

オンラインセミナー 「動物を保護するフランス法と政治」資料

フランス動物保護法の歴史と枠組

1845 年 動物保護協会 (SPA, société protectrice des animaux) 設立

1850 年 Grammont 法

フランス第二共和政のもと制定されたフランス初の動物保護法

法案起草: Jacques Delmas de Grammont 将軍

公の場における虐待行為の禁止 (人間に飼われた動物であることが条件)

1894 年 フランス破棄院(最高裁)が Grammont 法を根拠として闘牛を禁止
南仏の裁判所は闘牛は違法でないとして判決に抵抗

1959 年 Michelet 政令

ドゴール大統領のもと、Edmond Michelet 司法大臣が制定

動物保護法の適用を私的な場における虐待行為、捕獲された動物に拡大
動物の保護措置として没収から愛護団体への寄付手続を規定

1963 年 11 月 12 日法

動物に対する虐待行為の処罰をフランス刑法典に導入

1976 年 7 月 10 日法

フランス農業法典第 L214-1 条に動物が「感受性のある」生き物であるという規定を制定

1994 年新刑法

フランス刑法典で動物に対する虐待行為が器物損壊に関する章から別個の章に制定

1997 年アムステルダム条約

動物を「感受性のある生命体」として定義

EU における動物福祉政策の根底

2015 年 2 月 16 日法

フランス民法典第 515-14 条に動物が「感受性のある」生き物であるという規定が規定され、物のように扱ってはいけないという原則が確立 (全ての動物に適用)

2021 年 11 月 30 日法

ペットショップにおける犬猫の販売禁止(2024 年以降)

インターネット上のペット販売制限強化

ミンクの毛皮農場の即時禁止

イルカ、シャチショーの禁止(5 年以内)

サーカスにおける野生動物使用の禁止(2028 年以降)

刑事的処罰の強化

関連法令

I – 動物を守るフランスの法律

1. フランスで動物を保護する法律の規定

a) ペットと家畜の両方に適用される法律の規定

欧州連合の機能に関する条約 (1958 年 1 月 1 日発行)

第 13 条

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, **the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals**, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

民法典

第 515-14 条

Animals are sentient living beings. Subject to the laws that protect them, animals are subject to the property regime.

農事・漁業法典

第 L214-1 条

Every animal being a sentient being must be placed by its owner in conditions compatible with the biological imperatives of its species.

第 L214-2 条

Everyone has the right to keep animals under the conditions defined in Article L. 214-1 and to use them under the conditions set out in Article L. 214-3, subject to the rights of third parties, the requirements of public safety and hygiene, and the provisions of Law No. 76-629 of July 10, 1976, on the protection of nature.

Establishments open to the public for the use of animals are subject to the supervision of the administrative authority, which may prescribe measures up to and including the closure of the establishment, regardless of the criminal prosecutions that may be brought under the aforementioned law. A decree of the Council of State shall specify the terms of application of this article and Article L. 214-1.

第 L214-3 条

It is prohibited to mistreat domestic animals, as well as wild animals that are tamed or held in captivity.

Decrees issued by the Council of State determine the measures to ensure the protection of these animals against mistreatment or abuse and to prevent them from suffering during handling procedures inherent in various animal breeding, housing, transport, and slaughter techniques.

The same applies to medical and scientific biological experiments, which must be limited to cases of strict necessity.

刑法典

第 521-1 条

The act of committing serious abuse or cruelty, whether publicly or not, against a domestic, tame, or captive animal is punishable by three years' imprisonment and a fine of €45,000.

Committing such an act against an animal held by officials in the performance of public service duties is considered an aggravating circumstance for the offense referred to in the first paragraph.

In cases of serious abuse or acts of cruelty against a domestic, tame, or captive animal as provided for in this article, being the owner or keeper of the animal is considered an aggravating circumstance.

When the acts result in the death of the animal, the penalties are increased to five years' imprisonment and a fine of €75,000.

Committing such an act in the presence of a minor is considered an aggravating circumstance for the offense referred to in the first paragraph.

If the animal's owner is convicted, or if the owner is unknown, the court will decide on the animal's fate, whether or not it was placed in care during the legal proceedings. The court may order the confiscation of the animal and provide that it be handed over to a foundation or animal welfare association recognized as being of public utility or declared, which may dispose of it freely.

The people found guilty of the offenses provided for in this chapter are also liable to the **additional penalties of a ban, either permanent or temporary, from keeping an animal and from engaging in, either permanently or temporarily, in the latter case for a period not exceeding five years, a professional or social activity** if the opportunities afforded by such activity were knowingly used to prepare or commit the offense. This ban, however, does not apply to the exercise of elected office or union responsibilities.

Legal entities, declared criminally liable under the conditions set out in Article 121-2 of the Criminal Code, are liable to the following penalties:

- a fine in accordance with the terms set out in Article 131-38 of the Criminal Code;
- the penalties set out in paragraphs 2, 4, 7, 8, and 9 of Article 131-39 of the Criminal Code.

The provisions of this article do not apply to bullfights where an uninterrupted local tradition can be invoked. They also do not apply to cockfights in localities where an uninterrupted tradition can be established.

Any creation of a new gallodrome shall be punishable by the penalties provided for in this article.

The abandonment of a domestic, tame, or captive animal, with the exception of animals intended for repopulation, is also punishable by the same penalties.

When committed under aggravating circumstances, except when the acts result in the death of the animal, the offenses mentioned in this article are punishable by four years' imprisonment and a fine of €60,000.

