



Legal regulations governing livestock production relevant to the integration of Hungary into the EU

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ABSTRACT

This study provides an outline of the acts and directives relevant to livestock production, from the aspects of environmental conservation (nature conservation) and the protection of animals. The first part of the study gives a brief overview of the environmental conservation-related aspects of the acts on livestock production and on animal health and hygiene, and also on the manufacture and marketing of animal feeds. In the second part the Act on the Protection of Animals and the associated directives are outlined. Lastly, the authors refer to the government directive relating to the safeguarding of protected animal species, the legal base for which was provided by the 1996 Act on Nature Conservation. This overview of the above laws leads to the conclusion that viewed from the aspect of legislation, there is no obstacle to the integration of Hungarian livestock production into that of the European Union.

(Keywords: European Union, integration, livestock production, environmental conservation, protection of animals)

ZUSAMMENFASSUNG

Rechtsregelungen in der Tierzucht im Hinblick auf die EU-Integration

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In dieser Studie wird ein Überblick gegeben über die mit der Tierzucht zusammenhängenden Gesetze und Regelungen vom Standpunkt des Umwelt-, Natur- und Tierschutzes aus. Im ersten Teil werden vom Umweltschutz her die Vorschriften und Gesetze in der Tierzucht, in der Tierhygiene, bei der Herstellung von Futtermitteln und deren Vermarktung dargestellt. Im zweiten Teil wird das Tierschutzgesetz mit den dazugehörigen Regelungen vorgestellt. Weiterhin wird die Regierungsanordnung über geschützte Tierarten erwähnt, deren Gesetzesgrundlage das Naturschutzgesetz von 1996 ist. Während der Untersuchung obiger Rechtsvorschriften kamen wir zu dem Schluss, dass es rechtlich gesehen keine Hindernisse gibt, die ungarische Tierzucht in die EU zu integrieren.

(Schlüsselwörter: Europäische Union, Integration, Tierzucht, Umweltschutz, Tierschutz)

INTRODUCTION

With respect to the integration of Hungary into the European Union outstanding importance is borne by agriculture (*Sántha, 1998; Szabó, 1999*).

A condition for full membership of the European Union for Hungary is the full and unreserved acceptance of the achievements attained by the community (*acquis communautaire*). In this respect, the provisions which are granted greater prominence are first and foremost those relating to the common internal market, with particular regard to the Common Agricultural Policy (*European Commission of the EU, 1995*).

At the same time, when the Single European Act took effect (*Tracy, 1994*) it became compulsory to take issues related to environmental conservation into account in the formulation of sectoral policies; the stipulations on the protection of animals are now also, due to the pressure applied by the influential non-governmental organisations, being granted increasingly greater attention (*Fekete, 1994*).

Hungary cannot avoid facing the above challenges, therefore, in the past few years highly intensive and productive legislative activity has been in progress in the interest of ensuring the existence of the appropriate laws complying with EU requirements.

The objective of this study is to provide an *overall outline* of the above laws for the benefit of specialists in animal breeding science, both from Hungary and from other countries. The list of references gives the pieces of legislation cited under their Hungarian titles, to facilitate orientation for those seeking more detailed information.

THE INCLUSION OF ENVIRONMENTAL CONSERVATION ASPECTS IN THE NEW ACTS RELATING TO LIVESTOCK PRODUCTION

According to data published by the Hungarian Central Statistics Office, (1999), livestock production accounts for 45 per cent of the gross output of agricultural products, and with respect to the collective export of agriculture and the food industry a proportion approaching the same dimension (38 per cent) is accounted for by exports of live animals and products of animal origin.

The above data provide unequivocal justification for the marked attention paid to livestock production in the past few years in the field of legislation.

The act on livestock production

The following are among the objectives of the act which took effect in early 1994 (*Mezőgazdasági és Élelmezésügyi Értesítő, 1993*):

- Breeding procedures applied in livestock production should meet the requirements with respect to the protection of the environment and of nature, the protection of animals, public health, market conditions, and animal health and hygiene.
- The genes and individual animals of breeds representing national assets should be preservable in the long term, as should (the) groups and the genetic diversity of such breeds.
- Adjustment and adaptation to international stipulations should be ensured.

The protected, indigenous breeds bear substantial genetic value, their preservation in their original state is in the national interest and is a task for the state. Due to their indigenous nature, any breeds developed in the natural geographic environment of Hungary should be regarded as protected animal species, as should those for which there is a historical tradition of keeping and breeding.

The Ministry of Agriculture and Rural Development is the entity primarily responsible for the accomplishment of this task, which it undertakes with the cooperation of the Ministry for the Protection of the Environment and other bodies. The state also provides financial resources to support endeavours towards this objective.

