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Articles

Studia Iuridica Lublinensia vol. 34, 1, 2025
DOI: 10.17951/sil.2025.34.1.259-281

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Legal Protection and Welfare of Farm Animals in Poland*

Ochrona i dobrostan zwierząt gospodarskich w Polsce

ABSTRACT

Owing to their intellectual capabilities and extraordinary adaptability skills, humans quickly became the dominant species and learned to subjugate and exploit animals. Relations between man and nature, and especially the attitude of a human being to animals, have been the object of philosophical and religious deliberations for centuries. The relationship between hunter-gatherers and natural resources on which life is dependent was initially in equilibrium, but later on people began to keep animals for their meat, milk, skin and their muscle strength, which was called "domestication". The right of humans to draw on animal resources has its limits. However, man got used to excessive exploitation of animals. This phenomenon is aggravated by intense animal husbandry and breeding. Farm animals were granted a legal status for the first time in the Polish legislation in 1997. In accordance with this status, their owner, keeper or user is obliged to respect their rights in the area of reproduction, breeding and slaughter. There are restrictions imposed on the use of farm animals and non-compliance results in criminal liability.

Keywords: legal protection; farm animals; Polish legislation; dereification; husbandry; breeding

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* Publication has been prepared as part of the research project titled "The Administrative Law Model of Animal Protection", covered by the application registered with the Funding Stream Support system administered by the National Information Processing Institute, as no. 2016/23/D/HS5/01820 and accepted for financing as part of the competition SONATA 12 held by the National Science Centre, Poland, under the decision of the Director of the National Science Centre in Kraków of 16 May 2017 (decision no. DEC-2016/23/D/HS5/01820, agreement no. UMO-2016/23/D/HS5/01820).

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INTRODUCTION

Since the dawn of time, the presence of animals near human settlements has compelled people to interact with them in various ways. Before people gained advantage over nature, they needed protection against its forces themselves: as hunters and gatherers, they often fell prey to predators. Nevertheless, owing to their intellectual capabilities and extraordinary adaptability skills, humans quickly became the dominant species and learned to subjugate and exploit animals.[1]

The relationship between man and nature, and especially the attitude of a human being to animals, has been the object of philosophical and religious deliberations for centuries. Animals sharing the hardships of everyday life with people and providing food played an important role already in prehistoric times, as evidenced by numerous cave paintings all over the world.[2]

Ł. Smaga notes that the relationship between hunter-gatherers and natural resources on which life is dependent was initially in equilibrium.[3] People killed and ate just enough to survive, and hardly ever disturbed the environment's ability to cope with temporary shortages. It was not until ca. 11,000 years ago in the Near East when people began to keep animals for their meat, milk, skin and their muscle strength, which was called "domestication".[4] The attitude of man towards animals changed radically, traditional hunting and gathering came to an end.

Pagans believed that nature was a force dominant over man, so they respected all living creatures. On the other hand, Christian thinkers concluded that animals did not have an immortal soul and considered them creatures devoid of intellect. They based their views on the Bible which, however, is not consistent in evaluation of man's attitude towards animals. The words: "Then God said: Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth"[5] – were interpreted in favour of man who became a mighty creature with power over all beings including animals,

[1] P. Listos, M. Dylewska, M. Gryzińska, *Rys historyczny prawnych aspektów ochrony weterynaryjnej zwierząt w Polsce*, "Przegląd Prawa i Administracji" 2017, vol. 108, p. 115.

[2] E. Sakowicz, *Znaczenie zwierząt w religiach świata*, "Forum Teologiczne" 2005, no. 6, p. 24.

[3] Ł. Smaga, *Ochrona humanitarna zwierząt*, Białystok 2010, p. 197.

[4] W. Tyrakowski, *Dzieje przymierza. Zwierzęta w służbie człowieka*, Warszawa 1969, p. 78; C. Patterson, *Wieczna Treblinka*, Opole 2003, p. 16, 38. Archaeological discoveries reveal that the first animal domesticated by man was a wolf which became the ancestor of a dog. This took place ca. 10,000–12,000 years BC. See J. Serpell, *W towarzystwie zwierząt. Analiza związków ludzie–zwierzęta*, Warszawa 1999, p. 105. The domestication process was going on quickly. Sheep and goat had been domesticated, followed by pig and cattle 7,000 years BC in Asia, then horse, donkey, camel and poultry, while a cat became a human companion 1,000–2,000 years BC in Egypt. See M. Gabriel-Węglowski, *Przestępstwa przeciwko humanitarnej ochronie zwierząt*, LEX/el. 2009.

[5] Genesis 1:26. See *Biblia Tysiąclecia*, Poznań 2003.

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and was entitled to exploit them freely in pursuance of the eternal life.[6] Extreme anthropocentrism prevailed over the views proclaiming equality of all creatures as elements of the divine plan. As indicated by the Book of Exodus, the words: "Six days you shall do your work, but on the seventh day you shall rest, that your ox and your donkey may have rest" – point out that God did not permit unlimited exploitation of animals and made man obliged to provide animals with at least minimum care.[7] It was not until the 20th century when Christianity's attitude towards animals changed. A major role in this respect was played by John Paul II in the context of Christian philosophy. He pointed to the fact that the words in the Book of Genesis about man's unlimited power over the world were interpreted wrongly. He condemned reckless and arbitrary management of the Earth and attempts to transform God's creation, and was strongly opposed to exploitation of nature for man's own purposes.[8]

The right of man to draw on animal resources has its limits. This right should be exercised to fulfil only genuine needs, bearing in mind respect for animals as creatures capable of suffering and a necessity to preserve the animal world intact for future generations.[9] However, man got used to excessive exploitation of animals, both those living in the wild and kept by people. This phenomenon is aggravated by intense animal husbandry and breeding.[10]

RESEARCH AND RESULTS

The main method used in the article is primarily the legal dogmatic method. It has been used to analyse and assess the legal regulation regarding protection of farm animals in Poland, including the divisions made into types and purposes of farm animals' protection and the methods and conditions provided for its husbandry and breeding. As an auxiliary tool, the legal theoretical method was used, aimed at the assessment, in the light of the theory of administrative law, detailed conditions of keeping farm animals binding on owners and keepers of animals, farmers, breeders

[6] J. Białocerkiewicz, *Status prawny zwierząt. Prawa zwierząt czy prawna ochrona zwierząt*, Toruń 2005, p. 24.