Aggravating circumstances for the act of abandonment include knowingly committing it in conditions presenting an immediate or imminent risk of death for the domestic, tame, or captive animal.

フランス刑法における犯罪の分類

重罪 (crime): 15 年から無期の懲役に処される最も重い犯罪

「軽罪」(délit): 最高 10 年の懲役、3750 ユーロ以上の罰金に処される犯罪

違警罪 (contravention): 罰金刑に処される犯罪

b) ペットの保護に関する法律

EU 法の規定

ペットの保護に関する欧州条約 (1987 年 11 月 13 日)

<https://rm.coe.int/168007a684>

フランス法の規定

刑法典

第 R 654-1 条

Except as provided for in Article 521-1, the unnecessarily, public or otherwise, intentional mistreatment of a domestic or tame animal, or one held in captivity, is punishable by the fine provided for Class 4 offenses.

If the animal's owner is convicted, or if the owner is unknown, the court may decide to hand the animal over to a recognized or declared animal welfare organization, which may freely dispose of it.

The provisions of this article do not apply to bullfights where an uninterrupted local tradition can be invoked. They also do not apply to cockfights in localities where an uninterrupted tradition can be established.

2021 年 11 月 30 日法で導入されたペットの保護規定

ペットショップにおける犬猫の販売禁止

農事・漁業法典

L 214-6-3 条

I. - The commercial exercise of pet sales activities within the meaning of IV of Article L. 214-6 is subject to registration as provided for in Article L. 123-1 of the French Commercial Code, as well as compliance with the conditions listed in I of Article L. 214-6-1.

A decree of the Minister of Agriculture shall establish the animal health and protection rules applicable to pet sales establishments covered by this article and the administrative authorities responsible for their supervision.

II. - The sale of cats and dogs, whether for payment or free of charge, is prohibited in the sales establishments mentioned in the first paragraph of I (1).

In partnership with animal welfare foundations or associations, the pet sales establishments mentioned in the same first paragraph may display cats and dogs belonging to these foundations or associations, abandoned animals, or animals whose previous owners have not been identified. These presentations take place in the presence of volunteers from the said foundations or associations.

III. - The presentation in pet stores of animals visible from a road open to public traffic is prohibited.

ペットを飼うための十分な責任意識と知識があることの誓約書

農事・漁業法典

L 214-8 条

V.-Any natural person who acquires a pet, whether for payment or free of charge, shall sign a certificate of commitment and knowledge of the specific needs of the species, the content and terms of issuance of which shall be determined by decree.

Any person transferring a pet, whether for payment or free of charge, shall ensure that the transferee has signed the certificate of commitment and knowledge provided for in the first paragraph of this V. The transfer of the animal may not take place less than seven days after the certificate is issued to the transferee.

マイクロチップによる識別義務

農事・漁業法典
L 214-10 条

Dogs, cats and ferrets, prior to their transfer, whether free of charge or for a fee, are identified by a process approved by the Minister of Agriculture and implemented by persons authorized by him for this purpose. The same applies, outside of any transfer, to dogs over four months old, ferrets over seven months old born after November 1, 2021, and cats over seven months old. Identification is the responsibility of the transferor.

ペットの販売における諸規制

農事・漁業法典
L 214-8 条

犬猫の最低年齢

II.-Only dogs and cats over eight weeks old may be transferred free of charge or for a fee.

インターネット上のペット販売規制(行政機関から登録を受けているブリーダーのみ)

VI.- Online offers for the sale of pets are prohibited.

By way of exception to the first paragraph of this VI, an offer for the sale of pets online is permitted provided that:

1° It is presented in a section specific to pets, meeting the requirements set out in Article L. 214-8-2;

2° The aforementioned specific section includes awareness-raising and information messages for the owner regarding the act of acquiring an animal.

The terms and conditions for implementing these requirements are defined by decree.

Online sales of pets for consideration may only be carried out by persons carrying out the activities referred to in Articles L. 214-6-2 and L. 214-6-3.

ペットの郵便、小包、空輸などの方法による輸送の禁止

VII.-The shipment by post of live vertebrate animals is prohibited.

ペットを物のように扱う販売広告の禁止

VIII.-The “satisfied or refunded” guarantee or any similar promotional technique is prohibited.

**家畜の保護に関する法律
EU 法の規定**

畜産における動物保護に関する 1998 年 7 月 20 日欧州指令 (添付①)

輸送における動物保護に関する 2004 年 12 月 22 日欧州規則 (添付②)

屠殺における動物保護に関する 2009 年 9 月 24 日欧州規則 (添付③)

ANNEX

①

Staffing

1. Animals shall be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence.

Inspection

2. All animals kept in husbandry systems in which their welfare depends on frequent human attention shall be inspected at least once a day. Animals in other systems shall be inspected at intervals sufficient to avoid any suffering.
3. Adequate lighting (fixed or portable) shall be available to enable the animals to be thoroughly inspected at any time.
4. Any animal which appears to be ill or injured must be cared for appropriately without delay and, where an animal does not respond to such care, veterinary advice must be obtained as soon as possible. Where necessary sick or injured animals shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

Record keeping

5. The owner or keeper of the animals shall maintain a record of any medicinal treatment given and of the number of mortalities found to each inspection.

Where equivalent information is required to be kept for other purposes, this shall also suffice for the purposes of this Directive.

6. These records shall be retained for a period of at least three years and shall be made available to the competent authority when carrying out an inspection or when otherwise requested.

