



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Message 201

Communication from the Commission - TRIS/(2024) 2022

Directive (EU) 2015/1535

Notification: 2024/0296/DE

Forwarding of the response of the Member State notifying a draft (Germany) to request for supplementary information (INFOSUP) of European Commission.

MSG: 20242022.EN

1. MSG 201 IND 2024 0296 DE EN 04-09-2024 26-07-2024 DE ANSWER 04-09-2024

2. Germany

3A. Bundesministerium für Wirtschaft und Klimaschutz, Referat EB3

3B. Bundesministerium für Ernährung und Landwirtschaft

4. 2024/0296/DE - C90A - Well-being of animals and pets

5.

6. Request for additional information from the Commission – Notification 2024/0296/EN

The competent German authorities reply to the Commission's questions as follows:

Regarding question 1:

The video recordings in slaughterhouses of a certain size, as provided for in Section 4d of the draft law, must also capture persons handling live animals in order to fulfil their purpose. The purpose of video surveillance is to establish infringements and prevent future infringements of animal welfare legislation (cf. paragraph 1 of the draft). The recording of persons also serves this purpose, as any infringements in the handling of the animals are recorded, where appropriate. Paragraph 3 of the draft provides that video recordings are to be made in a manner suitable for the purpose and exhaustively lists the infringements to be recorded. The capture of persons shall be limited to the necessary extent, also by means of appropriate positioning and alignment of the cameras. The video surveillance checks provided for in paragraph 6 subparagraph 1 of the draft after initial installation and in the event of relevant modifications shall ensure that the requirements of paragraph 3 are met.

Regarding question 2:

In accordance with paragraph 4 first sentence of the draft law, the operator of a slaughterhouse has to store the video recordings of the last 30 days on which slaughters were carried out; plus delivering of the animals concerned if it was not made on the slaughter day. This retention period represents a balance of interests between the effective ability of the authorities to check and the personality rights of the persons recorded in the recordings. The authority must, in principle, view the recordings on a random basis and on a case-by-case basis (paragraph 5, first sentence). This checking approach implies that any animal welfare infringements recorded may not be part of the recordings evaluated in the sample. The chosen retention period of 30 days allows the authority to carry out a comprehensive inspection of the recordings on the basis of a specific reason and to identify any infringements from this time window. Such a reason may be, for example, a personal or external notice or an infringement detected in subsequent recordings, or a suspicion that requires the authority to consult the video recordings of previous slaughter days. The chosen retention period therefore allows the authorities to carry out risk-related checks as part of their human resources. By having video recordings of several slaughter days available, the authority is also able to detect repeated and systematic infringements. In particular, this will also allow the authority to issue orders to prevent future infringements. In order to establish infringements, it is also necessary that uniform operations are not separated. Therefore, the relevant date of delivery must also be stored if it is



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the day preceding the slaughter day.

Regarding question 3:

Section 4d(4), second sentence, of the draft law provides that the video recordings must be made available to the competent authority by the operator of the slaughterhouse on a daily basis for the purpose of checking. The wording has been deliberately chosen to be technology-neutral. This leaves room for manoeuvre with regard to possible technological developments and solutions that are suitable for individual businesses. The retrieval of the video recordings shall be carried out only by the competent authority. The latter may only retrieve, store and use the video recordings in accordance with Section 4d(5) second sentence, to the extent necessary to verify the existence of possible infringements of animal welfare legislation. Both slaughterhouse operators and competent authorities must comply with the data protection requirements of the General Data Protection Regulation (GDPR) and the Federal Data Protection Act when processing the video recordings. The direct applicability of Regulation (EU) 2016/679 is not affected by Section 4d of the draft law. Accordingly, the integrity and confidentiality of the data, as prescribed by the General Data Protection Regulation, must also be maintained by the slaughterhouse operator and the competent authority. In addition, in accordance with § 4d, paragraph 4, third sentence, the operator of the slaughterhouse has to keep records of the retrievals by the competent authority. The records of the retrievals must show the date and time of the retrievals, the name of the retrieving office and the data retrieved.

European Commission

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