The act on animal health and hygiene

An important part of the law which came into force in July 1996 deals with the rendering harmless of the bodies of animals and animal waste (*Magyar Közlöny*, 1995b).

As the general rule livestock breeders themselves are obliged to ensure that the remains of dead animals, by-products of animal origin and animal-derived materials of no potential use are rendered harmless. On the other hand, the rendering harmless of animal waste matter produced in the course of the prevention, detection and elimination of certain animal diseases is a task for the state, the accomplishment of this falling under the responsibility of the district animal health stations authorised by the Ministry of Agriculture and Rural Development. In such cases the breeder receives compensation for animals which have died or have been slaughtered, and any animal waste materials produced are also rendered harmless at the expense of the state.

Should it not be possible to establish the identity of the owner of dead animals, the costs of rendering the remains harmless are borne by the relevant local authority.

Enterprises undertaking the task of rendering animal-derived waste harmless have to comply with strict conditions with respect to animal health and hygiene, public health and the protection of the environment.

The sphere of authority within animal health and hygiene of the Ministry of Agriculture and Rural Development includes a number of important powers with respect to animal feeds.

These include:

- the stipulation of the range of veterinary medicinal products which can legally be added to animal feeds;
- the granting of permission for the import of veterinary medicines;
- the issuing of licences for the marketing of new animal feeds containing extraneous animal feed supplements.

Finally, note should also be made of the fact that the above ministry, with contributions from the Ministry for the Protection of the Environment and the Ministry of Public Health, issues licences for the importation of animals produced through the application of gene manipulation procedures. Licences are also required for the production, testing, distribution or import of any animal feed or veterinary medicine manufactured by the use of genetically modified organisms.

The act on the manufacture and marketing of animal feeds

This act came into force in July 1996 (*Magyar Közlöny*, 1995a).

One of the important provisions of this act is that a precondition for the establishment of any new animal feed manufacturing plant is that all stipulations relating to the protection of the environment and to environmental health should be satisfied.

With respect to the stipulations relating to the packaging and labelling of animal feeds, mention should be made of the fact that the following information, among other details, must be displayed on the packaging or the label:

- the name and registration number of any medication added to an animal feed, together with the quantity of active agent added per unit weight of feed;

- in the case of animals producing food for human consumption, the relevant withdrawal time with regard to food hygiene;
- specifications for application with respect to work safety.

In its authoritative capacity the local appointed animal health station has the power to declare a feed unfit for animal consumption, or to restrict, attach conditions to or prohibit its use or distribution; furthermore, on consideration of the specifications relating to the conservation of the environment, this station may order the destruction of such a feedstuff.

THE ACT ON THE PROTECTION OF ANIMALS AND THE ASSOCIATED LEGAL RULES IN FORCE

Following debate spanning many years, both in professional circles and in society at large, in March 1996 the Hungarian National Assembly passed an act on the protection and care of animals, which took effect on 1st January this year (*Magyar Közlöny*, 1998a).

This act and the directives following it can be regarded as unquestionably in line with EU requirements, since the relevant EEC rulings were taken by the legislators as their base in the drafting of the respective provisions.

The act on the protection and care of animals

The objective behind the passing of this act was that it should contribute to the prevention of cruelty to individual animals and lead to a greater sense of responsibility with respect to the animal world, in an endeavour to ensure that animals are treated in a humane manner, and determine the fundamental ground rules for the protection of animals.

This act extends to cover a very wide range of animal species, but the provisions of its individual laws relate to game species suitable for hunting and fish species subject to fishing, and also to animal species under nature conservation safeguard.

In setting forth the *general regulations for the prevention of cruelty to animals* the legislators specify that livestock breeders are under obligation to proceed with the *circumspection of the good farmer*, and to ensure that living conditions appropriate to species, breed and physiological requirements of any animals kept are provided. Where livestock are kept for financial purposes *environmentally sound forms of technology* are to be given preference.

The legislators go on to set down a number of stipulations relating to the proper care of animals and the prohibition of cruelty to animals. (For example, animal fighting contests are prohibited.)

Slaughterhouse activity is governed by provisions of law of a circumspect nature.

Animal experiments are bound by the requirement for licences, the granting of which involves the providing of scientifically based justification for the necessity of the experiment. In the interest of finding alternatives for such animal experiments scientific procedures involving experiments on live animals should be applied, should any such procedure be available.

In connection with the *transport of animals* endeavours should be made to ensure that animals are not subjected to pain, suffering or injury in transit.

This act also deals with the general regulations for the establishment and maintenance of zoos, establishments providing accommodation for animals, and animal sanctuaries; here, the *fulfilling of staffing conditions* is granted particularly strong emphasis.

Finance for tasks within the field of animal protection is provided from three sources:

- the central budget;
- animal protection contributions;
- animal protection fines.