Freedom of movement

7. The freedom of movement of an animal, having regard to its species and in accordance with established experience and scientific knowledge, must not be restricted in such a way as to cause it unnecessary suffering or injury.

Where an animal is continuously or regularly tethered or confined, it must be given the space appropriate to its physiological and ethological needs in accordance with established experience and scientific knowledge.

Buildings and accommodation

8. Materials to be used for the construction of accommodation, and in particular for the construction of pens an equipment with which the animals may come into contact, must not be harmful to the animals and must be capable of being thoroughly cleaned and disinfected.
9. Accommodation and fittings for securing animals shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to the animals.
10. Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to the animals.
11. Animals kept in buildings must not be kept either in permanent darkness or without an appropriate period of rest from artificial lighting. Where the natural light available is insufficient to meet the physiological and ethological needs of the animals, appropriate artificial lighting must be provided.

Animals not kept in buildings

12. Animals not kept in buildings shall where necessary and possible be given protection from adverse weather conditions, predators and risks to their health.

Automatic or mechanical equipment

13. All automated or mechanical equipment essential for the health and well-being of the animals must be inspected at least once daily. Where defects are discovered, these must be rectified immediately, or if this is impossible, appropriate steps must be taken to safeguard the health and well-being of the animals.

Where the health and well-being of the animals is dependent on an artificial ventilation system, provision must be made for an appropriate backup system to guarantee sufficient air renewal to preserve the health and well-being of the animals in the event of failure of the system, and an alarm system must be provided to give warning of breakdown. The alarm system must be tested regularly.

Feed, water and other substances

14. Animals must be fed a wholesome diet which is appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health and satisfy their nutritional needs. No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.
15. All animals must have access to feed at intervals appropriate to their physiological needs.
16. All animals must have access to a suitable water supply or be able to satisfy their fluid intake needs by other means.
17. Feeding and watering equipment must be designed, constructed and placed so that contamination of food and water and the harmful effects of competition between the animals are minimised.
18. No other substance, with the exception of those given for therapeutic, or prophylactic purposes or for the purposes of zootechnical treatment as defined in Article 1(2)(c) of Directive 96/22/EEC⁽¹⁾, must be administered to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of that substance is not detrimental to the health or welfare of the animal.

Mutilations

19. Pending the adoption of specific provisions concerning mutilations in accordance with the procedure laid down in Article 5, and without prejudice to Directive 91/630/EEC, relevant national provisions shall apply in accordance with the general rules of the Treaty.

Breeding procedures

20. Natural or artificial breeding or breeding procedures which cause or are likely to cause suffering or injury to any of the animals concerned must not be practised.

This provision shall not preclude the use of certain procedures likely to cause minimal or momentary suffering or injury, or which might necessitate interventions which would not cause lasting injury, where these are allowed by national provisions.

21. 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.

⁽¹⁾ Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists (OJ L 125, 23. 5. 1996, p. 3).

ANNEX I

TECHNICAL RULES

(as referred to in Article 6(3), Article 8(1), Article 9(1) and (2)(a))

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CHAPTER I

FITNESS FOR TRANSPORT

1. No animal shall be transported unless it is fit for the intended journey, and all animals shall be transported in conditions guaranteed not to cause them injury or unnecessary suffering.
2. Animals that are injured or that present physiological weaknesses or pathological processes shall not be considered fit for transport and in particular if:
 - (a) they are unable to move independently without pain or to walk unassisted;
 - (b) they present a severe open wound, or prolapse;
 - (c) they are pregnant females for whom 90 % or more of the expected gestation period has already passed, or females who have given birth in the previous week;
 - (d) they are new-born mammals in which the navel has not completely healed;
 - (e) they are pigs of less than three weeks, lambs of less than one week and calves of less than ten days of age, unless they are transported less than 100 km;
 - (f) they are dogs and cats of less than eight weeks of age, unless they are accompanied by their mother;
 - (g) they are cervine animals in velvet.
3. However, sick or injured animals may be considered fit for transport if they are:
 - (a) slightly injured or ill and transport would not cause additional suffering; in cases of doubt, veterinary advice shall be sought;
 - (b) transported for the purposes of Council Directive 86/609/EEC ⁽¹⁾ if the illness or injury is part of a research programme;
 - (c) transported under veterinary supervision for or following veterinary treatment or diagnosis. However, such transport shall be permitted only where no unnecessary suffering or ill treatment is caused to the animals concerned;
 - (d) animals that have been submitted to veterinary procedures in relation to farming practices such as dehorning or castration, provided that wounds have completely healed.
4. When animals fall ill or are injured during transport, they shall be separated from the others and receive first-aid treatment as soon as possible. They shall be given appropriate veterinary treatment and if necessary undergo emergency slaughter or killing in a way which does not cause them any unnecessary suffering.
5. Sedatives shall not be used on animals to be transported unless strictly necessary to ensure the welfare of the animals and shall only be used under veterinary supervision.
6. Lactating females of bovine, ovine and caprine species not accompanied by their offspring shall be milked at intervals of not more than 12 hours.
7. Requirements of paragraphs 2(c) and 2(d) do not apply for registered Equidae if the purpose of the journeys is to improve the health and welfare conditions of birth, or for newly born foals with their registered mares, provided that in both cases the animals are permanently accompanied by an attendant, dedicated to them during the journey.

⁽¹⁾ OJ L 358, 18.12.1986 p. 1. Directive as last amended by Directive 2003/65/EC of the European Parliament and of the Council (OJ L 230, 16.9.2003, p. 32).

