

SOUND AND SAFE

Regulatory practices and harm reduction in the Belgian meat sector

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Abbreviations and acronyms

English	Dutch	Full name / explanation (and Dutch original)
AMCRA		The expertise centre 'Antimicrobial Consumption and Resistance in Animals'
AMR		Antimicrobial resistance
AWU		Animal Welfare Unit (Dienst dierenwelzijn)
BRC		British Retail Consortium
CAC		Codex Alimentarius Commission
DG		Directorate-General (Directoraat-Generaal)
EC		European Commission
EFFAT		European Federation of Food, Agriculture and Tourism Trade Unions
EFSA		European Food Safety Authority
FAMHP	FAGG	Federal Agency for Medicines and Health Products (Federaal Agentschap voor Geneesmiddelen en Gezondheidsproducten)
FASFC	FAVV	Federal Agency for the Safety of the Food Chain (Federaal Agentschap voor de Veiligheid van de Voedselketen)
FPS	FOD	Federal Public Service (Federale Overheidsdienst)
GFL		General Food Law
HACCP		Hazard Analyses Critical Control Points-systeem
ICB	OCI	Independent certification body (erkende onafhankelijke certificeringsinstelling)
IFS		International Food Standard
ISO		International Organization for Standardization
ISO 22.000		A food safety standard of ISO
IVI	IVK	Institute for Veterinary Inspection (Instituut voor Veterinaire Keuring)
	KB	Royal decree (Koninklijk Besluit)
LCU	LCE	Local Control Unit of the FASFC (Lokale Controle Eenheid van het FAVV)
MAFF		Ministry of Agriculture, Fisheries and Food (UK)
MANCP		Multi-Annual National Control Plan
MRL		Maximum Residue Limit
	MvT	Explanatory memorandum (Memorie van Toelichting)
NICU	NICE	National Implementation and Coordination Unit of the FASFC (Nationale Implementatie en Coördinatie Eenheid van het FAVV)
NIU	NOE	National Investigation Unit of the FASFC
	NVWA	The Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit)
OV	DMO/BMO	Official veterinarian (Dierenarts met opdracht/Belast met opdracht)
PFCU		Pharma Food Crime Unit
RASFF		Rapid Alert System for Food and Feed
	SIOD	Social Security Intelligence and Investigation Service (Sociale Inlichtingen- en Opsporingsdienst)
SME	mkb	Small to Medium-sized Enterprise (midden- en kleinbedrijf)
SMS	ACS	Self-monitoring system (Autocontrolesysteem)

Introduction

This dissertation¹ examines the regulation of the meat sector and the varying factors that inform monitoring, enforcement and compliance by the sector's regulators and regulatees. With this study I have pursued two aims. First, I have examined which rule violations occur in the meat sector and how regulators and regulatees assess these rule violations (a.o. in view of their harmfulness) and respond to them. Second, I have identified and examined the factors that construct regulatory practices in this sector and examined to what extent the practices are inspired by the goal of harm reduction and prevention. In this dissertation the focus is mainly on food safety and animal welfare regulation, mostly in slaughterhouses. In the rest of this section, I will first describe the societal and scientific context of this topic. Then I will introduce the research questions, followed by a brief description of the research design. I will conclude with an overview of the structure of this dissertation.

Since the 1990s, the European food industry has been shattered by a series of serious crises resulting in a breakdown of consumer confidence in the industry and its regulating authorities. Frequently crises have involved the meat sector, most noticeably with the bovine spongiform encephalopathy (BSE) crisis in the UK in the early 1990s. In Belgium, the fraudulent discharge of waste in animal feed leading to dioxin contamination in 1999 evolved into a crisis. This was a significant turning point for Belgian food regulation (Cazaux, 2003, p. 157). Outbreaks of animal diseases (e.g., Food and Mouth Disease) and the illegal use of growth hormones, also challenged and changed the meat sector and its regulation. In Belgium, the expression 'hormones mafia' even became common in the 1990s, as their supply and use of in cattle breeding was associated with organised crime. Public and policy-makers' concerns reached its peak in 1995 when veterinary-inspector Karel van Noppen was murdered after he had exposed farmers who had illegally used growth hormones, their suppliers and corrupt officials. A more recent scandal was caused by the fraudulent substitution of beef with horse meat in 2013, involving several European countries. During the fieldwork for this study, three other cases continued to raise negative publicity for the Belgian meat sector, in particular. First, in 2017,

¹ This dissertation results from a research project funded by Research Foundation Flanders (FWO), application number G075015N.

an NGO exposed animal welfare violations in a pig slaughterhouse² and, six months later, in a cattle slaughterhouse. Second, the Belgian and Dutch poultry sectors were confronted with the fraudulent use of the insecticide, Fipronil, in the stable cleaning business. This led to the destruction of nearly two million chickens in Belgium alone.³ Third, in 2018, a major beef producer was featured on the national news, suspected of fraudulently bringing waste meat into the human consumption chain and falsifying freezing dates (Federaal Agentschap voor de Veiligheid van de Voedselketen [FAVV], 2018d).⁴

These crimes and scandals have revealed serious harms to different bearers, including animals, humans and the meat sector. However, criminological research about food-related crimes has only recently started to gain some ground (e.g., Cheng, 2012; Croall, 2007, 2013; Gussow, 2020; Lord, Flores Elizondo et al., 2017; Spink & Moyer, 2011). Criminological research focusing on the *meat* sector is even more rare, although the first studies about white-collar crime already pointed to malpractices in the sector (Sutherland, 1983; 1949; Hartung, 1950). Sutherland (1983; 1949, pp. 16-17), in his analysis of crimes and other violations by the largest American corporations in the 1940s, traced back the largest number of violations to two meat packing businesses. His findings show how these companies violated rules of different legal domains, including violations related to restraint of trade and to unfair labour practices. Despite Sutherland's findings, criminological research on the meat sector has remained limited in Europe. Research shows however, that meat is among the six food products that are most frequently associated with fraud (Weesepeel & van Ruth, 2015).

Other disciplines have reflected on the way the above-mentioned crimes and crises repeatedly promoted reforms of European and Belgian food and meat regulation. The BSE crisis has especially contributed to a risk-based approach in food regulation, emphasizing the protection of human health and the responsibility of the sector (Ansell & Vogel, 2006; Lawless & Wiedemann, 2011; Vos, 2000). Apart from food safety, the increasing protection of live animals is an important aspect of meat regulation. As more generally observed in the food sector, there is a growing reliance on private actors to set supplementary standards (Havinga, 2006; Havinga, van Waarden et al., 2015). Despite these regulatory developments, the sector also inevitably produces legal harms to animals, the environment and human health

² Referred to, hereafter, as the 'animal abuse case'. X ("km say"). (2017, March 23). Weyts laat activiteiten slachthuis Tielt stilleggen: 'Ongehoord dat er undercoverbeelden nodig zijn'. *De Standaard*. http://www.standaard.be/cnt/dmf20170323_02795426?utm_source=standaard&utm_medium=social&utm_campaign=send-to-a-friend. Last accessed November 2021.

³ Eeckhaut, M. (2021, June 5). Bijna 23 miljoen euro boete voor kopstukken fipronilschandaal. *De Standaard*. https://www.standaard.be/cnt/dmf20210604_97728431, last accessed December 2021.

⁴ Referred to, hereafter, as the 'beef fraud case'.

that are, to a large extent, normalised (see, for example, Horrigan et al., 2002; Parker et al., 2018; Ritchie, 2004; Rossi & Garner, 2014).

Against this background, stimulated by discussions about the role of harm in relation to crime and its control (Hillyard & Tombs, 2007; Paoli & Greenfield, 2018), this dissertation examines the relevance of harm in meat regulation. In this way, the study contributes to the scarce research in criminology on non-compliance in the food sector, especially in Belgium, and the literature on regulation and governance. Preventing or reducing harm is an official aim of rules applying to meat production, most notably, harm to consumers. Still, the sector also creates legal harms, which raised questions about choices made in regulation. It is unclear how harm reduction/prevention is prioritised in the implementation and enforcement of rules, which harms, and for whom. Also, the recurrent crimes and scandals imply that not all *regulatees* have similar ideas about the importance of the intentions behind the rules. In other words, preventing or reducing harm might be an integral part of the design of meat regulation, but not concerning *all* harms, and prevention or reduction of some harms rather than others might be prioritised, in practice. Therefore, the central research question in this study is:

How is food safety and animal welfare regulation in the meat sector constructed and what is the relevance of reducing or preventing harm?

By looking generally at how regulation is constructed, the place of harm reduction and prevention is put in perspective. Although I speak of regulation, I have analysed the processes of setting rules and standards only to a limited degree. In the empirical data-collection, I mainly concentrated on regulatory *practices*, referring to activities of regulators and regulatees in monitoring and enforcing rules and standards, including compliance.

Food safety and animal welfare regulation are central in this study, as these regulatory domains are most specific to regulating meat. I have focused on the beef and pork supply chains as beef and pork are among the most consumed meat-types *and* these supply chains are associated with various types of rule violations.

The main research question is divided into seven sub-questions:

- 1. *How are the beef and pork supply chains organised?***
- 2. *Who are the regulating actors?***
- 3. *What do the aims of rules/standards and processes of rules/standard-setting reveal about the interests the involved actors intend to protect from harm?***

4. *How do the regulating actors organise monitoring and enforcement in the slaughterhouses and how do they interact?*
5. *What is known about rule violations in the beef and pork supply chains and how are they assessed by regulators and regulatees?*
6. *How does (actual/potential/perceived) harm play a role in regulatory practices?*
7. *How do other factors (other than harm) play a role in regulatory practices?*

To answer these questions, I have conducted semi-structured interviews and a document analysis, which have both contributed to answering more than one sub-question. Foremost, I have interviewed 77 persons, including 40 (state and civil society) experts and 37 corporate actors. The experts are mainly state regulators who work for regulatory entities, police or justice departments and have experience with monitoring and enforcement in the meat sector. The corporate actors are individuals working in the beef and/or pork sectors, their representatives, and private regulating actors. Although the meat sector includes a variation of actors and activities that represent various sub-sectors, the focus was primarily on slaughterhouses, and to a smaller extent, on the distribution sector.

In this study I have applied Layder's (1998) approach of 'adaptive theory'. This implies that the empirical research was mostly inductive, using empirical data to understand and explain social processes. The adaptive theory has made the literature review an iterative process that evolved during the fieldwork period, even though I present the results of the literature review before describing the empirical study. The study, however, was not done in a theoretical vacuum. In the first two chapters, I clarify the theoretical assumptions that shaped the empirical study. This mainly entails general theory and orienting concepts that influenced the choices made in the empirical study.

This dissertation is divided in ten chapters. In Chapter 1 I describe the theoretical background of this study, which is on the intersection of different social sciences, including criminology and regulation and governance studies. I first clarify the central concepts used throughout this dissertation and present the state of the art in the literature on the nature of rule violations in the food and meat sector and its control. In Chapter 2, on the one hand, I describe the development of food regulation and its objectives, to understand the context of the aims of Belgian meat regulation. On the other hand, I examine the interests protected by the public rules applying to beef and pork, which ones are prioritised and which ones are neglected. The

chapter is mainly based on literature, complemented by an analysis of more specific Belgian legislation and explanatory memoranda. In Chapter 3, I explain the research design.

Chapters 4-10 present the empirical findings. Chapter 4 considers the way the Belgian beef and pork sectors are organised, by describing the tiers in the supply chain and the actors involved as well as some of their main characteristics. In Chapters 5 and 6, I describe the regulatory framework of these sectors. In Chapter 5, I first introduce the public, private and civil society actors relevant for food safety and animal welfare regulation in Belgium. I also discuss the aims of private standards, based on the interviews. With two specific topics, animal mutilation in farming and ritual slaughter, I illustrate the dynamics in processes of standard-setting and what these tell us about the interests and priorities of the actors involved in such processes. In Chapter 6, I examine the way monitoring and enforcement activities are organised. This includes the theoretical design of regulatory practices and its risk-based approach, and some of the practical implications for slaughterhouses. Chapter 7 presents the findings on rule violations that relate to beef and/or pork production, based on the analysis of a selection of criminal and administrative cases. This gives us an idea about the types of activities or omissions that are detected, fined and/or criminally prosecuted. Here, I also present the challenges in compliance that interviewees reported and the types of non-compliance that they consider to be the most frequent and/or most serious.

In the last three chapters, I discuss the factors that together construct regulatory practices. The analysis mainly concerns food safety and animal welfare regulation, and to a limited degree, labour and environmental regulation, which were occasionally discussed in interviews. In these three chapters, I have also integrated findings about the challenges with the regulatory framework, as reported by regulators. Because I mainly set out to examine the relevance of harm reduction/prevention, I begin Chapter 8 by examining its relevance in the way interviewees explained their decisions about monitoring, enforcement and compliance. I discuss the patterns in their approaches to harm, and related to that, the wrongfulness of behaviour. Because many factors other than harm (and wrongfulness) emerged from the data in explanations for regulatory practices, I discuss these other factors in the last two chapters. These are structured by the individual, organisational and extra-organisational level. In Chapter 9 factors at the individual or organisational are central and the social dynamics I identified between different actors that transcend such categories. In Chapter 10, I present the factors at the extra-organisational level that seem to affect regulatory practices. These factors are part of the broader regulatory, political, economic and societal context in which meat operators and regulators operate.

In the final chapter I first summarise and discuss the findings, by answering the sub-questions and reflecting on the contribution of these findings to the literature. I end this chapter with conclusions that tie all findings together, to answer the main research question.

PART I – LITERATURE REVIEW AND RESEARCH DESIGN

Chapter 1. Theoretical background: a multidisciplinary approach to rule violations, harms and regulation in the meat sector

Introduction

This study is theoretically situated at the intersection of different social sciences, including criminological research on corporate crime and regulation and governance studies. In this literature review I bring together theoretical insights from different disciplines that complement each other: the (corporate) criminological lens offers explanations for causes of non-compliance, but focuses less on the control of markets by the wide range of public, private and civil society actors and their responses to rule violations, apart from the criminal justice system (Almond & van Erp, 2018). The regulatory lens adds to the insights about effective control of the food sector. However, the literature on regulation and governance neglects the social and political constructs of ‘crime’, underlying power dynamics and individual motivations of rule violators. As we will see, both bodies of literature have something to say about harm, being a consequence of crime and a subject of regulation and prevention.

Combined, the literature and the empirical data provide a basis to regard the meat sector *and* its regulation as one interactive social entity. This conceptualisation is based on, among others, Havinga (2015), who notes that a distinction between types of regulation by types of actors (state, corporate and civil society) neglects the interdependence between them, conflicts of interests and power dynamics. Based on my empirical findings, the private-public distinction in meat regulation is not clear-cut. Private actors also monitor and enforce public standards and private standards are sometimes incorporated in legislation (see also Havinga, 2015; Havinga & Verbruggen, 2017; Henson & Humphrey, 2012). In the empirical section I will argue how *regulatees* are also part of the social dynamics of regulation, because of the high degree of self-regulation and interaction between regulators and regulatees. Slaughterhouses and retailers regulate themselves and their suppliers higher up in the supply chain and are also regulated by other actors. The way all actors approach rules, non-compliance, and the way factors influence regulatory practices, transcends ‘groups’ (i.e., regulators-regulatees and private-public actors). That is why I approach regulation and compliance as two sides of the same coin.

In Section 1.1, I will clarify the central concepts of this thesis by drawing from the different bodies of literature that this study is embedded in. Sections 1.2 and 1.3 build further on this conceptualisation and elaborate on the state of the art concerning the nature of rule violations and its harms in the *food and meat* sector and its control. In doing so, I also discuss the main theoretical insights from criminological research on corporate crime and regulation and governance studies that are relevant to my empirical research.

1.1 Clarifying the main ingredients

Introduction

In this section, I clarify the concepts crime, corporate crime, harm, risk, regulation, governance and compliance. In doing so, I touch upon some of the main discussions in the literature and clarify my position in these debates. This way I provide the ideological and theoretical building blocks that have framed this research. When I speak of ‘the meat sector’, I refer to the different tiers that are part of meat supply chains, from ‘farm to fork’. In Chapter 4, I explain what these supply chains look like, illustrating the varying ways of cooperation between different actors.

1.1.1 The concepts of crime and corporate crime

Conceptualising crime and rule violations

Sutherland (1983; 1945) and Hartung (1950) not only provided insights on rule violation in the meat sector, their analyses also contributed to discussions on what is considered as ‘crime’. Defining crime has, for decades, been discussed within criminology. Many conceptualisations depend upon the author’s legal, social and political position. There is no ‘true’ definition of crime (Nelken, 2012). Or, as Zedner (2011, p. 283) points out, ‘Defining crime entails analytical, political, and moral choices (...).’ Positivist criminologists have long focused on a few crimes considered as ‘natural crimes’ (e.g., murder, theft, or *mala in se*), in contrast to ‘administrative’ crimes (Bottoms, 2008, p. 86). A more recent approach focuses on activities criminalised only in national Penal Codes. However, these approaches are not conducive to the scope of this study (Croall, 2003, p. 45). Rather, I follow Sutherland’s (1945; 1983) approach to crime, including acts or omissions that cause social injury and are prohibited by *any* type of law, be it criminal, civil or administrative. This includes regulatory

offences, or *mala prohibita*, regardless of whether they are codified by penal or other law branches. The rationale for employing this approach is that the distinction between ‘real’ crime and regulatory offences does not say much about the seriousness of the behaviour (or its harm) and neglects how the distinction is made between the two (Duff et al., 2014; Lacey and Zedner, 2012). Moreover, food legislation is mainly based on legislation established at the European level, not on national Penal Codes.

Although Sutherland’s notion of crime is broader than a black letter legal approach, it is still limited to behaviour that the *state* judges to be socially injurious and punishable, be it by criminal or other law branches (Schwendinger & Schwendinger, 2014, p. 89; Sutherland, 1945, p. 134). In the food industry, the state is not the only regulator. Private and civil society actors also participate in regulation. Therefore, I will not only speak of crime, as defined by Sutherland (1945), but will most often speak of ‘rule violations’, referring to violations of law *and* of private standards. This perspective allows one to observe the construction of rule violations in a more thorough manner and to see the position of ‘crime’ within this construction. It allows one to question why a certain behaviour is prohibited or not, which varies over time and place, and which is not enunciated by the (criminal) law itself (Newburn, 2013, p. 8; Passas & Goodwin, 2004, p. 17). Despite international harmonisation of food laws, there are still differences in jurisdiction and implementation (internationally, within the EU and within nations) that affect if and where an activity is considered a crime (see also De Rosa et al., 2018).

Corporate and white-collar crime

First, I clarify the concepts ‘corporate crime’ and ‘white-collar crime’ that are often interchangeably used. In the discussion on both concepts, acts of commission *and* omission are usually regarded as crime (Box, 1983; Reiman & Leighton, 2013, p. 74). Whereas corporate crime is used to describe illegal behaviour by corporations or individuals working on behalf of these corporations, the term white-collar crime focuses more on the status of individuals within a corporation (Newburn, 2013, p. 408). For Sutherland (1983, p. 7), the power position of individual offenders and their opportunity to commit crime in the course of their occupation are decisive in defining an act as white-collar crime, a concept he introduced. However, this concept is ambiguous, as others have already extensively explained (e.g., see Geis, 1992). In the light of this study, the ambiguous and controversial nature of white-collar crime, *in itself*, matters, which makes it theoretically interesting for sociological analysis (Aubert, 1952, p. 266). Such analysis allows for the exposure of conflicts of norms and

interests and changes in our social system, which makes white-collar crime ‘an index of social change’ (Nelken, 2012).

Criminologists have distinguished between corporate and occupational crime. Whereas both types of behaviour occur in the course of one’s occupation, occupational crime benefits the individual who commits offences against their employers, while corporate crime benefits the corporation (Clinard & Quinney, 1967). It is common to also make a distinction between organised and corporate crime. The general view is that organised crime is committed in the context of social groups or ad hoc collaborations that primarily intend to profit from illegal activities (Fijnaut et al., 1998; van de Bunt & Huisman, 2007). Corporate crime, by contrast, occurs in the context of companies that are primarily involved in legitimate activities. However, there are good reasons to look at both phenomena in conjunction, as they overlap (Van Duyne, 1993). Both require some type of organisation, relate to increased economic globalisation and transnational crime and, in both cases, the offenders depend upon legal actors and existing infrastructures to conduct business (Vande Walle, 2002; Van Duyne, 1993). Throughout my research I did not make a distinction between these conceptualisations beforehand. It was, rather, part of the question of which types of rule violations are encountered in the meat sector and who the involved actors are (see Chapter 7). I leave the relevance of such labels for the discussion.

Characteristics that distinguish corporate crime from other crime

In the criminological literature on corporate crime there is a long tradition of discussing characteristics that distinguish it from other types of crime. These characteristics relate to the nature of the offender, the nature of the behaviour, prosecution and punishment of corporate crimes, the challenges with proving criminal intent and culpability, the victims and harms.

Aubert (1952) specified how it is not so much the codified law that makes white-collar crime different from other crimes, because in both cases, penal definitions and sanctions make behaviour criminal. It is rather the law *in action* that distinguishes one from the other. In the case of white-collar crime, implementation of law is thought to be slower, inefficient and differential than for other types of crime (Aubert, 1952, p. 264). Offenders engaging in corporate misconduct are believed to be treated more favourably, less often prosecuted or punished, or punished with less severe sanctions compared to other criminals (Nelken, 2012; Newburn, 2013; Reiman & Leighton, 2013, p. 71). Part of the reason for this perception is that corporate rule violations are dealt with outside of the criminal justice system and the investigations involve other agencies and law enforcement instruments.

Both individuals and corporations can be prosecuted for corporate crimes. One reason for prosecuting a corporation is that criminal behaviour can be inherent within the corporate system, even though there are individuals behind the system (Foerschler, 1990). According to Foerschler (1990, p.1303), corporate policies or acts are not *necessarily* reducible to the intentions of individuals because ‘corporate behaviour depends on a complex interplay among individual choices, standard procedures, and the organisational structure’. Another reason to prosecute corporations instead of individuals is that corporations can have policies intended to protect executives from *knowing* about illegalities (Braithwaite, 1989, p. 146). An example of such ‘concerted ignorance’ that Braithwaite (1989, p. 146) found in pharmaceutical companies, was the deliberate existence of ‘vice-presidents responsible for going to jail’.

It can be particularly challenging to prove criminal intent (*mens rea* or ‘guilty mind’) in corporate crimes, a judicial concept that is part of a criminal law definition that was established for individuals and not corporations. Intent is considered as the ‘particular mental state’ or ‘purposeful will’ of the offender and includes acting (or not acting) ‘purposely, knowingly, recklessly and negligently’ (Green, 2007, p. 224; Van Volsem, 2012, p. 97). Responsibility of individuals within companies is often diffused and defendants can claim something was an accident or that they acted in good faith (Foerschler, 1990, p. 1301; Friedrichs, 2006, p. 70; Newburn, 2013). Rule violations within a corporation that are the result of mistakes or negligence (acts of omission) can be more challenging to prove compared to acts of commission (Friedrichs, 2006). From a juridical point of view however, in case of incompetence or negligence, a corporation can still be culpable, for example when their policy could *foreseeably* lead to violations (Braithwaite, 1989; Foerschler, 1990; p. 40; Huisman, 2016, p. 7). With corporate crimes, lower levels of moral fault are sometimes required than for other crimes. In case of strict liability offenses, for example, *mens rea*/intent is not required for it to be considered as a crime in the legal sense.⁵ In Belgium in cases involving violations of special laws (such as food and consumer laws), intent is often interpreted in a broad sense, which makes the very fact of violating the rule sufficient to find someone culpable (Van Volsem, 2012). Without further elaborating on the concepts of culpability and intent from a legal point of view, it is important to note that ‘intent’ is interpreted in varying ways in Belgian criminal law and has several gradations depending on the specific rule violation (Van Volsem, 2012).

⁵ Green (2007, p. 227) gives the example of adulteration or misbranding of food or drugs, which, according to the American Federal Food, Drug & Cosmetic Act is a crime regardless of whether the defendant *knows* about the adulteration or misbranding.

Also, the victims of corporate crime and the harms they incur differ from other types of crime. There is not always a tangible victim and victims themselves might not even be aware of their victimisation as the harms are often difficult to observe and typically diffused over space and time (Croall, 2009; Green, 2007, pp. 227, 228; Nelken, 2012, p. 650; Simpson, 2011, p. 484; Vande Walle, 2005). Environmental and food crimes, for example, can cause relatively minor harm to a large number of victims. Harms of such crimes are also often not perceptible to victims, can be remote, becoming only clear after the passing of time (Beck, 1992, pp. 27, 28; Croall, 2009; Lierman, 2009; Vande Walle, 2005).

1.1.2 Harm: definition and its relation to crime

I adopt Greenfield and Paoli's (2013, p. 864) definition of harm as 'violations of 'stakeholders' legitimate interests'. This not only includes harm to consumers and other individuals, but all possible bearers of harm including the government, private entities, the social and physical environment and animals. Paoli and Greenfield (2018) argue that harm plays a significant role in different phases of criminal policy and recognize that it is unavoidably normative, thus depending on the political morality that is dominant at a given time.

Concerning the link between harm and morality, Green (2007) identified the harmfulness of crime as one of three kinds of moral content that we can find in criminal offenses, with mens rea and wrongfulness being the other two. Together, these elements define which acts or omissions we define as being someone's 'fault', making it punishable. Harmfulness then is the degree to which acts or omissions cause harm or *risk* causing harm (Green, 2007). Here, wrongfulness is understood as the 'moral gravity' of committing the act, or the 'moral culpability or blameworthiness that would accrue to an individual committing the act' (Warr, 1989, p. 796). Together, these elements affect what is labelled as crime, whether the behaviour is thought to violate 'core social interests or shared values', making it in the public interest to reduce such behaviour (Lacey & Zedner, 2012, p. 168).

In the rest of this section, I discuss the critical criminological approach to harm, one that strives to give harm a more central place within the criminal justice system and criminological research, and, at the extreme, substituting crime with harm. I then outline the way I operationalise harm in this study, based on Greenfield and Paoli's (2013) harm assessment framework.

Critical criminologists' centralisation of harm

Critical criminologists argue that a lot of harmful behaviour is not criminalised. This is reason for them to focus on harm when defining and studying crime and to go beyond the criminal justice system by *substituting* crime with harm (e.g., Hillyard et al., 2004; Passas, 2005; Passas & Goodwin, 2004). Sutherland's (1983) broad definition of crime that includes unintended acts or omissions does not reach far enough for these scholars. Instead, in their view, socially injurious or harmful acts and omissions that are not prohibited by *any* law should be included when defining crime. The human rights approach to crime, introduced by the Schwendingers (2014; 1970) in the 1970's, includes violations of a set of basic human rights that limits the potential of human beings (Pemberton, 2007, p. 36). The Schwendingers (2014, p. 96) argue that a legal crime definition cannot be operationalised in a valid and reliable way and is therefore unsuitable for social science research. They not only consider individuals who violate human rights by their acts or omissions as criminal, but also *social relationships* between people and *social systems* that contribute to this behaviour (Schwendinger & Schwendinger, 2014, p. 107).

Instead, for the critical criminologists who founded the social harm approach, the problems with state-defined-crime is a reason to concentrate on the notion of 'social harm' (Hillyard & Tombs, 2007). One of their assumptions is that social processes intervene and interrupt natural processes in harmful ways. They concentrate on injurious events that affect human needs and human potential, which can be caused by a social structure or individual action (Pemberton, 2016, pp. 9, 16; Tombs, 2018, p. 22). The approach is about 'socially mediated' harm, excluding harms that result from the physical world (Pemberton, 2016, p. 21). Adherents of this approach argue that the criminal justice system and certain strands of criminology (or even the social sciences, in general) mainly focus on *legally* defined crimes (Hillyard et al., 2004; Hillyard & Tombs, 2007). This would create too much attention for 'petty crimes', personal biographies and interpersonal and visible harms while largely ignoring crimes committed by the powerful, invisible harms, and structural determinants of harmful events that result from neoliberal capitalism (Kotzé, 2018, p. 92; Pemberton, 2016). Harmful behaviour by corporations, states and social structures is typically less likely to fit the legal crime definition and is therefore treated differently (Hillyard & Tombs, 2007; Pemberton, 2016; Reiman & Leighton, 2013). In such a way, existing power relations that (re)produce the social and economic inequalities are maintained and structural harms are explained in terms of 'risk navigation' or 'resilience', an approach that blames the victims. By contrast, the social harm approach implies that harm is preventable viewing structural harms

as the result of either *foreseeable* events or *alterable social relationships* (Pemberton, 2016, p. 25). It therefore aims to focus on the collective interest of reducing harm, rather than to calculate individual risks of committing a crime which, according to Hillyard and Tombs (2007, p. 21), is common in ‘actuarial’ or ‘administrative’ criminology.

This approach has put harm on the research agenda and raises the discussion about its place within criminology and its relation to crime and raises awareness for less visible and non-criminalised harm. These are also important points of attention in this study, as some harms of meat production are not regulated or criminalised by *any* law, or are only controlled to a certain degree. Animal diseases such as BSE or swine fever, for example, involve serious harms and risks for animals and sometimes for humans, even when their occurrence does not violate any rules. The empirical findings can add to the discussion about how to best prevent or respond to harm and about the very dynamics behind the social construction of crime. This will bring us to the question of what roles harm (prevention or reduction) and morality have (or should have) in the regulation of the meat sector.

However, establishing a new discipline dedicated to the study of harm, *zemiology*, as some of the followers of the social harm approach suggest, seems counterproductive (Kotzé, 2018). Studying social harm can be part of (critical) criminology, building further on the tradition that goes back to (among others) Sutherland (1983) and the Schwendingers’ (2014; 1970) calling into question the standard conceptualisation of crime. These problems with state-defined-crime are a good reason to reflect on the normative elements that construct ‘crime’ (Zedner, 2011). This is what I attempt to do, without taking for granted the concept of crime and looking into the role harm already has in the regulation of meat. This also allows attention to be placed on non-criminalised harm and harmless criminalised acts or omissions. Harm does deserve a *more* central place within criminological research, but separating harm from crime seems artificial, as they relate to one another, albeit in a complex way (see, for example, Kotzé, 2018; Paoli & Greenfield, 2018). As Zedner (2011, p. 274) argues: ‘Even if crime is in some sense a ‘myth’ it is unclear that harm is any less a myth’. Making harm the central focus of inquiry instead of crime does not solve the problem of the role of power in crime definitions, as similar power dynamics can be said to construct ‘harm’.

Operationalising harm

In the literature harm has been categorised in varying ways often with an almost exclusive focus on individuals (see Greenfield and Paoli, 2021 for a review), a bias that green criminology has only recently started to amend (see Section 1.2.4 for the green criminological

perspective). To operationalise the concept for this study, I categorise harms based on the *bearers* of harms as distinguished by Greenfield and Paoli (2013). These bearers, or stakeholders whose interests can be violated, are individuals, private sector entities, government agencies, the environment and animals (or at least their representatives). Greenfield and Paoli's (2013) conceptualisation and categorisation of harm was inspired by Von Hirsch and Jareborg (1991) and was further developed to assess harm of criminal activities. They also distinguish between four interest dimensions, or *types* of harm, namely: functional integrity (including physical, psychological and emotional harm), material interest, reputation and privacy. These interest dimensions can manifest in different ways when applied to different bearers. For example, physical harm to a person means something different than physical harms to the environment. The clarification of *who bears* the harm is mainly relevant in this study, as this relates to the aims of legislation: certain types of rules clearly intend to protect the interest of (a) specific type(s) of bearer(s), such as consumers in food safety rules and animals in animal welfare regulation.

Other scholars refer to other categories of harm, either based on empirical research (e.g., see Hillyard & Tombs, 2007, p. 17) or more philosophical grounds (e.g., Pemberton, 2016, pp. 28-30). Whatever the categorisation, there are drawbacks behind *any* attempt to categorise harms. A fundamental criticism of Hall and Winlow (2018) on harm categorisation is that concentrating on harm typologies looks merely into the symptoms and their impact on people, but does not inform us about underlying motivations behind harmful dynamics or about the underlying 'systemic conditions' and causes of harms (Hall & Winlow, 2018). Others emphasize not to lose sight of how 'the harmed' perceive and describe the harm they experience (Pemberton, 2016, p. 31). By describing harm as 'events' and categorising them, the context of harms can get lost, missing the opportunity to approach harm in a more holistic way and to see it as a coherent whole (Pemberton, 2016; Sparrow, 2008, p. 97). Selecting different dimensions or categories to describe harms is, as Sparrow (2008, p. 97) notes, 'an inherently messy business, involving artful choice and instinct as much as analysis and science'. Categories are often not mutually exclusive and are also criticised for lacking objectivity, as at least *some* normative elements always define what is considered as harmful (Pemberton, 2016).

In creating a hierarchy between different types of harms based on their 'seriousness', there is always some subjectivity involved, because of a lack of measurable and objective standards. Greenfield and Paoli (2013, p. 872) minimise this as much as possible by proposing a severity scale, that rates harms from 'marginal' to 'catastrophic'. However, even

for harms that are somewhat measurable, the *values* attached to such measures remain subjective. Normative values can vary over time and culture, influencing the way we approach harm (Sparrow, 2008, p. 98). If indeed the notion of harm is *always* value-laden, then separating facts and values is not possible.

These drawbacks of harm categorisation necessitate paying attention to the underlying structural causes of harm and to stay close to the empirical data and the interviewees' descriptions of harm. As such, at least the normative and moral values of the interviewees, in a societal context, can be understood. We will see in Chapter 7 (about the types of rule violations I identify in the meat sector) how one violation often involves multiple types of harm to one or more bearers of harm. In Chapter 8 I disentangle some aspects of harm based on the perspective of interviewees and how this influences their decisions on regulation and compliance.

1.1.3 Risk and its political context

Apart from real and visible harms, the risks, or the *possible* harms are an important element in the regulation of the meat sector. The term risk is often inattentively interchanged with harm although they do not mean the same. When risk is approached in a technical sense, it is the 'probability of an event occurring, combined with the magnitude of the losses or gains that would be entailed' (Douglas, 1994, p. 23). This explanation of the concept of 'risk' emerged in the context of gambling, referring to a mathematical analysis of chances, including positive and negative outcomes (Douglas, 1994, p. 23). With time however, risk more commonly refers to negative outcomes only, rather referring to danger (Douglas, 1994, pp. 12, 24). In the General Food Law (GFL), for example, risk is considered as 'a function of the probability of an *adverse* health effect and the severity of that effect, consequential to a hazard.'⁶ A 'hazard' in turn is defined in the GFL as 'a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect'.⁷

Harm touches upon only one element of risk, namely the *actual* losses. When speaking of risk, we predict or calculate *uncertain* losses, while harm can be considered as 'a risk which did actually materialize' (Sparrow, 2008, p. 10). A loss, when explained in legal terms, is 'a negatively valued difference between the actual situation the harmed party is in and the

⁶ Article 3, point 9, Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [General Food Law]. (*my emphasis*)

⁷ Article 3, point 14, General Food Law.

hypothetical position it would have been in if the fact would not have occurred' (Kruithof, 2015, p. 90). Because in food safety regulation the materialised losses (or actual harms) are usually unknown, the terms 'risk' and 'hazard' are commonly used.

Giddens (1999, p. 3) emphasised the difference between risk and the concept of danger or hazard. Whereas dangers have always been 'experienced as given', the idea of risk on the other hand 'is bound up with the aspiration to control and particularly with the idea of controlling the future' (Giddens, 1999, p. 3). In this context, according to Douglas (1994, p. 16) the term risk became more popular with time than 'danger' because it sounds more scientific. In times of increased feelings of insecurity because of globalisation processes, such a scientific approach reassures us:

The markets suck us (willingly) out of our cosy, dull, local niches and turn us into unencumbered actors, mobile in a world system, but setting us free they leave us exposed. We feel vulnerable' (Douglas, 1994, p. 16).

In the context of such societal changes, with the increased freedom in everyday life that we experience, Boutellier (2003) observes a 'utopian' demand for safety control. It leads to the paradoxical situation that people demand freedom and more control simultaneously, in order to enjoy this 'new' acquired freedom in a safe way. One example is how extreme consumerism of our times goes hand in hand with high demands of the quality and safety of food (Beck, 1992). While technological advancements in food production processes limited food safety risks, they have also created new risks that need to be managed.

The term risk has a political connotation (Beck, 1992; Douglas, 1994, p. 40). It can give the (false) impression of certainty, that things are under control because we can calculate them. But while risk analysts strive to present risk in an objective way, the reality is often more ambiguous, leading to variable political choices (Douglas, 2004, p. 44). So, while scientific evaluation contributes to assessing risks, risk *management* is based on political decisions, for example, about *acceptable* risks or desirable 'margins of safety' (Douglas, 1994, p. 38, 44).

Why is this important? In food safety regulation, the term 'risk' is frequently used and politicians and the food sector benefit by presenting risks in a certain way (e.g., as 'controllable' or 'manageable'). Beck (1992) pleads for politicians and academics to admit when there is uncertainty about actual losses and criticises expressions such as 'acceptable level determination' for traces of pollutants and toxics in air, water and food, as being 'blank

checks to poison nature and mankind *a bit*' (Beck, 1992, p. 65). The same could be said for the 'Maximum Residue Limits' (MRLs) used for hormones and legal medication administered in raising animals for the meat sector. Such pollutants might have synergistic effects when combined (Beck, 1992, p. 67). This is one reason to look at risk (and harm) in a more holistic way, as I will argue later.

1.1.4 Conceptualisation of regulation, governance and compliance

As this research concentrates more on regulation than on harms and risks, I clarify what I mean by regulation and the related concepts of governance and compliance.

With the term regulation I refer to processes of standard-setting (rule-making), the monitoring of compliance with these rules/standards and enforcement (Black, 2002, p. 26; Havinga, 2006, p. 516). In these processes, actions by both state and non-state actors (e.g., private auditing and certification organisations) and their interaction are incorporated (Havinga, 2006, p. 517). This way I follow Black's (2002, p. 26) broad understanding of regulation:

the sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, which may involve mechanisms of standard-setting, information-gathering and behaviour-modification.

This conceptualisation allows one to study rule violations while observing of who is setting, monitoring and enforcing these rules and what position criminal law enforcement has in this scheme. Criminalisation is thus only one aspect of regulation. Regulation is, like crime, the outcome of social, economic and political processes that develop over time (see also Almond & van Erp, 2018). When I speak of regulatory *practice*, I refer to the actions after standard-setting only, namely the practices of compliance, monitoring and enforcement of the rules/standards once they are established.

Concerning the concept 'compliance' I refer to how businesses respond to and implement rules and standards (Parker & Nielsen, 2011). Therefore, compliance also applies to standards that firms or sectors establish themselves. This links to self-regulation, meaning the establishment, monitoring and enforcement of rules by regulatees or their representatives, sometimes in cooperation with other partners (Huisman, 2001, p. 67). Examples of self-regulation include codes of conduct and certification set up by a company or sector. The government can still be involved in different levels of self-regulation and usually sets the

general framework and maintains responsibility for the final control, while regulatees further shape the framework (Gunningham & Sinclair, 2017; Huisman, 2001, p. 68). In some cases, regulatees are involved in self-monitoring of rules established by other actors (public or private). An advantage of self-monitoring is that employees of a firm are usually in the best position to understand and judge work processes, including technical aspects of compliant methods and the consequences of non-compliance (Braithwaite, 1993, p. 2). This does not mean that self-regulation or monitoring replaces state regulatory activities. Rather, they exist parallel to one another.

The term ‘governance’ is generally meant as a broader process that includes regulation (Almond & van Erp, 2018; Braithwaite, Coglianese et al., 2007, p. 3). Governance is the result of ongoing interactions between private and public actors at varying levels (local, national, and global), within and between multiple organisations (Parker et al., 2018). Governance can be considered as ‘providing, distributing, and regulating’, whereas regulation more specifically covers ‘steering the flow of events and behavior’ (Braithwaite, Coglianese et al., 2007, p. 3). Applied to the meat sector, governance covers all the ways and actions involved in governing the sector, including social norms and the market, while regulation concentrates on laws, rules and standards used to steer events and behaviour in the sector (Braithwaite, Makkai et al., 2007).

When I speak of monitoring and enforcement, however, I refer to the processes that enable detection, the follow-up and sanctioning of non-compliance with public rules and private standards. Monitoring refers to the activities by the different public and private actors, including inspections and audits, to verify if companies are compliant with public rules and private standards. Detection of rule violations (and connecting it to the person violating the rule) can be a result of monitoring activities. When I speak of law enforcement, I refer to the detection, follow-up and sanctioning of non-compliance with *public* rules only. Concerning prosecution and punishment, I refer, more specifically, to the enforcement of the *criminal* law.

Concluding remarks

In this section I have attempted to clarify the central concepts used throughout this study. The conceptualisation of crime, harm and regulation reveals my theoretical, and to some extent, ideological, position. Both ‘crime’ and ‘regulation’ are considered as non-static social constructions that result from social, economic and political processes. With the broad conceptualisation of ‘crime’ and the even broader term, ‘rule violations’, I highlight the dynamics behind responses to unwanted behaviour in the meat sector by public and private

actors. This approach is important and relates to discussions in the corporate crime literature. One discussion point in this field is the power of corporate offenders, who are assumed to be favourably treated by the criminal justice system and are capable of masking culpability, partly because criminal intent, as understood for ‘ordinary’ crime, is rarely applicable. Besides that, the consequences of corporate misconduct are often diffused, remote, invisible and unequally distributed among the population. These characteristics can also affect the way state and non-state actors respond to rule violations in the meat sector, on paper and in practice.

Harm, together with wrongfulness and intent, affects whether or not certain behaviour is labelled as criminal. This is because, among other things, harm influences people’s moral judgements. Because the role of harm in meat regulation is the subject of this research (and not harm, itself), I am mainly interested in how interviewees perceive harm, including ways of ‘calculating’ harm or risk and more subjective evaluations. Because harm easily transcends ‘categories’ and, because it is a very normative topic, I will stay close to the empirical data in describing its role. When discussing risk management, it is important to note that it is informed by science, while the ultimate decisions (e.g., accepted levels of risk) are political.

With the broad conceptualisation of regulation, I include standard-setting, monitoring and enforcement by state and non-state actors. This also includes self-regulation, as companies also monitor compliance and enforce *non*-compliance. Compliance involves the way companies respond to and implement the rules, established by themselves or others.

1.2 Rule violations and harms in the food and meat sector: a literature review

Introduction

After having clarified the central concepts, in this section I provide the state of the art in the literature about rule violations and harm in food sectors and the main theories that help to frame the empirical study. Wherever possible, I highlight already completed studies on the *meat* sector. As my research was inductive, the literature review was an ongoing and iterative process (Layder, 1998). Therefore, the sources I discuss have informed the empirical research, but I have also consulted them during and after the fieldwork, inspired by what I encountered in interviews and documents.

Food crime and harm are mainly discussed in organisational and critical criminology. I first discuss the criminological literature on food crime and food fraud, which mostly concentrates on *modus operandi* and understanding causes and motivations of offenders from

a corporate crime perspective. Criminological attention on the meat sector is limited, but fits within an increasing interest of critical criminologists in the harmful consequences of legal and illegal activities in food sectors. Other disciplines (e.g., other social sciences, natural sciences) and ‘grey’ literature (i.e., reports by inspectorates, NGOs and investigative journalists) add to our knowledge about rule violations and the harms associated with meat production.

1.2.1 Food crime and food fraud

Croall’s (2001, 2007, 2009) theoretical and conceptual work on ‘food crime’ was a pioneering. In this work she identified crimes related to food production in terms of victimisation of white-collar crimes. Based on a document analysis she identified the following types of food crimes, which gives an idea about the varying forms these crimes take (Croall, 2013):

- food fraud;
- food poisoning involving rule violations about the handling of food;
- labelling offences;
- anti-competitive trade practices;
- pricing crimes;
- human trafficking and labour exploitation in food production (referring to the high number of occupational deaths in agriculture, and the global exploitation of migrant workers in agriculture, commercial fishing, and food processing); and
- food-related financial crime.

Other scholars have built further on Croall’s work, focusing on one of these crimes, and/or on specific food markets or tiers (e.g., the use of illegal pesticides) or on other types of food crime (e.g., counterfeit food) (e.g., Davies & Ollus, 2019; Sambrook, 2014; Vansteenkiste & Schotte, 2014; Vreeburg, 2004).

The concept of ‘food fraud’ is much narrower and Spink & Moyer (2011, p. 158) have defined it as intentional ways of cheating with ingredients and labels for economic gain. In doing so, they exclude food safety harms such as foodborne diseases caused by pathogenic micro-organisms. Because food safety violations can also be traced back to culpable actors who neglect rules and because food fraud and food safety violations can overlap, I follow Lord et al.’s broader conceptualisation (2017, p. 7):

(...) the abuse or misuse of an otherwise legitimate business transaction and an otherwise legitimate social/economic relationship in the food system in which one or more actors undertake acts or omissions of deception or dishonesty to avoid legally prescribed procedures (process) with the intent to gain personal or organizational advantage or cause loss/harm (outcome).

Whereas Elliot (2014) associates food related crimes with organised crime, others explain it in terms of corporate crime (Lord, Flores Elizondo et al., 2017; Onderzoeksraad voor Veiligheid [OVV], 2014), or recognise elements of both (Croall, 2007; de Lange, 2013; Lierman, 2009; Manning et al., 2016; Rizzuti, 2021). In other words, offenders involved in food-related crimes can be ‘outsiders’ who have little or no association with a food supply chain, including ‘mafia-type’ organisations, but also ‘insiders’, from small entrepreneurs to ‘corporate giants’ that are involved in the production, distribution and sales (Croall, 2013; Manning et al., 2016; Rizzuti, 2021). However, the idea of opportunity-related crime by insiders of legitimate food companies has garnered more support (Croall, 2007; Gussow, 2020; Lord, Flores Elizondo et al., 2017; OVV, 2014), even though the conceptual boundaries are blurry and overlapping in food crime cases (Rizzuti, 2021). Nonetheless, this distinction is important as it affects best practices in *responding* to or preventing such crimes. When food-related crimes or ‘scandals’ are framed as ‘mafia practices’ or organised crime, the response is more likely to be embedded in the criminal justice system, rather than on a regulatory approach of compliance, self-regulation and administrative measures. Therefore, the ‘organised crime’ approach is criticized for avoiding attention on structural causes that might be inherent to a legitimate economic sector and its control (Lord, Flores Elizondo et al., 2017; Simpson, 2013). Thus, blaming organised crime groups for rule violations can be interesting, from a political perspective, as it presents a food sector that is generally law-abiding and trustworthy (Lord, Flores Elizondo et al., 2017, p. 8). This protects the sector from negative framing and generates support to increase resources to ‘fight’ food crime.

1.2.2 Types of rule violations in the meat sector

In criminological studies that identified rule violations in the meat sector, these violations are only one element in describing multiple themes of food-related or, even broader, corporate crime. Chronologically following the phases in the meat supply chains, I list the identified types of rule violations related to meat production in the scientific and grey literature.

Although many authors discuss rule violations and legal harms in the same source, I tried to disentangle the two, as much as possible, and describe the way *harms* in the meat sector are approached in Section 1.2.4.

So, what do we know about rule violations related to meat production? First of all, in the operational phase of animal feed production, known cases involve waste materials processed into the feed, creating consumer risks (Vreeburg, 2004). In animal husbandry, the use of illegal growth promoters and antibiotics occurs (Vreeburg, 2004). Geelhoed's (2017) qualitative research showed non-compliance of Dutch pig farmers within varying regulatory domains, mainly animal welfare, manure disposal and animal medication. In the animal transport phase, Vreeburg (2004) reports illegal transport of cattle (Vreeburg, 2004). It is in the first operational phases of farming, transport *and* slaughter, that animal welfare violations are relevant. However, there is a lack of academic research on animal welfare violations in general, and on *farm* animals in particular (see also, Lynch & Genco, 2021). One exception is the recent work focusing on cattle and pig welfare violations in Finland (Väärikkälä et al., 2019; Väärikkälä et al., 2020). This literature reveals that the most common violations involving cattle were inadequate lying areas, shelter and unhygienic conditions at farms that rear cattle outdoors year-round (Väärikkälä et al., 2019). For pigs, a lack of enrichment material, to meet their need for exploratory behaviour, and a lack of record-keeping were the most common violations (Väärikkälä et al., 2019). A later study found that the most commonly *sanctioned* violations were unhygienic premises, dirty animals and inadequate feed and water available for pigs and cattle (Väärikkälä et al., 2020).

There is also a lack of academic research and reliable data on the nature and prevalence of rule violations in slaughterhouses. Incidentally, the operational phases of meat packing and trade have been associated with fraud and a variety of other rule violations, of which the meat packing industry also usually includes the process of slaughter. When researching law violations by the 70 largest American corporations in the 1940s, Sutherland (1983, pp. 16-17) for example, already traced the largest number of violations to two meat packing businesses, Armour & Company and Swift & Company. His analysis showed how these companies violated the rules of different legal domains, including those related to restriction of trade and unfair labour practices. Vreeburg (2004) referred to practices of integrating meat from illegal slaughter into the consumption chain, cutting away stamps on meat to avoid the embargo on beef from affected regions during the BSE-crisis, and exporting illegal meat with fraudulent EU stamps. Van Ruth and Huisman (2014) pointed to the fraud vulnerability of the meat sector in general, because of opportunities and offenders'

motivations. Their examples include changing meat types, using waste meat for human consumption and fraud with the geographical origin of meat, which can be situated in slaughterhouses but also in later operational processes. Other than that, slaughterhouses also feature in research that link the job to *other* crimes committed by slaughterhouse staff (e.g., see Fitzgerald et al., 2009). Investigative journalists in the US have also reported the involvement of major meatpacking firms in price fixing, collusion to divide up markets, violation of antitrust laws and unequal governmental support for agro business to the detriment of (small-scale) farmers (Leonard, 2014; Schlosser, 2005). The literature on *animal welfare* violations in slaughterhouses is even more scant. In Belgium, the grey literature reports occasional problems in slaughterhouses that relate to driving animals to the killing floor, infrastructure, the fixation of animals, stunning and ritual slaughter of cattle (Driessen et al., 2018; Vanthemsche, 2017). However, this work is mostly descriptive and aimed at improving technical aspects of slaughter processes.

Moving to the next operational phase, Hartung (1950) identified violations related to price administration in the Detroit wholesale meat industry. Much later, Van Duyne (1993) showed how some branches of legal enterprises have links with traditional drug trafficking organisations, based on crime cases in the meat sector (among other cases). He identified meat quality and tax fraud with meat imported from outside the EU.

Reports from inspectorates and advisory councils have, more systematically, mapped rule violations in the meat industry. Some very informative examples include those published by the Dutch Food and Consumer Product Safety Authority ('NVWA' in Dutch) that specifically concentrated on fraud in the supply chain of chilled and frozen meat (NVWA, 2015a) and on malpractices and risks in the red meat supply chain (Nederlandse Voedsel- en Warenautoriteit [NVWA], 2015b). Although the latter frames problems in the meat supply chain in terms of 'risk', it also lists rule violations observed in animal husbandry, transport and slaughter. Together, these reports provide a good understanding of what types of rule violations can be expected in the meat sector that also harbour food safety risks:

- the use of illegal medication or hormones in animal husbandry (NVWA, 2015b);
- production and trade of meat unfit for human consumption for the human consumption chain, which covers several activities (NVWA, 2015a; NVWA, 2015b):
 - illegal slaughter where no official veterinarian was present to inspect the animals prior to or after slaughter;
 - slaughter in an infrastructure that is not necessarily fit for slaughter; and

- incorporating waste meat in the human consumption chain;
- changing ‘best-before’, or ‘use-by’ dates (NVWA, 2015b);
- changing the identity of the type of meat (e.g., horse meat instead of beef) (NVWA, 2015a; NVWA, 2015b). This affects food safety as the animal’s medical history is unknown;
- falsifying certification about the production method (e.g., selling regular meat as organic or halal) (NVWA, 2015a, NVWA, 2015b). This affects food safety if it involves avoidance of meat inspection and/or if it makes meat untraceable;
- fraud with horse passports (NVWA, 2015a); and
- illegal meat importation, falsifying the country of origin (e.g., to avoid monitoring) (NVWA, 2015a; NVWA, 2015b).

The report addressing risks in the red meat supply chains also included the *animal welfare* risks for cattle and pigs (NVWA, 2015b). For this topic, only a few rule violations could be reported, namely in the lengthy transport of animals (e.g., overloaded trucks, transport of sick and injured animals). The authors report a lack of information about the *actual* prevalence of other identified risks and harms for animals from farming to slaughter, due to a lack of registration and research on these topics (NVWA, 2015b). In other words, rule violations and harms concerning food safety were better documented than for animal welfare.

1.2.3 Human victims of food-related crime

The types of rule violations listed in the former paragraph make clear that research mainly concentrates on activities that cause *human* victimisation. What we know about victimisation resulting from food-related crime is in line with insights in the corporate crime literature, namely that the social distribution of victims is unequal concerning their age, gender, education, socioeconomic status, ethnicity and geographic location (Croall & Levi, 1999; Croall, 2016; Vande Walle, 2005). Elderly people, children and pregnant women are more susceptible to food poisoning and more likely to experience severe consequences (e.g., deaths caused by listeria or E. coli infections) than others (Croall & Levi, 1999). Consumers that rely on others for food preparation (e.g., inhabitants of care homes, prisons and hospitals) are also more at risk of victimisation by fraud or food poisoning (Elliot, 2014). Social status, education and economic pressures affect consumers in making informed ‘choices’ about what foods to consume and where to buy the best quality products, which also affects their

exposure to risk (Beck, 1992; Croall, 2016). Because lower income groups proportionally consume more processed foods, which are more susceptible to fraud, they are also more at risk (Elliot, 2014, p. 14). Slaughterhouse employees, predominately men, are also at risk of physical harms (Croall, 2016). These inequalities mostly relate to the power dynamics within society, making the relatively powerless more susceptible to victimisation of corporate crime than the powerful (Croall & Levi, 1999; Passas, 1999). These observations extend to non-human victims as well, especially in the case of meat production. Although the victimisation of animals in food production is less central in the food crime literature, it is discussed in literature that concentrates on *harms* of the meat sector. Their approach reaches further than victimisation of *crime*, as many harms inflicted on animals in the meat sector are not illegal.

1.2.4 Growing attention for harm in the meat sector

Critical criminologists have recently shown interest in mapping *legal* harms associated with meat production, or ‘lawful but awful’ activities (Fitzgerald & Tourangeau, 2018; Laestadius et al., 2018; Passas, 2005). In Chapter 2 I will systematically discuss the *types* of legal harms of meat production per bearer. Here I will provide some examples and explain some of the assumptions and concepts of a ‘green criminological’ perspective on harms of the meat sector, which I refer to later on in this study.

The sub discipline of green criminology focuses on man-made harms, including non-human harms, such as those created by the food industry (Gray, 2018a; Hall, 2013, p. 220). Green criminologists criticise an anthropocentric approach of crime, which centralises human well-being and health, and instead apply a ‘non-speciesist’ or ‘ecocentric’ perspective, that also considers crimes and harms that affect other species, plants and environments (Cazaux, 1999; Gray, 2018a).⁸ The meat sector, in particular, is known to cause many harms to other bearers, including animals and the environment (Lierman, 2009).

Cazaux (1999) and Beirne (2009) have specifically pointed to criminologists’ limited attention to animal abuse⁹. The existing research usually covers individual instances of abuse of domestic animals, while neglecting the more concealed, but routine and ‘institutionalised’, forms of animal abuse (e.g., in meat production but also with laboratory animals). These types of animal abuse frequently include neglect, are serious, routine and happen on a much larger

⁸ Speciesism refers to discrimination on the basis of animal species (Cazaux, 1999, p. 106). Singer (2009, p. 6) defines it as: ‘(...) a prejudice or attitude of bias in favour of the interests of members of one’s own species and against those of members of other species.’

⁹ Beirne (2007, p.55) defines animal abuse as the ‘diverse human actions that contribute to the pain, suffering or death of animals or that otherwise adversely affect their welfare.’

scale than individual cases of domestic animal abuse. Green criminologists also criticise more traditional criminological research for its concentration on the link of animal abuse with domestic violence, and thus harm to *people*, instead of the animal abuse *itself*. According to Cazaux (1999, p. 120) the focus on individual instances of abuse of domestic animals relates to the fact that these are more visible, controllable and easier to research than broader patterns of power that cause harms.

Except for animal abuse, others have pointed to the environmental and social harms (e.g., conflicts over land) created by land conversion for cattle farms and soy cultivation for animal feed (Boekhout van Solinge & Kuijpers, 2013). Legal harms, addressed in other parts of the meat supply chain, include animal suffering during lengthy transports (in Canada, 36 hours without food and water is legal) and legal and illegal harms because of ‘carnist technologies’ used in animal husbandry and slaughter (Fitzgerald & Tourangeau, 2018, p. 221; Laestadius, Deckers & Baran, 2018). Such technologies are assigned for animal food production and ‘facilitate, enact or reinforce’ carnism: ‘the normative belief that animals are a source of food’ (Laestadius et al., 2018 pp. 295, 296).¹⁰ From an ethical point of view, critical scholars challenge this belief, by questioning the commodification of animals in the first place, and by questioning the social construction of regarding some animals as sources of food and others not (Fitzgerald & Tourangeau, 2018, p. 219; Laestadius et al., 2018).

Studies from other disciplines (e.g., public health, ethics, agriculture studies) contribute to mapping harms of meat production, mainly of industrial farming, showing how this disproportionately contributes to harms to the environment and public health (e.g., Horrigan et al., 2002; Ritchie, 2004; Rossi & Garner, 2014). Investigative journalists also report meat-related foodborne diseases and deaths among consumers, harms of hormone and antibiotic use, of zoonoses¹¹ (which affect animals *and* humans) and the social and physical harms to workers in meat plants (Leonard, 2014; Schlosser, 2005; van Silfhout, 2014). As I have mentioned earlier, these findings are discussed in Chapter 2.

¹⁰ Literally they define carnism as ‘(...) the largely invisible belief system in which eating certain animals is considered ethical and appropriate, representing a counter-point to vegetarian and vegan beliefs about the role of animals’ (Laestadius et al., 2018, p. 295).

¹¹ A zoonosis is ‘any disease and/or infection which is naturally transmissible directly or indirectly between animals and humans’ (article 2, Council directive (EC) No 2003/99/EC of 17 November 2003 on the monitoring of zoonoses and zoonotic agents).

1.2.5 Explaining rule violations in the food and meat sectors

I consider compliance and self-regulation as inherent parts of the control of the meat sector. Especially in this sector, self-regulation plays a considerable role. This is why I am interested in factors that influence meat operators in the way they comply (or not) with rules and in the way they perform tasks of self-regulation. Therefore, here I discuss the literature about explanations of compliance and non-compliance that are relevant to the meat sector. There is a growing number of scholars that apply criminological approaches to explain rule violation in the food sector, with countries and/or specific markets used as case studies (e.g., Cheng, 2012; Geelhoed, 2017; Lord et al., 2017). In this way, they offer insights that could improve monitoring, prevention and detection methods, sometimes by combining criminological theory with natural sciences' capacities to analyse food substances and their ingredients (van Ruth et al., 2017; van Ruth et al., 2018). The recent studies of food fraud share a commonality in that they presume that some industries are more criminogenic than others because of structural characteristics, following scholars who have made such claims about other industries (e.g., Braithwaite, 1984 on the pharmaceutical industry, Pearce & Tombs 1998 on the chemical industry). This literature explains causes of crime by characteristics of the environment (e.g., an economic sector) or situation (opportunity), rather than by characteristics of an individual person (or company). This distinction is also metaphorically referred to as blaming the 'bad barrel' versus 'bad apples', with the second discourse rather concentrating on characteristics of individual actors within the legitimate industry (e.g., James, 2018). This is relevant because it informs policy makers and regulating actors about adequate responses. For example, in case of a crime or scandal in a food sector, the focus on the 'few bad apples' who are thought to ruin the sectors' reputation by isolated cases of misconduct, can be a political and financially interesting strategy to divert attention away from problems that are inherent to a sector and/or its regulatory agencies. Cheng (2012), for example, mentions how the least powerful actors (e.g., farmers and other small businesses) in the food chain were scapegoated in China after the melamine tainted-milk scandal to 'appease public anger'. By such 'symbolic' or 'expressive' enforcement, some actors (or acts) are punished to limit the impact on the economic interests of a complete sector (Almond & van Erp, 2018, p. 15). This relates to the earlier discussion about framing food crime as organised rather than corporate crime, as the 'organised crime' discourse concentrates on the few bad apples instead of structural problems in an economic sector.

The bad apple – bad barrel dichotomy is a helpful metaphor for causes of non-compliance, yet for my study, it is more precise to make a distinction between factors on three

levels: the extra-organisational level (environment/situation), organisational and the individual level, which is inspired by the literature about ethical decision-making in organisational and social psychology (see also Section 1.3.5) (e.g., Gorsira, 2018, Huisman, 2016). Factors at the three levels can simultaneously play a role in rule violations. For example, Geelhoed (2017), who studied compliance by pig farmers, found causes at different levels. She applied theories of opportunity and strain (extra-organisational level) to explain why these farmers violated rules, but also found how characteristics of farms (organisational level), farmers' personal norms (individual level) and their neutralisation techniques could explain why they violate some *types* of rules rather than others. Lord and Spencer et al. (2017) related fraud vulnerability to opportunities characteristic of specific food markets, but also to organisational culture. In my study, data was most rich concerning the extra-organisational and organisational level, which is why I elaborate more on these levels here.¹² However, it should be noted that different factors are linked, and that compliance is part of broader social dynamics, such as interactions between regulatees and regulators.

Characteristics at the extra-organisational level

At the extra-organisational level, the criminogenic market approach sees variation in opportunities and motivations between specific markets and submarkets. This approach considers the actors at the top of the distribution chain as the most powerful ones, who are most often in the position to push pressure downwards, affecting other levels because of the interdependency of the industries' actors (Simpson, 2011). Therefore, Denzin (1977, as in Simpson, 2011, p. 492) discusses 'criminogenic tiers' and visualises an industry consisting of several tiers that operate in distinct pressures and have their own characteristics. It results in the 'squeezing of a balloon', which can be felt in the different tiers. The pressure within the supply chain at the different tiers can explain, to some extent, the motivations and opportunities for crime, which can be specific for each tier (Simpson, 2011, p. 493). Also, Sutherland (1983, p. 260) explained variations in corporate law violations, at least partly, by the position of a firm in the economic structure, as this position can create opportunities and need for rule violations (Sutherland, 1983, p. 262). Sutherland's explanation is as follows: 'a corporation does not search for opportunities to violate any law whatever. Rather it is carrying

¹² In this study I cannot say much about the individual level, which is the field of social psychology and requires a different empirical design than the one I have employed. The characteristics on the different levels are discussed in Chapter 4 where I sketch the characteristics of the Belgian beef and pork sectors, and in Chapters 9 and 10 about the way all kinds of factors, at meso- and macro level, and social interactions affect decisions of regulators and regulatees.

on certain activities for the purpose of profits and finds itself impeded by a specific law and it violates that law.’

Apart from features of one tier in a supply chain, there are also features of the food (or more specifically meat) sector, when compared to other types of markets, that are thought to increase vulnerability for crime, or fraud in particular, making this sector more ‘criminogenic’ (e.g., Lord, Spencer, et al., 2017; van Ruth & Huisman, 2014). This relates to crime *opportunities*, for example, because of the scale and complexity of food production, in general (Vreeburg, 2004), or fraud opportunities related to a particular product and production process (Lord, Spencer, et al., 2017; van Ruth & Huisman, 2014). These ideas are rooted in the situational prevention theory and routine activity theory (RAT), that explain crime by the presence of motivated offenders and suitable targets, along with the absence of guardians (Cohen & Felson, 1979; van Ruth et al., 2017). One quantitative study collected data from food businesses about food fraud vulnerability and showed how the meat sector is specifically vulnerable, when looking at opportunities and motivations using vulnerability ‘scores’ (van Ruth et al., 2017; van Ruth et al., 2018). Opportunities in the meat sector are believed to be high because of access of people to production lines and evidence of past fraud with raw materials and final products, predicting similar offences in the future (van Ruth et al., 2017; van Ruth, et al., 2018). Moreover, motivations for fraud in the sector are considered high because of the presence of valuable (components of) raw materials and the culture and behaviour inherent in the sector (i.e., the occurrence of criminal offenses by suppliers and customers), which is believed to motivate companies to violate rules to stay competitive. On the contrary, concerning the presence of guardians (the third element of the RAT), the elaborated control measures established for the meat sector (compared to other food sectors) are believed to reduce fraud vulnerability (van Ruth, et al., 2018).

Based on existing literature, James (2018) also looked at macro-level characteristics affecting ethical decision-making by farmers, in particular. This is another perspective that does not just focus on crime, as unethical decisions can involve rule violations, but not necessarily. Looking at macro-level characteristics allows one to consider morality in decision-making, which is more complex than following the law. He links farmers’ unethical decisions to pressures and constraints unique for farmers, namely the increasing production costs and land prices, debts and financial problems, increased, and more stringent, public rules and processes of industrialisation, concentration and globalisation of agriculture after the Second World War (James, 2018, p. 67). All this can contribute to problems at the organisational (e.g., debts) and individual levels (e.g., divorce, mental health issues), which in

turn can lead to animal neglect, for example (James, 2018, p. 71). This example shows how one rule violation, on the individual level, can be embedded in a much broader context. Even more ‘macro’ is the critical criminological view that seeks the causes of crimes and harms in capitalism and the free market, *in itself* (Cheng, 2012; Nelken, 2012, p. 651). Cheng (2012) for example, pointed to the harms that result from the very fact that food is commodified and the food industry profit-driven, which threatens the quality and safety of food and exploits farmers and workers (see also, Asomah & Cheng, 2018). However, this does not explain the variation in the decisions taken by individuals, that affect whether rules are violated and/or harm is caused.

Organisational characteristics influencing non-compliance

Organisational characteristics affecting compliance can be divided into features that relate to an organisation’s structure, strategy and culture (De Boeck et al., 2018; Huisman, 2016). An organisation’s structure ‘determines the manner and extent to which roles, power, and responsibilities are delegated, controlled, and coordinated, and how information flows between levels of management’ (Huisman, 2016, p. 12). This can involve characteristics such as size, complexity and decision-making structure and processes. Large companies, for example, are considered to be more capable of concealing non-compliance (Huisman, 2016, p. 14) and to counter negative publicity (Almond & van Erp, 2018). Organisational strategy involves the organisational resources and goals (e.g., short- or long-term profit making, loss avoidance, achieving a good reputation of Corporate Social Responsibility, CSR) (Huisman, 2016, p. 7). Organisational culture refers to shared beliefs, values and norms within an organisation, which is believed to be greatly influenced by the moral stance of top managers or leaders (Braithwaite, 1985; Huisman, 2016, p. 17, 18).

Quantitative research has been conducted in the field of bioscience engineering (combined with organisational psychology) about these organisational characteristics of companies in the Belgian food and meat sectors. These studies link such characteristics to the success of food safety regulation in the food processing sector (De Boeck et al., 2018) and meat sector (i.e., butcheries), respectively (De Boeck et al., 2016). The first study focused on food safety management systems (self-monitoring systems) of food *processing* companies, by looking at characteristics affecting the ‘food safety climate’, which they define as the ‘(shared) perception of leadership, communication, commitment, resources and risk awareness concerning food safety and hygiene within their current work organization’ of employees (De Boeck et al., 2018; p. 17). This study found that staff training, combined with

managerial support and reinforcement in the workplace, and leadership affect a company's food safety climate (De Boeck et al., 2018). With leadership, the authors refer to the relationship between employees and the leader (not necessarily managers), which relates to organisational *culture*. The other study shows how organisational characteristics in Belgian *butcher shops* affected both the food safety climate *and* food safety performances (De Boeck et al., 2016). Centrally managed butcher shops 'scored' significantly higher on food safety climate and had higher levels of microbiological hygiene and food safety than independent, small scale, farm butcheries (De Boeck et al., 2016). Thus, large companies that centrally manage several shops had better food safety performance scores, which refers to the importance of organisational *structure*. My qualitative findings further contribute to insights in organisational characteristics affecting compliance, mainly concerning Belgian slaughterhouses.

Concluding remarks

Despite the increasing attention on food crimes and harms in criminology, there is limited empirical research and even less concerning the meat sector. Literature in other disciplines, the grey literature and journalism, adds to our knowledge about non-compliance and harm in this sector. It shows how non-compliance manifests in many forms and can be explained, at least to some extent, by opportunities, cultural and structural characteristics of organisations and the sector. However, qualitative research is rare, and many studies concentrate on non-compliance that affects only humans and neglects other bearers. Also, existing academic research is concentrated in North-America and the UK, while in Northern Europe and Belgium, in particular, not much is known about rule violations in the meat sector.

My findings cover a wide range of rule violations, also related to other topics than food safety. The qualitative data can further contribute to the discussion of characteristics affecting compliance (and regulatory decisions), including the role of harm and morals. Moreover, it provides insight into the *interactions* among and between regulators and regulatees. I regard compliance as only one component of regulation. Therefore, I now turn to the broader picture of the control of the food (or meat) sector from a theoretical perspective.

1.3 Theoretical perspectives and insights on the regulation of the food sector

Introduction

In this section I discuss theories about the control of food supply chains, especially those based on regulation and governance studies that have a longer tradition in this field than criminology (e.g. Ansell & Vogel, 2006; Havinga, 2006; Havinga et al., 2015; Mascini & Wijk, 2009). I will discuss theoretical insights and empirical findings on regulation that have informed my understanding of food regulation and for which I found, to some extent, confirmation in my empirical research.