[7] Exodus 23:12.

[8] J. Białocerkiewicz, *op. cit.*, p. 41.

[9] J.R. Mroczek, *Dobrostan zwierząt jako element retardacji przekształcania zasobów w produkcji zwierzęcej*, "Inżynieria Ekologiczna" 2013, no. 34, p. 181; S.J. Kraham, *Environmental Impacts of Industrial Livestock Production*, [in:] *International Farm Animal, Wildlife and Food Safety Law*, eds. G. Steier, K.K. Patel, Cham 2017, pp. 4–14.

[10] E. Jachnik, *Zasada dobrostanu zwierząt we Wspólnej Polityce Rolnej Unii Europejskiej*, "Studia Iuridica Lublinensia" 2017, vol. 26(1), p. 288. See also L. Bollard, *Global Approaches to Regulating Farm Animal Welfare*, [in:] *International Farm Animal…*, pp. 84–88; E.N. Eadie, *Understanding Animal Welfare*, Berlin–Heidelberg 2012, pp. 19–31.

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and staff dealing with animals; ways and conditions of using animals for work; establishing the identity of particular animals, including one of the most significant areas of animal protection is the issue of animal slaughter.

1. Legal determinants of farm animal welfare

The use of animals is focused primarily on obtaining animal products but may also consist in deriving other benefits. The category of utility animals encompasses various species of wild and domesticated animals, including animals kept at farms or caught among those living in the wild for the purpose of reaping financial profits and meeting everyday needs of a human.[11] Utility animals are primarily various species of farm animals, such as cattle, horses, sheep, pigs, goats, fur animals, poultry, but also pets and game animals. Farm animals are the most economically significant utility animals, as they are kept for the purpose of obtaining basic products of animal origin.[12]

The welfare issue is primarily related to farm animals. The basic principles of animal welfare were put forward already in 1965 by Professor R. Brambell[13] and were included into the Farm Animal Welfare Code in 1979 by the Farm Animal Welfare Council (FAWC).[14] In 1992, the FAWC published the so-called Five Freedoms referring to animal welfare, which comprised the rules of handling animals (the conditions necessary to meet the basic welfare requirements): 1) freedom from hunger and thirst, by access to fresh water and feed to maintain health and vigour; 2) freedom from discomfort, by providing an appropriate environment, including shelter and comfortable rest; 3) freedom from pain, injury and disease, by providing proper care, prevention, rapid diagnosis and treatment; 4) freedom from fear and distress, by eliminating stressors and unnecessary suffering; 5) freedom to express normal behaviour, by providing sufficient space and social contact. Ethological

[11] Depending on the way animals are used and the type of product obtained from them, we can distinguish their use for meat, milk, wool, reproduction, egg laying, work and leisure (additionally also for fur, pulling, load carrying, riding). See S. Mroczkowski, A. Frieske, *Regulacje użytkowania zwierząt*, Bydgoszcz 2016, pp. 5, 17–25.

[12] The most important of them are meat, fat, milk, eggs, honey, wool, skin, fur, feathers, silk.

[13] Her Majesty's Stationery Office, *Report of the Technical Committee to Enquire into the Welfare of Animals Kept under Intensive Livestock Husbandry Systems*, Command Report 2836, quoted after M. Budzyńska, *Współczesne zagadnienia w badaniach i nauczaniu dobrostanu zwierząt*, "Wiadomości Zootechniczne" 2015, no. 1, p. 58. The animal welfare issue is analyzed in detail by R.P. Haynes, *Animal Welfare: Competing Conceptions and Their Ethical Implications*, Dordrecht 2008, pp. 71–129.

[14] Farm Animal Welfare Council, *Press Statement*, https://webarchive.nationalarchives.gov.uk/ukgwa/20121007104210/http:/www.fawc.org.uk/pdf/fivefreedoms1979.pdf (access: 25.3.2025).

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factors are important tools to determine the welfare level, mainly with respect to behavioural comfort.[15]

Apparently, the animal welfare principle has a special position in the value system of the European legislator. This principle was incorporated into European law pursuant to the Treaty of Lisbon and now it is expressed in Article 13 of the Treaty on the Functioning of the European Union.[16] M. Górski puts forward a thesis that the TFEU structure itself points to the significance of the discussed rule, as it is placed in the section dedicated to general principles which, on the one hand, formulate the main values of the legislator and, on the other hand, specify the goals which the European Union intends to implement.[17] Pursuant to the TFEU, the European Union and Member States, establishing and implementing e.g. the Common Agricultural Policy, should definitely take into account the animal welfare requirements.[18] The main presumption and determinant of the animal welfare principle is the idea of dereification.[19]

Protocol IV on Protection and Welfare of Animals annexed to the Treaty of Amsterdam of 1997 includes a statement of the contracting parties (EU Member States) that they wish to ensure improved protection and respect for the welfare of animals as sentient beings. The text of the Treaty contains an obligation of the Member States to pay full regard to the welfare requirements of animals, while respecting the legislation and customs relating in particular to religious rites, cultural traditions and regional heritage.[20]

Among the regulations relating directly to farm animals, we should mention the European Convention for the Protection of Animals Kept for Farming Purposes, the final text of which was drawn up in March 1976,[21] and Council Directive No.

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[15] M. Budzyńska, *Naukowe i edukacyjne aspekty etologii stosowanej*, "Przegląd Hodowlany" 2011, no. 12, pp. 22–23.

[16] Journal of Laws 2004, no. 90, item 864/2, as amended, hereinafter: TFEU.

[17] M. Górski, J. Miłkowska-Rębowska, *Art. 13*, [in:] *Traktat o funkcjonowaniu Unii Europejskiej. Komentarz*, vol. 1: *Art. 1–89*, eds. D. Miąsik, N. Półtorak, A. Wróbel, LEX/el. 2012, p. 261.

[18] E. Jachnik, *Zasada…*, p. 290.