CHAPTER II

MEANS OF TRANSPORT**1. Provisions for all means of transport**

- 1.1. Means of transport, containers and their fittings shall be designed, constructed, maintained and operated so as to:
- (a) avoid injury and suffering and to ensure the safety of the animals;
 - (b) protect the animals from inclement weather, extreme temperatures and adverse changes in climatic conditions;
 - (c) be cleaned and disinfected;
 - (d) prevent the animals escaping or falling out and be able to withstand the stresses of movements;
 - (e) ensure that air quality and quantity appropriate to the species transported can be maintained;
 - (f) provide access to the animals to allow them to be inspected and cared for;
 - (g) present a flooring surface that is anti-slip;
 - (h) present a flooring surface that minimises the leakage of urine or faeces;
 - (i) provide a means of lighting sufficient for inspection and care of the animals during transport.
- 1.2. Sufficient space shall be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position, without on any account hindering their natural movement.
- 1.3. For wild animals and for species other than domestic Equidae or domestic animals of bovine, ovine, caprine and porcine species where appropriate, the following documents shall accompany the animals:
- (a) a notice indicating that the animals are wild, timid or dangerous;
 - (b) written instructions about feeding, watering and any special care required.
- 1.4. Partitions shall be strong enough to withstand the weight of animals. Fittings shall be designed for quick and easy operation.
- 1.5. Piglets of less than 10 kgs, lambs of less than 20 kgs, calves of less than six months and foals of less than four months of age shall be provided with appropriate bedding material or equivalent material which guarantees their comfort appropriate to the species, the number of animals being transported, the journey time, and the weather. This material has to ensure adequate absorption of urine and faeces.
- 1.6. Without prejudice to Community or national rules on crew and passenger safety, where transport on a vessel, an aircraft or a rail wagon is to last more than three hours, a means of killing suitable for the species shall be available to the attendant or a person on board who has the necessary skill to perform this task humanely and efficiently.

2. Additional provisions for transport by road or rail

- 2.1. Vehicles in which animals are transported shall be clearly and visibly marked indicating the presence of live animals, except when the animals are transported in containers marked in accordance with paragraph 5.1.
- 2.2. Road vehicles shall carry suitable equipment for loading and unloading.
- 2.3. When assembling trains and during all other movement of rail wagons every precaution shall be taken to avoid jolting of a rail wagon containing animals.

3. Additional provisions for transport on roll-on-roll-off vessels

3.1. Before loading onto a vessel the master shall verify that when vehicles are loaded:

- (a) on enclosed decks, the vessel is equipped with an appropriate forced ventilation system and it is fitted with an alarm system and an adequate secondary source of power in case of failure;
- (b) on open decks, adequate protection from sea water is provided.

3.2. Road vehicles and rail wagons shall be equipped with a sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the vessel. Road vehicles and rail wagons shall be secured to the vessel before the start of the sea journey to prevent them being displaced by the motion of the vessel.

4. Additional provisions for transport by air

4.1. Animals shall be transported in containers, pens or stalls appropriate for the species, which comply with International Air Transport Association (IATA) live animals Regulations, in its version referred to in Annex VI.

4.2. Animals shall be transported only in conditions where air quality, temperature and pressure can be maintained within an appropriate range during the entire journey, having regard to the species of animals.

5. Additional provisions for transport in containers

5.1. Containers in which animals are transported shall be clearly and visibly marked, indicating the presence of live animals and with a sign indicating the top of the container.

5.2. During transport and handling, containers shall always be kept upright and severe jolts or shaking shall be minimised. Containers shall be secured so as to prevent displacement due to the movement of the means of transport.

5.3. Containers of more than 50 kg shall be equipped with a sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the means of transport where they are to be loaded. Containers shall be secured to the means of transport before the start of the journey to prevent displacement due to the motion of the means of transport.

CHAPTER III

TRANSPORT PRACTICES

1. Loading, unloading and handling

1.1. Due regard shall be paid to the need of certain categories of animals, such as wild animals, to become acclimatised to the mode of transport prior to the proposed journey.

1.2. Where loading or unloading operations last for more than four hours, except for poultry:

- (a) appropriate facilities shall be available in order to keep, feed and water the animals outside the means of transport without being tied;
- (b) operations shall be supervised by an authorised veterinarian and particular precautions shall be taken to ensure that the welfare of the animals is properly maintained during these operations.

Facilities and procedures

1.3. Facilities for loading and unloading, including the flooring, shall be designed, constructed, maintained and operated so as to:

- (a) prevent injury and suffering and minimise excitement and distress during animal movements as well as to ensure the safety of the animals. In particular, surfaces shall not be slippery and lateral protections shall be provided so as to prevent animals from escaping;
- (b) be cleaned and disinfected.

- 1.4. (a) Ramps shall not be steeper than an angle of 20 degrees, that is 36,4 % to the horizontal for pigs, calves and horses and an angle of 26 degrees 34 minutes, that is 50 % to the horizontal for sheep and cattle other than calves. Where the slope is steeper than 10 degrees, that is 17,6 % to the horizontal, ramps shall be fitted with a system, such as provided by foot battens, which ensure that the animals climb or go down without risks or difficulties;
- (b) lifting platforms and upper floors shall have safety barriers so as to prevent animals falling or escaping during loading and unloading operations.
- 1.5. Goods which are being transported in the same means of transport as animals shall be positioned so that they do not cause injury, suffering or distress to the animals.
- 1.6. Appropriate lighting shall be provided during loading and unloading.
- 1.7. When containers loaded with animals are placed one on top of the other on the means of transport, the necessary precautions shall be taken:
 - (a) to avoid, or in the case of poultry, rabbits and fur animals, to limit urine and faeces falling on the animals placed underneath;
 - (b) to ensure stability of the containers;
 - (c) to ensure that ventilation is not impeded.