First, I will explain the theories behind responsive regulation and enforcement styles of regulators. Second, I discuss the concept of hybrid regulation. Concerning both themes, some research has already been conducted within the context of *food* regulation. Because the criminal law path is only one option in the whole responsive and hybrid regulatory framework, thirdly I will briefly discuss literature on the challenges of criminal law in the control of corporate rule violations. Fourth, I discuss risk management and blame avoidance, as food safety regulation is not only based on responsive, but also on instrumental purposes of identifying and avoiding harms and risks of business activities (Parker et al., 2018). Fifth, I introduce theories about ethical decision-making and discretion of ‘street-level bureaucrats’, in my case this concerns the regulators involved with monitoring slaughterhouses in daily practice.

A binding element in these theories is the approach of regulation as a dynamic and hybrid process, involving varying actors that have multiple instruments available to control an economic sector. Which instruments they chose, how they use them and the roles the actors adopt and the decisions they make, depends on who they are, the organisation they work for, social dynamics, the situations they encounter and social interactions.

1.3.1 Responsive regulation and enforcement styles

According to Ayres and Braithwaite’s (1995) influential approach of responsive regulation, regulators should take a ‘responsive’ attitude towards non-compliance, be flexible, adapting their responses to the context, regulatory culture and history, a variety of industry structures, motivations of regulatees and industry conduct (Ayres & Braithwaite, 1995). The theory is based on a very pragmatic assumption that no form of regulation will be effective in all circumstances and thus, the best way to interpret rules depends on the specific context

(Mascini & Van Wijk, 2009). Ayres and Braithwaite (1995) introduced the idea of an ‘enforcement pyramid’, which entails different layers that represent enforcement activities, which can be adjusted to a regulatory field (Ayres & Braithwaite, 1995, p. 35). The base of the pyramid represents the first ‘phase’ of enforcement, the most used action taken to encourage compliance, usually persuasion. If this fails, regulatory actors should move one level higher, for example, issuing a warning, and so on, until ultimately they reach the top of the pyramid, reserved for the most severe, but rarely imposed, sanctions. Here we find the most punitive sanctions (e.g. withdrawal of a permit) that are supposed to work as a ‘benign big gun’, only applied when soft regulation fails (Ayres & Braithwaite, 1995, p. 40; Braithwaite, Makkai & Braithwaite, 2007).

According to the assumptions of responsive regulation, one regulating actor should be able to apply varying styles to coax compliance of businesses, as the theory assumes there is not a ‘one-size-fits-all’ solution. Styles vary between actors, even though they might be informed by the same regulatory policies. Several scholars have made typologies of enforcement styles. They generally distinguish persuasive, educative, cooperative styles on the one extreme, and more deterrent, police-like and coercive styles on the other (e.g., Braithwaite et al., 1994, p. 386; Mascini & Van Wijk, 2009). May and Wood (2003) speak of a facilitative and a formalist dimension, referring to the degree that regulators apply either a willingness to support regulatees, or a rigid interpretation and application of rules, respectively. In their view, both dimensions should be applied to some degree, allowing for a combination of styles (e.g., formalist while staying cooperative). There is general consensus that both dimensions, or different styles, have advantages and disadvantages (Ayres & Braithwaite, 1995; May & Wood, 2003). In line with the responsive thought, empirical research shows that enforcement styles are not static, but depend on the context, the situation and interactions with regulatees (Buckley, 2014; Mascini & Van Wijk, 2009; Raaphorst & Loyens, 2018). Raaphorst and Loyens (2018), for example, have shown how a variety of social dynamics affect regulators’ styles and decisions, such as the relationship between regulator and regulatee, negotiation skills of both parties, and social ties and pressures (among regulators, or vis-à-vis regulatees).

Empirical research on the food sector has also reflected on these theories. Mascini and Van Wijk (2009), who focused on the regulation by The Netherlands Food and Consumer Product Safety Authority (NVWA), found that some of the ideas of responsive regulation are difficult to apply. Individual inspectors are not consistent in the way they approach regulatees and apply different sanctions in similar cases (Mascini & Van Wijk, 2009, p. 33). They could

also not always respond the way they thought was most suitable in a case (Mascini & Van Wijk, 2009, p. 37). An important impediment to applying the most appropriate style in specific cases was a language barrier, as communication is crucial to persuade and advise regulatees to become compliant. Such barriers reduce the effectiveness of the inspector's task, independent of his or her style. Also, the lack of discretion inspectors are allowed by superiors to deviate from the rules hampered the application of the most suitable enforcement style (Mascini & Van Wijk, 2009, p. 38). Another important reason for inspectors not to employ the most suitable style was that they were taking into account reactions of other actors involved in a decision chain. Even when inspectors manage to apply the style they consider as most suitable, another challenge is how food operators do not always perceive this style in the same way as the inspector intended (Mascini & Van Wijk, 2009, p. 39).

In interactions of small food processors and inspectors in the US, Buckley's (2015) qualitative research also shows variation in styles between individual inspectors, and in different situations. She found how young inspectors generally work more 'by the book' (Buckley, 2015, p. 77) and how regulatees appreciate a human approach. The interest inspectors show in someone's business, and whether they adopt an advising role, influence the effectiveness of the regulating task. However, the level of assistance of inspectors depends on their relationship with regulatees, because officially, the food inspectors in this study were not allowed to act as a consultant, to tell processors in a detailed way how to meet a requirement (Buckley, 2015, p. 78).¹³ As such, food operators also affect regulatory styles and outcomes. This is also an important finding of Pope et al. (2013) who examined regulation of slaughterhouses in the UK and concluded responsiveness is necessary because of the complex way several factors affect food safety compliance in a slaughterhouse. As they put it, 'there is no simple formula to predict the outcome in any particular plant' (Pope et al., 2013, p. 107). The authors distinguish three different approaches of the official veterinarians (OVs) and meat hygiene inspectors (MHIs) who inspect animals and meat in slaughterhouses, namely that of the facilitator, educator/consultant or enforcer. This is in line with typologies made in earlier research about regulatory styles (Kagan & Scholz, 1984). Officials adopting the 'enforcer' (or 'police-like') approach tend to stick most rigidly to their job description. The study of Pope et al. (2013) also confirmed how regulators adapt their style to the role the business operators adopt and vice versa. The educator approach only worked, for example, when business operators were willing to learn and accept help. Also, officials who are

¹³ The author therefore remarks how 'the line between assisting and consulting can be thin'.

perceived as inexperienced by slaughterhouses operators are less effective as advisors, and those that are regarded as consistent and proportional in rule interpretations and enforcement provoke more positive attitudes of operators. Buckley's (2015) research also shows how complicated the official's job is. For example, small food processors generally appreciate inspectors' flexibility about rule interpretations, while at the same time, this can diminish uniformity which can frustrate and confuse *other* processors (Buckley, 2015, p. 79). Specific to Belgian food safety regulation, Raone and Schiffino (2015, p. 186) point out how persuasive styles are, in fact, a necessary strategy because the regulator's authority and legitimacy are less self-evident now among regulatees than they used to be. Regulatees demand more convincing arguments explaining *why* they should change their practices.

1.3.2 Hybrid regulation

Inherent to the idea of responsive regulation is the availability of multiple regulatory interventions. In a 'pluralist model of regulation' (Braithwaite, 1993), the state is only one among other actors in market ordering, and state regulation in itself consists of several layers (regional, federal, international). Others referred to this model as smart regulation, or co-regulation (Gunningham & Sinclair, 2017) and encourage the use and mixture of a variety of regulatory instruments of state actors and third parties (both civil and commercial actors) that, together, shape regulation. 'Hybrid' regulation is a similar concept, and emphasizes the 'blending' of regulatory systems and institutional forms (Grabosky, 2010). How to alternate available regulatory instruments, choosing the best response or mix of responses, depends on the situation at hand. These theoretical concepts are also used in describing the way regulation has changed in time, with a shrinking and changing role of the state, becoming increasingly a *manager* or facilitator of the variation of regulatory actors and instruments (Grabosky, 2010, p. 97). In this new order, the state creates 'the necessary preconditions for second or third parties to assume a greater share of the regulatory burden rather than engaging in direct intervention' (Gunningham & Sinclair, 2017, p. 139). It creates a kind of 'meta-regulation', or 'regulation of regulation', as also in hybrid regulatory forms there is a need for one actor coordinating and monitoring regulation (Grabosky, 2017; Raone & Schiffino, 2015, p. 181). Levi-Faur (2005, p. 15) speaks of 'regulatory capitalism' to explain the changed 'division of labor' between the state and businesses:

the state retains responsibility for steering, while business increasingly takes over the functions of service provision and restructuring of the state (through delegation and the creation of regulatory agencies) and the restructuring of business (and other societal organization) through the creation of internal controls and mechanisms of self-regulation in the shadow of the state (Levi-Faur, 2005, p. 15).

Enforced self-regulation is also a form of meta-regulation, as the state delegates regulation to businesses, while prescribing its conditions and participating in its monitoring (Ayres & Braithwaite, 1995, p. 101; Grabosky, 2017; p. 149).

The increasing hybrid forms of regulation can be clearly observed in the case of food safety regulation in Belgium (Havinga, 2015; Havinga & Verbruggen, 2017; Hutter & Jones, 2007; Raone and Schiffino, 2015). The way public and private actors are involved in the phases of standard-setting, monitoring and enforcement and how they interact, is complex (Havinga, 2015; Havinga & Verbruggen, 2017). In Chapter 2 I sketch the historical development of food regulation, including the role of public and private actors. Some scholars have specifically described the historical process and organisation of Belgian food safety regulation (Cazaux, 2003; Ponsaers, 2015b), or compared good practices in Belgium with other EU countries (Wubben & Hubeek, 2006). However, less is known about how this works, in practice, for a specific food market, that is confronted with other branches of regulation as well.

1.3.3 The criminal law in regulation: its role and challenges

In the context of responsive and hybrid regulation of food, criminal prosecution is usually situated high in the pyramid. Criminal prosecution is often considered as a last resort. In the literal sense it means that other available measures have been tried before criminal prosecution (Duff et al., 2014, p. 27). In the less literal sense, the idea is to use criminal prosecution only when it is a proportionate and just response, compared to other kinds of legal responses. Therefore, criminal prosecution, as last resort, is not only an instrumentalist approach of considering the most cost-effective technique, but also a normative approach about which technique ‘is appropriate to the character of the mischief that is to be addressed’ (Duff et al., 2014, p. 36).

Detection, prosecution and sanctioning of corporate rule violations is challenging for several reasons, according to the literature. Detection is often complicated by the lack of direct or visible victims, as consequences are remote in time and diffused among victims

(Foerschler, 1990, p. 1296). Another problem that hampers detection in the organisational context is successful concealment of illegal activities by perpetrators and their social environments (van de Bunt, 2010). Based on financial fraud cases, van de Bunt (2010) identified varying social dynamics of secrecy and silence that affect what is known and disclosed about rule violations in the corporate context. Perpetrators can be regarded as ‘trusted’ and above suspicion because their activities are socially embedded. The social environment can lack interest in knowing the truth, employ a kind of ‘concerted ignorance’, disinterest to disclose rule violations, or fear for the consequences of disclosure. Apart from offenders, bystanders and victims, also control agents silence rule violations and include public and private actors and organisations (partly) involved with preventing crime and maintaining order (van de Bunt, 2012, p. 48). This is sometimes a form of denial, when control agents prefer not to know, because they deal with conflicting interests. However, silencing can also serve the establishment or the maintenance of trust, which is essential for the effectiveness of the control agent’s job.

Concerning the next phase, prosecution, it is believed that the diffusion of responsibility, the complexity of cases and the lack of concrete evidence hampers prosecution of corporate offenders (Foerschler, 1990, p. 1301; Friedrichs, 2006, p. 70; Pontell et al., 2013). Economic and political clout of corporations not only provides opportunities for rule violations, it also helps to avoid full-fledged liability, making corporate crime control a political issue (Friedrichs, 2006; Simpson, 2011). Within corporations, those in the highest positions more easily avoid prosecution as they are less directly responsible for detected offenses (Pontell et al., 2013).

Power and status positions of corporate offenders also affect sanctioning, although the way in which this happens is not straightforward (Levi, 2016). Wheeler et al. (1982) found that federal judges considered offenders with a higher social standing more blameworthy. This was the rationale judges employed to impose harsher sanctions. However, a clean record affected their perception of the offender’s ‘moral character’ as generally good (Levi, 2016; Wheeler et al., 1982). Others claim that challenges in detection and prosecution and the impact on employment, ultimately make sanctions of corporate rule violations relatively mild, or at least complicated (Levi, 2016; Newburn, 2013, p. 409). If indeed detection and prosecution of corporate rule violating is relatively rare, offenders will often have clean records.

Fines are an often-applied sanction for corporate rule violations, but fine amounts do not necessarily reflect the severity of the harms (Newburn, 2013, p. 409). Because fines are

usually imposed on the corporation and not on individuals, fines tend to affect small companies disproportionately, when looking at fines in proportion to profits companies earn (Newburn, 2013). This questions the effectiveness and justness of fines.

Not much is known about the detection, prosecution and sanctioning of food-related crimes, in particular. Therefore, the abovementioned general insights about corporate crime highlight potential challenges. One exception is the recent work of Väärikkälä et al. (2020) who found that criminal sanctions for welfare violations of cattle and pigs in Finland are mild, considering the severity and the long time the violations could continue before the authorities intervened. The authors conclude that the court does not perceive these violations as very blameworthy. Another exception is Gussow's (2020) research, on the *detection* of food fraud in the Netherlands. She found how different strategies or 'pathways' (i.e., routine compliance inspections, reactive efforts, proactive efforts, or a combination of the last two named 'inductive') have varying success of discovering food fraud, but also lead to the discovery of different types of offenders and fraud. The 'reactive pathway' depends on spontaneous reports by other governments or anonymous or disclosed private third parties. This pathway proportionally led to the highest number of cases of successful detection. Instead, the routine inspections rarely discovered food fraud. This means that an inspector without specific information, is not very likely to detect intentional illegal behaviour. To some extent, this is not surprising, considering the core purpose of food safety inspections: to inspect food safety procedures instead of fraud detection (Gussow, 2020, p. 296). The enforcement agency is willing to invest a great deal of effort and resources in cases discovered by the proactive and induced pathways, but these pathways most often involve an inability to find evidence. However, these two pathways *did* lead to the discovery of more invisible and long-hidden food frauds (Gussow, 2020). Therefore, the author concludes that a combination of information-gathering strategies is crucial, as well as luck, to detect varying types of food fraud. Furthermore, the decision-making processes of detection turned out to be strongly affected by considerations about the desired effect in an individual case and is often led by reputational and strategic motives of the enforcement agency. These motives led to applying criminal law while other, 'softer', interventions had not first been tried (Gussow, 2020, p. 302). As such, criminal prosecution of food fraud cases was not always applied as a last resort.

Concerning the different phases of the criminal justice system, Vreeburg (2004, p. 48) more generally reported how the complexity of food production chains and blame shifting to actors in other phases of the supply chain hamper prosecution of food related crimes. Also,

the lack of direct victims and the remote harms can make these crimes be perceived as less serious than others. Vreeburg (2004) further added that complex legislation, scattered law enforcement, rapidly changing policies and insufficient expertise and experience in assessing food safety risks further complicate law enforcement.

1.3.4 Risk management and blame avoidance in regulation

Avoiding harm and diminishing risk for consumers is a central, and increasingly important, aim of European food safety regulation (Lawless & Wiedemann, 2011). This fits with the more general observation that regulation and risk management have become increasingly aligned, with regulation as a way to reduce risk (Haines, 2007; Hutter & Lloyd-Bostock, 2017). Risk-based regulation implies that it is not the aim to prevent all possible harms, but only those that are found unacceptable, based on assessments of probability and magnitude of harms occurring (Demeritt et al., 2015). Assuming not all risks can be avoided, a risk-based approach allows for the allocation of available budgets and capacity in the best possible way. This approach is followed for monitoring and enforcement activities in food safety regulation, considering, for example, inspection frequencies (Maudoux et al., 2006). Meat hygiene inspections however, are rather hazard-based because *all* carcasses (at least for pigs and cattle) are inspected (Demeritt et al., 2015). Because of the specific risks related to meat (and animal food products in general), the control of this sector is generally well developed compared to other sectors, including monitoring and enforcement activities by public and private actors (De Boeck, et al., 2018, p. 16; Van Ruth et al., 2018).

However, regulation is not only about reducing ‘actuarial risks’, as nicely summarised by Hutter and Lloyd-Bostock (2017, p. 12, referring to Haines, 2011b):

It is also about socio-cultural and political risk. Governments need to offer reassurance and security. They need to manage the economy. Failure to do this represents a threat to their legitimacy.

Also food regulation is not only about reducing risks for consumers, but about avoiding political risks as well. In this context, crises are feared and at the same time taken as an opportunity to shift power relations of interest groups involved in the regulation of a sector (Hutter & Lloyd-Bostock, 2017, p. 12). A crisis is a moment that different actors can blame each other, stemming from such opportunism. In fact, Hood (2002) relates risk management to avoidance of personal or institutional blame and liability by regulators delegating some of

their tasks. According to Hood, public regulation is less about protecting individuals from suffering or adverse effects of economic activities, but rather about blame avoidance. In this context he speaks of ‘defensive risk management’ and argues that ‘the way risks are managed depends on the way the blame game plays out’ (Hood, 2002, p. 35). He explains this ‘game’ as the interactions between politicians and the general public, in which the first try to manage the way the public might blame them for their actions. Hood (2002) elaborates on strategies regulators employ to minimize or avoid blame, which affects decisions about delegating policy control. Common strategies to avoid blame in risk government are delegation and ‘blame dissolution’, facilitated by organisational complexity and hierarchical structures. This seems similar to Braithwaite’s (1984, p. 138) observation that managers have an interest to make accountability within a corporation appear to the outside as greatly diffused, even though for insiders, responsibility can be clearly defined.

Because food safety, socio-cultural *and* political risks are involved in food regulation, political actors also balance between different interests. Haines (2011a, p. 296) captures this as follows:

...it is not easy to distinguish what is ‘entrepreneurial’ from what is ‘excessive risk taking’. In managing political risks governments must nurture the entrepreneurs whilst promising security for the wider population. Managing the capitalist market, nurturing entrepreneurs and reaping the benefits from economic growth are inextricably linked to the capitalist economy with all its perversions and inequalities. (...) So those who fall foul of the law may be entrepreneurs necessary for the maintenance of a vibrant (and growing) capitalist market, rather than merely reckless individual’s intent on lining their own pockets at the expense of others.

In the literature on food safety regulation, often an instrumental approach of regulation is employed, discussing risk management and control without necessarily going into the structural *causes* of such risks or the political choices that are made (e.g., Casey et al., 2010).¹⁴ This can be problematic as it can involve an uneven focus on some risks rather than on others (Parker et al., 2018). According to some critical scholars, the focus on risks can even distract attention away from the way food safety standards also *create* social and economic costs because of the way regulation restructures the agro-industrial sector in itself (e.g., by subsidising a certain type of company, or favouring the development of large-scale

¹⁴ An instrumental approach ‘conceptualizes regulation as designed to identify and address “externalities” or “market failures” (environmental or social harms caused by business activity), case by case, problem by problem.’ (Parker et al., 2018, p. 10).

high-tech plants) (Dunn, 2003; MacMahon, 2011; 2013). This is a point I will further elaborate in Chapter 2, where I will specify harms or risks prioritised (and neglected) in *meat* regulation, in particular.

1.3.5 Discretion and ethical decision-making in regulatory practice

This research focused on factors that influence *practices* or activities of people in the meat sector who, daily, make decisions about (self-)monitoring, enforcing and complying to rules and standards. Concerning the regulators, we are referring to what in the organisational sciences is called ‘street-level bureaucrats’ (Lipsky, 1980). Lipsky (1980) used the term to refer to the discrepancy between formal regulatory policy and the practices of the ‘frontline officers’ charged with applying the policy in the ‘street’. Their discretionary power forces them to make choices and they develop routines to cope with it (Loyens & Maesschalck, 2010). The literature about discretion explains decision-making of public or semi-public officials (Loyens & Maesschalck, 2010). One type of discretion is ethical decision-making (Loyens & Maesschalck, 2010, p. 77). ‘Ethical’ here refers to morality of choices, thus making decisions based on generally accepted moral norms (Kish-Gephart et al., 2010, p. 2). In organisational psychology and public administration, factors influencing (un)ethical choices in organisations are widely researched. While initially this literature developed in the private business sector, it was later expanded to all types of organisations, including those in the public sector (Loyens & Maesschalck, 2010, p. 79). In the private sector, unethical decisions can result in illegal behaviour, but not all unethical behaviour is prohibited (Kish-Gephart et al., 2010). So, although there is some overlap between unethical decisions and illegal behaviour, they are not the same.

Insights in the (mainly quantitative) literature on discretion and ethical decision-making help to explain (ethical) decision-making in meat companies *and* by its (public and private) regulators. In both bodies of literature, similar factors are identified to explain the processes of decision making by the frontline officers (Loyens & Maesschalck, 2010, p. 72). This congruence was reason for Loyens and Maesschalck (2010) to merge the two bodies of literature. Although my research does not focus on ethical decision-making, in explaining factors that influence regulatory practices, there is common ground concerning concepts used and the structuring of findings. This is why, in the following three sections, I briefly list the factors that, based on those bodies of literature, gain most support in terms of their influence on (ethical) decision-making. In doing so, I make a distinction between characteristics of an individual, the organisation they work for and characteristics that are external to both (‘extra-

organisational’). I start with the last category, in which I integrate what Kish-Gephart et al. (2010) have named characteristics of a ‘moral issue’.¹⁵ The moral issue category is particularly relevant for my question about the way (perceptions of) harm shape decisions of all the actors involved in regulation. One element of a moral issue is the harmfulness of a situation or behaviour. The way Kish-Gephart et al. (2010, p.5) conceptualise ‘moral intensity’, therefore, helps to understand the way regulators and regulatees in the meat sector take into account harm in regulatory practices and compliance in Chapter 8.

Some authors in this field only concentrate on factors affecting regulators or companies, as I will clarify. Generally and especially at the extra-organisational level, factors influencing decisions can apply to companies as well as regulators.

Extra-organisational and situational characteristics: including harm and morality

First, characteristics outside an organisation, hence ‘extra-organisational’ characteristics, affect (ethical) decision-making processes. Some of these factors relate to society or a geographic location, such as culture, problems/expectations of a community and media (Loyens & Maesschalck, 2010, p. 72). Characteristics that relate to a sector or industry are more specific, such as the applicable laws and regulations (Loyens & Maesschalck, 2010, p. 72, Huisman, 2016) and business competitiveness. Low competitiveness is associated with more ethical decisions (Ford & Richardson, 1994, p. 218; Loyens & Maesschalck, 2010), as competitiveness creates pressure to ‘sacrifice ethical ideals for the sake of survival’ (Ford and Richardson, 1994, p. 218). Concerning industry *type*, empirical findings are less coherent. Some authors found no differences between industry types (Ford & Richardson, 1994), while others *do* find significant differences concerning the likeliness of making ethical decisions (O’Fallon & Butterfield, 2005). The latter refrain from overall conclusions however, as varying studies include different types of industries. In the context of the food sector, I already mentioned the research of James (2018) when discussing the causes of rule violations in Section 1.2 of this chapter. He links farmers’ unethical decisions to macro-level factors, such as increasing production costs and land prices, more stringent public rules and industrialisation, concentration and globalisation of agriculture (James, 2018, p. 67).

Other characteristics known to positively affect ethical decision-making are situational, such as a low opportunity for unethical decisions (Loyens & Maesschalck, 2010)

¹⁵ They conducted a quantitative meta-analysis of 136 studies covering 30 years of literature about behavioral ethics.

and positive peer group influence (Ford & Richardson, 1994; O’Fallon & Butterfield, 2005, p. 401). Also, the role of moral intensity of an ethical issue, in *itself*, is a situational characteristic. Jones (1991) introduced this concept, pointing to the importance of the *type* of moral issue affecting ethical decisions (Ford & Richardson, 1994; Jones, 1991). A high moral intensity, he argues, leads to more ethical decisions. Following the adapted conceptualisation of Kish-Gephart et al. (2010, p. 20) of a moral issue¹⁶, it consists of three dimensions: the first one is the proximity of the act to the victim, meaning ‘the social, psychological, cultural, and physical nearness to the victim of the act’ (Kish-Gephart et al., 2010, p. 5). Applying this theory to food related crimes could imply, for example, the fact that consumers are often affected, who are invisible and unknown to those producing and regulating meat, increases the likeliness of unethical decisions (in this case in the context of compliance or enforcement of food safety rules). Second, the dimension of social consensus means ‘the degree of peer agreement’ about the wrongfulness of the act (Kish-Gephart et al., 2010, p. 5). The third dimension in the theory of Kish-Gephart et al. (2010) is the amount of expected harm of an issue/case. Four elements contribute to the amount of expected harm:

- concentration of effect: ‘the inverse function of the number of people affected by an act of given magnitude’ (Jones, 1991, p. 377). If only one out of 100 consumers are financially affected by fraud with meat, for example, the concentrated effect is higher than if the fraud affects a regulatory agency with 100 employees. In the first situation, it is less likely that an unethical decision is made than in the second;
- magnitude of consequences: ‘the total harm that could befall victims of an unethical choice’ (Kish-Gephart et al., 2010, p. 5);
- probability of effect: ‘the likelihood that the action will result in harm’ (Kish-Gephart et al., 2010, p. 5); and
- temporal immediacy: the time it takes before a harmful consequence of the act manifests itself (Kish-Gephart et al., 2010, p. 5). If maltreating an animal directly leads to its suffering, for example, the immediacy is greater and, according to the theory, less likely to result in an unethical decision.

¹⁶ They consolidate the six ‘moral issue’ dimensions of Jones’ theory (magnitude of consequences, probability of effect, temporal immediacy, concentration of effect, social consensus, proximity) to three, arguing that the four first aspects are all associated with the ‘potentially risky consequences to the victim’ (Kish-Gephart et al., 2010, p. 20). This merged dimension, ‘the amount of expected harm’, in their view, remains independent from the other two dimensions of Jones’ (1991) moral issue: proximity and social consensus.

In short, for all three dimensions, Kish-Gephart et al. (2010, p. 12) found a moderate negative correlation with *unethical* choice: the higher the ‘score’ on one of these dimensions (resulting in a higher moral intensity of an issue), the less likely that someone will make an unethical choice. The magnitude of consequences, and thus the scale of the harm, together with social consensus about the wrongfulness of an act, are supported by the most consistent findings about the effects on ethical decisions (O’Fallon and Butterfield, 2005, p. 398, 401). Put differently, according to these studies, in ethical decision-making, people evaluate a situation both by a factual assessment of consequences and by normative aspects of the wrongfulness of an act. For this study, this is relevant as we can assume that rule violations have varying moral intensity, which implies different outcomes in ethical decisions.

Kish-Gephart et al. (2010, p. 2) recognise how all dimensions of moral intensity depend on the context, the circumstances people face in an organisation (Kish-Gephart et al., 2010, p. 2). This brings us to characteristics of the individual and organisation that also affect (ethical) decisions and that interact with moral intensity. Except for the amount of expected harm (of a situation/behaviour) which is most clearly situational, the other two dimensions, social consensus and proximity, are situational characteristics that interact at the individual and organisational level: proximity to the victim is something experienced by a person in a social context. Social consensus about wrongfulness is an individual’s value judgement, also in the context of (and relation to) other people. Perceptions of wrongfulness thus interact with characteristics at the individual, organisational and extra-organisational levels. After all, how people come to a moral judgement is exactly what the ethical decision-making literature attempts to explain. This is why, in the next two sections, I also briefly mention the characteristics of individuals and organisations affecting (ethical) decision-making that are most strongly supported by empirical research.

Individual characteristics

Individual characteristics affecting ethical decision-making concern ‘(...) all those factors that are uniquely associated with the individual decision maker’ (Ford and Richardson, 1994, p. 206). These can be characteristics an individual is born with (e.g., nationality, sex, age, etc.) as well as those resulting from human development and socialisation processes (e.g., personality, attitudes, values, education, religion, employment). Another common distinction is between psychological (i.e., personality, beliefs and values) and demographic characteristics (e.g., age and sex, education and employment background) (Kish-Gephart et al., 2010). Empirical evidence is strongest for the association between psychological

characteristics and unethical choices¹⁷ (Ford & Richardson, 1994; Kish-Gephart et al., 2010; O’Fallon & Butterfield, 2005). However, as my aim and methods were not fit for a psychological analysis, I will not go into much detail in this area. Less, or contradicting findings, are found concerning demographic characteristics (Ford & Richardson, 1994; Kish-Gephart et al., 2010; O’Fallon & Butterfield, 2005). Empirical research focusing on the difference in the ethical decision-making based on gender, found (weak) support women are more likely to act more ethically than men, at least in some situations (Ford & Richardson, 1994; Kish-Gephart et al., 2010; O’Fallon & Butterfield, 2005). Concerning age, the results are mixed (O’Fallon & Butterfield, 2005, p. 391), finding that older persons make less unethical choices, based on a weak correlation (Kish-Gephart et al., 2010). According to O’Fallon & Butterfield (2005, p. 387), more education, employment or work experience is generally positively related to ethical decision-making, whereas the *type* of education has no effect. In my qualitative data, some of these, and other, factors (at the individual level) are also referred to by interviewees to explain decisions in regulatory practices.

Organisational characteristics

The characteristics of the organisational environment are the broader constructs an individual deals with in an organisation, which ‘capture shared beliefs, norms and formalized procedures and rules for governing workplace behaviour’ (Kish-Gephart et al., 2010, p. 6). One of the organisational characteristics is its culture, which I referred to in the context of explaining corporate rule violations (see Section 1.2.5), as the shared beliefs, values and norms within an organisation (Huisman, 2016). Part of organisational culture is ethical climate, representing beliefs about ‘what constitutes right behaviour’ in an organisation (Kish-Gephart et al., 2010, p.6; Victor & Cullen, 1988). Ethical climate provides behavioural guidance for employees and research shows the important influence of the perceived ethical climate on ethical decisions. A benevolent ethical climate refers to ‘a (shared) perception that nurturance or care for others is valued by the organisation and is an important part of the firm’s social fabric’ (Kish-Gephart et al., 2010, p. 6; Victor & Cullen, 1988). This is thought to encourage ethical choices as does a principled ethical climate (meaning the perception that decisions are based on formal guidelines, such as laws and explicit policies about appropriate behaviour) (Kish-Gephart et al., 2010, p.6, 12). On the other hand, an egoistic ethical climate, entails the

¹⁷ Kish-Gephart et al. (2010) make a distinction between (moral/ethical) *intention* and *behaviour*, but found the strongest correlations with behaviour.

perception that people in an organisation give priority to self-interest above other considerations, which increases the likelihood that *unethical* choices are made (Kish-Gephart et al., 2010, p. 6). Kish-Gephart et al. (2010) do not consider ethical *culture* as a distinct organisational characteristic, because it does not seem to have a unique statistical impact on unethical choices as ethical *climate*.

A very concrete organisational factor known to support ethical decisions (and ethical climate) is an ethics training program for staff (Ford & Richardson, 1994). Another is a code of conduct (Kish-Gephart et al., 2010, p. 13; O'Fallon & Butterfield, 2005, p. 397), especially the way it is communicated, how it is used to respond to unethical behaviour with rewards and sanctions, or how codes of conduct are *enforced* (Ford & Richardson, 1994; Kish-Gephart et al., 2010, p. 13). The way a code of conduct is communicated depends on leadership, the relationship between a leader and employees. Leadership is also found to be crucial in itself in ethical decision-making (Brown et al., 2005; Gorsira, 2018; O'Fallon & Butterfield, 2005). Corporate leaders strongly influence the organisational culture, for example, in the way they are a model for employees, the way they respond to unethical decisions, criticise unwanted behaviour and praise and reward desired behaviours (Brown et al., 2005; De Boeck et al., 2018; Ford & Richardson, 1994, Huisman, 2016). Leadership is not the same as management, which refers rather to a position in any business. Persons occupying management functions are not necessarily leaders (De Boeck et al., 2018). Management's commitment also is known to support ethical decisions (Ford & Richardson, 1994).

Apart from these cultural characteristics, organisational size (a structural characteristic) also explains variation in moral judgements or reasoning, which is part of the organisational structure. Although some studies found mixed results concerning the way size relates to ethical decisions, others point to the association between increasing size of an organisation and more *unethical* decision-making (Ford & Richardson, 1994; O'Fallon & Butterfield, 2005).

There is also a body of research that attempts to explain corporate (non)compliance. We saw references to the ethical decision-making literature in Section 1.2.5 of this chapter, also concerning the food sector. De Boeck et al. (2018), in their work on organisational factors influencing performance of food safety by Belgian food processing companies, also point to the importance of training programs for staff and leadership. And elements of organisational structure (e.g., central management of butcher shops) were also mentioned as positively affecting food safety performance (De Boeck et al., 2016).

Having discussed factors at the different levels, it is important to stress that there is not one factor that completely explains (ethical) decisions or discretion. Also, it is not always clear *how and under which circumstances* the listed factors influence individual behaviour and decision making, and what their relative impact is (Loyens and Maesschalck, 2010). This is reason Loyens and Maesschalck (2010) add the concept of ‘social mechanism’ to explain the *way* (processes, patterns) the listed factors influence decision making. This also relates to the fact that the empirical work that I referred to is predominantly quantitative in nature, whereas qualitative methods are probably more appropriate to grasp social dynamics. Moreover, in my empirical data it will become clear that a wide range of factors affect decisions of regulators and regulatees, with most data providing insight on organisational factors, social dynamics and interactions between these actors.

Concluding remarks

In the theories about responsive regulation and enforcement styles, the human factor in regulation becomes clear. Styles and instruments used are variable depending on situations, individuals, organisations and social interactions. Research that applies these theories to the food sector, and even more so to the meat sector, is rare, especially in continental Europe. Looking into a specific food sector in one country can contribute to discussions in this literature. However, this requires to understand how regulation is organised in practice, which also makes theoretical concepts of ‘hybridity’ and ‘pluralist models of regulation’ concrete.

The risk-based approach that is identified in food safety regulation is instrumental in it aims, in avoiding risk or harm, but only those risks and harms that are found ‘unacceptable’. This allows space for a normative interpretation about what is ‘unacceptable’. Food regulation is never only instrumental. Socio-cultural risks (e.g., consumers’ trust) and political risks and blame avoidance are also important considerations. However, in the food regulation literature an instrumental approach is often adopted, concentrating on the technical aspects and output of risk-analyses without reflection on the political and ethical choices made with them. Therefore, in the following chapters I examine how harm/risk is approached in meat regulation, and *which* harms/risks are considered, contributing to the discussion of the current and desired place of risk and harm in food regulation.

In the monitoring of meat, front-line officers and meat business operators make decisions daily. The literature on discretion and ethical decision-making provides an idea about the factors influencing their decision-making processes. It attributes importance, for example, to organisational culture and points to the perceptions of harm and morality of a

situation. The existing research is, however, quantitative in nature, which limits the knowledge about social interactions. Also, some work has concentrated on Belgian food companies, but looked only at organisational characteristics affecting food safety climate. Although my methods were not fit for an in-depth analysis of *all* factors, my focus on Belgian meat and the qualitative methods employed, allow inclusion of factors at different levels (individual, organisational, extra-organisational) and interactions that interviewees mentioned. This shows patterns and dynamics in the way different factors affect decisions.

Conclusion: where different worlds meet

The concepts and studies referred to in this chapter together shape the theoretical framework to study rule violations and regulatory practices in the Belgian meat sector. This framework is mainly built upon theories of criminology and regulation and governance studies, that have a different focus. While the first might contribute more to insights in rule violations and their causes, and the second more to the regulation of sectors, they share common ground.

Focusing thematically on the meat sector clarifies how its regulators *and* regulatees participate in the same social world. Their behaviour and decisions result from similar factors and dynamics that are characteristic of the meat sector, meat companies and regulatory actors.

What is known about rule violations in the meat sector shows how they take many forms, and that to some extent, can be explained by opportunities in this sector and characteristics of meat companies and the sector as a whole. Existing research concentrates on non-compliance affecting *humans* and is mainly situated in North-America and the UK. Research that focuses on *harm* also includes non-human harm that is not necessarily criminalised. Perceptions of harm and wrong influence both regulators and regulatees in their daily decisions, but are only one of many factors. The instrumental approach that is often adopted in food regulation literature, concentrating on the technical and scientific aspects accounting for risk-analyses, helps to explain the design of meat regulation, but not these daily decisions.

Before I turn to my empirical study that concentrates on regulatory *practices*, in the next chapter I provide historical insight into the *design* of food regulation. After all, the job of regulators and regulatees is dictated by the established regulatory framework, that allows discretion only to a limited degree. I discuss the developments and interests that are central in food regulation, and, as far as the literature reveals, of meat regulation in particular. Here, the initial empirical findings are integrated and reveal the aims of *Belgian* meat regulation.

Chapter 2. Developments, interests protected and neglected in meat regulation

Introduction

Based mainly on the literature of governance and regulation studies, in this chapter I describe the development of food regulation and its objectives. This provides the context to understand the aims of the rules that apply to the Belgian supply chains of beef and pork. For the Belgian regulation of meat, I examine which interests are protected by the rules, how priorities are set between interests, and how some interests are neglected. The laws themselves, and the explanatory memoranda, provide information about the objectives of rules. In Section 2.1 I concentrate on the official aims of food safety regulation and in Section 2.2, of animal welfare regulation, insofar as it is relevant for Belgian meat production. The analysis illustrates the complex and fragmented nature of the regulatory framework, even if ‘only’ looking at these two regulatory domains, that are laid down in different decrees, laws, directives and regulations. Instead of giving a full legal analysis, I discuss only the types of rules that were most prominent during interviews, that relate to the regulatory *practices* discussed in the empirical chapters. In Section 2.3 I discuss the way private forms of regulation are increasingly part of the regulatory framework. In Section 2.4 I discuss the harms of meat production that are not covered in the described regulation, or only to some extent, and harms that are generated by regulation itself.

2.1 Food regulation’s focus on trade, food safety and consumers’ trust

I consider some of the most important developments in European food regulation since the Second World War, to understand its origins and aims. Since that moment, mainly trade interests contributed to international harmonization of food standards, to promote an integrated internal market until the 1990s (Hoffmann & Harder, 2010, p. 30). Around the turn of the millennium the central focus shifted to food safety, fuelled by several crises. While food safety is also in the interest of the operators in food chains, the promotion of trade has proven to be contradictory in some cases in the European context. For both food safety and (in Section 2.2) animal welfare regulation, European initiatives have been an important driving force in global regulation.

2.1.1 Harmonisation of food standards for global trade after World War II

After the Second World War European agricultural policy has effectively encouraged upscaling of agricultural production, aiming to be self-sustainable. While this meant that food was no longer mainly produced for national consumption, different national food safety measures and standards caused barriers for transnational trade worldwide (Braithwaite & Drahos, 2000, p. 400; Vos, 2000, p. 228). This urged the need to harmonise food regulation and in 1958, the Codex Alimentarius Europaeus was established (hereafter ‘the Codex’). The Codex is a collection of definitions, testing methods, guidelines and principles that enables countries to assess food quality and safety imported from abroad (Braithwaite & Drahos, 2000, p. 400). Officially it has a dual objective: stimulating free and fair trade and protecting human health (Ansell & Vogel, 2006, p. 7; Braithwaite & Drahos, 2000, p. 400; Hoffmann & Harder, 2010, p. 25). Subsequent initiatives show, however, that trade was the main drive behind the Codex. Out of a fear of trade barriers and a need to influence norm setting, the US pushed for a *global* Codex Alimentarius Commission (CAC), which was established by the UN Food and Agriculture Organization (FAO) and the World Health Organisation (WHO) in 1962 (Braithwaite & Drahos, 2000). The CAC laid down norms for certain food products and their production processes and became a global consultative body that strongly influenced the globalisation of food guidelines (e.g., norms for veterinary medication and guidelines for food hygiene) (Braithwaite & Drahos, 2000, p. 405; Hoffmann & Harder, 2010, p. 26). While the standards are non-binding, they are meant to be implemented in national law (van de Meulen & Lugt, 2004, p. 68).

The use of growth promoters in animal husbandry is specifically relevant for meat and its regulation is also driven by both food safety and economic interests (Tosun, 2013). Growth promoters in animal husbandry are used to promote the faster growth of animals (and to produce larger animals) with less feed. This practice was established in the 1950s (Tosun, 2013). Its regulation started in some European countries in the 1960s, but on the European level, hormone regulations started in 1980. The concerns about the use of hormones centered on consumer health (i.e., disruption of hormone balance). However, with time, concerns about environmental effects increased, as hormones end up in manure and contaminate water supplies. In 1985 the European Council prohibited the use of growth-promoting hormones in beef after pressure from small-scale farmers and environmental and consumer interest groups (Tosun, 2013). In 1988 the import of hormone-treated meat from third countries was banned. European hormone regulation is based on a precautionary logic, forbidding several growth promoters because of risks for consumers (Tosun, 2013, p. 55). The complete ban on illegal

hormones by the European Council of Ministers in 1985 was also inspired by economic interests, to reduce the European over-production of meat and to protect the European market against import of American and Latin-American meat (Braithwaite & Drahos, 2000, p. 402; Tosun, 2013, p. 58). This way European meat acquired a competitive advantage on the international market by emphasising good quality. An earlier partial ban of hormones (in 1981) also intended to restore consumers' confidence and appease public anger, because of hormone and other food safety scandals (Tosun, 2013, p. 59). Other countries, such as the US, considered the hormones ban as a trade barrier against agricultural export. Their lobbying led to another landmark in the globalisation of food standards: the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) of 1993.¹⁸ The agreement applies WTO trade rules to the food market and was meant to encourage the legitimate use of safety and phytosanitary measures; namely, when these were necessary to protect the lives of humans, animals and plants (Hoffmann & Harder, 2010, p. 22; Wouters et al., 2012, p. 263). The SPS Agreement is more about encouraging international trade by harmonisation of rules than about food safety. As protectionism and trade restrictions should be avoided, food safety measures should be backed by sufficient scientific evidence (Wouters et al., 2012, p. 256). The SPS agreement made the Codex norms a point of reference for national legislation and international trade conflicts concerning food (Braithwaite & Drahos, 2000; Wouters et al., 2012, p. 264). With time, the SPS Agreement and rules have become less influential, but the Codex and the SPS agreement mark a period of boosting trade by harmonising food safety standards (Wouters et al., 2012, p. 282).

Not all countries have the same weight in regulation debates and those in strong market positions are better capable of dictating food standards thanks to their commercial relations, political pressure and their influence within the EU and the WHO (Braithwaite & Drahos, 2000, p. 407; Waarden, 2006, p. 55). Underlying motives for countries to defend certain standards are not always clear. Although scientific knowledge and risk assessment should be the foundation for management decisions, these can be (ab)used to cover other motives (e.g., economic and/or political) (Vos, 2000). The European prohibition of hormones in beef production is one example where real motives were ambiguous.

¹⁸ The SPS Agreement was introduced in the final act of the General Agreement on Tariffs and Trade (GATT) during the Uruguay round between 1986 to 1994.

2.1.2 The BSE and dioxin wakeup calls: centralising food safety

An important turning point in European food regulation was set in motion by the regulatory crisis evolving around the Bovine Spongiform Encephalopathy (BSE, or ‘mad cow disease’). Prioritisation of economic interests resulted in severe harms to animals and humans, exposing them to risks longer than necessary during this crisis. Also, other food safety crises around the turn of the millennium continued to expose the tension between the food sector’s economic interests and consumers’ interests. Examples include animal diseases, E-Coli outbreaks, the use of the DES-hormones in cattle feed and the dioxin crisis in Belgium. However, because it was mainly the BSE-crisis that forced the European governments to give food safety and consumer trust a more central position in food regulation, I elaborate more on this in the following (Hoffmann & Harder, 2010; Vos, 2000). Because the dioxin crisis is particularly relevant for the Belgian context, I also give a brief description of this crisis.

BSE is ‘a fatal, neurodegenerative disease in cattle which causes the brain and spinal cord to degenerate and become ‘spongy’’ (Hutter & Lloyd-Bostock, 2017, p. 61). The first reported case of BSE occurred in cattle in the UK in 1984, but the diagnosis could only be made in 1986, when it was recognised as a new disease. Although the cause will probably never be determined with 100 percent certainty, the most likely explanation is that BSE was transmitted through cattle feed that contained animal waste and bones infected with scrapie (Hoffmann & Harder, 2010, p. 31; Hutter & Lloyd-Bostock, 2017 p. 62).¹⁹ Although in 1987 the British Ministry of Agriculture, Fisheries and Food (MAFF) became concerned about the use of cattle with signs of BSE for human consumption, it waited several months to inform the Minister of these concerns and to seek advice about possible *human* health implications (Hutter & Lloyd-Bostock, 2017, p. 63). The scientific panel that was established to investigate the matter concluded, in 1989, that BSE was unlikely to be transmittable to humans (Gavaghan, 2000; Hutter & Lloyd-Bostock, 2017, p. 63). The risk was believed to be remote, but the panel recommended to take precautions concerning the use of contaminated meat in the food chain anyway. The British government understood this as a reassurance and BSE contaminated beef was not banned from the human consumption chain, apart from cattle offal in human food in 1989 (Gavaghan, 2000). Only in 1997 conclusive scientific evidence was found that BSE could be transmitted to humans by consumption of contaminated beef (Lloyd-Bostock, 2017), leading to the variant Creutzfeldt-Jakob disease (vCJD), a deadly brain disorder in humans. When in 1996 the British government announced that there was probably

¹⁹ Scrapie is ‘a transmissible spongiform encephalopathy (TSE) infectivity which has been endemic to the British sheep flock for over two hundred years.’ (Bartlett, 1998, p. 238)

a link between BSE and vCJD, the EU banned British meat (Gavaghan, 2000; Hoffmann & Harder, 2010, p. 32; Hutter & Lloyd-Bostock, 2017, p. 93). After this decision, four and a half million animals were destroyed (Center for Food Safety, 2016). Between 1986 and 2009, 168 people, mainly British citizens, died of vCJD (Center for Food Safety, 2016; Havinga, Casey et al., 2015, p. 8).

The events caused a regulatory crisis (Hutter & Lloyd-Bostock, 2017). The report of the official enquiry revealed how the public had been misinformed about the human health risks to protect the British beef market and blameworthy politicians (Hoffmann & Harder, 2010, p. 31; Hutter & Lloyd-Bostock, 2017, p. 62; Philips et al., 2000). From the very first reported case of BSE in cattle in 1984, the MAFF is believed to have controlled and suppressed information about the disease (Hutter & Lloyd-Bostock, 2017, p. 62, 92) and to have made decisions and interpretations of advice over the years, generally in favour of protecting farmers (Hutter & Lloyd-Bostock, 2017, p. 92). The public was repeatedly assured that beef was safe to consume, despite the increasing information and suspicions about the link with vCJD.

Additionally, at the European level, mistakes had been made. An examination committee ordered by the European Parliament (EP) in 1987, revealed that British representatives had dominated decisions on the European food safety governance structure of that time (Hoffmann & Harder, 2010, p. 31; Vos, 2000, p. 232). They also revealed how politicization of science and a lack of transparency had contributed to an inadequate response of the EU and deception of the general public. During the crisis, the EU Director-General (DG) for human health and food safety was part of the DG for agriculture and did not have much influence on how to respond to BSE (Chambers, 1999, p. 98).²⁰ The inquiry by the examination committee ordered by the EP urged a reform of the structure and power of different DGs of the EU that were involved in food safety policy (Chambers, 1999). It also set in motion a reform of European food law, which affected Codex-norms and global food safety policy.

In the same period, the Belgian dioxin scandal also occurred - and also had an impact on the regulation of the meat sector at both the national and European level. In 1999 a company that

²⁰ A similar tension is reflected in the way national food agencies are embedded: in nine Member States (including Belgium) food agencies operate under the supervision of ministries of agriculture. In three, the ministry of health is responsible, in five both are and in seven others, the food agency operates independent from such ministries (Abels & Kobusch, 2015, p. 49).

processed fats for further processing in animal feed used a waste flow including industrial oil (Cazaux, 2003, p. 157).²¹ This resulted in toxic PCBs and dioxins ending up in meat-, dairy and egg production chains which came to light because of dying chicken and decreased egg production (Cazaux, 2003, p. 157; Lierman, 2009). The polluted feed was distributed to approximately 2,500 different farms (Hoffmann & Harder, 2010, p. 15). For the pig sector it had serious consequences as it led, among other things, to the destruction of 60,000 pigs and a block of approximately 2,000 farms for several months.

The trust in the government was seriously damaged by this scandal, mainly because the government waited several weeks to give a public declaration about what had happened and to take the necessary countermeasures (Cazaux, 2003, p. 158). Instead, the government initially tried to cover-up the case, while the case revealed shortcomings of food safety control. Shortly after the scandal broke out in June 1999, the Belgian Ministers of Public Health and Agriculture were fired and the events probably contributed to the loss of elections by one of the governing parties. The recommendations of a subsequent parliamentary investigatory commission directly led to the establishment of the Federal Agency for the Safety of the Food Chain (FASFC, 'FAVV' in Dutch) in 2000 and to a reform of the federal food safety regulation (Lierman, 2009, p. 149).

2.1.3 The General Food Law: centrality of food safety risks

The BSE- and dioxin-crises together with other food safety crises, showed the need for reform of European food law and policy. Among the lessons learned were the need for stricter veterinary inspections and norms about feed production, an increased role of the EU in food regulation and more transparent management of food safety incidents by national authorities (Casey et al., 2010; Hoffmann & Harder, 2010, p. 33; Waarden, 2006, p. 48). It resulted in the *White paper on food safety* in 2000 of the European Commission and its principles were

²¹ The father and son in charge of the fat rendering plant were criminally convicted for fraud, forgery and deceit, receiving each a custodial sentence of two years (one year suspended). These two offenders and two other persons held responsible for the supply of the industrial fats, were also confronted with civil claims of millions of euros by feed companies and the FASFC. Mast, T. (2013, October 2). Vetsmelter Verkest moet opdraaien voor dioxinecrisis. *De Morgen*. <https://www.demorgen.be/nieuws/vetsmelter-verkest-moet-opdraaien-voor-dioxinecrisis~b36a774f/#:~:text=De%20Gentse%20correctionele%20rechtbank%20heeft,vor%20benadeelden%20van%20de%20dioxinecrisis.&text=Aan%20de%20kleinhandelaars%20werden%20schadevergoedingen%20tussen%2050%20en%204.400%20euro%20toegekend>, last accessed January 2022. Vlaams infocentrum land- en tuinbouw (Vilt) (2018, May, 8). FAVV eist 24 miljoen euro voor schade dioxinecrisis. *Vilt*. <https://vilt.be/nl/nieuws/favv-eist-24-miljoen-euro-voor-schade-dioxinecrisis>, last accessed January 2022. X (2018, September 11). Voedselagentschap krijgt 24 miljoen euro schadevergoeding voor dioxinecrisis; familie Verkest gaat in beroep. *De Morgen*. <https://www.demorgen.be/nieuws/voedselagentschap-krijgt-24-miljoen-euro-schadevergoeding-voor-dioxinecrisis-familie-verkest-gaat-in-beroep~b8359b64/>.

translated to regulations. Regulation 178/2002, the General Food Law (GFL), was the most important one and was immediately binding for all member states.²² An independent European Food Safety Authority (EFSA) was also established. Some of its core tasks include providing scientific and technical support to the Commission, monitoring and detecting risks for food safety and promoting communication about risks.²³

The objectives and scope of the GFL include the protection of human health and consumer interests, fair trade practices and the maintenance of diversity in the European food supply.²⁴ Article 5(1) adds that the protection of health and the wellbeing of animals, the health of plants and the environment should be taken into account, where applicable. However, the central aim of the GFL is the protection of human health through focusing on risk assessments, transparency, traceability of foodstuffs and ingredients, the precautionary principle for risk management decisions and information sharing in case of (potential) consumer risks. The GFL gives a lot of responsibility to food operators to ensure their products are safe.²⁵ The interests of the food producing sector are only implicitly integrated in the GFL, namely in Article 6, that demands a scientific foundation for measures regulators take to protect human health (van der Meulen, 2010, p. 88). Thus, risk assessments based on scientific evidence should precede decisions of risk management. This way the principle of proportionality is integrated, protecting the food sector as not just any measure can be imposed on them, if it is not based on science.

2.1.4 The aims of food safety rules relevant to the Belgian meat sector

Because the GFL entered into force for EU countries immediately upon establishment, Belgian food regulation also emphasizes food *safety* and intends to protect human health and consumers' interest not to be deceived and to promote fair trade practices within the industry.²⁶ The focus on risk assessments, transparency, traceability and self-monitoring systems in the GFL, has been further enhanced in Belgium after the Dioxin crisis in 1999. Other EU regulations and directives specify the subdomains of food regulation and the European directives are transposed into Belgian national law by royal decrees. At the national

²² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [General Food Law].

²³ Articles 22 and 23 of the General Food Law.

²⁴ Article 1, General Food Law.

²⁵ Articles 17 and 19, General Food Law.

²⁶ Article 1, General Food Law.

level in Belgium, there is not one ‘food law’.²⁷ Instead, a collection of laws, royal decrees and regional decrees set a range of rules and production standards that are published online by Die Keure ("Warenwetgeving," 2017).²⁸ Also for meat, the applicable laws, royal and regional decrees are numerous and information is fragmented because some apply to food, in general, while others focus on meat (or specific meat types) or actors in the supply chain. This all contributes to the complexity of the regulatory framework of meat production.

Several interests can be central in one law or decree. The Belgian Law on the protection of consumers’ health in regard to foodstuffs of 1977, for example, includes rules to protect public health but also to avoid deceit or forgery.²⁹ I elaborate on a selection of rules that are relevant in this study to give an idea about the number and types of applicable rules and their objectives. These are rules about labelling, hygiene and traceability on the one hand, which are important in every operational phase of the supply chain and for all types of food. These are central elements of food safety regulation for slaughterhouses. On the other hand, I discuss rules about animal medication, hormones and veterinary health, which only apply to animal products. This second set of rules applies mainly to farming, although they are (also) monitored in the slaughterhouse. In summary, what both sets of rules have in common is that they intend to encourage trade, to protect public and/or consumers’ health, the reputation of the meat sector and its regulators by generating consumer’s trust. The second set of rules is also important in protecting animals, even though this is not necessarily the official aim. The objectives are interrelated, as reducing risks to food safety positively affects the reputation of the sector and the trust of consumers, which also encourages trade. However, in the selected subtopics of food safety below, it becomes clear that there is variation in the interest that is mostly emphasised.

²⁷ There are intentions and activities to create a law that collects the different laws the FASFC is authorised for and that stipulates their monitoring and enforcement competences (FAVV, 2017c; Mahy, 2013).

²⁸ See www.warenwetgeving.be. The Belgian Federal Agency for the Safety of the Food Chain (FASFC) provides Die Keure with relevant legislation. Additional legislation on food and animals is listed on the FASFC website. The FASFC distinguishes between legislation regarding animal production, vegetable food production, legislation on foodstuffs/food articles and other legislation. Some of the general laws listed on the webpage of Die Keure are: ‘KB 3 januari 1975 betreffende voedingswaren en -stoffen die gelden als schadelijk verklaard’, BS 18 februari 1975. ‘Wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de verbruikers op het stuk van de voedingsmiddelen en andere producten’, BS 8 april 1977. ‘Wetboek van Economisch recht 28 februari 2013 Boek IX: Veiligheid van producten en diensten’. ‘KB 16 januari 2006 tot vaststelling van de nadere regels van de erkenningen, toelatingen en voorafgaande registraties afgeleverd door het FAVV’, BS 2 maart 2006.

²⁹ ‘Wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de verbruikers op het stuk van de voedingsmiddelen en andere producten’, BS 8 april 1977.

Aims of rules on hygiene, labelling and traceability

A central part of food safety legislation consists of rules on hygiene in production and distribution processes of food businesses, sometimes specific to meat companies.³⁰ The central aim of these rules is to protect consumers with regard to food safety.³¹ Some important elements of EU Regulation 852/2004 on the hygiene of foodstuffs, for example, are the requirements for infrastructure of companies and the demand to identify and assess risks according to the principles of the Hazard Analyses Critical Control Points-system (HACCP).³² This contributes to prevention of the spread of pathogens to avoid foodborne diseases. Regulation (EC) No 2073/2005 prescribes microbiological criteria for foodstuffs and includes specific criteria for different meat-types and rules and guidelines to sample carcasses.³³

Labelling legislation does not only intent to protect consumers' health, but also to protect them in a financial way and ethical way, avoiding that they are being misled. Consumers should be able to assess all kinds of aspects of products, concerning quality, quantity, ingredients and production methods. The European Regulation about labelling is intended to guarantee consumers' right to information and according to article 3, the objective is to:

...pursue a high level of protection of consumers' health and interests by providing a basis for final consumers to make informed choices and to make safe use of food, with particular regard to health, economic, environmental, social and ethical considerations.³⁴

At the same time, labelling rules serve trade interests, as they aim to achieve free movement in the EU of legally produced and marketed food and protection of 'the legitimate interests of producers and to promote the production of quality products'.³⁵ Correct labelling also intends

³⁰ Regulation 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 9 April 2004 laying down specific hygiene rules for food of animal origin.

³¹ Regulation 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.

³² I will explain more about HACCP in Section 2.3. In short, the system foresees, in a way, to identify hazards in production processes, assess the likelihood they will occur and to control and document the weaknesses (Hoffmann & Harder, 2010, p. 20).

³³ Commission regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs. Version 8 March 2020.

³⁴ Article 3, point 1, Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

³⁵ Article 3 point 2, Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

to maintain and increase consumer trust, which was particularly important for animal products after the several crises (van der Meulen & Freriks, 2006, p. 349). Specific labelling and production rules apply to certain types of production processes, regulated in Belgium at the regional level, such as organic food³⁶, Traditional Specialities Guaranteed (TSG)³⁷ and specific meat products.³⁸

Labelling and other ways of food identification also facilitate traceability. Food safety law stipulates how food, feed and food-producing-animals should be traceable at all stages of production, processing and distribution.³⁹ This requirement is supposed to improve the efficient recall of products and correct information to consumers and officials in case of a food safety problem.⁴⁰ In case of a rule violation, traceability allows tracing back the origin of a problem; traceability is necessary to enforce not only food, but also liability laws (Crumley, 2012). Traceability requirements also intent to minimize the disruption of the internal market, to avoid financial harm to the food industry by separating non-infected batches or companies from infected ones. In practice, operators need to have systems and procedures in place to identify their suppliers and buyers (one step forward and one step back) in supply chains (van de Meulen & Lugt, 2004, p. 78).⁴¹ For products of animal origin and even more so for living animals, additional specific traceability demands apply as a consequence of the BSE- and other meat-related crises (van der Meulen & Freriks, 2006, p. 328). Food Chain Information (FCI) requirements enable the identification and registration of the animals.⁴² For example, if an animal arrives at a slaughterhouse without FCI, it cannot be slaughtered until an official veterinarian (OV) gives approval (van der Meulen & Freriks, 2006, p. 348). Whereas cattle are individually identified, pigs only need to be traceable by the stock. Information about animals is registered in software applications. In Belgian slaughterhouses the use of the application Beltrace is mandatory.

³⁶ ‘Besluit van de Vlaamse regering 12 december 2008 betreffende de biologische productie en de etikettering van biologische producten’, BS 20 februari 2009.

³⁷ ‘Besluit van de Vlaamse Regering van 19 oktober 2007 betreffende de bescherming van geografische aanduidingen en oorsprongsbenamingen van landbouwproducten en levensmiddelen en de gegarandeerde traditionele specialiteiten voor landbouwproducten en levensmiddelen’, BS 7 november 2007.

³⁸ ‘KB 8 juni 1983 betreffende de fabricage van en de handel in bereid vlees en vleesbereidingen’, BS 20 juli 1983. ‘KB 8 maart 1985 betreffende de fabricage van en de handel in gehakt of gemalen vers vlees’, BS 16 april 1985. ‘KB 9 juni 1999 betreffende de etikettering van het rundvlees en van de rundvleesproducten’, BS 12 juni 1991.

³⁹ Article 18 of the GFL

⁴⁰ Introduction point 27, GFL.

⁴¹ Article 18 of the GFL.

⁴² Regulation (EC) No 853/2004 of the European Parliament and of the Council of 9 April 2004 laying down specific hygiene rules for food of animal origin.

Aims of rules about growth promoters, animal medication and animal health

Other, more specific, rules for producers of meat (and other animal products) concern animal medication, growth promoters, and animal health, which intend to protect food safety. These rules are also in the interest of animals, but this is not necessarily an official aim of the legislation at time of establishment. Although these rules mainly apply to farming, its control often occurs in the slaughterhouse, as we will see in following chapters.

According to the explanatory memorandum of the Belgian Law on illegal growth promoters of 1985, the central aim was the protection of public health, namely the risk of consuming meat (and other animal products) with residues of certain hormonal substances.⁴³ The memorandum further enunciates as an objective to regulate the prescription and use of substances in animals, by a prohibition or by making these activities subject to *stricter* rules. Another aim was to create an efficient monitoring system and to allow sanctioning to control violations, especially as the European directive of 1981⁴⁴ that prohibited certain substances, did not foresee criminal sanctions in case of violations.⁴⁵ The Belgian law on illegal growth promoters was, instead, a criminal law and its violations can never lead to administrative sanctions (Cazaux, 2003, p. 168).⁴⁶ Belgium's tougher approach was justified by the methods that the 'hormones mafia' used in the 1980s and 1990s, which made the authorities link hormones in animal husbandry to organised crime (Lierman, 2009, p. 154). The best-known examples involve violence towards inspectors, most remarkably the 1995 shooting of a Belgian veterinarian-inspector.

With time, scientific knowledge about risks for consumers who eat meat with residues of growth promoters or animal medication has evolved, affecting tolerated levels and responses of authorities. Which (levels of) substances are tolerated, depends on the specific product. There are not only health risks resulting from consuming meat with hormonal residues, but also from eating meat from the *places* where animals were injected with the substances. Moreover, there is uncertainty about the effect on consumers when hormonal 'cocktails' are administered to animals. Growth promoters also have adverse effects on animals' health, some of them can even cause heart failure and sudden death.

⁴³ MvT, Wetsontwerp betreffende het gebruik bij dieren van stoffen met hormonale of anti-hormonale werking, *Parl.St.* Kamer 1983-84, nr. 976 (1).

⁴⁴ Council directive (EC) No 81/602 of 31 July 1981 concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action.

⁴⁵ MvT, Wetsontwerp betreffende het gebruik bij dieren van stoffen met hormonale of anti-hormonale werking, *Parl.St.* Kamer 1983-84, nr. 976 (1).

⁴⁶ 'Wet van 15 juli 1985 betreffende het gebruik bij dieren van stoffen met hormonale, anti-hormonale, beta-adrenergische of productie-stimulerende werking', BS 4 september 1985.

Additionally, antibiotics have been used as a growth promotor and are important in the prevention of diseases. For pigs and calves, the use is highest because of more intensive farming methods than cattle farming.⁴⁷ The increasing concerns about antibiotic resistance among animals and humans by excessive use of antibiotics in livestock raising has led to initiatives by the sector to reduce antibiotic use by establishing the expertise centre ‘Antimicrobial Consumption and Resistance in Animals’ (AMCRA) in 2012 (FAVV, 2018a). AMCRA collects and analyses information to advise the sector and policymakers about diminishing antibiotic use in Belgian animal farming, also in an attempt to avoid the need for stricter public regulation (FAVV, 2018a). In 2016, new legislation was created to reduce antibiotic use in animals.⁴⁸ The same year, a covenant was signed between the federal government (Ministers of agriculture and of public health) and representatives of livestock farmers, the pharmaceutical industry, veterinary unions, animal health unions and private certifiers (FAVV, 2018a).⁴⁹ Protection of public and animal health are the central aims of the covenant.

The Belgian Animal health law of 24 March 1987 is applicable to animal health at farms.⁵⁰ Article 2 explains that the law aims to control animal diseases ‘in order to promote public health and the economic wealth of animal farmers.’ So, it is rather *a function* of public health and economic interests that animal health is protected by this law. The wellbeing and health of the animals are central in animal welfare legislation as discussed in the next section.

2.2 Animal welfare regulation

The World Organisation for Animal Health (OIE, referring to the French name) defines the concept of animal welfare as an animal’s ‘physical and mental state (...) in relation to the conditions in which it lives and dies’.⁵¹ Inherent to this concept is to consider how an animal

⁴⁷ ‘Industrial’ or ‘intensive’ in the context of animal farming usually refers to methods that are characterised by confinement of a high number of animals whose ‘breeding, feeding and living conditions’ are tightly controlled (Rossi & Garner, 2014, p. 480), where corporations own or control the farming process, subsequent phases are vertically integrated, and all kinds of biotech, agrochemical, pharmaceutical and agribusiness companies are providing the solutions to smoothly run such processes (e.g. growth-promoting antibiotics and concentrated feedstuffs) (Hamerschlag et al., 2015, p. 4; Rossi & Garner, 2014, p. 480). A farm might be considered more or less industrial by meeting some but not all above mentioned characteristics. Other farms are clearly non-industrial, also referred to as sustainable, organic or extensive (Rossi & Garner, 2014, p. 484).

⁴⁸ See Chapter IV, ‘KB 21 juli 2016 betreffende de voorwaarden voor het gebruik van geneesmiddelen door de dierenartsen en door de verantwoordelijken van de dieren’, BS 29 juli 2016.

⁴⁹ ‘Convenant tussen de Federale Overheid en alle betrokken sectorpartners betreffende de vermindering van het gebruik van antibiotica in de dierlijke sector’, Brussel, 1 augustus 2016.

<http://www.afsca.be/dierlijkeproductie/antibioticaresistentie/default.asp>, last accessed in December 2020.

⁵⁰ ‘Dierengezondheidswet 24 maart 1987’, BS 17 april 1987.

⁵¹ Article 7.1.1 Terrestrial animal health code (World Organisation for Animal Health [OIE], 2021).

tries to cope with its environment (Broom, 2017, p. 14). Welfare does not refer to a positive condition, but how well an animal ‘fares, or goes through life’ (Broom, 2017, p. 14). *Good* welfare then means that ‘the animal is healthy, comfortable, well nourished, safe, is not suffering from unpleasant states such as pain, fear and distress, and is able to express behaviours that are important for its physical and mental state’.⁵²

Welfare is the common term used in science and legislation, but it means the same as well-being. Animal health is an important part of animal welfare and includes the physical, mental and social well-being of animals (Broom, 2017, p. 20). Improving animal health always improves welfare, and, conversely, welfare often improves animal health (Broom, 2017, p. 21).

2.2.1 The development of European animal welfare legislation

For animal welfare there is not one general European law that equals the GFL, although there are discussions to create one (Broom, 2017). The different phases of the supply chain (farming, transport, slaughter) and different types of animals, are covered in separate regulations and directives. Minimum standards for *agricultural* animals are based on Council Directive 98/58/EC, that stipulates rules about the animals’ physical environment, their housing, feeding, watering and management.⁵³ For pigs and calves, the European Commission created specific directives about their protection at farms. For dairy cows and beef cattle, such directives do not exist, even though this type of farming is widespread and economically significant (Broom, 2017, p. 48). Broom (2017, p. 49) suggests that it might be exactly *because* of the importance of these (and some other specific animal) industries that one or more Member States might be unwilling to support such legislation. At the same time, cattle farming has been less subject to intensification compared to calve and pig farming, so another explanation is that, for those animal types, problems were found most pressing.

The EU legislation progressively improved animal welfare standards. Now these are the highest standards globally, pushing standards higher in other countries that want to export to the EU (Bollard, 2017; Broom, 2017). However, considering the intensification of animal farming since the mid-twentieth century, legislation to protect animals followed very slowly (Bollard, 2017). Already in the 1960s experts from the British Brambell committee concluded how intensive farming was severely undermining animal welfare, but the process was not

⁵² Article 7.1.1 Terrestrial animal health code (OIE, 2021).

⁵³ Council directive (EC) No 98/58 of 20 July 1998 concerning the protection of animals kept for farming purposes.

halted (Bollard, 2017). In fact, the then recommended standards (e.g., enough room to lie down, turn around, only mutilate animals with pain relief) are still not being met for the majority of farmed animals worldwide. Also, in 2008, the Pew commission in the US recommended improvement of basic animal welfare standards in animal farming, which were not followed in regular farming (Bollard, 2017; Pew Commission, 2008). Free trade agreements (FTAs) and the World Trade Organization (WTO), have ignored animal welfare for a long time, and have impeded animal welfare regulations by considering them as a trade barrier (Bollard, 2017, p. 99). Animal welfare standards are not seen as affecting a product's final characteristics, and are therefore not considered as a legitimate ground to impose standards on imported products. Only since 2003 the EU began to push for including animal welfare provisions in new FTAs. Furthermore, other international institutions, such as the World Bank and the Food and Agriculture Organization of the United Nations (FAO), have long refused to regard animal welfare as a legitimate issue, or have even (unintentionally) encouraged intensive forms of farming (Bollard, 2017, p. 94). The OIE developed the first internationally applicable standards for welfare of farm animals (Bollard, 2017, p. 96). Although OIE standards are minimal and voluntary, they have influenced standards in the OIE's 180 member states and continue to be promising for global improvement. Additionally, the SPS Agreement formally recognised OIE standards as the international reference for animal health. Despite positive developments in the EU, animal welfare standards outside of the EU are problematic.

2.2.2 Aims of European farm animal welfare legislation

The official aims of European animal welfare regulation are the protection of animals from 'unnecessary' and 'avoidable' pain, distress, suffering and injury and to protect their health in the processes of farming⁵⁴, transport⁵⁵ and slaughter⁵⁶. Concerning slaughter, this means making the process as painless as possible (Broom, 2017, p. 36).

