experimentation. The National Commission on Animal Experimentation (CNEA) is a multi-stakeholder committee, which contains permanent members of animal protection organisations and advises the Ministry of Agriculture and the Ministry of Higher Education, Research and Innovation on best practices in terms of animal welfare. It is also positive that the National Committee for Ethical Reflection on Animal Experimentation tackles ethical questions arising from animal experiments and has drafted the non-binding National Charter on the Ethics of Animal Experimentation. Furthermore, the FRANCOPA Platform is dedicated to developing alternatives to animal experiments. These recent initiatives by the government, including its strengthened support for a Three Rs strategy in its 2016-2020 National Strategy on Animal Welfare, are to be welcomed. They show a change in policy; in 2005 the Government had resisted the European Union ban on the testing of cosmetics products on animals, taking its case to the European Court of Justice, where it was rejected.¹⁶⁴

Enforcement mechanisms

Violations of obligations relating to the practice of animal testing are punished in accordance with the provisions of Articles 521-1 and 521-2 of the Penal Code.

Article 215-10 of the Rural and Maritime Fishing Code contains enforcement mechanisms. Among other scenarios of offence, anyone using animals for experiments without the required certificate of authorisation face a fine of class 4 (on the scale of fines¹⁶⁵). People will face fines of class 3 any person in charge of a user establishment in which experimental procedures on animals are practiced, not being able to show that staff members have acquired competence and that they maintain their competence in the scientific and specific field of the experimental procedures concerned and of the animal species concerned. Any user, breeder or supplier of animals used in experiments not able to

¹⁶⁴ <http://www.cosmeticsdesign-europe.com/Formulation-Science/France-loses-appeal-against-animal-testing-ban>

¹⁶⁵ <https://www.jurifiaable.com/conseil-juridique/droit-routier/5-classes-de-contraventions-et-les-tarifs>

present the certificate of origin and of destination of animals during control by agents will face a fine of class 3.

Key recommendations

- France has extensive legislation with regards to the use of animals in scientific research: animal testing for cosmetics is banned, and current legislation promotes the Three Rs principles – Replacement, Reduction, Refinement. Moreover, it is positive that the Government has created FRANCOPA to promote the development, validation, and dissemination of alternative methods in animal testing. The Government of France is strongly encouraged to mandate the permanent membership of representatives of animal welfare organisation within ethics committees, in charge of scrutinising projects that intend to use animals.
- The Government of France is encouraged to continue engaging with animal welfare organisations to promote alternatives to animal experiments, through for instance the National Commission on Animal Experimentation (CNEA).

8. There are laws that apply to wild animals

Analysis of the legislation

Ranking

D

At the EU level, wild animals are protected by various Directives and Regulations.

Council Directive 92/43/EEC¹⁶⁶ on the conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive, prohibits all capture, killing, deliberate disturbance, destruction or taking of the eggs, deterioration or destruction of breeding sites or resting places of wild vertebrates listed in Annex IV(a) (Article 12). Furthermore, the keeping, transport, sale and exchange of these same species is also prohibited. Annex IV(a) lists over 400 species (Article 8). For over 90 species listed in Annex V, Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status (Article 14).

Council Directive 2009/147/EC¹⁶⁷ of the European Parliament and of the Council on the conservation of wild birds, known as the Birds Directive, provides various regimes for different bird species. 82 species listed in Annex II can be hunted, however, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable (i.e. during their return migration to nesting areas, reproduction and the raising of their chicks) (Article 7). Overall, this Directive prohibits activities that directly threaten birds; their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species

¹⁶⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

¹⁶⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>



listed in Annex III (Article 6). Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in Annex IV (Article 8).

Council Regulation (EC) No 338/97¹⁶⁸ on the protection of species of wild fauna and flora by regulating trade therein also applies to wild animals. Article 4.1(c) provides that when an endangered species is introduced in the EU, the competent scientific authority must be satisfied that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it proper. In the same vein, Article 4.2(b) mandates that there must be a written proof that the intended accommodation for a live specimen is 'adequately equipped to conserve and care for it properly'. Article 4.6.(c) provides that the introduction of species in the EU may be restricted if species have a high mortality rate during shipment or for which it has been established that they are unlikely to survive in captivity.