Handling

- 1.8. It shall be prohibited to:
 - (a) strike or kick the animals;
 - (b) apply pressure to any particularly sensitive part of the body in such a way as to cause them unnecessary pain or suffering;
 - (c) suspend the animals themselves by mechanical means;
 - (d) lift or drag the animals by head, ears, horns, legs, tail or fleece, or handle them in such a way as to cause them unnecessary pain or suffering;
 - (e) use prods or other implements with pointed ends;
 - (f) knowingly obstruct any animal which is being driven or led through any part where animals are handled.
- 1.9. The use of instruments which administer electric shocks shall be avoided as far as possible. In any case, these instruments shall only be used for adult bovine animals and adult pigs which refuse to move and only when they have room ahead of them in which to move. The shocks shall last no longer than one second, be adequately spaced and shall only be applied to the muscles of the hindquarters. Shocks shall not be used repeatedly if the animal fails to respond.
- 1.10. Markets or assembly centres shall provide equipment for tethering animals when necessary. Animals not used to being tied shall remain untied. Animals shall have access to water.
- 1.11. Animals shall not be tied by the horns, the antlers, the nose rings nor by legs tied together. Calves shall not be muzzled. Domestic Equidae older than eight months shall wear halters during transport except for unbroken horses.

When animals need to be tied, the ropes, tethers or other means used shall be:

- (a) strong enough not to break during normal transport conditions;
- (b) such as to allow the animals, if necessary, to lie down and to eat and drink;
- (c) designed in such a way as to eliminate any danger of strangulation or injury, and so as to allow animals to be quickly released.

Separation

1.12. Animals shall be handled and transported separately in the following cases:

- (a) animals of different species;
- (b) animals of significantly different sizes or ages;
- (c) adult breeding boars or stallions;
- (d) sexually mature males from females;
- (e) animals with horns from animals without horns;
- (f) animals hostile to each other;
- (g) tied animals from untied animals.

1.13. Points (a), (b), (c) and (e) of paragraph 1.12. shall not apply where the animals have been raised in compatible groups, are accustomed to each other, where separation will cause distress or where females are accompanied by dependent young.

2. During transport

- 2.1. Space allowances shall at least comply with the figures laid down, in respect of the animals and the means of transport referred to, in Chapter VII.
- 2.2. Domestic Equidae except mares travelling with their foals shall be transported in individual stalls when the vehicle is loaded onto a Roll-on-Roll-off vessel. Derogation to this provision may be granted under national rules provided that they are notified by the Member States to the Standing Committee on the food Chain and Animal Health.
- 2.3. Equidae shall not be transported in multi-deck vehicles except if animals are loaded on the lowest deck with no animals on higher deck. The minimum internal height of compartment shall be at least 75 cm higher than the height of the withers of the highest animal.
- 2.4. Unbroken Equidae shall not be transported in groups of more than four individuals.
- 2.5. Paragraphs 1.10. to 1.13. shall apply *mutatis mutandis* to the means of transport.
- 2.6. Sufficient ventilation shall be provided to ensure that the needs of the animals are fully met taking into account in particular the number and type of the animals to be transported and the expected weather conditions during the journey. Containers shall be stored in a way which does not impede their ventilation.
- 2.7. During transport, animals shall be offered water, feed and the opportunity to rest as appropriate to their species and age, at suitable intervals and in particular as referred to in Chapter V. If not otherwise specified, Mammals and Birds shall be fed at least every 24 hours and watered at least every 12 hours. The water and feed shall be of good quality and presented to the animals in a way which minimises contamination. Due regard shall be paid to the need of animals to become accustomed to the mode of feeding and watering.

CHAPTER IV

ADDITIONAL PROVISIONS FOR LIVESTOCK VESSELS OR VESSELS TRANSPORTING SEA CONTAINERS

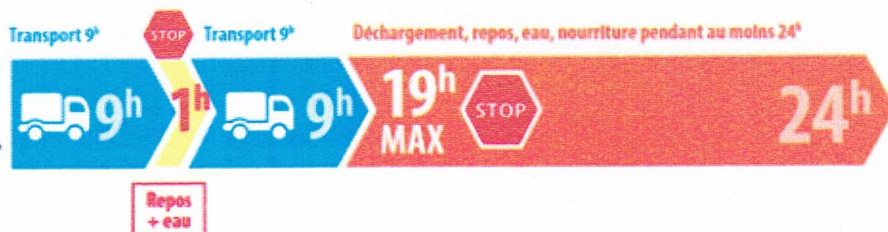
SECTION 1

Construction and equipment requirements for livestock vessels

- 1. Strength for pen rails and decks shall be appropriate to the transported animals. Strength calculations of pen rails and decks shall be verified during construction or conversion of the livestock vessel by a classification society approved by the competent authority.
- 2. Compartments where animals are to be transported shall be equipped with a forced ventilation system which gives sufficient capacity to change the air in its entire volume as follows:
 - (a) 40 air changes per hour if the compartment is fully enclosed and the clear height is less or equal to 2,30 meters;

Transport de longue durée (abreuvement, alimentation et repos) [d'après 39]

Veaux, agneaux,
chevreaux, porcelets
et poulains non sevrés



Transport 24^h + eau en permanence

Porcins



Chevaux
et équidés
non enregistrés



Bovins, ovins
et caprins



N.B. : Les animaux sont, si nécessaire, alimentés à l'occasion des pauses.