Protecting the welfare of animals held for human consumption is only possible to a certain extent, as it is not in the interest of animals to be institutionally raised and killed in the first place. According to Broom (2017, p. 16) the question whether to kill animals for

⁵⁴ Article 3, Council directive (EC) No 98/58 of 20 July 1998 concerning the protection of animals kept for farming purposes.

⁵⁵ Council regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations.

⁵⁶ Article 3, Council regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

consumption is an ethical one, not an animal welfare issue. This view is inherent in European animal welfare regulation, starting from the presumption that the harm done to animals in the context of farming and slaughter for human consumption is accepted. It is only the *way* this is done that should be bound by rules. This is clearly an anthropocentric or ‘speciesist’ perspective (Laestadius et al., 2018; Singer, 2009; 1975). Indeed, EU legislation on animal *health*, for example, does not primarily intend to protect animal welfare, but to avoid risks for *human* health (e.g., spread of diseases⁵⁷) and to avoid financial costs for farms and meat companies by avoiding animal pathologies (Broom, 2017, p. 20). Recently, the upcoming ‘One health concept’ challenges the view of separated concepts of ‘animal’ and ‘human’ welfare and health, as they mean the same for the different species (Broom, 2017, p. 21). The one health concept is defined as ‘a worldwide strategy for expanding interdisciplinary collaborations and communications in all aspects of health care for humans, animals and the environment’ (Broom, 2017, p. 21). It assumes that closer collaboration between the different disciplines can benefit each separate one. Zoonotic diseases receive particular attention in this initiative, as diseases are known to be transmittable between humans and other animals (e.g., rabies of dogs, influenza from poultry). Less well-known are the similarities between human and animal ‘metabolic disorders, joint and skeletal diseases, cancers, cardiovascular diseases and a range of parasitic, bacterial and viral infections’, that require similar medicines for treatment (Broom, 2017, p. 21).

Animal welfare standards are higher for animals raised under the organic label than for regular farming. Although the organic label is private, its standards are set by EU legislation. It mainly defines farming standards (e.g., feed, housing, breeding), but also defines the handling of animals during transport and slaughter (e.g., no electrical stimulation during loading/unloading).⁵⁸ EU Regulation 2018/848 lists, in Article 4, the general objectives of organic production. It states that ‘Contributing to high animal welfare standards and, in particular, to meeting the species-specific behavioural needs of animals’ is one of the objectives.⁵⁹ Other objectives are to contribute to the protection of the environment by promoting sustainable agricultural production (e.g., contributing to biodiversity, maintaining

⁵⁷ Article 1, ‘KB 4 juli 1996 betreffende de algemene en bijzondere exploitatievoorwaarden van de slachthuizen en andere inrichtingen’, BS 3 september 1996.

⁵⁸ Part II: Livestock production rules. Regulation (EU) No 2018/848 of the European Parliament and the Council on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007.

⁵⁹ Article 4, under ‘e’, Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products.

soil fertility), promoting short distribution channels and local production.⁶⁰ The objectives of *regulation* of organic production also include trade interests. The introduction of EU Regulation 2018/848 clarifies:

This Regulation should provide the basis for the sustainable development of organic production and its positive effects on the environment, while ensuring the effective functioning of the internal market in organic products and fair competition, thereby helping farmers to achieve a fair income, ensuring consumer confidence, protecting consumer interest and encouraging short distribution channels and local production.⁶¹

Certification of organic is thus meant to simultaneously serve several interests, those of producers, consumers and the environment.⁶² Consumer's confidence is mentioned several times as an aim of regulation and harmonisation of organic food, as 'rules that are not trustworthy can jeopardise public confidence and lead to market failure'.⁶³ Therefore the other objectives not only contribute to consumers' trust, but also the other way around: if consumers have confidence in this market, the market will also thrive by it. All in all, by the regulation of organic agriculture, the EU promotes a type of farming that protects animal welfare better than conventional farming, but it is not a central aim of the regulation.

2.2.3 Protected interests and developments in Belgian animal welfare rules

In Belgium, the Law on animal welfare and protection of 1986 aimed to protect animals and improve their welfare by forbidding behaviour that inflicts 'unnecessary' pain on animals, injuries, mutilations, or causes their death.⁶⁴ Thus, in Belgian law the anthropocentric perspective was also leading, because what 'unnecessary' dying or suffering means, is defined by humans (Cazaux, 1999, p. 117). Currently the Flemish government is working on the development of a Flemish Codex Animal Welfare, to have a more coherent and updated law that covers all aspects of animal welfare policy (Weyts, 2019). For the moment however, rules

⁶⁰ Article 4, 'Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products'.

⁶¹ Introduction, point 17, 'Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products'.

⁶² See also introduction, point 6, 'Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products'.

⁶³ Introduction, point 15, 'Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products'.

⁶⁴ Article 1, 'Wet van 14 augustus 1986 betreffende de bescherming en het welzijn van dieren', BS 3 december 1986.

are scattered over several royal and regional decrees that transpose EU directives created after the 1986 law.

Some of the decrees specifically regulate the protection and wellbeing of *agricultural* animals⁶⁵, and specific royal decrees set standards to protect pigs and calves in farms.⁶⁶ Other decrees focus on the protection and welfare of animals during transport⁶⁷ and slaughter⁶⁸. Avoiding ‘unnecessary’ pain and stress to animals is also considered important for the meat quality, and thus economic interests, and the occupational safety of drivers and slaughterhouse workers.⁶⁹

2.3 The increasing importance of private standards

In the former chapter we have seen how in regulation in general, and in food regulation in particular, private actors have played an increasingly important role. This starts with their influence in setting food safety standards (Havinga, 2015). Some standards are implemented by operators on a voluntary basis, in other cases the government obliges firms to adopt specific standards as in the case of the Hazard Analyses Critical Control Points-system (HACCP). In this section, based on the literature, I first explain HACCP in more detail because of its increased importance in food safety regulation and as it illustrates hybrid food regulation. Then I describe the way actors within the supply chain, mainly retailer groups, create food standards and the role civil society actors have in food regulation.

2.3.1 HACCP principles

The HACCP standards grew from the cooperation between the US government and the food industry, but were quickly adopted by other national governments and international institutions. They were recommended by the Codex in 1995 and included in the GFL

⁶⁵ ‘KB van 1 maart 2000 inzake de bescherming van voor landbouwdoeleinden gehouden dieren’, BS 6 mei 2000.

⁶⁶ ‘KB van 23 januari 1998 betreffende de bescherming van kalveren in kalverhouderijen’, BS 3 april 1998. ‘KB van 15 mei 2003 betreffende de bescherming van varkens in varkenshouderijen’, BS 24 juni 2003.

⁶⁷ ‘KB van 27 april 2005 tot wijziging van het KB van 9 juli 1999 betreffende de bescherming van dieren tijdens het vervoer en de erkenningsvoorwaarden van vervoerders, handelaars, halteplaatsen en verzamelcentra’, BS 20 mei 2005.

⁶⁸ ‘Besluit van de Vlaamse regering van 19 februari 2016 betreffende de bescherming van dieren bij het slachten of doden’, BS 14 maart 2016.

⁶⁹ Introduction, point 4, Council regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, states: ‘protection of animals at the time of slaughter contributes to higher meat quality and indirectly has a positive impact on occupational safety in slaughterhouses’. The royal decree on the certificate of competence required for drivers of agricultural animals also explains that drivers need sufficient knowledge about the effect of their driving behaviour on animal welfare *and* meat quality, (article 6, ‘KB van 13 juni 2010 betreffende het getuigschrift van vakbekwaamheid voor het vervoer van landbouwhuisdieren’, BS 25 juni 2010).

(Hoffmann & Harder, 2010, p. 21; OVV, 2014, p. 23). The required scientific support needed to apply HACCP principles relates to the food safety crises such as BSE (Wengle, 2016). The system, designed on a commission by NASA in the 1960s to assure the quality of food for space missions, provides a way to identify and assess risks in production processes and to control and document weaknesses (Hoffmann & Harder, 2010, p. 20; Wengle, 2016, p. 265). Rather than defining rules of behaviour, HACCP prescribes a method, and is therefore called a management-based or process-based type of regulation (Wengle, 2016, p. 265). The system aims to eliminate food-borne hazards in the production processes of operators and to control operators' control systems (Demeritt et al., 2014, p. 379; Wengle, 2016). Thus, it is not a *risk*-based system that ensures acceptable risk. It is based on a scientific approach, as decisions in every plant-level procedure need to be justified by scientifically valid studies (Wengle, 2016, p. 263). As food science continuously evolves, a plant's HACCP plan should be adapted accordingly. HACCP is based on self-regulation, putting responsibility of food safety with the producer (Wengle, 2016, p. 263). The EU demands that food operators have a food safety system in place based on the HACCP principles (van Waarden & Havinga, 2013, p. 153).⁷⁰ Moreover, private schemes (e.g., IFS and BRC explained in the next paragraph) have integrated HACCP principles. Therefore, the HACCP system is a good example of hybridity in food regulation.

Critics warn how the emphasis on self-monitoring can contribute to 'false safety', as companies can cover their own responsibility with certificates and compliance on paper (OVV, 2014; Wouters et al., 2012). Because the system puts more emphasis on controlling production processes instead of merely testing end products, it emphasises the responsibility of meat companies for food safety (Braithwaite & Drahos, 2000, p. 415).

2.3.2 Private actors setting the rules of the game

Private standards are a way for food producers to communicate to other actors in a supply chain that certain characteristics of a product are met. This is a way the food sector responds to a loss of trust in food supply chains and its public authorities (Henson & Humphrey, 2012). Most private food standards cover food safety, quality and appearance, and to a lesser degree are related to production processes affecting the environment, animal welfare and social sustainability (Fuchs et al., 2009). The latter are more often included in voluntary ethical

⁷⁰ Regulation 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.

codes and companies' codes of conduct. Some private schemes are designed to meet the minimum level of performance required for access to particular market segments (Henson & Humphrey, 2012, p. 102). Public rules defining product characteristics are adopted in private schemes and private actors create enforcement procedures to verify these public standards are met. Examples of private schemes developed by corporate actors that include basic standards are The International Food Standard (IFS) developed in Germany and the British Retail Consortium (BRC). Both prescribe production processes for food safety and are widely adopted in other countries (van Waarden & Havinga, 2013). IFS and BRC are tools to manage relationships between producers and their customers, business to business (B2B), and are generally not visible to the consumer (Henson & Humphrey, 2012, p. 102). Other private schemes distinguish food products with superior or unique characteristics, and thus, go beyond public requirements, and are directed to consumers (van Waarden & Havinga, 2013). Examples include labels for halal or organic production.

The operators at the end of the food chains, such as food processors and retailer groups, have a high commercial and reputational interest in imposing food standards on their suppliers, to monitor and enforce these regulations (Braithwaite & Drahos, 2000, p. 408; Fuchs et al., 2009; Waarden, 2006, p. 46). The concentrated retail sector has an especially strong voice in the regulation debate and can have even more regulatory power than governments (Broom, 2017, p. 30; Grabosky, 2017, p. 153). Small firms and farmers at the beginning of the chain, and especially food operators in developing countries, hardly influence the debate (Fuchs et al., 2009). So, while many private standards are developed and contractually demanded by western retail groups, their suppliers have hardly any choice other than to adopt them to stay in business (Havinga et al., 2015, p. 13; Wouters et al., 2012). In their research on regulation of slaughterhouses in the UK, Pope et al. (2013) found that such private customers' demands are the main motivation for slaughterhouses to systematically assess and manage food safety risks.

While private regulation has had positive effects, such as contributing to consumers trust, to transparency of production chains and increased social and ecological efforts (McMahon, 2011; Parker et al., 2018), it also has negative consequences, which I will discuss in Section 2.4.2.

2.3.3 Influence by civil society actors: is the customer king?

Apart from corporate initiatives, civil society actors increasingly scrutinize the meat sector and push public and private regulators for new rules or stricter enforcement of existing ones,

also on issues beyond food safety. NGOs, pressure groups and consumer interest groups defend, for example, social (e.g., fair trade), environmental (e.g., organic food) and animal welfare interests (Havinga, 2015). The ‘Better life’ hallmark of the Dutch Animal protection society, is an example of a certification system built on standards set by an NGO. The fact that Dutch retailers demand this certificate from their suppliers (also those in Belgium), again demonstrates the hybridity of food regulation. NGOs contribute to public awareness about harms to animals in the meat sector, but Singer (2009; 1975) also warned how NGOs that sit around the table with state regulators and meat businesses to improve standards can maintain the status quo. Some NGOs have made compromises to their original (more radical) viewpoints resulting in relatively minor improvements in production. This, Singer (2009; 1975) argues, can appease moral doubts in the general public, who then will not demand more radical changes (Singer, 2009; 1975).

Additionally, the media can be considered as a significant governance actor or intermediary, as they affect public perceptions about business actors, regulators and the seriousness of rule violations (Almond & van Erp, 2018, p.9; Havinga & Verbruggen, 2017, p. 68). Media as civil society actors includes press, broadcast, and the various online (e.g., social) media (Havinga & Verbruggen, 2017, p. 68). Research shows that food safety incidents or crimes that are widely reported by media sometimes (and in some countries more than others) negatively affect consumer trust (e.g., in case of the dioxin crisis and BSE) (Havinga, 2005; Verbeke, 2001). This, however, does not always negatively impact their *actual* consumption behaviour. The actual decrease of consumption after food scares is generally found to be more modest than the reported loss of trust and/or what consumers *report* about their behaviour (Havinga, 2005; Verbeke, 2001).

While some authors speak of regulatory power of consumers given their influence on businesses risk management practices and their increasing demands for higher animal welfare standards (Broom, 2017; Grabosky, 2017; Hutter & Jones, 2007), others question the real regulatory power of consumers (Fuchs et al., 2009, p. 40; Havinga & Verbruggen, 2017, p. 68; Lavin, 2009; M. McMahon, 2011, p. 411). Consumers can be granted some responsibility for the implications of their decisions, but have a much weaker position in political regulatory arrangements than retailers (Fuchs et al., 2009, p. 41). According to Havinga and Verbruggen (2017), consumer organisations are absent in standard-setting processes of public and private actors, or limited to advisory positions, presumably because:

...consumers perceive food safety as a technical matter, that consumer organizations do not prioritise food safety issues, and that consumers lack adequate resources to counterbalance the power of the food industry and government experts in standard-setting processes (Havinga & Verbruggen, 2017, p. 68).

Several cooperative initiatives among local farmers, small-scale processors and certification programs that concentrate on producing and distributing food in more ecological and socially just ways have potential, but currently only improve the situations of some individual actors in the supply chain and for a select group of privileged consumers (McMahon, 2011, p. 410). In developing countries, private food safety standards are limited to products for export and for wealthy citizens (Fuchs et al., 2009, p. 50). It is doubtful that these initiatives will generate broader changes. Mainstream industrial ways of supplying food persist, those that offer cheaper alternatives for those consumers who make decisions based on prices, because of smaller budgets or a lack of information. This means that not everyone has access to meat produced under the best conditions. If we consider ‘best conditions’ as not only best serving consumers’ health, but also local economies, animals, the environment, and thus human health from a ‘one health’ perspective, the consumption of intensive meat eventually affects all of us (see Parker et al., 2018). Even well-informed and wealthy consumers do not oversee, or are ignorant about, the long-term harms of intensive meat production, as these are most often not immediately visible or occur elsewhere. Therefore, a socially just and ecological food system, on the global level, is beyond the individuals’ consumer choice, as real change can only result from more radical changes in state-corporate food governance (McMahon, 2013, p. 419). Lavin (2009) has argued how the metaphor of the ‘factory farm’ does not only apply to the industrialisation of agriculture, but also to the powerlessness of consumers under globalisation. ‘Consumerism as political resistance’ is not very credible in this view, because of obstacles such as subsidies that promote large-scale farming aimed at export instead of small and organic local producers (Lavin, 2009, pp. 86-88). Other obstacles are market advantages for franchises of food chains compared to independent restaurants, and ‘aggressive marketing campaigns’ aimed at children. These are reasons to reject the idea of ‘the customer is king’. Making consumers believe that they have the power and responsibility to change something, seems rather to serve the commercialisation of healthy and ethical lifestyles and avoids questioning the food producing and regulating systems.

2.4 Harms neglected in food and meat regulation

In the regulation and governance literature, regulation is often approached in an instrumental way. This means scholars concentrate on institutional architecture and effectiveness of regulation to identify and address ‘market failures’ (Almond & van Erp, 2018, p. 4; Parker et al., 2018, p. 10). Some scholars who concentrate on food and meat regulation, in particular, challenge this instrumental view. In their view, this approach leads to multiple, and sometimes competing, regulatory regimes that focus on reducing one specific harm. Such regimes try to intervene as little as possible in business and ignore power dynamics within the institutional organisation of food governance (Dunn, 2003; McMahon, 2011, 2013; Parker et al., 2018). They consider this as problematic because it would lead to prioritisation in regulation of a selection of harms, while other harms are ignored and even created by the regulatory framework. In this section I discuss what the literature has to say about harms of meat production that are (partly) neglected by regulation or that stem from regulation itself.

2.4.1 Interests not or partly protected by food and meat regulation

In the food safety domain, elements such as healthy diets, animal health, and sustainable production processes are usually not considered, or only considered of secondary importance (McMahon, 2013; McMahon & Glatt, 2018). Although these issues might be covered in other regulatory domains (animal health or environmental regulation), there are also harms reported that result from meat production, especially of *industrial* animal farming, that are legal. Also, the very distinction between the different types of harm (and between human beings and nature) allows us to ignore certain harms that are, in fact, interrelated (McMahon & Glatt, 2018). In this section I concentrate on what is known about harms to consumers, public health and animals that are created by meat or food production but not covered by regulation. The central bearers of harm in my empirical research were citizens and animals, but it does not mean that environmental, social or any other harms are less important. On the contrary, they might be the most pressing and belong in a holistic approach of harm, one where *all* harms are considered. Not in the least because of the disproportional contribution of animal farming (and feed crop farming) to pollution, deforestation, inefficient use of natural resources, loss of biodiversity and global warming (e.g., see Boekhout van Solinge & Kuijpers, 2013; Hertwich, 2010; Parker et al., 2018; Rossi & Garner, 2014). These harms eventually affect all humans and animals, are not bound to Belgian borders and tend to unequally affect certain regions and

communities. Although I do not delve further into these topics, it is important to keep them in mind in the broader discussions about politics and priorities in the regulation of meat.⁷¹

Consumer and public health interests that are not or partly protected by regulation

Some harms to consumers and public health are not covered by food safety regulation and are, to some degree, ‘accepted’. Several consequences of animal farming are harmful for animals and humans simultaneously. Examples include zoonotic diseases that are transmittable from animals to humans and antimicrobial-resistance (AMR), because of high preventive antibiotic use in livestock farming that contributes to drug-resistant infections for animals, for people who consume the meat and for veterinarians and farmers in contact with the animals (Broom, 2017, p. 22; Parker et al., 2018, p. 20; Rossi & Garner, 2014).⁷²

Although harms to public health can emerge in any kind of animal farming, some of the aspects of intensive farming increase the risks (Cazaux, 2003; McMahon, 2013, p. 407; Rossi & Garner, 2014, p. 489). And when a problem arises (e.g., zoonosis), the scale and intensity of a company has enormous consequences for the whole sector. Densely populated livestock stables impair the natural immune system of animals and facilitate the spread of pathogens (e.g., Salmonella and E. coli 0157) and the spread and mutation of influenza viruses. This makes farmers turn to antibiotics in the first place (Parker et al., 2018; Rossi & Garner, p. 489). The spread and mutation of influenza viruses also risks a human pandemic (Rossi & Garner, 2014, p. 489). Both the Spanish Flu of 1918 and the 2009 H1N1 influenza pandemic are assumed to be of swine origin. Already before Covid19 and in a response to it, scientists have warned of the increased risks (of emergence and spread) of viruses that animals share with humans because of globalisation, wildlife trade, climate change and the decline of biodiversity (Jones et al., 2020).⁷³ Intensive animal farming has a considerable role in the two global challenges of climate change and the decline of biodiversity *and* provides

⁷¹ For other work on the meat sectors’ harms on these topics, see, for example Hertwich (2010) and Kraham (2017) about environmental harms and Fitzgerald (2010) and McGuaran (2016) about social harms.

⁷² Note that this is believed to contribute to the death of approximately 700,000 people per year (worldwide) because of infections that are drug-resistant (Parker et al, 2018, p.6).

⁷³ See also Carrington, D. (2020, March 25). Coronavirus: ‘Nature is sending us a message’, says UN environment chief. *The Guardian*. https://www.theguardian.com/world/2020/mar/25/coronavirus-nature-is-sending-us-a-message-says-un-environment-chief?CMP=share_btn_fb&fbclid=IwAR0GeSOS_0qJH-PlrIoa9w5Vx59uraAJNT3U6hfK_W24YCtRKqYpd9wJ4aY, last accessed November 2021. Vidal, J. (2020, April 8). Human impact on wildlife to blame for spread of viruses, says study. *The Guardian*. <https://www.theguardian.com/environment/2020/apr/08/human-impact-on-wildlife-to-blame-for-spread-of-viruses-says-study-aoe>, last accessed November 2021.

the ideal conditions for spread and mutations of a virus (Altieri & Nicholls, 2020; Schmeller et al., 2020).

Other partly accepted harms for human health include illness and death caused by foodborne diseases resulting from pathogenic micro-organisms (Hoffmann & Harder, 2010; NVWA, 2015b; van Silfhout, 2014). In slaughterhouses there is a risk of cross-contamination by animal faeces and through knives and machinery (Rossi & Garner, 2014, p. 489). Also, in this operational phase, intensive production methods can increase these risks. High slaughter line speed presumably increases risks of pathogens and challenges the adequate handling and inspection of carcasses (McMahon, 2013; OVV, 2014; Stuart & Worosz, 2012). The main microbiological risks for red meat are *Campylobacter*, *Salmonella* and *E. coli* (NVWA, 2015b). For pigs, *Salmonella* is one of the main problems, which can be present in feed, and it spreads in unhygienic conditions at farms and because of stress during transport (NVWA, 2015b). For beef, the main micro-biological risks are *Salmonella* and *E. coli* (e.g., STEC: Shiga toxin producing *E. coli*, or VTEC: Vero toxin producing *E. coli*). The main cause in Europe for STEC in beef is fecal defilement caused by not following the appropriate hygiene procedures during the slaughter process (NVWA, 2015b). Stuart and Worosz (2012), in their research on ground beef production in the US, argued that, despite the harms of foodborne illnesses linked to ground beef consumption, certain operations in industrial beef processing *and* public regulations were not sufficiently adapted to avoid them. Production speed, commingling of sources and the scale of production are believed to affect foodborne illnesses. Yet, they concluded that the American ground beef industry was not employing a holistic and sustainable approach to avoid this, but limiting itself to treating symptoms with ‘quick technological fixes’ (Stuart & Worosz, 2012, p. 298).

Animals’ interests that are not or partly protected by regulation

Examples of un(der)-regulation of harms to animals include the acts of breeding and killing them for consumption in the first place, which deprives animals ‘of future opportunities for satisfaction’ and is criticised from a moral point of view (Laestadius et al., 2018; Rossi & Garner, 2014, p. 492; Singer, 2009; 1975). By not challenging the basic idea of the commodification of animals from an anthropocentric perspective, this practice is normalised and human safety is central while some harms to animals are ignored, which could also be avoided (Laestadius et al., 2018; Parker et al., 2018, p. 2).

What constitutes ‘necessary’ suffering, or ‘natural’ behaviour, leaves room for different interpretations (Broom, 2017, p. 53). Dense animal populations, close confinement

and other housing conditions, boredom, disruption of social group needs, increased growth rates and fast slaughter speed are some avoidable sources of harm. They lead to animals' sudden death, physical injuries, abscesses, the spread of (zoonotic) and other diseases, stress (in farming, transport and slaughter) and unhappiness and are only considered to a limited degree in animal welfare regulation (Laestadius et al., 2018, p. 297; Rossi & Garner, 2014; Singer, 2009). Sometimes the 'solutions' to these problems inflict additional harm to animals. These are the 'processing procedures', such as docking pigs' tails (because aggressive pigs bite each other's tails), sometimes without the use of analgesics (Bollard, 2017, p. 87; NVWA, 2015b; Rossi & Garner, 2014, p. 493; Singer, 2009, p. 121). Other normalised, but harmful and ethically questionable elements of intensive pig farming, include pigs never seeing natural light, limited living space, short life-spans (five or six months), castration, sows being confined to cages, and that 'genetic engineering' and mechanical nursing have increased the number of piglets a sow can 'produce' each year (Laestadius et al., 2018; NVWA, 2015b; Singer, 2009; 1975, pp. 123, 125). These methods are used to minimise costs and time and to maximise reproduction, creating the 'optimal animal', in terms of human needs (Laestadius et al., 2018; Rossi & Garner, 2014, p. 480; Singer, 2009; 1975, pp. 123-126). For sows, the limited space and deprivation of natural behaviour before having young, can lead to chronic stress (NVWA, 2015b).

The industrial farming and slaughter of beef cattle might be less intensive than for pigs, but generates similar 'legal' harms, such as painful castration, branding and health problems caused by group housing (Bollard, 2017, p. 88; NVWA, 2015b; Singer, 2009, p. 140). Moreover, the slaughter of all animals makes them experience terror shortly before killing (Singer, 2009, p. 150). In practice, it also has many flaws despite modernisation of techniques, due to slaughter speed and the high turnover of inexperienced staff (Laestadius et al., 2018; Singer, 2009). If we compare these practices to how we treat pets, it is clear how arbitrary animal welfare rules are, as a result of social constructions of the way we look at animals (Fitzgerald and Tourangeau, 2018, p. 219).

In developing legislation to diminish these harms, Broom (2017, p. 49-52) considers the magnitude of poor animal welfare in setting regulatory priorities. According to this view, priority should depend on the severity of harm, its duration and how many animals are affected. In this sense, slaughter is severe, but takes a relatively short period of time, compared to animal suffering during farming, which is why, according to the author, improving farming conditions deserves prioritisation (Broom, 2017). Also, certain types of animals are reared in much higher numbers than others, which causes greater animal welfare

problems (e.g., pigs, and even more so for poultry), and are thus arguably more pressing, than for cattle.

2.4.2 Harms created by regulation

Several scholars note that the history of European food regulation shows how decisions in crisis situations were sometimes made in the interest of the agro-food sector instead of public health, as was seen during the BSE crisis (Abels & Kobusch, 2015, p. 49; Chambers, 1999, p. 98). The power of a couple of concentrated retailers might also ‘capture’ public regulators who are supposed to regulate them (Ayres & Braithwaite, 1995, p. 56; McMahon, 2013, p. 408). Capture in this case means that regulatory agencies are representing interests of food producers and retailers (McMahon, 2013). Although cooperation between state and non-state actors is necessary, it is usually the most powerful interest groups (in terms of means and effective mobilisation, including governmental bureaucratic power) who benefit from policy outcomes, at the expense of less powerful interest groups (Ayres & Braithwaite, 1995). This is demonstrated by the effect of private standards in food regulation, that are developed and contractually demanded by concentrated retail groups in western countries. They add to pressure on food operators to remain competitive, especially those in developing countries who are in the weakest market position and have no alternative source of income or social safety net (Fuchs et al., 2009, p. 46; Havinga et al., 2015, p. 13; Wouters et al., 2012). The cost of compliance and of *demonstrating* compliance with private schemes through documentation and management systems, unequally harms the interests of smaller farms and firms at the beginning of the supply chain, but also of small local retailers (Fuchs et al., 2009; Havinga et al., 2015; Henson & Humphrey, 2012, p. 109; Wouters et al., 2012).

Also, within Western countries, harms for smaller food operators are known, because of food safety regulation, and/or because of HACCP, in particular (Dunn, 2003, p. 1494; Hutter & Jones, 2007; McMahon, 2011, p. 405; Wengle, 2016). In the UK food retail sector, Hutter and Jones (2007, p.35) encountered skepticism about the way consultants ‘are making a killing out of HACCP’, exploiting the lack of understanding by small entrepreneurs about the principles. Other studies that concentrated on the *meat* sector in Poland, British Columbia, Australia and the US, also point to harms caused by food safety regulation (Dunn, 2003; McMahon, 2011; Parker et al., 2018; Wengle, 2016). Three of them confirm the hardships for small meat producers to survive because of the required investments to comply with infrastructure standards and the increased administrative burdens of documenting operational processes (Dunn, 2003, p. 1494; McMahon, 2011, p. 405; Wengle, 2016). In the US, Wengle

(2016, p. 263) found how the emphasis on the responsibility of food operators and on scientific studies backing their HACCP system, unevenly damaged small meat producers because they typically had less expertise and resources to adapt to HACCP (Wengle, 2016, p. 263), while the system implies that:

...in theory, every producer can be an active participant in the interpretation, adaptation, and even production, of scientific evidence pertaining to food safety. In-house data can be used to generate new studies to validate new processes (Wengle, 2016, p. 266).

In reality, it is much more challenging for small producers to interact with science, making them unequal participants of the processes behind HACCP. Moreover, scientific studies conducted in large plants do not necessarily apply to small ones, but for the small ones, completing their own studies to meet their specific production processes is costly.⁷⁴ As such, HACCP ‘produces the producer’, in the sense that small producers gave up specific products and processes because no scientific study was available to justify it (Wengle, 2016, p. 268, 269). Combined with the difficulties of smaller actors to make needed investments in equipment to remain compliant, these processes contributed to small producers going out of business. In this sense, HACCP further contributed to (an already ongoing process of) consolidation in the US meat processing industry, especially the decrease in the number of slaughterhouses (Wengle, 2016, p. 269).

Dunn (2003) and McMahon (2011, 2013) analysed local consequences of EU food safety standards in the Polish meat packing industry and the consequences of the Meat Inspection Act of 2007 in British Columbia (BC), respectively. They point at social and economic harms of international food safety regulation for small scale actors in the supply chains and rural residents, such as unemployment, poverty, loss of livelihoods, loss of cultural and ‘agro-ecological’ diversity, and harms to human health, in the broad sense (Dunn, 2003, p. 1503; McMahon, 2011: p. 410). The BC Meat Inspection Act led to (threats of) closure of small-scale slaughterhouses that used to service small-scale farmers (McMahon, 2011, p. 405). As a consequence, farmers have to travel much further to slaughterhouses, which complicates farm-gate sales and increases their costs, considering the low prices big processing plants pay them. Also, animal treatment in these plants is not always according to farmers’ wishes. When these farmers quit, this changes rural economies, worsens local food security and encourages domination of a few major meat packers. This policy does not only

⁷⁴ Think, for example, of producers of artisanal products, who apply less common processing methods for which there are less, or no, existing scientific studies to justify their procedures (Wengle, 2016, p. 268).

encourage concentration and consolidation of businesses, it also may foster risks that the very rules aimed to reduce. Although there is no consensus on the link between scale of companies and food safety risks (e.g., see Wengle, 2016), some authors claim that the operational processes of large-scale producers result in a higher share of food safety problems. This is illustrated by the way BSE was probably caused by commercially prepared feed containing animal waste and bones as a protein supplement (Dunn, 2003, p. 1502; Hoffmann & Harder, 2010, p. 31). It is at the local level that these national and rural studies show how food safety rules restructure agro-industrial markets, with advantages for privileged consumers, regulators and some corporations, while harming others (Dunn, 2003, p. 1501; McMahon, 2011, p. 410). This is reason to question the legitimacy of the rules.

Parker et al. (2018), who focused on intensive pig farming in Australia, follow a similar line of thought. They address harms of regulation that go beyond the regulatory domain of food safety. Using the case of ‘carbon neutral’ pig farming in Australia, they show how an instrumental, fragmented approach of regulation is inefficient and does not capture many environmental and social harms. One of their examples shows how, instead of trying to reduce methane emissions from pig manure, the regulatory system supports capturing methane to generate energy (Parker et al., 2018, p.15): farmers can count on government payments to capture methane and this method lowers electricity bills. Therefore, the policy encourages intensive farming in confined facilities of one type of animal, for efficiency reasons. This shows how a ‘solution’ to climate change can, in fact, reinforce intensive farming that is usually practiced by the larger companies, ignoring the resulting ecological impact and social injustices (Parker et al., 2018, p. 16). Because production and consumption of meat is not limited in any way, despite the ecological harm (e.g., loss of diversity, difficulties to control diseases), this regulatory system can lead to loss of self-supporting communities and ignores alternative systems in developing countries (with better animal welfare conditions and which benefit social communities). Moreover, the authors argue how it encourages concentration of low skilled, unsafe and often dehumanising work in facilities of intensified slaughter/meat processing. Another example provided by Parker et al. (2018) about questionable and harmful regulation in intensive meat production, is the way stakeholders, NGOs and state actors try to reduce antibiotic use in pig farming as a response to AMR. This is partly the consequence of a practice that enables intensive farming, namely the preventive use of antibiotics (Parker et al., 2018, p. 20). The regulatory responses do not problematize the *causes* such as animals’ housing conditions, nor does it address unknown harms for the environment (e.g., water pollution, risks to other species) and to human health

(other than AMR). As such, initiatives to reduce antibiotic use are maintaining the status quo instead of forcing the system to change (Parker et al., 2018, p.11).

What all these examples have in common is that they show how solutions lie in approaching regulation in a more holistic way, rather than only concentrating on a seemingly isolated interest. A ‘one health’ perspective (see Section 2.2.2 of this chapter) that considers all animal, environmental and human interests together, which are interrelated, is a starting point to not overlook varying interests in one regulatory ‘solution’ (Parker et al., 2018). At the same time, the literature discussed here suggests how these harms of food safety regulation are not necessarily unintended consequences, or ‘collateral damage’. It can be a deliberate political intention to support a certain *type* of food operator, facilitating consolidation of a handful of corporations (e.g., see Dunn, 2003, p. 1500). As McMahon (2013) argues, it is exactly *because* food-safety governance is very political, that its focus and power dynamics in the food system should be discussed more. At least we should recognise how the current regulatory frame facilitates trade among some actors rather than others and that excluded actors do not necessarily produce food that is less safe or of lower quality.

Conclusion

Food regulation is a political, complex and dynamic process that is the result of balancing several interests, under the influence of societal changes and power dynamics. Crises in the food sector reveal a discord between protecting an economic sector, versus the interests of (in my selected case) consumers and animals. The official objectives of subdomains of food and meat regulation are not always the true or only objectives, and change over time. First trade interests and, later, consumer safety have been central elements in harmonising food standards between countries. Related to both is the emphasis on protection of the reputation of the meat sector and its regulators and encouraging consumer trust. Only recently, animal welfare standards have been taken more seriously, but mainly in reference to human interests, protecting animals from pain, distress, suffering, injury and disease that ‘we’ consider ‘necessary’ and ‘unavoidable’, and/or to secure occupational safety and human health. Also in this domain, economic interests play a competing role, but are at times also congruent, in the sense that better welfare improves meat quality, consumer trust and the sector’s reputation. Apart from the priorities *between* harms in the discussed regulation, some harms to animals and humans are not, or only partly, covered in the regulatory framework.

Standards developed and enforced by private actors have become increasingly important regulatory instruments, which is illustrative of ‘regulatory capitalism’ (Levi-Faur,

2005). Several non-state actors have taken regulatory initiatives, which created a ‘booming business’ of the control-industry. Despite its positive effects, private regulation also primarily concentrated on food safety, while the interests of society, animals and the environment depend more on voluntary initiatives. Thus, it should not be expected that private regulation fills the gap that public actors fail to regulate. Private actors have economic interests and their contribution to the hybrid regulatory system shapes the meat producing market, in which mainly the largest meat companies, large end-point distributors (e.g., retail groups) and certifying businesses thrive. This is at the expense of relatively small and locally operating actors in the meat sector. This might even be a deliberate political choice. The weight that NGOs and consumers place on regulatory debates does not seem capable of setting in motion more radical changes that would avoid the harms to interests that are currently left unprotected (see also McMahon, 2011; Parker et al., 2018). Several scholars argue that for a regulatory system to cover such harms (including the harms caused by regulation), a more holistic approach to regulation could be part of the solution. Such an approach does not focus on one specific type of harm and would make it harder to ignore (responsibility for) the risks and harms that are created by intensive meat production, which now might be *facilitated* by the regulatory framework.

Chapter 3. Research design

Introduction

In this empirical study I aimed to bring together insights on the regulation of the meat sector, the factors informing regulatory practices and the types of rule violations that actually occur. In doing so, on the one hand, I intend to contribute to the rare criminological studies about food-related crime. On the other hand, I intend to contribute to the literature of regulation and governance studies, which concentrates, to a more limited extent, on actual non-compliance or crime, in particular. By concentrating on how regulation works, in practice, in a specific food sector, we can understand more about the way regulation is socially constructed. While it is designed to avoid certain harms or risks, regulation is the result of social and political processes, that centralise some harms or risks more than others. Moreover, even if different regulators demand something of a meat operator, they, and their regulators, make choices about what law or what element is most pressing in regulatory *practice* (Haines, 2011a, p. 297). The aims of this study are therefore twofold:

- 1) Examine which rule violations occur in the meat sector and how regulators and regulatees assess these rule violations (a.o., in view of their harmfulness) and respond to them.
- 2) Identify and examine the factors that construct regulatory practices in the meat sector and understand to what extent the practices are inspired by the goal of harm reduction and prevention.

With ‘regulatory practices’ I refer to activities by regulators and regulatees in monitoring and enforcing rules and standards, including compliance by regulatees. By integrating both perspectives of regulators and regulatees, the social dynamics and human factors behind decisions become clearer. While studies usually concentrate on one regulatory domain, providing a fragmented perspective on regulation, the food sector is confronted with a multitude of regulatory domains. This is the reason for concentrating the empirical fieldwork on regulatory practices of both food safety and animal welfare regulation in the Belgian meat sector.

In the following sections I will describe the research questions and the steps I have taken and the choices I have made to answer them. Qualitative research methods are used, as

they are most suited to examine experiences and perceptions of people and their social interactions. The two main methods in the research design are: 1) semi-structured interviews, and 2) document analysis. In this chapter I will first explain the way I have linked theory and research. I will then present the research questions and describe how and why I have narrowed down the research topic. Then I will elaborate on the two applied methods separately, namely on the justification, sampling, data collection and analysis. This is followed by reflections on the research challenges and quality of the data. I conclude with some points concerning the reporting of the findings.

3.1 Research approach: adaptive theory

The literature review contributed to choices I have made in the empirical research and delineated historical context, but the empirical research was not theory-driven. The research was mostly inductive, as the empirical data are used to understand and explain social processes. I applied Layder's (1998) approach of sociological research of 'adaptive theory', meaning:

(...) the theory both adapts to, or is shaped by, incoming evidence at the same time as the data themselves are filtered through (and adapted to) the extant theoretical materials that are relevant and at hand (Layder, 1998, p. 35).

This does not mean I had no theoretical presumptions from the start, or literature to connect with. In fact, I agree with Layder (1998, p. 54), that 'all observations and interpretations are theory-laden to some degree or other'. Therefore, it is important to be aware and reflective of my own theoretical assumptions and prejudices and to make these explicit from the outset (Layder, 1998, p. 11) (see also Section 3.5). Concerning the theoretical assumptions, the previous two chapters have shown the literature that I have selected and analysed. By also indicating my stand in the described debates, I have intended to clarify the theoretical assumptions the study is based on. This is important because the way I approach crime, harm and regulation has defined the research design. Based on the view that harm is always defined by morals to some extent, I am mainly interested in how interviewees perceive harm rather than giving my own definition. Also, I looked at 'rule violations' instead of state-defined 'crime', based on the assumption that state-defined crime does not necessarily equalise the most harmful or wrongful activities. I assumed that apart from the prevention and reduction of harm and ethics, also other factors shape processes of rule-setting. This view also extends to

my approach of regulatory practices, assuming these practices are not a simple outcome of technical and scientific assessments of risk or harm.

The research approach of this study has both elements of an ‘interpretive’, as well as an ‘objectivist’ research approach (Parker & Nielsen, 2011). Interpretive, because I did not test theories but tried to understand the social processes and interactions behind the decisions of the involved (regulating and regulated) actors. At the same time, I have also tried to *explain* the processes behind people’s decisions to some extent. To explain decisions made in meat regulation I have used the perceptions and explanations that the interviewed actors have given themselves for their (and other people’s) behaviour. Therefore I present a lot of ‘rough’ data, that stays closest to the words of interviewees, combined with findings that were further abstracted, using my own words or sociological concepts.

For the analysis, the adaptive approach implies that theorising can be flexible and organic. It means you can use general theory for ‘orientation’ that is rather abstract, as well as more verificationist ideas of theorising (e.g., testing of hypotheses) at the same time (Layder, 1998, p. 35). In my study, I started with general theory and orienting concepts that I have tried to anchor empirically during the research.

3.2 Research questions

The main research question is:

How is food safety and animal welfare regulation in the meat sector constructed and what is the relevance of reducing and preventing harm? In order to answer this question, a number of secondary questions are addressed in the empirical chapters in the following order:

1. How are the beef and pork supply sectors organised?

This question is answered in Chapter 4 and was designed as a preparatory question to the fieldwork, especially concerning interviews with corporate actors (Braithwaite, 1984, p. 388). However, to answer these questions I partly integrate empirical findings, namely of interviews and an analysis of grey literature.

2. Who are the regulating actors?

Various public, private and civil society actors are relevant in Belgian meat regulation. In answering this question in Chapter 5, I concentrate on those actors mostly relevant for food safety and animal welfare regulation in the pork and beef sectors. Other regulatory actors are

described to the extent necessary to contextualise the other research findings. To answer this question I mainly rely on literature, documents and legislation.

3. What do the aims of rules/standards and processes of rules/standard-setting reveal about the interests the involved actors intend to protect from harm?

The second part of Chapter 5 answers this question, to further examine the design of meat regulation. I first needed to clarify the general aims of food safety and animal welfare rules/standards that apply to the beef and pork sectors, before I could study regulatory practices. Whereas the aims of public rules were partly discussed in the literature review (Chapter 2), the interview findings clarify the aims of private standards (Chapter 5). Only a selection of rules and standards is examined in both chapters, to the extent necessary to contextualise other findings. Not only the aims, but also standard-setting processes demonstrate the interests of the actors involved in regulation.

4. How do the regulating actors organise monitoring and enforcement in the slaughterhouses and how do they interact?

This question brings in focus the design of monitoring and enforcement in slaughterhouses, concerning food safety and animal welfare rules. The design is partly based on technical and scientific aspects that fuel risk-analyses in meat regulation. I answer this sub-question based on legislation and policy documents of involved regulating actors, further supplemented with interview data. Together, the answers to questions 3 and 4 will make the concepts of a ‘hybrid’ or ‘pluralist’ model of regulation more concrete (Braithwaite, 1993; Havinga, 2015).

5. What is known about rule violations in the beef and pork supply chains and how are they assessed by regulators and regulatees?

This question is answered in Chapter 7, mainly by the analysis of criminal and administrative proceedings, although interviewees have also reported rule violations. I focus on food safety and animal welfare violations, but this analysis includes some cases about environmental and other crimes as well. The findings provide an idea about the rule violations in the beef and pork sectors occurring, based on what is actually detected, fined and/or criminally prosecuted. This allows to identify the role of the criminal law in the pluralist model of meat regulation. Combined with interview findings, the document analysis also demonstrates to some extent the reasoning behind law enforcement practices.

Most central in the empirical research are sub-questions 6 and 7, in order to answer the main research question about regulatory *practices*. Whereas the document analysis of Chapter 7 gives some insight in the way harm and other factors affect law enforcement decisions, the answers to these questions are mainly based on the interviews with regulating actors and regulatees in Chapters 8, 9 and 10.

6. How does (actual/potential/perceived) harm play a role in regulatory practices?

Examining the way regulators make decisions and set priorities in activities of monitoring, enforcement and compliance, I concentrate first on the relevance of harm reduction and prevention. Both in the documents and in interviewees' explanations for their decisions, I could recognize perceptions of harm and patterns of harm approaches of the varying regulators and regulatees. In Chapter 8 I answer this question based on the interviews, discussing how harmfulness of rule violations, and related to that, the wrongfulness of behaviour or actors, seems to inform regulatory practices. I focus on food safety and animal welfare regulation, and to a limited degree, on labour and environmental regulation, which were also occasionally discussed in interviews.

7. How do other factors (other than harm) play a role in regulatory practices?

Although I went out to examine the way the involved actors approach harm (reduction/prevention) in meat regulation, in doing so I have encountered many other relevant factors and social dynamics. I discuss these in Chapters 9 and 10.

3.3 Focusing the study

I have made many decisions to narrow and refine the research topic, based on preliminary findings. In order to understand the way in which the meat sector is organised, and to prepare the empirical section, I started with desk research, analysing open sources such as media, statistics, legislation, policy documents and reports by national and European regulators (e.g., food safety authorities, NGOs). I also conducted 16 exploratory interviews: 11 in Belgium and 5 in the Netherlands. This was done according to the original research plan where I would include both countries in the empirical fieldwork. I selected persons with a broad overview on non-compliance in, and regulation of, the meat sector. In this phase, I mainly focused on state actors (e.g., regulatory agencies, justice departments). I also interviewed a civil society actor, a labour union actor and two corporate actors. In doing so, I established contacts and collaboration to gain access to other interviewees and other data sources (e.g., criminal cases).

To ensure that the study would be timely, relevant for stakeholders and feasible, these interviewees were also asked to provide feedback on my research plan. Hence, these conversations also contributed to the further development of the research design. During this phase, I started mapping the relevant regulating actors, the types of rule violations in the meat sector that they observe, and the availability of, and access to, data.

This phase revealed that including two countries in the analysis would be too ambitious considering the variety of sources (i.e., interviews and documents, regulators and regulatees) and topics I intended to cover (i.e., rule violations and regulation about food safety and animal welfare) and the complexity of the Belgian regulatory framework. In consultation with the supervisory committee, I opted for an in-depth study of the Belgian situation only. Eventually, interviews and document analysis were mostly limited to the *Flemish* meat sector and regulatory practices, except for interviews with some experts who operate on the federal level. Being a native Dutch speaker, I started my data collection in Flemish districts (and Brussels), as my French language skills are less fluent. During the fieldwork it became clear this focus would provide sufficient data *and* that many meat activities are actually concentrated in Flanders.

3.3.1 Centrality of food safety and animal welfare regulation

During the exploratory phase I mapped the various types of rule violations occurring in the sector, and divided them into four categories, depending on which types of interests were violated, not just material (financial) harm. The categories include violations related to: 1) food safety and quality and potentially consumers health, 2) animal welfare, 3) the environment, and 4) labour. Some criminalised activities, such as forgery and swindle, can occur in all of these categories. The initial plan was to cover all four categories during the interviews and the document analysis. However, during the data collection, it became clear that this would not be feasible. In consultation with the supervisory committee, I later focused the fieldwork on only the two regulatory domains protecting interests that are most specific to the production process of meat, namely, food safety and quality and animal welfare. At that stage, the data already collected on the other two topics was still integrated. Looking at more than one regulatory domain allowed me to observe whether compliance and non-compliance is limited to one regulatory domain or not. Moreover, it could potentially reveal (and indeed revealed) contradictions when compliance with one set of rules implies non-compliance with another set of rules.

3.3.2 The beef and pork sectors

A second result of the exploratory phase was to concentrate the empirical section on the Belgian beef and pork sectors. I selected these sectors, first of all, because beef and pork are the two types of meat mostly consumed in Belgium (Vlaams Centrum voor Agro- en Visserijmarketing [VLAM], 2020a, 2020b). Second, the material collected in this early stage, showed how looking into these production chains would offer sufficient data on rule violations in the abovementioned categories. Some types of rule violations occur in both sectors (e.g., animal maltreatment), but others are specific to one. Hormone use, for example, is associated with cattle farming and the beef sector is more vulnerable to fraud because of the higher prices of beef than for pork. Reducing antibiotic use is a challenge more typical to the pork sector, as this sector is more intensive. Third, including both markets and their unique characteristics allows comparison on differences and similarities in regulatory practices. A fourth reason to focus on these two sectors is because they are both part of the red meat supply chain and in some tiers of the supply chain, both types of animals are slaughtered, boned and processed.

3.3.3 Centrality of slaughterhouses and distribution in interviews

The exploratory fieldwork also revealed the complex network of activities of the supply chain in Belgium and abroad, which I will explain in the following chapter. Because the different tiers of a supply chain are not necessarily taking place in Belgium, and the supply chain of one specific meat product can be very complex, I decided to concentrate on activities only taking place in Belgium. For the document analysis, actors in varying tiers of the supply chain were included. For interviews in the meat sector, I began with slaughterhouses because of their pivotal role in the supply chain, responsible for the most controversial activity of killing animals, before they are further transformed into consumable meat. This makes regulation applicable to this tier diverse (including animal welfare) and intensive (see Chapter 5) and the types of rule violations varied. Also, the slaughterhouse's central position in the supply chain implies that its staff interacts with a multitude of actors, including farmers and drivers higher up in the chain, and meat traders and distributors in the lower end of the supply chain. Therefore, interviews with slaughterhouse managers would enable me to discuss not only their experiences and perceptions on monitoring and (non-)compliance within the slaughterhouse, but also concerning other tiers in the supply chain.

Time limitations prohibited the inclusion of *all* phases in the supply chain, but I also decided to interview a sample of distributors, the umbrella term I use to cover actors

distributing food/meat (e.g., retailers, industrial kitchens). I chose this tier because of the important role of retailers in setting private standards that apply to the whole production chain. In other words, they have a dual role as regulatee and regulator. Also, these actors are in direct contact with consumers and thus very vulnerable to reputation damage in case of rule violations.

All these decisions have led to a focus on food safety and animal welfare regulation in Flemish beef and pork slaughterhouses. The chosen methods and samples have resulted to a more limited extend in data about other tiers and environmental and labour regulation as well. This allows me to place findings in a broader perspective.

3.4 Methods

I have used semi-structured interviews and document analysis to answer the research questions. Each method has contributed to answering more than one sub-question, which made the research process not completely linear, but rather organic. Also, I had to respond to opportunities in data access and to new insights that the already collected data provided. Nevertheless, in what follows I present, as much as possible, a chronological overview of the research activities conducted, per method.

3.4.1 Semi-structured interviews in the sector and with its regulators

The main source of data were the semi-structures interviews I conducted with 77 persons, including 40 experts and 37 corporate actors. With ‘experts’ I refer to persons having professional experience with the regulation of the beef and pork sectors and/or rule violations in these sectors, without being themselves part of this sector. Experts include state and civil society actors. With corporate actors I refer to all individuals that are working in the meat sector itself, their representatives and private regulating actors. Although corporate actors can also be considered ‘experts’ on the topics of my research, I consider the state and civil society actors to have more distance from the meat sector.

It was not the purpose of my study to cross-check information on individual companies from both interviews and proceedings. Because of the possible overlap though, I started interviews with corporate actors *before* the document analysis. This way I intended to contact companies with as little prejudices as possible and to avoid being confronted with ethical dilemmas during interviews. I did not want to give corporate actors the impression that I was on the ‘inspectories’ or ‘law enforcement’ side. I aimed, as much as possible, to

maintain a neutral position. At the same time, to prepare for interviews and to understand the type of company I would visit, I did search open sources (e.g., media, year reports) for information about the company once it confirmed participation.

3.4.1.1 Interviews with experts: state and civil society actors

I conducted semi-structured interviews with 40 experts (see Appendix 1 for an overview). Additionally, I had informal conversations with five other experts, all working for the FASFC. The 40 interviews include mainly (n=36) state regulators, working for regulatory agencies, police or justice departments. The remaining four persons were civil society actors working for two labour unions and two NGOs defending the interests of animals. I applied a combination of purposive and snowball sampling. I started off with the first, applying theoretical sampling in particular, selecting persons depending on how theory and empirical research developed (Layder, 1998, p. 47; Swanborn, 2008, p. 60). Analysis of preliminary data contributed to decisions about additional data collection. After having narrowed down the research topic, I selected experts based on the criteria that they should:

- have expertise in one or more of the four domains of regulation included in this study (i.e., food safety, animal welfare, labour, environmental regulation);
- have experience with the beef and/or pork sector; and
- preferably be in direct contact with the sector (e.g., preference for inspectors above policymakers)

Based on the initial findings, I selected the second set of the experts based on their specific expertise on (only) food safety and/or animal welfare regulation, if possible, on slaughterhouses. Because of the focus on regulatory *practices* in this study, I only interviewed two persons at the EU level (a state actor and a civil society actor). The other 38 experts worked either for a federal or Flemish organisation. Some expert interviews helped to prepare for interviews in the meat sector, but the fieldwork in slaughterhouses also informed me about the types of experts still to be interviewed later.

Snowball sampling was also applied in the selection of experts in the various stages of the research. My first contacts directly put me in contact with several experts working for inspectorates, police and justice departments. I later selected experts based on more specific

expertise on food safety and/or animal welfare regulation and more direct experience with the beef and/or pork sectors.

If I had the name of a contact person within an organisation, I would directly call or send an email to introduce my study and to ask for cooperation. In other cases, I contacted the organisation and asked who would be best capable of answering the types of questions I had. Once in contact with the right person, I would explain the aims of my study and, if we agreed that this person could provide relevant insights on these topics, we would make an appointment. Except for two exploratory interviews held over the phone, all interviews were face to face. Organisations did not refuse my requests, although some allowed me to contact fewer persons than I wanted, as I explain in Section 3.5. One NGO, working in the interest of consumers, was only available for a brief conversation over the phone, but mostly referred me to information on their webpage.

3.4.1.2 Interviews with corporate actors

I expected the cooperation of actors in the meat sector to be the most challenging part of my empirical study, considering the often negative perception of the meat sector and hypothesising that my study could be considered threatening to the sector's interests. Therefore, this part of the fieldwork was characterised by careful sampling, preparing and by seizing opportunities to ensure sufficient data. Whether this strategy has indeed smoothed the process is hard to say, but the majority of the persons contacted were supportive and cooperative. Purposive and snowball sampling eventually resulted in interviews with 37 corporate actors. These either operate from within the beef and/or pork supply chains (n=24) or contribute to the sector's regulation without being part of the supply chain (n=13). The first group consists of business managers and quality managers (n=13) of 12 different pig and/or cattle slaughterhouses, one cattle farmer and quality/purchase managers (n=10) of six different distribution companies. Regulating actors outside the supply chain included representatives of four professional associations, two consultants, representatives and inspectors (n=4) of two independent certification Bodies (ICBs) and representatives (n=3) of two private schemes. I describe the sampling processes for slaughterhouses and other private actors below.

Interviews in slaughterhouses

During the fieldwork and the data analysis, I focused on the interviews in Flemish slaughterhouses in the period June-October of 2017. Because the meat supply chain has the reputation of being rather secretive and is confronted with a lot of negative publicity about their work and products, I worried mostly about access to this group. However, many of the slaughterhouses I contacted were willing to talk to me, which might also be *because* of the negative image media put forward and the desire to be (more) transparent.

In 2017 there were 62 slaughterhouses operating in Belgium where cattle and/or pigs were slaughtered: 43 in Flanders, 17 in Wallonia and 2 in Brussels (Comeos, 2017a).⁷⁵ From this population I aimed to make a purposive sample. I asked for the assistance from a professional Belgian meat association to make a sample. I did so because I did not have an overview of companies and their characteristics, but mostly because I assumed the chance a company would cooperate would be higher if I sought the association's support. The professional association would not provide a list of all the slaughterhouses among their members. We agreed that, based on my selection criteria, they would search for the companies meeting the listed criteria among their members. Aiming as much as possible for a heterogenic sample, I asked for variation on the following criteria:

- The type of animals slaughtered (cattle/pigs/both);
- The size of the company (following the professional association's criteria, a large pig slaughterhouse slaughters more than 500,000 animals a year, for cattle a large slaughterhouse means more than 3,500 animals are slaughtered a year); and
- Degree of vertical integration (companies with slaughter as sole activity, versus those that integrated subsequent phases of boning and meat processing).

Because of the limited number of Flemish slaughterhouses, some other criteria were of secondary importance. I asked to include variation of the following criteria only to the degree possible:

- Presence of an accredited self-monitoring system or not (SMS, 'ACS' in Dutch, explained in Chapter 5);

⁷⁵ Of these 62, there were 10 slaughterhouses where both pigs and cattle were slaughtered, 42 for cattle and/or calves (4 slaughtered only calves) and 30 for pigs.

- Production mainly for the Belgian market or export;
- Company is part of a conglomerate or operates independently; and
- Financially healthy and less healthy companies.

The professional association informed me that they also had considered their assessment of the likeliness that a company would cooperate with my study, making the sample also a convenience sample. Eventually these steps resulted in an overview of 30 companies.

Because four companies on the list turned out to be part of the same conglomerate, or were specialised in calves only, I contacted 26 companies located in Flanders, of which 11 eventually cooperated. A 12th participating slaughterhouse was located in Wallonia, because I seized the opportunity to be brought in contact with this slaughterhouse by another interviewee. For each of the 26 companies, first I usually called the company to introduce my study and to ask who would be best suitable for an interview. I would contact this person by email with a short introduction about the context and aims of my research and my request for an interview. I added that I would contact them within a week to answer any questions and discuss their willingness to participate. Some of them directly declined my request by mail, while others agreed when I called them a week later, or asked to call them back within one or two months because of the busy spring/summer period. Of the other 15 companies on my list of slaughterhouses, seven explicitly stated their *unwillingness* to cooperate. Refusal came mostly from small-scale slaughterhouses. The following reasons were offered: four because they were closing down or were going to soon, two because of the many requests of researchers and limited manpower, and one without giving a particular reason. The other companies were repeatedly contacted and either did not reply, continued asking me to call back another moment, or told me they would contact me after they made up their minds and then did not. In a rare case, the person I contacted responded to my request in an unfriendly and sceptical manner.

The sample succeeded in being varied on the main criteria described above. I cannot provide an overview of all the different characteristics, per company, because that would jeopardise their anonymity. Instead, I only provide information about the type of animals they slaughter and the scale of their operations:

Table 3.1

Descriptive Sample of Slaughterhouses Where Interviews Were Held

Type of animal	Scale	Number of slaughterhouses
Pigs	Large (>500,000 animals slaughtered per year)	5
Cattle	Large (>3,500 animals slaughtered per year)	2
Cattle	Small	4
Mixed	Small	1

The number of cattle and pig slaughterhouse is more or less equally balanced, but their different sizes relate to the different nature of these two sectors, as I will further explain in Chapter 4. All small slaughterhouses on my list where only a small number of pigs are slaughtered were, in fact, mixed species slaughterhouses. In four of the companies included in the sample, only slaughter activities were taking place. Four also included boning activities, and the remaining four also included, in varying degrees, packing and processing activities.

In the first contact with the slaughterhouses, I mostly asked for the person responsible for food safety and quality management. This made me interview mainly food safety and quality managers, or, in small firms, the owner or business manager. They were also asked who in the company was responsible for compliance with animal welfare, environmental and labour rules. For the small companies, this was all the responsibility of the owner or business manager. Quality managers would also usually be experienced with at least animal welfare regulation. Some would also be acquainted with (one of) the other two regulatory domains, but these topics were raised less structurally during interviews. Labour-related issues often came up during interviews because of the challenges of many companies to find staff, and how these challenges link with compliance with other types of rules. In large slaughterhouses, some quality managers are rarely present in the operational areas during daily activities, as they instruct other (lower-level) quality managers to do so.

In the rest of this dissertation, I refer to the 13 interviewees in slaughterhouses as ‘meat business operators’. If I also include distributors, I speak instead of ‘food business operators’, as they do not specifically work with only meat.

Observations in slaughterhouses

When I made the appointment for an interview, I asked meat business operators if I could first have a guided tour in the facilities, in order to become more familiar with their activities. This tour helped me to understand what rules meant, in practice, and allowed me to observe the interviewee (and other staff) in their natural environment (Yin, 2009, p. 107). Most operators agreed to this. However, as I at first did not emphasize that I wanted to observe the actual slaughter process, in some companies I was guided around in empty and spotless facilities, outside of slaughter hours. For some companies this could not be arranged differently, as the interviewee would not have been able to talk to me during slaughter hours (i.e., in small companies). It is possible that others planned it on purpose, to avoid prying eyes. In any case, in subsequent appointments I more clearly emphasized my wish to observe the actual slaughter process.

When an interview was preceded by a guided tour, this was a good way to start the conversation, as some questions were directly answered by what I could observe in the actual operations by staff and machinery, the way animals were handled, the way the interviewee responded to situations occurring while we were there and the way people interacted socially. This provided me with a general idea about the atmosphere of the company, although, of course, my presence might have affected this. During the conversation, both the interviewee and I could refer to things observed earlier. I also preferred to start with the tour because I experienced the slaughter process and the corresponding sights, smells and sounds as intense. Interviewees generally took my inexperience into consideration, preparing me for each step in the process. Some told me about their experience with other laymen who became nauseous or fainted. Fortunately, I did not suffer either. Before entering a slaughterhouse, the interviewee would provide me with boots, a jacket and a hairnet (usually in another colour than employees). I was also required to remove any jewellery. These habits, as well as water baths for shoe rinsing, and hand washing facilities between different departments, directly pointed out the implications of some hygiene rules that all employees are dealing with. It also demonstrated the different ways companies are organised, and the ways staff behaved, to comply to these rules. Whereas some interviewees went very fast through the whole process, others took their time to explain each phase in the slaughter process as well as the workings of each machine and software program and were chatting with staff members in a jovial way. While in some companies I was encountered in a friendly manner by staff we encountered during the tour, at times I also felt unwelcome, receiving hostile looks from several employees at the slaughter line. I was also aware how my presence might have been, at times,

humorous to staff and meat inspectors, for example when I had to zigzag between moving and swinging carcasses on the slaughter line, to catch up with the interviewee guiding me. I was also conscious how being a woman in a predominantly male environment influenced people's reactions. Small events pointed to this, such as a driver whistling at me, or an employee asking the quality manager if I was his new girlfriend. Following each interview I made notes of my observations during the tour that were added to the interview data.

Interviews with other private actors

After the fieldwork in slaughterhouses, questions remained mainly about private regulation in the meat sector. Therefore, I made a purposive sample that resulted in interviews with another 23 private actors. Persons already interviewed at that stage could provide me with some contacts in the organisations that I selected for this phase. Most of these interviews took place in the last phase of the fieldwork, between June and November 2018.

For distributors, I opted for variation in types (i.e., retailers, food service, restaurant chains), but only selected companies that are among the top 20 in their sector with the highest turnover in Belgium (in April 2018), because the food they sell reaches the highest number of consumers. This excludes, for example, butcher shops. I varied in low-cost and more luxury or high-end distributors, as they possibly face different risks, work with other suppliers and serve other groups of consumers. I contacted ten companies, of which six participated, at which I interviewed ten persons (see Table 3.2). The other four distributing companies refused, citing time concerns. These included two additional restaurant chains, another food service company and a chain of butchers.

The group of other private actors interviewed, consists of relatively small samples of subgroups of actors operating outside the meat supply chain (see Table 3.3). Four representatives of professional associations were interviewed at the beginning of the fieldwork (2016/2017), before the interviews in slaughterhouses. Three of them represent different tiers in the supply chain of meat, while one represents the meat sector, in general, and are involved in standard-*setting* processes. The actors at the six other organisations have a more direct role in regulation and were interviewed in the same period as the distributors during the last phase of data collection.

Table 3.2*Descriptive Sample of 10 Interviewed Actors in Distribution*

Type of distributor	Function of interviewee
Retailer 1	Quality and food safety manager
Retailer 2	Quality and food safety manager
Retailer 3	Quality and food safety manager Purchase manager
Retailer 4	Quality and food safety manager Corporate responsibility manager
Restaurant chain	Quality and food safety manager Quality and food safety & purchase manager
Food service	Quality and food safety manager Quality and food safety manager

Table 3.3*Descriptive Sample of 13 Interviewed Private Actors Outside the Supply Chain*

Type of organisation	Function of interviewee
Professional association - farmers	Advisor
Professional association - distribution	Representative
Professional association - meat sector	Representative
Professional association - meat processors	Representative
Private scheme owner - beef label	Coordinator
Private scheme owner - pork label	Chair Quality advisor
Independent certification body	Inspection and certification director Inspector CEO
Independent certification body	Certification manager
Consultancy for food companies	External quality manager
Consultancy for food companies	Consultant

Apart from the two private schemes for Belgian beef and one for Belgian pork, two other private meat labels were contacted. One of them specialised in halal certification and the

other in organic food. They responded that they did not have the interest or time to participate. The independent certification bodies (ICBs), are not themselves involved in setting standards for the meat sector, but evaluate these (and other) quality systems, as I will explain in Chapter 5. Of the ICBs in Belgium that, at a minimum, validate SMSs, 13 (in 2018) offer certification in one or more phases of the meat supply chains.⁷⁶ I contacted three ICBs that are at least accredited for certifying slaughterhouses and distribution actors for their production activities. One organisation refused because of time concerns, the other two ICBs were willing to cooperate. The two consultants I interviewed were both referred to me by another contact person. One was an external quality manager of slaughterhouses, the other one advising food companies about crisis management.

3.4.1.3 Interview process and topics discussed

For all interviews, I worked with a semi-structured topic-list, with possible open-ended questions, set up per group of respondents and slightly adapted to the interviewee's specific function and expertise. The choice to ask certain questions (or not), how, and in which order, depended on how an interview evolved. I did not impose a definition of 'harm' to interviewees, to understand what they considered as 'harmful'. In general, I tried to stay close to interviewees' wording (e.g., of harm and related concepts such as impact, negative consequences, risks) during the interview, and later during data-analysis and reporting.

State actors were mainly asked questions about three general themes: rule violations in the meat sector, the organisation of monitoring/enforcement activities, and their experiences with and perceptions about monitoring/enforcing certain types of rules in the meat sector. It is this last set of questions that I asked them to explain decisions about monitoring and enforcement, including challenges and priorities. The informal conversations with five other experts were focused on specific questions about legislation, policy and the selection and content of administrative and criminal cases.

Civil society actors were asked about problems they observed in the meat sector (legal and illegal), their view on the regulatory framework, decision-making/priorities about their activities and the consequences of their activities. In all interviews, with experts and private actors, in discussing rule violations and responses to them, I referred to cases of the horse

⁷⁶ FAVV (2018). *Coördinaten van de erkende certificerings- en keuringsinstellingen (OCI's)*. <http://www.afsca.be/autocontrole-nl/oci/coordinaten.asp>, last accessed April 2018.

meat fraud and other topical Belgian cases during my fieldwork concerning fraud, food safety and animal welfare violations.

Expert interviews usually were one-to-one, with only two exceptions where two or three persons of the same organisation took part in one interview. The length of interviews varied between 30 minutes and 3 hours and 20 minutes. Two persons were interviewed at two different moments during the course of the fieldwork.

I asked meat business operators about their experiences and perceptions with/about the regulatory framework, challenges and dilemmas they faced in complying to this frame and how they dealt with it, their assessment about the seriousness of rule violations (of themselves or others) and reasons for their decisions about compliance/non-compliance, monitoring (within the company and of their suppliers) and enforcement (of rule violations committed by their suppliers). I thus recognized how these actors have a dual role of being 'regulatee' of state and non-state monitoring and regulator towards suppliers (Parker & Nielsen, 2011). The topics were raised in the context of, at a minimum, food safety and animal welfare regulation, and also, if possible, about environmental permits and labour regulation. Usually, questions were first formulated in an open way, to understand which topics the respondents would spontaneously bring up.

The dual role of regulator/regulated is even more outspoken for distributors. They receive audits and inspections in their shops/restaurants/kitchens, and monitor their suppliers. Retailers, especially, set standards for their suppliers and monitor/enforce them. Therefore, for this group, even more than for slaughterhouses, I was interested in their experience with state and non-state regulation in their premises *and* their experience as regulators of meat companies. I asked for their experiences with (non-compliance of) supplying meat companies, their reasoning behind their own standard-setting for their suppliers, the way they monitor them and respond to their non-compliance. With third private parties, I discussed mainly their way of operating, their experiences with the regulatory framework for meat companies, their monitoring and enforcement activities, the challenges they face in this sector, and their responses to non-compliance by a client.

Interviews in slaughterhouses were always one-on-one, and in one company I spoke to two quality managers separately. With other private actors, I regularly spoke with two or three persons at the same time (see Tables 3.2 and 3.3). The interviews with corporate actors generally took between one and two hours, not counting the time permitted for guided tours.

3.4.1.4 Data processing and analysis

In line with the basic principles of Layder's (1998, p. 77) adaptive theory, my data analysis was a process of 'zig-zagging' between the literature, data collection and analysis. Although I alternated periods of data collection, literature review and data-analysis for parts of the data, a more systematic analysis of all interview data with NVivo was done from September 2018 onwards. Most of the interviews were recorded and were literally transcribed and integrated in Nvivo. Although this has led to a large amount of data, the number of interviews per 'group' (e.g., inspectors, retailers, ICBs), were rather limited. Between, but also within groups, I frequently found a lack of consensus on a certain topic. I had expected, for example, to find mainly consensus on monitoring and enforcement among state regulators and most contradictions between state regulators and regulatees. However, within the group of state regulators there was frequently no consensus, and congruence could be found across groups of interviewees. Finding similar patterns in perceptions and experiences among (private and public) regulators and regulatees was one reason to analyse all interview data together. I included interviews of each new 'group', step by step. This relates to the interactions between all actors and the fact that slaughterhouse managers and distributors have a role as both regulatee and regulator in the supply chain.