[19] E. Łętowska, *Dwa cywilnoprawne aspekty praw zwierząt: dereifikacja i personifikacja*, [in:] *Studia z prawa prywatnego. Księga pamiątkową ku czci Profesor Biruty Lewaszkiewicz-Petrykowskiej*, Łódź 1997, pp. 71–72; A. Habuda, W. Radecki, *Przepisy karne w ustawach o ochronie zwierząt oraz o doświadczeniach na zwierzętach*, "Prokuratura i Prawo" 2008, no. 5, p. 21; E. Herbut, J. Walczak, *Dobrostan zwierząt w nowoczesnej produkcji*, "Przegląd Hodowlany" 2017, no. 5, p. 3 ff.; I. Lipińska, *Z prawnej problematyki dobrostanu zwierząt gospodarskich*, "Przegląd Prawa Rolnego" 2015, no. 1, p. 64 ff.; M.E. Szymańska, *Livestock Welfare – Legal Aspects*, [in:] *Legal Protection of Animals*, eds. E. Kruk, G. Lubeńczuk, H. Spasowska-Czarny, Lublin 2020, pp. 177–188.

[20] M. Gabriel-Węglowski (*op. cit.*) claims that the discussed document protects animal welfare at the highest legislative level of the European Union, as it confirms that animals are sentient beings, which is the *ratio legis* of humane protection of animals.

[21] European Convention for the Protection of Animals Kept for Farming Purposes, drawn up in Strasbourg on 10 March 1976 (Journal of Laws 2008, no. 104, item 665).

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98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes.[22] The Convention stipulates that animals should be provided with appropriate living conditions, in accordance with the current scientific knowledge of their psychological and ethological needs, having regard to their species and to their degree of development and domestication. For example, it is forbidden to use any methods of feeding and watering of animals which cause unnecessary suffering.

Directive 98/58/EC sets out the minimum standards of farm animal protection in the European Community. It does not apply to animals living in the wild, those intended for use in shows, cultural or sporting events, experimental and laboratory animals, and invertebrates. The Directive imposes on EU Member States the requirement to introduce regulations obligating owners and keepers of farm animals (including fish, reptiles and amphibians) to provide them with such living conditions which do not cause them unnecessary suffering, pain or injury. The Annex contains detailed regulations concerning competence of staff, regular inspection of animal welfare, record keeping, freedom of animal movement, buildings and accommodation, animals not kept in buildings, equipment operation, feeding and watering, mutilation and prohibition on some breeding procedures.

Along with the aforementioned regulations of a general character pertaining to farm animals, the Council issued three detailed directives: Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens,[23] Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves[24] and Directive 2001/88/EC of 23 October 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs,[25] and on 28 June 2007 the Directive laying down minimum rules for the protection of chickens kept for meat production.[26]

The issues concerning legal protection of farm animals, which are an important part of the substantive administrative law, are regulated in several domestic laws in Poland. We should mention here in particular: Act of 21 August 1997 on the protection of animals,[27] Act of 16 April 2004 on the protection of nature,[28] Act of 29 June 2007 on the organization of farm animal breeding and reproduction,[29] Act of 22 June 2001 on genetically modified organisms,[30] Act of 27 April 2001 – Envi-

[22] OJ L 221/23, 8.8.1998.
[23] OJ L 203/53, 3.8.1999.
[24] OJ L 340/28, 11.12.1991.
[25] OJ L 316/1, 1.12.2001.
[26] OJ L 182/19, 12.7.2007.
[27] Consolidated text, Journal of Laws 2020, item 638, as amended, hereinafter: APA.
[28] Consolidated text, Journal of Laws 2020, items 55, 471, 1378, as amended.
[29] Consolidated text, Journal of Laws 2017, item 2132, as amended, hereinafter: AOFABR.
[30] Consolidated text, Journal of Laws 2021, item 117, as amended.

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ronmental Protection Law,[31] Act of 29 January 2004 on Veterinary Inspection,[32] Act of 11 March 2004 on the protection of animal health and on combating infectious diseases of animals,[33] Act of 18 December 2003 on health facilities for animals,[34] Act of 13 April 2007 on preventing and repairing damage to the environment,[35] Act of 19 December 2014 on sea fishing,[36] Act of 18 April 1985 on inland fishing.[37]

2. Farm animals and their protection

The character of animal protection varies considerably due to different roles played by animals in the environment and depending on the way they are used and handled by people.[38] Some species are kept until their natural death (e.g. pets or animals kept as an attraction in zoos), whereas others are destined to lose their lives earlier. The latter include farm animals which may have to be slaughtered to be used.[39]

The regulation in Article 2 (1) to (3) AOFABR[40] specifies that farm animals include: equidae (horse and donkey); cattle and buffalo; deer (red deer, sika deer and fallow deer – kept at farms to provide meat or skin, if they originate from closed husbandry or breeding referred to in the Hunting Law, or farm husbandry or breeding); poultry (hen, duck, Muscovy duck, goose, swan goose, turkey, Japanese quail, guineafowl and farmed ostrich); pig, sheep, goat, honey bee, and fur animals (red fox, polar fox, American mink, polecat, racoon dog, coypu, chinchilla, rabbit), kept for the purpose of supplying products for fur, meat and textile industries.[41]

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[31] Consolidated text, Journal of Laws 2020, items 1219, 1378, 1565, 2127, 2338, as amended.

[32] Consolidated text, Journal of Laws 2021, item 306, as amended.

[33] Consolidated text, Journal of Laws 2020, item 1421, as amended.

[34] Consolidated text, Journal of Laws 2019, item 24, as amended.

[35] Consolidated text, Journal of Laws 2020, item 2187, as amended.

[36] Consolidated text, Journal of Laws 2020, items 277, 285, as amended.

[37] Consolidated text, Journal of Laws 2019, item 2168, as amended.

[38] P. Paleń, *Wybrane aspekty prawne ochrony zwierząt gospodarskich*, "Kortowski Przegląd Prawniczy" 2017, no. 2, p. 2.

[39] M. Goettel, *Sytuacja zwierzęcia w prawie cywilnym*, Warszawa 2013, p. 224; L. Bisgould, *Overview of Animal Life in Industrial Agriculture*, [in:] *Animals and the Law*, Toronto 2011, pp. 168–171.

[40] The AOFABR regulates issues connected with breeding, preservation of genetic resources, evaluation of use value and breeding value, keeping breeding books and registers, as well as supervision of breeding and reproduction of farm animals (Article 1 AOFABR). It is a set of regulations enacted for the purpose of improving hereditary qualities (genotype) of farm animals and, as a result, their use value and breeding value. Use value should be understood as "a measurable feature or a set of features of a farm animal, significant in terms of husbandry" (Article 2 (8) AOFABR), whereas breeding value is a genetically conditioned ability of a farm animal to pass a given feature or features to its offspring.