CHAPTER II

GENERAL REQUIREMENTS

Article 3

General requirements for killing and related operations

1. Animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.

2. For the purposes of paragraph 1, business operators shall, in particular, take the necessary measures to ensure that animals:

(a) are provided with physical comfort and protection, in particular by being kept clean in adequate thermal conditions and prevented from falling or slipping;

(b) are protected from injury;

(c) are handled and housed taking into consideration their normal behaviour;

(d) do not show signs of avoidable pain or fear or exhibit abnormal behaviour;

(e) do not suffer from prolonged withdrawal of feed or water;

(f) are prevented from avoidable interaction with other animals that could harm their welfare.

3. Facilities used for killing and related operations shall be designed, constructed, maintained and operated so as to ensure compliance with the obligations set out in paragraphs 1 and 2 under the expected conditions of activity of the facility throughout the year.

Article 4

Stunning methods

1. Animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I. The loss of consciousness and sensibility shall be maintained until the death of the animal.

The methods referred to in Annex I which do not result in instantaneous death (hereinafter referred to as simple stunning) shall be followed as quickly as possible by a

procedure ensuring death such as bleeding, pithing, electrocution or prolonged exposure to anoxia.

2. Annex I may be amended to take account of scientific and technical progress on the basis of an opinion of EFSA and in accordance with the procedure referred to in Article 25(2).

Any such amendments shall ensure a level of animal welfare at least equivalent to that ensured by the existing methods.

3. Community guidelines concerning the methods set out in Annex I may be adopted in accordance with the procedure referred to in Article 25(2).

4. In the case of animals subject to particular methods of slaughter prescribed by religious rites, the requirements of paragraph 1 shall not apply provided that the slaughter takes place in a slaughterhouse.

Article 5

Checks on stunning

1. Business operators shall ensure that persons responsible for stunning or other nominated staff carry out regular checks to ensure that the animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death.

Those checks shall be carried out on a sufficiently representative sample of animals and their frequency shall be established taking into account the outcome of previous checks and any factors which may affect the efficiency of the stunning process.

When the outcome of the checks indicates that an animal is not properly stunned, the person in charge of stunning shall immediately take the appropriate measures as specified in the standard operating procedures drawn up in accordance with Article 6(2).

2. Where, for the purpose of Article 4(4), animals are killed without prior stunning, persons responsible for slaughtering shall carry out systematic checks to ensure that the animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding.

3. For the purpose of paragraphs 1 and 2, business operators may use checking procedures as described in the guides to good practice referred to in Article 13.

4. Where appropriate, in order to take account of the high level of reliability of certain stunning methods and on the basis of an opinion of EFSA, derogations from the requirements laid down in paragraph 1 may be adopted in accordance with the procedure referred to in Article 25(2).

Article 6

Standard operating procedures

1. Business operators shall plan in advance the killing of animals and related operations and shall carry them out in accordance with standard operating procedures.

2. Business operators shall draw up and implement such standard operating procedures to ensure that killing and related operations are carried out in accordance with Article 3(1).

As regards stunning, the standard operating procedures shall:

- (a) take into account the manufacturers' recommendations;
- (b) define for each stunning method used, on the basis of available scientific evidence, the key parameters set out in Chapter I of Annex I ensuring their effectiveness to stun the animals;
- (c) specify the measures to be taken when the checks referred to in Article 5 indicate that an animal is not properly stunned or, in the case of animals slaughtered in accordance with Article 4(4), that the animal still presents signs of life.

3. For the purpose of paragraph 2 of this Article, a business operator may use standard operating procedures as described in the guides to good practice referred to in Article 13.

4. Business operators shall make available to the competent authority their standard operating procedures upon request.

Article 7

Level and certificate of competence

1. Killing and related operations shall only be carried out by persons with the appropriate level of competence to do so without causing the animals any avoidable pain, distress or suffering.

2. Business operators shall ensure that the following slaughter operations are only carried out by persons holding a certificate of competence for such operations, as provided for in Article 21, demonstrating their ability to carry them out in accordance with the rules laid down in this Regulation:

- (a) the handling and care of animals before they are restrained;
- (b) the restraint of animals for the purpose of stunning or killing;
- (c) the stunning of animals;
- (d) the assessment of effective stunning;
- (e) the shackling or hoisting of live animals;
- (f) the bleeding of live animals;
- (g) the slaughtering in accordance with Article 4(4).

3. Without prejudice to the obligation set out in paragraph 1 of this Article, the killing of fur animals shall be carried out in the presence and under the direct supervision of a person holding a certificate of competence as referred to in Article 21 issued for all the operations carried out under his supervision. Business operators of fur farms shall notify the competent authority in advance when animals are to be killed.

Article 8

Instructions for the use of restraining and stunning equipment

Products marketed or advertised as restraining or stunning equipment shall only be sold when accompanied by appropriate instructions concerning their use in a manner which ensures optimal conditions for the welfare of animals. Those instructions shall also be made publicly available by the manufacturers via the Internet.

Those instructions shall in particular specify:

- (a) the species, categories, quantities and/or weights of animals for which the equipment is intended to be used;

- (b) the recommended parameters corresponding to the different circumstances of use, including the key parameters set out in Chapter I of Annex I;
- (c) for stunning equipment, a method for monitoring the efficiency of the equipment as regards compliance with the rules laid down in this Regulation;
- (d) the recommendations for maintenance and, where necessary, calibration of the stunning equipment.