The way qualitative data analysis is often described makes it seem more 'mechanic' and rigid than the creative and sometimes chaotic, process it is in reality. I did apply common strategies, such open and axial coding, although they were not clear-cut and subsequent phases. After each interview I wrote a very brief summary with the general lines of thought and findings most characteristic of that interview. After having transcribed an interview, I began primarily using open coding: while reading each transcript for the first time I gave provisional codes (titles) to large sections of text. These were mainly general thematic codes that emerged from the structure and topics of the interviews. After having collected all data, I read each transcript again and attached more abstract and theoretical codes to smaller sections of text that emerged from the data. Because at this stage I had an overview of all data, I could recognize patterns, recurring concepts, metaphors, lines of thought, consensus between interviewees and contradictions. Going back and forth between the data and the literature provided leads to conceptualise and connect information, to stay close to the words of the participants while connecting them to sociologically defined concepts. One challenge during the whole process was to balance between specific coding, risking losing sight of more holistic approaches and abstract thinking, and general coding, risking losing the context in which something was said (Dierckx de Casterlé, et al., 2012). Initial data-analysis contributed

to new theoretical insights, which occasionally led to the recoding or restructuring of existing codes in Nvivo. During the process, axial coding was gradually integrated as more structure became clear between all the codes in my list, allowing to distinguish core and sub-themes and the way they related.

3.4.2 Document analysis

In addition to interviews, I also analysed criminal and administrative cases to understand the types of rule violations in the beef and pork supply chains that authorities detect, which ones are or are not followed up by criminal law, and how these are sanctioned. The document analysis also provides insight on the type of actors in the supply chains that are subject to law enforcement, the considerations that judges make in sentencing these actors and to what extent the judges mention harm.

I searched for relevant cases via different routes, with the help of the National Investigation Unit (NIU, ‘NOE’ in Dutch), and the Judicial Department of the Federal Agency for the Safety of the Food Chain (hereafter referred to as FASFC, ‘FAVV’ in Dutch), the Flemish Animal Welfare Unit (hereafter referred to as AWU, ‘Dienst dierenwelzijn’ in Dutch) and prosecutors. I focused mainly on food safety and animal welfare related cases. However, cases involving environmental rule violations were also included because they are part of the same cases, or because some of the prosecutors I approached had experience with a combination of the themes of food, animal welfare and environmental crimes in meat sectors.

3.4.2.1 The mainly criminal ‘NIU-cases’

Sample and selection criteria

This part of the document analysis consists of a qualitative analysis of 100 cases of rule violations in the meat supply chains of pork and/or beef (of the courts in Flanders and Brussels). It has resulted in descriptive statistics of the whole dataset, and a more in-depth analysis of 59 cases.

To get to this selection, I have taken the following steps. First, I obtained the necessary permission from the Attorney-General’s Office to analyse closed Belgian criminal cases. Rule violations are most often not registered by terms of the exact economic activity of violators. They are at best registered as related to ‘food’ or ‘agriculture’, in general. Because there is no overview of criminal cases related to beef and pork supply chains in Flanders, I first needed to

get an idea about the available data. During expert interviews, I discussed possibilities to consult cases and asked for cases that would meet the following criteria:

- the case started since 2002 (when the General Food Law was implemented);
- there is an available case judgement;
- the case involves rule violations that relate to activities in the sectors of pork and/or beef supply;
- at least one suspect was arrested; and
- all major investigations should be included in the sample.

The database of 100 cases contains mainly those (n=90) that were available from the NIU of the FASFC from the last ten years (court decisions made between 2006 until the beginning of 2017). These are readily available because the NIU has digitally collected sentences since 2006 that relate to their investigations. With experts, we agreed that this would provide the best possible overview of rule violations in the meat sector that fall within the authority of the FASFC.

The NIU database contained 348 documents on cases that cover topics for which the FASFC is responsible, when I consulted the collection in March 2017. After filtering out 40 duplicate documents, 308 remained. I was given permission to review all 308 documents to find those that related to pork and/or beef. After excluding cases on other topics, 164 decisions of courts remained that related to 103 different cases. So, about half (53%) of the 308 documents in the NIU collection covered problems in the beef and/or pork supply chains.⁷⁷ Because of my focus on Flanders, I only analysed the 90 cases of the 103 that came before Flemish or Brussels courts. These cases included 147 court decisions.

With the help of prosecutors who followed up on cases involving ‘food- and pharma crime’ and animal welfare cases in Flanders, I added eight additional cases and more background information on the cases that were already part of the sample. This brought the total to 98. I did so to diminish the selectivity of the NIU sample. The NIU specified that the completeness of their database depends on the willingness of the court registries to send their decisions to the NIU. When the NIU was not involved in the investigation this was less likely.

⁷⁷ If you also count the decisions that include other types of animals (45 involving horses, 11 poultry and 7 sheep/goats), then 227 decisions (74%) cover topics that relate to animals that (potentially) involve the meat sector. The rest of the documents involve violence during inspections (n=14), human medication/doping (n=16), pigeons and other birds (n=13), smoking ban (n=4), pesticides (n=3), fish (n=3), vegetable extracts (n=2), other food types (n=9), pets (n=1), or there was too little information in the document to identify the topic (n=16).

Therefore, the 90 NIU-cases contain a bias as they are characterised by the NIU's involvement (see Chapter 5). Prosecutors confirmed that this was the most complete database available. I requested that they review the list of cases that were decided in each Flemish court district and asked if they recalled any additional cases. It is important to note that a single case could involve food crime, animal welfare and environmental issues. As such, I requested closed cases related to activities in the beef and or pork supply chains (at any phase) from 2006 onward, where one or more suspects were convicted, including, at a minimum, 'typical' cases. These cases involved issues specific to the process of meat production, and included the largest and/or the most serious cases and/or those with the highest sanctions imposed. This resulted in the inclusion of eight additional cases.

The last two cases came from the Judicial Department of the FASFC which provided a list of 39 cases that eventually, after intervention of the FASFC, were criminally prosecuted in the last ten years. These involved all types of meat in Belgium. I filtered out the ten cases that involved beef and/or pork in Flanders that were not already in my sample. Only two could be added to the sample because four were still open and for the additional four, the case files had already been destroyed.

The majority of the 100 cases involved decisions by criminal courts, but also by the Council of State and civil courts. The 100 cases involve 157 court decisions (some cases include multiple decisions). Because the sample was mostly constructed with the help of the NIU, and they are not only criminal cases, I refer to all 100 cases as 'NIU-cases'.

Data collection

To select the cases and to filter out ones that did not meet the criteria, I had to scan the original 348 documents. This occurred in the spring of 2017. I conducted the actual analysis after the interviews at the slaughterhouses, in the fall/winter of 2017/2018. The described sample of 100 NIU-cases resulted in a collection of 2,855 pages of documents, as each court decision varied between 2 and 116 pages. Even if I intended to select a smaller number of these cases for qualitative analysis, I had to first read them in order to know how to select them. Therefore, during the first review of the documents, I began to register information on each file to avoid duplication of efforts if the case was suitable for selection. For this purpose, I created a checklist with all relevant points of interest, based on my research questions and on the type of information available in proceedings. While reviewing documents, I completed the checklists. Quantifiable data and information that allowed brief categorisation, was entered into an Excel file. More descriptive information was recorded in a Word file for each case. In

the early stages of my research, while reviewing the documents, I frequently updated the original Excel and Word files with new or updated information. This sometimes required me to review previously analysed documents. During the analysis, I remained in contact with the NIU staff members as well as prosecutors who were willing to answer questions concerning the content of some of the cases.

With the data from the Excel file, I generated descriptive statistics of certain quantifiable elements from all of the cases, both open and closed, in the sample (main themes, sanctions imposed, etc.). However, to also *describe* a case, and thus link the collected variables to a ‘story’, I first had to know which cases were closed. For the last ten cases added to the sample, this was obvious, but for the 90 cases from the NIU, I had to verify this. Before doing so, I first checked which of these 90 cases were suitable for a more in-depth analysis, to limit the time spent on checking the case status with different prosecutors. I selected cases that would be interesting for further description, based on the following criteria (in this order):

- cases with the most severe sanctions;
- those with sufficient information available;
- those resulting in convictions (no suspended sentences or acquittals), and
- those with a major link to the pork and/or beef supply chains.

Sixty-nine cases met these criteria. When I contacted the ‘food and pharmacrime’ prosecutors from the different Flemish regions whom I consulted for additional cases, I also asked them to verify if the court decisions in the list of 69 selected cases were *final*. They confirmed this for 49 cases. These cases, together with the 10 other (non-NIU) cases, provided data that led to a more in-depth analysis of 59 cases with Nvivo.

Because I did not check to see if *all* of the 100 cases in the NIU-database were closed, it is important to note that the findings represent a snapshot in time, with some cases still pending in the appeals process at the moment of this analysis. This is not problematic because the cases still shed light on law enforcement processes, even if the accused was ultimately acquitted.

3.4.2.2 Administrative cases of the FASFC and AWU

Sample and selection criteria

With support of the Judicial Department of the FASFC and the AWU, in the spring of 2018 I also selected 24 cases involving food safety violations and 10 cases involving animal welfare violations where administrative fines were imposed on actors in the beef and/or pork sector.

For both samples, the selection criteria were:

- the case/investigation was initiated from 2006 onward;
- beef and/or pork, pigs and/or cattle should be the central theme in the case;
- harm resulting from the violations is not just financial in nature;
- the case is specific to the meat sector and related to the production process; and
- the cases varied in: the sums of the fines (but must include cases with the highest fines imposed), the type of animal (cattle and pigs), the types of rule violations, the type of company sanctioned (representing different phases of the supply chain), when the violations occurred (not all from the same year) and, the regions where the violations occurred.

In May 2017, the Judicial Department of the FASFC provided me with a list of closed cases where fines of 1,000 euros and higher were imposed between 2006 and 2016. These cases mainly included firms active in the middle phases of the beef and pork chains (namely slaughter, meat processing and wholesale trade). Farmers were excluded from the selection, because they rarely received fines higher than 1,000 euros. Including cases involving farmers would have led to a much larger sample. Instead, my focus was more on the middle phases of the chains, I also focused on cases that received the highest fines, in order to examine the cases that the FASFC considers most serious. It was impossible to select cases about meat in the tier of distribution, as rule violations in this phase can relate to many other products. I included some distributors in the sample anyway because they are specialised in only meat products. The initial list from the FASFC contained 314 cases, each representing one imposed fine. In May 2018, after the analysis of the NIU-data, I filtered out cases involving fines to non-Flemish companies and companies working with meat-types other than beef or pork. In doing so, this led to an overview of general information about administrative fines in 164 administrative cases. From this sample, I selected 32 cases based on the variation criteria

mentioned above. After asking the Judicial Department of the FASFC to verify which of the 32 cases were final, I received confirmation for 24 cases.

In the spring of 2018, the AWU assisted me in selecting ten administrative records about exemplary closed cases related to animal welfare violations involving agricultural pigs and cattle. We started with the four highest fines imposed since January 2015 and then added the other six cases based on the other criteria. These cases were obviously limited to the tiers in the supply chain involving live animals. The cases could include facts since 2006, but the AWU only registers cases since 2015. In the end, the sampled cases concern events taking place only in 2017 and 2018.

The following table shows the FASFC and AWU samples (Table 3.4). Because of the selection criteria, this table is only descriptive and does not tell us much about who is more likely to receive an administrative fine than others.

Table 3.4

Descriptive Sample of 34 Administrative Cases Concerning the Phase of the Supply Chain

Phase	Number of cases applicable*
Animal husbandry	5 AWU
Transport of animals	3 AWU
Slaughter	11 FASFC/ 3 AWU
Processing meat products	5 FASFC
Wholesale meat products	8 FASFC
Transport of meat	1 FASFC
Retail meat products	1 FASFC
Total	26 FASFC/ 11 AWU

Note. The information in this table is based on 24 administrative cases of the FASFC (2006-2016) and 10 of the AWU (2017-2018)

* One case can involve more than one phase in the supply chain

The majority of the administrative FASFC cases cover the phases of slaughterhouses, processing plants and wholesale traders. Table 3.5 shows the distribution of cases according to the fines imposed in these phases. As I aimed for variation in the fine entity, this table also is merely descriptive, apart from the considerable monetary differences between the fines imposed by FASFC and AWU, which I discuss in Chapter 7.

Table 3.5*Descriptive Sample of 34 Administrative Cases Concerning the Sum of Fines*

Amount in €	Fines imposed by FASFC	Fines imposed by AWU
0 - 1,000	4	6
>1,000-1,499	4	2
1,500-1,999	5	2
2,000-2,499	3	-
2,500-2,999	4	-
= or >3,000	4	-
Total	24	10

Note. The information in this table is based on 24 administrative cases of the FASFC (2006-2016) and 10 of the AWU (2017-2018)

Data-collection

The Excel and Word formats used in the NIU part of the document analysis were also applied, in the same way, to register information from the 34 administrative files. The FASFC and AWU made the files available in their offices, where I read them while following the checklist to fill in all available information. Each case consisted of between three to 30 pages (398 pages in total). The content of these files was more limited than the court sentences, and relatively standardised. This is also a reason why the limited sample of FASFC and AWU cases was sufficient to get an overview of their monitoring and enforcement activities. While reading documents, occasionally I would ask FASFC and AWU staff members for clarification of certain topics.

3.4.2.3 Data analysis for all cases

Through these processes, I created Excel files of both the NIU-sample and the administrative cases, listing quantitative and nominal information extracted from the documents. I generated descriptive statistics using Excel. I counted characteristics (e.g., of suspects, of sanctions imposed), and conducted calculations (e.g., averages) and filtered the cases on specific characteristics for descriptions of subgroups (e.g., related to a certain type of rule violation). While doing so, I regrouped existing variables and created new ones, sometimes requiring me to review previously analysed documents. The text files containing descriptive information from the cases were integrated in Nvivo. I analysed these in a similar way as the interviews, looking for patterns and recurrent themes. Having done this after analysing the interviews, I could generally embed the analysis in the coding tree, based on the interview data. I

recognized overlap with topics and concepts extracted from the interview data. At the same time, I also tried to keep an open mind, receptive of new topics and patterns emerging from the documents. The eventual findings are numerous in quantity, and provide a mostly global and descriptive view on detected rule violations in the Belgian beef and pork sectors.

3.5 Challenges and quality of the data

As with any research, this study has its limitations and challenges. Here, I discuss the significant challenges and how I have tried to address them to ensure the quality of the data and the analysis. The main challenge has been to avoid, as much as possible, selectivity bias.

There was gatekeeper bias to begin with, as I depended on the support of others in sampling. For instance, I was assisted by a professional association to select slaughterhouses. I did so because the value of gaining access to meat companies outweighed the disadvantages of potential bias. One way I tried to limit this was to ask interviewees in slaughterhouses if they knew colleagues who would disagree with them about certain topics discussed. Some provided suggestions, but mostly colleagues from other companies that were already on my list provided by the professional association. This reassured me. Although many interviewees were interested in whom I had already spoken to or contacted, to preserve anonymity and confidentiality I did not disclose this information and simply noted down their suggestions. A selectivity bias results from the types of companies that participated, who might have been the most law-abiding ones to begin with (see also, De Boeck et al., 2018, p. 23). This is difficult to overcome, but I believe that triangulating different types of participants and different methods improved the quality of the data.

Concerning the expert interviews, I also tried to avoid gatekeeper bias. In some cases, my first contacts were with supervisors, who referred me to persons in their organisation because of their specific expertise. In one organisation, there was tight control on whom and how many people I could approach. They decided that there was ‘no added value’ for me to talk to persons with the same function in multiple regions. They suggested that the director could answer any remaining questions. In sub-departments, the head of departments told me they had sent out my question to their teams to ask who wanted to participate, or directly forwarded my question to a selection of persons. They (or their superiors) did not allow more than one or two persons in each sub-department to participate. In this way, they more or less controlled who would participate (see also, Lancaster, 2017). They gave me the contact details of persons willing to participate, often with several persons copied in the correspondence. This was why I also applied snowball sampling. To do so, during my

fieldwork, I asked interviewees if they knew anyone, in a particular function, who might be willing to talk to me. This strategy brought me into contact with several participants, of whom some were retired. Not only did the retirees have many years of experience, they also had the advantage of freely deciding if they wanted to participate, without possible external interference. For the persons I contacted through the tight control of superiors, I feared they would mainly communicate according to the 'official line' of the organisation. While some of them, indeed, gave me that impression, others were critical towards their employers on certain topics. Some even mentioned how the strict control of whom and how many persons I could speak to, only elevated suspicion that their superiors had something to hide. In fact, the resistance in providing access was interesting, as it, to some extent, revealed power structures. When I suspected that interviewees were pre-appointed, I made sure to stress how participation should be voluntary, and assured them of confidential and anonymous processing of any information they would provide. As with all interviews, I discussed these issues at the beginning of the interview when asking for informed consent. I also asked them how they wanted me to refer to their job titles in this dissertation. Ensuring anonymity of these participants was also an additional reason to employ snowball sampling, to make them part of a larger group of participants with similar roles.

Access to participants does not guarantee trust and openness, another important challenge. It was particularly sensitive to ask participants about rule violations at their place of employment. It is very likely that self-reported non-compliance by meat business operators does not cover *all* or all types of rule violations they know about. It is not in their interest to air the dirty laundry and contribute to the negative reputation of the sector. Still, many interviewees felt comfortable enough to provide examples. It might have helped that I assessed an interviewee's experience and approach towards non-compliance and regulators' enforcement responses in more general ways, asking about challenges in complying with certain rules and about their perception of publicly known rule violations in other companies. I also asked about the consequences for their company when other companies violated rules. In this way, I also assessed if interviewees considered themselves more as a perpetrator or victim, depending on the topic and context.

With all participants, experts and corporate actors, I was aware of institutional agendas influencing the interviews. Good preparation was one way to try to overcome this. With time, as my experience and knowledge increased, it was also easier for me to control the interview and ask potentially more controversial questions, for example by countering responses with information from other sources.

The document-analysis is also based on a selective sample. Not all rule violations are detected, and not all detected violations lead to an administrative intervention, investigation and/or prosecution. Further, these documents were created with a purpose other than research, and thus the information integrated relates to providing evidence of rule violations. The way this is done relates to administrative and legal requirements, rather than, for example, the detailed description of the facts or the reasoning behind a measure or sanction. And although it is always challenging to collect reliable data about crime incidence and prevalence, this is known to be even more challenging for corporate crimes (Simpson, 2011, p. 482). The typical sources of crime data (e.g., official data, victimisation reports) are limited in scope and (criminal and administrative) cases on rule violations are not collected in a systematic manner. In my case, there is not a database available containing rule violations in the meat sector. The selectivity of the dataset that I created complicates claims about incidence and prevalence. However, it does provide qualitative insights in types of rule violations and responses of public authorities, that interviews alone cannot acquire.

In qualitative research it is inevitable that the researcher's own characteristics and normative assumptions influence the research process and, thus, its neutrality, to some extent (Miles, Huberman & Saldaña, 2014, p. 311). Gender, age, social standing and personality of the researcher, for example, can influence the research process and as such, the findings (Vande Walle, 2005). It is important to at least be aware of such effects. In this study, it is clear that I am concerned about the way regulation in the meat sector intends and/or succeeds in avoiding harms. Conducting research on the meat sector and its regulation from a criminological perspective implies that there are problems worth studying to begin with. The literature review has showed how this is, indeed, one of the assumptions. The sector and its regulating actors are aware of the sector's reputation. This makes the research topic sensitive and regularly evokes emotional reactions, which I also observed during the data collection.

However, I have tried to avoid 'researcher effects' to the extent possible. I made clear to participants what the aims of the research were and how I collected data and have attempted to neutralise my own assumptions as much as possible and to be open to new or counterintuitive information. Although I am concerned about the harms produced by meat production, as a whole, my main research question concentrated on the practices, challenges and potential of regulation to avoid or reduce certain types of harm. I mainly assumed that meat operators would see no interest in participating and that it would be easier to gain access to regulating actors. Both assumptions were not correct as I encountered a lot of cooperation

in the meat sector and more resistance than I had expected among regulating actors. I had also expected to encounter more congruence in experiences and perceptions in the group of regulating actors, on the one hand, and regulated actors on the other, or between private and public actors. Also, this was a wrong presumption as the findings show that people's perceptions and experiences often did not follow such divisions.

Being an outsider to the meat sector and its regulation probably has had advantages and disadvantages. Showing interest in people's jobs, perceptions and experiences came naturally, which has probably contributed to access to participants and their trust. Some level of 'naivety' can encourage participants to further explain things, while it can also make people withhold information. As an academic researcher, I could present myself in a relatively neutral way, for which I also made an effort in the formulation of my questions and in informal discussion. I have been reserved in sharing my personal opinion. Still, the human factor should, or could not, be erased. Communicating (dis)approval or sympathy for the interviewees' position, at times, probably has helped to build trust or challenge an interviewee. I am aware how this can steer the conversation, which is also a good reason to integrate literal quotes, that also make my questions, formulations and responses transparent.

Different strategies were built into the research design to contribute to data quality. One method was to keep memos and a journal (including, but not limited to, decisions made, persons contacted, etc.) and reporting about them in a transparent way in this chapter. In case of doubts about what people had told me, I asked for feedback of participants, leading to, in a few cases, a second interview and, more often, to a phone conversation or email exchange. Later in the fieldwork, I could also provide feedback from earlier interviews or documents to new participants during an interview.

An important strategy for internal validity was to triangulate across data sources (i.e., documents and persons, different type of actors/stakeholders) and methods. Talking to private and public actors, regulators and regulatees, persons at the policy level and inspectors within one organisation added to the credibility of the findings. Self-reported rule violations might be biased, but regulators were also asked about experiences with rule violations in meat companies, and the analysed cases provide more information on this topic.

I also weighed data, considering, for example, if an interviewee had direct experience with something or based his/her responses on second hand information, if he/she had years of experience or was new to the job (Miles et al., 2014). I attached more value to self-reports of rule violations and the explanations meat operators gave when they had nothing to gain by

doing so. This data could be given more weight than someone referring to a rule violation by a colleague. In a similar way, a regulator admitting to not having followed up on a certain rule violation is also valuable, even if only reported by one person. Again, they have nothing to gain by it (Miles et al., 2014, p. 303). In general, information I report is based on at least two sources, except for some particularly important or remarkable findings, which will then be emphasized. In these ways I have also paid attention not to overweigh sensational data.

3.6 Reporting: confidentiality and anonymity

In reporting the findings I had to balance between transparency and confidentiality of information and anonymity of sources. For this reason, I generally refer to interviewees by mentioning the type of actor (state/ non-state) and the organisation they work for and/or their function. However, this, and other identifying information (of a person or organisation), was excluded when not relevant from a theoretical perspective, necessary to answer the research questions and when it was potentially harmful for participants. For ease of reading, I do refer to gender, but for reasons of anonymity I always refer to interviewees as being male, unless the fact that an interviewee is female is clearly relevant for the theme discussed.

I also had to balance between the types of ‘secret’ information that was important in light of the research topic, and potential harm to the participant (or organisation or sector he/she worked for). What is considered sensitive information depends on the context or specific episode, demanding constant reflection while writing the findings (Lancaster, 2017). Already during interviews, participants sometimes mentioned: ‘but don’t write that down please’, or ‘I don’t want to read this in your report’. Such information was only used in a more abstract way. During interviews, there were moments that participants wanted to raise a sensitive topic and in doing so, made gestures by looking at my recording device, which led me to put it on pause. I also mentioned that, before an interview started, interviewees could request that I pause the recorder whenever they asked me to do so. Whenever participants did ask me to do so, I noted this. Such episodes were treated with extra care in analysis and reporting. Also, prior to turning on or switching off the recording device, I made notations about any off-record information shared, or did so after having left the site. Sometimes, during interviews, I actively mentioned that respondents were allowed to check quotes later, to check for accuracy and potentially sensitive information, also based on the idea of ongoing consent of participants (Lancaster, 2017). Some did, indeed, ask for adaptations, which led to some adjustments for reasons of identifying information (not for the general public, but for others in the meat sector) or incorrect information. The few times their comments related to

something else, I at least negotiated. I tried to understand and respect the participants' concerns and worked with them for a solution on how to report on the episode.

Conclusion

The nature of my research questions has made the empirical study a very explorative and organic process as I needed to garner and select data that was not always directly available for research. At times, it felt like a messy undertaking. In this chapter I have tried to clarify how there was careful planning and reflection behind each decision, but also some degree of opportunism, creativity and luck.

The semi-structured interviews conducted with meat operators and regulating actors are the backbone of the study. The literature review and document analysis have further completed the picture of compliance and control in the meat sector.

Some challenges in my study related to its broad scope, because of the multi-dimensional (food safety, animal welfare, etc.) and multi-layered (regional, national, European, public/private) forms of meat regulation. A mixed method approach resulted in data that complement each other, but the different sources do not exactly cover the same topics. Other than for interviews, in the document analysis I did not preselect any tier in the supply chain and was more focused on food safety and animal welfare violations. This is one reason to present findings from the document analysis separate from the interview findings. Another reason is that the interviews reveal perceptions and experiences, while the documents present the actual outcomes of law enforcement efforts. Together, the sources have provided insights about rule violations and regulatory practices in the Belgian beef and pork sectors that I present in the following chapters.

PART II –THE SECTOR, ITS REGULATORY FRAMEWORK AND RULE VIOLATIONS

Chapter 4. Characteristics and organisation of the Belgian beef and pork supply chains

Introduction

In this chapter I examine how the meat supply sector is organised, describing the phases and the actors involved as well as some of their main characteristics. In his study on corporate crime in the pharmaceutical industry, Braithwaite (1984, p. 8) wrote that, ‘(...) a superior understanding of a particular crime in a particular firm is gained when the researcher has a grasp of how the industry works as a whole’. The main purpose of this chapter is to describe how the meat sector operates, addressing the following research question: **How are the beef and pork supply sectors organised?** Although partly a preparatory question to be answered *before* the actual interviews with meat operators took place, the entire fieldwork phase of this project contributed to the insights presented here. To answer this question, I describe the phases of the chain, the actors involved and the ways they cooperate. Additionally, I will discuss the economic and social contexts in which they operate.

The findings show that ‘*the supply chain*’ of meat does not, in reality, exist. Instead, there is much variety between chains due to variation in the types of actors involved, the length of the chain and the way actors cooperate and organise their activities. The way the involved actors construct a chain also changes with time. Although I speak of a ‘chain,’ it is important to keep in mind its temporary nature, fluidity and variations.

To explain the organisation and characteristics of the supply of beef and pork, I start from the pivotal role played by slaughterhouses, which have also been central to my fieldwork. This perspective offers a starting point to discuss the actors involved in the phases prior to the slaughterhouse (their suppliers), the phases and actors after them (the customers), the way these actors cooperate, the way they monitor each other and the way they respond to non-compliance. To a lesser extent, distributors were also consulted during the fieldwork to discuss their experiences and operational methods. Therefore, some of the information about supply chains is also based on their perspectives. Other actors in the supply chain are described in this chapter only to the extent necessary to contextualise research findings.

The rest of this chapter is structured as follows: in the first section I explain the way different actors in the beef and pork supply chain cooperate, at least as far as those interviewed are concerned; in the second I describe how the slaughter process actually takes place to provide a basis for understanding the central activities that are subject of regulation; and, in the third and fourth sections I provide additional context on how the presented actors operate by discussing the market characteristics and developments in the Belgian beef and pork markets and the social dynamics the sector is facing.

4.1 The actors and organisation of beef and pork supply chains

The main activities in the supply chains of beef and pork are: feed production, feed import, animal import, livestock farming, waste disposal, veterinary activities, veterinary pharmacy, livestock trade, slaughter, meat boning, cutting, processing, packing, wholesale meat trade, cold storage, transport of animals and meat, export of animals and meat and distribution (e.g. by retailers, butchers, food service). The actors in these tiers cooperate in different ways, leading to variation in how and where slaughterhouses buy their animals and sell carcasses, cut or processed meat. It is important to note that one or more of these activities can be completed by one company. Also, more than one channel of supply and offer can coexist in one company. In this section I discuss the different options of supply and demand chronologically.

4.1.1 Networks of supply and demand from the perspective of the slaughterhouse

The Belgian slaughterhouse sector (of pork, beef and mixed species) includes independent family businesses as well as large conglomerates that own several slaughterhouses. One slaughterhouse processes always (more or less) the same number of animals. As such, they need to facilitate agreements or contracts with farmers to assure a continuous supply. One of the pig slaughterhouses that I visited is part of a vertically integrated company that does not only own several slaughterhouses but also pig farms, and is involved throughout the process from insemination of the sows to animal feed production onwards. The same slaughterhouse sells a certain percentage of their carcasses to another group of slaughterhouses. This illustrates how one company can be part of several supply chains simultaneously.

Livestock traders are intermediate actors between farmers and slaughterhouses. This is more often the case for cattle than for pigs. But, as cattle farms increase in size and homogeneity, the importance of the cattle trader is decreasing (Federale Overheidsdienst

[FOD] Economie, 2016, p. 15). Slaughterhouse operators mentioned several disadvantages of working with livestock traders who buy fattened cattle on markets, instead of directly buying from farmers. According to my interviewees, the animals sold on livestock markets are more frequently transported (which adds to costs and is less animal friendly); prices of animals are more volatile depending on the buyers on the market; and, the buyers have less insight and control over the origins and the ways in which the animals were reared and fed.

Slaughterhouses and/or their customers can have varying preferences concerning the age, breed and 'career' of animals, depending on profitability, taste and ease of processing (e.g., because certain animals are more uniform or demand specific skills of workers who slaughter and process them) (FOD Economie, 2009, p. 18). Young bulls, usually fattened only for their meat, are typically in demand by supermarkets. Other cattle-types are briefly fattened before going to the slaughterhouse (FOD Economie, 2009, p. 18; 2016). Some cattle slaughterhouses *only* accept cattle reared for their beef, whereas others claim meat of dairy cows have more taste. Another criterion for slaughterhouses may be the geographic distance between the farmer and slaughterhouse. Slaughterhouses may organise transport of animals to the slaughterhouse or rely on the cattle farmer/trader or third parties for transport (i.e., drivers, transport companies).

After slaughter, the slaughterhouses deliver either complete carcasses or, to add value, further cut, bone, or process meat for their customers. Because clients have different requirements, some slaughterhouses offer meat that is cut, boned or processed in various degrees, depending on the client's specific preferences. They also either cut and bone themselves and/or provide space where *other* firms or private persons complete these tasks. When the meat processing is integrated within the same company, the company can also purchase other types of meat (e.g., poultry, lamb) to process.

Some slaughterhouses buy animals from farmers and sell meat products to the final customer. Another method is to provide slaughtering services where the client only pays for slaughter-related costs. In this case, the slaughterhouse does not own the animals at any point: the client (e.g., a wholesale meat trader) delivers animals and receives the carcass or cut meat in the end. In the research sample there are companies that focus on one method and those who combine multiple ones. Some slaughterhouses also provide refrigerated storage of frozen meat at the end of the process.

Slaughterhouses sometimes sell meat immediately to consumers in their own butcher shop, but, apart from that, they sell to processing companies, wholesale meat traders (who re-sell it nationally or export it), to different types of distributors, and/or they export meat. In the

last decade, Asian countries have become important export markets for Belgian pork companies, in part because parts of pigs are popular there that are not consumed in Belgium (e.g., feet and heads). After years of negotiations between Belgian (provincial) state actors and the Federal Agency for the Safety of the Food Chain (FASFC/FAVV), in 2012, the Chinese market opened their borders for Belgian pork imports.⁷⁸

The last phase for slaughterhouses consists not only of selling or delivering meat or carcasses, but also of processing the waste flows that result from the slaughter process. This ‘waste’ involves carrions, animal parts and products of animal origin that are not allowed to be processed for human consumption and are called ‘by-products’ (OVV, 2014). Animal by-products are divided in three categories, of which category 1-material is considered to have the highest health risks and needs to be destroyed, category 2 can be processed for other purposes than for animal or human consumption (e.g., as fertilizer, depending on the exact by-product) and category 3 is allowed to be processed into pet food. Unusable/unmarketable waste needs to be disposed of. Waste processing companies (e.g., Rendac) require payment for their services, but can further profit by processing the waste in other marketable products.

4.1.2 Supply chains from the perspective of distributors

With distributors I refer to retailers, catering companies, restaurant chains, butchers and institutions including schools, prisons and hospitals, all of which can be direct clients of the slaughterhouses. Also distributors organise their supply in a variety of ways. For instance, a retailer can operate its own cutting plant to process meat to supply to all of their shops. As a retailer, the advantage of cutting and boning meat is that they add value, in-house, to the final product. Further, the retailer knows exactly where and from which animal the meat comes from and, as such, they differentiate themselves from competing companies. The disadvantage is that you need to use and sell every marketable part of the animal whereas buying from a meat boning and/or processing company allows you to buy higher quantities of a specific part of the animal. There are also retailers that buy carcasses from one or two different slaughterhouses, but pay another company to cut and bone them. In an interview, one supermarket quality manager mentioned that they operate this way except when dealing with organic meat, because they do not manage the valorisation process of the complete (organic) carcass. Another option is to buy ready-to-sell meat from a meat processing company. Some retailers also have different formats for autonomous shops that are affiliated

⁷⁸ X (2012, June 23) ‘Belgisch varkensvlees kan naar China’, *De Morgen*. GoPress.

with the chain. These autonomous shops can be allowed to buy meat products from the central boning plant of the retailer, and/or directly from a wholesale meat trader or from local meat producers.

Retailers do not always know who supplies meat to their suppliers. This is something some retailers are trying to make more transparent. Two retailers' quality managers explained how working with what they call 'concept meat' (their own quality systems that influence production from farm to fork) and in 'partnerships' with farms are ways they can influence the whole production chain and traceability of the meat that they sell. Instead of directly contracting farmers, they cooperate with livestock traders, slaughterhouses and boning plants. The retailers mainly work with Belgian meat suppliers, at least for their fresh meat. However, for meat processed into other products and for 'specialty' items such as Argentine steak or Irish meat, they import these items.

I also interviewed quality managers from a catering company and a restaurant chain who mentioned that they buy their meat from meat processing companies and, are not, in any way, involved with nor try to control prior phases in the process. Only in case of a scandal, or publicly known rule violation, did they ask their meat suppliers to ensure that their meat does *not* come from this company. Contracts with meat suppliers are usually renewed annually or every three years. For the food service company, it is the parent company abroad that makes decisions about suppliers. Currently this catering company works in Belgium with a meat supplier that rears their own animals and imports animals from neighbouring countries.

4.2 The slaughter process and infrastructure

The modernity of infrastructure and machinery varies in the slaughterhouses visited during the study. Some are historically situated in small villages and have expanded with time; others are modern facilities in remote industrial areas. Interviews took place in a number of locations ranging from canteens, the owner's residence and small rooms in old buildings serving as offices, to modern offices disconnected from the activities taking place in the buildings next door. To some degree, this reflected the size of the company, their financial resources and priorities.

In the first part of this section the scale of the Belgian beef and pork sector is described. In Sections 4.2.2 and 4.2.3 I describe the processes involved in the slaughter of pigs and cattle respectively. This is based on responses from interviewees, reports and observations made during fieldwork. The processes can vary slightly from the general descriptions I give here, depending on the specific slaughterhouse. The described processes

provide necessary context to understand the empirical findings, presented in the following chapters, on a more practical and technical level. It also contributes to transparency about activities that most people never witness.

4.2.1 Scale differences

Pork companies are generally larger and the industry more concentrated than that of beef (Hamann, 2010). An important reason for scale differences (of farms, slaughterhouses and deboning plants), is that pigs are smaller and more standardised than cattle and (for farms) that pigs thrive on grain-based diets (Bollard, 107; EFFAT, 2011). The smaller and standardised animals allows for more automation in slaughter and deboning in ‘high-tech’ plants that operate more expeditiously and on a much larger scale than cattle slaughterhouses and deboning plants. Pigs and sows (the female pigs used for breeding) do vary in weight and size, but intensive and specialised breeding and farming has standardised them to a high degree. Among cattle there is more variation, namely between young bulls, breeding bulls, heifers, calves and dairy or suckler cows at the end of their ‘career’ (FOD Economie, 2009, p. 18).⁷⁹ For these reasons you can find, on one extreme, a Belgian pork company with about 1,200 employees and a high degree of automation of tasks, and on the other, a mixed slaughterhouse occupying approximately one hundred square meters operating with four employees who complete most tasks manually. According to the professional association of meat companies, a pig slaughterhouse is considered ‘big’ when it processes more than 500,000 animals per year while a cattle slaughterhouse is considered ‘big’ when it processes more than 35,000 animals annually. One of the largest Belgian pig slaughterhouses that opened during the fieldwork stage of this project has the capacity to slaughter two million pigs per year.⁸⁰ In comparison, one of the most modern Belgian cattle slaughterhouses slaughtered about 45,000 cattle in 2012.⁸¹

⁷⁹ A heifer is a cow of about two years that has never calved or, has only done so once.

⁸⁰ This was the result of a joint venture between two slaughter groups and an investment of 30 million euros. See Otten, H. (2013, December 19). Bens opent grootste slachthuis. *Gazet van Antwerpen/Kempen*. <https://www.gva.be/cnt/aid1508042#:~:text=Naast%20het%20vleesbedrijf%20Bens%20in,is%20goed%20voor%20100%20jobs>. Helsen, M. (2014, August 30) Bens opent nieuwe slachterij. *Gazet van Antwerpen/Kempen*. https://www.gva.be/cnt/dmf20140830_01241762#:~:text=Bens%20Vlees%20nv%20gaat%20de,ruimte%20voor%20honderd%20nieuwe%20banen. Last accessed January 2022.

⁸¹ Vandenheede, A. (2012, November 23). In 31 uur van warm dier tot karkas. *Krant van West-Vlaanderen/De Leie*. GoPress.

4.2.2 Pig slaughterhouses

The first task taking place in pig slaughterhouses is unloading animals from trucks. They then enter a hall with stables that are equipped with drinking water. Many animals were observed laying down. Space is limited and some animals crawl over each other. The animals are stunned with either electric current or CO₂. In the first case, the pigs need to be driven from the stables into a small passageway to be stunned individually. Because pigs are social animals, this goes against their natural behaviour (Driessen et al., 2018). Therefore, slaughterhouse staff uses prods that emit electric current and other tools to encourage animals to move forward. The pigs are then killed while laying down, and are then lifted by a chain attached to one foot. In case of CO₂ stunning, the pigs stay in small groups. To drive the animals forward, part of this process is mechanised using back loaders: when the pigs enter the slaughterhouse a big iron plate moves to push the animals into a ‘gondola’ in groups of four or six pigs at a time (Driessen et al., 2018). The gondola moves down to where the pigs are stunned with CO₂. On the other side of the machine, the gondolas open and the stunned animals fall onto a conveyor belt. On the slaughter line, workers then lift the pigs by chain attached to one foot. Next the animals’ throats are stabbed to kill them.

The blood from the stabbed pigs flows into a bath underneath or is collected by tubes connected to the animals’ throat as it is destined for human consumption or pet food. In this part of the slaughterhouse where the animals are killed, the ‘unclean area’, it is typically warm and humid. The animals are then dunked in a basin filled with hot water. Next, a machine is used to roll off the hair by machine. Carcasses are then singed with flames to burn the last hairs and clean them.

The carcasses are then transferred to the ‘clean area’ where official veterinarians (OVs) inspect them (and the organs) to ensure food safety and staff cleans (e.g., removing abscesses) and cuts the carcasses. The carcasses are hung by their two feet on the slaughter line for this phase. Staff disembowels the carcasses. For each animal, the entrails fall into a separate basin. The intestines are separated and go to another processing company or are processed in-house in a separate room (the large intestine is discarded). The carcasses are then cut into two sections, either by staff or mechanically with a saw or a machine. After that the head is removed from the carcass. If the carcass is considered fit for human consumption, both segments of each carcass are branded by staff, or mechanically. The carcass is then moved to the cold store. If the slaughterhouse only supplies complete carcasses then the process ends here. In other facilities the carcass then moves into the cutting and boning plant.

The speed of slaughter influences how demanding the job is for slaughterhouse staff and veterinarians. The higher the speed, the lower the labour and inspection costs for the slaughterhouse, who will, thus, try to maximise speed. Speed varies in pig slaughterhouses ranging between 100 and 600 pigs killed per hour (Driessen et al., 2018). Based on what interviewees stated, most slaughterhouses kill between 400 and 600 animals per hour and, in some cases, up to 700 or 800. With the capacity to slaughter 8,000 pigs per day, one of the newest pig slaughterhouses is far more efficient than its predecessors. A company with the highest speed does not necessarily put most pressure on their workers and OVs. The ideal speed depends on several parameters, such as the number of people on the slaughter line, the mechanisation of certain tasks and the infrastructure (capacity) in the slaughterhouse.

4.2.3 Cattle and mixed species slaughterhouses

In cattle slaughterhouses the speed in which the animals are slaughtered is much slower. This is because all of the different steps in the process are carried out on one animal at a time. The process is much more time consuming because the animals are larger and less uniform than pigs. The animals rest after transport in stables and then, via a passageway, are moved into a metal box that traps them so that they can be stunned (or in case of ritual slaughter killed) safely. The animal's head protrudes from the box. An employee then stuns the animal with a captive bolt pistol, immediately destroying the brain and causing the animal to lose consciousness, when applied correctly. The animal is then released from the metal box and hung on the slaughter line by one hoof. Immediately after that, the large blood vessels of the animal are cut (by a cut in the neck or chest) (Driessen et al., 2018). At that stage the animal can still show spasms. A lot of blood is observed in that part of the slaughterhouse. The animal is then skinned (in some slaughterhouses by machine) and enters the 'clean area' where, at several stages, other parts of the animal are removed by workers, sometimes with the assistance of a machine. The head is removed, the animal is disembowelled and the carcass is cut into two segments with a saw. Parts of the animal that are not meant for human consumption (e.g., fat, hooves and the end segments of the tails) are collected in bins. Tongues and the segments of tails that can be sold for human consumption are collected on separate racks. For traceability, the ears that have been marked are stored for six weeks. Finally, the carcasses are hung in cold storage to further cool them down. Carcasses are quartered or, in some cases, cut into six segments, before being transported.

At the time of my interviews, some cattle slaughterhouses were also applying ritual slaughter techniques (i.e., halal or kosher), prior to the Flemish prohibition. They were

applying the post-cut stunning technique for ritually slaughtered cattle in which they stun the animal, using a captive bolt pistol, during or, immediately after, cutting the animal's throat (up to 2 seconds later). In doing so, they are trying to compromise between the regular method of stunning (prior to killing the animal) to minimise suffering and the religious requirements of killing animals without stunning. Ritual slaughter standards will be further explained in Chapter 5.

Apart from having a general understanding of the slaughter process, in the following chapters it is important to keep in mind the differences between pig and cattle slaughterhouses. The pig sector is more industrialised, with more mechanisation, resulting in faster and larger-scale production processes. This also contributes to the varying market dynamics that both sectors face, which are further discussed in the following section.

4.3 Market dynamics and evolutions in Belgium

In this section I will discuss the characteristics and developments of the beef and pork markets. In particular, I will focus on processes of concentration and consolidation, low prices and margins, pressing international competition and (fear of) decreasing meat consumption. During interviews, these were topics that regulators and meat operators brought up for different reasons. Some interviewees related these developments, for example, to power dynamics behind new rules and standards, others to challenges of compliance with the rules or reasons for non-compliance. Therefore, these topics relate to empirical findings described in following chapters.

4.3.1 Concentration, consolidation and integration

Belgium is not a major player in meat production in Europe, and the European meat industry, in turn, is not comparable to the American model, which is among others characterised by a higher degree of vertical integration (Treat & Sharma, 2016).⁸² However, in Belgium too, both the pork and beef sectors are subject to concentration and vertical integration, with a decreasing number of actors in all phases of the chains (FOD Economie, 2009, p. 19).

Horizontal integration is also common in Europe, which points to processing of more than one

⁸² Vertical integration means that one or more subsequent phases in the supply chain are integrated by the same company. Backwards vertical integration means that meat processing companies also invest in feed and in livestock ownership (EFFAT, 2011, p. 10). Forwards vertical integration means that further processing activities of meat are integrated in the same company: for example, companies that do not only slaughter animals but also produce complex meat products.

type of meat. Such mixed species operations are created after mergers and acquisition (EFFAT, 2011). In Belgium for example, there are slaughterhouses that have expanded by purchasing other slaughterhouses (e.g., those with financial problems).

At one point in 2018, Belgian livestock counts amounted to about 6.2 million pigs and 2.2 million cattle (excluding calves) (VLAM, 2019).⁸³ Annually, the pig farming sector generated about 1.5 billion euros in the period 2006-2013, approximately 20% of the total production value of Belgian agriculture (Instituut van de Nationale Rekeningen, 2015, p. 7). Because the process of fattening pigs takes only about six months while the typically used beef cattle breed in Belgium (White and Blue) is usually slaughtered after 18 months, this also influences the differences in the number of animals killed per year. The vast majority of the pigs are reared in Flanders (94%, including Brussels) (VLAM, 2019).⁸⁴ For cattle, the distribution is split 50/50 between Flanders and Wallonia. The geographical distribution of calves is similar to that of pigs, with the vast majority being reared in Flanders. Focusing on Flanders only, livestock density is not evenly distributed between provinces and was, in 2018, the highest in West-Flanders for both pigs and cattle.

Pig farming occurs on a much larger scale than cattle farming. In 2018, on average, a Flemish pig farm counted 1,583 animals per farm, whereas for a cattle farm, the average was 121. Over the last 20 years pig farming has concentrated significantly in Flanders, with the number of pig farms decreasing from 10,135 farms in 1997 to 3,731 in 2018, while the number of animals more than doubled from 694 per farm on average in 1997, to 1,563 in 2018 (Visserij, 2020b). Also, the number of cattle farmers has more than halved from 21,663 in 2001 to 10,575 in 2018, while the number of cattle per farm increased from 71 to 121 animals per farm.⁸⁵

Concerning the slaughter of animals, more than 11.2 million pigs were slaughtered in 2018 in Belgium, compared to 500,000 cattle and 300,000 calves (VLAM, 2019).⁸⁶ This activity is also concentrated in Flanders, where (combined with the Brussels region) 94% of all pigs and 75% of all cattle and calves are slaughtered.⁸⁷ In 2017 there were 62 slaughterhouses operating in Belgium where cattle and/or pigs were slaughtered: 43 in Flanders, 17 in Wallonia and 2 in Brussels (Comeos, 2017a). Of these 62 there were 10 slaughterhouses where both pigs and cattle were slaughtered, 42 for cattle and/or calves (4

⁸³ See table 4.1 in Appendix 2.

⁸⁴ See table 4.2 in Appendix 2.

⁸⁵ These number include all types of cattle: dairy cows, suckler cows, beef cattle and fattening calves.

⁸⁶ See Table 4.3 in Appendix 2.

⁸⁷ See Table 4.4 in Appendix 2.

slaughtered only calves) and 30 for pigs. This is a decrease compared to fifteen years earlier, in 2002, especially concerning pig slaughterhouses. In 2002 there were 48 (six more than in 2017) slaughterhouses where (at least) cattle and/or calves were slaughtered, and 62 slaughterhouses where (at least) pigs were slaughtered (32 more than in 2017) (Derden et al., 2003). As such, the concentration process also extends to slaughterhouses, with fewer slaughterhouses who, over the years, continued to slaughter a similar number of animals (with some slight fluctuation, see Table 4.3, Appendix 2).

The five largest slaughterhouses in Belgium (all meat-types) had a market share of 40.5% in 2013, compared to 35.3% in 2006 and the number of small to medium-sized enterprise (SMEs, 'mkb' in Dutch) in slaughter activities decreasing with time (Instituut van de Nationale Rekeningen, 2015, p.34). In the pig slaughter sector, three or four large groups were established by merger and acquisition and are responsible for a vast majority of pigs slaughtered in Belgium. How fast the market changes also became clear when contacting slaughterhouses for interviews, as four of the contacted small-scale slaughterhouses had recently closed or were in the process of doing so. As we will see in following chapters, also in Belgium this development relates to regulation.

Boning is an activity that sometimes occurs by the same company that carried out the slaughter. But there are many more boning plants than slaughterhouses in Belgium (167 in 2017, of which the majority, 121, were in Flanders) (Comeos, 2017b). Some plants bone the carcasses of several different animal-types. In 99 of the 167 Belgian boning plants, at least cattle and/or calve carcasses are boned (of which 7 *only* boned calves), and in 91 at least pigs' carcasses. In 28 boning plants both pigs' and cattle (and veal) carcasses are boned. The remaining five boning plants are specialised in minced meat.

Aside from the concentration of activities in farming, slaughter and deboning, this also occurs in the distribution phase. Belgian retail, in particular, is the most concentrated phase in the meat supply network; the five largest retailers had a common market share of 83%, on average, between 2010 and 2014 (FOD Economie, 2016, p. 16).

4.3.2 Prices and margins

Generally, much higher prices are paid for beef than for pork, although there is also variation in prices for different types of meat. In May 2020, the prices for pork varied between 140 and 170 euros per 100 kg carcass weight, and for beef between 270 and 500 euros (Visserij, 2020a). The type and breed of the animal influences the yield and the price, with variations

between bulls, cows and heifers and between pigs and piglets (Visserij, 2020a). The meat from dairy cows is, for example, less valuable than meat from beef cattle, is said to have lower quality and is used in processed meat products (e.g., minced meat). The Belgian White and Blue breeds are known to produce a lot of meat and is considered ideal for 'high value' cuts (e.g., steak).

Margins for slaughterhouses and deboning plants are limited (FOD Economie, 2016; Instituut van de Nationale Rekeningen, 2015). In the period between 2008-2014, margins for cattle slaughterhouses and deboning plants were lower than the yearly average margins in the food industry, limiting their cost-effectiveness (FOD Economie, 2016, p. 15). Of all phases in the beef and pork supply networks, the cost-effectiveness is highest for the retail sector, which is higher than the food industry's average, but can vary significantly between different retail actors (FOD Economie, 2016, p. 16; Instituut van de Nationale Rekeningen, 2015, p. 42).

Belgian consumer prices for fresh beef have increased 27.6% between 2005 and 2016 and, for fresh pork, 18.6% between 2006 and 2014 (FOD Economie, 2016, p. 17; Rekeningen, 2015, p. 54). Nevertheless, for cattle farmers the average price for a carcass increased in the same period only 9.2% on average and, since 2013, the prices for carcasses have decreased (FOD Economie, 2016, pp. 20, 22). Interview respondents suggest that, in general, the price for consumers should be higher in order to increase the margins for actors in meat production.

4.3.3 International competition

In the Belgium meat sector, scaling-up and vertical and horizontal integration is encouraged by international competition. Belgian meat companies are modest in size compared to some of their European competitors (Hamann, 2010). In 2011, Dutch Vion and Danish Crown were the only two European meat companies among the global top ten (ranked seven and eight, respectively on the list) (EFFAT, 2011, p. 9). The largest meat producing companies in Europe engaged in slaughter activities are mainly producing pork, but some also produce beef (EFFAT, 2011, p. 11). The largest are Tönnies, Westfleisch, Danisch Crown and Vion, all established in Germany (EFFAT, 2011; Treat & Sharma, 2016). The last two have their origins in Denmark and the Netherlands respectively, but have relocated part of their meat

processing and packing activities to Germany because of low labour costs (EFFAT, 2011; Treat & Sharma, 2016, p. 31).⁸⁸ Because of the big difference in labour costs, German meat plants can pay more for animals, which facilitates importation of animals from neighbouring countries (EFFAT, 2011, p. 37). It also leads to lower processing costs, allowing German companies to offer meat at lower prices to retail and food service companies.

For the four major European meat companies, other EU countries are the most important export market and international competition is mainly between European companies (Hamann, 2010). Because Belgian companies are relatively small, their slaughter costs are higher and high labour costs add to their limited international competitiveness. In the list of the top 15 EU pork companies of 2010-2011 (in terms of volume), only one Belgian company was represented, and ranked number 14 on the list (EFFAT, 2011, p. 17). In the top 15 European beef and veal companies, no Belgian company was represented (EFFAT, 2011, p. 20).

Concerning animal welfare and food safety and quality rules, interviewees experience international competition as pressing and unfair. The Belgian government is said to often interpret EU legislation in a stricter manner than in the Netherlands, which complicates, for example, the competition of Belgian meat processors with their Dutch counterparts if they desire to export to the Netherlands. International trade agreements with countries outside of the EU, such as TTIP (which was under negotiation until 2016), are a source of fear and frustration for Belgian meat producers, predicting the import of cheaper meat that is not produced according to the same standards and leading to unfair competition. Experts and NGOs also share the meat producers' concerns (Treat & Sharma, 2016). Meat plants outside of the EU would have to meet EU food safety standards, but the lower labour costs and worker standards give a price advantage to imported meat over domestic products (EFFAT, 2011, p. 29). Also, animal welfare, public health and environmental standards differ in the US and the EU (Treat & Sharma, 2016). Examples include no restrictions on methane emissions in the US, only voluntary restrictions on antibiotic use in livestock rearing, and the focus on safety of *end products* (e.g., allowing chemical rinsing of meat) instead of applying the

⁸⁸ Until Germany implemented a national minimum wage of 8.5 euros in 2015, German wages were left for negotiation between worker's representatives and employer's representatives. German labour unions had difficulties in reaching a collective agreement with the meat sector to cover workers, finally managing to do so in 2014. Until that time, there was a legal loophole, where workers could not benefit from any collective agreement or a national minimum wage. This was 'a fertile field for exploitation', according to a European labour union. This topic gained attention again because of Corona outbreaks in German meat companies in 2020. See for example Young (2020, May 22). Exploitative conditions: Germany to reform meat industry after spate of Covid-19 cases. *The Guardian*. <https://www.theguardian.com/environment/2020/may/22/exploitative-conditions-germany-to-reform-meat-industry-after-spate-of-covid-19-cases>, last accessed July 2020.

precautionary principle (in the EU) that intends to *prevent* food safety problems throughout the entire process of meat production, processing and distribution (Treat & Sharma, 2016, p. 50). In theory, EU rules can improve standards worldwide if import controls are strict and if European consumers are well-informed about such differences and willing to pay more for local or European meat. In reality, the lack of transparency about the origin of meat in the food service sector (compared to retail) and in processed products (compared to fresh meat) limits, to some extent, this ideal market dynamic (EFFAT, 2011). Moreover, import of meat produced according to lower animal welfare standards than in the EU is currently not prevented because such standards are not seen as affecting a product's final characteristics (see Chapter 2) (Bollard, 2017; Broom, 2017, p. 46).

4.3.4 Meat consumption

The majority of pork produced in Belgium is meant for export, whereas most of the beef is destined for internal consumption (FOD Economie, 2016; VLAM, 2019). The self-sufficiency rate for Belgian pork was 252% in 2018, compared to 160% for beef (VLAM, 2019). These percentages increased only modestly during the past six years.

Statistics show that Belgian consumption of fresh pork decreased from 7.2 to 5.5 kg, per capita, between 2008 and 2017 (VLAM, 2018). The consumption of fresh beef during the same period decreased from 6.5 to 4.4 kg per capita per year (VLAM, 2018). About 7% of the Belgian population claim to be vegetarian and another 9% flexitarian, meaning they do not consume any meat at least three times a week (EVA vzw, 2018). The most important motivation that Belgian vegetarians and vegans report for not consuming meat or animal products is animal welfare. After that, they report concerns for the environment, followed by concerns about their health as important motivations. For those consuming *less* meat, their health is the most important motivation, followed by animal welfare and environmental concerns.

During interviews, five meat operators and their representatives complained that consumers have become spoiled with the availability of cheap meat. They criticise consumers' lack of respect for the production process and the quality of their products, by selecting meat mainly based on price considerations. According to three meat operators, consumers are hypocritical when they desire cheap meat, but are shocked when something goes wrong relating to price pressure and upscaling of meat production. Increasing prices of meat could lead to fairer margins for all phases in the production chain, but would reduce the international competitiveness of Belgian producers.

4.4 Social dynamics: a hidden and stigmatised sector with tough jobs

In this section, I discuss the social dynamics of the Belgian meat sector that were brought to my attention during interviews as sources of frustration for regulators and/or producers. I focus in particular on the dynamics that are, in one way or another, relevant to understanding regulatory practices of this specific sector. The secret and unpopular nature of the work done in slaughterhouses and the negative reputation of the meat sector are aspects that influence the regulatory practices and/or compliance of meat operators.

4.4.1 Secrecy versus transparency

The killing and processing of living animals typically occurs behind closed doors, something that the average consumer never witnesses. This invisibility serves both the consumer and the meat companies as most people do not want to think of how their meat ends up on their plate (Pollan, 2011). For some meat operators, this is reason to keep details about how animals are processed hidden from consumers, or at least to not actively remind them about the basic facts. Two interviewees refer to limited transparency within meat supply chains in other ways. One of them mentioned the limited transparency slaughterhouses demonstrate in the way they calculate the prices paid to farmers for a carcass. A retailer's quality manager mentioned the lack of transparency they observe in who is supplying meat processing companies. Although, for fresh meat, the traceability of retailers is generally good, for processed food this is not the case.

There are meat operators who favour more transparency in the meat production processes and chains of supply. Some small-scale producers try to differentiate themselves by emphasising the craft of producing quality meat and receive a higher price for their products. The increasing criticism of NGOs and other organisations (e.g., the World Health Organisation) concerning the consequences of meat consumption for the environment, animal welfare and public health, encourages some meat companies to be more transparent about their production processes.⁸⁹ Animal rights' organisations do not only open up the hidden nature of the meat sector by their selective pictures and videos of malpractices, by doing so they also encourage some companies to proactively increase transparency, under *their* terms. After the scandal caused by the undercover footage of animal maltreatment in a pig slaughterhouse, this company opened for the public to show their work processes and to

⁸⁹ World Health Organization (2015, October 26). *IARC Monographs evaluate consumption of red meat and processed meat*. <https://www.hsph.harvard.edu/nutritionsource/2015/11/03/report-says-eating-processed-meat-is-carcinogenic-understanding-the-findings/>, last accessed October 2021.

regain consumers' and clients' confidence. The companies that offered me a guided tour of their facilities also seemed to favour this, showing with eager or even pride how they operate, how they have nothing to hide and how they try to do a good job. By doing so, some clearly try to counter negative framing of their sector in media.

4.4.2 Bad reputation of the sector and the role of media and framing

The whole meat sector has a very negative reputation among consumers and regulators according to regulators and regulatees. This negative reputation was evident during interviews with meat operators as a source of frustration, or when talking about consequences of rule violations. Five meat operators and a state regulator believed that the bad reputation is partly the result of crimes committed in the past, when 'mob-like practices' indeed occurred, but they stressed that times have changed. Some meat operators still believe that regulating actors approach them as criminals before having done anything wrong and despite the efforts the sector has made to be compliant with ever stricter rules. Regulating actors, indeed, used words such as 'cowboys', 'mobs' and 'criminals' during interviews, referring to meat operators, but mostly to those violating rules.

It also worries sector representatives that the negative framing by media, NGOs and citizens (on social media) affects the consumption of meat. This is not unlikely considering the reasons consumers give to stop or diminish meat consumption. It frustrates non-state actors that civil society actors present information incorrectly or insufficiently nuanced, give sensation priority over facts, and that they publicly shame companies despite the absence of an investigation or conviction. It makes them feel powerless and all this 'meat bashing' is unjustified according to the meat operators, considering the time, money and energy they invest in delivering high quality products in a professional way. Their frustration is also revealed in the way they defend meat consumption, often in a personal and sometimes emotional way, seizing the opportunity during the interview to spread a positive message about the sector and about meat consumption.

As a defensive response to the portrayal of the meat sector as 'mob-like' or 'criminal', interviewed meat operators *and* state actors frame rule violations in the sector as emerging from a couple of 'bad apples' or 'cowboys' who ruin the reputation for the rest of the law-abiding actors and therefore should be excluded from the market. In a way, these interview respondents consider the sector as a victim of the exceptional rule violations of some bad apples and of media and NGO's activities. These respondents liked to note that 'food has

never been so safe' and how Belgium belongs to the 'star pupils' of the EU, referencing the way the FASFC controls food safety and how the sector has professionalised since the dioxin crisis. Interviews revealed how regulators, distributors and a civil society actor perceive the whole meat sector or, the slaughterhouse business in particular, as criminogenic and further believe that, at least, certain rule violations are inherent to the daily practices and the structure of the sector *and* its regulation. They and others mentioned that people working in the sector (or slaughterhouses specifically) are not taking enough responsibility and possess a mentality that puts profits above all other interests.

4.4.3 Unpopular work done by a predominantly male and migrant workforce

Interviewees illustrate the poor reputation of work undertaken in meat producing companies by referring to it as one of the '3D' jobs, usually meaning Dangerous, Dirty and Difficult, and/or Demeaning work. They attribute this label also to the cleaning sector for example. The work in slaughterhouses is dangerous (knives and machinery cause injuries), repetitive and physically demanding, with workers often standing for most of the day in either very cold or humid environments, often without daylight and surrounded by blood and dead animals. The machinery that has replaced some of the formerly human tasks has improved hygiene and ergonomic work conditions. Some positions on the slaughter line are still physically demanding, such as the removal of the cattle's heads, which can weigh around 14 to 18 kilos. That this is 'not the most sexy environment' to work in, as one of the interviewees mentioned, is an understatement. This might also be part of the reason why not many women are represented in slaughter and boning activities.

Slaughterhouse quality managers discussed the difficulties in finding competent and willing workers for slaughter and boning activities. Because of the unpopularity of the job among Belgian workers, the government considers work in slaughterhouses and meat processing companies as 'bottleneck jobs'. This means it is relatively easy to receive a work permit for this job as an immigrant from a new EU member state or from outside the EU (Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding [VDAB], 2016). The increased mobility of workers in the Schengen area can partly meet the high demand of workers in this sector. The low skills and qualifications required for these jobs make them popular for migrant workers. However, the high Belgian labour costs compared to other EU countries is a challenge for many large Belgian slaughterhouses to stay competitive. These are reasons that meat operators provide to outsource most of their labour to subcontractors who recruit cheap and flexible employees from several migrant populations. This can lead to legal

cheap labour when Belgian wages are paid, and social contributions are paid in the country of origin where they are lower. But working with subcontractors also can involve a variety of illegal activities, as I will discuss in Chapter 7. Although similar problems exist in other economic sectors (e.g., construction, transport), some problems are specific to this sector because the workers are dealing with living animals, dangerous machinery, and with fresh meat and thus there are considerable challenges because of hygiene, concerning the risk of pathogen transmission.

Conclusion

This chapter has intended to present the actors involved in the meat sector, how they cooperate and to describe the physical, economic and social environment that interviewed meat operators and their regulators are working in. This information helps to understand findings presented in following chapters, because the sector characteristics contribute to the power dynamics in standard-setting and to the ways regulators approach the sector. Further, they underpin certain challenges and forms of non-compliance by meat operators and explain some consequences of regulation.

Because this chapter is partly based on the fieldwork, to some degree it also shows the characteristics of the sample of companies that I visited. Despite their small number, this sample illustrates the differences between beef and pork supply chains as well as the variety within these subsectors (e.g., scale, mixed species or not) and in the ways its actors cooperate. Many of the activities are concentrated in Flanders, which was also a reason to focus on this region in collecting the data. Both in the beef and pork sectors there is an increasing concentration with fewer actors that produce more intensively and integrate several phases of the supply chain. Coping with international competition from larger foreign companies, the meat supplying companies (especially in the pork sector) have scaled-up, merged and integrated other activities to remain competitive. At the same time, other companies have specialised and supply mainly the Belgian or European markets, but their numbers have decreased.

Slaughterhouses deliver their services for relatively low margins, whereas the cost-effectiveness is highest for the distributors. It is in the slaughterhouses (and deboning plants) that the dirty and physically demanding work is carried out, by a predominately migrant and male workforce. Stakeholders feel they are unrightfully portrayed in a negative way by the media, NGOs and politicians. The negative reputation of the sector is feared to diminish meat consumption, but also influences, to some degree, the development of rules and (repressive)

regulatory styles. The work carried out in slaughterhouses is well concealed and not all companies are transparent about their operations with the general public, regulators and other actors in the supply chain. We will see in following chapters how transparency, related to trust (of consumers, regulators and of corporate actors in one another) affect the success of self-monitoring and control.

Chapter 5. A hybrid regulatory framework: involved actors and processes of standard-setting

Introduction

In this chapter, I introduce the actors involved in the regulation of beef and pork production in Belgium and I address some aspects of the processes of standard-setting. Together with the following chapter, focusing on monitoring compliance and law enforcement, I examine how regulation within a specific market works. Both chapters demonstrate what other scholars have referred to as ‘hybrid’ forms of governance (Havinga, 2015) or ‘co-regulation’ (Gunningham & Sinclair, 2017) in which interdependent state and non-state actors apply several instruments to control the market. Looking into these hybrid forms of governance reveals conflicts of interest and power (Havinga, 2015; p. 33). Some studies have outlined food safety regulation in specific countries, also in Belgium, highlighting the development and competences of the central public food safety inspectorate (Cazaux, 2003; Havinga, 2003, 2015; Mascini & van Wijk, 2009; Ponsaers, 2015b; Raone & Schiffino, 2015; Wubben & Hubeek, 2006). Building further on this work, my focus on a specific food market in Belgium allows me to also examine inspectorates of other regulatory domains than food *safety*. Additionally, it allows for a more detailed examination of the role of private actors in the selected regulatory domains, and how the mix of actors and their available instruments work in practice.

Because I conceptualise regulation as the whole process of standard-setting by state and non-state actors, their interaction *and* monitoring and enforcement activities, I start this chapter by setting the scene (Black, 2002, p. 26; Havinga, 2006). In Sections 5.1 and 5.2 I present the actors involved in the regulation of Belgian beef and pork (research question 2), emphasizing the most relevant actors in the regulation of slaughterhouses, concerning food safety and animal welfare regulation. I discuss their competences, based on legislation and policy documents. Although additional actors are involved in the regulation of the Belgian meat sector, those presented here illustrate how competences to control this market are spread over numerous agencies. In Section 5.3 I move to the first phase of regulation that these actors play a role in, standard-setting. Whereas the official aims behind the establishment of public rules were previously discussed in Chapter 2, less is known about the interests behind *private* standards. Moreover, *which* private-standards apply depends very much on the specific food market. Therefore, I start Section 5.3 by discussing the aims of the private standards that interviewees have mentioned (of standards they apply themselves or of other actors) in the

specific context of the Belgian beef and pork supply chains (research question 3). Then I demonstrate the complexity of processes of standard-setting and the role of state and non-state actors (and their interests) in them by discussing two topics: animal mutilation in pig farming and ritual slaughter of cattle. Section 5.3 is based more on interview findings because it concentrates on ideas and experiences of regulators and regulatees. In Section 5.4 I discuss the interests that are not protected from harm by regulation, as mentioned by interviewees. I close this chapter with a reflection on the potential of private standards (from a harm perspective) in Section 5.5.

The variety of state and non-state actors demonstrates Braithwaite's (1993) pluralist model of regulation, with several state and non-state actors, and several layers (regional, federal, international) contributing to market ordering. In Belgian meat regulation there is a central role for the Federal Agency for the Safety of the Food Chain (FASFC). However, this agency fills this role through interaction with other state actors and non-state actors. Some non-state regulators are part of the supply chain themselves, regulating each other and their own companies. Other non-state actors include private and civil society actors who regulate the meat sector from outside of the supply chain. Whereas the distinction state – non-state is used in this chapter to organise the different actors, standard-setting is a dynamic process. This is also the case for the subsequent activities of monitoring and enforcement. How this is organised for slaughterhouses will be discussed in Chapter 6.

5.1 A selection of the relevant state actors in the regulation of Belgian beef and pork

In this section I describe a selection of the state actors regulating Belgian meat production. In reference to this research, the central state actors are the FASFC and the Animal Welfare Unit (AWU). After describing their competences and organisation, I will briefly introduce the role of the police (including their Hormones Unit), public prosecutors, the Federal Agency for Medicines and Health Products (FAMHP), labour inspectorates, the Belgian accreditation organisation (BELAC) and the platforms where different actors cooperate.

In listing the state actors, note that there is an important distinction between public inspectorates (e.g., the FASFC) and regular police forces (Ponsaers, 2015a, 2015b). The public inspectorates are rarely the subject of criminological research, although they often have administrative *and* criminal competences to enforce the special (penal) laws under their jurisdiction (Ponsaers, 2015a). These laws are 'special' in that they grant limited police powers to inspectors within the food safety or animal welfare sectors, whereas regular police

activities are mostly based on the penal code (Ponsaers, 2015a, 2015b). While the penal code regulates ‘general interest’ or ‘public order’, these special laws ‘regulate relations between private interest groups’ (Ponsaers, 2015a). In practice it means that police services react to individual victims’ complaints and crime scenes, resulting in penal sanctions for offenders (Ponsaers, 2015a). In contrast, the public inspectorates operate in a rather proactive way with routine controls in legal companies, on behalf of potential collective victimisation, applying persuasion techniques to avoid rule violation and to avoid sanctioning.

5.1.1 The Federal Agency for the Safety of the Food Chain (FASFC/FAVV)

Before the establishment of the FASFC in 2000, the authority for the control of food stuffs, raw materials and animals was dispersed over several administrative entities (Cazaux, 2003).⁹⁰ The parliamentary research commission tasked to investigate the political responsibility in the dioxin crisis pointed to the fragmented response of the different authorities and the limited communication between them (Lierman, 2009, p. 149). Prompted by this crisis, the tasks of different inspectorates were partly or completely integrated in the FASFC to improve the organisation, efficiency and transparency of decisions and activities in monitoring, detection of health risks and law enforcement in the food chains (Cazaux, 2003, p. 161; Raone & Schiffino, 2015).⁹¹

The FASFC is a semi-governmental institution, as it is established by the government but is still, to some degree, autonomous. Its guardianship lies with the Minister for Agriculture, small to medium-sized enterprises (SMEs) and the self-employed. Before the FASFC was established in 2000, both the Minister of Agriculture and the Minister of Public health were responsible for the tasks that were dispersed over the different agencies. The Minister of Public health was granted authority over the FASFC at the time of its establishment however, in 2007 the Minister of agriculture was granted this authority (Cazaux, 2003).⁹² Some politicians criticize this construction. For them it is problematic to have a food safety authority that serves both economic (agro-food) interests and those of food

⁹⁰ The FASFC was a fusion of several inspectorates that belonged to the Ministry of Public health (the Institute for Veterinary Inspection –IVI/IVK’ in Dutch – and the food inspection) and inspectorates that operated under the Ministry of Agriculture at the time (which used to inspect plants and raw materials, veterinary medication, veterinary services and animal products) (Lierman, 2009, p. 149; Ponsaers, 2015b).