Council Regulation (EC) 1/2005¹⁶⁹ on the transport of animals is also applicable to wild animals, both those living in captivity as well as wild animals living in the wild but susceptible to being transported (e.g. for rehabilitation or reintroduction purposes). Article 3 (General Conditions) provides that 'no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them'. Chapter II, Article 1.3 provides that a notice shall be given explaining that the animals are wild, timid and dangerous and containing written instructions about feeding, watering and any special care required. Furthermore, Chapter III Article 1.1 mandates that wild animals shall become acclimatised to the mode of transport prior to the proposed journeys.

Captive, wild animals are not protected by basic anti-cruelty legislation and are not recognised as sentient animals by the law. This was not changed despite the 2015 amendment to the Civil Code recognising animals as sentient, since Article 515-14 does not apply to wild animals.

Some legal provisions apply to wild animals relating to their protection or management for either conservation or hunting purposes.

The Environment Code defines regulations that apply to hunting in Articles 420-1 to 420-4. The law has been updated numerous times, most recently in 2012 through Law No. 2012-325.¹⁷⁰ A summary of the laws appears on the website of the Ministry of Ecology.¹⁷¹ The law states that hunting has environmental, cultural, social, and economic characteristics, which contribute to sustainable management of wildlife and habitats. Hunters must have a permit to hunt dependent on paying appropriate fees and passing an exam regarding their competence (Article L423-1). Control of hunting is done through collaboration of the Ministry for an Ecological and Solidarity Transition – akin to a Ministry of Environment –, the National Federation and regional hunting federations.

The National Federation of Hunters has developed a National Charter for Hunting that has legal status within the Environment Code.¹⁷² This National Charter for Hunting sets out the principles of

¹⁶⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997R0338&from=en>

¹⁶⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R0001&from=en>

¹⁷⁰ https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=42658908852D2FC27289EACEA6E36A90.tplqfr37s_3?cidTexte=JORFTEXT000025450926&dateTexte=20120309

¹⁷¹ <https://www.ecologique-solidaire.gouv.fr/chasse-en-france>

¹⁷² <http://chasseurdefrance.com/charte-de-la-chasse-en-france/>



sustainable development of hunting and its contribution to the conservation of biodiversity. The Charter establishes a Code of Good conduct for hunters and good hunting practices. There are seven principles including commitment to sustainable hunting and to raising awareness of sensible hunting practices and respect for nature. However, there is no mention of animal welfare issues regarding hunted animals.

The trapping of a wide range of animals is permitted under the Rural and Maritime Fishing Code. However, the law stipulates that new trap designs should not be approved without authorisation following consultation with, for example, animal protection organisations. Article R227-13 provides for the Ministry responsible for hunting to set conditions for the use of traps with the potential to cause trauma, in order to assure public safety and to limit animal suffering.

The legal framework surrounding hunting was successively revised by the hunting laws of 26 July 2000,¹⁷³ of 30 July 2003,¹⁷⁴ by the law of 23 February 2005¹⁷⁵ relating to the development of rural territories which included several articles on hunting, the law of 31 December 2008¹⁷⁶ for the improvement and simplification of hunting law, the law of 12 May 2009¹⁷⁷ on the simplification of administrative procedures, the law of 7 March 2012¹⁷⁸ laying down various hunting-related provisions, and the law of 24 July 2019¹⁷⁹ establishing the French Biodiversity Office, modifying the missions of hunters' federations and strengthening the environment police. Overall, these laws establish that a licence is required to hunt. A hunting licence can only be delivered after the application passes an exam, which involves a theoretical and a practical part. The exam was modified in 2013, and is now centred on security and the mastery of the weapon by the future hunter.¹⁸⁰ No mention is made of knowledge of the future hunter to use the most humane killing techniques.

The National Office for Hunting and Wildlife (ONCFS) is a public administrative body created in 1972 and placed under the supervision of the Minister responsible for hunting and, since the Law on Hunting of 30 July 2003, under the supervision of the Minister responsible for agriculture. Its board is mainly made up of hunters.