[41] Despite the fact that the list seems exhaustive and clear, identification of designata of the "farm animal" concept is not always easy. This is exemplified by the traditional Christmas carp. This fish does not fall into any category specified in Article 2 APA, at least from the purely grammatical per-

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In the past, farm animals traditionally included these species of birds and mammals which were fully domesticated and were entirely submitted to man in terms of husbandry and breeding methods.[42] Within the understanding of the APA, classification into the group of farm animals depends on the fact whether breeding and organization of reproduction of a given species are regulated by law.[43] A. Majewski deems it incorrect to regard as farm animals only those species which are enumerated in the AOFABR. He considers it justifiable to adopt the criterion of an animal's relationship with a farm.[44] Council Directive 98/58/EC defines a farm animal as any animal bred or kept for the production of food, wool, skin or fur or for other farming purposes.

A breeding animal is a farm animal which has been entered or registered (or is eligible to be entered or registered) in a breeding book or register; its parents or grandparents have been entered in a breeding book or registered in such a book or in a register of the same breed or breeds, or a breeding line; and its use has been envisaged in a breeding programme for a given breeding book or register. Pursuant to Article 2 (13) AOFABR, a breeding book is a book, a file or a data carrier into which breeding animals are entered (equidae are also registered), along with information about their breeders, owners, origin and results of evaluation of their use value or breeding value, kept by an association of breeders or other entity approved or granted consent by the minister competent for agriculture.[45] Among breeding animals, we can distinguish so-called purebred animals. These are animals which have at least two generations of ancestors entered in a breeding book.[46]

In Article 12 APA, breeding animals (farm animals) were granted a legal status for the first time in the Polish legislation. In accordance with this status, their owner, keeper or user is obliged to respect their rights in the area of reproduction,

spective, and this pertains especially to carp living in a fish breeding pond. This is not a farm animal – the aforementioned legal definition does not include carp or other fish. However, it is possible to attempt to include this fish in the category of farm animals, bred at farms, by referring to the Inland Fishing Act and applying the functional interpretation. The notion of "an animal" and the legislator's inconsistencies in this area are discussed by M. Gabriel-Węglowski (*op. cit.*). Additionally, it is worth emphasizing that the legislator enumerates animals typical of our latitude. See I. Lipińska, *Z prawnej problematyki ochrony zasobów genetycznych zwierząt gospodarskich*, "Przegląd Prawa Rolnego" 2015, no. 2, p. 188.

[42] S. Mroczkowski, A. Frieske, *Prawna ochrona zwierząt gospodarskich*, Bydgoszcz 2015, p. 29.

[43] Ł. Smaga, *op. cit.*, p. 199.

[44] A. Majewski, *Ochrona humanitarna zwierząt gospodarskich*, "Acta Elbingensia" 2004, vol. 2, pp. 270–274. The author indicates that, in practice, animals not mentioned in the AOFABR are also kept at farms as sources of income, e.g. pigeons or Roman snails.

[45] Detailed issues related to keeping of books are specified in a regulation of the minister competent for agriculture.

[46] S. Mroczkowski, A. Frieske, *Prawna…*, p. 30; iidem, *Regulacje…*, p. 31.

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breeding and slaughter. There are restrictions imposed on the use of farm animals and non-compliance results in criminal liability.[47]

Protection of farm animals can be divided into three main types: humane, conservative and functional.[48] The first type refers to a manner of conduct and general behaviour of man towards animals. In particular, it specifies which actions should be taken to prevent infliction of unnecessary pain and suffering on animals. On the other hand, conservative protection is based on various actions aimed at saving endangered species and those threatened with extinction. Moreover, it comprises efforts to preserve breeds and varieties of animals which are identified as rare both in Poland and globally. The third type of protection (functional) consists in maintaining animal resources in the form of precisely specified population sizes of particular farm animal species and managing them in such a way as to satisfy human demand for animal products. The above-mentioned forms of farm animal protection are not mutually exclusive; on the contrary, they are applied together in harmony. Furthermore, these types of protection complement each other, which can be exemplified by an obligation to provide veterinary care, which is an important element of all these types.[49]

3. Husbandry and breeding of farm animals in the light of legal regulations

The rational use and upkeep of farm animals are implemented in the form of husbandry and breeding. Article 12 APA clearly differentiates between husbandry and breeding. In specialist literature, animal husbandry means a set of procedures (feeding, nurturing, health care, etc.) which keep farm animals in a condition aimed at obtaining certain products from them (milk, meat, eggs, wool, etc.), their work or other benefits; whereas breeding is defined as a set of procedures (selection, mating, cross-breeding, etc.) intended to improve use value and breeding value of farm animals.[50] Pursuant to Article 2 AOFABR, animal husbandry is understood as a set of measures undertaken by man in order to exploit fully the genotype values of animals for the purpose of obtaining certain products from them (e.g. milk, eggs, wool or meat). Furthermore, husbandry comprises upkeep, nurturing, reproduction,

[47] M. Mozgawa, *Prawnokarna ochrona zwierząt*, Lublin 2001, p. 28.

[48] S. Mroczkowski, A. Frieske, *Prawna…*, p. 5.

[49] *Ibidem*.

[50] L. Zimny, *Mały leksykon rolniczy*, Warszawa 1995, p. 21, 41, quoted after W. Radecki, *Ustawa o ochronie zwierząt. Komentarz*, Warszawa 2012, p. 110. In order to introduce animal husbandry technologies which have not been used in the Republic of Poland so far, it is necessary to obtain a special permit certifying that a given technology complies with the requirements specified in the APA. Pursuant to Article 13 APA, this permit is issued in the form of an administrative decision by the province marshal competent for the applicant's place of residence or registered office.

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using, feeding and raising of the young. Depending on the goal of husbandry, we can distinguish, e.g., utility animals, pets and companions and laboratory animals.[51]

According to the legal definition of animal breeding (Article 2 (4) AOFABR), it is a set of procedures aimed at improving hereditary qualities (genotype) of farm animals, including evaluation of use value and breeding value of farm animals, as well as selection of animals for mating in the conditions of proper husbandry. As opposed to animal husbandry, animal breeding leads to changes in gene frequency and genotypes in the herd.[52] Article 12 (2) APA stipulates that the conditions of husbandry and breeding must not cause harm, body injuries or other suffering of animals.