⁹¹ MvT, Wetsontwerp houdende oprichting van het Federaal Agentschap voor de Veiligheid van de Voedselketen, Parl.St. Kamer 1999-2000, nr. 232 (1).

⁹² Article 3 ‘Wet van 4 februari 2000 houdende oprichting van het Federaal Agentschap voor de Veiligheid van de Voedselketen’, BS 18 Februari 2000.

safety and public health at the same time.⁹³ Conflicts of interest that relate to this double responsibility were apparent in subsequent food crises in Belgium, but also in other countries and at the European level. At the time of BSE and the dioxin contamination crises, the protection of economic interests impaired clear and fast communication and adequate measures at the national and (in the case of BSE) European levels (Cazaux, 2003, p. 158; Hoffmann & Harder, 2010, p. 31; Philips et al., 2000).

General competences and structure

The FASFC's central aim is to protect public health by guaranteeing the safety and quality of food for consumers, which was also the main reason for its establishment in 2000.⁹⁴ In order to meet this purpose, the FASFC is responsible for creating, applying and monitoring measures concerning the evaluation and control of risks that can harm consumers' health.⁹⁵ It monitors and evaluates risks of food products and ingredients in all phases of food supply chains. In its 2017 annual report, the FASFC noted that this core responsibility does not only refer to potential harm to the health of consumers, but also of animals and plants (FAVV, 2018b).

After the dioxin crisis, the Belgian state was criticized for organizing activities of policymaking, control and enforcement under the same roof. Now these activities are separated. The federal public service (FPS) Health, Food Chain Safety and Environment lays down the food safety, quality and contamination *norms* for food products. The FASFC's core responsibility is the operational *monitoring and enforcement* of compliance with 15 special laws that apply to all parts of food supply chains (Federal Agency for the Safety of the Food Chain [FASFC], 2016, p. 43).⁹⁶ Two other main tasks of the FASFC are providing the accreditations, admissions and permits⁹⁷ for economic activities in the food supply chains and the elaboration and implementation of traceability and identification systems for food (ingredients) in all phases of production and processing (Comité P, 2007, p. 133; Ponsaers, 2015b).

⁹³ Staes, B., & Dedry, A. (2017, August 9). Het Voedselagentschap moet terug naar Volksgezondheid, Opinion piece. *De Standaard*. https://www.standaard.be/cnt/dmf20170808_03009308, last accessed January 2021.

⁹⁴ MvT, Wetsontwerp houdende oprichting van het Federaal Agentschap voor de Veiligheid van de Voedselketen, Parl.St. Kamer 1999-2000, nr. 232 (1).

⁹⁵ Article 4, paragraph 2 'Wet van 4 februari 2000 houdende oprichting van het Federaal Agentschap voor de Veiligheid van de Voedselketen', BS 18 Februari 2000.

⁹⁶ 'Wet van 4 februari 2000 houdende oprichting van het Federaal Agentschap voor de Veiligheid van de Voedselketen', BS 18 Februari 2000.

⁹⁷ The FASFC grants the slaughterhouses the required accreditation and other meat companies either an admission or accreditation.

European law prescribes that each member state creates a Multi-Annual National Control Plan (MANCP), that plans the official controls to verify compliance of companies involved in food production with feed and food law, animal health and animal welfare rules (FASFC, 2016).⁹⁸ In Belgium this plan is created by the FASFC, in cooperation with other involved public authorities, as it is the FASFC that conducts the vast majority of official controls (FAVV, 2020a). The FASFC's strategic and operational aims are connected to this MANCP.

Within the FASFC the Directorate-General (DG) Enforcement Policy creates the policy and the DG Control translates this into practice by organising the monitoring activities (for the organisation chart, see Figure 5.1, Appendix 2). DG Control's officials insert all non-conformities they observe and inspectors' responses to these non-conformities in an online database. DG Enforcement Policy then uses this database to conduct risk-analyses to revise the monitoring policy (i.e., by changes in legislation or in monitoring plans). The scientific committee of the FASFC assesses risks in the food supply chains. The advisory committee represents all parties involved in safety of food chains from the producers to the final consumers and includes professional associations (e.g., of farmers and meat companies) (Comité P, 2007, p. 137; Lierman, 2009).

Because the empirical research focused on regulatory *practices* of the services that are all managed by DG Control, I further elaborate on the activities of its different bodies. These are the Local Control Units (LCUs), Official Veterinarians (OVs), the National Implementation and Coordination Unit (NICU) and the National Investigation Unit (NIU). According to an interviewed regional director, in general, DG Control's activities in the *meat* sector cover about 10 to 15% of all their activities. FASFC inspectors assigned to these departments have administrative *and* (except the OVs) partial police competences to follow up on violations of the 15 special laws that belong to the policy area of the FASFC.⁹⁹ More specifically, they are authorised to:

- search premises,
- visit residential rooms¹⁰⁰,

⁹⁸ Regulation (EC) No 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

⁹⁹ Article 3, 'KB 22 februari 2001 houdende organisatie van de controles die worden verricht door het Federaal Agentschap voor de Veiligheid van de Voedselketen', BS 28 Februari 2001 [hierna 'Controlebesluit'].

¹⁰⁰ Between 5 am and 9 pm, with permission of a judge, see Article 3, paragraph 2 Controlebesluit.

- to request documents and information needed for their inspection,
- to take samples of products and have them analysed by an accredited lab,
- to detect violations of the 15 laws and report these findings in a First Information Report (with evidential value until there is evidence to the contrary),
- to conduct hearings,
- and request the support of police forces.¹⁰¹

The Local Control Units (LCUs/LCE's)

The inspectors of the FASFC are managed by one of the nine Local Control Units (LCUs, 'LCE's' in Dutch) that are geographically spread over the country. At the time of this study, DG control listed a ranking in priorities in case an LCU inspector cannot conduct *all* tasks on a day-to-day basis, which was the result of a structural shortage of staff (FASFC, 2016, p. 85). In this ranking five tasks are given a shared first level priority, namely to take samples (of food products, ingredients), to investigate non-conforming results of samples, investigate complaints, investigate information received from the Rapid Alert System for Food and Feed (RASFF)¹⁰² and to provide services at the request of operators (e.g., certificates for export) (FASFC, 2016, p. 85).¹⁰³ Of second level priority are the re-inspections after a non-conformity (an adverse finding) has been discovered during an inspection (FASFC, 2016, p. 85). Of third priority is the systematic monitoring of compliance of food companies with food safety laws according to the inspection plan (FAVV, 2018a). An interviewee of the FASFC explains that the intention is to follow the entire plan of routine inspections. However, in case of problems (e.g., reduced manpower due to employee illness), on a day-to-day basis they give priority to sampling and certification for export and inspection for import.

Each LCU is divided into three departments that each focus on one part of the supply chain. For the meat sector this means that the Primary department monitors animal husbandry and slaughterhouses, the Transformation department monitors deboning and processing

¹⁰¹ Article 3, paragraphs 3, 4 and 5 Controlebesluit.

¹⁰² The RASFF system is built on information of national food safety authorities, including the FASFC.

¹⁰³ In the meantime, a new MANCP has come into play, with somewhat different rankings in LCU priorities, and some newly added items (FAVV, 2020b, p.92): 1. Follow-up of non-conformities 2. Urgent and mandatory services at the request of operators 3. Sampling 4. Re-inspections after a non-conformity 5. Special actions at the request of the FASFC's central board 6. Follow-up inspections according to the frequency in the inspection plan 7. Inspections foreseen in the control plan.

plants, and the Distribution department monitors the final phase of the chain, including restaurants, food service and retail traders.

Official veterinarians (OVs/DMO's): self-employed veterinarians

Specific to the meat sector are the presence of official veterinarians (OVs, 'DMO's in Dutch) during animal slaughter and meat processing, who are paid by the FASFC but are officially self-employed. The OVs are present daily to ensure animals are healthy and that the slaughter is done correctly to ensure the safety of meat for consumers, by ante-mortem inspections of the animals and by visually inspecting carcasses at the slaughter line (post-mortem).¹⁰⁴ They complete checklists, on the orders of the LCU, concerning food safety issues, and, since 2015, on behalf of the Animal Welfare Unit (AWU), issues of animal welfare (Section 1.1.2). In each slaughterhouse one OV coordinates the activities of other OVs and is in direct contact with the LCU. An OV ideally works a maximum of three years in the same slaughterhouse, to avoid becoming too acquainted with the company, but this is not possible in every region.

Interviews with OVs and reports of the meetings between the FASFC and professional associations of self-employed veterinarians working for the FAFSC, reveal their dissatisfaction about their position (FAVV, 2017e, 2018c). In 2018, their representatives discussed how some OVs feel that the FASFC does not provide sufficient juridical support in case of complaining operators. The vets also often feel they are performing tasks that are actually part of slaughterhouse operations. Because the OVs are self-employed, they are not paid when not working (e.g. when sick), neither for work-related travel (when less than 40km), they do not have job security or guarantees for working hours. Unlike in other freelance positions, they cannot set their wage, nor choose their own shifts. These conditions do not help in finding motivated people for the job, a problem the FASFC has struggled with for several years.¹⁰⁵

The National Implementation and Coordination Unit (NICU/NICE)

The FASFC's National Implementation and Coordination Unit (NICU, 'NICE' in Dutch) evaluates the quality and uniformity of the inspections of the LCUs, manages the OVs and

¹⁰⁴ For example, vets check if carcasses are free of abscesses and diseases, that slaughter is done according to hygiene rules, that animal by-products are correctly sorted and stored and they ensure that meat is sampled for residues (e.g., of medication) (FAVV, 2017g).

¹⁰⁵ See e.g., Sellam, K. & Devos, E. (2018a, March 17). Steeds minder dierenartsen willen werken voor Voedselagentschap: "Ze behandelen ons als kinderen". *VRT*. <https://www.vrt.be/vrtnws/nl/2018/03/16/dierenartsen-over-samenwerking-met-favv---ze-behandelen-ons-als-/>, last accessed November 2018.

organises audits of self-monitoring systems (SMSs) (FAVV, 2019a). In order to monitor the uniformity of inspection activities of the different LCUs, they conduct field visits in companies in different regions.

The National Investigation Unit (NIU/NOE)

The prevention, detection and repression of fraud and the use of illegal growth promotors are responsibilities of the FASFC's National Investigation Unit (NIU, 'NOE' in Dutch), an administrative unit which is part of the DG Control (FAVV, 2017c).¹⁰⁶ The NIU only focuses on fraud that involves food safety risks. Economic fraud, without food safety or public health risks, falls under the authority of the federal Economic Inspection. In the past the NIU was referred to as 'Hormones Unit', focusing on the control of the trade and use of illegal growth promotors in meat production. The focus of the NIU has expanded since then. A team of the federal police is, instead, now called 'Hormones Unit' (Section 5.1.3).

Apart from the NIU's thematic focus, its officials follow up on a case when, 1) it has a high degree of complexity (i.e., facts exceed provincial or national borders, and/or technical characteristics) and/or 2) it concerns activities that are considered to have an organised character or connected in some way to organised crime, and/or 3) connected to hormone crime, and/or 4) the facts demand an investigation coordinated by the FASFC due to the seriousness of a violation (e.g., concerning the nature, scale, consequences or implications for public health) (FAVV, 2017c, Ponsaers, 2015). For these reasons, such cases are considered to require a specialized, coordinated and/or multidisciplinary approach by the NIU, who cooperates with prosecutors and police. The NIU inspectors have partial police competences, like other FASFC inspectors. Based on the cooperation of the NIU with a public prosecutor or an examining magistrate in a specific case, additional competences can be assigned to the NIU-inspectors. Unlike the LCU-inspectors (and OVs) who monitor compliance with food safety related laws in the daily production of food, NIU inspectors focus on detecting *crimes* within food supply chains. However, the NIU tries to sensitize inspectors of the LCUs to also be attentive to crimes during their routine inspections.

In the aftermath of the Fipronil scandal and the 'beef fraud case' in 2017 and 2018 respectively, more resources and capacity have been invested in the manpower and expertise

¹⁰⁶ Article 6, paragraph 5 'KB van 20 december 2007 tot vaststelling van de vestigingsplaats, de organisatie en de werking van het Federaal Agentschap voor de Veiligheid van de Voedselketen', BS 21 February 2008.

of the NIU. The unit has grown from 15 fulltime positions in 2017 to 32.5 positions in 2019.¹⁰⁷

5.1.2 Flemish Animal Welfare Unit (AWU)

Since 1999, animal welfare changed from being the authority of the Ministry of Agriculture to the Ministry of Health. Since July 2014, the authority for animal welfare in shifted from the federal government (FASFC) to the regions and each of the three regions got their own Minister of animal welfare. The primary responsibility of this minister is animal welfare. Apart from the symbolic value of a minister for animal welfare, it brings along more time, capacity and resources in animal welfare policy. Therefore, interviewees believe both the regionalisation and the minister positions contribute to a more progressive animal welfare policy.

In theory, violations of animal welfare law can be detected by police officers, veterinarians working for the FPS Health, Food Chain Safety and Environment, other officials working for this FPS (assigned by a Minister of animal welfare), and staff of the FASFC tasked with monitoring duties.¹⁰⁸ After the regionalisation of animal welfare and a brief transition period (until the end of 2014), in 2015 the minister (of agriculture) responsible for the FASFC and the regional animal welfare ministers agreed on a protocol of cooperation concerning the tasks of monitoring animal welfare compliance.¹⁰⁹ Article 2 of this protocol prescribed to set up a management contract between the FASFC and the three regional animal welfare agencies that manage the practical aspects of monitoring (FAVV, 2017d).¹¹⁰ These documents stipulate that, although the general monitoring of animal welfare policy is assigned to the regions, the FASFC remains responsible for routine inspections of farms. The OVs assigned to slaughterhouses and compensated by the FASFC also continue to monitor compliance with some aspects of animal welfare legislation and report animal welfare violations (in Flanders) to the Animal Welfare Unit (AWU) instead of to the FASFC.¹¹¹ The AWU, part of the Department Environment, is responsible to train and inform these

¹⁰⁷ Torfs, P. (2020, October 27). *Rapportage cijfers NOE (eerste semester)*. Presentation at the FASFC. <https://www.favv-afscab.be/comites-nl/raadgevend/verslagenvergaderingen/2020.asp>, last accessed February 2022.

¹⁰⁸ Article 34, paragraph 1 'Wet van 14 augustus 1986 betreffende de bescherming en het welzijn van dieren', BS 3 december 1986.

¹⁰⁹ Protocol tussen het FAVV, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest betreffende de controle van dierenwelzijn [hierna 'Protocol Dierenwelzijn 2015'].

¹¹⁰ 'Beheerscontract 'Dierenwelzijn' Gewesten – FAVV.'

¹¹¹ Article 1, 'Protocol Dierenwelzijn 2015'. 'Beheerscontract "Dierenwelzijn" Gewesten – FAVV'. Note: only the Flemish AWU is discussed here, because the fieldwork was limited to Flanders.

veterinarians and imposes the measures and sanctions, under the authority of the Flemish minister.

At the same time, the AWU has its own staff who monitor compliance with animal welfare rules. When this fieldwork was completed (2017/2018) the agency had 12 inspectors (with a master in veterinary medicine), eight so-called ‘controllers’ (bachelor-level education) and three office workers for all of Flanders. Usually, the inspectors follow up on more complex cases. Because of the relatively new tasks of this regional inspectorate, the expertise and experience had yet to grow. At the same time, most of the staff of the former federal agency moved to the three regional agencies, so the AWU did not start from scratch. More recently, in October 2020, the AWU assigned 50 autonomous veterinarians to complete additional monitoring activities in slaughterhouses *only*, in a similar manner as the autonomous OV’s compensated by the FASFC.¹¹² This was a consequence of the political pressure after the case about animal maltreatment in a pig slaughterhouse, which resulted in more resources for animal welfare monitoring in slaughterhouses in Flanders. The AWU is also involved in the implementation of legislation and informing actors who are subject to animal welfare regulation about legislation and policy.

5.1.3 The police, the Hormones Unit and public prosecutors

The police, both federal and local, are also authorised for reporting and investigating violations of food safety and animal welfare laws.¹¹³ Their experience with these cases is mostly reactive: they intervene after complaints have been filed by citizens, (ex-) employees of meat companies or after receiving negative findings from FASFC inspections. Typically, the federal police only get involved in cases involving hormones and large-scale cases of food fraud. When the prosecutor decides to further investigate a certain case, this is done with the cooperation of the FASFC and the federal police. The FASFC requires the police when coercive measures are necessary or for other police capabilities. However, the cooperation of the police is not always provided, for example, when the police department does not have or does not want to invest time and capacity on food safety cases and gives priority to other crimes (e.g., drugs). Also, their interests in a case do not necessarily coincide. For example,

¹¹² Vancoillie, L. (2020, October 27). Vijftig extra dierenartsen starten met gerichte controles in Vlaamse slachthuizen. *Landbouwleven*. <https://www.landbouwleven.be/9316/article/2020-10-27/vijftig-extra-dierenartsen-starten-met-gerichte-controles-vlaamse-slachthuizen>, last accessed September 2021.

¹¹³ Article 3, paragraph 1, Controlebesluit, 2001. Article 34, paragraph 1 ‘Wet van 14 augustus 1986 betreffende de bescherming en het welzijn van dieren’, BS 3 december 1986.

when the FASFC prioritises to halt rule violations out of food safety concerns, an immediate stop of illegal activities hampers a police investigation that intends to detect the source of hormone supply.

The local police (and customs, whom are concerned with the transport of animals) have the authority to report and act upon food safety and animal welfare violations. When the local police detect a relatively small-scale food safety violation, they usually investigate themselves. Sometimes they do so without any involvement of the AWU or the FASFC. One reason for this is the lack of familiarity with the mandate of the FASFC (Fillet, 2015). In cases involving the of seizure of animals, the AWU *always* has to intervene because this is their administrative competence.

Some public prosecutors specialise in food-related criminal cases. In the five Flemish court districts at least one prosecutor, per district, is assigned as ‘referral magistrate’ responsible for ‘food and pharma-crimes’. In some cases, this person is also responsible for environmental and/or animal welfare cases. Together, with experts of other state agencies, the prosecutors form an expertise network for food crime. For the criminal investigations, the prosecutors are urged to primarily consult with the FASFC because of their expertise, although for special police authorisations (local or federal) police agencies need to be involved. Federal (confidential) guidelines prescribe that hormones cases must always be prosecuted. These cases have priority status and cannot be dismissed based on the principle of opportunity.

The national Hormones Unit of the federal police is a special unit established in 1995 following the murder of veterinarian Van Noppen (see Chapter 2). The unit focuses on illegal growth promoters in livestock rearing, the use of medication and hormones in horse and human doping. They used to investigate cases of food fraud and safety, but these cases are now assigned to the NIU of the FASFC. The Hormones Unit is not authorised to conduct criminal investigations, they can only support investigations initiated by the federal or local police. Thus, they depend on information and initiatives of these police units and the FASFC. However, according to an interviewee working in the unit, expertise in police units has been dwindling. Also, information the Unit receives from the FASFC about veterinary hormones cases (at least at the time of the interview in 2015) is limited, because of limited time and capacity for these cases, or at least this information is not reaching the Hormones Unit. Because the Unit’s manpower and expertise have strongly decreased over the years after the retirement of several of its members, the focus on veterinary hormones cases by public

authorities is further diminished.¹¹⁴ The loss of expertise within the regional police units as well as the limited urgency they prioritise to cases of hormone-related crimes in cattle raising (and other food safety crimes) is, at least partly, explained by the fact that such crimes are not prioritised in the National security plan (Politie, 2008, 2012, 2016).

5.1.4 The Federal Agency for Medicines and Health Products (FAMHP/FAGG)

Within the FPS responsible for public health, the Directorate General (DG) Animals, Plants and Food is, among other things, responsible for creating legislation and monitoring animal health, veterinary activities, animal medication, feed and animal by-products (DG Dier, Plant en Voeding, 2017). The FAMHP ('FAGG' in Dutch), under the authority of the Minister of Public health, is responsible for the quality and safety of human and veterinary medication and health products. The main activity of the FAMHP is the detection of counterfeit medication, which is mainly a problem in human medication. Concerning the meat sector, the FAMHP is only authorised to investigate the *supply* of medication to livestock farmers by pharmacists and veterinarians, but no longer for the use of medication. Investigating the use of veterinary medication is the competence of the FASFC. In practice this leads to very little involvement of the FAMHP in cases about the supply of veterinary medication to livestock producers. Because of the possibility of a case being handed over to the FASFC after doing 'their' part of an investigation, they usually transfer cases from the outset. When the FAMHP *is* involved, their task consists of checking if the medication is legal. If the medication is legal, they check to see if it is permitted for use on food producing animals. The FAMHP also investigates supply channels (e.g., pharmacists, veterinarians) in such cases, although there is overlap with the FASFC's activities: suppliers need to have an authorisation by the FAMHP for trade in hormonal substances and antibiotics for example, but when these substances are mixed with others for medicated pre-mixtures and feed, then the FASFC is authorised.

Although both the police's national Hormones Unit and the FAMHP currently play a modest role in veterinary rule violations, they are worth mentioning as it shows the fragmentation in monitoring the meat sector and how, over time, some competences of bodies with a public health or law enforcement agenda have shifted to the FASFC. On the one hand this might be more efficient, but on the other it could diminish a critical follow up of rule violations,

¹¹⁴ In 2015 their complete team consisted of only five persons who did *all* types of investigations, mainly (95%) human doping. They only investigated a few cases concerning livestock hormones per year.

especially when considering the positioning of the FASFC under guardianship of the Minister of Agriculture and the worries that some state regulators have expressed about the meat sector's strong political influence in food safety regulation. Moreover, some criminal law enforcers are worried that the lack of attention on hormone use in cattle hampers its detection.

5.1.5 Labour inspectorates

Several state actors are authorised to inspect companies for compliance with labour legislation. Their authorities overlap, but in practice they have made agreements about who does what. All labour inspectorates are authorised to monitor undeclared work. The Social Security Intelligence and Investigation Service ('SIOD') coordinates the common actions of the different social inspectorates in their fight against illegal labour and social fraud and provides training for the labour inspectorates (Ponsaers, 2015b). They do not conduct their own investigations but support the federal social inspectorates and coordinate monthly meetings.

The labour inspection ('TSW') is part of the FPS Employment, Labour and Social Dialogue ('FOD WASO'). It monitors wages, self-employment fraud, and compliance with labour conditions/wage agreements. Another inspectorate, Supervision of Well-being at Work (part of the same FPS) monitors work safety and health. It also has a preventive role to provide information and training about the wellbeing to employers and employees (Ponsaers, 2015b). Yet another inspectorate of the same FPS is the National Employment Office (NEO, 'RVA'), tasked with monitoring unemployment (fraud) and the rights of those receiving unemployment benefits.

Due to overlapping mandates, the Social Inspection was integrated into the National Social Security Office (NSSO, 'RSZ') during the fieldwork in 2017. The NSSO, part of the FPS Social Security, collects and administers social contributions of employers (Ponsaers, 2015b). The NSSO focuses on those companies making social security contributions and investigates for example social fraud, illegal labour and illegal subcontracting. During fieldwork (2016/2017) a specialised unit of the Social Inspection named 'Economic exploitation and social fraud unit' ('cel Ecosoc'), inspected workplaces when there was suspicion of illegal employment of foreign workers. It also focused on social security fraud in susceptible sectors, including the meat sector. In consultation with police and prosecutors this unit also made efforts to detect economic exploitation. Another special unit of the Social Inspection, named the 'Cross-border posting of workers unit' ('cel GOT'), focused on social

dumping and transnational illegal posting of workers (e.g., by means of illegal employment agencies).

The different types of labour inspectors have only partial police powers, including the writing of First Information Reports (e.g., of a rule violation or to give warnings to an offender), visiting work places and gather information by interviewing employers and employees (Ponsaers, 2015b). The judge advocate for labour is the prosecutor who is attached to the employment court and prosecutes labour related crimes.

5.1.6 The Belgian accreditation organisation (BELAC)

Each member state of the European Union has a national accreditation body. In Belgium this is BELAC, established by the Royal Decree of 31 January 2006. BELAC falls under the responsibility of the FPS Economy, Small or medium sized firms (SMEs), Self-employed and Energy.¹¹⁵ BELAC is responsible for accreditations of certifying organisations. As explained in following sections, independent certification bodies (ICBs, ‘OCI’s’ in Dutch) who want to accredit SMSs of companies, first need to be approved by BELAC (and then by the FASFC).

5.1.7 Multi-agency platforms and cooperation

State actors cooperate to detect and enforce rule violations related to the meat sector by exchanging information, building expertise, supporting police investigations and through joint actions. The first multi-agency platform relevant to the meat sector is the Inter-ministerial Coordination-unit Food Safety (‘ICVV’ in Dutch), established after the dioxin crisis. The members (e.g., Minister of Public health, prosecutor, FASFC) meet every three months to increase cooperation in the field of controlling and detecting food safety at the policy level.

Concerning hormone use in the meat sector, the former Hormones Unit (then part of the IVI, and now the NIU), was transformed into a consultation platform in 1997, the Multidisciplinary Hormones Unit (MHU, ‘MDHC’). Different inspectorates and police departments met under this name every 14 days (and still do under their new name) to establish and exchange knowledge about use and trade in illegal medication and hormones for animals and humans. The MHU was not responsible for investigations, which is the task of local and federal police. The prosecutor supervised the MHU and the federal police Hormones Unit coordinated it. In fact, all of the activities of the police Hormones Unit were discussed in

¹¹⁵ Regulation regarding the accreditation process can be found on the website of this FPS: http://economie.fgov.be/nl/ondernemingen/leven_onderneming/kwaliteitsbeleid/Accreditatie.

the MHU. In 2018, the MHU transformed into the new structure, Pharma and Food crime Platform (PFCP) (FAVV, 2020c). The platform allows the coordination and exchange of information but is not operational. Content-wise, the focus shifted from only hormones, to food fraud and the use of other (human) medication and food supplements.¹¹⁶ According to the NIU, there were a few reasons for this change of focus. First, the changes were based on the phenomena they observed: reductions in crimes involving illegal growth promoters in livestock breeding and increases in the trade of counterfeit medication and illegal food supplements, counterfeit food and trade in illegal or false substances that end up in the food chain and create public health risks.¹¹⁷ A second factor contributing to the transformation was European Regulation 2017/625 that amended former regulations and directives, demanding more focus on fraud in food supply chains.¹¹⁸ Other than the MHU, the PFCP also conducts investigations at the request of criminal justice authorities.

The FASFC's NIU chairs the three-monthly meetings of a Multi-disciplinary anti-fraud unit for the safety of the food chain ('MFVV' in Dutch). This is an operational unit that focuses specifically on fraud in food supply chains. Participants include representatives from the FASFC, the FAMHP, the FPS Finance, the federal police and the public prosecutor. The MFVV takes initiatives for coordinated actions, which sometimes involves other public authorities (e.g., the FPS 'Economy, S.M.E.s., Self-employed and Energy', the FPS Social affairs and SIOD) (FAVV, 2020c). Whenever the unit runs into problems of cooperation on a policy level, this is forwarded to the ICFS.

The Interdepartmental coordinating committee for combating fraud in the economic sectors ('ICCF' in Dutch) is another initiative, which brings together state actors that discuss *all* types of fraud, including food fraud and fraud with European agricultural subsidies. This committee concentrates on efficient management of information exchange and developing common strategies to combat fraud.

Concerning serious and organised *social* fraud, there is cooperation between the FASFC, social inspectorates, prosecutor and police as well. This cooperation was the result of specific efforts made between 2007 and 2012 in Ghent by the labour inspectorates and judge advocate for labour and led to the prosecution of several labour related crimes (see Chapter

¹¹⁶ Torfs, P. (2017, December 4). *The use and abuse of hormones in animal husbandry*. Presentation at KU Leuven.

¹¹⁷ Torfs, P. (2017, October 24). *FAVV: Aanpassing statuut REN/Voorstel wijziging statuut MDHC →PFCU*. Presentation.

¹¹⁸ 'Regulation (EC) No 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products'.

7). This fostered interest within the Belgian government on social issues specific to the meat sector, considering it as one of the risk-sectors for social fraud. Different agencies committed to a Protocol of cooperation in 2012 to address rule violations in the meat sector.¹¹⁹

5.2 Non-state actors in the regulation of Belgian beef and pork

The increased role of private actors in food regulation is also visible in the regulatory framework for the Belgian meat sector. In this section I discuss the actors that I refer to in the rest of this study. I make a distinction between actors who are part of the supply chain (e.g., slaughterhouses) and those operating external to the supply chain (e.g., certification bodies, NGOs).

5.2.1 Non-state actors inside the supply chain

Important non-state actors in the regulation of food safety are, in the first place, the ‘regulatees’ themselves. Certain employees at slaughterhouses are often specifically trained in compliance with food safety/quality regulations and/or with animal welfare rules and standards. Also, companies further down the supply chain monitor the meat companies that supply to them.

Enforced self-regulation by meat companies: mandatory self-monitoring system (SMS)

In order to control food safety risks, the Belgian government, since 2006, requires that food operators, except for primary producers, have a self-monitoring system (SMS, ‘ACS’ in Dutch) in place, based on the HACCP principles (see Chapter 2) (Mahy & Sanak, 2017). This model is an example of enforced self-regulation (Ayres and Braithwaite, 1995, p. 101). The mandatory SMS places the primary responsibility and accountability for food safety with the companies themselves, a concept that is based on the GFL that was translated into a royal decree in 2003 in Belgium (Mahy & Sanak, 2017; Wubben & Hubeek, 2006, p. 35).¹²⁰ The aims of the SMS (and HACCP) are to identify risks in processes of production, processing and distribution of food, to assess the likelihood they will occur and to control and document

¹¹⁹ ‘Protocol van samenwerking tussen de FOD WASO, FOD Sociale Zekerheid, de RSZ, de RvA, de SIOD, het FAVV, en de organisaties vertegenwoordigd in het Paritair Comité voor de voedingsnijverheid met het oog op de strijd in de vlessectoren tegen het illegale werk, de sociale fraude en de frauduleuze praktijken betreffende de voedingsveiligheid’ (2012).

¹²⁰ ‘KB 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen’, BS 12 december 2003. ‘Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety’ [General Food Law]

the weaknesses within these processes (FAVV, 2017b; Hoffmann & Harder, 2010, p. 20). Documentation of observations of the production chain are required for the traceability, to find the origin of problems and to trace the distribution of products in cases of fraud and/or public health risks that require a recall (Cazaux, 2003, p. 165).

The SMS does not negate FASFC involvement. The FASFC monitors meat companies to ensure they effectively and efficiently apply the system (Cazaux, 2003, p. 165). An important condition for an effective SMS is the disclosure obligation. If there is a problem with a food product an operator is obligated to inform actors in prior phases in the supply chain and, if the products have already been sold, the subsequent phases. In case of a food safety risk, the operator needs to inform the FASFC as well.

The Belgian government encourages meat operators to validate their SMS through a *bonus-malus* system (Raone & Schiffino, 2015; Wubben & Hubeek, 2006, p. 36). Under this system, when the SMS is accredited by an ICB or by the FASFC itself, the latter will reward the company by reducing their annual contribution and inspecting their facilities less frequently. The sector itself creates the guidelines of the SMS. The professional association of Belgian meat ('FEBEV') has published the Guide for self-monitoring (or 'sectorial handbook'), the 'G018', which is approved by the FASFC.¹²¹

Jacxsens et al.'s (2015) research about the SMS in the Belgian food sector concluded this system is a success, in terms of performance of food safety management, microbiological 'output' and FASFC inspection results, especially in food *processing*. However, they admit this could also relate to the high level of actors having private schemes in the processing sector. Interestingly, they found also higher 'success' levels in sectors processing animal products, which they relate to the important mediating role of professional associations, the clarity of norms and the heavy controls in these sectors.

The quality manager and Animal Welfare Officer within the slaughterhouse

Quality managers in the slaughterhouse are responsible for ensuring compliance with food safety and quality rules. This is a relatively new position and some of the interviewed quality managers were among the first ones assigned to this job in their companies. In small-scale slaughterhouses the owner usually takes up these tasks himself. Managing the quality system of the slaughterhouse includes an increasing number of responsibilities, such as observing the

¹²¹ Companies that become a member of the professional association have free access to the electronic version of this handbook, but other meat companies, certifying companies and other interested parties have to pay 630 euros (with potential updates costing a maximum of 120 euros) (FEBEV, 2020).

technical specifications of meat products, cleaning activities (and cleaning products), temperatures (of meat, in refrigerators, etc.), sampling meat, monitoring infrastructure and pest control. The quality manager has an important role in acquiring and maintaining certificates.

The Animal Welfare Officers (AWOs) monitor animal welfare within slaughterhouses. Since 2013, the EU dictates that all slaughterhouses slaughtering more than 1,000 cattle or pigs per year employ a qualified AWO.¹²² This person ensures that procedures are followed in accordance with European animal welfare rules, in an effort to minimize animal suffering. The AWO is also responsible for training other employees that work with and around live animals (Driessen et al., 2018, p. 45). To become certified as an AWO, one must successfully complete a training program (e.g., from Bristol University, in Belgium expertise comes for example from Thomas More University of Applied Sciences). Such trainings can also be tailored to a specific slaughterhouse. Often the quality manager or owner of the slaughterhouse is the one (or one of several staff members) who is also qualified as an AWO.

Certification within the supply chain on demand of distributors

Further down in the supply chain, distributors, and especially retailers, specify additional standards in addition to those prescribed by law. These are so-called non-statutory or supplementary standards that will be further discussed in Section 5.3 of this chapter. Important international private schemes that customers demand from Belgian meat producers are BRC and IFS. Furthermore, Belgian supermarket chains have introduced their own schemes and demand other private certificates that the supplying meat companies, and sometimes also the livestock farmers, have to comply with.

Slaughterhouses have little choice which certificates they commit themselves to, as this is dictated by their customers and private scheme owners. The process of slaughter in one company can be subject to a variation of standards that different buyers demand. However, one private scheme does not necessarily include standards that require an actual change in the slaughter process and/or infrastructure. In some cases, the slaughterhouse only needs to verify

¹²² Regulation (EC) No 1099/2009 of the Council of 24 September 2009 on the protection of animals at the time of killing.

a standard that was already integrated by their own initiative or for another of their certificates.¹²³

5.2.2 Non-state actors outside the supply chain: the booming certification business

Many third-party private actors *outside* the supply chain contribute to regulation in terms of standard setting, auditing, certification, training and consultancy. Some of these actors audit meat companies to check compliance with a scheme, that, in some cases, was actually created by these third parties. Civil society actors mainly influence processes of standard-setting.

Independent certification bodies (ICBs) & consultants

Since the dioxin crisis, independent certification bodies (ICBs) were established, which are third parties that evaluate quality systems, ranging from SMS-accreditation to a variety of private schemes (Raone & Schiffino, 2015, p. 185). Some ICBs also offer laboratory analyses of micro-organisms and/or DNA of products (e.g., to define the animal *type* of meat).¹²⁴

If an ICB wants to accredit SMSs, they need to follow an approval procedure by BELAC and receive final approval by the FASFC. As such, the FASFC audits the ICB. The ICB is also legally obligated to forward their audit reports to the FASFC.¹²⁵ ICBs can certify meat operators for all types of other (private) labels, including those of retailers. Of the ICBs in Belgium that at least validate SMSs, 13 (in 2018) offer certification in one or more phases of the meat supply chains.¹²⁶ Some ICBs only certify primary producers of feed and/or livestock while others are involved in ten or more phases from ‘farm to fork’ (e.g., SGS Belgium NV and Vinçotte NV). A small number of ICBs offers certification of organic meat products. ICBs must hire OVs who have an implementing arrangement with the FASFC to audit the SMSs of slaughterhouses and cutting plants.¹²⁷

Consultants specialised in food regulation offer meat companies their expertise to help them gain and maintain compliance with food safety, food quality and environmental rules

¹²³ With ‘scheme’ I refer here to a specification sheet, that includes all the public and private standards that a company must comply with in order to obtain/maintain a certificate.

¹²⁴ The events during the Dioxin crisis had also shed light on not having enough accredited labs to analyze products on the dioxin levels.

¹²⁵ Article 10, paragraph 3(5) ‘KB 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen’, BS 12 december 2003.

¹²⁶ FAVV (2018). *Coördinaten van de erkende certificerings- en keuringsinstellingen (OCI's.)* <http://www.afsca.be/autocontrole-nl/oci/coordinaten.asp>, last accessed April 2018.

¹²⁷ This rule is specific for companies working with products of animal origin for human consumption, based on ‘Regulation (EC) No 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products’.

and standards. They update and advise companies of new rules, critically assess the way the FASFC implements legislation and contest sanctions that state actors impose on a company (if they see the need). At the same time, the consultants assist and prepare companies for crisis management, support them in case of an actual crisis and consult them about assessing their vulnerability to fraud in their supply chains. Other consultancy duties may include advising and training on organisational culture awareness and the importance of implementing an effective whistleblowing system. Apart from their independent position, one advantage of an external actor is that he/she has observed practices in many different companies compared to an internal quality manager. On the other hand, because they are not present in the slaughterhouse on a daily basis, they cannot directly observe and correct non-compliance in day-to-day work processes.

Owners of private schemes

Several Belgian private certificates are meant for the supply chain of one type of meat. Integrated Chain Management and the corresponding labels were established by the Belgian sectors' professional associations. They mainly intend to inform businesses. Belbeef is one such certificate for the beef supply chain and was established as a response to the problems with hormones in the '90s and the dioxin crisis which shed light on the lack of traceability of goods and ingredients. The label concentrates on food safety, includes additional inspections in certified companies, and analyses samples for microbiological and chemical risks, hormonal residues, additives and contaminants.¹²⁸ Belbeef also facilitates traceability by connecting information between the different phases in the chain. It guarantees that animals are born and raised in Belgium, processed by Belgian slaughterhouses and traded by Belgian wholesale traders. Belbeef also brought together the standards of different retailers into one scheme to facilitate for a meat company to supply to buyers with different demands, without undergoing separate certification processes. Most retailers in Belgium demand that their beef suppliers have a Belbeef certificate, and these are audited by ICBs. The meat operators cover the costs of these audits.

An example in the pork sector is Bepork, which operates in a similar way. Initially this quality label was an initiative limited to the Belgian market. Now it is associated with a major German quality label for pork, 'Qualität und Sicherheit' (QS). As such, Bepork is important for Belgian pork producers who export to Germany.

¹²⁸ Belbeef (2017). *Ontstaan en krachtlijnen van Belbeef*. www.belbeef.be.

Other than private schemes, there are other schemes that are informing *consumers* (B2C) including those regulating halal and organic production. They inform consumers about specific aspects of the production process that are not observable in the end product. Therefore, clear communication and consumers' trust is very important for these labels (Roels & Van Gijsegem, 2013). An important difference between the two is that organic production is regulated by the EU while halal is not. Therefore, organisations certifying organic production, such as Certisys, are accredited by the Belgian accreditation body (BELAC), whereas in 'Halal' certification state-regulation is absent (van Waarden & van Dalen, 2015). Meat companies also comply to quality labels abroad when supplying to foreign customers.

Civil society actors

Civil society actors, such as media, citizens, NGOs and labour unions, also contribute to the regulation of the Belgian meat sector. In a rare case they even set up their own private scheme, such as the Dutch 'Better life' hallmark, a private certification system built by the Dutch Animal protection society. Civil society actors most often influence standard-setting processes by participating in public debates, councils and stakeholder platforms and by applying pressure on governments and companies through influencing public opinion. More specifically, Belgian civil society actors support the interests of animals and slaughterhouse staff, raise awareness about activities that violate existing rules, demand stricter enforcement of such rules, lobby for new rules or changes to existing rules to control (legal) harmful activities, and try to change public opinion through information campaigns. The media, for example, widely broadcasted the 2018 case of a major beef producer, suspected of fraudulently bringing waste meat into the human consumption chain and falsifying freezing dates (hereafter the 'beef fraud case'), questioning the credibility of the FASFC.¹²⁹ This may have contributed to the manner in which the FASFC responded to the events (e.g., organising additional monitoring activities). Further, interviewees report how the spread of undercover footage about animal maltreatment by an NGO in a pig slaughterhouse (hereafter, the 'animal

¹²⁹ See for example Vanhecke, N. (2018, March 13). De 'maffiapraktijken' van Veviba. *De Standaard*. http://www.standaard.be/cnt/dmf20180312_03405916?utm_source=standaard&utm_medium=social&utm_campaign, last accessed November 2018. X (2018, March 12). Voedselagentschap wordt doorgelicht (en hervormd). *De Standaard*. https://www.standaard.be/cnt/dmf20180312_03404640, last accessed January 2021.

abuse case’) has forced meat operators and their clients, public regulators and private scheme owners to implement higher animal welfare standards in slaughterhouses.¹³⁰

The Belgian NGO Global Action in the Interest of Animals (GAIA) has contributed to several (public and private) standards and policies that have improved animal welfare in the meat sector. Since the 1990s, they have successfully pressured retailers to improve standards. The NGO also resides within the Council of animal welfare, advising the Flemish Minister of animal welfare. A few of the GAIA’s achievements include the closing of some livestock markets, the improvement of conditions for animals in the remaining markets, contributing to a criminal conviction of persons involved in the maltreatment of animals on a livestock market (2004) and encouraging a number of distributors to demand meat only from non-castrated pigs (2008- 2015) and requiring slaughterhouses to stun animals before slaughter (2012).¹³¹ During my fieldwork, GAIA was working on a number of issues including ritual slaughter, the castration of piglets and Caesarean operations on cattle. These topics will be discussed in more detail in Section 2 of this chapter.

The NGO, Animal rights, who filmed the animal maltreatment in the ‘animal abuse case’, has a more radical agenda of ending raising animals for human consumption. Instead of trying to influence standards to improve animal welfare in agriculture, their main objective is to force people to view animals in a non-utilitarian way to convince them to stop consuming meat altogether. Still, they choose their actions in the agricultural sector based on what is most harmful (based on science) and what is feasible (what receives public support). This sometimes means postponing certain actions until the time is right, not always pushing for the most radical solutions.

Animal welfare organisations abroad also influence Belgian meat production, as we have seen with the Better life hallmark. The Dutch animal welfare NGO, Eyes on Animals, also strives to reduce the suffering of agricultural animals during transport and slaughter.¹³² Understanding that animals are going to be consumed for food, their more pragmatic approach aims to diminish suffering during the phases of production. As such, the NGOs provide training to those tasked with enforcing regulations on laws. Further, they train transport drivers and slaughterhouse workers in animal-behaviour/intelligence and in practical

¹³⁰ This included, for example, training workers in the slaughterhouses in how to treat animals, in how to check reflexes after stunning, investing in (additional) stunning equipment, putting fewer animals together in one stable and adapting infrastructure.

¹³¹ See www.gaia.be, last accessed September 2018.

¹³² Eyes on Animals (2020). *What we do*. <https://www.eyesonanimals.com/about-eyes-on-animals/what-we-do/>, last accessed November 2020.

handling techniques that limit suffering. Another strategy they employ is providing encouragement to those engaging in ‘good’ practices and shaming those that do not.

According to interviewees, consumer organisations do not have a strong voice in the regulation of the meat sector. The Belgian Consumer ombudsman does not have a department specialised in food.¹³³ The consumer organisation, ‘Test-aankoop’, had engaged in some specific activities related to meat between 2013 and 2018. Those involved the reduction of antibiotic use in livestock raising to minimize antibiotic resistant bacteria in meat, stimulating the creation of EU rules concerning the origin of food ingredients on food labels, the prohibition of the use of phosphate in meat and recognizing and avoiding food fraud.¹³⁴

Consumers and citizens, in general, can be influenced by activities of the mentioned civil society actors, and vice versa. Consumers’ desires as well as their shopping and consumption behaviour can impact production standards. For example, distributors respond to the increasing demand for vegetarian meals, changing their purchase policies. Citizens also influence standard-setting in other ways, including environmental regulation as evidenced in protests against slaughterhouses attempting to establish or expand in certain neighbourhoods. According to three interviewees, such efforts have, at times, slowed down the permitting process and, in some cases, resulted in the withdrawal of an environmental permit. In other cases, neighbours’ protests have forced meat companies to modify their standards or infrastructure.

In short, a variety of state and non-state actors are involved in the regulation of Belgian beef and pork. Competences of state agencies are scattered between and within domains of regulation and between the federal and regional levels. This illustrates a pluralist model of regulation with a central role for the FASFC, but in interaction with other public *and* private actors. International agencies were not discussed. However, the developments in EU food regulation are reflected in the Belgian context, for example by the increasing focus on fraud in the 2017 regulation, which is also the main focus of Belgian multi-agency platforms.¹³⁵

¹³³ See <https://consumentenombudsdienst.be/nl>, last accessed October 2020.

¹³⁴ Bouhy, S., & Maertens, G. (2013). *Antibiotica-resistentie: tijd om in te grijpen*. Maertens, G., & Van Lyssum, D. (2016). *Gemakzucht eist tol*. Nies, P., & Laurysse, S. (2013). *Voeding paspoort a.u.b.!*. Renders, K., Van den Broeck, A., & Van Lissum, D. (2016). *Sjoemelvlees blijft big business*. All retrieved from www.testaankoop.be, last accessed September 2018.

¹³⁵ Regulation (EC) No 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Although the regulatory framework for meat is primarily shaped by food *safety* interests, animal welfare is gaining ground with increased capacity for monitoring activities of state and non-state actors. Before discussing the monitoring and enforcement activities of all these actors, I first turn to the standards they impose and the dynamics behind standard setting.

5.3 Standard-setting processes and the role of private standards

Standard-*setting* around one topic evolves with time, as a result of interaction between private and public actors. According to three state regulators, especially distributors have a lot of influence in the establishment of certain standards, more than the state, because they are willing to pay for it. Although public standards apply equally to all meat operators, concerning private standards there is variation on those that meat supplying companies accept. This leads to a variety in operational processes in meat production. Some interviewees find this problematic, as food safety should not depend on market forces:

The standards should be equally high everywhere?

Yes. But the customer is deciding how they work. Well, that's (...) my experience. If the FASFC want to change certain things, rules, the [slaughterhouse] sector will try to mitigate it. Whereas, if the retailer asks it, it's reality. (an official veterinarian)

As private actors have such a strong say, it is important to know about their interests behind their standards. Therefore, in Section 5.3.1 I first present empirical findings about motivations of non-state actors to apply certain standards. This completes the picture about aims of rules, as I discussed aims of *public* food safety and animal welfare rules in Chapter 2.

Because the dynamics behind standard-setting become clearer when looking at a specific standard, in Sections 5.3.2 and 5.3.3 I elaborate on the standard-setting processes concerning two specific topics which were subject of debate during my fieldwork: the standards about animal mutilation in pig farming and the slaughter of cattle without stunning in ritual slaughter. These examples demonstrate how complex standard-setting processes can be, involving the varying and changing interests of state and non-state actors. At the same time, even when integrating private standards in the regulatory framework, not all interests are served. To illustrate, in Section 5.4 I briefly discuss what state and non-state actors mentioned in interviews about the other side of the coin of standard-setting: the interests that are *not* protected by public or private rules, resulting in harms.

5.3.1 People, pigs and profit: interests and dynamics in private standard-setting

Private actors include the basic legally required standards in a private scheme and then add supplementary or non-statutory standards. In this section, I discuss the private schemes that were frequently mentioned during interviews and what private actors say about *why* they impose/certify certain non-statutory standards (and not others) to suppliers of beef and pork.

Among the different private certification schemes available to Belgian meat operators, most emphasize food safety and quality issues. Over time, other types of standards were included, such as those pertaining to animal protection. Also, private standards are sometimes integrated in legislation. For example, increased concern about antimicrobial resistance (AMR) led to initiatives implemented by the sector prior to being integrated in legislation in 2016. This demonstrates that legislation can further build on private initiatives.¹³⁶

Based on interview findings, the aims behind the standards in the schemes that focus on food safety, quality and animal welfare, include one or more of the following: reducing health risks for consumers/offering healthier products, protecting the welfare of animals and offering a certain quality (including consumers' religious and ethical wishes about production processes). Other interests mentioned by interviewees include: being better prepared to respond to food safety problems (e.g., recalls), protecting and improving the reputation of the meat sector and improving consumer trust (e.g., by guaranteeing certain production processes, demanding additional private audits), encouraging meat consumption and increasing profits (e.g., differentiate products from those of competitors by labels). As such, private standards can benefit consumers, animals as well as the meat sector: it is commercially interesting to reduce risks or harms and/or to offer something 'extra', and it is worth the investment to be prepared for crises and to avoid liability claims.

Aims behind non-statutory standards in specific private labels

Retailers dictate, to a high degree, how meat is produced in Belgium and generally set higher supplementary standards than other distributors. On the one hand, distributors can demand that their suppliers are certified by existing private schemes and on the other, retailers introduce their *own* schemes and add other standards for their supplying slaughterhouses and sometimes their supplying farmers.

¹³⁶ The sector for example established the expertise centre 'Antimicrobial Consumption and Resistance in Animals' (AMCRA) in 2012, so before the legislation in 2016 (FAVV, 2018a)

The labels that apply Integrated Chain Management, are an example of private labels created by actors outside the supply chain that Belgian retailers commonly demand of their suppliers. A private beef label concentrates on consumer safety and trust and the sector's reputation and commercial interests. They do so by requiring supplementary standards on food safety, traceability, taking additional samples to minimize microbiological and chemical risks, hormonal residues, additives and contaminants and conducting additional inspections. The 'born and raised' standard is also part of this private label. Retailers who impose this standard note its importance for marketing reasons, for supporting the Belgian economy, in reducing the ecological footprint and suffering of animals by limiting transport and in reducing costs through a shortened supply chain.

In a similar private label for Belgian pork, the 'born and raised' criterion is mainly important for export countries such as China. Since 2014, the label has demanded that pig farmers reduce their antibiotic use *and* has tried to improve several other aspects of pig farming to improve animal health and reduce the *need* for antibiotic use, which is supposed to benefit both animal and human health (FAVV, 2018a). For this purpose, the farm owner registers information about antibiotic use and the characteristics of their farms (e.g., types of stables, ventilation systems, management) that can influence animal health. When the state required registration of antibiotic use, this system came in handy. Also, after this state obligation was established, the private scheme owner for pork continues to set higher standards than the government (e.g., communicating their findings with farmers, obliging 'big' antibiotic users to come up with an action plan for reduction, and calling in veterinarians to assist in reducing antibiotic use).

The 'Better life' hallmark of the NGO, The Dutch Animal Protection Society, is another private label often required by retailers (mainly Dutch). Their non-statutory standards intend to gradually reduce animal suffering in farms and slaughterhouses with a grading system of stars. The stars indicate the level of effort made to reduce animal suffering. Some actors in the supply chains explain why they do *not* work with this label. A slaughterhouse quality manager notes that it depends not only on their own compliance with the label, but also of their supplying farmers (e.g., adapting infrastructure). The quality manager of another slaughterhouse explains they lost the label, and therefore a client, because they also engage in ritual slaughter. The 'Better life' hallmark prohibits ritual slaughter in the same slaughterhouse, even though the ritually slaughtered animals are not destined for the label, and even though the post-cut stunning method is applied for these cattle. A supermarket quality manager explains that they cannot work with the 'Better life' hallmark for cattle

because the breed of cattle they work with (required by another private label) cannot give birth naturally. This is also not allowed by the Dutch hallmark. The retailer could consider the label for their pork, but the interviewee was clearly sceptical: he believes that their (Belgian) customers are less occupied with these standards than Dutch customers, that some of the labels' standards do *not* improve animal welfare, and he finds it paradoxical that an NGO that intends to protect animal rights is profiting by selling meat. He also believes their own standards are higher than those of the label and that the label would make their meat too expensive.

Apart from the private schemes set up by actors outside the supply chain, retailers impose 'concepts' to control the different production processes of the supplying farmers and/or slaughterhouses. This includes, for example, demanding the use of certain animal feed, breeds, and the application of analyses of *E. coli* on animals in slaughterhouses. One retailer explained that their motivation for such 'concept meat' is to provide a higher quality product as well as consumer health concerns. But, aware that not all consumers are ready to pay a higher price, they do not want 'concept meat' to be much more expensive than 'regular' meat. Therefore, not just *any* non-statutory standard is integrated that would positively affect meat quality, only those that fit within a certain budget.

In Belgium, mainly retailers, and, sometimes other distributors (e.g., food service, catering industry), also set non-statutory animal welfare standards including, for example, forbidding pig castration and the slaughter of animals without stunning, as well as limiting the distances that livestock can be transported. Apart from wanting to reduce animal suffering, the distributors explain that some of these standards are introduced because they improve the quality of the meat and admit that their motives are at least partly commercial. They mention that they want to make consumers feel good, to build a positive reputation, to avoid consumer boycotts and to distinguish themselves from their competitors. That is also why pressure from NGOs seems to be effective in making these distributors enforce such standards on their suppliers. According to one civil society actor, when it comes to animal welfare standards, the initiatives of retailers have actually achieved more and faster results than public regulation. Once retailers have gained experience with integrating non-statutory food safety and quality standards, doing so for animal welfare is usually the next step.

Interestingly, certain forms of 'avoidable' animal suffering seem to be less of an issue for interviewed distributors than others. They were not considering, for example, stopping the routine docking of pig tails, nor discontinuing to buy meat from cattle that can only give birth

via a Caesarean as a consequence of selective breeding. This seems to be related to the feasibility of introducing a standard: the more radical the changes needed for the production chains, the more complicated and expensive it is to implement it. The Belgian White-and-Blue race that is not able to give natural birth is the most commonly held race of Belgian beef cattle, so demanding another race from Belgian farmers is not considered feasible for the moment.¹³⁷

Also, foreign countries add to the standards that are not part of Belgian public standards. Sometimes these can be more strict than Belgian standards. According to an interviewee, additional standards set by Asian export countries are mostly motivated by economic interests, even though they are officially motivated by public health and animal health and welfare. An example of Asian demands is a lower maximum temperature to store meat (with unknown effects). A demand of South Korea is that pigs have never been given *any* antibiotics, whereas in Belgium, antibiotic use in pig farming is not completely prohibited. Animal welfare standards are generally lower in Asian export countries than in the EU. According to an interviewed OV the variation in buyers' non-statutory demands helps to explain why the health of animals that arrive in a slaughterhouse varies and why the meat quality varies between slaughterhouses. This depends on the (type of) buyer and its geographical market (Belgian, European or non-European):

They, in [slaughterhouse X], distribute meat. So those pigs are completely boned in [that place], are completely cut and the meat goes to [retailers] and other clients. He has to buy better quality [animals] to keep his clients [compared to slaughterhouse Y, who exports carcasses]. And then, because you buy better quality, you also buy less diseases, that is automatically the case. And then [at slaughterhouse Y] you will see there, if you are at that slaughter line or if you are with me on the slaughter line, you see two different types of pigs. Yes, cattle also [has the same dynamic], [slaughterhouse A] versus [slaughterhouse B] is a big difference. (an official veterinarian)

The economic interest of slaughterhouses to participate in private certification

What does private certification mean for the interviewed meat operators? The meat producers do not have much to say about which specific private standards are imposed on them. A slaughterhouse often has multiple buyers who can all have varying standards concerning the

¹³⁷ That could also be (part of) the reason that the Dutch Better life hallmark, that does not allow this practice, did not seem to be popular in the Belgian beef supply chain at the time of this research.

production processes. Apart from what slaughterhouse managers might think is best for consumers and/or animals, an important consideration for them is the cost-effectiveness of private certification. Some slaughterhouse managers commit themselves to any private scheme depending on their clients' wishes to maximise profits. Others, especially small-scale actors, state that they do not want to supply to big retailers because they prefer to maintain their independence, to avoid the price pressure and the paperwork it would entail, and/or to avoid the costs of certification and audits that they do not consider cost-effective. As long as there are wholesale meat traders whom they can sell to, they believe retailers' schemes would straitjacket them more than they feel is necessary as explained by one meat operator in the following:

As long as we can serve clients without being obliged to do that [comply with private schemes], who do not demand that... For the supermarkets, they all demand it, but it all costs money, but doesn't bring in *anything*. The supermarkets will not pay *more* for it. They say, 'You have to do things like this, otherwise you cannot supply to us', yes. (a slaughterhouse owner)

This interviewee, along with three other slaughterhouse managers and an OV, believe that the schemes impose 'surreal' demands that do not affect the meat quality and mainly serve the commercial interests of scheme owners and auditors. They believe that compliance with public regulation should be sufficient to sell to *all* buyers.

The economic interest of distributors in standard-setting

The profits and budgets of the distributors are important considerations in private standard-setting processes. Merely setting higher standards increases the price of meat. The supplementary standards are commercially interesting, but a low price is also important for competitiveness. Eventually, the price of meat is usually decisive when choosing a supplier, apart from the volume and the quality a supplier offers.

There is a difference if we look at this 'quality'-price balance¹³⁸ (or tension) between *types* of distributors. According to interviewed state and non-state actors, retailers generally set higher supplementary standards than other distributors such as food service companies and restaurant chains. Schools, rest homes and hospitals often directly buy from meat processing companies. These organisations are less demanding about specific labels and ingredients than

¹³⁸ For convenience, with 'quality' I refer here to all kinds of supplementary standards, so including animal welfare and other standards regarding the production process.

retailers and have limited budgets. The quality manager of a restaurant chain noted that they do not demand private meat labels. Their only demand is that grilled beef and steak are from the Belgian White and Blue breed. Aside from this, price is the decisive factor. As such, their pork is usually purchased from Belgian suppliers or from those in neighbouring countries in an effort to shorten logistic chains.

Tendering procedures organised by distributors (also governmental institutions demanding catering) push prices down and challenge the quality of production processes of the meat suppliers. According to one restaurant chain quality manager, the number of large-volume Belgian beef suppliers is limited, resulting in fewer options to choose between or change suppliers. He explains how they sometimes set up contracts with two suppliers at the same time, and then increase the volumes or only continue working with the one they are most satisfied with after approximately one year. Their suppliers do not appreciate this 'dual sourcing' which leads to competitive pricing.

Big, sometimes multinational, companies are interested in suppliers (in Belgium or abroad) who can offer a wide variety of meat products at high volumes. This lowers the prices and simplifies contacts and monitoring by the supplying company. In this sense, two supermarket quality managers expressed their support for horizontal integration and consolidation in the meat sector. At the same time, these interviewees acknowledged that the concentration of a few powerful meat suppliers would lead to less competition, higher prices for them and less innovation. For small meat producers specialising in one meat product, concentration complicates their sales to big retailers.

Instead of contributing to this price pressure by dynamics of high competition, tendering procedures and short-term contracts, some supplying meat operators and distributors see advantages in establishing 'partnerships' with suppliers. This is a more long-term-oriented form of cooperation, with more dialogue between supplier and buyer. It releases some pressure on price and enables elevating production standards (e.g., of food safety, animal welfare) which is in the interest of distributors as well. Partnerships potentially offer meat suppliers more financial security to invest and facilitates their compliance with the increasing amount of public and private standards. It also diminishes meat suppliers' need to meet (varying) standards of several buyers at the same time and thus spreads the financial risk. In the following, one retailer's quality manager explains what is interesting about partnerships, although he admits price is still more important when contracting a supplier:

The system we have today is to cooperate with multiple suppliers, with multiple slaughterhouses, that's ehm, [using a] tendering procedure, (...) the cheapest can supply. You're constantly applying quality control in order to keep the pressure on the suppliers. With a strategic partner that all disappears. Then we just say, 'This is what we want and this is what we pay for. If you as a slaughterhouse or... make the investments, then we can discuss that together'. Then you invest in what the client wants to pay for, and for example not in, say, completely switching to green energy and solar panels while our customers prioritise animal welfare. Then [if customers prioritise animal welfare] you better make sure there is a good stunning installation, just to name something. With a strategic partner you can do such things. In the current situation it's very difficult for slaughterhouses, because Carrefour asks something, Delhaize asks something, Aldi, etc. and they [meat supplier] have to be able to simultaneously meet all those demands. They [the slaughterhouses] take the common denominator in all that. So, for them it is very difficult to separate all that and to fulfil all demands. (a retailer's quality manager)

Admittedly, the reason why this retailer does *not* operate like this is simply that opting for the lowest cost price is decisive for profits. Multiple suppliers who compete with each other keep prices low. He agrees that pressure on the cost price is contradicting the quality demands, which is what suppliers disapprove of. But he does not accept this as a reason for suppliers to postpone investments, to give less priority to standards or even to be non-compliant with certain standards. As such, the supplier is required to produce as cheaply as possible, but according to an increasing number of standards.

Still, retailers are very much concerned with what the consumer wants for commercial reasons. A retailer's quality manager talked, for example, about how they are internally reconsidering the animal welfare demands:

My preference, and that is one possible path that is being investigated, is to look at 'what is animal welfare'? again. What is animal welfare in the customers eyes? And what is animal welfare for the animal? And how can we use the best of both worlds with our animals, that also impact the quality of the meat?

He repeatedly mentioned how they monitor consumers wishes to make decisions about their standards. But this way they shift at least part of the responsibility to the consumer. At the same time, the interviewee explained that he prefers animal welfare standards that do not imply big changes in their supply chains. So, in the 'quality'-price balance, this means that they consider not only 'objective' quality standards, but also standards that will convince the

consumer to buy the product apart from its real effect on animals, and only to the degree that standards are economically feasible. The partnership model could allow for more long-term investments to improve the ‘quality’, but this assumes that consumers are willing to pay a higher price when supplementary standards are met. Interviewed meat suppliers are sceptical about this and complain that consumers still opt for the cheapest meat, no matter what they report in surveys. It seems more legitimate to not base animal welfare standards on consumers’ wishes, but, instead, on scientific knowledge. In the literature review we have seen how the power of consumers is limited. And even if we assume they influence production standards that benefit animals and/or consumers, they need to be well informed about animals’ interests and production methods *and* be willing and capable to pay the price.

Another commercial reason for distributors to impose private standards are the profits involved in the certification itself. Launching a new scheme and newer versions of old schemes can bring in a lot of profits for the scheme owner. To illustrate this point, in 2018, BRC introduced ‘Food issue 8’ of their scheme. Under this, companies are required to purchase the book of standards for several hundreds of euros, and then pay for the costs of audits and (potential) subsequent audits in case of negative findings. Journalists warn how the schemes that retailers impose are a way to force slaughterhouses and boning plants to be more transparent about their operational management.¹³⁹ Retailers can use insight in meat producers’ margins to increase price pressure and competition. The Centre for Research on Multinational Corporations (SOMO) warns how this same dynamic is observed with suppliers who want to qualify for tenders of International supermarket buying groups (IBGs) (ten Kate & van der Wal, 2017). The suppliers need to share very detailed information in such tenders, which can expose them to unfair trade practices because it allows IBGs to abuse commercially sensitive information and increase competition on an international level.

From the interests of private actors to impose supplementary standards on meat suppliers, we move back to the broader topic of *processes* of standard setting, which involve both private and public actors. I selected two specific topics that were subject of debates in Belgium during fieldwork, namely, the standards on animal mutilation in pig farming and the slaughter without stunning of cattle in ritual slaughter. These examples show how legal demands and

¹³⁹ Schoofs, N., & Michielsen, T. (2018, March 17). Wie controleert die mensen nog? *De Tijd*. GoPress.

private standards evolve over time around one topic, with different actors and interests influencing the process.

5.3.2 Standards concerning animal mutilation in farming: developments and interests

One example of a private initiative that led to improvements in animal welfare standards was reducing the practice of castrating piglets. It shows how varying demands of buyers lead to varying production processes. Castration is a legal and common practice to avoid boar taint, a foul odour and taste resulting from heating uncastrated boar meat. Public authorities at the EU level have discussed the prohibition of surgical castration without anaesthesia, which is also supported by the Flemish government.¹⁴⁰ But some private actors have not been waiting for legislation. Because surgical castration causes animals to suffer, Belgian retailers, under pressure from NGOs, demand that their pork suppliers do not engage in this practice, at least not without anaesthesia. Apart from distributors who demand anaesthesia before castration, others require that the animals are injected with a vaccine that limits the development of certain hormones and limits development of the boars' testicles (also called chemical castration, or immunovaccination). Yet other distributors demand that pigs are not castrated at all.¹⁴¹ Some of the motivations to impose these standards mentioned by distributors' quality managers include: reducing animal suffering, improving or protecting the company's reputation and other commercial reasons. A retailer's quality manager explains that they forbid any castration to avoid animal suffering and for commercial reasons to protect their reputation. Their solution is to set non-statutory standards about the genetics of pigs which allows them to avoid castration without risking boar taint. This also has other positive consequences, as these animals have a calmer demeanour and experience less overall stress. A retailer's quality manager also speaks of feasibility and market dynamics for farmers that they consider in their stand on pig castration. Knowing that some foreign buyers do not accept meat from chemically castrated pigs and considering the high proportion of Belgian pork exported, this retailer does not accept physical castration without anaesthesia, but leaves the

¹⁴⁰ Vilt. (2019, December 10). Vlaanderen neemt Europese voortrekkersrol dierenwelzijn. *Vilt*. <https://vilt.be/nl/nieuws/vlaanderen-neemt-europese-voortrekkersrol-dierenwelzijn>, last accessed September 2021.

¹⁴¹ For example, since 2013, Aldi stopped selling fresh pork from physically castrated pigs. Other retailers (e.g., Delhaize, Colruyt and Lidl) had already banned it, and some of them, instead, allow chemical castration. Belsack, E. (2012, December 27). Renmans stopt met verkoop vlees van gecastreerde biggen. *De Morgen*. <https://www.demorgen.be/tech-wetenschap/renmans-stopt-met-verkoop-vlees-gecastreerde-biggen~ba21d661/>, last accessed September 2021.

choice about alternatives to farmers. This way the farmer can meet demands of different (also foreign) buyers simultaneously.

Another practice of pig mutilation in farming is tail-docking, done to avoid pigs biting one another's tails, caused by stress (i.e., because of the unnatural living conditions and limited space). Tail-docking is only allowed in case this problem cannot be avoided by a change in operational management.¹⁴² But, in practice, it occurs routinely.

Improving the farming conditions is a preventive measure that works on the underlying *causes* of pig tail biting in intensive farming. But changes in farming conditions would make intensive pig raising far less profitable. Currently, certain 'enrichment' material (i.e., hay, wood) are prescribed by law to give pigs sufficient alternative ways to occupy themselves and display, as much as possible, their natural behaviour instead of tail biting.¹⁴³ But in practice farmers often chose the cheapest and least labour-intensive way to fulfil the demand of providing enrichment material. An inspector mentioned that it is important to monitor this, but also to sensitise farmers and to investigate solutions for farmers. When raising this topic during interviews with retail quality managers, they stated that the routine tail-docking by their suppliers is not a topic they address.

5.3.3 Standards concerning ritual slaughter: developments and interests

The ritual slaughter of cattle is a controversial issue because of the tension between the freedom of religion and animal welfare, but also because of the lack of uniformity and transparency in private certification of meat from ritually slaughtered animals (van Waarden & van Dalen, 2015; Vanthemsche, 2017). The regulation of 'halal' and 'kosher' meat serves the religious interest of consumers. Among other things, it entails the slaughter of animals without stunning, resulting in additional suffering when the animal's throat is cut and from the stress suffered prior to losing consciousness (Peeters, 2007, pp. 111, 112). Although this technique is forbidden by the EU, religious practices are exempted from this prohibition.¹⁴⁴ However, in both Flanders and Wallonia, this exemption was nullified in 2019, prohibiting slaughter without stunning of poultry and small ruminants.¹⁴⁵ For cattle, slaughter without

¹⁴² 'KB 17 mei 2001 betreffende de toegestane ingrepen bij gewervelde dieren, met het oog op het nutsgebruik van de dieren of op de beperking van de voortplanting van de diersoort', BS 4 juli 2001.

¹⁴³ 'KB 15 mei 2003 betreffende de bescherming van varkens in varkenshouderijen', BS 24 juni 2003.

¹⁴⁴ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

¹⁴⁵ 'Vlaams Decreet 7 juli 2017 houdende wijziging van de wet van 14 augustus 1986 betreffende de bescherming en het welzijn der dieren, wat de toegelaten methodes voor het slachten van dieren betreft', BS 18

stunning is provisionally allowed because the reversible way of (electric) stunning that can be used on other species has not (yet) been developed for use on cattle. In the meantime, cattle must be stunned directly after their throat is cut ('post-cut stunning').¹⁴⁶ During fieldwork in 2017, slaughter without stunning was still allowed throughout Belgium. This is discussed in more detail below.

Why no stunning?