Article 9

Use of restraining and stunning equipment

1. Business operators shall ensure that all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose.

Business operators shall draw up a record of maintenance. They shall keep those records for at least one year and shall make them available to the competent authority upon request.

2. Business operators shall ensure that during stunning operations appropriate back-up equipment is immediately available on the spot and is used in the case of failure of the stunning equipment initially used. The back-up method may differ from that first used.

3. Business operators shall ensure that animals are not placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

Article 10

Private domestic consumption

Only the requirements of Articles 3(1), 4 (1) and 7(1) shall apply to the slaughtering of animals, other than poultry, rabbits and hares, and the related operations outside of a slaughterhouse by their owner or by a person under the responsibility and supervision of the owner, for private domestic consumption.

However, also the requirements laid down in Article 15(3) and in points 1.8 to 1.11, 3.1 and, in as far as it refers to simple stunning, point 3.2 of Annex III shall apply to the slaughtering of animals, other than poultry, rabbits, hares, pigs, sheep and goats, outside of a slaughterhouse by their owner or by a person under the responsibility and supervision of the owner for private domestic consumption.

Article 11

Direct supply of small quantities of poultry, rabbits and hares

1. Only the requirements of Articles 3(1), 4(1) and 7(1) shall apply to the slaughtering of poultry, rabbits and hares on the farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat, provided that the number of animals slaughtered on the farm does not exceed the maximum number of animals to be established in accordance with the procedure referred to in Article 25(2).

2. The requirements laid down in Chapters II and III of this Regulation shall apply to the slaughtering of such animals when their number exceeds the maximum number referred to in paragraph 1 of this Article.

Article 12

Imports from third countries

The requirements laid down in Chapters II and III of this Regulation shall apply for the purposes of Article 12(2)(a) of Regulation (EC) No 854/2004.

The health certificate accompanying meat imported from third countries shall be supplemented by an attestation certifying that requirements at least equivalent to those laid down in Chapters II and III of this Regulation have been met.

Article 13

Development and dissemination of guides to good practice

1. Member States shall encourage the development and dissemination of guides to good practice to facilitate the implementation of this Regulation.

2. When such guides to good practice are drawn up, they shall be developed and disseminated by organisations of business operators:

- (a) in consultation with representatives of non governmental organisations, competent authorities and other interested parties;
- (b) having regard to scientific opinions as referred to in Article 20(1)(c).

**家畜の保護に関する法律(全ての家畜に適用)
フランス法の規定**

農事・漁業法典

R 214-63 à R 214-81
上記の EU 法の規定を確認

L 237-2 条

I.- The following shall be punishable by six months' imprisonment and a fine of €15,000:

- Slaughtering an animal outside of a slaughterhouse under unlawful conditions;
- Placing on the market products of animal origin, foodstuffs containing them, or animal feed, with the exception of medicated feed, without holding the required authorization, as the case may be, pursuant to Article L. 233-2 or Article L. 235-1, or when this authorization has been suspended;
- Intended for animal feed or the manufacture of animal feed, animal materials, whether processed or not, that are subject to restrictions or prohibitions;
- Placing on the market products of animal origin or foodstuffs containing them that are consigned or withdrawn from consumption, or transporting them without authorization issued by an official veterinarian.

L 215-11 条

Any person operating an establishment for the sale, grooming, transit, guarding, education, training, private security, surveillance, guarding, physical protection of persons or property employing canine officers or presenting pets to the public, a pound, a shelter, an establishment for the slaughter or transport of live animals or a breeding farm who practices or allows to be practiced unnecessarily ill-treatment towards animals placed in their care or who fails to comply with the prohibition provided for in Article L. 214-10-1 shall be punished by one year of imprisonment and a fine of €15,000.

一部の家畜に適用される特別の保護規定 一部の家畜に適用される特別の保護規定

採卵雞

2002 年 2 月 1 日省令

第 8 条

All caged rearing facilities must meet at least the following requirements:

1° Laying hens must have:

- at least 750 square centimeters of cage area per hen, including 600 square centimeters of usable area, provided that the height of the cage other than that above the usable area must be at least 20 centimeters at all points and that the total surface area of any cage may not be less than 2,000 square centimeters;
- a nest;
- litter allowing for pecking and scratching;
- suitable perches providing at least 15 centimeters per hen;
- a feeder that can be used without restriction and providing at least 12 centimeters per animal in the cage;
- an appropriate drinking system in each cage, taking into account, in particular, the size of the group; in the case of drinkers with connections, each hen must have access to at least two nipples or two cups; - appropriate devices to prevent excessive growth of the hens' claws.

2° To facilitate inspection, installation, and removal of animals, rows of cages must be separated by aisles at least 90 centimeters wide, and a space of at least 35 centimeters must be provided between the floor of the building and the cages in the lower rows.

肉用雞

2010 年 6 月 28 日省令

第 3 条

Requirements for the keeping of chickens.

1. All poultry houses must comply with the requirements set out in Annex I. All slaughtered batches shall be subject, at the slaughterhouse, to monitoring as provided for in paragraphs 2 and 3 of Annex III.

2. The maximum stocking density on a holding or in a poultry house within a holding shall not exceed 33 kg/m² at any time.

3. By way of derogation from paragraph 2, a higher stocking density is permitted, provided that, in addition to the requirements set out in Annex I, the owner or keeper complies with the requirements set out in Annex II and paragraph 1 of Annex III.