Directives associated with the act on the protection of animals

The *government directive dealing with the performing of animal experiments* (*Környezetvédelmi Értesítő, 1999a*) stipulates for what purposes (e.g. issues related to environmental conservation) animal experiments may be carried out, defines spheres of authority, and contains specifications relating to the care and accommodation of experimental animals.

For example, with respect to *livestock buildings* this government directive stipulates that the design of such buildings should enable the elimination, or at least restriction, of damage to the construction originating from the environment and damage to the environment derived from the operation of the building (infectious matter, smell, noise, waste matter, etc.).

This law specifies conditions in connection with the following factors relating to *livestock keeping sites*:

- air quality,
- temperature,
- humidity,
- lighting,
- noise levels,
- vibration and resonance,
- accommodation of the animals,
- feeding,
- the provision of water,
- littering.

In accordance with the *government directive on the animal protection fine* (*Környezetvédelmi Értesítő, 1999b*), since 1st April this year those who in the course of their activity, or in negligence in this, infringe the provisions of the law on animal protection and care, or the stipulations of authority rulings, are subject to payment of the animal protection fine. The amount of the fine incurred, which varies in accordance with the severity of the infringement and its possible repetition, ranges from five thousand to one hundred and fifty thousand Hungarian forints (between 20 and 600 Euros).

A government directive sets provisions for certain functions and the sphere of authority of *local authority notaries* in connection with the protection of animals and the registering of livestock (*Környezetvédelmi Értesítő, 1999c*).

With respect to the profitability of livestock production and its marketability on domestic and export markets, two ministerial directives bear particular significance.

The Minister for Agriculture and Rural Development has published *rules relating to the prevention of cruelty to animals in connection with the keeping of agricultural livestock* (*Magyar Közlöny, 1999b*).

The *general keeping conditions* for animals are laid down as follows.

- The physiological, behavioural and social requirements of the species in question must be taken into account.
- Animals should be cared for in a professionally competent manner.

- Animals should be provided with feed and water and cared for in a manner appropriate to the species, breed, level of development and physiological condition of the animals involved.
- Animals are not to be subjected to unnecessary pain, injury or suffering.

Appendix 1 of this directive contains the regulations relating to the keeping of calves, appendix 2 to pig keeping, appendix 3 to the keeping in cages of laying hens, appendix 4 to feather plucking, and appendix 6 to the intervention procedures which may be performed on agricultural livestock species without anaesthetic.

With regard to the specifications set out in appendices 1 and 3, producers have been given a 10-year period of grace.

At the same time as the passing of the above law the joint ministerial directive on *animal transportation* was issued (*Magyar Közlöny*, 1999c).

The *sphere of force of this directive* covers the transportation and delivery of vertebrates.

The stipulations of this directive *do not apply to*:

- transportation for non-commercial purposes, including the transport of animals kept for non-commercial purposes;
- transport over distances not exceeding 50 km;
- transportation for the purposes of itinerant grazing etc., carried out by livestock breeders by means of their own livestock transport vehicles.

Prior to transportation the party or individual organising transit must produce an *itinerary* in accordance with this appendix of the directive; this itinerary should be attached to the health certificate issued by the authorised veterinary surgeon. The times and places designated for feeding, watering and resting the animals should be indicated on the itinerary.

This directive outlines and stipulates the relevant requirements according to wider groups of species, and also according to means of transport (rail, road, sea or air).

The *accommodation requirements* of animals during transport are governed by a separate law passed in 1997; this directive merely contains certain supplements.

However, with regard to *intervals between feeding and watering breaks, duration of transit and rest periods* this directive specifies in detail the conditions to be met.

Mention should lastly be made of the fact that a joint ministerial directive relating to the regulations governing the breeding (i.e., reproduction), keeping and marketing of experimental animals has also been issued (*Magyar Közlöny*, 1999a).

THE GOVERNMENT DIRECTIVE RELATING TO THE PROTECTION, KEEPING, SHOWING AND USE OF PROTECTED ANIMAL SPECIES

In contrast with the points outlined in section 2, the legal base for this directive (*Magyar Közlöny*, 1998b) is provided by the 1996 act on the conservation of nature (*Magyar Közlöny*, 1996).

Activity connected with the various animal species and individual animals specified in this directive and which comes under the ruling of the directive may only be carried out by parties in possession of a *licence issued by the authorities*.

Licences are granted primarily to bodies involved in defined activity in the public interest, private individuals can obtain such a licence only under strictly defined conditions (relating to qualifications and practical experience).

Several appendices are attached to this directive; among these, the appendix stipulating the minimal conditions for the keeping of protected and highly protected animal species may lay claim to particular interest.

CONCLUSIONS

The main conclusions drawn by the authors and their recommendations are summarised below.

