

**Voluntary Report** – Voluntary - Public Distribution

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**Report Name:** Proposed Amendment to Animal Protection Rules in Poland

**Country:** Poland

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**Report Category:** Agricultural Situation, Agriculture in the News, Poultry and Products, Livestock and Products

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**Report Highlights:**

On March 22, 2023, the Polish Ministry of Agriculture and Rural Development proposed a draft Act on Special Arrangements to Improve the Supervision over Animal Health and Protection. The proposed legislation introduces several solutions on the protection, maintenance, treatment, and movement of animals. The clarification of regulations on the emergency seizure of animals by animal protection organizations is one of the key elements of the draft. The proposed legislation allows non-governmental organizations (NGOs) to collect farm animals in urgent situations, including when an animal's health and welfare is compromised, and for the competent authorities to be notified immediately. Also, the Amendment proposes improving slaughterhouse supervision, facilitating pig movement, and registering poultry farms.

## Background Information

On March 22, 2023, the Polish Ministry of Agriculture and Rural Development (MARD) published a draft Act on Special Arrangements to Improve the Supervision over Animal Health and Protection; it has been submitted for public consultation before it can be adopted by the Polish Government and submitted to the Parliament for official approval. The proposed legislation introduces a number of solutions on the protection, maintenance, treatment, and movement of animals. As MARD claims, the draft is in response to requests from the farming community to regulate the rules of emergency seizure of animals by animal protection organizations, who often enter the farm and take the animals kept in allegedly bad conditions. In addition, the draft seeks to facilitate pig movement rules and excludes backyard poultry farms from compulsory registration.

## Provisions on Emergency Seizure of Animals

The National Council of Agricultural Chambers (NCAC), among other organizations, called for a change in the current regulations of the emergency seizure of animals. Currently, when animal welfare is compromised, the representatives of NGOs – whose statutory purpose is the protection of animals – are entitled to enter the farm and seize the animal; the cost of keeping the seized animal is born by the owner. The President of the NCAC sent a letter to MARD requesting to amend the applicable regulations to allow for an NGO's intervention to take place only in the presence of both the owner and a veterinarian. In addition, NCAC demanded the establishment of a legal framework which would impose appropriate penalties for unjustified trespassing on farms.

MARD proposes clarifying the provisions on the so-called emergency seizure of animals by representatives of NGOs whose statutory purpose is the protection of animals; this means amending the Law of August 21, 1997, on the Protection of Animals. The introduced provisions will allow representatives of NGOs to collect an animal in a situation of urgency; this has been the subject of many interventions by these organizations, parliamentarians, and the Ombudsman. Additionally, the provisions will oblige the people collecting the animal, to inform the authorities – those competent to issue an administrative decision on temporary seizure (i.e., local authorities) – of the whereabouts of the collected animal immediately, and no later than the following day. At the same time, representatives of NGOs will be required to notify the prosecutor or the police of the threat to the life or health of the animal immediately, but no later than the following day.

Also, the legislation proposes that the local authority empowered to issue a decision on the temporary collection of an animal will order the organization to return the animal if the collection proceedings are discontinued, the collection decision is revoked, or if the court does not rule on the forfeiture of the animal. Currently, animals are only returned when the criminal proceedings are completed, and the court does not rule on the animal's forfeiture. Meanwhile, many cases end with an administrative decision to prohibit seizing the animal, which, according to NGOs, is not a basis for returning the seized animal.

In addition, the manner in which NGOs have so far exercised the powers of seizure of animals – including the use of clothing resembling that used by state uniformed officials and paramilitary services, as well as the nomenclature they use – may cause a person with whom they intend to intervene to believe that they are dealing with a state institution. Therefore, the new provisions propose requiring that NGOs not use uniforms, badges, or names resembling public institutions or law enforcement. As

underlined by MARD, only police officers and municipal guards have the authority to intervene in the collection of animals and to use direct coercive measures. NGOs have not been granted inspection powers and do not have the right to enter private property without the owner's consent.

Finally, in order to penalize NGOs for not complying with the proposed rules, the draft legislation proposes financial fines from PLN 1,000 to 10,000 (approximately \$232 to \$2,317) for representatives of NGOs breaking the law.

### Mandatory Monitoring in Slaughterhouses

Following the animal welfare problems raised by animal protection organizations, in the draft Act, MARD has proposed introducing mandatory monitoring in Polish slaughterhouses. The amendment of the Law on the Protection of Animals envisions making it obligatory for slaughterhouse operators to record the image (in digital form) at animal unloading areas and animal stunning and bleeding rooms. The image is to be recorded 24 hours per day, every day of the year. The image must be described and stored in a way that it is possible to determine by who, when, where, and how the animal slaughtering activities were performed. According to the draft Act justification, "The additional equipment is intended to increase supervision of the process of unloading animals brought to the slaughterhouse and the control over the handling of animals destined for slaughter. The introduction of this solution meets the demands of both organizations whose statutory purpose is the protection of animals, as well as those bringing together farmers and livestock breeders."

This MARD proposal triggered negative reactions from the opposition, far-right political party Konfederacja. They accused the ruling party of adding additional costs and requirements – which would lead to increasing meat prices for consumers – to an already heavily hit food sector. However, according to representatives of the Cattle Breeders Association, monitoring in slaughterhouses is necessary. They recalled that the meat industry had made such a proposal in 2019 after an animal welfare scandal involving illegal animal slaughtering. If monitoring had been required then, the industry – i.e., the 350,000 farms that produce beef livestock – would not have lost PLN 650 million in a matter of days. Currently, the beef market is one of the most stable, and Poland is a major exporter of meat and is gaining access to new markets. The newly proposed monitoring is supposed to strengthen and ensure the transparency of production.

### Other Changes

In terms of amending the Law of March 11, 2004, on the Protection of Animal Health and Control of Animal Infectious Diseases, the proposed regulations will implement the EU regulations on the mode and manner of assigning a veterinary identification number to entities keeping farm animals. MARD proposes excluding backyard poultry farms from compulsory registration. According to the proposed amendment, only entities that keep ungulates (regardless of the purpose for which they are kept) and entities that place farm animals or products derived from such animals on the market, will be subject to registration with the district veterinary officer.

Additionally, the draft Act, by amending the Law of November 4, 2022 on the system of identification and registration of animals, establishes an alternative system for the movement of pigs. This will allow pig owners to move pigs without supplying them with a health certificate – including from areas subject

to animal health restrictions – if the district veterinary officer approves the movement. This system will apply only to pigs moved within the territory of Poland. The proposed regulations will also simplify procedures related to the registration of notifications under the alternative system for the movement of pigs as they are made by keepers only in electronic form. The movement of pigs without health certificates within a Member State is permitted in accordance with the Animal Health Law (Article 143(2) of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health).

**Attachments:**

No Attachments.