4. Where a derogation is granted under paragraph 3, the maximum stocking density on a holding or in a poultry house within a holding shall not exceed 39 kg/m² at any time. 5. Where the criteria set out in Annex V are met, the maximum stocking density referred to in paragraph 3 may be increased, but at no time shall it exceed 42 kg/m².

子牛

1994 年 1 月 20 日省令

第 3 条

All facilities constructed, rebuilt, or put into service for the first time from January 1, 1998 must meet the following requirements:

- no calf shall be confined in an individual pen after the age of eight weeks, unless a veterinarian certifies that its state of health or behavior requires that it be isolated for specific care. The width of any individual pen shall be at least equal to the calf's height at the withers, measured in a standing position, and the length shall be at least equal to the calf's length measured between the tip of the nose and the caudal surface of the tuber ischii (tip of the buttocks), multiplied by 1.1.

All individual calf pens (except those intended for the isolation of sick animals) must have openwork walls allowing direct visual and tactile contact between the calves; - For calves raised in groups, the space provided for each calf must be at least 1.5 square meters for each calf with a live weight of less than 150 kilograms, at least 1.7 square meters for each calf with a live weight of more than 150 kilograms but less than 220 kilograms, and at least 1.8 square meters for each calf with a live weight of more than 220 kilograms.



ウェビナーで話きれない事項についての追記:

Farm animals not benefiting from specific protection and the consequences of this legal gap on the fate of these animals

The case of rabbit farming: protected only by general provisions (1998 directive and 1982 decree, transport and slaughter regulations)

特別の保護規定がない畜産動物、たとえばウサギは畜産における動物保護に関する 1998 年 7 月 20 日欧州指令と 1982 年 10 月 25 日省令の一般規定でしか保護されません。

The case of farmed fish:

The 1998 Directive, although including them in its scope, actually excludes them from almost all of the protection rules it defines: the only obligation is contained in Article 3: "Member States shall ensure that owners or keepers take all appropriate measures to guarantee the welfare of their animals and to ensure that they do not undergo any unnecessary pain, suffering, or injury."

The Slaughter Regulation: For fish, only the general rules of Article 3 apply (**avoidance of avoidable pain, distress, or suffering**), physical comfort, and protection (animals kept clean and in adequate thermal conditions and protected against falling or slipping), protection from injury, not suffering from prolonged lack of feed or water; preventing avoidable interactions with other animals that could be detrimental to their welfare).

養殖の魚も同じで、特別の保護規定がないばかりか畜産における動物保護に関する 1998 年 7 月 20 日欧州指令の適用から外されます。

屠殺における動物保護に関する 2009 年 9 月 24 日欧州規則の第 3 条のみが適用され、水産業者は養殖の魚を殺すにあたり、不要な苦しみや傷みを与えない形で処理をする義務があります。

2. 動物を保護する法律の実施に関するフランスの制度

b) 動物保護法に違反した者に対する手続

違反者が処罰されるまで動物を保護する手続

農事・漁業法典 L 214-23 条

II.-Pending the judicial measure provided for in Article 99-1 of the Code of Criminal Procedure, the agents mentioned in I of Article L. 205-1 and in I of this article may order the seizure or removal of the animals and, depending on the circumstances of the offense and the urgency of the situation, entrust them to a third party, in particular to a foundation or an animal protection association recognized as being of public utility or declared, for a period which may not exceed three months or keep them in the custody of the person seized.

刑事訴訟法 99-1 条

When, during legal proceedings or the checks referred to in Article L. 214-23 of the Rural and Maritime Fishing Code, one or more live animals have been seized or

removed, for any reason whatsoever, the public prosecutor at the judicial court of the place of the offence or, when the matter is referred to him, the investigating judge may place the animal in a storage place provided for this purpose or entrust it to a foundation or an animal protection association recognised as being of public utility or declared. The decision shall mention the place of placement and shall be valid until a ruling has been given on the offence.



ウェビナーで話しきれない事項についての追記:

Specific provisions for the protection of animals used in shows

Law of November 30, 2021:

Ban on non-domestic animals in traveling circuses as of December 1, 2028,
Ban on the presentation of domestic and non-domestic animals in nightclubs,
Ban (except with exemption) on the presentation of non-domestic animals in shows, particularly variety and game shows,
Ban on the keeping of cetaceans in water parks and their breeding as of 2026,
Ban on pony rides (attractions allowing the riding of any type of equine, via a rotating, fixed tethering device depriving the animal of freedom of movement)

人間の娯楽のために使われる動物の保護に関する法律の規定について

2021年11月30日法により人間の娯楽に使われる動物の保護が強化され、サーカスでの野生動物使用、イルカショー、ナイトクラブや娯楽番組におけるペットの使用、ポニーライドが禁止されました。

Law of June 9, 2023, aimed at regulating commercial influence and combating influencer abuses on social media: ban on the promotion of goods, services, or any cause involving species whose possession is not authorized in France

→ no ban on advertising and film production

2023年6月9日に制定されたインフルエンサーによるSNS上での拡散行為を規制する法律では、フランスで所持が禁止されている動物をSNS上で掲示することを禁止していますが、この禁止規定は広告業者や映画製作者による動物の使用には適用されません。

Article 521-1 of the Penal Code: bullfights and cockfights are authorized in areas in France with an uninterrupted local tradition of these shows: otherwise, these shows constitute serious abuse and acts of cruelty.

闘牛について:フランスでは南仏の一部の都市(例えばニーム)で闘牛が地方の伝統文化としてまだ行われていますが、そうした例外を除いて闘牛はフランス刑法上 521-1 条の残酷・残虐行為を構成します。