The use of animals by man has aroused much controversy for a long time. It raises economic, ecological and moral doubts.[53] Due to the mass character of breeding, the way of using farm animals (for meat, skin, fur, milk and other products) is particularly significant from the perspective of evaluation of humane animal protection standards.[54]

The regulation in Article 12 APA stipulates that everyone who keeps farm animals is obliged to provide them with care and appropriate living conditions. The scope of this care depends on the type of animal husbandry – based on pasture, pasture and barn, or industrial.[55] Pasture-based husbandry depends largely on natural conditions. Along with climate and water, the lie of the land plays an important role. As regards feeding the animals, pasture and pasture-barn husbandry are based on grazing and feed produced at one's own farm. On the other hand, husbandry in breeding farms takes place indoors, with partial or full mechanization, while feed for animals typically comes from outside the breeding farm.

Intensive husbandry, aimed at obtaining a large number of products in ever shorter time and smaller space, is currently dominant in Europe and North America.[56] The major problem is connected with husbandry conditions which differ significantly from natural ones. The APA introduces strict rules in some cases, e.g. a prohibition on force-feeding of geese and ducks for foie gras (Article 12 (4)

[51] S. Mroczkowski, A. Frieske, *Prawna…*, p. 9.

[52] Iidem, *Regulacje…*, p. 38.

[53] For example, see J. Szymonowicz, *Życie warte 3 grosze?*, "Oikos" 2005, no. 2, pp. 6–7; J. Boć, E. Samborska-Boć, *W sprawie ochrony zwierząt gospodarskich i domowych*, [in:] J. Boć, K. Nowacki, E. Samborska-Boć, *Ochrona środowiska*, Wrocław 2008, pp. 263–264.

[54] Ł. Smaga, *op. cit.*, p. 198.

[55] G. Rejman, *Ochrona prawna zwierząt*, "Studia Iuridica" 2006, vol. 46, p. 268.

[56] A. Moses, P. Tomaselli, *Industrial Animal Agriculture in the United States: Concentrated Animal Feeding Operations (CAFOs)*, [in:] *International Farm Animal…*, pp. 185–189. It is also practised in Australia. For example, see J. Goodfellow, *Regulatory Captured the Welfare of Farm Animals in Australia*, [in:] *Animal Law and Welfare – International Perspectives*, eds. D. Cao, S. White, Cham 2016, pp. 195–229.

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APA);[57] a ban on keeping calves older than 8 weeks in separate stalls and tethered, except for feeding times but not longer than one hour (Article 12 (4a) APA); a prohibition on placing animals in spaces not complying to the requirements for a given species, age and physiological condition (Article 12 (5) APA); a ban on importing animals and animal products obtained as a result of husbandry or breeding which infringe the regulations of the APA (Article 12 (6) APA). The aforementioned prohibitions are sanctioned by criminal, not administrative, liability.

Detailed conditions of keeping farm animals can be divided into three categories: providing appropriate care, proper living conditions and protection against negative consequences of breeding.[58] In view of the need to ensure appropriate care and living conditions for animals and the influence of these conditions on their health and welfare, the minister competent for agriculture specifies in the regulation the requirements and procedures for keeping farm animal species for which protection standards have been set out in EU laws.[59] Appropriate care takes into account needs of animals, including: natural feeding,[60] access to water, nurturing, caring for sick and injured animals, rest and regeneration for working animals. Proper living conditions are specified by the legislator in Article 4 (15) APA as "providing an animal with such existence which fulfils the needs of a given species, breed, sex and age".[61] The legislator is not opposed to keeping animals in buildings for livestock (with exceptions),[62] and if they are kept outdoors, they have to be protected against rough weather and predators. Paragraph 4 (2) (1) to (3) of the Regulation of the Minister of Agriculture and Rural Development of 15 February 2010 stipulates that animals (calves, pigs, laying hens, broiler chickens) should be kept in the conditions which are harmless to their health and do not cause wounds, body

[57] A view of J. Białocerkiewicz (*op. cit.*, p. 261) that such practices should be regarded as torture is widely acceptable in literature.

[58] Ł. Smaga, *op. cit*., p. 204.

[59] Regulation of the Minister of Agriculture and Rural Development of 15 February 2010 on the requirements and procedures for keeping farm animal species for which protection standards have been set out in EU Laws (Journal of Laws 2010, no. 56, item 344).

[60] The issues of feeding animals and foodstuffs are regulated, e.g., by the provisions of the Regulation (EC) No. 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No. 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229/1, 1.9.2009), the Act of 22 July 2006 on feed (Journal of Laws 2006, no. 144, item 1045, as amended); the Regulation of the Minister of Agriculture and Rural Development of 23 January 2007 on the list of prohibited substances (Journal of Laws 2007, no. 18, item 110).

[61] For example, in the judgment of 14 April 2016 (V KK 458/15, LEX no. 2021678) the Supreme Court adjudicates that keeping animals in inappropriate conditions is tantamount to animal cruelty.

[62] They pertain to polar fox, red fox, racoon dog, mink and polecat.

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injuries and suffering; ensure freedom of movement and especially an opportunity to lie down and get up, and to have eye contact with other animals.[63]

Animal welfare depends on providing them with protection and care. The regulations concerning farm animal protection are binding on owners and keepers of animals, farmers, breeders and staff dealing with animals. Moreover, animals should be taken care of by a sufficient number of competent staff. According to Article 12a (1) APA, the owner of a hen house where broiler chickens are kept is obliged either to take care of them on his/her own or to ensure that the animals are taken care of by properly trained people.[64] Furthermore, in Article 12 (6a) APA the legislator imposes on an animal keeper a duty to store for 3 years veterinary documentation concerning medical treatment, veterinary procedures carried out and animal deaths.