Ritual slaughter is based on religious (Jewish and Muslim) dietary laws that forbid consuming meat from an animal that is not 'healthy and moving' at the moment it is slaughtered and also forbids the consumption of blood (Singer, 2009; 1975, p. 153). The original purpose of these religious laws might have been to avoid the consumption of sick or dead animals. But in a strict interpretation it means that the animal is alive and fully conscious when killed. The animal should therefore be completely bled prior to slaughter. Further, anaesthesia should not result in death before slaughter (Roels & Van Gijseghem, 2013, p. 8; Singer, 2009; 1975, p. 152).¹⁴⁷ So the animal welfare discussion mainly concerns the suffering of animals when the throat is cut up until the loss of consciousness. The regular slaughter method is to cut only the veins behind the animals' jaw, but for ritual slaughter the whole throat, including the trachea, is cut in one movement. After the cut, it takes, on average, 120 seconds for an adult bull to die, but this can be up to five or six minutes (depending on age and weight) (Vanthemsche, 2017, pp. 20, 26).¹⁴⁸ Only when the animal is unconscious is it allowed to be pulled on the slaughter line.¹⁴⁹ Employing these methods results in a slaughter speed that is slower than when using regular slaughter techniques.

juli 2017. The European Court of Justice decided in 2020 that this prohibition is not violating European law, because of the exemption for ritual slaughter on religious grounds in council Regulation (EC) No 1099/2009. Brinckman, B. (2020, December 17). Europees Hof behoudt Vlaams verbod op onverdoofd slachten. *De Standaard*. https://www.standaard.be/cnt/dmf20201217_93584545, last accessed October 2021. See also Vancleef (2018), who instead concluded that the Flemish prohibition *does* breach the freedom of religion based on the Belgian Constitution (article 19) and the ECHR (article 9).

¹⁴⁶ Since 1 January 2020, slaughter without stunning is also prohibited for calves in Flanders, as the electric reversible method of stunning was found applicable to calves also.

¹⁴⁷ Here we focus on the slaughter process according to halal standards only and on those standards that affect animal welfare. But halal also implies standards for the *farming*, such as allowing only vegetarian feed for animals and ethical treatment of animals before slaughter (Roels & Van Gijseghem, 2013, p. 8). During and after slaughter, other religious standards apply, which intend to avoid contact of halal with non-halal (haram) products and rituals concerning the physical direction in which animals are positioned, and the religion of the person completing the job, who needs to pronounce the name of Allah during the stabbing.

¹⁴⁸ While in conventional slaughter animals are most often hung on the slaughter line after stunning and before cutting.

¹⁴⁹ Article 15(3) a) and b) of Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

Halal does not only prescribe slaughter procedures but also contains some regulations that can *reduce* animal suffering. The standards require the ethical treatment of animals before slaughter, the sharpness of the knives used, and experience of the person doing the job (Roels & Van Gijsegheem, 2013, p. 9). However, according to research on Belgian conventional and ritual slaughter, in practice the conditions for optimal ritual slaughter are often not met concerning the release after fixation and the lifting of animals on the slaughter line (Vanthemsche, 2017, p. 28). The study also reported how public rules for conventional slaughter are violated during ritual slaughter, while there is a lack of monitoring.

The regulation of ritual slaughter

Because of the absence of state regulation of ritual slaughter, a private certification market filled this gap. Two problems with private certification of halal meat are the lack of consensus within the Muslim community about the procedures and a lack of integrity of private certification which leads to the distrust of consumers (van Waarden & van Dalen, 2015; Vanthemsche, 2017, p. 38). In Belgium alone, there were ten different organisations for halal certification in 2011 (Roels & Van Gijsegheem, 2013). Initiatives to harmonise standards at the EU or international levels have not been successful thus far because of the differences of interpretation within the Muslim community (Vanthemsche, 2017, p. 53).

In Belgium, ritual slaughter can only be done by someone authorised by the representative organisation of Muslims or the Central Israelite Consistory of Belgium who possesses a certificate of competence (Vanthemsche, 2017). The emphasis in private monitoring is on the slaughter procedures and less (at least in halal certification) on farming. The FASFC only monitors if the person responsible for slaughter is authorised by a representative religious organ and has the required certificate of competence.

For cattle, the ways and frequency of ritual slaughter are subject to change because of a growing market for their meat and the increased public debates about the suffering of animals between cutting and losing consciousness. There is growing support for accepting post-cut and pre-cut stunning¹⁵⁰ in halal slaughter by the Belgian Muslim community (as long as stunning does not lead to death), not only to reduce animal suffering, but also for food safety and quality reasons (Vanthemsche, 2017, p. 53). Research from 2006 showed that most Belgian cattle slaughterhouses that applied ritual slaughter to cattle (and calves) did not stun

¹⁵⁰ Pre-cut stunning implies to stun the animal, pull it on the slaughter line within a minute and then cut the throat.

animals in any way and none applied post-cut stunning (Peeters, 2007). According to a more recent report (2017), in Flanders, over time the number and proportion of cattle that are slaughtered without stunning increased from 7.51% (n= 23,263) in 2010 to 16.06% in 2016 (n= 44,002) (Vanthemsche, 2017, p. 31). However, these recent figures also include post-cut stunning. So, whereas the proportion of animals slaughtered according to religious practices increased in this ten-year period, animal welfare is now taken into account more.

Considerations behind practices and certification according to interviewees

Interviewees also discussed the methods they applied for ritual slaughter of cattle and the reasons behind it. Five of the seven visited cattle slaughterhouses used ritual slaughter (next to conventional slaughter). Only one did not apply any stunning, while four employed post-cut stunning or pre-cut stunning, even though post-cut stunning was not yet obliged at that time. The cattle slaughterhouses were already applying alternative stunning techniques arguing that ‘pure’ ritual slaughter methods lead to additional animal suffering. Not unimportantly, while not explicitly mentioned as an argument is that the ‘pure’ ritual slaughter techniques slow down the process, which is costly. Although these techniques reduce animal suffering, they were rejected by the Belgian Muslim representative because they were not in line with their interpretation of religious standards. Some slaughterhouses found halal certifiers in France and the Netherlands that approved of their methods. Because these are not authorised by the Belgian representative organ of Muslims, these slaughterhouses were not working according to the Belgian rules, while the practice was more animal friendly than the legal ‘pure’ ritual slaughter. Several interviewees complained about this ambiguous situation and the lack of consensus about accepted slaughter techniques. For these reasons the interviewees would welcome more uniform EU regulation.

The varying criteria for ‘halal’ of private labels contributes to vagueness for producers and consumers and differences in methods between regions and countries and thus, to trade barriers. To illustrate, one meat operator with a halal certificate noted the following:

In fact, yes, those halal certificates are not really standardised. That’s a bit of a disadvantage, you have about a thousand and one [different ones]. That is really a proliferation.

What is then a reason, for example, to choose one, or not to choose it?

No, it’s not about choosing, yes, that’s just to have *something*. With halal... in principle you work for the national market, let’s say Benelux, France, based on trust. A halal certificate is only

useful if you start [to export] to the Middle-East, to very strict Muslim countries. Then you really need a certificate that they accept (...)

But for the EU, is that on the demand of buyers?

Yes, a halal certificate is only really needed the moment you export to...[outside the EU]

So, what you have is not a certificate?

It is a certificate, but we don't pay anything for it.

But then what's the aim of it?

That's to have one (...) But clients never ask for it.

And there's someone who comes to have a look here how you operate?

Yes, but that's also... not very frequently. Because indeed, yes, we cooperate with a mosque, so those people communicate a lot amongst each other, with the people from the mosque here (...). They say, 'We have our man here who comes to sacrifice all the animals'. So that's how it works. (a slaughterhouse manager)

So, despite having a 'halal' certificate, this seemed to be mainly symbolic. In this case it was important that the meat operator relied on informal contacts and trust from his buyers within the Muslim community.

According to interviewees, the undercover footage of Animal Rights showing maltreatment of cattle in a slaughterhouse made some slaughterhouses more reluctant about employing ritual slaughter. An OV explained that slaughterhouses fear the negative public response and reputational damage of possibly being filmed while employing the, then still legal way, of 'pure' ritual slaughter.

Also, the customers of slaughterhouses have a say in ritual slaughter methods and some of the interviewed retail quality managers do not allow fresh meat from animals slaughtered without any stunning. One demands that suppliers use post-cut stunning for ritual slaughter instead of 'pure' ritual slaughter techniques because it minimizes animal suffering. However, not all buyers take a clear stand. A purchase manager of another retailer mentioned that they have considered imposing restrictions on slaughter without stunning, but eventually refrained from this:

But that's practically not feasible at the moment. And then you will also have another discussion, about animal welfare and surely about religion. And actually, at that moment we didn't feel like having all this additional complexity, adding to all the rest. (a retailer's purchase manager)

Also, a private beef label integrated in their scheme that only conventional slaughter methods are allowed under their label (excluding also post-cut stunning). This was before the Flemish prohibition of 2019. Because many distributors require this label, this contributes to the pressure to adapt operational methods in cattle slaughterhouses.

In four interviews it became clear that meat operators and their buyers are worried about consumers realising that ‘regular’ meat can also be ritually slaughtered. At the time of the interviews they believed most consumers were not aware of it. Ideally, the entire animal killed according to ritual standards would be only sold to buyers requiring this method. But these buyers do not buy *all* parts of the animals and Belgian policy allows for ritually slaughtered meat to be sold as regular meat supplies without the knowledge of consumers. Because slaughterhouses can sell ritually slaughtered meat as conventional meat, more animals are ritually slaughtered than necessary (Peeters, 2007, p. 113). According to two state actors, some slaughterhouses kill up to 75% of *all* animals according to religious standards, even when a much smaller percentage of the buyers actually demand this type of meat. It is more profitable for a slaughterhouse to avoid making a distinction between regular and ritually slaughtered animals and buyers are given some choice in variation of meat quality. One restaurant chain quality manager stressed that some of their meat might be from ritually slaughtered animals without them demanding it because they do not make any distinction. But they prefer not to communicate this information to their consumers, assuming they would not be pleased about it:

(...) you mentioned that you have Muslim customers too. How do you position yourselves concerning ‘halal’ meat?

R1: No, no.

You don’t sell it?

R2: We do have it. But not necessarily... we don’t communicate it.

R1: We don’t lavish about it no.

R2: So not necessarily all of our suppliers have halal production. Some do, but...

But, do you offer halal meat or not?

R2: (...) well, not with the reason that it should be halal.

R1: It’s not our aim.

Ah, ok, but it can be because your suppliers also slaughter and process halal meat?

R2: Yes.

R1: That’s why we don’t lavish about it to the public. That’s certainly not the aim of the direction either.

R2: No.

So for Muslim customers it's also not clear, they cannot find....

R1: They eat a lot of fish. We have a lot of Muslim customers, but they decide for themselves what they take, and they often chose fish.

Yes, so you don't label it [the meat] as halal.

R1: No.

Because it might work in the other direction: that people do not want it because... [it's halal].

R1: Mhm [confirming].

Yes, because there is also variation in halal, if it's slaughtered without any stunning, or with stunning directly after... but those are issues that you do not consider?

R2: We don't... Not necessarily, no. Within the Belgian norms it's good at the moment.

(R1: a quality manager/ R2: quality and purchase manager of a restaurant chain)

During this and other interviews this seemed a delicate topic. A certification manager of an ICB explained they are afraid to address this issue, and therefore do not certify halal or kosher meat, at all, for the moment. He explained that, for them, the problem is the lack of consensus and vagueness surrounding ritual slaughter practices. They do not want to attach their name to a 'halal' or 'kosher' certificate that lacks transparency and guarantees, fearing reputational damage but also considering their 'moral standards', despite the potential profits in this growing market.

5.4 Harms neglected and created by meat regulation according to interviewees

While harms from practices such as mutilation of pigs and slaughter without stunning are met with new or changing rules by public and private initiatives, other harms of meat production are not or only partly covered by regulation (see Chapter 2). Interviewees were asked about harms that are not covered by public or private regulation or were, instead, *created* by regulation. Their responses are discussed below.

Some responses concerned the health of slaughterhouse and inspectorate staff. A veterinarian mentioned how, in the past (especially in the 1970s and 1980s), the brucellosis disease was common among cattle. Because it is a bacterial zoonosis, it does not only harm animals but also can be transmitted to people (FAVV, 2019c). Slaughterhouse staff and inspecting veterinarians were regularly infected. Now, this disease is rare in Belgium (the last cases were reported in 2012), but it can still harm animals and poses a threat to the health of people working around them. Concerning the health of workers, interviewees also mentioned cases of physical harm because of accidents. A state actor and a slaughterhouse quality

manager discussed how accidents in slaughterhouses often occur during the maintenance and cleaning of machines. Some of these accidents included workers losing fingers and other knife-related injuries. High slaughter line speed is also not fully regulated, which has implications for worker and consumer safety (EFFAT, 2011). Some companies circumvent labour regulations by avoiding social security costs, wage standards and collective bargaining protections, leading to financial harm for workers and to states who lose social contributions. If you work in at least two different EU member states, and live in a third member state, you are subject to the laws and social security system of the country where you live, for example. Therefore, the country where social security contributions are lowest is usually chosen as the country of residence of employees. Also, it is not forbidden to work with subcontractors, nor to be ‘a bad employer’, as some interviewees mentioned.

Concerning animal welfare, interviewees mentioned poor housing conditions at farms, leading to mental harm of animals that is not always visible and selective breeding resulting in cattle breeds that cannot reproduce naturally. They also discussed the harm to consumers when meat from ritually slaughtered animals ends up in regular supply chains when consumers might not *wish* to consume such meat. This could lead to harm for animals and moral harm to the consumer. Further, regular stunning has its flaws: the CO₂ stunning of pigs, for example, takes several minutes before taking effect, resulting in suffocation.

Interviewees also spoke of how the regulatory framework combined with market dynamics threatens the survival of companies. Six non-state actors, mentioned that they witnessed several, mostly small, slaughterhouses close down as a consequence of new EU rules, complex and multiple regulatory schemes, the introduction of mandatory software applications, the competitive international market and low profit margins. The costs of private labels (and audits) and, the required investments of always higher and more numerous public and private demands, are too large for average SMEs. Therefore, the rules seem to be tailored to industrial-scale meat companies. Scaling-up, merging, vertical integration, or specialisation are solutions mentioned by meat operators as necessary strategies to survive. For example, one quality manager at a family-run pig slaughterhouse mentioned how only large conglomerates can handle the supplementary demands of Asian export countries, because they have more money available for sudden investments needed for rapid changes and expansion of infrastructure. What frustrated him and other colleagues was that the larger-scale companies do not necessarily deliver a higher quality product in their opinion, and possibly even a lower quality one. As such, to be allowed to export to certain countries seems to depend on conditions that do not necessarily improve product quality. These are signs that

public and private standards encourage the concentration of the slaughterhouse sector and consolidation of big meat companies, at the expense of smaller-scale ones.

5.5 The promise and peril of private standards

Having sketched the aims of rules and standards and the dynamics of standard-setting processes, what does this say about the interests protected and the harms the involved actors intend to avoid? Supplementary private standards are partly set with similar aims as public standards about food safety and animal welfare. They also aim to improve animal welfare, to prevent and respond appropriately to food safety problems, to protect and improve the reputation of actors in the meat sector and to improve consumer trust. The findings show that in trying to achieve these aims, there is a frequent dichotomy or tension between protecting economic interests (and reputation and consumer trust) and the other interests that are at stake in meat production.

The dynamics and complexity of standard-setting processes was illustrated with the standards concerning animal mutilation and ritual slaughter. It shows how standards are, very much, a snapshot in time, subject to continuous change, also during this research. In the meat sector they also cover sensitive ethical and religious issues. The result of these dynamics of standard-setting is a market that provides meat produced under varying standards. Even one meat company can harbour two supply chains of meat: one according to higher standards to serve a more demanding, wealthy consumer (e.g., high-end retailers), and another that is profitable due to production volume, low prices and the absence of supplementary demands (e.g., consumers in hospitals, schools and price busters). There is little variety in suppliers that fall between these two. They either specialise to gain higher prices, focus on mass production to reduce costs, or both. In both segments prices are dominating in standard-setting and purchase policies.

The findings also point to an important role for distributors in the changes of production standards. They search for a middle ground between what consumers want and the rules of the market. Therefore, producers and distributors might be intrinsically motivated to produce more safe, ethical, or fair meat, but distributors closely follow changing consumer's wishes, fashions and criticism. Only if consumers want organic meat, a retailer will offer it, despite the harms to the environment and animals of conventional meat production. This way the distributors place the responsibility with consumers and carefully weighs the efforts and investments needed to implement a supplementary standard. This all leads to consensus to ban some practices that harm animals (i.e., chirurgic castration of pigs), while other practices are

more complicated and costly to forbid (e.g., tail-docking of pigs). Maintaining some harmful standards does not seem to threaten distributors' reputations (at least not at present), while NGOs' attention on other practices has paid off. This makes private standard-setting look like a volatile and opportunistic process.

Civil society actors strive for more attention on all kinds of *non-economic* interests, such as the protection of animals. Private scheme owners and ICBs thrive on the protection of such interests, independent of their intrinsic motivation. Their economic interests may be in line with the interests of consumers and animals, but based on the findings here, it is difficult to say, conclusively. This is also the case for meat companies. They might organise their work with the best intentions for workers, consumers, the environment and animals, but they also need to earn profits and to comply with the demands of their customers who have a stronger say in standard-setting processes than they have themselves. So, despite developments that serve non-economic interests in the way meat is produced, the goal of profit-making of private standard-setters and meat companies often prevails.

If private standards both serve profit-making *and* are effective in diminishing harm to consumers and animals, does it matter? Private actors, especially retailers, are often quicker and more successful in adopting new standards that avoid 'unnecessary' harm to animals as a response to changing public opinion than public actors are. Further, adopting standards in a step-by-step process seems unavoidable in order to sensitise and change the mentality of consumers, farmers and slaughterhouse staff. It also requires money and time to adopt costly and labour-intensive standards. The downside of leaving meat production standards to the free market is that the status quo of intensive farming is maintained. Private initiatives can contribute to this by occasionally allowing some relatively 'simple' changes that appease the general public and silence critics, while avoiding the discussion of other, more urgent, structural harms of intensive farming that are not subject to regulation. This could even be intentional, allowing symbolic changes to avoid more fundamental ones, to continue 'business as usual' (Cole, 2011). While it leads to changes in some supply chains, it does not contest the use of animals for food altogether, which continues to cause harms to interests that are not protected by regulation, that affect eventually *all* citizens. From a less radical perspective, if 'animal friendly' or 'safer' meat is so important, why should it only be available for a wealthy and well-informed minority of consumers? Also, the lack of clarity and transparency concerning ritually slaughtered meat, which leaves no fair choice for those consumers that do *not* want to consume it, raises doubts about the intrinsically ethical or moral considerations of distributors and (other) regulators (see also, Roels & Van Gijsegem, 2013, p. 32). Moreover,

the power of private actors in meat regulation can be harmful in itself, also for slaughterhouses and boning plants who lose independence through their contracts with buyers, experience more price pressure, and cannot cope with increased paperwork and the additional costs of certification and audits. In the best-case scenario, badly performing and noncompliant slaughterhouses are filtered out by market forces. Large-scale meat companies have an advantage, although small-scale slaughterhouses without private labels are not necessarily producing unsafe meat or treating animals worse. That one of the aims of food regulation is fair competition for producers seems, therefore, not convincing. It shows how regulation can stimulate scaling-up of activities, which paradoxically can impair reaching the aims behind the very rules.

Conclusion

The standards that apply to the Belgian pork and beef sectors are a result of initiatives of, and interactions between, multiple actors, such as NGO activities that visualise animal suffering, consumers' changing sensitivities, political opportunities and retailers' reputation building, to name just a few. This chapter has illustrated the interaction and interdependence of public and private actors in setting standards for meat production. Private actors have more duties towards public actors (e.g., by the disclosure obligation) and depend more on their information and certification than vice versa. But the state actors implicitly depend upon private initiatives as well, especially those of retailers. Without their initiatives concerning food safety and animal welfare, the sector might not have professionalized in the same way (or with the same urgency) and there would be less and lower production standards. In the next chapter I broaden the analysis of hybrid regulation in the meat sector by looking at the instruments available to regulators to monitor and enforce rules and standards.

Chapter 6. The organisation of monitoring and enforcement in the slaughterhouses

Introduction

This chapter focuses on the food safety and animal welfare monitoring and enforcement functioning of the previously mentioned regulating actors in slaughterhouses. The research question central in this chapter is: **How do the regulating actors organise monitoring and enforcement in the slaughterhouses and how do they interact?** Although the way public and private actors control the sector differs, the examples show how their activities are complementary, interdependent and hybrid.

This chapter specifically examines monitoring and enforcement in the slaughterhouse. However, other phases in the meat supply chain are mentioned for comparison. To understand how regulatory policy is designed, findings are based on legislation and policy documents of involved regulating actors and further supplemented with interview data. The interviews help to understand how policy is applied to slaughterhouses specifically and how some of its aspects are experienced by the regulators and regulatees.

I will discuss the following topics: self-monitoring by meat companies, monitoring activities by the Federal Agency for the Safety of the Food Chain (FASFC), the Flemish Animal Welfare Unit (AWU), and private actors, measures and sanctions that the various actors have to their disposal, and the hybrid nature of monitoring and enforcement in the meat sector.

6.1 Self-monitoring by meat companies

The first activities discussed are those undertaken by the meat companies. Compliance starts with knowledge about new or revised rules, advanced scientific insights and policy. Therefore, the first paragraph highlights interviewees' insights on how they inform themselves about the regulatory framework. The second paragraph describes how the self-monitoring system (SMS) works, discussing strengths and weaknesses according to interviewees and zooming in on examples of self-monitoring of slaughterhouses and monitoring by their customers.

6.1.1 Informing oneself, cooperation and competition

For food safety, many slaughterhouse managers stay up to date via the FASFC's newsletters and circulars and through verbal information provided by professional associations and the official veterinarians (OVs) and inspectors. Some meat operators consult legislation themselves, but one notes that no one is going to read the Bulletin of Acts, Orders and Decrees, that publishes official government documents, including new legislation. Two private regulators complain that not all meat companies sufficiently invest in their knowledge on regulation and have a lack of understanding of legislation and private schemes that apply to them. External consultants, who are specialised in compliance to food safety or environmental law, are sometimes hired by some of the large slaughterhouses, but this is a service that smaller ones cannot afford.

The FASFC inspectors and OVs provide oral information to meat companies. Sometimes, however, OVs are not well informed about updates in legislation or policy. One of them complains that he has to search the FASFC website each week to keep informed of rule and policy changes. The FASFC only actively informs them of serious ad hoc problems such as the African swine fever (in 2018):

To some degree it's understandable, they [the FASFC] say: 'It's all written on the [FASFC] website'. But you also know, you need to be familiar with the Bulletin of Acts. (...) that's what I'm trying to say. Then they [the FASFC] also say, 'The Bulletin of Acts, you need to read that everyday'. Nobody is going to read that. So, well, those [FASFC] directives that's about the same thing. (an official veterinarian)

Some slaughterhouse quality managers complain about the lack of practical expertise within the FASFC. It frustrates them when the FASFC acts repressively and compliance involves certain techniques that FASFC inspectors are not capable of applying. Slaughterhouse staff are, in fact, providing training and educational material for state regulators and for other slaughterhouses. Also, external partners offer trainings for slaughterhouse staff (e.g., about animal welfare, infrastructure).

Some slaughterhouse representatives note increasing cooperation and information exchange between meat companies (e.g., in working groups and committees) compared to the past, encouraged by the increasingly restrictive regulation and the decrease in the number of operational slaughterhouses. Professional associations (for the meat sector in general, or specifically for certain tiers) inform their members about new regulations and represent their

members in consultation platforms where they meet with public authorities to discuss common problems of the sector. There is also dialogue and cooperation *across* actors in different tiers in the chain, for example, to create private schemes and to discuss fair margins for all actors in the chain.

More often, interviewees point to the credo ‘every man for himself’ because of competitiveness. Six interviewees stressed the limited cooperation between companies, or with some but not with the retailers, and note the difficulty to create a shared interpretation of rules. Cooperation is not viewed positively for commercial reasons, with interviewees stating that they do not want to give up their competitive advantage by sharing efficient and inexpensive operational methods. Interviewees also mentioned a lack of solidarity in case of scandals, which makes ‘one man’s meat another man’s poison’. This lack of solidarity is observed when other companies profit by the setback of a scandalised one, and by shifting blame to actors in another phase of the supply chain.

Compared to slaughterhouses, retailers and other distributors rely minimally on the FASFC to stay up to date on regulations. In some interviewees’ experience, the FASFC frequently does not provide answers to questions about the implications of rules, or different departments have contradicting viewpoints. Also, in this tier, the information exchange among colleagues is said to be limited because of competitiveness.

6.1.2 The SMS in practice

Of the 12 slaughterhouses visited, nine have an accredited SMS. As a result, one large-scale pig slaughterhouse receives two instead of the four standard inspections by the FASFC per year, and a difference of about 20,000 euros in charges. Possibly of more importance for largescale pig slaughterhouses, only those with an accredited SMS are eligible to export meat to China and South Korea, desired markets for pork suppliers. China in particular facilitates export to other countries. The FASFC, here, acts as a mediator to organise export from Belgian companies, making agreements with foreign delegations about conditions for slaughterhouses and the production processes which also influences the infrastructure of operators’ premises. Eventually the FASFC inspects and enforces the demands from the export countries.

Another means of slaughterhouse self-monitoring of food safety and animal welfare compliance is by the use of cameras to monitor personnel. Although not required by law, following the scandal involving the undercover footage exposing the maltreatment of animals in a pig slaughterhouse, many Belgian slaughterhouses have begun using this technology.

Although surveillance footage is not continuously monitored, interviewees believe that employees and drivers adapt their behaviour because they know that they *might* be watched. Measures most commonly mentioned by slaughterhouse quality managers as a response to non-compliance within their company were informing and training staff, or, when the non-compliance is more serious, dismissing non-compliant employees.

Experienced strengths of the SMS

Some interviewees had a positive view of the SMS because it is impossible for state actors to monitor processes in meat production all the time, which would also be more expensive. Quality managers and representatives liked how this requires them to be responsible and proactive, which they believe has led to a mentality change in the sector. They also stress how private schemes, that demand an *accredited* SMS, push their standards even higher. Being non-compliant with their own SMS is not in their interest, as they would risk losing clients. Therefore, it is not necessarily the SMS in itself that motivates compliance, but how it is linked to buyers' demands.

Experienced weaknesses of the SMS and/or its accreditation

A disadvantage of the SMS, especially of its accreditation, is its cost. Because of the bonus-malus system, the avoidance of costs (of the annual contributions to the FASFC) is an important reason for large companies to have their SMS validated. However, for small companies this would involve audit costs that do not always outweigh the benefits. This is a reason why such an accreditation is usually in place in the large-scale slaughterhouses, but not always in the small ones. Four interviewees complained how the validation of SMSs mainly benefits the large-scale companies. Moreover, if a slaughterhouse also slaughters other animals next to pigs and/or cattle, for which there is no sectorial handbook for self-monitoring available (e.g., for sheep), they have less interest in validating the SMS because only the FASFC (and not ICB) can do so, who will inspect them anyway. Then it is a choice between more frequent FASFC inspections and higher charges, or higher costs for accreditation, lower charges and lower inspection frequencies. The FASFC also recognized how, for small and medium-sized food operators, self-regulation can be complex and that these operators have fewer resources to make it work, despite the information the FASFC provides (Raone & Schiffino, 2015, p. 188). This, since 2011, was one reason for the FASFC to place more emphasis on *prevention* and good working practices as a possible alternative for

administrative sanctions for these types of operators.

Because having an accredited SMS is a criterion to sell to big distributors in and outside of Belgium, the SMS is, for some meat companies, necessary to guarantee sufficient buyers. Small slaughterhouses without an accredited SMS can manage by selling to buyers (e.g., butchers, restaurants and food service) who do not demand accreditation. Some small slaughterhouses also have less *need* of an accredited SMS because the owners still have a good overview of all of their activities, their employees and their risks. Documenting every detail of work processes can be redundant when the owner is capable of directly observing and correcting problems.

Some meat operators criticize the obligation to have an SMS in place that applies HACCP-principles, which focuses more on documentation than on the result (a safe product of good quality). Instead of influencing work processes, it merely demands *controlling* work processes. Experts *and* meat operators express their doubt on the monitoring of the SMS, which is mainly an administrative check of documents, thereby trusting what an operator has registered. It is easy to manipulate the documentation of work processes to *give the impression* of compliance, and some companies are said to take advantage of this. Further, after an SMS is accredited, the inspection frequency decreases, trusting that the company will continue working in the same way.

Experiences with the functioning of quality managers and animal welfare officers

Quality managers and an OV mentioned the difficult position of a quality manager within the slaughterhouse, because they are caught between two competing interests: the interest of consumers and public health on the one hand, and of their employers on the other. Ideally their employers consider how the quality managers' recommendations are in the interest of consumers, and, in the long term, also in the interest of the company. Apparently, this is not always the case. If the slaughterhouse director does not agree with quality managers' recommendations, does not have the funds available for the necessary investment and/or ignores the quality managers' advice for other reasons, there is not much the quality manager can do. A quality manager and a veterinarian mentioned how these tensions are one reason many quality managers resign and/or experience burn out. Also, one of the analysed criminal cases (concerning forgery by the management to upgrade waste meat) illustrates the limited role of the quality manager.¹⁵¹ The slaughterhouse owner simply ignored her repeated advice.

¹⁵¹ (Nr23Cattle).

Two interviewees with experience as external consultants testified that the external position makes it easier to be critical towards the company's management. In case the boss refuses to follow their advice, they threaten to resign from the task, whereas an internal quality manager might be less willing to speak up out of fear of being dismissed. An OV refers to his experience as an independent veterinarian for a slaughterhouse:

I wasn't an employee [of the slaughterhouse]. So (...) I would never want to be a quality manager on the payroll. Because then you are completely... (...) you know, you have nothing to say. I mean, [as an independent company veterinarian] I had conflicts with the CEO sometimes. I would say: 'I think this is absolutely not acceptable. If you don't do anything about it, I'm out of here, then you can look for someone else to do the job.'

Yes exactly. But you could do that because you were not part of the company.

Yes. But I mean, (...) a lot depends on the persons working there [in a slaughterhouse]. (an official veterinarian)

Because the Animal Welfare Officer (AWO) is also paid by the company, some interviewees had similar doubts about the outcome of their advice and reprimands on animal welfare compliance in the slaughterhouse. An OV testified that in one slaughterhouse he and his colleagues often observe animal welfare problems before the AWO observes them, and that they need to encourage the AWO to take action in such cases. This happens, for example, when stunning is needed in the passageways between unloading and the killing floor. The interviewee explained how the AWO often acts as if he is unaware of certain rules, unless there is a private inspection:

So, you have to be on top of it?

We have to keep an eye on it all the time. You can be sure that if we are not there, or if we go to the bathroom, you know, they know where the cameras are. They are surely capable then to lift a pig on its tail, or do such things when we're not around. But they know it if you're there. I hardly observe it anymore because they know I will say something about it or report it, and if they know you're walking around there... (an official veterinarian)

However, according to the AWU, an AWO who is part of the slaughterhouse staff is an advantage because it makes the slaughterhouse management responsible for animal welfare. The AWU also observes that the awareness and mentality change in slaughterhouses for this responsibility has to grow.

Although the AWO training is aimed at slaughterhouse staff, a distributor also made their employees participate. Upon completion, the employees were not granted a certificate nor did they receive a clear explanation why they could not receive it. Nonetheless, the training has helped them to better monitor whether the supplying slaughterhouses comply with animal welfare rules, to detect problems during a visit and to argue about compliance and non-compliance. Some private standards require that there is also an AWO on the *board* of the slaughterhouse to ensure that animal welfare standards are supported at the highest levels in the company.

Self-monitoring and enforcement by distributors

When the SMS of distributors' shops, restaurants or kitchens is validated by the FASFC, they earn a 'smiley' label (a sign visible for consumers), a reduction in the annual fees to the FASFC and fewer inspections (Raone & Schiffino, 2015, p.188). Some restaurant and supermarket chains find it financially beneficial to acquire the 'smiley' label for each of their restaurants or shops, as inspectors must be paid for their time. One quality manager of a food service company did not see many advantages for their customers (e.g., governmental institutions, hospitals) to have a 'smiley' label. The costs associated with obtaining this validation does not always outweigh the benefits.

Distributors' headquarters also monitor their own shops, restaurants or kitchens. The quality team of a food service company does internal audits in their own kitchens once a year and does ad hoc inspections after receiving complaints from customers or for non-conformities. Sometimes their clients (e.g., a governmental institution) demand additional audits.

Measures taken by distributors in response to non-compliance by employees in their shops, kitchens or restaurants include engaging in dialogue with responsible staff, demanding an action plan from an operations manager (chef) of a kitchen and terminating employees. For example, one food service company requires their employees abide by an additional standard to wear protective mail-gloves while cutting meat. Some workers do not find this practical. However, failure to abide by this standard results in written warnings and even termination (after receiving three warnings).

6.2 Monitoring by state actors

6.2.1 The FASFC's organisation of monitoring and the role of risk-based principles

According to a DG Control employee, the task of FASFC inspectors and OVs is mainly to monitor if the operators correctly apply self-monitoring. The idea behind emphasising self-monitoring is that the FASFC cannot observe everything.

The OVs are present daily in the slaughterhouse for the ante- and post-mortem inspection of animals/carcasses, aimed to protect human health. This permanent presence of officials is very specific to slaughterhouses and is not seen elsewhere in the food industry (Lawless & Wiedemann, 2011, p. 100). At present, post-mortem inspection is mainly a visual job. It used to be common for the OVs to make incisions in every single carcass for this inspection, but for pigs it now has to be avoided (FAVV, 2016a; FAVV, 2021a).¹⁵² The approach has recently shifted because current food safety problems are primarily microbiological which are not detected by visual line inspection, and the operations (e.g., incisions) with knives could even *increase* risks of cross-contamination (FAVV, 2021; Hoffmann & Harder, 2010, p.19).

The slaughter line speed and the number of OVs present on the slaughter line influences the quality of meat inspections and varies between companies. The number of OVs required in one slaughterhouse is calculated by the average slaughter line speed in one year. When an OV observes a non-conformity, he can either give a warning or write a First Information Report for the LCU or send a report to the Flemish AWU.

The LCU inspectors monitor compliance with rules concerning infrastructure, hygiene, traceability, (the identification and categorisation of) waste, the SMS, labelling and transport of animals and meat. In slaughterhouses some inspections are done outside of standard working hours (usually before 8 AM and after 6 PM). In many cases the inspectors go to the inspection sight alone, except when there have been problems with aggression in the past. Inspectors are supposed to rotate every five years, to prevent them from becoming too acquainted with the company they inspect.

The inspection and sampling programs that are part of the MANCP are based on EU legislation. At the same time, the FASFC translates principles of risk-based monitoring into

¹⁵² That for pigs post-mortem inspection can be reduced to visual inspection relates to the highly controlled farming conditions, such as the fact that they are largely kept indoors and the way they are fed (Lawless & Wiedemann, 2011, p. 102).

concrete and statistically founded parameters to decide the frequency of inspections and the percentage of routine samples that must be taken of a certain food type (Maudoux et al., 2006; Ponsaers, 2015b). Risk-based principles intend to make monitoring efficient and an increased emphasis on these principles was inspired by shortages in personnel and resources for monitoring (Ponsaers, 2015b). The risk-analyses at the base of the inspection and sampling programs are fuelled by experience, information from observations and scientific knowledge. Varying sources are consulted, including outcomes of previous control programmes, information about animal diseases, and advice from the European Food Safety Authority (EFSA) (FAVV, 2020a, p.77).

For the sampling program the risk-analysis is fuelled by three elements: the degree of the harmful effect (e.g., of a hazard or disease), the prevalence of a certain danger (e.g., contamination or disease) within a certain animal or food type, and the proportion that a certain food type (or animal) contributes to contamination in the food chain (e.g., when a certain product is consumed a lot, a danger in that product contributes more to exposing consumers with that danger) (FAVV, 2020a, pp. 79-81; Maudoux et al., 2006). The elements relate to each other. For example, if the degree of harmful effect of a hazard is very high, the accepted prevalence is lower, resulting in more emphasis on this hazard by a higher sampling frequency (Maudoux et al., 2006, p.145).

For LCU inspections, the risk-based logic means that the inspection frequencies are (apart from legal obligations) based on operators' characteristics, results of previous inspections and the presence of an accredited SMS (FAVV, 2020a, p. 86). Among distributors, industrial kitchens where large quantities of food are prepared are assumed to bring along higher food safety risks than small kitchens for example. And for *meat* operators, in particular (and other operators working with food of animal origin), certain food safety risks are considered higher than in other food sectors (FAVV, 2020a, p. 86). Applying 'risk-profiles', in practice, means that meat operators without a certified SMS, who were sanctioned in the past two years, with negative results from prior inspections are inspected more often than those with an accredited SMS and a clean record (FAVV, 2020a, p. 87).

Although risk-analysis is the basic principle of the inspection and sampling plans, 'sensitivities' can be included, such as political, media and consumer developments (Maudoux et al., 2006, p. 149, FAVV, 2020a, p. 83). This is why crises and events also affect the monitoring program. The prior experiences with the hormone 'mafia' was a reason for example for more frequent sampling of cattle carcasses for hormones in Belgium than required under EU law (Maudoux et al., 2006). Apart from the *planned* routine inspections

and sampling, the FASFC organises ad hoc monitoring activities that are based on complaints, (suspicions of) rule violations, international emergency calls, applications for accreditations and admissions, and special actions (e.g., in cooperation with other public entities) (FAVV, 2020a, p. 76; Maudoux et al., 2006).

Inspectors and OVs monitor meat companies with the aid of checklists that incorporate legislation into a list of items. During an inspection visit, the inspector is required to fill in one or more checklists. Each item on the checklist can only be considered as a conformity or non-conformity. Some checklists, mainly those concerning infrastructure and hygiene, are completed by OVs. These checklists cover the identification of animals, pest control, HACCP, cleaning and disinfection. At the same time, the OVs complete checklists in reference to animal welfare rules on behalf of the Animal Welfare Service (since 2015), transport (i.e., unloading of animals, injuries that were caused at the farm) and the animal welfare conditions in the slaughterhouse in the ante-mortem phase (driving animals to the killing floor, correct anaesthesia).

6.2.2 The AWU's monitoring activities

To follow up on cases of non-compliance, the Flemish AWU has three sources of information: their own inspections, reports by other state actors and citizens' complaints. The AWU's own observations during slaughterhouse inspections started in 2015.¹⁵³ The AWU team in Flanders consists of only 12 inspectors (at the time of fieldwork). As such, they could only carry out a limited number of slaughterhouse inspections as they are not only responsible for the agricultural sector, but for animal welfare violations overall. Although difficult with such a small team, they also apply rotation to enhance the objectivity of the inspectors. The AWU also uses checklists for their inspections that were originally designed by the FASFC. The AWU has changed the weights attached to rule violations and applies more discretionary power in how to respond to them. Since October 2020 the AWU appointed 50 autonomous veterinarians to monitor *only* in Flemish slaughterhouses. This has significantly increased animal welfare monitoring in Flanders, as now OVs are daily present for three hours in each slaughterhouse to monitor only animal welfare. This is in addition to the daily presence of OVs paid by the FASFC who are responsible for food safety. Because in Wallonia and

¹⁵³ Since the beginning of 2018 the inspection of transport also shifted from the FASFC to the AWA.

Brussels no similar initiatives were taken, animal welfare is now much more intensively monitored in Flemish slaughterhouses than elsewhere in Belgium.

Information sources for the AWU that originate from other state actors include: prosecutors (through local police) who decide if the AWU should take care of cases administratively, FASFC inspectors who inspect farms, OV's paid by the FASFC who send information forms about violations in slaughterhouses (since 2014), and occasionally FASFC inspectors. During the transition of monitoring animal welfare from the federal to the regional level, some interviewees felt the OV's in the slaughterhouses were not sufficiently instructed about the implications for their job. Although they remained in charge of monitoring compliance with some aspects of animal welfare legislation, they had to report findings of non-compliance to the AWU instead of to the FASFC.¹⁵⁴ Five OV's wished that the AWU would communicate with them more about what happens to their reports of animal welfare problems. In the former situation, the OV's would regularly communicate with the inspector of the FASFC who was authorised for both food safety and animal welfare inspections. But the AWU inspectors only visit once a year and when they come, they do not communicate with the OV's *at all* according to interviewed OV's. The AWU found it challenging to instruct the OV's with whom they had no direct contact, when they only worked with OV's contracted by the FASFC. Also, the movement of livestock across regional borders complicates law enforcement because the authorisation is split between regions.

The third source of information for the AWU are citizen complaints. After the AWU has received information, they either visit the company in question, directly submit a First Information Report, conduct a hearing with the suspect or ask them to provide documents. It should be noted that complaints concerning pigs are less common because they usually do not go outside and as such, are less visible to the public.

6.2.3 Frequency of public inspections in slaughterhouses

Taking into consideration the daily presence of OV's for meat inspection, of the whole meat supply chain, the slaughterhouses are among the companies in the supply chain that are subject of most intense public monitoring, both for food safety and animal welfare concerns. This is said to relate to the considerable challenges with hygiene, humidity, infrastructure, working with living animals that come from farms with manure on their fur, risks of cross-infection and working with low-educated staff. Therefore, it is partly a risk-based difference.

¹⁵⁴ Article 1, 'Protocol Dierenwelzijn 2015'. 'Beheerscontract "Dierenwelzijn" Gewesten – FAVV'.

Apart from these characteristics that are intrinsic to the nature of the activities, specifically slaughterhouses are said not to take sufficient initiative and responsibility to overcome these challenges.

The MANCP stipulates that the LCU completes all checklists for each Belgian slaughterhouse during standard inspections four times a year, or (with an accredited SMS) twice a year (FASFC, 2016). Annually, one slaughterhouse inspection is completed by an LCU inspector and the other time(s) by an OV. Apart from standard inspections, five slaughterhouse quality managers mentioned weekly or bi-weekly visits by LCU inspectors, announced and unannounced. Because of the different parameters influencing inspection frequencies, and the occurrence of both formal and informal visits, it is not surprising that the interviews with meat operators reveal that they do not always understand the logic of inspection frequencies and what each visit entails (e.g., official/informal visits, for the slaughterhouse or the boning department or both). According to an inspector, the proportion of routine inspections and ‘non-official’ visits (without checklists) is about 50/50, which also depends on the number of available inspectors. When an inspector does not fill in a checklist, he creates a ‘standard report’ and follows up on what the OVs report to him. At the same time, an experienced inspector warns not to visit the slaughterhouse too often, to avoid that you ‘become part of the furniture’.

The 2018 ‘beef fraud case’ led to enhanced monitoring by the FASFC, leading to additional inspections in *all* slaughterhouses, boning plants, packing and cold store centres in Belgium to combat fraud (FAVV, 2019b). These additional inspections thus result from problems observed in this sector. During the enhanced inspections (based on a specific checklist) attention is focused on fraud opportunities and other topics that are not (or less) included in regular inspections, giving priority to compliance with rules concerning animal by-products, product-analyses, traceability, and for slaughterhouses, the identification of animals (FAVV, 2019b). For example, there is more attention placed on the company infrastructure to ensure meat is not hidden and on SMS-documentation insofar as this can expose fraud.

AWU inspectors inspect animal welfare related issues in slaughterhouses (e.g., housing, feed, veterinary activities) less frequently than the FASFC, typically once a year, with inspections lasting about one hour and always unannounced. The AWU also demands that OVs complete a checklist on animal welfare compliance during the unloading of animals once or twice a day

in each slaughterhouse. Once every 14 days the OV's must complete a checklist on animal welfare in the slaughterhouse that covers more topics. The relatively short existence of the AWU leads to a limited amount of data on a company. But for routine inspections they consult the company's capacity and history of non-conformities beforehand, in the FASFC- and AWU-files. Inspections that follow a complaint allows for more focus on specific issues.

Monitoring of compliance with labour laws is, for most inspectorates, only incidental after signals and reporting. At times, some inspectorates visit a company on their own initiatives, but not more than once every five or seven years. Others inspect at least the larger slaughterhouses once per year. Because OV's do not monitor compliance with labour law, monitoring during incidental inspections only provides a very limited view on non-compliance.

Comparison with other phases in supply chain

In the table below I compare the official food safety and animal welfare inspection frequencies in slaughterhouses with those in other phases of the supply chain. Compared to the frequency of routine inspections by the AWU and FASFC in slaughterhouses, the frequency of those carried out by the FASFC at farms is low, only occurring once every eight or, in case of an accredited SMS, once every 12 years. Risk assessment predicts a lower probability and seriousness of food safety risks for final consumers and animal welfare problems at farms than at slaughterhouses. At the same time, it is a matter of capacity and feasibility, as there are much more farms than slaughterhouses.¹⁵⁵ The slaughterhouse serves as a bottleneck that makes it also practical to have inspectors onsite and to observe problems that originate from the preceding phase of animal husbandry or transport. Pig farms are, in reality, more frequently visited by the FASFC than cattle farms because the turnover of animals is much higher, there are more potential animal diseases and there are more visits on farms by feed suppliers and trucks for loading/unloading, leading to more food safety risks.

¹⁵⁵ There were 43 pig and/or cattle slaughterhouses in Flanders in 2017, compared to 3,731 pig farms and 10,575 cattle farms in 2018 (see Chapter 4).

Table 6.1

*Official Frequencies of Routine Inspections in Supply Chains of Beef and Pork*¹⁵⁶

Inspected phase	Basic inspections by FASFC (and with SMS accreditation)	Inspections by AWU
Farms	1/8 years (1/12 years) <i>(also, animal welfare compliance)</i>	No routine inspections <i>After complaint/past rule violation/information third parties</i>
Transport	No routine inspections <i>Daily monitoring of unloading at slaughterhouse by OVs paid by FASFC (until October 2020 also for animal welfare)</i>	No routine inspections <i>Daily monitoring of unloading at slaughterhouse by OVs (since October 2020 paid by AWU)</i>
Slaughterhouses	1/3 months (1/6 months) <i>Daily monitoring by OVs paid by FASFC (until October 2020 also for animal welfare, once every 14 days with checklist)</i>	1/1 year <i>Daily monitoring by OVs (Since October 2020 paid by AWU)</i>
Deboning plants	1/1,5 months (1/3 months)	-
Processing plants	1/3 months (1/6 months)	-
Distribution with preparation		
Industrial kitchens/ food service (e.g., schools/prisons/hospitals) /butchers/ meat shops	1/2 years (1/4 years)	-
Retail shops/catering/restaurant	1/3 years (1/5 years)	-
Distribution prepared		
Industrial kitchens/food service	1/4 years (1/6 years)	-
Retail shop/distribution centre	1/4 years (1/6 years)	-

Note. This table is based on information in Appendix 2 of the MANCP 2015-2017 (FASFC, 2016) and oral information shared by the AWU.

Following a risk-based logic, also the AWU inspects slaughterhouses more frequently than farms. They also assuming the probability of maltreatment of animals higher in slaughterhouses. Again, also due to limited capacity the AWU does not routinely inspect all animal farms.¹⁵⁷ In fact, the routine animal welfare inspections at farms are still carried out by

¹⁵⁶ These are frequencies of the MANCP of 2016 (time of the fieldwork), but not much has changed in the later version of 2019. Concerning the actors listed here, there were some changes concerning the distributors: butchers and meat shops were then inspected with a *lower* frequency: 1/3 instead of 1/2 years (FAVV, 2019d). And the industrial kitchens that distribute prepared food for the most vulnerable people (in schools, day care, hospitals, centres for aged care) the frequencies have increased: 1/3 instead of 1/4 years.

¹⁵⁷ This was at the time of the interview (2018) but in October 2021 this situation had remained unchanged.

FASFC inspectors, who combine it with inspecting compliance with food safety legislation. This means farms are never visited for an animal welfare inspection *only*. The AWU inspectors only inspect farms in case of a complaint, information of other authorities (e.g., FASFC, Rendac), and in case companies are known for past rule violations. The AWU rarely inspects the transport of animals on the road, apart from what OV's observe and report on the arrival and unloading of animals at the slaughterhouse. When, in the past, the AWU inspected the transport of animals, drivers were informed and adapted their routes or destinations to avoid inspection. Because the transport of animals usually occurs overnight, this further complicates inspection.

In boning plants, standard inspections by the FASFC's Transformation department are in theory twice as frequent as those in slaughterhouses (seven times a year by an OV, and once by the LCU inspector). The risks of cross contamination (e.g., Salmonella, Listeria) and fraud with meat categories (for human consumption, pet food, animal by-products) is said to influence this frequency.

In the distribution phase, FASFC inspections are much rarer than those in slaughterhouses. The frequency depends on the *type* of distributor: a butcher is inspected once every two years but retail shops and food service kitchens, where meat is not prepared on the spot, only once every four years (FASFC, 2016).

6.3 Monitoring by distributors and third private actors

6.3.1 Monitoring by whom and for whom?

Private schemes imposed on slaughterhouses by retailers are monitored and enforced by retailers themselves, and/or outsourced to independent certification bodies (ICBs). Labels of third private parties outside the supply chain are monitored and enforced by the owners of those labels or are outsourced to ICBs (and can also be integrated in retailers' schemes). ICBs usually combine monitoring of compliance with food safety and animal welfare rules in the same audit. All of these private inspections and audits are usually announced, as stipulated in the sector schemes. Sometimes also private certifiers use unannounced audits, because they provide a more realistic picture of compliance on a daily basis. An example is a retailer who requires unannounced audits of their suppliers in their IFS certification. Announcing an inspection or audit can be done to be sure that everything can be monitored at that moment. The scheme owner of a private pork label conducts unannounced audits at random. Although these inspections are considered 'unannounced', they inform the farmers up to two days

beforehand and slaughterhouses and boning plants up to one workday before. The label owner also uses risk analyses to plan monitoring activities. And whereas they used to focus mainly on monitoring the *supplementary* standards in their scheme, cases of non-compliance in slaughterhouses made them realise they cannot assume that state monitoring suffices to continuously inspect *all* public standards adopted in their scheme. To offer consumers more guarantees, in 2016 they began inspecting compliance with *all* standards that apply to their clients, including the SMS and public rules, at least for the ‘bad pupils’ who have a history of non-compliance and rule violations.

When compliance with private labels is monitored by ICBs, this is paid for by either the meat company or the retailer, or in case of negative audit results the slaughterhouse. In practice, an ICB combines two audits for different certificates (e.g., an SMS accreditation and a private label) at the same time. The ICBs also apply checklists with varying weights for each type of rule violation, which is decided by the FASFC. The checklist that is used for the accreditation for the SMS, is made by the FASFC. One quality advisor of a private label explained that their auditors are not supposed to routinely go through all the items of the checklist because they would be repeating the work of state inspectors. Rather they select items based on former audits or recently added items to have more added value. Also private auditors rotate (e.g., every three years for the private pork label and every five inspections for an ICB) to avoid too much familiarity with the company.

Retailers conduct more monitoring activities in supplying companies than other distributors. It varies how far up the supply chain retailers organise (or outsource) monitoring activities: some retailers are only in contact with their direct suppliers (i.e., a boning plant or slaughterhouse), others also intervene in production processes of farmers.

6.3.2 Frequency and length of private inspections in slaughterhouses

Concerning inspection frequency, formal inspections by interviewed private actors in slaughterhouses (by retailers or ICBs paid by retailers) are conducted once or twice a year or only once every two years. The sectorial handbook for self-monitoring stipulates a minimum of once every two years for meat suppliers.¹⁵⁸ Compared to the more frequent inspections of the FASFC and the yearly inspections by the AWU, private monitoring is more infrequent.

¹⁵⁸ To compare: retailers say to inspect (or have an ICB inspect) *farms* every 18 months which is similar. Private inspection in distribution companies seems rarer: the sectorial handbook for self-monitoring prescribes that ICBs inspect *distributors* only once every three years. ICBs also organise ad hoc monitoring activities based on prior non-conformities.

However, a company with several private labels also undergoes multiple private inspections and audits. Moreover, retailers also pay *informal* visits to slaughterhouses, sometimes once every two weeks and, in one cutting plant, a retailers' quality manager mentioned bi-weekly visits. Two quality managers of distributors explained that not all of their food suppliers are inspected as frequently as their meat suppliers. Their explanations for the higher frequency of inspections and their demands for more transparency in these chains are the higher sensitivity of consumers concerning meat because of scandals, decreasing meat consumption and the higher probability of food safety problems. The purchase manager of a retailer believes it is more important to build a relationship of trust with suppliers than to monitor them more frequently.

Non-conformities, rumours and complaints are reasons for distributors and ICBs to organise additional ad hoc inspections or increase the frequency of inspections or audits in meat companies. One ICB certification manager explains that their own reputation and credibility justifies additional and sometimes unannounced audits.

The length of an audit in a slaughterhouse affects the audit quality. Sectoral guidelines for auditing an accredited SMS stipulate a minimum length of half a day. Other than that, the length depends on the scope of the audit, earlier non-conformities, the level of cooperation of the company, the presence of 'high risk' zones in the establishment and the scale of a company (i.e., number of square meters, activities, animals and animal types, slaughter lines and employees) (FAVVb, 2016). An ICB can deviate from these norms and take more time, but that would make their audit more expensive than audits of competitors. Therefore, the minimum time is the cheapest option, but an ICB can also offer their clients two-day audits.

6.4 Measures and sanctions by state actors

State actors generally prefer an administrative follow-up of rule violations in the meat sector because it is faster and cheaper than criminal procedures. In this section I will list the administrative and criminal options that state regulators have to respond to non-compliance by meat companies, insofar as they are relevant for the other empirical chapters.

6.4.1 Administrative measures

The options of the FASFC to respond to food safety violations are not sanctions meant to retaliate culpable offenders, but instruments to protect consumers against unsafe food (van der Meulen & van der Meulen, 2014, p. 7). In an attempt to avoid more severe measures, OVs

and inspectors can first enter into dialogue with slaughterhouse managers concerning observed non-conformities. Both FASFC and AWU inspectors are authorised to issue warnings to request offenders to halt rule violations¹⁵⁹ (this is the most common administrative measure), to draw up a First Information Report¹⁶⁰, suggest administrative fines¹⁶¹ and to seize animals, carrion, meat and/or goods¹⁶² or preventively seize or block animals or meat when there is suspicion of rule violations during further investigation.¹⁶³ The Judicial Department of the FASFC can suggest administrative fines, after which the regulatee has 30 days to contest the fine. The FASFC is also authorised to exclude a company from exporting to certain countries when a slaughterhouse repeatedly scores under a certain level during inspections, to suspend¹⁶⁴ the SMS accreditation and, in the most extreme cases, to suspend or withdraw the accreditation of the company (closure).¹⁶⁵ The FASFC can also demand that the company drafts a ‘plan of action’ describing by whom, how and when the shortcoming is dealt with. The plan of action must be approved by the FASFC. Specific to hormones violations, the FASFC can impose an ‘H-statute’, an administrative measure that demonstrates that forbidden substances were detected at the company.¹⁶⁶ The measure is based on sanitary public order and aims to protect consumers’ health. Similarly, the ‘R-statute’ can be applied to companies when the FASFC detects that the Maximum Residue Limit (MRL) of legal medication is exceeded in animals. The AWU can also suspend or withdraw the authorisation of a transporter or the certificate of competence of a driver of animals.¹⁶⁷

¹⁵⁹ Article 5, ‘KB van 22 februari 2001 houdende organisatie van de controles die worden verricht door het Federaal Agentschap voor de Veiligheid van de Voedselketen en tot wijziging van diverse wettelijke bepalingen’, BS 28 februari 2001. [hereafter ‘Controlebesluit’]. Article 34, paragraph 5 ‘Wet van 14 augustus 1986 betreffende de bescherming en het welzijn van dieren’, BS 3 december 1986 [hereafter Law on Animal welfare and protection].

¹⁶⁰ Article 3, Controlebesluit, 2001. Article 34, paragraph 3, Law on Animal welfare and protection, 1986.

¹⁶¹ Article 7, Controlebesluit, 2001. Articles 35 & 36, Law on Animal welfare and protection, 1986. The FASFC does not ‘impose’ a fine, it is up to the offender to pay it. Strictly speaking they do not consider it as a sanction or measure, but as a settlement procedure. That way criminal prosecution expires (Lierman, 2009, p.154).

¹⁶² Article 6, paragraph 1, Controlebesluit, 2001. Article 42, paragraphs 1 & 4, Law on Animal welfare and protection, 1986.

¹⁶³ Article 6, paragraph 2, Controlebesluit, 2001.

¹⁶⁴ Article 3, paragraph 11, ‘KB 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen’, BS 12 december 2003.

¹⁶⁵ Articles 14 and 15, ‘KB van 16 januari 2006 tot vaststelling van de nadere regels van de erkenningen, toelatingen en voorafgaande registraties afgeleverd door het Federaal Agentschap voor de Veiligheid van de Voedselketen’, BS 2 maart 2006.

¹⁶⁶ This means that cattle ‘marked’ under the H-statute cannot leave the farm for a certain period, unless it is directly brought to a Belgian slaughterhouse. At the moment of slaughter, 10% of these animals must be sampled for lab-investigation of hormones, the cost of which is paid by the owner of the animals.

¹⁶⁷ Article 138 ‘Regulation (EC) No 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products’.

Rating non-conformities during FASFC's inspections and audits

In the FASFC hierarchy the coordinating OV keeps track of all non-conformities in a slaughterhouse in a journal and sends these journals monthly to the LCU, which in turn reports observations to higher departments in the FASFC, sometimes up to the central board. Procedures to deny or withdraw an accreditation, or for direct closure of a company are always brought directly to the central board. Apart from that, each LCU needs to report their 'Key Performance Indicators' three times per month and the regional directorate checks if the LCUs meet these indicators and checks for anomalies in the data.

The monitoring department (DG control) dictates when to give a warning and when to issue a First Information Report. The 'procedure for measures' is written down in a confidential internal document that describes the weights attached to each item on a checklist. For FASFC inspections, items that are considered as a non-conformity are either a 'minor' (3 points) or a 'major' (10 points) non-conformity. A minor non-conformity (3 points) leads either to no action or a warning (e.g., when also >20% of other items on the checklist are non-conforming) (FASFC, 2016, p. 109). A major non-conformity (10 points) leads to either a warning or a First Information Report (e.g., when also >20% on the checklist are non-conforming). Eventually an inspection can result in one of the following outcomes: 'favourable', 'favourable with remarks' and 'unfavourable. Inspectors, in dialogue with the LCU, have some discretionary power to deviate from the checklists by, for example, accepting a problem as conforming because an operator has explained that it is going to be fixed the following day. Some interviewees praise the clear guidelines and appraisal system in checklists, because it contributes to uniformity and transparency of inspections, including which violations are considered as most serious.

If a meat company receives multiple First Information Reports for the same type of rule violations the inspection frequency by the FASFC increases and can result in more severe measures including higher administrative fines. In case of persistent non-compliance, eventually the FASFC can place a company under enhanced supervision and can suspend the accreditation of the SMS.¹⁶⁸ This can also be done based on ICB's reports of major non-conformities (type A1). Some interviewees have never experienced meat companies having their SMS accreditation suspended, even after repeatedly violating the rules of the SMS. Interviewees of two private labels, however, note that this does occur, according to one of them at least once per year. In these cases the meat company loses the private certificate.

¹⁶⁸ Article 3, paragraph 11, 'KB 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen', BS 12 december 2003.

Cases leading to companies temporarily losing their accreditation and the private pork label concern rule violations of labelling of meat, animal welfare and hygiene.

If problems persist after the accreditation of the SMS is suspended and there is a direct public health threat, the director-general of the general board of the FASFC can start the procedure for direct closure ('P0-procedure').¹⁶⁹ If there is no direct public health risk, the general board can decide to begin the procedure to withdraw the accreditation, which leaves the company 15 days or 30 days (therefore named 'P15-' or 'P30-procedures') to respond. Within that period of time, the meat operator needs to draw up an action plan, which, if approved, can prevent a closure. Based on inspectors' experiences it seems that, for a long time, these closure procedures were rarely (once a year) used, partly because of the potential loss of jobs. Two retired inspectors experienced how, in the past, the FAFSC usually tried to keep slaughterhouses open, despite subsequent reports about rule violations and long outdated infrastructure in some companies who did not have the intention to make innovations necessary for compliance. The companies that they know were closed were usually small and already experiencing financial troubles. In their experience, inspectors were also demotivated to initiate closure procedures because some inspectors who did were transferred to another slaughterhouse (around 2012).

For the *audits* for accrediting the SMS of a meat company, both the FASFC and ICB auditors are bound to a somewhat different way of rating compliance than for *inspections*, namely with four categories of non-conformities instead of two (i.e., the minor-major distinction mentioned above) (FAVV, 2013):

- Non-conformity A ('NC A'): inadmissible, standard is completely violated, has to be rectified directly, there is a direct risk for the proper functioning of SMS, there are too many 'NC B's' on one item;
 - Non-conformity A1 ('NC A1'): has to be rectified directly, is subject of the disclosure obligation (e.g., using forbidden products, having no FASFC accreditation or admission);
 - Non-conformity A2 (NC A2): has to be rectified within a limited period of time;
- and

¹⁶⁹ In this case, closure means that the accreditation or admission of an operator is temporarily suspended.

- Non-conformity B (NC B): partial shortcoming, plan of action is needed, there is no direct risk for the proper functioning of the SMS.

These categories are linked to measures. In case of an ‘NC A’, the SMS accreditation is not granted. The rating of non-conformities generally depends on three factors: the degree that a standard is not respected, the impact of the non-conformity on the functioning of the SMS and the impact of the non-conformity on food safety (FAVV, 2013, p. 5). An ‘NC A1’ and ‘NC A2’ both concern major deviations from a standard, but only an ‘NC A1’ involves a direct impact on food safety.

FASFC’s Action plan slaughterhouses & enhanced monitoring

The FASFC launched the ‘Action plan slaughterhouses’ in 2015 because, compared to other phases in the chain, slaughterhouses were not sufficiently improving their infrastructure and hygiene. This plan consisted of a training program for FASFC employees, slaughterhouse managers and quality managers, sensitizing the latter to implement and enforce improvements in infrastructure and hygiene. Also, a part of this plan was to gradually apply stricter responses to non-conformities: first suspending the SMS accreditation, leading to more frequent and paid inspections, and, if needed in a second phase, withdrawing the permit. A regional director of the FASFC monitoring department explained:

So, what have we learned from this [several closed slaughterhouses]? That we, and maybe that’s a bit arrogant, but that we are right in our approach. That some companies in the sector are not capable themselves to achieve compliance. The professional association does not have enough influence on those members.

So, that measures have to be taken then.

That the measures we apply, or that have been applied in the past, were not a sufficient incentive for them to adapt. The fines they get after a First Information Report are not proportionate, not serious enough to bring them to...[become compliant] It’s only when we start to withdraw their permits, when we start to suspend the SMS accreditation that they start to (...) take measures. (...) then we make the trade dry up. (regional director FASFC monitoring department)

Rule violations that were detected in several slaughterhouses with an accredited SMS in 2017 and 2018 have resulted in scepticism among public and private regulators about the evaluative

job that ICBs and the FASFC. According to some interviewees, because the FASFC experienced more pressure following publicized fraud cases (especially in the ‘beef fraud case’), they began to enforce the rules more strictly in other slaughterhouses. After a period of a relatively tolerant policy, the interviewees believe this case of fraud resulted in the closure of at least three other slaughterhouses during the course of a few months in 2018. The FASFC regional director of the monitoring department however, mentioned that these closures were the result of the gradual enforcement set in motion since the 2015 ‘Action plan slaughterhouses’.

At the same time, the FASFC’s 2018 annual report mentioned that the fraud case that led to enhanced anti-fraud monitoring by the FASFC, also promoted a stricter enforcement policy (FAVV, 2019b). Every non-conformity on the special fraud checklist required one of the following measures: a First information Report, seizure or destruction of non-conforming products, immediate withdrawal of the accreditation/admission (P0), suspending the SMS accreditation and withdrawal of the FASFC accreditation/admission (P15).

6.4.2 Criminal sanctions

In case of criminal law violations, the FASFC is obliged to inform the public prosecutor, but can still remain involved by supporting the criminal investigation. Based on the studied cases, the most common criminal sanctions imposed in the meat sector are criminal fines and custodial sentences (see Chapter 7). In case of hormones violations, publication of the verdict can also be imposed.¹⁷⁰ The publication of these violations in newspapers, local and agricultural papers is paid for by the offender and holds a naming and shaming element. In animal welfare cases criminal mediation is sometimes imposed when a farmer has structural problems that might be solved by community service or education. In case of animal neglect community service can be imposed to avoid further financial problems that were the cause of neglect. For certain food safety *and* animal welfare violations, a professional ban is possible and a confiscation of money and goods.¹⁷¹

Prosecutors can also propose a deferred prosecution agreement. This is done when violations are limited in time and scale and when the offender corrects the problems after the first report. The agreement aims to encourage compliance and, if the offender quickly takes measures to become compliant, this can be reason for the prosecutor to abstain from a

¹⁷⁰ Article 10, paragraph 7 ‘Wet van 15 juli 1985 betreffende het gebruik bij dieren van stoffen met hormonale, anti-hormonale, beta-adrenergische of produktie-stimulerende werking’, BS 4 september 1985.

¹⁷¹ Articles 40 & 43, Law on Animal welfare and protection, 1986.

deferred prosecution agreement. An advantage of the deferred prosecution agreement is that it allows the proposal of higher sums than criminal fines, and costs (e.g., of the procedure, of civil parties) can all be included from the outset without an often time-consuming and costly criminal procedure. A prosecutor who has experience with animal welfare cases, explained that this measure is *not* suitable in the following cases: animal seizures, serious neglect of animals, recidivism and a lack of remorse by the rule violator.

6.5 Measures and sanctions by non-state actors

If private actors detect non-conformities that involve a direct danger to the health of humans, animals or plants ('A1' non-conformity) (or when an operator is engaged in activities that are not known to the FASFC) they have a disclosure obligation to the FASFC (FAVV, 2017a).¹⁷² Also, if an operator has reasons to believe that meat he/she produced, processed, bought or distributed does not meet food safety requirements and the product is no longer under his/her control, he/she must immediately take the necessary steps for a recall and inform the FASFC.¹⁷³ Apart from that, the private actors explained their other options to respond to the non-compliance of a meat company with a private scheme, that I will discuss here.

6.5.1 Inside the supply chain: measures by the slaughterhouse

The interviewed meat operators are required to monitor their own work processes and those of their suppliers and to reprimand non-compliant ones, for example when an animal misses an ear tag or is not clean enough.¹⁷⁴ Several interviewees mentioned that the slaughterhouse management does, indeed, contact the supplier to complain if animal welfare violations occur during loading, transport or unloading. According to an OV reprimands by the slaughterhouse are rare. He notes that the slaughterhouse management he knows does this because they 'can afford to be strict' and because this company pays better prices per kg to their suppliers than other slaughterhouses. Other measures mentioned by slaughterhouse staff include the refusal of animals at the farm in the case of animal welfare problems or temporarily blocking animals if the level of antibiotic residues exceeds the MRL.

¹⁷² 'KB van 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen', BS 12 december 2003.

¹⁷³ Article 8, paragraph 2, 'KB van 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen', BS 12 december 2003.

¹⁷⁴ KB van 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen', BS 12 december 2003.

6.5.2 Inside the supply chain: measures by distributors imposed on suppliers

Distributors also take measures when they observe non-compliance by their suppliers (slaughterhouses, deboning plants and meat processors). Many problems are solved through dialogue between the distributing company's quality manager and the supplier. Also, distributors refuse or return products and/or demand an action plan from a meat supplier. Interviewees mentioned that they demand an action plan, for example, when they encounter a foreign object in a meat product or after frequent non-conformities. The distributors also encourage their suppliers to report problems and to organise additional trainings for staff on compliance. Distributors also respond to rule violations in meat companies by asking for more transparency and demanding statements from their suppliers that the meat they buy does not (or cannot) come from a company that is accused of non-compliance. This is how distributors responded to the horse meat fraud, the 'beef fraud case', and the 'animal abuse case'. Distributors other than retailers usually do not buy directly from a slaughterhouse and often do not know who supplies their suppliers. Two retailers' quality managers said that they imposed fines on suppliers for some non-conformities including E. coli contamination due to incorrect work procedures. When a food safety problem involves a recall, one of them mentioned how a fine can be up to 6,000 euros.

Another option is to change the purchase policy when other measures fail to have the desired effects or when non-conformities are considered as too serious and affect the financial security of their suppliers. The distributors mentioned that they decrease the volume of the product they receive from the supplier as a sanction. This decision can be reversed after observing improvement. Further, good suppliers are rewarded by increasing order volumes. Some distributors stated that they are more lenient towards high-volume suppliers than low-volume ones.

Distributors also cease selling certain products, terminate contracts or temporarily halt orders until the supplier meets their demands. Such strict measures are, for example, taken in case of food safety risks related to contamination by pathogen micro-organisms, based on samples the ICBs take during audits, or because the company did not meet the condition to obtain a private label within a specified time-period.

At the same time, the distributors are careful with reducing supply volume or ending contracts because it is not always easy to find a replacement supplier that can offer the same products and/or similar product volumes. Especially for beef there are not that many Belgian companies with the capacity to meet the demands of large-scale distributors. This is why some interviewees assume that distributors' responses to scandals and crimes are merely

symbolic and that business continues as usual or with a sister company, at the most after a short interval of time, until smear campaigns have subsided.¹⁷⁵

6.5.3 Measures by third private actors

Private actors outside the supply chain respond to rule violations by giving warnings, ending cooperation, demanding action plans, disclosing the facts to the FASFC, and withholding, suspending or withdrawing certificates. Some private schemes also include in their contract that they impose fines in case of certain non-compliances, which is thus based on civil law. Withdrawing a certificate is considered as the most severe measure, in terms of the economic impact. It is a precondition to be allowed to supply to certain customers. In auditing accreditations and private schemes, ICBs employ a risk-based approach, adapting the response to non-conformities to the probability that consumers can be harmed and on how the slaughterhouse management has responded to it.