Firstly: The legislation of the 1990s in connection with livestock production and animal keeping features complex treatment of aspects relating to environmental conservation, animal health and hygiene and the protection of animals.

Secondly: The authors consider it an important objective that, alongside the various specialist subjects taught in higher education for agriculture, this body of knowledge relating to legislation should also increasingly be included in the teaching of law-related topics.

Thirdly: An expedient exercise would be to perform economic model calculations for the purpose of ascertaining what increase in costs would accompany compliance with the stipulations relating to environmental conservation and the protection of animals: that is, what long-term and short-term effects these specifications exert on profitability in livestock production. At the same time it would also be useful to perform calculations on the risks involved should Hungary fail to comply with the regulations in line with EU requirements.

Fourthly: Of the laws outlined in this study, a great deficiency is the lack of a manuring act of the type in force in Germany.

Fifthly: While in the field of animal health and the protection of animals the institutional authoritative system boasts an established tradition, the regional bodies concerned with agro-environmental conservation are still merely in the embryonic stage. The development and reinforcement of these is one of the most important conditions for the implementation of the Agro-Environmental Conservation Programme.

REFERENCES

- Európai Közösségek Bizottsága (1995). Közép- és Kelet-Európa társult országainak felkészülése az European Union egységes belső piacába történő integrációra. (*Fehér Könyv*) Brüsszel.
- Feketéné Horváth Á. (1998). Az EU állatvédelmi szabályozása. FM EU-integrációs sorozat, 12 füzet. Budapest.
- Környezetvédelmi Értesítő (1999a). A Kormány 243/1998. (XII.31.) Korm. rendelete az állatkísérletek végzéséről. 2. 58-65.
- Környezetvédelmi Értesítő (1999b). A Kormány 244/1998. (XII.31.) Korm. rendelete az állatvédelmi bírságról. 2. 65-66.
- Környezetvédelmi Értesítő (1999c). A Kormány 245/1998. (XII.31.) Korm. rendelete a települési önkormányzat jegyzőjének az állatok védelmével, valamint az állatok nyilvántartásával kapcsolatos feladat- és hatásköreiről. 2. 66-67.
- Központi Statisztikai Hivatal (1999). Mezőgazdasági termelés – 1998. Budapest Magyar Közlöny (1995a). 1995. évi XCII. törvény a takarmányok előállításáról és forgalomba hozataláról. 95. 5613-5617.
- Magyar Közlöny (1995b). 1995. évi XLI törvény az állategészségügyről. 95. 5599-5612.

- Magyar Közlöny (1996). 1996. évi LIII. törvény a természet védelméről. 53. 3305-3324.
- Magyar Közlöny (1998a). 1998. évi XXVIII. törvény az állatok védelméről és kíméletéről. 28. 2407-2414.
- Magyar Közlöny (1998b). A Kormány 8/1998. (I.23.) Korm. rendelete a védett állatfajok védelmére, tartására, bemutatására és hasznosítására vonatkozó részletes szabályokról. 3. 224-231.
- Magyar Közlöny (1999a). A földművelésügyi és vidékfejlesztési miniszter, a környezetvédelmi miniszter, valamint a gazdasági miniszter 36/1999. (IV.2.) FVM-KöM-GM együttes rendelete a kísérleti állatok tenyésztésének (szaporításának) tartásának, szállításának és forgalomba hozatalának szabályairól. 28. 2147-2149.
- Magyar Közlöny (1999b). A földművelésügyi és vidékfejlesztési miniszter 32/1999. (III.31.) FVM rendelete a mezőgazdasági haszonállatok tartásának állatvédelmi szabályairól. 27. 1919-1928.
- Magyar Közlöny (1999c). A közlekedési, hírközlési és vízügyi miniszter, valamint a földművelésügyi és vidékfejlesztési miniszter 13/1999. (IV.28.) KHVM-FVM együttes rendelete az állatszállításról. 35. 2564-2569.
- Mezőgazdasági és Élelmiszerügyi Értesítő (1993). 1993. évi CXIV. törvény az állattenyésztésről. 17. 562-570.
- Sántha A. (1998). Állattenyésztésünk helyzete, perspektívái és EU-konform fejlesztésének koncepciója. MTA Stratégiai Kutatások. Zöld Belépő sorozat, 11.
- Szabó G. (1999). Az agrár- és környezetpolitika összefüggései a gazdasági és a jogi szabályozás tükrében. MTA Stratégiai Kutatások. Zöld Belépő sorozat, 69.
- Tracy, M. (1994). Élelmiszertermelés és mezőgazdaság a piacgazdaságban (Food and agriculture in a market economy). PATE Georgikon Mezőgazdaságtudományi Kar, Keszthely.

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