Several Ministerial Orders have been passed relating to protection of certain species including birds, reptiles and amphibians (respectively, DEVN0914202A: Order of 29 October 2009,¹⁸¹ DEVN0766175A: Order of 19 November 2007,¹⁸² and DEVN0805753A: Order of 29 April 2008¹⁸³). The country has several endangered species including brown bears and wolves. It is an

¹⁷³ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000584127&dateTexte=&categorieLien=id>

¹⁷⁴ https://www.legifrance.gouv.fr/affichTexte.do?sessionId=61D7B021EBE72BE8D6E7C98FE87C195C.tp.dila.20v_3?cidTexte=JORFTEXT000000604334&categorieLien=id

¹⁷⁵ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000257340>

¹⁷⁶ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020020269&categorieLien=id>

¹⁷⁷ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020604162&categorieLien=id>

¹⁷⁸ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025450926&categorieLien=id>

¹⁷⁹ <https://www.legifrance.gouv.fr/eli/loi/2019/7/24/TREL1827740L/jo/texte>

¹⁸⁰ <http://chasseurdefrance.com/chasser-en-france/le-permis-de-chasser/passer-l-examen-du-permis-de-chasser/>

¹⁸¹ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000021384277&categorieLien=id>

¹⁸² <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000017876248>

¹⁸³ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000018783580>

offence to mutilate, capture or remove or to intentionally disturb such endangered animals. It is also an offence to destroy or degrade their breeding sites and resting places. Additionally, such species may not be detained, transported, or offered for sale and must not be used for either commercial or non-commercial purposes.

Since the API was first published, the use of dogs to hunt was forbidden in 2015.¹⁸⁴

Current President Emmanuel Macron has taken several measures that go against the protection of wild animals. Notably, he announced in 2018 that the price of the hunting permit will be reduced by half, going from €400 to €200.¹⁸⁵ He further stated that the list of species allowed to be hunted, as well as quotas for each of these species, will be increased. This is highly criticised by animal protection organisations, which point out that France currently allows to hunt 64 bird species, among which 20 are on the Red List of endangered species, compared to the European average of 14 species.¹⁸⁶ According to the 2018 French Biodiversity Plan,¹⁸⁷ hunting quotas must be decided in an 'adaptive' manner, which consists of collecting data on the state of conservation of species and on the number that hunters kill during the hunting season. However, to be reliable and efficient, adaptive management requires hunters to account for their harvest. There is thus a risk that hunters misrepresent the numbers of animals they kill, which would then distort the available knowledge on the conservation status of the species.

With regards to wildlife trade, in November 2015, then Minister of Environment Ségolène Royal, responding to a letter from the animal welfare organisation Fondation Brigitte Bardot, declared that no more permits allowing the imports of lion trophies onto the French territory will be issued.¹⁸⁸ This is in line with an EU-wide decision adopted in February 2015 which forbids the import of lion trophies coming from several West African countries in the EU territory.¹⁸⁹

Analysis

The Directives and Regulations applicable to wild animals at the EU level focus primarily on the conservation of wild species, rather than on protecting the welfare of individual animals. In particular, it would be beneficial for animal protection legislation to forbid the use of the cruellest forms of hunting (i.e. dog hunting, live baiting, poisoning, trapping, falconry, bow hunting).

It is positive that Council Directive (EC) 1/2005 is not limited to livestock, but also covers the transport of wild animals. However, the welfare provisions in this Directive are quite general. For instance, Chapter III, Article 1.1 does not specify how wild animals shall become 'acclimatised' to the mode of transport of the proposed journey.

With the exception of issues relating to species protection under international and national laws and

¹⁸⁴ <https://www.ecologique-solidaire.gouv.fr/chasse-en-france>

¹⁸⁵ <https://www.lci.fr/societe/chasse-prix-permis-de-chasse-a-moitie-prix-nouvelles-especes-chassees-pourquoi-les-ecologistes-ont-vent-debout-contre-les-nouvelles-mesures-d-emmanuel-macron-2096731.html>

¹⁸⁶ <https://www.lci.fr/societe/chasse-prix-permis-de-chasse-a-moitie-prix-nouvelles-especes-chassees-pourquoi-les-ecologistes-ont-vent-debout-contre-les-nouvelles-mesures-d-emmanuel-macron-2096731.html>

¹⁸⁷ <https://www.ecologique-solidaire.gouv.fr/plan-biodiversite>

¹⁸⁸ <https://www.theguardian.com/environment/2015/nov/19/france-bans-imports-of-lion-hunt-trophies>

¹⁸⁹ <http://www.veititude.fr/lestrophees-de-chasse-de-six-especes-menacees-interdits-en-europe/>



a mention of limiting animal suffering with respect to the trapping of animals, there appears to be little regard for the welfare of individual wild animals both in law and in policy. The range of offences arising out of hunting relates not to any animal welfare issues but rather to conservation issues regarding seasonality, the place of hunting, permits and protected species. A wide range of inhumane activities involving wildlife is permitted, even though some have been banned elsewhere on cruelty grounds. Hunting methods permitted include hunting of animals with dogs on horseback and on foot, hunting with bows and hunting with dogs underground. Examples of animal suffering during hunting in France have attracted media coverage in the country.¹⁹⁰ Whilst the law on trapping states that animal suffering should be limited, a wide variety of indiscriminate traps are permitted with the potential to cause animal suffering.