Private scheme owners and ICBs are bound to the same four categories of severity of rule violations as the FASFC in the audits of the SMS (from B, A2, A1 to A: see Section 6.4.1) For 'A1' non-conformities the ICB has a disclosure obligation to the FASFC.¹⁷⁶ In these cases, the ICB withholds or suspends SMS accreditations and private certificates, which also sends out a strong message to the clients of a slaughterhouse and can affect their commercial relations. ICBs can also temporarily suspend a private certificate or SMS accreditation.

From what ICBs and private scheme owners were willing to share, it seems that they infrequently withheld or withdrew a certificate. One ICB mentioned that they withdrew a meat company's certificate twice in one year (2017). A scheme owner of a private pork label also suspended the certificate of two slaughterhouses in six months (in 2018). At least once a year a company loses this private pork label as a consequence of having their SMS accreditation (a prerequisite) suspended. Other reasons for losing the certificate included farmers who failed to pay the mandatory contribution to the certifier and meat operators who violated animal welfare, labelling or hygiene rules or had lost their FASFC accreditation. For

¹⁷⁵ See also X (2017, September 13). Verrassing: de biefstuk bij Delhaize komt nog steeds van Verbist. *De Morgen*. <https://www.demorgen.be/nieuws/verrassing-de-biefstuk-bij-delhaize-komt-nog-steeds-van-verbist~b704ad97/>, last accessed February 2022.

¹⁷⁶ Article 8, paragraph 1, and article 10 paragraph 3, point 4, 'KB van 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen', BS 12 december 2003.

a private beef label examples for losing the certificate were hormone residues that exceeded the Maximum Residue Limit (MRL) and lacking registration of medication.

6.6 Hybrid monitoring and enforcement

Although there are differences in the way all regulating actors, state or non-state, conduct their monitoring and enforcement activities, their activities enforce and complement each other. Interviewed non-state actors who observed differences were generally more positive about private than public monitoring. But the data also indicates that these (perceived) differences become less relevant when considering all regulatory activities as one hybrid dynamic.

6.6.1 Comparison between regulatory practices by state and non-state actors

Interviewed non-state actors have different opinions in their comparisons between the nature of FASFC inspections and private audits. Some do not see many differences or do not believe that one is stricter than the other. A retailer's quality manager pointed to the similarities, noting how both types of actors provide a list with comments, and then demand an action plan to improve the non-conformities. He only regrets a lack of feedback and clarity from the FASFC to understand when the company's efforts are sufficient and compliant in the FASFC's eyes. Instead of comparing, another retailer's quality manager rather looks at what both parties can learn from each other and how to improve food safety and quality together.

More often, interviewees pointed to *differences* between the activities of private and public actors. Most meat operators and some (state and non-state) regulators are more positive about private than public monitoring and enforcement. Reasons they provided for this include: private actors set higher and more detailed standards than the government; private auditors have a more constructive or persuasive approach, their audits are more in-depth, more focused on the risks in final meat products instead of focusing on the means; applying a more 'spirit of the law'-approach; and, they are more practically-oriented and more realistic than state inspections. According to a veterinarian (who does audits for an ICB) a state inspection is a more superficial observation of the facts, whereas during an audit you verify if theory and practice correspond. One example he provides of how private actors are more thorough is how an ICB inspector also takes samples of meat to test for Listeria in the slaughterhouse even though this is not demanded by public law. A slaughterhouse quality manager explained that, in case of a problem such as condensation, the FASFC will directly consider it as a non-

conformity whereas a private regulator will respond in a more nuanced way, answering further questions including: where is the condensation? Does it create a food safety risk in that room because it can fall on products? But also:

How does the company respond to it? Is there an evolution [in their response]? (...) Are they working hard to get rid of it? Do they know about it? Because you can also have a company where (...) the quality manager is not even aware of it. (...) Did the company take any action? (a slaughterhouse quality manager)

The quality manager stressed that he does not contest the facts of non-conformities, but the way different regulating actors interpret them.

Also distributing companies' staff pointed to the more 'risk-based' approach of private regulators. Two quality managers of a food service company compared the audits for accreditation of their ISO 22,000 (food safety) certificate with the FASFC's 'smileys' for their kitchens. The 'smileys' are very much focused on physical infrastructure and the *means* of how to respect food safety (e.g., presence of maintenance plan, pest control, products labels), whereas ISO 22,000 is more focused on the *result* of their kitchens' efforts. The quality managers of a restaurant chain and of a food service company found the ICBs and external consultants to be stricter than the FASFC in inspecting their restaurants and kitchens respectively. One of them mentioned that this is preferable than the other way:

For you it's positive that the [ICB] is stricter?

Yes, that gives us a little extra space. If the FASFC then enters, they usually find nothing, or a detail. (...) it would be worse if [the ICB] says: 'Yes, it's good enough' and that a week later the FASFC enters and says: 'But no, this should all be renovated'

And that's because the consequences are more serious when the FASFC detects something?

Absolutely. The FASFC will lock the door and you won't be allowed to open it until something has been renovated. [The ICB] will give advice the moment they find it and it will lead to taking steps forward, then something is done about it.

So, you're saying that's more constructive than how the FASFC operates? It's more directed towards improvement?

Yes, so there is advice and a reaction [by an ICB] and this is expected within a reasonable time period. While the FASFC will say: 'Ah no, that needs to happen, today. You have to close until it's repaired.' (purchase and quality manager of a restaurant chain)

Some state actors are sceptical about private monitoring because of the financial relation between certifiers and the meat companies. But two ICB employees stressed that it is not in their interest to be too lenient as they would risk harm to consumers and to their reputation. Some state actors believe that private rule enforcement also has a much stronger deterrent effect on meat operators than public enforcement. They observe this in the way meat operators are much more willing to listen to their buyers and fear private monitoring, more so than they do of state monitoring. A suspension of the SMS accreditation can result in the loss of clients or even the right to export to a specific country, resulting in much higher costs than administrative or criminal fines.

6.6.2 Interdependent and complementary activities of monitoring and enforcement

Despite the fact that interviewees reported differences between monitoring and enforcement activities of private and public regulators, these activities are, at the same time, complementary and interdependent.

To focus first on monitoring, we see that the regulatory framework consists of several layers of activities by all kinds of actors who monitor each other. The regional director of the monitoring department of the FASFC explained how, within their organisation, there are different layers of monitoring by internal and external actors. First, the central direction monitors the LCUs. Second, there is an internal audit department in the FASFC that checks the work of the FASFC. Third, there are six ‘coordinated-control missions’ (Coco-missions) conducted per year by the FASFC. These missions consist of a collective of inspectors from different regions on one team who visit a certain number of companies (normally 14 or 15) in one sector. This way they can evaluate uniformity of the use and interpretation of checklists by LCUs in different regions by focusing on one specific sector each year. Fourth, the NICU monitors the Coco missions.

The FASFC is also monitored by external (national and European) organisations. First, BELAC conducts ISO audits at the FASFC (17.020 about metrology and measurement in general, and 9.001 about requirements for the organisation’s quality management system). Second, the EU’s Health and Food Audits and Analysis (HFFA) (the former European Food and Veterinary Office, FVO) organises external audits of the FASFC. Third, delegations of export countries (who audit the meat companies that desire to export to these countries) check if the monitoring activities by the FASFC are in accordance with their standards. Fourth, there are ad hoc audits of the functioning of the FASFC, for example, by the federal audit agency

after the 2018 ‘beef fraud case’ that focused on the FASFC’s board and on the monitoring processes in the meat sector in particular (FAVV, 2019b, p. 19).

In private monitoring there is a similar system of multilayer monitoring. As described, the professional association creates the Guide for the SMS, but the SMS is accredited by the FASFC or an ICB, and the FASFC monitors the work of the ICBs as well (FAVV, 2017a). After accreditation of an SMS, OV’s monitor compliance of a company with the SMS. ICBs are required to hire OV’s who have an implementing arrangement with the FASFC to conduct audits of the SMS in slaughterhouses and boning plants (FAVV, 2015).¹⁷⁷ ICBs are monitored by BELAC and, sometimes, by private labels that ICBs certify (who inspect ICB’s offices and how they handle audits).

Concerning the *enforcement* activities of state and non-state actors, we see that these activities are also interdependent and linked to one another. Losing one certificate has consequences for other certificates and contracts. A slaughterhouse that (temporarily) loses the SMS accreditation, also loses a private certificate, which in turn is a prerequisite for a contract with a retailer. For example, in one case of hygiene problems in a slaughterhouse, the FASFC closed the slaughterhouse after a private label was withdrawn.

In order to enforce the rules, there is some information exchange between regulating actors. First of all, the FASFC has access to information that the ICB gathers when they audit the SMS accreditation of meat companies.¹⁷⁸ The FASFC also has access to information that ICBs and private scheme owners report to them based on the disclosure obligation in cases of non-compliance with public rules involving food safety risks.¹⁷⁹ Conversely, the ICB also receives, to a limited degree, general information from the FASFC during their meetings with all accredited ICBs, but not about specific companies. Some private actors wish that the FASFC would also inform them of accreditations of SMSs that the FASFC suspends. It is the responsibility of a meat company to inform the ICB and the buyers about a food safety problem or if their SMS accreditation is suspended. However, when they refrain from doing

¹⁷⁷ This rule is specific for companies working with products of animal origin for human consumption, based on ‘Regulation (EC) No 625/2017 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products’.

¹⁷⁸ Article 10, ‘KB 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen’, BS 12 december 2003.

¹⁷⁹ Article 8, ‘KB 14 november 2003 betreffende autocontrole, meldingsplicht en traceerbaarheid in de voedselketen’, BS 12 december 2003. The FASFC would also like to be informed by private auditors when a company violates a non-statutory standard that China imposes on Belgian meat companies. The sector is not in favour of it, but as the FASFC provides the export certificates, the FASFC also feels responsible for detecting non-compliance with private schemes.

so, the ICB or the buying company sometimes learns about it from the media, and, in some cases, *after* they had just awarded the label to a client.

Another way that private actors can be warned of food safety problems by public authorities is through the Rapid Alert System for Food and Feed (RASFF). This information is also distributed by professional associations. The names of companies where problems are observed are excluded from the reports. A restaurant chain quality manager said it is necessary to check the reports about products that could be part of their supply chain on a weekly basis. For example, if an RASFF report is about ‘Listeria in cooked ham in Belgium’, he contacts their supplier(s) of cooked ham to verify if the problem is relevant to their supply chain and if necessary, to take appropriate actions in their restaurants.

Some interviewees observe how enforcement by state and non-state actors can reinforce each other. A food service quality manager explained how their clients sometimes refuse to invest in infrastructure in the locations of catering despite non-compliance. Apparently, they feel more pressure to invest when the FASFC reports the same rule violations.

Conclusion

I set out to understand how regulating actors organise monitoring and enforcement and how they interact. Just as in *standard-setting*, the findings show how monitoring and enforcement activities of private and state actors reinforce each other, are complementary and interdependent. It demonstrates principles of ‘co-regulation’ and hybridity with interdependent actors applying several instruments to control the pig and cattle slaughterhouses (Gunningham & Sinclair, 2017; Havinga, 2015). The activities of the different actors are similar in the sense that private ways of working are bound to public rules, and are therefore based on the same risk-based principles and reputation logics.

Because the work in slaughterhouses is considered to be risky in terms of well-being of animals and safe meat, *and* has a negative reputation concerning rule violations, many monitoring activities are concentrated here compared to other phases in the supply chain. The activities concentrate on food safety compliance. The capacity and experience available at the AWU is growing, but is not comparable to the FASFC. Also, non-state actors increasingly focus attention on animal welfare issues, as the role of the AWO in the slaughterhouse illustrates.

The continuous presence of OVs is very specific to slaughterhouses. Although the OVs’ meat inspections on the slaughter line are not comparable to inspectors’ and auditors’

work, their presence contributes to more frequent inspections of state actors in the slaughterhouse than elsewhere in the supply chain. It also contributes to the more dominant role of state than non-state actors in slaughterhouses, although it must be said that both parties carry out several informal and ad hoc monitoring visits, complicating a comparison. The particular risks in slaughterhouses and their reputation does not only influence the sampling and inspection programs. It also makes the FASFC gradually apply stricter measures, moving up in the enforcement pyramid in an attempt to be more deterrent, the way Ayres & Braithwaite (1995) theorised in their responsive regulatory model. Although this research did not focus on statistics of responses by all types of regulators, regulators apply responsive principles, while only rarely imposing the harshest measures or sanctions. Private actors seem to be more focused on creating transparency and trust than on punishment.

In the described hybrid regulatory framework, the state has delegated regulatory tasks to private actors and leaves a lot of responsibility to the meat sector to monitor itself and others in the supply chain. According to the concept of enforced self-regulation, the state still facilitates and monitors this delegation (Ayres & Braithwaite, 1995; Grabosky, 2017). The interviewees observed how the SMS has led to a mentality change within the meat sector and how it is based, a great deal, on documentation, private certification activities and on trust. Slaughterhouse quality managers and AWOs contribute to its functioning, but are bound to their employer's vision. When scandals and crimes reveal abuse of self-monitoring, the trust of consumers and other regulators is violated, resulting in more monitoring in an attempt to restore trust. This contributes to regulation of regulation, with several actors controlling each other (or 'meta-regulation', see Grabosky, 2017).

Because meat regulation is hybrid does not mean that the different regulators play the same role. Interviewees experienced private monitoring in practice as generally more goal-oriented and more focused on risks compared to state-monitoring, which is experienced as more means-oriented and focused on the letter of the law. Also, the pressure of buyers is said to be more effective than state activities to encourage compliance of meat operators, who want to avoid commercial sanctions and to secure sales. This dynamic suggests that market forces can be powerful regulatory instruments, as distributors are thought to have a lot of influence on the supply chain (see also, Gabrovsky, 2017, p. 153). Retailers are more active in monitoring the meat sector in the tiers higher up in the supply chain. Yet, they are limited in their enforcement options when they depend on a decreasing number of large-scale suppliers who are difficult to replace.

Apart from the way monitoring and enforcement in the beef and pork sectors is designed, there are other factors that influence practices of monitoring and enforcement. In the following chapters I will describe the factors that emerged from the fieldwork. This will give more insight on the priorities of the involved actors in hybrid food safety and animal welfare regulation. I begin Chapter 7 by presenting rule violations in the beef and pork sector, primarily based on the analysis of criminal and administrative cases, demonstrating to some extent the priorities of public regulators.

Chapter 7. Rule violations reported by interviewees and detected by state regulators

Introduction

This chapter focuses on **research question 5: What is known about rule violations in the beef and pork supply chains and how are they assessed by regulators and regulatees?** In the first section I describe the challenges regulated actors face with the regulatory framework and rule violations that regulated and regulating actors report. In Section 7.2, I describe the outcomes of law enforcement actions through the analysis of the administrative and criminal cases. This analysis shows which rule violations are detected and are followed up by public authorities, which ones lead to criminal prosecution, and what the final sanctions are. Some cases also provide limited insight into the reasoning behind the sentences judges impose.

Whereas the research questions concentrate on rule violations rather than on compliance, there are many compliant actors in the meat sector who rarely violate rules or those that are minor in nature and do not result in serious consequences. Some state actors stressed how slaughterhouses work in a very hygienic way, and some operators in the supply chain said not to observe (serious) rule violations or problems in the meat sector. However, the central question here is: What *is* actually known about the types of rule violations in the sector? To answer this question I look at the most common and most serious rule violations according to interviewees and proceedings, without making statistical claims about their prevalence or incidence. Violations of non-statutory standards are not integrated in this chapter because of a lack of data.¹⁸⁰ Because of the hybridity of public and private regulatory practices, state responses also set in motion responses of private actors. As such, the rule violations described here overlap with those that private actors respond to.

7.1 Reported challenges, rule violations and perceptions of non-compliance

Interviewed food operators discussed certain rules that they have or continue to violate, or those violated by their colleagues, suppliers and buyers. There is possible bias in the responses of the interviewees as they were limited to what they felt comfortable in discussing

¹⁸⁰ Distributors and ICBs were asked to provide statistics on the rule violations they detect per year and about the number of specific sanctions they impose on suppliers/clients per year. Their answers were limited to giving some examples, and/or about the most serious cases leading to withdrawal of a certificate. But even if they would have provided numbers, there are many more private actors who were not interviewed. With this in mind, despite the limitations of the data provided by public authorities that I used, at least this data is more routinely collected in Belgium.

(see Chapter 3). Based on what interviewees *did* report about rule violations it seems they felt comfortable sharing rule violations for one or more of the following five reasons. First, interviewees mentioned violations of rules that they do not believe are legitimate. Second, they reported rule violations that led to official sanctions that left them feeling as though they were unjustly treated. Because this applies to several rule types, their complaints about the rules and the responses to them by the authorities are further discussed in Section 7.1.1. Third, interviewees seemed willing to share examples where they were not even aware that they were violating a rule. Fourth, they shared examples of violations that they consider as only minor and/or did not involve any wrongful intentions (e.g., mechanical failures, defensible human errors). The fifth and final category of rule violations that interviewees felt comfortable in discussing are closed cases and those that are publicly known and/or are, in their opinion, severe and committed by ‘bad apples’. I got the impression from the interviewees that they were at ease discussing these violations because they happened in the past and have since been rectified and/or because, according to them, they are not structural problems. Sometimes interviewees assumed that these violations are public knowledge because of media attention, or because several other colleagues struggle with compliance with the same particular rule and because the professional association is giving it attention. It is possible that other rule violations occur that do not fall under these categories. However, the additional analysis of the other data diminish this bias.

Instead of describing *all* rule violations that interviewees reported, in this section I focus on those violations that interviewees consider the most serious and/or most frequent, and/or those that were mentioned most frequently by the interviewees. Rule violations are discussed by theme, but several are ‘multifactorial’, in the sense that one type of behaviour leads to (potential) harm for different bearers (e.g., fraud causing financial harm to competing companies and harm to consumers’ health) and/or that one act or case includes different types of rule violations (e.g., cases that cover food safety *and* animal welfare violations). Before going into the different categories of reported rule violations, I list the challenges that meat operators report concerning the rules independent of these categories.

7.1.1 General challenges and complaints about rules and enforcement

Interviewees have mentioned how the dioxin crisis was a wakeup call that stimulated professionalization of the meat sector. Many meat operators recognize the importance and necessity of the majority of the rules. They welcome the establishment of the Federal Agency

for the Safety of the Food Chain (FASFC) in 2000 as credible regulation by the national authorities is in their interest. It supports their international competitiveness. At the same time, interviewees expressed several challenges for slaughterhouses that relate to rules and enforcement of the rules. Most of the complaints about the rules concern their legitimacy. According to the interviewees, some of the described challenges contribute to violations of these rules.

First, concerning the rules, eight interviewees stressed the challenge for meat operators to keep up with the amount and complexity of the rules. Many interviewed corporate actors complain that the interpretation of the Belgian government is often more stringent than other EU Member States in their implementation of rules. This ‘gold plating’ is seen as a consequence of the ‘dioxin shock’, that made the Belgian authorities fearful of being too lenient towards the meat sector. According to interviewees this impairs their competitiveness in the international market and leads to closing of companies. They warn how Belgium in the future might be dependent on meat produced elsewhere under more lenient regulation, pointing to a lack of harmonisation in practice in the European context. Second, some food safety rules are believed to be redundant. For example, a rule issued to satisfy requirements imposed by South Korea prohibits the use of five types of antibiotics during the first two months of pig rearing, whereas in Belgium two of these five were already forbidden. Such rules demand additional, and in the interviewees’ opinion, unnecessary administration of meat companies. A third complaint made by five interviewees, is that rules focus too much on work processes (e.g., HACCP) instead of results (safe and decent quality meat). They believe that if more focus was placed on the *quality* of the final product, the rules would also take into account the variety (e.g., in size) of companies to whom the rules apply. This relates to a fourth criticism of meat operators, namely that rules are not ‘tailor-made’ and are more challenging for the small-scale companies to comply to than for the larger. A fifth complaint is that some rules are derived from a theoretical approach taken by policymakers who lack practical insight on the nature of the actual work carried out by meat operators. Examples provided by interviewees show that some rules do not serve their intended objectives, or that they contradict other interests (e.g., food safety versus workers’ safety). The rule requiring the ligation of the oesophagus of cattle during slaughter is one example that is thought to work only in theory. Six meat operators mentioned the challenges to comply with this rule and/or admitted to have violated it in the past. They did so because they believe that complying with this rule *increases* the risk of meat defilement as it leads to pressure on the oesophagus, which could cause it to break resulting in its contents spilling and potentially

contaminating the meat. The fact that this rule does not apply to ritual slaughter further increased the lack of support for this rule. Additionally, interviewees expressed their doubt about the practical application of some animal welfare rules. For example, two interviewees mentioned that, even though it is best to be patient and to approach animals in a calm way to drive them forward, a stick is still needed to defend employees from harm. A sixth complaint is that some of the rules are outdated. There are still rules that date back to the BSE crisis that, according to some slaughterhouse quality managers, only lead to unnecessary bureaucracy. Other rules lag behind modernized techniques. For example, the rules concerning the required temperatures of carcasses prior to transport did not take into account that modern cold storage trucks are capable of further reducing the temperature of the meat.¹⁸¹

Apart from these complaints about rules, three other complaints concern the implementation and *responses* of regulators to rule violations that create feelings of injustice and/or unreasonableness. First, three slaughterhouse quality managers observe how rules are implemented without (or with insufficient) time to become compliant. A Korean food safety standard prescribes that pigs should not be wormed during the last month of their lives. This had to be applied immediately, regardless of the effort and time the slaughterhouses needed to verify this with the farmers of pigs that arrived when the standard was first introduced. Another slaughterhouse quality manager complained that an environmental inspector pressured him to change the infrastructure of his water purification system. However, in order to build, he first needed a construction permit, which is a time-consuming process. A second complaint relating to responses of regulators is how sanctions are, in some cases, considered disproportionate to the seriousness of the violation(s). Last, feelings of injustice result from witnessing rules being violated by others without responses by responsible authorities.

In short, some of the rule violations that meat operators mentioned during interviews concern rules that the interviewees consider as too numerous, complex and/or not legitimate for a number of reasons (e.g., because they are redundant, not-tailor made, outdated, infeasible in practice, not or not sufficiently serving the claimed objective, contradictory to other interests). Also, short implementation times, disproportionately high sanctions and unpunished rule violations by others were reasons for complaints. The findings illustrate that, when regulatees experience these challenges with rules, they are more likely to violate them. This is in line with earlier criminological research in other economic sectors (e.g., Huisman, 2001).

¹⁸¹ Since 2017, exceptions are possible for carcasses that are further cooled down during transport, but only after an admission of the FASFC (FAVV, 2017f).

7.1.2 Food safety rule violations

In the food safety violations that interviewees mentioned, I list those that they consider as serious and then those that occur frequently. Often, frequently occurring violations are not considered as serious by interviewees. Because interviewees seem to value the *intentional* acts as more serious, I make a distinction between rule violations that are always intentional and those that are not.

Rule violations perceived as most serious by interviewees

Five state regulators mentioned intentional violations that they considered serious. The first is the use, possession, and trade in illegal growth promotors in cattle raising. They expressed their concerns about the unknown and adverse effects on consumers (e.g., on fertility), but also the harm to animals' health and wellbeing. Although hormone cases are now rare, two state regulators worry that this is because of a lack of attention by authorities.

A second set of intentional rule violations mentioned by ten interviewees concerns providing meat that is not fit for human consumption, which can result in reduced meat quality and food safety risks. Meat unfit for human consumption can enter the food chain in a number of ways including after illegal slaughter, or in an infrastructure that is not necessarily fit for slaughter (NVA, 2015a). This is said to happen more frequently with pigs than with cattle and is profitable, for example when sick animals (that should be destroyed) are still used. Meat unfit for human consumption can also include the packaging and storage of meat without respecting hygiene rules, or falsely adapting the 'best-before' or 'use-by' date on meat labels. Cheating with labels can be especially risky when it concerns waste meat integrated into the human consumption chain at some point in the production process, instead of being destroyed or processed into pet food (e.g., hooves and tonsils, or whole animals if they are sick). In 1999, as one state regulator recalled, such a case led to at least two deaths in a nursing home for the elderly after they ate meat that should have been destroyed. Typically, most of these cases involve some type of fraud, including falsifying identity documents of animals, information about medical treatments of animals, or meat labels.

Other practices mentioned that involve food safety risks are intentional but not necessarily involve fraud. An example is the practice of rinsing meat with water that has been contaminated with manure when, according to the rules, the defiled parts should be removed. Rules that aim to *avoid* the risk that meat is contaminated with manure in the first place are also violated. One such rule is that animals should not be fed before they are brought to the slaughterhouse, another is to ligate the oesophagus during the slaughter of cattle.

Food safety violations that interviewees consider as serious that are *not* necessarily intentional, entail all kinds of hygiene and microbiological problems. These are related to work processes, infrastructure, or technical defects of software or machines. Interviewees consider the following as the more serious violations in slaughterhouses: defective machinery or poor infrastructure leading to the contamination of meat with manure, infrastructure problems leading to cross-contamination (e.g., carcasses touching walls), knives that are not properly cleaned by employees and not properly responding to, or preventing the spread of, certain pathogens (e.g., salmonella and campylobacter). The problems with pathogens are said to result from employees' knowledge deficits concerning pathogens, their risks or how to avoid them, or from not applying the right work processes despite possessing the knowledge (e.g., not washing hands). For the distributors, selling expired products and having pest problems in their establishments are also considered as serious issues.

Problems with the identification of animals are also considered as serious by many regulators and regulatees. Such problems can be unintentional, but can also be a sign of fraud. This is especially the case when cattle are missing both ear tags. This is perceived as a serious violation because the proper identity of the animal is not known. As such, their medical history is also unknown and the animal and the meat it produces is untraceable and should not end up in the human consumption chain. Besides being considered as serious violations, cattle identification violations are also said to occur frequently. This is the case, in part, because meat operators believe that it is unpractical and even dangerous to check if the identification number on the cattle passport matches the number on their ear tags *before* unloading them from a truck. They view this as even more dangerous when there are 25 or more bulls together on the truck. It is for this reason that, in most cases, the identification numbers are checked after the animals have been unloaded. The disadvantage if an irregularity is detected *after* the animal is unloaded, is that it has to be killed there, but the slaughterhouse cannot proceed with the slaughter until the problem is solved and sometimes receives administrative sanctions. Another identification issue concerns violations of the private 'Born and raised in Belgium' label, as reported by two interviewees. They spoke of pigs arriving at the slaughterhouse that were not born and/or raised here, which, according to both interviewees, was the responsibility of the farmer.

Rule violations perceived as most frequent and/or mentioned most often

According to interviewees, some food safety violations occur frequently. One of the most frequent violations concerns medication and hormones residues in meat which are prohibited

or exceed the Maximum Residue Limit (MRL). This can happen when antibiotics are given to animals too close to slaughter. According to an FASFC inspector, ‘food chain information’ is always missing on cattle passports. This means that cattle owners and/or their veterinarians do not register on these passports the medication a cow has been administered during its lifetime. The inspector experiences the same problem with sows which (as opposed to ‘regular’ pigs) do not receive the same medical treatment as other pigs. When sows arrive at the slaughterhouse they often have some health problem, but information concerning their medical history and treatment is frequently absent.

Other frequent food safety violations in all phases of the supply chain result from hygiene problems and are often related to company infrastructure and/or work processes which can result in microbial risks or physical contamination of meat. Slaughterhouse managers mentioned the challenges they face of constantly controlling the acceptable level of pathogenic micro-organisms and in preventing cross-contamination. More specific examples are provided in the following paragraphs per phase of the supply chain.

A frequent violation in slaughterhouses occurs when farmers, cattle traders, or drivers deliver animals that are not sufficiently clean.¹⁸² The slaughterhouse is responsible for hygienic slaughter procedures and could refuse dirty animals, or instead, clean or shave them. But based on the interviews these do not seem to be common practices. Another frequently observed rule violation in both slaughterhouses and the distribution sector are improperly disinfected facilities. Some slaughterhouses outsource cleaning and it appears to be a challenging job because of the timing (after slaughter hours), the circumstances (e.g., the blood, meat rests that get stuck in equipment) and the difficulties and dangers of cleaning machines. Four meat operators gave anecdotes about the FASFC not being satisfied with the result. Water temperature violations are also common during the knife sterilization process.

Outdated slaughterhouse infrastructure is another common cause of frequent food safety violations. Examples include floors or walls that are not smooth and washable and rust formation and condensation problems in places where meat is stored or where water can drip onto carcasses. Infrastructure problems often arise from increasing the number of animals slaughtered before the necessary infrastructure adjustments have been made to accommodate a higher processing volume.

¹⁸² Annex III, chapter IV, point 4, Regulation (EC) No 853/2004 of the European Parliament and of the Council of 9 April 2004 laying down specific hygiene rules for food of animal origin, adopted in the FASFC checklist: ‘PRI 3288 Slachten en uitslachten van als landbouwhuisdier gehouden hoefdieren (in het slachthuis) – Infrastructuur, inrichting en hygiene. v2’

Process hygiene rules are also said to be violated frequently. In slaughterhouses this includes the storage of cartons in the same room as fresh meat, storing crates on the floor, employees not wearing hairnets or not covering the ears of cattle carcasses with plastic bags (to preserve the ear with the identifying ear tag). In processing and distribution of meat products process hygiene rule violations entail unhygienic or not properly closed packages. Employees not adequately washing their hands, in all phases of the supply chain, is another frequent source of violations.

Carcasses testing positive for bacteria (e.g., Salmonella, Listeria and different types of E. coli) lead to frequent rule violations in slaughterhouses and distributing companies, especially in the pork supply chain. These can have their origins at the farm, but further distribution of these problems relates to process hygiene as well. Salmonella, for example, spreads easily in the case of bad process hygiene or problematic infrastructure. Tests are conducted by the slaughterhouse as part of their SMS and by the FASFC. If more than two out of 50 pig carcasses (or more than one out of 50 cattle carcasses) sampled by the slaughterhouse (in ten subsequent weeks) are positive for Salmonella, this results in a non-conformity of process hygiene and the slaughterhouse needs to devise a remedial action plan and inform the FASFC (FAVV, 2016a). The FASFC samples 49 pig carcasses per year in each facility to monitor this pathogen (or 35 if it the company slaughters less than 10,000 pigs per year).

Rules concerning the maximum temperatures of meat or meat products are also frequently violated. Because high carcass temperatures stimulate the growth of pathogenic micro-organisms, carcass core-temperatures were not supposed to exceed seven degrees Celsius. Because this takes time, and time is money (because of limited storage capacity for carcasses), carcasses are often transported while they are warmer.¹⁸³

The use of sulphite (a prohibited preservative) in the distribution phase is another a frequent rule violation. This can lead to food safety risks because sulphite can make bad meat appear fresh and, in certain doses, it can cause allergic reactions (Wetenschappelijk comité van het FAVV, 2010; Appendix 3, p. 25).

¹⁸³ According to state regulators, a cow's carcass of 500 kg needs a minimum of 48 hours to have a core temperature of seven degrees.

7.1.3 Animal welfare and animal health rule violations

For animal welfare violations I also first list those that interviewees consider as the most serious and then the most frequently occurring ones. Here the intention of the offenders also contributes to interviewees' assessment of seriousness, next to the severity and visibility of the harm.

Rule violations perceived as most serious

According to the interviewees, the most serious animal welfare rule violations occurring at farms are those that involve serious neglect, and specifically those cases resulting in animals starving to death because of a lack of feed and drinking water. According to one inspector, the most serious cases at farms typically include multiple rule violations at the same time, when farmers no longer properly manage the farm. Examples are farms where animals are not well taken care of, sick animals, some lying dead among the living animals and dirty stables. One OV spoke of cases where farmers kill sick animals with unregistered medication, by beating them to death or leaving them to die instead of euthanizing them.

In the subsequent phase of transport, interviewees noted serious rule violations including trucks being overloaded and animal injuries during unloading. A retired inspector recalled an incident in 2015 where a sow fell from the truck during unloading and was injured and subsequently lifted on the discharging quay with a fork-lift. The event was filmed by a passer-by and posted on social media.¹⁸⁴ With time slaughterhouses have improved infrastructure (e.g., the height of the quay and steepness of loading ramps) to avoid such accidents.

According to both regulators and regulatees, some of the most serious offences occurring in slaughterhouses, were highlighted in the undercover footage in the 'animal abuse case'. They mentioned specific incidents of this video, including a pig that was plunged in a bath of 60 degrees Celsius alive because the stunning with carbon dioxide was ineffective and another incident involving a pig with a navel rupture that was not supposed to be transported.¹⁸⁵ The video also showed employees and drivers treating animals roughly in the

¹⁸⁴ See VTM (2015, June 12). *GAIA dient klacht in tegen slachthuis Zele* [Video]. VTM https://www.youtube.com/watch?v=Z79P0PSXj_I, last accessed April 2020.

¹⁸⁵ The case has resulted in a criminal conviction of the business manager and the company for animal abuse in 2019, including fines of 16,000 euros for both of them (8,000 actual, 8,000 suspended fines). The judge ruled that the undercover footage was illegally obtained evidence. The conviction was instead based on animal welfare inspections done after the AWU had been informed about the events. (X, 2019, December 20). Tielts slachthuis veroordeeld tot boete. *De Standaard*. https://www.standaard.be/cnt/dmf20191219_04775600, last accessed December 2021.

pre-slaughter phase (e.g. pulling a pig by its ear). These violations are not exceptional according to three OVs and a slaughterhouse quality manager.

An OV mentioned how the individual electric stunning of pigs in some slaughterhouses often leads to unsuccessfully stunned animals compared to other methods. It depends on the slaughter speed and the responses of employees if such a problem leads to further animal suffering. This violation can be multifactorial when it creates dangers for workers as well. One OV provided an example where a pig was not successfully stunned, causing two workers to fall while they were carrying knives and a stunning tong.

Serious rule violations also occur during ritual slaughter and also involve stunning. Five interviewees mentioned slaughterhouse employees who do not wait until cattle are unconscious before lifting them up. One inspector described this process in the following:

What happens now is (...) that if it is not stunned, the neck is cut. The animal falls down within 10 to 15 seconds, after a decreased blood pressure (...) is hoisted up, is hanging there and is trashing about. It cannot grunt anymore because the trachea is cut. (...) So, it is hanging there, swinging until it has bled to death. (a retired inspector)

Rule violations perceived as most frequent and/or mentioned most often

According to two state actors, many frequently occurring animal welfare violations (which can also be serious) at farms are directly related to infrastructure, and include: a general lack of space in stables, cattle that rarely are allowed outside, animals that do not have a dry shelter in winter, those that do not have sufficient or suitable enrichment devices (pigs) and problems with lighting (not long or intense enough) and ventilation systems (i.e., lacking an alarm or substitution system). Animals that are allowed to stand in their own faeces was also mentioned, which is related more to neglect. Other than that, state regulators mentioned incomplete death registers at the farm and routinely applying tail docking without first trying to avoid tail biting in other ways. The AWU observes both more frequent and more serious rule violations at cattle farms than at pig farms.

Also, animals arriving at slaughterhouses are frequently observed with limps and other injuries, which can be caused by rule violations at the farm, during transport or unloading. During the transport phase, the most frequently observed rule violation by the farmer and/or driver, is transporting animals that should not to be transported because they either cannot

move on their own due to illness or injury, have prolapses or are pregnant.¹⁸⁶ When these animals arrive in the slaughterhouse they should be directly stunned and brought to the slaughter line or destroyed if the injury leads to a food safety risk. However, these measures are not always applied in the slaughterhouse. An inspector for the AWU observes how actors still try to use injured animals in the human (or animal) consumption chain, but less so than two or three years ago thanks to a mentality shift about what is regarded as acceptable.

In the slaughterhouse, other frequently observed rule violations include maltreatment of animals (e.g., kicking them) and not respecting the rest time for pigs after unloading, which is a private standard. In stables and passageways animals are often prodded with electrified sticks. Under some private schemes this practice is prohibited or can only be used in the last passageway before the killing floor.

7.1.4 Labour rule violations

Although I did not structurally collect data about violations of labour rules, I list here the problems that labour inspectors observe in the meat sector and the labour challenges meat operators expressed when they discussed challenges of compliance in general, but also with other types of law. Labour challenges are considered as one of the causes of other types of rule violations in the meat sector, as I will discuss in Chapter 10.

Five state regulators and two civil society actors explained how their activities contributed to the prosecution of meat (slaughter and cutting) companies and subcontractors for violations of labour and social security laws. Rule violations that were prosecuted involved underpayment, undeclared work, social fraud with posting of workers by subcontractors, fictitious unemployment, fictitious self-employment and, considered as the most serious, human exploitation. Between 2007 and 2012, the active prosecution by the judge advocate for labour in Ghent and the labour inspectorates exposed rule violations and crimes committed by networks of subcontractors, front men, and letterbox companies. This involved mainly subcontractors of Turkish origin who would underpay or fictitiously employ Turkish and Bulgarian workers, report them sick or unemployed and then pay the undeclared

¹⁸⁶ ‘Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations’ forbids the transport of animals that are not fit. Annex I, Chapter 1, point 2 specifies that animals are not fit for transport when injured or when presenting ‘physiological weaknesses or pathological processes’. Animals should be able ‘to move independently without pain or to walk unassisted’, should not have a ‘severe open wound, or prolapse’ and cannot be ‘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’.

workers in order to receive social benefits.¹⁸⁷ The offenders exploited the differences between countries concerning minimum wages, tax and social security systems. Between 2009 and 2011, the judge advocate for labour in Ghent prosecuted 26 subcontractors and 11 meat companies, imposing a total of 843,930 euros in fines. In some cases, other crimes were prosecuted such as money laundering and drug crimes. The cases in Ghent were the first of this kind and encouraged a multi-agency approach to investigate and prosecute labour and social security violations in the meat sector. But, according to the subsequent Judge advocate for labour (in 2016), they do not observe serious cases (e.g., human exploitation) any longer in this sector. Other problems are said to persist, related to creative structures with foreign letterbox companies and fictitious self-employment by Belgian firms that allow subcontractors to avoid paying Belgian minimum wages and social security contributions. Also, during the fieldwork there were signs of persisting problems. In one case, workers in a slaughterhouse abruptly discontinued their work because the subcontractor who was supposed to pay them had disappeared with their wages. According to one regulator, the moment social security fraud is detected, the responsible firms typically declare bankruptcy and the money has already disappeared.

Also, seven interviewees mentioned the challenge for slaughterhouses in finding a suitably skilled workforce willing to do the job, especially considering the relatively high labour costs in Belgium in comparison with competing companies abroad. According to a state regulator and a civil society actor, meat operators respond to this competition either by working with subcontractors who accept lower wages that are not in line with the prevailing market, by avoiding subcontractors but providing other advantages to workers (e.g., higher wages) or by contracting (some of their) employees without declaring them. Some meat operators confirm that the high competition made them turn to subcontractors whom they pay without knowing exactly what the subcontractors pay their workers. Meat companies were found liable for labour rule violations for consciously underpaying subcontractors, knowing it would not suffice to pay minimum wages and social contributions. Workers are not always aware that the subcontractor is not paying any social contributions, leaving the workers without any rights when they lose the job, get sick or injured. By employing many foreign workers and working with labour subcontractors, some meat companies violate rules that are difficult to monitor and enforce at the national level. The reduction in direct employer-employee contact with the internationalisation of the workforce, has made labour relations

¹⁸⁷ Vilt (2011). Turkse koppelbazen teisteren vleessector. *Vilt*.
https://www.vilt.be/Turkse_koppelbazen_teisteren_vleessector, last accessed September 2017.

and payments of social contributions less transparent for inspectors. At the same time, two slaughterhouse quality managers point to the responsibility of the employees *themselves* concerning these types of rule violations. According to these interviewees some foreign workers do not *want* to work and abuse the Belgian social security system. One quality manager states that after a short period working they call in sick, sometimes with help of a general practitioner.

Three slaughterhouse quality managers also explained how working with primarily men from different countries of origin and cultures and who speak different languages creates tension, aggression and conflicts on the shop floor. In one company it has also led to aggression towards the company management.

Occupational safety is another area of labour regulation where rule violations occur in the meat sector. Companies are required to have documentation concerning risk management monitoring of worker safety (e.g., prevention plans). According to a labour union and an inspector, frequently these documents are found in violation of the law. The inspector knows companies to be lax concerning the assessment of the wellbeing of their workers, the safety of machines and working conditions and/or in translating their assessments into action plans to meet the required prevention measures. Often the companies do not have a required prevention advisor. Almost all posts in the meat sector have ergonomic risks, because of the physically demanding tasks and repetitiveness, which employers should report to the company doctor. But this often is not done. While the inspectorate Supervision of Well-being at Work demands that companies document how they monitor workers' health, food companies usually provide worker health certificates that are demanded by the FASFC for *food safety* reasons. One occupational safety inspector explained how the company doctor assesses no risks or only those that might impact food safety for consumers that are caused by workers' health issues (e.g., communicable diseases).

According to an inspector of occupational safety, most accidents in the meat sector happen during cleaning, repairs and maintenance of machines. These accidents are mainly caused by communications problems including incorrectly communicated instructions (e.g., in the wrong language), failing to check if workers understand given instructions, and/or workers disregarding instructions. Three interviewees also mentioned that employees do not always *want* to use protective clothing (e.g., gloves).

7.1.5 Environmental rule violations

While environmental regulation was rarely discussed during fieldwork it did come up when asking meat operators about challenges they faced with compliance with rules in general. A police officer and prosecutors with experience in environmental rule violations, mainly pointed to frauds with manure disposal in the first phases of the meat supply chain as being very serious. These violations occur in the collection and processing of manure by farmers and by manure disposal companies.¹⁸⁸

The infrastructure investments necessary to comply with the norms of an environmental permit were frequently cited by slaughterhouse managers as challenging. Funds for infrastructure investments are not always available which is why they are often postponed. A single Environmental Impact Assessment (EIA) (carried out by an external expert agency) costed one slaughterhouse more than 100,000 euros. Necessary investments vary by firm and depend, for example, on the location of the slaughterhouse, their relationships with neighbours, slaughter capacity, and how dated the equipment and infrastructure is.

Environmental problems are a delicate issue for slaughterhouses that are historically situated in rural town centres, and especially for those that have expanded their operations. When a slaughterhouse is established and does conform to regional urban planning guidelines (which can be in a residential or agricultural area), this complicates the processes of obtaining the necessary environmental permits for expansion. Media coverage of several slaughterhouses has revealed frequent complaints and resistance by inhabitants because of odour, noise and fear of pollution. This is especially the case when expansion plans become publicly known and/or the slaughterhouse demands (renewal of) environmental permits because they want to increase slaughter capacity. This creates tension between slaughterhouses who wish to expand and resisting elements in the community. In one case, as highlighted in the media, neighbours protested the expansion of a slaughterhouse to the Council of State and succeeded in having an environmental permit being withdrawn. Therefore, it is important for companies to consider (potential) resistance of neighbours when applying for an environmental permit. Further, companies also need to organise a public

¹⁸⁸ Belgian journalists also exposed large scale fraud practices with manure processing in 2019 and criminal investigations resulted in 17 arrests in February 2021. See: Ysebaert, T. (2021, February 11). Gerecht valt binnen in mestbedrijven: 'Groepen hebben hele keten van A tot Z in handen'. *De Standaard*. https://www.standaard.be/cnt/dmf20210211_93337926, last accessed March 2021. Ysebaert, T. (2021, February 12). De dag dat de mestsector diep in de shit kwam te zitten. *De Standaard*, https://www.standaard.be/cnt/dmf20210211_98285492, last accessed March 2021.

forum with neighbours during an application process. One slaughterhouse quality manager mentioned that neighbours showed understanding and tolerance during such meetings. Other interviewed meat operators mainly described tensions. They discussed different initiatives made to minimize the nuisance for neighbours, citing agreements with drivers concerning transport routes to the slaughterhouse, the timing of the unloading animals, investments in silent machines (e.g., fridges), considering environmental issues during expansions or renovations in the infrastructure and closing facility doors to minimize odour and noise. Also, local governments are confronted with tensions when slaughterhouses apply for environmental permits. They have to balance the interests of slaughterhouses and employment with the interests and concerns of the public and environment.

Two slaughterhouse quality managers admitted that they violated some environmental norms in the past (e.g., noise and odour regulations) and explained how they had to respond to these violations (e.g., installing a bio filter to purify the air). Interviewees were sometimes sceptical about the subjectivity of these norms. Even when there were no complaints from their neighbours, companies sometimes took action because of negative odour evaluations and the norms set in environmental permits. One interviewee told about a slaughterhouse that had not yet invested in a bio filter, placing them at risk of receiving a fine because they violated their environmental permit.

Slaughterhouse quality managers reported environmental challenges related to their slaughter capacity. One explained that, in the past and on a temporary basis, they slaughtered more animals than their permit allowed. This violation is related to several environmental issues and can involve excessive odour, noise, waste, waste water and the volume of groundwater that is used during the slaughter process. A big challenge for slaughterhouses concerns the discharge of waste water as water purifying systems are quite costly. Two meat operators pointed out how water samples at their premises revealed that their operations sometimes violated waste water discharge. Some companies have been sanctioned for discharging waste water directly into canals or for discharging more waste water than their permit allowed. Such violations forced them to modify their water purifying systems, to slow down and reduce the discharge volume. In the context of environmentally related rule violations an interviewee explained that ‘no one wants to violate a rule consciously’, but that some demands of an environmental permit can only be met gradually. This is because the permit sometimes requires drastic changes in production processes and infrastructure that are not fixed from one day to another. The interviewee explained how this leads sometimes to sanctions because the slaughterhouse is willing to (but cannot directly) rectify the problem.

7.1.6 Economic fraud and other criminal offences

Many of the rule violations already mentioned in this chapter involve some type of fraud. Although ‘pure economic’ fraud that does not (necessarily) involve other than financial harm was not central to this research, it came up during several interviews. Here I discuss these purely economic frauds that do not relate to the above-mentioned rule violations. Again, I will only list those that interviewees mentioned as the most serious and/or that seem to occur most frequently.

Three respondents mentioned cases of fraud concerning the weight of carcasses in slaughterhouses. One state regulator referred to a case occurring a few years earlier that involved a slaughterhouse that registered a (75 kg) lower weight than the actual ‘warm weight’ so that they could pay the farmers less.¹⁸⁹ However, according to the interviewees the most serious types of fraud occur in the later phases of the supply chain, namely in processing, packing, and distributing. These frauds concern the substitution of one ingredient with a cheaper one, resulting in fraudulent labels. Examples include the horse meat fraud, pork sold as beef, or beef sold as veal (which should be younger than eight months) (Algemene Directie Economische Inspectie, 2014). Although cheaper ingredients do not necessarily result in food safety risks, they can, however, be less healthy, containing more sugar, fat, or salt. A lower quality of meat can also be camouflaged, for example, by starch that is used to bind meat in processed meat products.

Another frequent type of fraud is lowering the percentage of meat and replacing it with cheaper ingredients and fillers (e.g., sauce, water). The Economic Inspection also encounters this type of fraud in other food sectors, however to a lesser extent (in about 2 to 3 % of the samples that are taken of all food products compared to 10 to 15% in the meat sector) . According to two slaughterhouse managers, meat is often injected with enzymes and water. This information is withheld on the package labels. This is difficult to detect and requires the analysis of the meat, which is not standard procedure during monitoring of the sector. According to a consultant and a slaughterhouse manager this fraud is mainly committed in the food *service* sector, particularly in catering at schools, hospitals, rest homes and prisons where they buy directly from meat producers. Whereas intermediate actors (between the meat producers and these institutions) usually demand precise ingredient information on labels, the institutions where the meat is consumed do not demand this. According to the quality manager of a company that (a.o.) processes meat sold to schools, their company cannot

¹⁸⁹ Warm weight refers to the weight of animals right after slaughter, after the skin, head and intestines are removed.

compete with the low prices offered by some producers who have specialised in meat production for school and prison catering. As such, this company decided to work in a higher price class for the food service sector, but the interviewee raised doubts about how long they would refrain from using cheaper ingredients because many of their clients already consider their product too pricy.

7.1.7 Conclusion about challenges, non-compliance and perceptions of seriousness

This section provided an impression about the types of rule violations regulators face and the compliance challenges reported by regulatees. These violations can be both frequent and serious at the same time. Here I will focus on those considered as most serious, to see if they correspond to those that lead to the most severe sanctions. Seriousness seems to be valued-based mostly on the offender's intentions, but for animal welfare violations the severity of the harm is also important.

Concerning food safety, serious rule violations in the meat sector include the use, possession and trade in illegal growth promotors, providing unfit meat into the human consumption chain and not properly responding to cases where meat is contaminated with manure. These are all intentional and potentially harmful for consumers. Interviewees are also convinced that some serious rule violations are *not* necessarily intentional including those relating to hygiene and microbiological problems. Such problems evolve from incorrect work processes, unfit infrastructure and technical defects of software or machines. Bacteria such as Salmonella, Campylobacter and E. coli are frequently observed in the supply chain, but violations are mainly considered serious when a company does not *respond* correctly to them. Also, rule violations concerning animal identification are not necessarily intentional although they create considerable problems for traceability.

The most serious animal welfare violations that interviewees mentioned included cases of serious neglect at farms leading to death, which often involved multiple rule violations. Harms to animals resulting from overloaded transport trucks and injuries occurring during offloading are also serious according to interviewees. Maltreatment of animals whilst being transferred from stables to the stunning area in slaughterhouses and incorrect application of rules regarding 'pure' ritual slaughter were also assessed as serious violations. Also, technical failures during stunning, especially when inappropriate *responses* are taken, are considered as serious violations.

Data on other regulation-types are less elaborated. Labour inspectorates do consider human exploitation as very serious. Also, police and prosecutors mentioned fraudulent

manure disposal as an example of a serious environmental violation in the meat supply chain. Fraud resulting in only financial harm that interviewees considered as serious are mainly situated during processing, packing and distribution of meat.

7.2 Outcomes of law enforcement actions based on the document analysis

In reference to the Flemish beef and pork producing sectors, document analysis of the selected administrative and criminal cases provides insights on known rule violations and, thus, into the processes of criminalisation. In following the order of the enforcement pyramid, first administrative fines are discussed, then criminal fines and, finally, custodial sentences. I describe some of the main characteristics of the cases, namely the type of actors involved, the type of activities sanctioned, and the nature of and reasoning behind sanctions imposed.

7.2.1 The administrative filter

The information below is based on the qualitative analysis of 24 administrative cases selected at the FASFC and the ten at the AWU. It is important to take into consideration that a case can move up in either direction in the enforcement pyramid. Therefore, a strict separation between criminal and administrative cases passing through the FASFC's Judicial Department is difficult. For example, in many criminal cases, administrative fines were first proposed, but were forwarded to the prosecutor after non-payment or recidivism. With this in mind, the information below mainly tells us something about the type of rule violations that lead to administrative fines, about the amount of the fines, and about the reasoning behind sanctions.

Who is subject to administrative fines?

Because of the selection criteria used for sampling administrative cases the sample numbers are not representative (see Chapter 3). Nevertheless, to be transparent about the characteristics of *this* sample, numbers are mentioned and should only be viewed as descriptive.

The ten animal welfare violation cases are limited to the three operational phases that involve actors working with live animals, namely animal husbandry, transport and slaughter. The 24 selected FASFC cases mainly cover rule violations in the operational phases at slaughterhouses (n=11), processing plants (n=5) and wholesale traders (n=8). As we will see in Section 7.2.2, these supply chain phases are not well represented in criminal proceedings. As explained in the methodology section, the phases of animal husbandry and distribution are not part of the FASFC sample. Even if animal husbandry would have been included, according to the Commissioner of Administrative Fines at the FASFC, farmers rarely receive

finer higher than 1,000 euros. He explained that fines in the distribution phase are imposed for violations including economic fraud concerning the composition of meat products, problems with the percentage of meat that should be included in certain meat preparations, illegal slaughter and illegal additives (e.g., adding sulphites to meat for the red colour). Not all of these cases involve food safety risks.

Which violations are subject to administrative fines and what are the fines?

The Commissioner of Administrative Fines of the FASFC mentioned that cases usually involve a combination of several types of rule violations. This is also reflected in the sample. Table 7.1 provides an overview of the types of rule violations identified in the cases.

The highest proportion of the food safety cases concern hygiene (i.e., employee working practices and hygiene problems associated with machinery) and/or those related to pathogens. Rule violations in the temperature category (n=8) include several subthemes, namely the temperatures of fridges and carcasses that are too high when they are being transported, not having automatic temperature registration (in freezers, fridges or cutting hall) and not having a visible thermometer in fridges in shops. Identification problems occur both with animals (e.g., missing ear tags) and with meat (e.g., no labels on stored meat).

The types of animal welfare violations in the selection of administrative fines are summarised in the second part of Table 7.1. An interviewed policy officer at the AWU explained that most of the violations that they detect relate to problems during transportation and slaughter.

The Judicial Department of the FASFC imposes fines of 620 euros, on average. In the vast majority of the 164 administrative records the department provided about the beef and pork sectors, most fines were under 2,000 euros (n=150)¹⁹⁰ with only ten between 2,000 and 3,000 euros, and four even higher (three of 4,500 euros and one of 6,000 euros).¹⁹¹

¹⁹⁰ Because no fines below 1,000 euros were included in this sample, averaging these figures does not provide any valuable information.

¹⁹¹ For the distribution of fines in our selection of 24 FASFC cases and 10 AWA cases, I refer to the methodology chapter because it reflects the selection criteria (i.e., aiming for variation in the different fine categories and including the cases with the highest imposed fines).

Table 7.1*Identified Topics in 34 Administrative Cases**

Food safety topics	Number of cases
Hygiene	16 FASFC
Pathogens	10 FASFC
Temperature (no registration, transport carcasses, fridges)	8 FASFC
Infrastructure	7 FASFC
Identification (animals/meat)	7 FASFC
Self-monitoring system	6 FASFC
Traceability	5 FASFC
Labelling	5 FASFC
Storage of animal by-products** (waste meat)	4 FASFC
No accreditation/admission by FASFC	2 FASFC
Additives	2 FASFC
Specified risk material	1 FASFC
Slaughter technique	1 FASFC
Animal welfare topics	Number of cases
Transport of animals	6 AWU
Housing (farm/slaughterhouse stable)	2 AWU
Driving animals from stable to stunning ¹⁹²	2 AWU
Neglect of animals	1 AWU
Slaughter without stunning ¹⁹³	1 AWU
Method of stunning	1 AWU
Lack of (or bad) drinking water/feed	1 FASFC

Note. The information in this table is based on my own selection of 24 FASFC administrative cases (2006-2016) and 10 from the AWU (2017/2018)

* One case can concern multiple topics

** Animal by-products are carrion, animal parts and products of animals resulting from slaughter activities that are not meant for human consumption. This is divided into three categories, of which category 1 material is considered to have the highest risks and, as such, must be destroyed.

The fines imposed for animal welfare violations by the AWU have only been registered since 2015. Between 2015 and 2017 the AWU imposed fines ranging from 312 to 1,584 euros for violations involving pigs and/or cattle.¹⁹⁴ In the sample cases, fines ranged between 640 and 1,584 euros. Most fines concerned injured animals that were not supposed to be transported. In these cases, the minimum fine of 640 euros (basic fine for professionals) was imposed on the driver. If the farmer also consciously put the injured animal on transport, he also received a fine for the same incident. In slaughterhouses, cases often involve multiple rule violations, which can increase fines by 1,000 euros or more. The three AWU cases with

¹⁹² 'Driving animals from stable to stunning' takes place in slaughterhouses, and concerns the use of sticks to drive animals to the killing floor.

¹⁹³ 'Slaughter without stunning' concerns lifting animals to the slaughter line without waiting for them to lose consciousness.

¹⁹⁴ The Law on Animal Welfare and Protection of 1986 prescribes custodial sentences between 1 to 3 months and fines between 52 and 2,000 euros. Articles 35 and 36 'Wet van 14 augustus 1986 betreffende de bescherming en het welzijn van dieren', BS 3 December 1986.

the highest imposed fines between 2015 and 2017 (also part of the ten selected cases) concern slaughterhouses, but fines did not exceed 1,584 euros. This is lower than the highest fines imposed in administrative food safety cases (6,000 euros).

Examining the *types* of rule violations that lead to the highest administrative fines reveals something about the way the authorities evaluate them, within the terms the policies prescribe. The three highest fines imposed by the FASFC for food safety violations were all levied against the same pig slaughterhouse. The highest fine of 6,000 euros was imposed for salmonella and hygiene violations in the slaughter process.¹⁹⁵ This slaughterhouse had prior rule violations which contributed to the decision for this high sum. The two second highest fines (4,500 euros each) were given a year earlier and concerned a violation of the salmonella norms and not properly removing animal parts that contain higher pathogenic risks (e.g., the meat around the neck where the animal is stabbed).¹⁹⁶ During the hearing the suspect admitted that the person who was responsible for cutting those parts was insufficiently trained and may have lacked sufficient motivation. He explained that it is ‘very difficult during holiday periods to find eligible and motivated employees.’ This is another reason why they also slow down slaughter speed during these periods. It illustrates the link between food safety violations and labour issues.

Of the four highest fines imposed by the AWU for animal welfare violations, three cases involved cattle slaughterhouses and one a pig farm. The case involving the pig farm concerned poor animal housing conditions, animal neglect, dead animals, vermin and animals lacking identification upon arrival at the slaughterhouse.¹⁹⁷ Although the harms to animals are the most serious and the lack of proper identification can involve food safety risks, the fine was ‘only’ 1,584 euros. The second highest fine for animal welfare violations of 1,560 euros was imposed on a cattle slaughterhouse for several rule violations, observed during an inspection on the day of ceremonial offering when cattle and calves were slaughtered according to halal standards.¹⁹⁸ Rule violations included the maltreatment of animals while they were being driven to the killing floor, the lifting of animals too quickly after cutting their throats and cattle that were hanging on the slaughter line while still showing signs of consciousness. Although slaughter without stunning is supposed to take *more* time than normal slaughter, the accused party slaughtered *more* animals on this day than on a normal

¹⁹⁵ FASFCcase1.

¹⁹⁶ FASFCcase2, FASFCcase3.

¹⁹⁷ AWUcase4.

¹⁹⁸ AWUcase3.

day. During the hearing, the slaughterhouse owner mentioned that they also have more employees this day to handle the higher volume (on a normal day approximately 8 to 10 cattle are slaughtered per hour with 10 employees, and on this particular day, between 16 to 18 cattle per hour using 16 to 18 employees). He regretted that this was the first time since he opened the slaughterhouse that an animal welfare inspection was conducted on this religious day which is not representative of their normal operations. Apart from imposing the fine, the AWU demanded several remedial measures to improve their work methods. The other six fines all concern problems related to transport, namely of injured or sick animals, the overloading of animals, reckless driving and treating animals roughly during unloading.

Policy and practice of administrative fines imposed by the FASFC

The FASFC most often follows up rule violations administratively. The administrative process works as follows: when FASFC law violations are observed (by FASFC inspectors, police officers, economic inspectors, etc.) the officials either issue a warning or submit a report transferring the case to the FASFC Judicial Department.¹⁹⁹ This department receives between 6,000 to 8,000 First Information Reports per year. The FASFC Judicial Department then sends a copy of each report to the public prosecutor proposing a criminal investigation (about 10% of all cases) or an administrative fine. This fine is a disciplinary measure taken by the FASFC if the prosecutor decides *not* to bring the case to court (about 90% of all cases).²⁰⁰ Violations of the Law on illegal growth promoters require a criminal investigation and are, therefore, always sent directly to the prosecutor.

Although all of FASFC's administrative fines can be 200 up to 40,000 euros (after being increased by the multiplication factor), a fine cannot be lower than the minimum, nor exceed the maximum prescribed in legislation for that specific rule violation.²⁰¹ Criminal fines are increased using a multiplication factor prescribed by the article concerned. These and other official criteria used to calculate administrative fines were summarised as follows by the FASFC Judicial Department:²⁰²

¹⁹⁹ Cases that involve economic fraud without food safety risks, followed up by the federal Economic Inspectorate, are not included in this study.

²⁰⁰ Other administrative sanction options that the FASFC has at its disposal are not discussed here (see Chapter 6). They are not all the authority of the Judicial Department.

²⁰¹ Article 7, paragraph 2 'KB van 22 februari 2001 houdende organisatie van de controles die worden verricht door het Federaal Agentschap voor de Veiligheid van de Voedselketen en tot wijziging van diverse wettelijke bepalingen', BS 28 februari 2001. ['Controlebesluit']

²⁰² Article 7 'Controlebesluit'.

- the criminal legislation that prescribes minimum and maximum fines for the specific rule violation;
- the frequency and seriousness of violations;
- specific aggravating or extenuating circumstances (e.g., the way the accused responds to a warning);
- the importance/scale of the operator's activities (i.e., number of employees in food safety cases, number of animals in animal welfare cases);
- jurisprudence of the Judicial Department;
- prior records of the accused; and
- possible objections of the accused.

Note that some criteria (e.g., the scale of an operator's activities, frequency of violations) relate to a measurable approach of (potential) harm. The reasoning behind the other criteria is less straightforward.

An example might help to clarify the described policy: for violations of pathogen contamination the policy, effective since 2017, prescribes that fines for violations ranked as 'major' (e.g., salmonella contamination) begin between 750 and 5,000 euros, depending on the size and/or importance of the operator. For minor violations (e.g., lack of self-monitoring on microbiological contamination) the basic fines range between 300 and 1,500 euros. These amounts are without being increased by the multiplication factor (which depends on the exact violation). There is a separate policy, also effective since 2017, used to calculate fines for hygiene violations. Basic fines are lower than for violations involving pathogen contamination. For slaughterhouses they range between 200 and 1,250 euros depending on the size of the operator (and if an FASFC accreditation is missing). For the distribution sector these basic fines for hygiene violations are lower than for slaughterhouses and range between 150 and 600 euros depending on the type of operator. Based on the current policy, the maximum of 40,000 euros for a fine is actually not reached in practice.²⁰³ The Judicial Department also takes into consideration if the violation occurs in the context of a private or legal entity. For private persons they rather follow minimum sums of fines, reasoning that

²⁰³ In October 2021 an interviewee informed me that the policy is currently being reviewed, as a consequence of the 'beef fraud case' which resulted in the FASFC being audited. The fines of the FASFC were considered not sufficiently proportionate, for example considering the turnover of legal entities in case of fraud, even though most commonly fraud leads to criminal prosecution.

risks are then generally lower compared to risks of violations committed in food companies. Also, private persons are less expected to know food safety legislation.

The fining policy was only formalised in 2013 and was previously based on oral agreements. At the time of this interview (2018) there were no formal guidelines to decide concerning the size and/or importance of an operator. The Judicial Department asked for such guidelines from their superiors. At the time of the interview, the Judicial Department considered the number of employees and ‘impact’ of a violation in terms of the risk that is caused in this market sector. In assessing ‘impact’, risks are assumed to be higher in cases involving large supermarkets because of wider distribution channels than for smaller retailers. However, it is not systematically taken into account that smaller firms are sometimes owned by or subsidiaries of larger firms in the increasingly concentrated network of meat businesses.

The abovementioned criteria are also provided to meat operators. However, the methods used to translate them into different matrices and, ultimately, fine amounts are not. The FASFC Judicial Department does not want to share more specific reasoning with targeted operators. They stressed how calculating fines is very complex and technical and that all cases have their own individual characteristics. They fear that too much transparency about the way they calculate fines could open up discussion about their decisions. One might think that the weights attached to non-conformities on checklists provide an indication of the amount of the fine, but this is not necessarily the case. For example a ‘3-pointer’ can eventually lead to a higher fine than a ‘10-pointer’. The reason for this is that those weights (3 or 10 points) in checklists are based on scientific and technical knowledge, not on criminal legislation about sanctions. Within the margins that the criminal legislation provides, the FASFC Judicial Department does attempt to take into account the risks for food safety.

One external slaughterhouse quality manager complained that administrative fines for certain food safety violations are disproportionately high considering their risks and that the process of deciding on a fine is neither transparent nor uniform. To illustrate this, the interviewee sums up the administrative fines one slaughterhouse received in one year:

- infrastructure problems concerning condensation on floors and doors resulted in a fine of more than 1,000 euros;
- problems with hygiene during a pre-operational control led to a fine of almost 1,000 euros; and
- exceeding a maximum temperature of freezers led to a fine of almost 700 euros.

In all three cases the quality manager submitted a complaint to the FASFC, who then reduced the fines with 1,000, 650 and 70 euros, respectively. This means that those slaughterhouses who cannot afford the services of a quality manager pay considerable higher fines.

Concerning transparency, the consultant added:

But of course, if there was some kind of structure, a linear line in the fines, then this could also be communicated to employees for example, it could be passed on. But now, depending on the inspector, one will make it a big non-conformity, which was the case now, but someone else will not even mention it or say: 'I understand'.

So, this way the companies actually don't really know where they stand.

Of course not! (a slaughterhouse quality manager)

Despite the fact that there *is* a structure behind the administrative fines, it seems that this structure is not, or not sufficiently, communicated to regulatees.

Reasoning mentioned in the 24 analysed FASFC-cases

In practice, what is the reasoning behind the decision to levy fines in the analysed administrative cases? In the 24 FASFC cases examined, the criteria listed above were sometimes mentioned explicitly. In general, I distinguish factors in reasoning that relate to measurable elements of harm (potentially) resulting from the rule violation from other normative factors.

For the FASFC cases, the most frequent explicit reasons provided for the imposed fines were the 'measurable' elements of harm. In 13 cases involving pathogen contamination creating food safety risks, there is reference to operators of either 'average importance' in eight cases²⁰⁴ and 'of great importance' in five.²⁰⁵ The scale of the (potential) harm done is also measured by examining the number of products involved in violations concerning labels, traceability and identification of meat. For example, it is assumed that more harm was caused in two cases that concerned more than 200 kg of meat than cases involving lesser quantities.²⁰⁶ A last measurable element in the 24 cases is the detection of multiple rule

²⁰⁴ FSAdmin4Cattle&Pigs, FSAdmin13Pigs, FSAdmin15Cattle&Pigs, FSAdmin17Cattle&Pigs, FSAdmin19Pigs, FSAdmin20Cattle&Pigs, FSAdmin21Cattle&Pigs, FSAdmin22Cattle&Pigs.

²⁰⁵ FSAdmin7Cattle&Pigs, FSAdmin8Pigs, FSAdmin14Cattle&Pigs, FSAdmin16Cattle&Pigs, FSAdmin18Cattle.

²⁰⁶ FSAdmin7Cattle&Pigs, FSAdmin8Pigs, FSAdmin20Cattle&Pigs, FSAdmin14Cattle&Pigs, FSAdmin17Cattle&Pigs.

violations occurring simultaneously.²⁰⁷ Recidivism is mentioned implicitly in seven cases, with a repetition of similar violations within five years, which is considered as an aggravating circumstance.²⁰⁸ Apart from these factors, in two cases only vague notions of harm are given, such as ‘impact on the food chain’ or the ‘nature and seriousness of the facts’.²⁰⁹

In the FASFC’s administrative cases there is only limited information about other considerations than harmful consequences. One consideration concerns a value judgement of *the offender*, as their motivation can lead to an aggravating or extenuating circumstance. Five cases involved an offender who did not (or insufficiently) respond to earlier warnings which was considered as an aggravating circumstance.²¹⁰

In two cases, it appears as though the Judicial Department considered the deterrent effect of the sanction, which is a rather instrumental instead of the normative function of sanctioning. In one case concerning hygiene violations, the deterrent function of the sanction was explicitly mentioned:

Considering the earlier mentioned risk for public health, an administrative fine is urged, that is sufficiently high to punish the detected violations and to have a deterrent effect proportionate to the detected violations and considering future facts (FSAdmin1Pigs)

In another case the deterrent function of the sanction is more implicitly mentioned. During the hearing the accused was required to declare that if the company took insufficient measures against salmonella contamination or when results of their self-monitoring analyses were insufficient, the company would have to inform their clients that they cannot control Salmonella problems (FSAdmin13Pigs). The potential threat to their reputation was supposed to act as a deterrence to future violations.

Considerations behind administrative fines of the AWU

Once an animal welfare violation is followed up by either administrative or criminal law, subsequent violations of the same offender follow the same ‘path’, the ‘una via’ principle, regardless of its seriousness. In cases where the AWU is informed (e.g., by their inspectors,

²⁰⁷ FSAdmin1Pigs, FSAdmin7Cattle&Pigs, FSAdmin8Pigs.

²⁰⁸ FSAdmin1Pigs, FSAdmin7Cattle&Pigs, FSAdmin12Cattle&Pigs, FSAdmin14Cattle&Pigs, FSAdmin16Cattle&Pigs, FSAdmin17Cattle&Pigs, FSAdmin18Cattle.

²⁰⁹ FSAdmin4Cattle&Pigs, FSAdmin6Cattle&Pigs.

²¹⁰ FSAdmin4Cattle&Pigs, FSAdmin8Pigs, FSAdmin13Pigs, FSAdmin19Pig, FSAdmin20Cattle&Pigs.

citizens) about animal welfare violations, this information is directly forwarded to the public prosecutors in three situations: recidivism, seizure of animals and unpaid administrative fines. The AWU lacks the information about numbers of cases that are dealt with administratively or criminally. The interviewed AWU policy officer that determines fine amounts for animal welfare violations stressed that the logic behind these calculations should not be made public, for similar reasons as the FASFC. They fear that people subjected to fines would contest them when their own calculations would not match the fine imposed. So, it seems that despite the standardisation of fines, they also need some room for flexibility to adapt a fine to a specific case, to calculate for any unforeseen elements. Therefore, only the basic fines are known (as of 2017), which are higher for corporations (640 euros) than for individuals (416 euros). This difference is made because: for corporations the activities with animals are a source of income, they have an exemplary role and are assumed to know the applicable legislation.