Owing to their strength or capabilities, animals are frequently used for work. In accordance with Article 14 (1) APA, the ways and conditions of using animals for work must not pose an unjustified threat to their life and health, or inflict suffering on them. This regulation first describes the consequences which are supposed to result in particular from the ways of human behaviour listed in Article 14 (2) (1) to (6) APA. It means that the APA does not enumerate exhaustively all manners of unlawful behaviour, but gives some examples. Other behaviour shall also fall under this regulation when it results in unjustified threat to an animal or its suffering.[65]

It is important to be aware that – on the basis of life experience – work performed by an animal can result in a risk to its life and health, but then the risk is justified. However, it should always be checked whether the risk does not go beyond the established standards. Nevertheless, it cannot be claimed in any case that infliction of suffering on animals is justified.[66]

In Article 14 (2) (1) to (6) APA the legislator states that it is prohibited to overload animals; to use sick or undernourished animals for work; to use harnesses, bits, trapping, saddlebags, horseshoes, vehicles and tools which, due to their poor technical condition or improper design, may cause injury or death of an animal; to

[63] The conditions of keeping animals (e.g. temperature, air humidity, dust, noise, light, quality of flooring and resting places) are discussed in a study by K. Pawlak, M. Swadźba-Karbowy, *Ocena warunków utrzymania – istotny wskaźnik dobrostanu zwierząt*, [in:] *Dobrostan zwierząt. Różne perspektywy*, ed. H. Mamzer, Gdańsk 2018, pp. 273–293. See also, e.g., A. Borowska, M. Lorenc, A. Niedźwiedź, H. Borowicz, Z. Jaworski, T. Szwaczkowski, *Warunki utrzymania a dobrostan koni*, [in:] *Dobrostan zwierząt…*, pp. 345–356.

[64] Detailed provisions concerning this issue are contained in the Regulation of the Minister of Agriculture and Rural Development of 24 November 2009 on the personnel, organizational and technical conditions that should be met by an entity authorized to conduct training in the scope of regulations concerning the protection of broiler chickens, and the template of the certificate of completion of training (Journal of Laws 2009, no. 210, item 1620).

[65] G. Rejman, *op. cit.*, p. 271.

[66] W. Radecki, *op. cit.*, p. 123.

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use objects or tools for urging on animals which may cause mutilation of an animal, to force load-pulling animals to an exhaustive trot or gallop; and to use horses aged below five for wood logging. Similarly to the prohibitions discussed before, these bans are sanctioned by criminal, not administrative, liability.[67]

Overloading of animals is defined in Article 4 (10) APA as forcing an animal into excessive effort unsuitable to its physical capabilities due to the animal's actual condition and health. Overloading mostly affects draught animals, such as horses. They are used less and less frequently in agriculture and transport, but a horse-drawn cart is still in use wherever technical equipment cannot be applied yet. An example is carting of wood cut down in the mountains. Nowadays, animals, including horses, are increasingly used for recreational or even therapeutic purposes. In this case, animals make the same movements within a given area, without a break and proper rest, for many hours a day.[68]

An animal used for work should be healthy and properly nourished. Neglect of these duties towards an animal constitutes an infringement of the animal handling rules specified in the provisions of the APA. These duties also result from the very fact of owning an animal, because a human is obliged to take care of it. These obligations pertain even more to people who use animals for work.[69] It happens that sick and undernourished animals are used for strenuous transport work. Moreover, there are cases of purchasing animals in poor condition so that the owner can receive money from insurance after the animal's quick death.[70]

Due to their technical condition or improper design, harnesses, bits, trapping, saddlebags and horseshoes may cause bodily injury or even death of an animal. The use of such tools is an offence of a substantive character. The statutory features of this offence include, apart from behaviour itself, also an effect which is a threat to the animal's health or life, or the animal's death. Such an effect starts at the beginning of exposure to threat and lasts until the moment when actual consequences occur. It is enough for conviction to demonstrate a mere possibility of an effect in the form of injury or death. However, if this effect of bodily injury or death does occur as a result of a sequence of events, then the offence has been committed. The fact that earlier effects occurred in a sequence before death does not mean that the act should be broken down into as many offences as effects. This is still one act in the legal meaning.[71]

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[67] This fact is emphasized by J. Stelmasiak, *Administracyjnoprawne aspekty ochrony zwierząt*, [in:] *Prawna ochrona zwierząt*, ed. M. Mozgawa, Lublin 2002, p. 157; J. Helios, W. Jedlecka, *Ochrona zwierząt w polskim prawie administracyjnym i karnym*, "Prawo i Więź" 2017, no. 1, p. 28.

[68] G. Rejman, *op. cit.*, p. 271.

[69] *Ibidem*, p. 272.

[70] J. Sokołowski, *Ogólne sytuacje zwierząt w Polsce. Jubileusz 120-lecia Towarzystwa Opieki nad Zwierzętami w Polsce*, Kraków 1984, pp. 20–21.

[71] G. Rejman, *op. cit.*, p. 273.

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Article 14 (2) (4) APA is structured similarly as the regulation pertaining to the aforementioned offence. The perpetrator's behaviour constitutes an offence which consists in causing a threat of mutilation as a result of urging on an animal with a dangerous tool. In this case, the APA does not refer to an effect in the form of the animal's death. Nevertheless, if this action results in the animal's death, the perpetrator is also liable under this regulation. Even though this effect does not fall under the description of the act, the perpetrator's behaviour is not broken down into two offences. This is one offence in which the animal's death gives grounds for a more severe penalty withing the framework of statutory punishment, including additional application of punitive measures.[72]

A person using animals for work is obliged to provide them with an opportunity to rest and regenerate every day in a manner suitable to their species (Article 14 (3) APA). The provisions in Article 14 APA pertain not only to draught animals, but also to any other animal regarded by its owner as an animal fulfilling certain functions, e.g. defence and guarding a farm or people's safety.

During actions related to animal protection, at zootechnical and veterinary procedures, it is necessary to establish the identity of particular animals. The works on the creation of the Animal Identification and Registration System had started even before Poland joined the European Union. The legal basis for the establishment and implementation of the system was the Act of 2 April 2004 on animal identification and registration system.[73] This Act regulates, e.g., the mode of assigning numbers to herd locations, identification numbers of animals, making entries and deletions in the list of entities supplying ear tags and their duplicates, kept by the Agency for Restructuring and Modernization of Agriculture, and specifies the tasks of Veterinary Inspection and other institutions. The records comprise primarily populations of cattle, horses, pigs, sheep and goats, and constitute an element of the Integrated Administration and Control System (IACS).[74] Databases form the register of tagged farm animals and locations of their herds. In a herd location, all heads of cattle have passports compliant with the model specified in the Regulation of the Minister of Agriculture and Rural Development of 6 June 2007 on the cattle

[72] *Ibidem*.