In addition, current Minister of Agriculture and Food Didier Guillaume appears favourable to promote hunting in France, as he met with the French hunting Federation in January 2019.¹⁹¹ Guillaume's attitude with hunters contrasts with the one of former Environment Minister Nicolas Hulot, who surprisingly resigned due to the collusion between the French Government and the hunting lobby.¹⁹² It is a shame that French President Emmanuel Macron also appears to be colluding with hunting lobbies, which does not bode well for stopping the suffering of wild animals.¹⁹³

Hunting is very popular in France; according to the European Federation of Associations for Hunting and Conservation there are an estimated 1.1 million hunters in France.¹⁹⁴ The apparent exclusion of animal protection organisations from the development of hunting laws and governance of hunting is a strong barrier to improving animal welfare. In addition, it appears clear from the Ministry of the Environment's website that the hunting industry has a powerful influence due to its economic importance, estimated to 2.2 billion euros.¹⁹⁵ Hunting is presented as tool to conserve biodiversity, since the regulating authorities, the National Office for Hunting and Wild Species¹⁹⁶ ('Office national de la chasse et de la faune sauvage', ONCFS) has as one of its core missions to 'contribute to safeguard biodiversity'. No mention is made of animal welfare.

With regards to wildlife trade, the 2015 ban on the imports of wild animal trophies was highly needed since, between 2008 and 2012, 80% of lion trophies imported within the EU went to France.¹⁹⁷

Enforcement mechanisms

There are enforcement mechanisms relating to the laws that are in place with respect to conservation and game management aspects. Article L428-1 of the Environment Code lays out that anyone hunting on someone else's property without their consent is liable to three months of imprisonment and a

¹⁹⁰ <http://www.ladepeche.fr/article/2013/01/05/1528991-plainte-apres-une-battue-au-chevreuil.html>

¹⁹¹ <http://chasseurdefrance.com/ministre-de-lagriculture-didier-guillaume-renoue-dialogue-chasseurs/>

¹⁹² <http://www.rfi.fr/france/20180829-france-nicolas-hulot-demission-lobby-thierry-coste-federation-chasseurs-monsanto-enq>

¹⁹³ <https://www.20minutes.fr/politique/2220187-20180214-pourquoi-emmanuel-macron-fait-cour-chasseurs>

¹⁹⁴ <http://chasseurdefrance.com/decouvrir-la-chasse-en-france/qui-sont-les-chasseurs/>

¹⁹⁵ <https://www.ecologique-solidaire.gouv.fr/chasse-en-france>

¹⁹⁶ <http://www.oncfs.gouv.fr/>

¹⁹⁷ <https://www.lci.fr/societe/chasse-prix-permis-de-chasse-a-moitie-prix-nouvelles-especes-chassees-pourquoi-les-ecologistes-sont-vent-debout-contre-les-nouvelles-mesures-d-emmanuel-macron-2096731.html>



€3,750 fine. If this offence was done during the night, the person is liable to imprisonment up to two years.

Key recommendations

• **The Government of France is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one’s family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.**

Goal 3: Establishment of supportive government bodies

9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation

Ranking	D
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The General Directorate for Food, which forms part of the Ministry of Agriculture and Food, is responsible for the protection of most animals and refers to the Ministry and its various subsidiary bodies. The Ministry an Ecological and Solidarity Transition – which is in practice the Ministry of the Environment – is responsible for issues concerning free-roaming wild animals and collaborates with the Ministry of Agriculture and Food on issues concerning captive wild animals. The issue of animal experimentation is covered by several Ministers, the Ministers of Agriculture and Food, the Minister of the Environment, the Minister of Defence and the Minister of Higher Education and Research.

The Ministry of Agriculture and Food has developed a 2016-2020 Strategy on Animal Welfare, and has assigned responsibility to the national Committee of plant and animal health policy directions ('Comité national d'orientation de la politique sanitaire animale et végétale', CNOPSAV) to implement this Strategy.¹⁹⁸ This Committee cooperated with the Ministry to design the Strategy and it will be responsible for monitoring its implementation. The Committee is made up of farmers, scientists, animal protection organisations. The Ministry of Agriculture and Food specifies that animal welfare questions are studied by an expert group made of scientific, professional and charity representatives. The group discusses animal welfare concerns, yet its decisions need to be approved by the whole Committee before being implemented.