[73] Consolidated text, Journal of Laws 2020, item 2001, as amended.

[74] The content of entries in the records with respect to particular categories of farm animals is specified in the Regulation (EC) No. 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97 (OJ L 204/1, 11.8.2000); Council Regulation (EC) No. 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5/8, 9.1.2004); Commission Regulation (EC) No. 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of Equidae (OJ L 149/3, 7.6.2008).

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passport model.[75] In the case of transporting sheep or goats, it is necessary to have transport documents compliant with the model specified in the Regulation of the Minister of Agriculture and Rural Development of 19 July 2005 on the transport document model for sheep and goats.[76]

Farm animals (cattle, pigs, sheep and goats) must be tagged. The manner of cattle tagging is specified in Article 4 of the Regulation (EC) No. 1760/2000 and Article 1 of the Commission Regulation (EC) No. 911/2004 of 29 April 2004 implementing Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers.[77]

4. Humane slaughter of farm animals

One of the most significant areas of animal protection is the issue of animal slaughter and the rules on how to spare them suffering during the process.[78] Proper regulation of this issue is of key importance to animal welfare. Slaughter is the final stage of husbandry of all livestock kept for consumption purposes. With respect to farm animals, we can distinguish the following types of slaughter: industrial, household (domestic), sanitary, out of necessity and ritual.[79]

Regulations pertaining to the issue of slaughtering animals bred or kept for production of food, wool, skin, fur or other goods, as well as killing animals in order to reduce their populations, and actions connected with slaughter are contained mostly in the APA (Article 6 (1) and Articles 33–35) and the Council Regulation (EC) No. 1099/2009 of 24 September 2009 on the protection of animals at the time of killing,[80] replacing the prior Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing.[81]

With respect to farm animals and breeding animals, exceptions pertain to killing of fish, poultry, rabbits and hares by their owners outside a slaughterhouse, for private domestic consumption purposes.[82]

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[75] Journal of Laws 2007, no. 112, as amended.

[76] Journal of Laws 2005, no. 142, item 1195. For more on identification of farm animals, see S. Mroczkowski, A. Frieske, *Prawna…*, pp. 19–27; iidem, *Regulacje…*, pp. 33–40.

[77] OJ L 163/65, 30.4.2004. See more W. Sobczak, M. Gołda-Sobczak, *System identyfikacji i rejestracji zwierząt w prawie polskim i prawie unijnym*, [in:] *Status zwierzęcia. Zagadnienia filozoficzne i prawne*, eds. T. Gardocka, A. Gruszczyńska, Toruń 2012, pp. 329–348.

[78] A. Gruszczyńska, *O zabijaniu – uśmiercanie zwierząt przeznaczonych do celów gospodarczych w świetle rozporządzenia Rady (WE) nr 1099/2009 oraz regulacji krajowych*, "Przegląd Prawa i Administracji" 2017, vol. 108, p. 104.

[79] S. Mroczkowski, A. Frieske, *Prawna…*, pp. 89–104.

[80] OJ L 303/1, 18.11.2009.

[81] OJ L 340/21, 31.12.1993.

[82] Regulations concerning procedures for other animals, pertaining to slaughter for the purposes of private domestic consumption, are given in Chapter 10 of the Regulation 1099/2009.

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The EU legislator sets out the basic duties connected with the humane handling of animal slaughter – animals should be spared any unnecessary pain, distress or suffering, which includes: protection of animals by keeping them clean and in adequate thermal conditions, prevention of falling, slipping and injuries, and elimination of unnecessary contact with other animals which could adversely influence their welfare (Article 3 (1) and (2) (A) to (f) of Regulation No. 1099/2009). General requirements include also a duty of stunning an animal before slaughter (Article 4 (1) of this Regulation), and the only exception to this rule is slaughter performed with special methods prescribed by religious rites (Article 4 (4) of this Regulation). Annex I to the Regulation 1099/2009 contains a list of stunning methods and related specifications (Chapter I), whereas particular requirements for certain methods are discussed in more detail in Chapter II.[83]

Furthermore, the Regulation 1099/2009 formulates duties of economic entities dealing with animal slaughter: a duty to plan in advance animal slaughter by preparation of standard operating procedures so that the killing and related operations should be carried out in accordance with general standards (Article 6) referred to above; an obligation to ensure that people taking part in slaughter and related operations have a relevant level of qualifications (Article 7) and a certificate of competence setting out the categories of animals, types of equipment and actions taken during slaughter of these animals; a duty to ensure proper maintenance and regular inspection of equipment for restraining and stunning of animals and additional equipment; an obligation to establish and implement relevant monitoring procedures in slaughterhouses, describing the manner and frequency of inspections (Article 16) and setting out the responsibilities of an animal welfare officer (Article 17 (3)); and a duty to designate an animal welfare officer (Article 17).

Chapter III of the Regulation 1099/2009 contains additional requirements applicable to slaughterhouses, comprising their layout, construction and equipment (Article 14), and specifies manners of handling and restraining animals and enumerates the forbidden methods of restraining (Article 15). Detailed regulations concerning layout, construction and equipment of slaughterhouses are specified in Annex II, and operational rules for slaughterhouses – in Annex III.

Particular issues concerning methods of slaughtering and killing of animals (including transporting, keeping, restraining, stunning and bleeding of animals) are specified in the Regulation of the Minister of Agriculture and Rural Development of 9 September 2004.

[83] A. Gruszczyńska, *op. cit*., pp. 106–107.