In addition, the Ministry of Agriculture and Food outlines that it funds research programmes on animal

¹⁹⁸ https://agriculture.gouv.fr/sites/minagri/files/160627_ani_bea_strategie.pdf



welfare through technical and scientific institutes such as veterinary schools, the National Food Safety Agency, the Environment and Work Agency ('Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail', ANSES) and the national Institute of agronomic research ('Institut national de la recherche agronomique', INRA).¹⁹⁹

In addition, the Government created in February 2017 a National Reference Centre on Animal Welfare ('Centre National de Référence', CNR).²⁰⁰ The Centre is led by the National Institute on Agronomic Research (INRA) and includes representatives from veterinary schools and from the Association of Technical Agricultural Coordination ('Association de coordination technique agricole', ACTA). This research platform solely focuses on animals used in farming as of now, with the hope to expand its research to all captive species (companion animals, animals used in zoos, circuses etc.) in the next few years.

Various institutions are responsible for managing the use of animals in scientific research. The National Commission on Animal Experimentation advises on matters related to the acquisition, breeding, housing, care and use of animals in experimental procedures and to ensure sharing best practices; exchanging information on the functioning of structures responsible for animal welfare, and on project evaluations with the national committees of other member states in order to share best practices within the European Union. The National Committee for Ethical Reflection on Animal Experimentation provides recommendations relative to ethical questions arising from animal experimentation; and FRANCOPA promotes alternatives to animal research.

The French Government has been relatively slow to implement European Union legislation in certain areas with respect to the welfare of farm and laboratory animals. In relation to implementation of the bans on battery cages²⁰¹ and sow stalls²⁰², lack of implementation within the required timescales resulted in action by the European Commission. In the case of the European Union ban on the testing of cosmetic products on animals, the French Government brought a legal challenge against the European Commission in an attempt to overturn the ban but was ultimately unsuccessful in this attempt.²⁰³

Analysis

It is positive that animal protection is assigned overall to a Ministry – the Ministry of Agriculture and Food – and that other Ministries cooperate with regards to certain issues, such as the use of animals in scientific research.

Animal welfare is becoming established in France, as the Ministry of Agriculture and Food highlights a 'societal shift' towards a greater concern for animal welfare, which is sometimes translated by a change in diets oriented towards plant-based products.²⁰⁴ Since the first publication of the API in 2014, it is positive that the Government has drawn an overall strategy for the period 2016 to 2020 for

¹⁹⁹ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>

²⁰⁰ <http://www.fondation-droit-animal.org/96-centre-national-de-reference-cnr-bien-etre-animal/>

²⁰¹ http://europa.eu/rapid/press-release_IP-12-47_en.htm

²⁰² <http://thepigsite.com/news/2015/01/eu-countries-still-not-complying-with-sow-stall-ban-after-two-years-1>

²⁰³ <http://www.cosmeticsdesign-europe.com/Formulation-Science/France-loses-appeal-against-animal-testing-ban>

²⁰⁴ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>



improving the welfare of most categories of animals – leaving out wild animals and animals used for recreational purposes, notably in circuses and bullfighting.

However, the 2016-2020 Strategy on Animal Welfare is primarily motivated by improving the competitiveness of the French agricultural sector. The Ministry of Food and Agriculture explicitly states that France needed 'for the next few years an ambitious national strategy' for 'a more sustainable agriculture'.²⁰⁵ Hence, the Strategy is largely centred on farm animal welfare. This focus on farm animal reveals that there are vested economic interest in pursuing industrial animal-based production, which is a barrier to improving animal welfare.

Another limitation to the Strategy is that the Government has not yet appointed a government official or government body with the overall responsibility to improve and ensure animal welfare standards are upheld and improved. The National Committee of Plant and Animal Health policy orientations is responsible for monitoring the implementation of this Strategy, however, its mandate is centred on making sure that animal-based products are healthy for human consumption.²⁰⁶ On its webpage, no mention is made of animal welfare. The National Centre for Reference of Animal Welfare (CNR) is solely focused on farm animals, which highlights once more that animal welfare concerns are perceived as important through the lens of animal-based production.

Other barriers to progress regarding animal welfare include the Government's support, on grounds of tradition, of cruel activities such as cock and bullfighting, and the accepted use of animals for entertainment. The legal basis of the collaboration between the Ministry of the Environment and the National Federation of Hunters also represents a potential barrier to improving animal welfare as non-hunting stakeholders are excluded from this process.

Enforcement mechanisms

Responsibilities of relevant government bodies are set out in primary and secondary legislation.

Key recommendations

- **The Government of France is encouraged to create a national multi-stakeholder committee to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.**

²⁰⁵ <https://agriculture.gouv.fr/2016-2020-une-strategie-globale-pour-le-bien-etre-des-animaux-en-france>

²⁰⁶ <https://agriculture.gouv.fr/le-conseil-national-dorientation-de-la-politique-sanitaire-animale-et-vegetale-et-la-gouvernance>



Goal 4: Support for international animal welfare standards

10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Analysis of the legislation	
Ranking	B
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.²⁰⁷</p> <p>The OIE's guiding principles are based on an assessment of animal welfare using the internationally accepted concept of the Five Freedoms, namely: Freedom from hunger, malnutrition and thirst; Freedom from fear and distress; Freedom from physical and thermal discomfort; Freedom from pain, injury and disease; and Freedom to express normal patterns of behaviour.²⁰⁸ With regards to the welfare of animals used for scientific purposes the OIE also recognises the Three Rs principles – Replacement, Reduction, Refinement.</p> <p>French legislation highlights the importance of meeting the biological and species-specific needs of animals and stipulates that domesticated animals and captive or tame wild animals must be provided with food and water, medical treatment in case of disease or injury. There is also reference to the use of humane killing to alleviate both physical and psychological suffering (Rural and Maritime Fishing Code, Article R214-17). Legislation is therefore broadly reflective of the guiding principles of the OIE. The Ministry of Agriculture and Food's website also underscores these Five Freedoms.²⁰⁹ Legislation concerning animal experimentation is based on the principles of the Three Rs and is thus also in line with the OIE principles. This Three Rs principle is again highlighted in the new 2016-2020 Strategy on Animal Welfare.²¹⁰</p> <p>With respect to the OIE's animal welfare standards, France has transposed European Union Regulations and Directives which cover the areas included within the OIE's standards.</p> <p>Analysis</p> <p><i>France has fully incorporated the OIE animal welfare standards into the country's legislation. By transposing EU legislation, French legislation even goes further than OIE standards. For instance, the OIE standard with regards to broiler chicken production systems only mandates that 'broilers should be housed at a stocking density that allows them to access feed and water and to move and adjust their posture normally'. By contrast, the EU standard is more stringent since it mandates that the stocking density of broiler does not exceed 42 kg/m² at the maximum. The Government is furthermore active as</i></p>	

²⁰⁷ <http://www.oie.int/infographic/StandardsAW/index.html>

²⁰⁸ <http://oie.int/en/animalwelfare/animalwelfare-at-a-glance>

²⁰⁹ <https://agriculture.gouv.fr/bien-etre-animal-contexte-juridique-et-societal>

²¹⁰ https://agriculture.gouv.fr/sites/minagri/files/160627_ani_bea_strategie.pdf



evidenced by its 2016-2020 Strategy on Animal Welfare, though this is focusing on farm animals. Though there is no mention of the Five Freedoms in the Strategy, the Three Rs principles are mentioned.

Enforcement mechanisms

Enforcement mechanisms have been put into place for those provisions in animal protection legislation in France which incorporate the content of the OIE's standards.

Key recommendations

- France fully incorporates OIE's principles and standards into legislation, which includes enforcement mechanisms. The Government of France is strongly encouraged to exceed OIE standards through the greater promotion of the rehoming of stray animals.

11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

Analysis of the legislation

In 2009, the 27 Agriculture Ministers of the European Council, including from France, unanimously approved a statement on the UDAW encouraging the European Commission to support and initiate further international initiatives to raise awareness and create a greater consensus on animal welfare, and inviting the Member States and the Commission to support the UDAW initiative.²¹¹

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

The UDAW is currently the only proposed international instrument that creates a soft law commitment for countries to acknowledge and respect animal sentience and to work towards ending cruelty and protecting the needs of animals. The Government has expressed full formal support for the UDAW, thus helping to incorporate animal welfare into policy discussions.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

²¹¹ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/106877.pdf



- France has provided government support to UDAW, through a joint EU declaration in 2009. France should act as an example for other countries to pledge support in principle to UDAW.

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