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CONCLUSIONS

As it has been mentioned above, animal breeding is carried out on a large scale in developed states. Breeders strive to achieve maximum profit, e.g. by selecting breeds in terms of production efficiency. Due to their knowledge of metabolic processes, instincts and behaviour of animals, people are able to modify animal qualities to suit human needs. Zootechnical selection and selective breeding have brought changes in the genetic structure of all species (body size, proportions and mass, colour, shorter fur, lack of defensive instinct, etc.).[84] It frequently results in disappearance of native breeds and reduction of genetic pool.[85] Preservation of old animal breeds is a part of the efforts to save natural heritage.[86] The issue of preserving genetic resources of farm animals is regulated in international, EU and domestic laws. It is worth mentioning the Convention on Biological Diversity from Rio de Janeiro,[87] the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity[88] and the Global Strategy for the Management of Farm Animal Genetic Resources adopted by Food and Agriculture Organization of the United Nations in 1993. The Polish legal acts of key importance are the AOFABR and the National Strategy for Sustainable Use and Conservation of Farm Animal Genetic Resources.[89]

Maintaining an appropriate level of farm animal welfare contributes extensively to sustainable development of rural areas and environmental protection. The cross-compliance rule refers to obtaining EU funds in the form of direct and specific payments on condition that certain requirements are fulfilled.[90] Entities which operate in animal production and are interested in receiving payments have to maintain an appropriate level of animal welfare. In Recital 54 of the Preamble to Regulation 1306/2013,[91] the legislator emphasizes that keeping an appropriate

[84] S. Mroczkowski, A. Frieske, *Prawna…*, p. 6.

[85] E. Jachnik, *Prawne aspekty ochrony zasobów genetycznych zwierząt gospodarskich*, [in:] *Ochrona prawna zasobów naturalnych*, eds. J. Stelmasiak, E. Kruk, G. Lubeńczuk, Lublin 2018, pp. 147–156.

[86] S. Mroczkowski, A. Frieske, *Prawna…*, p. 46.

[87] The Convention was drawn up in Rio de Janeiro on 5 June 1992, and was ratified by Poland in 1996 (Journal of Laws 2002, no. 184, item 1532).

[88] OJ L 150/234, 20.5.2014.

[89] Journal of Laws 2008, no. 108, item 691.

[90] B. Jeżyńska, *Znaczenie i funkcje zasady cross-compliance w systemie rolniczych dopłat bezpośrednich*, "Studia Iuridica Lublinensia" 2010, vol. 13, pp. 35–50.

[91] Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No. 352/78, (EC) No. 165/94, (EC) No. 2799/98, (EC) No. 814/2000, (EC) No. 1290/2005 and (EC) No. 485/2008 (OJ L 347/549, 20.12.2013).

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level of farm animal welfare enables implementation of the sustainable development principle in the rural areas on the one hand, and meets the society's expectations on the other hand.

The European legislator clearly introduces a system of incentives for those who provide animals with better living conditions than those specified in universally binding regulations. Pursuant to the provisions of Article 33 of Regulation 1305/2013,[92] financial support is granted to these entities dealing with animal production which provide animals with a welfare level exceeding the mandatory standards. These entities should be active farmers within the meaning of Article 9 of Regulation 1307/2013. The support in the form of direct payments is supposed to encourage farmers to take greater care of animal welfare and strive to achieve it at a level exceeding the minimal standards.[93]

Improper treatment of animals in husbandry brings considerable losses, manifested in decreased body mass, lower usability level, premature culling and sometimes even falls. Good treatment of animals does not stand in contradiction to the husbandry rules. On the contrary, the right attitude to animals is conducive to obtaining good quality products of animal origin. Animals should be treated in such a way that the results and effectiveness of production are not adversely affected, and in compliance with the binding legal regulations and moral principles.[94]

Failure to provide an adequate level of animal welfare by beneficiaries of direct payments is subject to administrative penalty on the basis of Article 93 (1) and (2) in conjunction with Article 91 of Regulation 1306/2013. Inspection covers the living conditions of animals specified in three EU directives: Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves,[95] Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs[96] and Council Directive 98/58/EC.

The existence of people would not be possible without reaping profits from animals. In contrast, animals could live undisturbed if there were no humans around. This fact made people take action aimed at protection of animals, especially these species which are the most profitable to mankind.[97]

Environmental protection is not a product of the legal thought of the recent centuries. However, the rationale behind it was different in the Middle Ages than today. Along with the development of civilization, economic reasons emerged for

[92] Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005 (OJ L 347/487, 20.12.2013).

[93] E. Jachnik, *Zasada…*, pp. 294–295.

[94] S. Mroczkowski, A. Frieske, *Regulacje…*, p. 11.

[95] OJ L 10/7, 15.1.2009.

[96] OJ L 47/6, 18.2.2009.

[97] P. Listos, M. Dylewska, M. Gryzińska, *op. cit.*, p. 115.

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protection of natural environment, including animals. Laws were originally enacted to safeguard the economic interests of rulers, that is their exclusive rights of hunting for certain species of animals.[98] In the 19th century, people began to notice that all elements of the natural environment have not only economic, but also aesthetic and health significance. The humane model of animal protection emerged as the latest and is still developing. Already the Renaissance humanism and the idea of humanitarianism developed in the philosophical thought emphasize that an animal is not only a tool in the human hands or an object of exploitation, but also a creature able to experience and express feelings, still subordinate to man in a broad sense, but is also worthy of respect and care.

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[98] M. Gabriel-Węglowski, *op. cit*.

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ABSTRAKT

Dzięki swoim możliwościom intelektualnym i niezwykłym zdolnościom adaptacyjnym człowiek szybko stał się gatunkiem dominującym oraz nauczył się podporządkowywać sobie zwierzęta i je eksploatować. Relacje między człowiekiem i przyrodą, a zwłaszcza stosunek człowieka do zwierząt, były od wieków przedmiotem rozważań filozoficznych i religijnych. Stosunek łowców-zbieraczy do zasobów naturalnych, od których zależy życie, początkowo pozostawał w równowadze, ale później ludzie zaczęli hodować zwierzęta dla ich mięsa, mleka, skóry i siły mięśni, co nazwano „udomowieniem". Prawo człowieka do czerpania z zasobów zwierzęcych ma swoje granice. Przyzwyczajono się jednak do nadmiernej eksploatacji zwierząt. Zjawisko to pogłębia intensywny chów i hodowla zwierząt. Zwierzęta gospodarskie po raz pierwszy uzyskały status prawny w polskim ustawodawstwie w 1997 r. Ich właściciel, posiadacz lub użytkownik jest zobowiązany do przestrzegania praw w zakresie rozrodu, hodowli i uboju. Istnieją ograniczenia w wykorzystywaniu zwierząt gospodarskich, a ich nieprzestrzeganie skutkuje odpowiedzialnością karną.

Słowa kluczowe: ochrona prawna; zwierzęta gospodarskie; ustawodawstwo polskie; dereifikacja; chów; hodowla