The basic fines can be increased depending on the following parameters:

- the number of rule violations;
- the number of animals involved;
- recidivism; and
- if it concerns a mere administrative violation or if there is actual harm to animals.

The first three relate to measurable elements of harm. The last one makes a distinction between violations that involve administrative violations and those that do involve actual harm to animals. In the ten AWU administrative cases analysed, no reference is made to the logic behind the fines imposed. In general, the aim of the measures and sanctions imposed by the AWU is to mitigate actual harm and to prevent future harm to animals.

7.2.2 Cases ending up in the criminal justice system

The characteristics of the dataset collected with the assistance of the FASFC's National Investigation Unit (NIU) (and to a lesser degree the FASFC's Judicial Department and prosecutors), provides an overview of the types of rule violations that ended up in the criminal justice system over a period of ten years (2006-2016). These 100 'NIU-cases' include 157 court decisions, as one case may result in multiple decisions (e.g., Court of First Instance,

then Court of Appeal). Concerning numbers, for each case I examined only the final 111 decisions made by the highest court (83 criminal, 16 civil and 12 administrative).²¹¹

Criteria for a criminal follow-up

Prosecutors urge the FASFC Judicial Department to first exhaust administrative sanctions before initiating criminal proceedings which require more resources and are more time-consuming. Some First Information Reports of food safety rule violations require a criminal follow-up and the policy prescribes criteria for prosecutors to use when making these decisions. Some of these criteria that a prosecutor (and coordinator of the Inter-ministerial Coordination-unit Food Safety, the ICFS) mentioned are: the seriousness of the facts, the interconnectedness with hormone crime and/or organised crime, cases or investigations already pending against the accused and the accused’s criminal record.

Where and when are judicial decisions taken?

The regional locations of the courts where the sample cases were decided is unevenly distributed. Ten cases were in Brussels’ courts. This is because they were mostly administrative cases (n=8), all of which must appear before the Council of State which is located in Brussels. Apart from that, the majority of cases appeared before courts in East-Flanders (n=53), followed by Antwerp (n=21), West-Flanders (n=12), and lastly Limburg (n=5). This distribution might reflect the concentration of the meat producing activities in certain regions, the priorities and activities of law enforcement in these regions (during this period), and/or the willingness of regional courts to report cases to the NIU. Most of the violations in these cases took place between 2003 and 2012 (see Table 7.2).

Table 7.2

Distribution of 100 Cases by Year Facts Took Place

Year	'93	'97	'98	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15
nr of cases	1	2	1	1	1	1	6	6	19	5	5	6	5	14	6	13	2	5	1

Note. The information in this table is based on the ‘NIU-database’ of 100 cases (2006-2016).

²¹¹ Because 11 of the 28 non-criminal decisions are part of the same case as another decision, they do not represent a separate *case*. I leave these 11 decisions out of the sample when looking into the characteristics of the suspects, to avoid duplication (therefore when focusing on suspects, I include 83 criminal decisions, but only 11 civil and 6 administrative).

This also demonstrates that law enforcement procedures are time-consuming, as the court decisions are taken much later. Therefore, the distribution is different when we look at the year of the last (known) court decisions made in these cases, which is more recent:

Table 7.3

Distribution of 100 Cases by Year Last Decision Was Made by Court

Year	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17
nr of cases	2	8	5	8	6	4	8	20	11	17	8	3

Note. The information in this table is based on the 'NIU-database' of 100 cases (2006-2016).

Who is subject of judicial decisions?

The individuals and corporations subject to these decisions (also 'regulatees') are either suspects, or, in the civil and administrative cases, plaintiff or defendant against decisions taken by the FASFC. Most of the 100 cases involve one (n=58) or two (n=29) regulatees, the other (n=13) cases include between three and eight regulatees. The 175 total regulatees include 147 individuals and 28 corporations. When corporations were prosecuted, most often a business manager or executive officer was also prosecuted, so here we are not referring to occupational crime (Clinard & Quinney, 1967). Most of the individuals are male (n=131) and only 16 are female.

The age of the 147 individuals (at the time of the rule violation) ranged between 21 and 71, with an average of 46. Some of the regulatees were familiar to the Belgian authorities: in 21 cases one or more individuals (and in one case a corporation) were also suspect in another case of the database. Public prosecutors spoke of a high degree of recidivism in this sector. In another 18 cases, there was a link between one or more cases in the database based on other content. For example, 10 cases were related because several farmers were individually prosecuted for illegal hormonal substances in cattle feed that was distributed by the same supplier, who was also prosecuted. Among the other 8 interrelated cases there were connections between two or three cases.

The activities prosecuted in the cases mainly took place in the first phases of the supply chain, especially in the phases of animal husbandry (n=62) and cattle trade (n=19), but also in the supply of medication to farmers (n=14) and the production and/or trade of feed (n=7) (see Table 7.4).

Table 7.4*Number of Cases per Phase of the Supply Chain*

Phase	Number of cases
Feed production and trade	7
Supply of medication to farmers	14
Animal husbandry	62
Animal trade	19
Manure disposal	1
Transport of animals	4
Slaughter	9
Boning/cutting	3
Processing/packaging	4
Wholesale meat trade	9
Storage of meat	2
Transport of meat	4
Retail trade (butchers)	4
Import/export of meat	4
Total	146

Note. The information in this table is based on the 'NIU-database' of 100 cases (2006-2016)

* Although there were 100 cases in the sample, one case can involve more than one phase of the supply chain hence the total of 146.

Many farmers also function as cattle traders, as illustrated in 15 cases that include violations related to at least these two activities. Prosecutors observe that problems in their provinces are mainly situated in farming and cattle trade, less in the phase of slaughter, and even less so in subsequent phases. They also attribute an important role to veterinarians in the supply of hormones and/or illegal medication. Of the 140 regulatees in the sample whose occupation is known, 11 are veterinarians and three pharmacists. Three state actors mentioned the challenges of identifying the responsible parties in investigations, such as the suppliers of illegal medication or hormones. One prosecutor discussed how veterinarians sometimes prescribe medication without ever visiting a farm and without a diagnosis, and, often not administering the medication themselves. They refer to them as 'highway veterinarians' who prescribe medication throughout Belgium and sometimes abroad. Sometimes they are caught after samples, taken in a slaughterhouse, are found to contain illegal (levels of) medication and/or hormones. This practice was observed in six of the sample cases.²¹²

²¹² Case17Cattle, Case29Cattle, Nr52, Caste56Cattle&Pigs, Case83Cattle, Case84Cattle.

Topics of cases that resulted in criminal prosecution

In examining the topics of the sample cases, I only focus on the decisions made in the 83 *criminal* cases.²¹³ Before listing the topics of these cases, I first discuss the *way* the violations were detected. This information is known in 61 of the 83 criminal cases. In most (n=44), the investigation was initiated because of FASFC's monitoring activities (in 24 cases after routine monitoring and in 9 after a targeted inspection).²¹⁴ The routine monitoring activities include mainly those occurring in slaughterhouses (n=21), and, of these, 15 cases were initiated after meat, manure and urine samples were analysed. In six cases, the local police first reported the rule violation and in another three cases three different inspectorates made the first observations. In 11 cases the investigations were initiated following a report by an individual including concerned citizens (n=2), employees of firms that cooperate with the accused person/firm (n=4), insiders of the accused firm (n=2) and anonymous persons (n=3).

The themes identified in the criminal cases are broadly categorized into three groups (see Table 7.5) related to: (1) food safety; (2) animals and the environment; and (3) fraud and other criminal violations. The three main categories reflect the types of legislation that are applicable to the specific rule violations and who is (or potentially) harmed by these violations according to the information available. However, the three categories and subthemes are not mutually exclusive as often different laws apply to the same activity or behaviour.

In almost all (n=79) of the 83 cases there is a link with food safety, which is no surprise considering the mandate of the FASFC and the NIU, in particular.²¹⁵ But as Table 7.5 shows, other types of legislation are also violated. For example, a combination of the use, possession and prescription of both hormones and unauthorised medication often occurs together in the same case.

²¹³ Of the 28 civil and administrative decisions made in the 100 cases, 11 relate to another decision (mostly by a criminal court) within the database. Most of the 28 decisions concern cattle farmers objecting to measures taken by the FASFC because of suspicions of the use of hormones resulting in the FASFC taking enforcement measures such as seizing animals or (temporarily) halting activities at a farm. The regulatees objected to the legitimacy of the measure at an administrative court, and to a civil court to demand a compensation to undo the financial harm. In ten administrative decisions involving cattle farmers, the measures imposed by the FASFC were overturned by the Council of State.

²¹⁴ In 11 other cases it is not clear if the FASFC monitoring activity was routine or targeted. Note that, in case of a targeted inspection, based on the analysed documents it is unclear on what the initial suspicions were based on.

²¹⁵ The other four cases concern animal welfare only (Case45Cattle), fraud with subsidies (Case70Cattle), fraud with the weight of carcasses (Case75Pigs) and manure fraud (Case103Cattle&Pigs).

Table 7.5

Identified Topics in Criminal Cases, Number of Applicable Cases and Subtopics

Food safety		
<i>Unauthorised medication (n=37)</i>	<i>Hormones (n=33)</i>	<i>Other food safety (n=22)</i>
<ul style="list-style-type: none"> • Treatment/use • Possession • Prescription/trade/selling • Labelling • Import 	<ul style="list-style-type: none"> • Treatment/use • Possession • Prescription/trade/selling • Trade in treated animals • Additives in feed 	<ul style="list-style-type: none"> • Identification of animals/meat • Traceability • Animal by-products/ waste meat • Hygiene • Infrastructure • No accreditation by FASFC • No medical check of animals • Specified risk material • Illegal slaughter • Additives • Labelling • Transport temperature • Cysticercosis (tapeworm)
Animals and the environment		
<i>Animal welfare (n=10)</i>	<i>Animal health and veterinary services (n=8)</i>	<i>Environment (n=6)</i>
<ul style="list-style-type: none"> • Neglect of animals • Animal carcasses • Transport of animals • Slaughter without stunning • Violating prohibition to keep animals • Lack of (or poor) drinking water/feed • Insufficient capacity • Veterinary activities 	<ul style="list-style-type: none"> • Veterinary activities • No medical check of animals • Neglect of animals 	<ul style="list-style-type: none"> • Manure • Animal carcasses • Waste
Forgery and other criminal violations		
<i>Forgery (n=15)</i>	<i>Resistance during inspection (n=9)</i>	<i>Other criminal violations (n=3)</i>
<ul style="list-style-type: none"> • Avoiding inspection animal/meat/feed • ‘Upgrade’ meat/animal by-products • Prescription/use/possession hormones/medication • Export (documents) • No medical check of animals • Emergency slaughter* • Identification of animals • Traceability • Veterinary activities • Weight of carcasses • Premiums 	<ul style="list-style-type: none"> • Threat • Violence • Attempted bribery • Avoiding inspection 	<ul style="list-style-type: none"> • Bribery • Money laundering • Criminal organisation • Attempted extortion • Defamation • Embezzlement

Note. The information in this table is based on the 83 *criminal* cases from the ‘NIU-database’ (2006-2016)

* ‘The slaughter of animals that are sick or killed by an accident, animals that are in immediate mortal danger or are a threat to persons or goods’ (article 1, ‘Wet betreffende de vleeskeuring en de vleeshandel’, BS 16 maart 1953). These animals are killed without completing the notification for slaughter that is normally required.

The majority of the hormones cases (n=24) involve violations committed before 2010 and only nine after 2010. This might explain the high amount of hormones cases in the overall sample despite decreased attention to this problem over the years. Interviewed prosecutors emphasised how the high proportion of cases involving hormones and illegal medication in the sample also reflects the priorities of the NIU. In the caseload of interviewed prosecutors, hormone cases are rare, as their cases most often start at local police units and LCUs instead of the NIU. Instead, most rule violations they deal with in the beef and pork chains fall in the ‘other food safety’ category, namely those related to hygiene, meat temperature, identification of animals, infrastructure and illegal slaughter. Typical cases they mentioned concern slaughter activities at peoples’ private premises without accreditation and cattle traders trying to bring animals unfit for human consumption into slaughterhouses with false passports with the support of veterinarians.

The ten cases involving animal welfare violations most often also contain other violation-types. Only three cases were *solely* about animal welfare, concerning either transport and/or the serious neglect of animals.²¹⁶ The other seven cases all involve one or more other type(s) of rule violations, related to food safety, medication and/or hormones, environmental issues or criminal law. Most of the animal welfare violations involve the neglect of animals (n=7). Four of these cases involved the discovery of animal carcasses at farms.²¹⁷ In three cases, violations (also) were related to the transport of animals. The remaining types of animal welfare violations were only found in one case each (i.e., slaughter without stunning, violating prohibition to keep animals, lack/poor water or feed, insufficient capacity and violations concerning veterinary activities). If we look at the way the animal welfare cases began, we see that only two of the ten cases were detected by an FASFC inspection (n=2), even though at the time of the violations (n=8) the FASFC was still authorised to deal with animal welfare violations. In these cases, those first detecting signs of animal welfare violations were, the local police (n=3), an individual reporting party (n=3), the Manure Bank (n=1), a slaughterhouse (n=2) and Rendac,²¹⁸ who in one case observed an abnormal high mortality rate at a farm.

Among the six ‘environmental cases’, three also involved animal welfare violations, because of a combination of animal neglect and poor environmental conditions, with stables

²¹⁶ Case45Cattle, Case67Cattle, Case101Pigs.

²¹⁷ Case100Cattle, Case101Pigs, Case102Pigs&Cattle, Nr40Cattle.

²¹⁸ Rendac is a company that processes/destroys animal cadavers and residuals.

(or pastures) containing carcasses, manure, vermin, or exceeding animal capacity.²¹⁹ Two cases concerned meat waste from the slaughter process that was not disposed of according to environmental rules.²²⁰ One case involved only environmental crimes, namely a large-scale manure disposal fraud.²²¹ In this case, the accused firm continued this fraud over a period of about ten years. The Manure Bank imposed several administrative fines that were not paid during the last five years of the crime. So, in terms of the enforcement pyramid, the case initially got stuck at the administrative level.

Forgery is an important accompanying crime enabling food safety violations. In 15 of the 83 criminal cases one or more suspects were accused of forgery and, in the majority of these cases (n=13), the forgery created a risk to food safety and/or public health. This is not surprising considering how the database relies mainly on the NIU and they only investigate frauds involving food safety risks.²²² Most of the forgery cases (n=10) involved violations that occurred *before* 2010. Five cases involved entering meat unfit for human consumption (waste/pet food) into the human consumption chain.²²³ In six cases, the accused attempted to avoid the inspection of animals, meat or feed through forgery, indirectly causing food safety risks.²²⁴ In three cases the forgery enabled the illegal use, possession and/or prescription of medication and/or hormones.²²⁵ The other themes listed under ‘forgery’ in Table 7.5 only refer to one case each (i.e., frauds related to no animal medical checks, emergency slaughter, identification of animals, traceability, veterinary activities, weight of carcasses and premiums). Only one case of forgery also created risks and harm to animal welfare and animal health as well as to consumers.²²⁶

The majority of other crimes, not involving fraud, concerned deliberate avoidance of inspections and the verbal or physical assault of inspectors (n=9). The occurrence of these crimes was also confirmed by four state and one civil society actors who spoke of intimidation and threats towards inspectors in response to their comments and, threats towards employees who reported fraud. According to four state regulators aggression is a problem specific to the meat sector. As such, some inspectorates only carry out their inspections of

²¹⁹ Nr40, Case100Cattle, Case102Cattle&Pigs.

²²⁰ Case6Cattle, Case18Pigs.

²²¹ Case103Cattle&Pigs.

²²² See Chapter 5. Economic fraud without food safety or public health risks falls under the authority of the federal Economic Inspection.

²²³ Case18Pigs, Nr23Cattle, Case50Pigs, Case92Cattle, Case97Cattle.

²²⁴ Nr20Cattle, Case29Cattle, Nr43Cattle, Case92Cattle, Case97Cattle, Case94Cattle.

²²⁵ Case29Cattle, Case56Cattle&Pigs, Case83Cattle.

²²⁶ Case88Cattle.

meat firms accompanied by a colleague or with the assistance of police. Also, this occurs because the regulatees are often equipped with knives that some have used to threaten regulators.

Only three criminal cases were identified where the crimes are not directly linked to the economic activities in the meat sector. These cases include bribery, money laundering, a criminal organisation, attempted extortion, defamation and embezzlement. The data suggests that the rule violations in the beef and pork sectors are based more on opportunities committed by ‘insiders’ of the specific companies than committed by ‘outsiders’ who have little or no association with the sector.

7.2.3 Penalties in criminal cases

The decisions in the 83 criminal cases involve 155 suspects and, according to the last available decision of each case, 122 suspects (100 individuals and 22 corporations) were convicted for one or more of the offences they were prosecuted for.²²⁷ For seven of the defendants, the sentence was conditionally suspended. The other 115 accused (including 17 corporations) received a penalty. More than half of them were only issued a fine (n=63), 44% received both a fine *and* a custodial sentence (n=50) and two only imprisonment (n=2). These sanctions are described in more detail below. Often, in the same case, the maximum fines and custodial sentences were imposed as well as confiscations.

Criminal fines

Of the 113 defendants who received fines, about half (n=51) received only an actual fine, a small group (n=8) a suspended fine (normally suspension of three years) and the other half (n=54) received *both* an actual and a suspended fine. Fine types, amounts and distributions can be seen in Table 7.6. Most actual criminal fines are below 15,000 euros (n=76), while ten are between 15,000-30,000 euros, and 19 are higher than 30,000 euros.

²²⁷ 24 defendants were acquitted, in two cases the statute of limitation had expired, and for seven defendants the cases were dismissed.

Table 7.6*Fines Imposed in Criminal Cases*

	Nr. of suspects with fine	Amount total €	Average suspect €	Min €	Max €
Total fines	113	2,355,325.0	20,843.6	412.5²²⁸	110,000
Effective fines	105 (51 only effective fine) (54 also suspended fine)	1,513,237.5	14,411.8	412.5	110,000
Suspended fines	62 (8 only suspended fine)	842,087.5	13,582.1	412.5	90,000

Amount in €	Actual fines	Suspended fines
0-5,000	44	19
>5,000-10,000	22	10
>10,000-15,000	10	10
>15,000-20,000	6	9
>20,000-25,000	1	2
>25,000-30,000	3	5
>30,000-35,000	6	6
>35,000-40,000	2	-
>40,000-45,000	3	-
>45,000-50,000	2	-
>50,000-55,000	0	-
>55,000-60,000	3	-
>60,000	3	1
Total	105	62

Note. The information in this table is based on the 83 *criminal* cases of the ‘NIU-database’ (2006-2016).

In the criminal cases involving food safety violations, the actual fines imposed ranged between 413 and 110,550 euros. For those cases with animal welfare violations (n=10), actual fines ranged between 1,375 and 46,750 euros. But most of these cases did not concern animal welfare violations *alone*. In the three cases *only* involving animal welfare violations, the highest effective fine was 2,750 euros.

In the 13 cases with the highest actual fines imposed (varying between 30,000 and 110,000 euros), most (n=11) involve crimes concerning hormones and/or illegal medication.²²⁹ In four of these 11 cases, other crimes are involved: one case also involves forgery, another money laundering, another illegal veterinary activities and the last, animal welfare, environmental *and* other food safety violations. It is the money laundering accusation (and defamation by one of the suspects) that resulted in the highest actual fines for two

²²⁸ The minimum and maximum fines are those of the effective and suspended fines separately. If you add them up in cases where both an effective and suspended fine are imposed, the minimum is 550 and the maximum 150,000 euros.

²²⁹ Case3Cattle, Nr4, Case9Cattle, Case11Cattle, Case12Cattle, Case13Cattle, Case29Cattle, Nr40, Case49Cattle, Case69Cattle, Case93Cattle.

suspects of 110,000 euros each (excluding confiscation of illegally obtained profits).²³⁰ Both suspects also received custodial sentences of 12 months and a suspended fine of 110,000 euros each.

Among the 13 cases with the highest effective fines, one involved the illegal slaughter of several types of animals and a variety of food safety violations, combined with animal welfare, animal health, environmental violations and the illegal possession and use of medication in cattle raising.²³¹ It led to an effective fine of 60,000 euros and an 18 month custodial sentence (of which six months were suspended) for one person. The judges' reasons for the penalty expressed in this case include: the food safety risks as the meat could not be inspected, the environmental harm by slaughter on private property that involved dumping carcasses and other waste in the local area, the duration of the activities (several years), the criminal record of the perpetrator and his profit-driven motivation. In Section 7.2.4 the different types of reasoning will be described in more detail.

The last of the 13 cases with the highest effective fines involves environmental crime, namely a large-scale manure disposal fraud perpetrated by two suspects.²³² They received suspended custodial sentences of 12 and 15 months each, both an effective fine of 60,000 euros and an additional suspended fine (of 30,000 and 90,000 euros). Also, more than 550,000 euros was confiscated from each of them for their illegally obtained profits. The reasoning behind the sentences imposed by the judge are as follows:

The circumstances and seriousness of the facts, that demonstrate a manifest lack of respect for human beings and the environment and the long period the facts were committed and the specific contribution [of the accused] to the facts on the one hand, and on the other hand the finding that the accused have ended their activity in the meantime.

The fact that the accused had ceased their illegal manure disposal activities and were no longer raising animals, was the reason why the judge decided to *not* impose a professional ban.

²³⁰ Case69Cattle.

²³¹ Case6Cattle.

²³² Case103Cattle&Pigs.

Custodial sentences

In the database, custodial sentences are rarer than fines. However, of the 98 *persons* convicted (excluding the 17 corporations), a custodial sentence was still imposed on more than half of them (n=52).

Table 7.7

Custodial Sentences in Criminal Cases

	Nr. of suspects receiving sentence	Length (months)	Average per suspect (months)	Minimum (months)	Maximum (months)
Total custodial sentences	52	566	10,9	1²³³	60
Actual sentence	23 (17 only actual) (6 also suspended)	305	13,3	1	60
Suspended sentence	35 (29 only suspended)	261	7,5	1	36

Length in months	Actual custodial sentence	Suspended custodial sentence
1-6	7	24
>6-12	11	8
>12-18	2	1
>18-24	1	1
>24-30	1	-
>30-36	-	1
>36-42	-	-
>42-48	-	-
>48-54	-	-
>54-60	1	-
Total	23	35

Note. The information in this table is based on the 83 *criminal* cases in the 'NIU-database' (2006-2016).

Seventeen persons received actual custodial sentences, 29 received suspended sentences and, six persons received both actual and suspended custodial sentences. The type, length (in months) and distribution of custodial sentences are elaborated in Table 7.7. Most actual custodial sentences are between one and 12 months (n=18).

A custodial sentence is normally only imposed in the case of recidivism. The 23 actual custodial sentences were imposed in 17 different cases. In the majority of these cases (n=10) the crimes involve hormones and/or illegal medication.²³⁴ Only one of these hormones cases

²³³ The minimum and maximum fines are those of actual and suspended custodial sentences separately, but remain the same if you add them up in cases where both an effective and suspended custodial sentence are imposed.

²³⁴ Case3Cattle, Case9Cattle, Case11Cattle, Case12Cattle, Case13Cattle, Case33Cattle&Pigs, Case36Cattle, Case49Cattle, Nr90Cattle, Case69Cattle.

involves additional crimes, namely money laundering and defamation.²³⁵ Four of the 17 cases resulting in the highest custodial sentences concern other food safety violations, always combined with one or more other rule violations, namely those involving animal welfare, resistance during inspection, forgery, and a criminal organisation.²³⁶ The remaining three cases resulting in actual custodial sentences concern animal welfare violations in two cases (once in combination with environmental violations) and resistance during inspection in one case.²³⁷ So, of all the cases in the database, only one actual custodial sentence was imposed for a case involving only animal welfare violations.

The three highest custodial sentences were all imposed in one case involving fraud with ear tags, combined with a number of other criminal offences, including leadership and membership in a criminal organisation, embezzlement, forgery and bribery.²³⁸ Four of the eight defendants in this case received, among other sanctions, actual custodial sentences of 12, 30, 24 and 60 months respectively. Apart from the nature, seriousness and number of crimes, the judge referred to the criminal histories of the four defendants as justification for the severe penalties imposed.

Other criminal penalties

Apart from fines and custodial sentences which are more common, nine persons received professional bans. Most often (n=8), these are temporary (e.g., three or seven years) or permanent bans on keeping livestock (or cattle in particular) because of animal welfare violations. One person received a professional ban, prohibiting him from processing meat. Interviewed prosecutors explained that a professional ban is only requested in very serious cases or those involving recidivism. They take into account how bans effect the income of the accused. For nine defendants in hormones cases, the penalty included a ‘naming and shaming’ element, namely publication of the verdict in daily, local and agricultural newspapers, as prescribed by the Law on Illegal Growth Promoters.²³⁹ Money and/or goods were confiscated from 18 defendants in total, with sums ranging between 570 and 571,200 euros apiece and totalling 1.65 million euros. In one case, two persons active in animal husbandry and animal trade were convicted for the possession and sale of unauthorised medication to farmers

²³⁵ Case69Cattle.

²³⁶ Case6Cattle, Case66Cattle, Case78Cattle, Case96Cattle.

²³⁷ Nr5, Case67Cattle, Case102Cattle&Pigs.

²³⁸ Case66Cattle.

²³⁹ Article 10, paragraph 7 ‘Wet van 15 juli 1985 betreffende het gebruik bij dieren van stoffen met hormonale, anti-hormonale, beta-adrenergische of productie-stimulerende werking’, BS 4 september 1985.

resulting in the confiscation of 200,000 euros.²⁴⁰ Apart from the confiscation, one of the convicted persons received an 18 month actual custodial sentence and an actual fine of 16,500 euros.

7.2.4 Explicit reasoning behind judges' decisions

In 77 of the 100 NIU cases, some information is available in the documentation about the reasoning behind the judges decisions concerning criminal sanctions, (withdrawal of) administrative measures, or disgorgement. Their logic behind their verdicts provides some insight into the reasoning behind their decisions. However, it should be noted that judges may explain their reasoning differently if I would have asked them about this in an interview.

Off course, judges apply the law and a number of normative motivations are behind legislation in the first place. It is beyond the scope of this research to distinguish, for each case, the rationale behind the judges' arguments: if they were based on specific articles or were derived from their discretionary powers. The arguments provided by the judges might explain their decisions concerning the culpability of a suspect (evidence for the behaviour and intent, if required), or the sanction imposed (i.e., its nature, the length of a custodial sentence and/or the sum of a fine). Based on the available documents, however, this distinction is often unclear. Here I am mainly interested in the reasoning of judges that is not explicitly defined in the legislation. After all, the arguments concerning culpability are not specific for the analysed cases. In the paragraphs below I will distinguish between arguments that are given for culpability and for sanctions, insofar that this is clear based on the available documentation. It is important to keep in mind that any arguments given in a verdict might have influenced the question of culpability and/or the sanction imposed.

In short, the judges explain the nature and length of a sanction by the harm caused by the rule violation, and/or by a moral judgement of the accused. In the following I elaborate on the patterns I found in these references to harm and to the accused. Factoring in the harm caused by the crimes and/or characteristics of the accused when deciding about sanctions, is normative in itself.

²⁴⁰ Case36Cattle.

Judges' references to harm

In the examined cases, judges refer to harm in explaining the sanctions imposed either by referring to the 'nature and seriousness of the facts' without providing any further details,²⁴¹ and/or to 'measurable elements of harms' caused by the rule violations.²⁴² When judges mention measurable elements of harm they are referring to recidivism within five years²⁴³, former convictions²⁴⁴ or, the opposite, a 'clean criminal record' or a 'favourable criminal past' that softens the sanction.²⁴⁵ Second, judges refer to the duration or the scale of the criminal activity, or the size of the company to explain the penalty.²⁴⁶ In another case, the judge took into consideration the multiple violations committed in a single case.²⁴⁷ When discussing the *types* of harm mentioned by judges in their decisions I distinguish harms experienced by different bearers including people, animals, the environment, companies and the government (Greenfield & Paoli, 2013). In some cases, however, rule violation(s) cause (potential) harm to more than one of these categories of bearers. I discuss this further in the following section.

Types of harm to people

Of the harm *types* mentioned by judges, there is first the real or potential harm to consumers' and public health. Because avoiding these harms and risks are aims of food safety laws, this does not provide much about the considerations of the judges. Judges referred to these types of harms and risks in several cases involving the use of hormones and illegal medication by farmers and veterinarians.²⁴⁸ Other cases involved putting waste meat into the human consumption chain.²⁴⁹ In one of these cases involving the 'upgrading' of meat by means of forgery, the judge wrote: 'this kind of food fraud that involves bringing tainted meat in the food chain is extremely reprehensible and needs to be punished severely' because of the risks to public health.²⁵⁰ Other cases where judges mentioned health risks, concerned hygiene violations, traceability, incomplete meat labels, veterinary activities conducted by unqualified

²⁴¹ Nr2Cattle, Case3Cattle, Nr23Cattle, Nr40Cattle, Nr43Cattle, Case50Pigs, Case84Cattle, Case91Cattle, Case94Cattle, Case100Cattle, Case102Cattle&Pigs.

²⁴² Case6Cattle, Nr23Cattle, Case75Pigs, Case103Cattle&Pigs.

²⁴³ Case99Cattle.

²⁴⁴ Nr2Cattle, Case3Cattle, Case6Cattle, Case9Cattle, Case78Cattle, Case96Cattle.

²⁴⁵ Case3Cattle, Case18Pigs, Nr43Cattle, Case50Pigs, Case100Cattle.

²⁴⁶ Case6Cattle, Case17Cattle, Nr23Cattle, Case75Pigs, Case99Cattle, Case103Cattle&Pigs,.

²⁴⁷ Nr2Cattle.

²⁴⁸ Case3Cattle, Nr4?, Case8Cattle, Case27Cattle, Case29Cattle, Nr30Cattle, Nr40Cattle, Case49Cattle, Case56Cattle&Pigs, Nr58Cattle, Nr59Cattle, Case60Cattle, Case65Cattle, Nr71Cattle, Case73Cattle, Case84Cattle, Case85Cattle, Case93Cattle.

²⁴⁹ Nr18Pigs, Case72Cattle, Nr50Pigs, Case92Cattle.

²⁵⁰ Case92Cattle.

persons, and not having animals examined for diseases.²⁵¹ In six other cases the judge referred to an *indirect* risk to public health, because the accused had tried to obstruct an FASFC inspection or had withdrawn from inspection, for example, by illegally slaughtering animals.²⁵²

Judges also mentioned ‘moral harm’ to actors in the supply chain as a reason for specific penalties and in their award judgments in civil claims. In doing so they seem to refer to psychological or emotional harms experienced by individuals who were affected by rule violations. In one case, the judge mentioned how a meat trader intimidated workers at a cutting plant and as well as the lawyer at a slaughterhouse to force them to violate rules. The meat trader did this to support his forgery that enabled him to introduce waste meat in the human consumption chain.²⁵³ In another case involving blackmail and fraud with premiums, the judge reasoned that a contractor (a buyer of cattle with influence in the veal sector) had caused moral harm to a farmer by pressuring him to follow his instructions.²⁵⁴ Eventually the contractor was required to compensate the farmer for this ‘moral harm’ in the amount of 2,750 euros. In a criminal case involving environmental rule violations, a neighbour of the accused company received 500 euros in a civil judgment for ‘moral harm’ he claimed to suffer due to burnout he experienced.²⁵⁵ In three administrative decisions, the judges ruled that the FASFC had falsely imposed an administrative measure on a cattle farm because of suspicions of hormone use and/or illegal medication.²⁵⁶ The judges mentioned how the administrative measure impacted the ‘moral integrity’ of the farmers and their reputations. In another case, for example, this harm to ‘moral integrity’ was mentioned because the farmer was subjected to intense monitoring (‘R-statute’) by the FASFC, leading the public to suspect him of being an offender. This is, in some cases, reason for the farmer to demand a compensation from the FASFC in a civil procedure.

In three cases, judges referred to psychological or emotional harm to *inspectors*. This included the psychological harm experienced by an inspector because of an attempted bribery and because of threats during an inspection.²⁵⁷ In a case involving hormones and money

²⁵¹ Nr23Cattle, Case28Cattle&Pigs, Case32Cattle, Nr40Cattle, Case72Cattle, Case84Cattle, Case88Cattle, Case96Cattle, Case97Cattle.

²⁵² Case6Cattle, Nr43Cattle, Case56Cattle&Pigs, Nr68, Case96Cattle, Case97Cattle.

²⁵³ Case18Pigs.

²⁵⁴ Case70Cattle.

²⁵⁵ Case103Cattle&Pig.

²⁵⁶ Case41Cattle, Nr44Cattle, Case57Cattle.

²⁵⁷ Nr5Cattle, Nr22.

laundering, the accused was required to pay a disgorgement of 250 euros for defaming an inspector and a police officer during his interrogation.²⁵⁸

In three cases judges also referred to financial harm to actors in the meat sector. In one case, a farmer claimed disgorgement for the loss of wages, missing premiums and for wrongly having paid costs through blackmail by a company that contracted him.²⁵⁹ Eventually the disgorgement was partly granted. In another case, the judge referred to financial harm experienced by farmers resulting from a large scale swindle involving carcass weights in a slaughterhouse.²⁶⁰ In another case, a meat trader sold meat from carcasses of diseased animals at a higher quality than allowed. This can cause harm to competitors and buyers because it hinders fair competition.²⁶¹ Funds were confiscated from the offender to compensate for the illegally obtained profits.

Types of harm to animals

In three criminal sentences the judge referred to the actual physical, psychological or emotional harm done to animals because of serious animal neglect by farmers.²⁶² In one of these cases the judge, in considering the penalty, stressed the ‘particularly serious’ circumstances surrounding the crime in which the suspect violated rules concerning farm operation and animal husbandry. The judge stated that the behaviour of the accused farmer and his wife demonstrated:

an obvious lack of respect for the welfare of animals on the one hand and an enormous selfishness on the other hand. A terminally ill cow was dumped on the courtyard of the farm and was left to its fate for days, until it finally died. They did not even have the decency to call a veterinarian, because that would only lead to costs (...) (Case67Cattle)

So, the judge also referred to the morality of the offender, which I further discuss below.

More often (n=6) judges do not refer to actual harm but to the *risk* to animal welfare and animal health when deciding sentences in criminal cases, and only in combination with other types of (potential) harms.²⁶³ For example, in one case involving animal neglect, animal health violations, withdrawing from inspection, *and* violations concerning identification and

²⁵⁸ Case69Cattle.

²⁵⁹ Case70Cattle.

²⁶⁰ Case75Pigs.

²⁶¹ Nr79Pigs.

²⁶² Nr40Cattle, Case67Cattle, Case100Cattle.

²⁶³ Case3Cattle, Case17Cattle, Nr58Cattle, Case84Cattle, Case88Cattle, Case96Cattle.

traceability of animals, the judge referred to the potential consequences of these violations for animal welfare, combined with risks for public health and food safety.²⁶⁴ This was the reason the judge gave for imposing a fine, a custodial sentence *and* a professional ban of five years prohibiting him from raising animals, citing the accused farmer's 'complete incompetence as cattle farmer'.²⁶⁵ Whereas in most cases involving hormones and medication there is only reference to the potential *human* consequences, in three cases judges referred both to animals and humans as (potential) victims by linking the risks of hormone residues and medication for the health and welfare of animals and to human health.²⁶⁶ Risk to animals was also mentioned in two cases of veterinary incompetence, next to the risks to the final consumers of the meat.²⁶⁷ For example, one case involved poorly conducted caesareans that were assumed to have caused negative consequences and risks for the animal's health and welfare, while at the same time causing risks for public health because of residues from non-traceable medication and antibiotics.²⁶⁸

Types of harm to the environment

In three criminal cases judges mentioned environmental harm.²⁶⁹ In a case involving illegal slaughter, the pollution of ground water is mentioned. The environmental harm was caused by the suspect slaughtering animals and allowing their blood to drain into the soil and wells as well as burying dead animals.²⁷⁰ In the previously mentioned case involving the illegal disposal of manure, harm was central to the judge's decision, reasoning that the neighbours living near the company were affected by the polluted water and environment. Therefore, the judge required (separate from the criminal penalties) that the defendant pay a 1,500 euro civil disgorgement to each neighbour.²⁷¹ The third environmental case, also mentioned earlier, involved multiple offenses including animal neglect and environmental and food safety violations.²⁷² In reference to the environmental harm, the judge considered the seriousness of the rule violations and that support and advice previously provided to the farmer was not successful. Taking into account these harms, in combination with the public health threat and

²⁶⁴ Case96Cattle.

²⁶⁵ Case96Cattle.

²⁶⁶ Case3Cattle, Case17Cattle, Case84Cattle.

²⁶⁷ Case84Cattle, Case88Cattle.

²⁶⁸ Case84Cattle.

²⁶⁹ Case6Cattle, Nr40Cattle, Case103Cattle&Pig.

²⁷⁰ Case6Cattle.

²⁷¹ Case103Cattle&Pig.

²⁷² Nr40Cattle.

to protect the reputation of farmers who *do* comply with environmental rules, the judge decided on a permanent professional ban for this farmer, based on environmental law.²⁷³

Types of harm to companies or a profession

In seven cases, judges cited unfair competition resulting from rule violations in their sentencing decisions. Unfair competition can result in financial harm for other companies and is caused by a company violating rules concerning hormones, labelling, traceability, upgrading meat quality, or because of fraud involving the weight of carcasses to gain an unfair advantage over their competitors who *do* comply with the rules.²⁷⁴ In a case involving money laundering the judge mentioned during sentencing how the activities of one of the suspects was ‘disruptive for the economy’ and ‘harmful to the community’.²⁷⁵ In two civil cases the judges referred to financial harm experienced by companies resulting from negligence by the FASFC and from an administrative measure administered by the FASFC.²⁷⁶ The FASFC had to pay disgorgements to these companies to compensate them for the harm.

Judges also mentioned reputational harms to companies and to the whole meat sector resulting in consumers and buyers losing trust in the sector.²⁷⁷ In one case, protecting the reputation of farmers who *did* comply with environmental rules was mentioned.²⁷⁸ In another case involving a layman who conducted veterinarian activities and committed forgery, the accused was required to pay a symbolic disgorgement of 1 euro to the Association of Veterinarians, for the harm he caused to the credibility of the profession.²⁷⁹ In another case involving waste meat that was introduced into the human consumption chain, the harm to societal trust in the meat sector was mentioned as a consideration for the sanctions imposed.²⁸⁰

Types of harm to government entities

Examples of harms experienced by government entities that were mentioned by judges in their decisions on civil claims in two criminal cases include financial and reputational harm to

²⁷³ Nr40Cattle.

²⁷⁴ Nr40Cattle, Case65Cattle, Case72Cattle, Case73Cattle, Case75Pigs, Case97Cattle.

²⁷⁵ Case69Cattle.

²⁷⁶ Nr74Cattle, Nr77Cattle.

²⁷⁷ Nr2Cattle, Case18Pigs, Nr40Cattle, Case88Cattle.

²⁷⁸ Nr40Cattle.

²⁷⁹ Case88Cattle.

²⁸⁰ Case18Pigs.

the FASFC as well as to their functional integrity.²⁸¹ In one case the judge discussed ‘material harm’ to the FASFC, who, due to threats, could not conduct an inspection, but still had to pay inspectors for their time. In the same case the FASFC was awarded 250 euros for ‘moral harm’ because no inspector was willing to visit this company after the threats.²⁸² According to the judge, this harms the reputation and credibility of the FAFSC, as it might spread the message (to other companies) that the accused company can do whatever it wants without consequences. The judge also reasoned that this obstructs the FASFC’s operation and, as such, ‘undermines food safety’. In another case, an FASFC inspection was obstructed by means of aggression.²⁸³ Here the judge reasoned that the company masked rule violations by acting aggressively towards the inspector and demanded the defendant pay a one-euro (symbolic) disgorgement to the FASFC and 250 euros to the concerned inspector. In this case, both the inspector and the FASFC filed a civil claim as plaintiffs.

Judges’ references to characteristics of the accused person

Next to considerations about the harmful consequences of rule violations that were mentioned by judges in the sample cases, they also expressed normative judgements about the accused persons. These judgements are inherent to the law when it concerns the question of culpability, but can also stem from personal judgements of the morality of the accused person.

A value judgement based on norms inherent to legislation

Sometimes judges referred to criminal intent and culpability, necessary for a conviction. To explain a certain penalty, judges also referred to the professional responsibilities of the accused. If food safety and animal welfare violations are committed within a profession or legal entity, the judges add extra weight to animal welfare and food safety crimes. This relates to legal duties of legal entities and their (criminal and civil) liability for crimes and the resulting harms. In ten cases, judges referred explicitly to this professional responsibility of farmers, cattle traders, meat companies and veterinarians committing rule violations in their professional capacities.²⁸⁴ The cases involved violations including the illegal use of or prescribing hormones or illegal medication, engaging in illegal veterinary activities,

²⁸¹ Nr5Cattle, Case91Cattle.

²⁸² Nr5Cattle.

²⁸³ Case91Cattle.

²⁸⁴ Case29Cattle, Case70Cattle, Case73Cattle, Case83Cattle, Case84Cattle, Case88Cattle, Case92Cattle, Case93Cattle, Case95Cattle, Case96Cattle.

committing forgery, fraud with premiums, upgrading waste meat and neglecting animals. For example, in a case involving hormones and illegal veterinary activities, the judge mentioned:

In deciding the concrete penalty the court takes into consideration the seriousness of the facts and the consideration that the protection of public health and the quality and harmlessness of meat that is offered for human consumption is an important obligation for a firm that rears animals (Case93Cattle)

In two animal welfare cases, judges mentioned either the responsibility of the farmer for his animals (independent of his financial situation), or the ‘complete incompetence as a farmer’ as a reason for imposing a professional animal husbandry ban of five years.²⁸⁵ In the case involving fraud with premiums, the judge referred to the professional position of the owner of a meat company who blackmailed a supplying farmer.²⁸⁶ The penalty imposed on the accused company was partly explained by their abuse of ‘an economic position of power’.

Judges’ references to the moral character of the accused

Other arguments used by judges to explain the penalties that they imposed reveal more personal value judgements about the morality of the accused.

In 27 of the 77 cases, judges explicitly criticised the way the accused prioritised profits at the expense of harms or risks to people, animals, or both. In 12 of these cases (about hormones and illegal medication) judges mentioned how the accused had put profits *above* public health and consumers’ safety.²⁸⁷ Also, in three cases involving upgrading the quality of waste meat, the judges blamed the accused for putting profits above public health.²⁸⁸ In one of these cases the judge stated the following:

The circumstances and seriousness of the facts demonstrate the blurring of moral standards aimed at unlawful financial profits and a lack of respect for public health (Case50Pigs)

In five other cases, it was not so much that the judge reproached the accused for putting one interest above the other, but for obtaining ‘significant profits’ as their *only* motive. These

²⁸⁵ Case95Cattle, Case96Cattle.

²⁸⁶ Case70Cattle.

²⁸⁷ Nr2Cattle, Case3Cattle, Case9Cattle, Case11Cattle, Case12Cattle, Case13Cattle, Case17Cattle, Case29Cattle, Case56Cattle&Pigs, Nr59Cattle, Case69Cattle, Case73Cattle.

²⁸⁸ Case18Pigs, Case50Pigs, Case92Cattle.

cases involved violations of basic hygiene rules that potentially contaminated meat on a large scale, adding sulphite to meat to make it appear fresh, illegal slaughter, fraud involving slaughter weight, and using hormones and illegal medication.²⁸⁹

In other cases, judges mentioned how the accused placed financial profits above animal welfare, or above public health *and* animal welfare in cases involving illegal medication and hormones and unlawfully applying veterinary activities.²⁹⁰ In one of these cases where a 12-month custodial sentence (of which six months suspended) was imposed as well as a 66,000 euro fine (of which half was suspended), the judge explained the reasoning for the severe penalties in the following:

The enormous lack [of suspect 1] of respect for social, moral and economic values, by putting motives of personal profit above the wellbeing and health of animals, that eventually can also end up in the human consumption chain, and thus can also affect public health. (Case3Cattle)

In three cases that involved multiple violations, the judges also made normative judgements about placing profits above other interests.²⁹¹ In one of these cases that involved forgery, swindle, criminal organisation and ear tag fraud, the judge denounced the profit-driven motivation of the four accused who ‘apparently abused the credulity of others without any qualms’.²⁹²

Related to judges blaming the accused for putting profits first, in 16 cases they also blamed their ‘lack of respect’ or their ‘poor sense of values’, as already mentioned in some of the examples above. The judges specifically mentioned a lack of respect for social, moral and economic values, public health, animal welfare, the norms of fair agriculture, the work of inspectorates, and for people and the environment.²⁹³ In ten cases, the judges made reference to the ‘poor’ or ‘total lack’ of sense of values of the accused. They did so in cases involving unlawful prescription of medication by a veterinarian, of forgery combined with illegal use of medication and hormones, the upgrading of waste meat, the possession and trade of illegal medication and forgery combined with swindle and ear tag fraud.²⁹⁴ Judges referred to the defendants’ actions as being ‘socially reprehensible’ and how the facts demonstrated an

²⁸⁹ Case6Cattle, Nr23Cattle, Case28Cattle&Pigs, Case74Pigs, Case83Cattle.

²⁹⁰ Case3Cattle, Case67Cattle, Case84Cattle, Case88Cattle.

²⁹¹ Nr40Cattle, Case66Cattle, Case97Cattle.

²⁹² Case66Cattle.

²⁹³ Case3Cattle, Nr40Cattle, Case50Pigs, Nr58Cattle, Case67Cattle, Nr68?, Case103Cattle&Pigs.

²⁹⁴ Case17Cattle, Case18Pigs, Case27Cattle, Case66Cattle, Case83Cattle.

‘extreme blurring of moral values’ or an ‘immoral attitude’.²⁹⁵ Other examples of normative judgements include, the accused having a ‘lack of understanding of culpability’ (in a case involving illegal medication) and having the ‘wrong attitude’ (in a case of export forgery).²⁹⁶

7.2.5 Conclusion law enforcement outcomes

Legislation and enforcement policies partly explain the types of rule violations represented in the cases studied. An important explanation for the many criminal cases concerning food safety topics covering the use, possession and trade of hormones for farm animals is because the Belgian Law on illegal growth promoters is a criminal law. Legislation is also an obvious reason why the sampled NIU-cases include various types of forgery. Also, the NIU thematically focuses on fraud involving food safety risks and follows up on cases because of 1) their complexity, and/or 2) their organised character, and/or 3) their link with hormone crime, and/or 4) their seriousness (e.g., concerning the nature, scale, consequences or implications for public health). This explains why animal welfare violations are rarer in this sample, even though the FASFC used to be authorised for monitoring animal welfare for most of the time period that this sample covers (2006-2016) (in 2014 it became a regional power). Animal welfare was (and still is) not part of the NIU’s priorities. When animal welfare cases lead to criminal prosecution, this is most likely without interference of the NIU if the case did not simultaneously contain fraud with food safety risks or any of the other four elements listed above. The additional cases selected by prosecutors shows animal welfare violations do result in criminal prosecution though.

Having said that, in the findings two areas of comparison are interesting, namely (1) cases followed up administratively and criminally, and (2) those involving animal welfare and food safety violations. In general, the cases demonstrate that actual harm to animals led to significantly milder (administrative and criminal) fines and custodial sentences than harms to consumers (both real and potential). Cases involving serious animal welfare violations do lead to professional bans for farmers. Even though judges, in some cases, established a link between public and animal health, in the numerous cases involving illegal medication and/or hormones, they rarely mentioned how this also (potentially) harms animals. When harm to animals is used to explain a sanction, this is mostly in combination with harms to other bearers, which points to an anthropocentric approach to harm.

²⁹⁵ Nr2Cattle, Case50Pigs, Nr71Cattle.

²⁹⁶ Case84Cattle, Case94Cattle.

A closer look at the different datasets shows that slaughterhouses, processing plants and wholesale traders are subject to administrative fines, while they are rarely targeted with criminal prosecution. Administrative fines (imposed by the FASFC and AWU) are much lower than their criminal counterparts. Food safety violations that led to administrative fines were mainly for hygiene and pathogens, which can result in serious harm to consumers' health. The highest fines were issued to a slaughterhouse. Animal welfare violations leading to administrative fines frequently concern animal welfare issues during transport, but the highest fines (between 2015 and 2017) were imposed on three slaughterhouses and a pig farm.

Because mainly cases involving hormones or a combination of multiple types of rule violations in the beef and pork supply chains are subject to criminal prosecution, the actors prosecuted are predominately to be found in the first phases of the supply chain (traders and suppliers of feed and medication, farmers, animal traders and veterinarians). The companies involved in the later phases of the supply chain, although not necessarily more compliant, are mostly sanctioned via administrative fines according to my data. Criminal cases involving animal welfare violations are rare, even more so when no other rules were violated in the same case. The majority of criminal cases resulted in fines. Custodial sentences or professional bans were usually reserved for cases involving recidivist offenders. The highest fines and custodial sentences were imposed in cases involving hormones, illegal medication or in cases involving several types of rule violations.

What role does harm play in deciding on sanctions? If one assumes that criminal prosecution is reserved for the most serious rule violations, do the criminal cases also concern the most serious harm? The last question cannot be answered with the available data as, most often, the absolute harms resulting from the rule violations are unknown. Regulating actors also do not know these harms, as most of the studied cases involve *potential* harms to public health. Then what *do* the regulators take into consideration? Some of the parameters²⁹⁷ of the FASFC, AWU and judges refer to (potential) harm. They include measurable elements of the rule violations to assess their impact (e.g., duration, size company, number of different rule violations). The AWU also considers the *seriousness* of the harm to animals. Both the FASFC and AWU punish professionals more severely than private persons. Whereas for the FASFC this is partly linked to higher risks for consumers, both actors also make this difference

²⁹⁷ That is apart from elements such as legislation, jurisprudence, and possible objections of the accused.

because of the exemplary role of the companies, who are assumed to know the applicable legislation.

Other FASFC parameters that evaluate offenders' characteristics include their responsiveness to warnings and their motivation to take remedial actions (which may also stop or undo the harm). Judges make references to the moral character of the accused persons, criticising them for being profit-oriented, ignorant of the harms they cause, with a 'poor sense of values.'

So, in the reasoning behind both administrative fines *and* criminal penalties, we see similar patterns in the reasoning of decision-makers. They appear to consider the measurable elements of harm of a rule violation, and, usually, the greater the (expected) harm, the more severe the sanctions are. Normative assessments (sometimes inherent to legislation) about harm and offenders are also made in these decisions. Considering how one case can be subsequently dealt with by different regulating actors, this consistency is not surprising. The information about a case available to inspectorates, police, prosecutors and judges remains more or less the same. Also similar in both administrative and criminal penalties, is the limited transparency about the reasoning behind them. The FASFC and AWU explained that, despite the standardisation of fines (which they agreed needs refinement), they need flexibility to consider unique or unforeseen elements in each case. But the vagueness of reasoning behind fines and criminal sanctions goes against the assumptions of responsive regulation (Ayres & Braithwaite, 1995). According to this theory, transparency and dialogue about punishment for non-compliance might actually persuade meat operators to comply.

Conclusion

This chapter intended to answer **research question 5: What is known about rule violations in the beef and pork supply chains and how are they assessed by regulators and regulatees?** This chapter is based on explorative data because of the absence of reliable data about rule violations in the specific sectors. The interviews have provided insights on the challenges of compliance that meat operators and their regulators experience, the types of non-compliance they report and how they perceive their frequency and seriousness. The document analysis provides insights into the types of rule violations that are detected and the resulting sanctions. The information in the documents themselves about reasoning behind decisions taken and measures/sanctions imposed is limited.

Instead of summarising the findings based on these sources (see Sections 7.1.7 and 7.2.5), here I would like to bring the data together to examine if the rule violations that

interviewees consider as the most serious are also those that led to the most severe penalties. Zooming in on the food safety and animal welfare related cases only, it seems that what interviewees perceive as serious is, to some extent, also what leads to the most severe sanctions. Compared to farmers, for slaughterhouses it seems less likely that their food safety and animal welfare rule violations (perceived as ‘serious’ by interviewees) will lead to criminal prosecution. Based on the document analysis, slaughterhouses are not necessarily more compliant than their suppliers, but are subject to administrative rather than criminal prosecutions in the sample cases.

Looking more specifically at the *types* of rule violations, we see that hormone cases are perceived as serious *and* lead to the most severe penalties. Other food safety violations that interviewees consider as serious, are more likely to lead to an administrative follow-up and to relatively mild sanctions based on the document analysis. Most of the studied administrative food safety cases cover violations of hygiene rules and of pathogens, that occur in later phases in the supply chain and potentially cause serious harms to consumers. Such themes also appear in the criminal cases, but do not lead to the most severe penalties, or only when other types of rules are also violated. Non-compliance can be unintentional and interviewees stressed how they consider incorrect *responses* to microbiological problems as serious. This relates to the effectiveness of self-monitoring activities by firms and about taking the right actions and responsibilities according to HACCP principles. The (potential) harm caused by not applying correct work processes, not investing in good infrastructure, and not correctly responding to technical breakdowns, might be unintentional but is the result of culpable negligence.

Serious animal welfare violations that were mentioned by interviewees include cases of serious neglect at farms resulting in the death of animals (often in combination with other rule violations) and rule violations during transport leading to injuries. Both types of cases are found among the criminal proceedings and the serious neglect at farms sometimes results in severe penalties. Interviewees also consider rule violations in slaughterhouses as serious, especially when remedial actions by the accused are not carried out according to the rules. This includes maltreatment of animals during transport from the stable to the stunning area, technical failures of stunning and rule violations during ‘pure’ ritual slaughter. Based on the document-analysis, such violations result in, at most, an administrative fine of 1,584 euros and not criminal prosecution. In the NIU-database, only one of the ten animal welfare cases involved slaughter activities. And even then, it did not concern a meat company, but illegal slaughter by a private person.

So, what does the data tell us about rule violations in the sector and how do interviewees assess them? A general finding is that, for a topic such as illegal medication and hormones, the perceived seriousness of interviewees seems to be in line with the criminal prosecution. For certain rule violations concerning other food safety topics and animal welfare, the consequences are perceived as serious, but the sample cases did not move up in the enforcement pyramid. Why this is the case cannot be answered by this data. A possible reason could be that the accused persons or corporations pay administrative fines and/or become compliant to avoid criminal prosecution. It could mean that state responses have the desired effect in terms of not needing to move higher up in the enforcement pyramid. Another reason could be that regulating actors are less rigorous in their responses to food safety and animal welfare rule violations compared to hormones cases, and/or milder to cases committed by actors further down in the meat supply chain than to offenders in the early phases. It would be interesting, therefore, to see how recent cases were followed up, especially considering that the NIU is now supposedly focusing more attention on other food safety violations and fraud perpetrated by companies in the later phases of the supply chain (e.g., cutting plants, processing).

PART III –REGULATORY PRACTICES

In the following three chapters I focus on the factors that play a role in the construction of regulatory practices concerning food safety and animal welfare in the meat sector, based on the interviews. In Chapter 8 I first concentrate on the role of (actual/potential/perceived) harm in regulatory practices. In Chapters 9 and 10 I examine how other factors (other than harm) play a role in regulatory practices. In Chapters 2 and 5 we have seen that the aims of the written public and private food safety and animal welfare rules are to protect consumers' and public health, the reputation and economic interest of the meat sector (by encouraging consumers' trust and fair competition), the reputation of regulators (also to generate consumers' trust) and avoiding 'unnecessary' and 'avoidable' pain, distress, suffering, injury and disease to animals. Avoiding harm is thus integrated in the aims of rules and standards. In the following three chapters I examine how in *practice* harmfulness and other factors influence the way regulators and regulatees make decisions about complying with, implementing or enforcing rules and standards.

The interviews show that decisions about (self)monitoring and enforcement in the meat sector are not uniform at all times and at all places. This is in line with Lipsky's (1980) concept of a street-level bureaucracy, about the discretion of 'frontline officers' that can explain the discrepancy between formal policy and the way officials apply them in practice. Apparently, the rules, standards and policies leave room for at least *some* discretion or subjectivity, some more than others. What is considered as 'dirty' in a slaughterhouse, for example, is open to discussion. Some regulators made a distinction between observed dirt that is in direct contact with meat or not, whereas others did not. For some regulators, the main 'rule' is to intervene only in cases where they would not want to eat the meat themselves. The temperature of carcasses can have a maximum temperature of seven degrees Celcius before transport. While some veterinarians do not check it, or allow that carcasses are loaded at 12 or 14 degrees Celsius, others will tell meat operators to wait until the required temperature is achieved. Five slaughterhouse managers also mentioned how every inspector has his favourite topic. According to one slaughterhouse owner, every time a new inspector arrives, after the obliged rotation, another topic can be prioritised:

With every new inspector we have to adapt again to some degree. Everyone also wants to, when they come here for the first time, to leave their mark... you know, like: 'Look, I focus on...'. The last inspector paid more attention to the knowledge of *how* we slaughter, the way

of slaughter. So really the practice of slaughtering in itself. I have the impression that the current inspector pays more attention to the cleanness of the slaughterhouse. He will easily say something like: ‘you have to clean this again, or that, or...’. The last one was more: ‘you have to see that when you cut the skin, that you always cut clean from the inside to the outside and not from the outside to the inside.’

Technical actually.

More technical. (a slaughterhouse owner)

Regulators also attach varying weight to one type of violation compared to another. On a subsequent level in criminal law procedure, prosecutors observe that variation in judges’ sensitivity to animal welfare violations also leads to variation in their verdicts.

Concerning compliance, regulatees also prioritise between topics, according to themselves and as observed by regulators. A slaughterhouse quality manager admitted, for example, how the overload of responsibilities forced him to dedicate less time on occupational safety than on food safety and quality, apart from the necessary demands of safe machinery and ergonomic aspects of the work process.

The question in the next three chapters concentrates on the factors that can *explain* the differences in decisions and priorities of the involved actors in the meat sector. In my findings I distinguish factors on a micro, meso and macro level that can explain these differences. This shows parallels with the literature about causes of organisational crime and characteristics influencing ethical decision making in organisations (see Chapter 1). That literature generally speaks of, at least, the individual and organisational levels and sometimes of an extra-organisational (or environmental) and/or situational level (e.g., Ford & Richardson, 1994; Gorsira, 2018; Huisman, 2018, Kish-Gephart et al., 2010). Harmful consequences of an act would fit in the situational level, as harm is a characteristic of a situation or ‘ethical issue’ itself, which can be a rule violation (Jones, 1991; Kish-Gephart et al., 2010). Because harm was the guiding topic during the fieldwork, I begin Chapter 8 by discussing the harm-related characteristics influencing regulatory practices, as perceived by interviewees. Apart from harm (and related to that, what is wrongful), the interviewees refer to many other factors that play a role in the reasoning behind compliance, (self-) monitoring and enforcement decisions. In Chapter 9 I discuss the characteristics on the individual and organisational levels and the interactions between and among regulators and regulatees. In Chapter 10, characteristics, on

the extra-organisational level, *other* than harm are central. In Table 8.1 I have summarised the findings that I will elaborate on in these three chapters.

Table 8.1

List of Identified Factors and Social Interactions that Play a Role in Regulatory Practices

Level	Factors & social interactions
Harm-related	
<i>Characteristics harm</i>	Magnitude, probability, proximity victim, visibility, temporal immediacy
<i>Perceptions harmfulness</i>	Harm of act/omission vs positive interests (type harm/benefit, bearer harm/receiver benefit)
<i>Perceptions wrongfulness</i>	Wrongfulness of act/omission or actor (intent actor, reputation actor)
Individual	Socialisation Education and experience Motivation
Organisational	
<i>Meat company</i>	Culture (management's vision) Fast growth Autonomy/supply chain integration Size/scale
<i>Regulatory agency</i>	Culture (fear, opposition) Hierarchy Presence of a guardian Politics and economic interests
Social interactions	Regulatory enforcement styles Pressure, intimidation, tension Distrust Blame avoidance and scapegoating
Extra-organisational	
<i>Meat sector</i>	Culture of silence Labour challenges Market dynamics Transnational nature
<i>Regulation</i>	Rules/standards Dispersed authorities Capacity, time & means Feasibility & ease of monitoring, evidence
<i>Economy/politics</i>	Capture Conflict of interests
<i>Society</i>	Public sentiment Mediatization

The categorisation helps to organise the data, but the factors and social interactions are related. *How* exactly the factors and interactions influence *individual* decision-making is beyond the scope of this study and would require a psychological analysis. My data also cannot substantiate causality claims concerning the factors. I confine my research to the *influence* of factors, based on the way 'frontline officers' and regulatees explained their, and other people's, decisions. By staying close to interviewees' wordings and organising the findings according to the structure and terminology in the literature (i.e. about ethical

decision-making, corporate crime), I explore which factors are relevant and what they mean in the local regulatory context of Belgian meat. The qualitative data reveals also social dynamics and interactions that shape decisions of the actors involved.

Whereas regulators explained their considerations and priorities in the context of monitoring and enforcement, regulatees did so in the context of compliance and their self-monitoring initiatives. Because I observed similarities in the characteristics and social dynamics that play a role among state and non-state actors and among regulators and regulatees, the findings are not separated by these types of actors. An additional reason is that regulatees can have a regulatory role within the meat chain and both regulators and regulatees are part of the same social world. When possible and relevant, I will point out similarities or differences between the way factors play a role for these different actors. These chapters are not only about what people say they do and how they explain this, but also about how actors in meat production and regulation perceive regulatory practices of others. In presenting the findings, for clarity, I will first mention what state-actors said about a specific topic, followed by non-state actors' insights. Also, I discuss non-state actors' perceptions according to their position in the supply chain. Food safety and animal welfare regulation are central in this analysis, but some examples refer to environmental and labour regulation. In some cases, the various interests of these different regulatory domains come into play.

Chapter 8. The relevance of harms and wrongs in regulatory practices

Introduction

The central question in this chapter is: **How does (actual/potential/perceived) harm play a role in regulatory practices?** Within the context of meat regulation, regulators and regulatees (and/or the organisations they work for) make a more or less factual assessment of the harms or risks resulting from a situation or act in their decision-making. The data show how their assessment of harms relates to a normative evaluation of the ‘wrongfulness’ of the act as well (Warr, 1989). Some interviewees mentioned the seriousness of rule violations/harm when discussing how harm influences their decisions. In the literature, seriousness of crimes are broken down into harmfulness on the one hand, and wrongfulness on the other hand (Adriaenssen et al., 2020; Warr, 1989). In this chapter I discuss both elements because, in the data, the perceptions of ‘harmfulness’ and ‘wrongfulness’ are intertwined. The perceived (potential) harm of an act can influence the moral judgement, and vice versa. The way harms are perceived depends partly on the norms and values of individuals, organisations and society. Unlike ‘harmfulness’, ‘wrongfulness’ is not a characteristic of an act or situation in itself, but a judgement of the situation. This judgement of wrongfulness is influenced not only by harmfulness and other situational characteristics, but also by the characteristics of individuals, organisations, society and their interactions. After all, how people come to a moral judgement is exactly what the ethical decision-making literature tries to explain. This is one reason why perceptions of harm and wrong are discussed apart from the other characteristics in the following chapters. The other reason for this is that the focus during the interviews was on the relevance of harm in balancing interests, even though I would start with more open questions about any motivations for decisions.

This chapter is organised as follows. In Section 8.1 I begin by summarising which *types* of harms interviewees actually referred to. In Section 8.2 I distinguish patterns in *the way* interviewees approach the different types of harm and the way they make moral judgements in order to make decisions. In Section 8.3 I discuss two types of interests that interviewees mentioned they were trying to promote or protect from harm, namely reputational and financial interests.

8.1 Types of harms and bearers mentioned by interviewees

I list the types of harms mentioned by interviewees per ‘bearer-type’, namely individuals, animals, the government and private companies (Greenfield & Paoli, 2013). Harms to the

environment were rarely mentioned by interviewees, a result of the sampling and delineating during the data collection. Harms mentioned by interviewees not only refer to interests protected by the branches of law that this research focused on (animal welfare and food safety regulation) but also on other types.

When interviewees referred to harms to individuals, they mainly referred to *risks* for consumers' health, resulting from pathogens that can lead to foodborne diseases, by sick animals that are processed for human consumption, residues of medication or hormones and unhygienic work processes. They also consider *actual* material (in this case financial) harms for consumers that result from buying products of inferior quality due to fraud with ingredients. Concerning labour violations, interviewees mentioned actual and potential harms to workers in meat companies resulting from exploitation, injuries, and, in the case of unregistered workers, the denial of benefits, including a pension, social allowances and insurance. The actual and potential harms to regulators influencing regulatory practices were also mentioned, including their fear of liability claims and intimidation, threats or violence during inspections.

Interviews show that the involved actors consider the potential and actual harms to animals because of diseases, injuries or death. These harms are not always observed by the interviewees. Through their experience and knowledge they *know* how certain rule violations can lead to suffering (e.g., situations that are known to cause stress for animals).

Interviewees also consider harms to the government, mainly the actual and potential harm to the government's reputation, and thus their credibility and trustworthiness, but also material harms resulting from fraud (e.g., avoiding social security payments).

Harms to private companies considered by interviewees are the potential material harms (i.e., financial harm) related to compliance including additional costs and loss of profits. Interviewees also discussed the actual and potential material harm of rule violations by a meat company. These harms can manifest for the violating company (e.g., losing contracts with buyers), for other companies buying from them (e.g., resultant recalls) and other companies in the sector (e.g., unfair competition). Furthermore, the actual and potential reputational damage to rule violators, their customers and the whole sector were discussed. The potential material harm resulting from a company's *responses* to suppliers that violate rules is also relevant (e.g., fear of losing that supplier), as well as the potential harm because of state responses in the case of non-compliance.

In Section 8.3 I describe, in more depth, how (potential) material and reputational harms appear to be very important in regulatory practices, but first I elaborate on the patterns in approaching harm and wrong by interviewees, independent of the *types* of harm.

8.2 Criteria to assess rule violations and resulting harms

One criterion of a rule violation or its harm that interviewees mentioned is its ‘seriousness’. This can be based on both the (perception of) harmfulness and wrongfulness of the act. In this section I will first discuss what ‘seriousness’ means to interviewees. Then I will elaborate on harms and wrongs separately. The weight between harmfulness and wrongfulness in decisions is unclear. However, there are similarities in the way interviewees approach harms and wrongs. In considering harmfulness, the interviewees refer to:

- the ‘size’ or ‘magnitude’ of the harm,
- its probability,
- visibility and temporal immediacy of the harm, and
- the proximity of the decision-maker to the (potential) victim of the rule violation

The interviewees refer to moral standards, or ‘wrongfulness’ by making moral judgements about the act/behaviour on the one hand and about the actor, or rule violator, on the other hand.

8.2.1 Seriousness (perceptions) of rule violations and their harms

Generally, when speaking of harms, both regulators and regulatees explained their decisions by wanting to reduce the probability and seriousness of harms to consumers. Interviewees spoke of ‘seriousness’ of harm influencing their decisions by mentioning the ‘impact of a violation on public health’ and the ‘risks or danger for consumers’, without being more specific. Generally, they compared certain types of rule violations, with one type being *more* serious in comparison with another. For example, they find rule violations that do not affect people or animals and that are merely ‘administrative’ less serious than those that involve food safety risks and can actually lead to consumers’ sickness, permanent harm or even death, or actual harm to animals.

Other interviewees gave examples of rule violations to illustrate what ‘serious’ means to them, as we have seen in Chapter 7. This is not necessarily an assessment of how *harmful*

they assess these rule violations, as seriousness also entails how people perceive the *wrongfulness* of an act. Therefore, the examples they have given might relate to the (potential) harm of the acts, and/or reveal the interviewees moral judgements about the act or actor. Based on the data, I cannot clarify if a harm or a wrong weighs more strongly for interviewees when they label something as ‘serious’. Looking at their examples again, the serious food safety rule violations they mentioned were both intentional and unintentional ones. Their examples of cases involving growth promoters, the unlawful use of meat unfit for the human consumption chain and not responding correctly to meat defiled with manure are intentional acts, but also involve (potential) harmful consequences for consumers.

The rule violations they perceived as serious that are *not*, or not necessarily, intentional, were those related to hygiene and microbiological problems (because of incorrect work processes, unfit infrastructure and technical defects) and animal identification. It is possible that in these cases the harmfulness of the act or actor is more important than the wrongfulness, as many of these problems can relate to accidents and/or are inherent to the slaughter process. The ‘serious’ label was often given when the *responses* of the violators to these problems were inadequate. For example, the rule violations concerning bacteria such as Salmonella, Campylobacter and E. coli were said to be frequent, but were only considered serious when a company did not appropriately *respond* to them.

Animal welfare violations that were mentioned by interviewees as being ‘serious’ were cases of serious neglect at the farm leading to animal deaths, overloaded trucks and injuries of animals that result from transport or unloading. In the slaughterhouses, maltreatment of animals on the way from stable to stunning were mentioned as serious rule violations, and technical failures of stunning, especially when *responses* to these problems were not according to the rules. Also considered serious is when companies do not comply with the rules concerning ‘pure’ ritual slaughter, resulting in the lifting of cattle on the slaughter line before the loss of consciousness. In these animal welfare violations, interviewees did not seem to make a distinction between harms to animals caused by intentional actions or by neglect. This could point to more weight being attached to the harmful consequences than a moral judgement of the act or violator.

8.2.2 How interviewees assess the harmfulness of an act

The involved actors try to ‘translate’ harm into measurable terms. When speaking of actual and potential harms, this technical, or rational approach to gauging harm is popular among regulators. Because food safety regulation is imbued with uncertainties about the *actual*

effects (e.g., lack of reliable statistics, evidence) on the health of consumers (Crumley, 2012, p. 383), interviewees often consider the *potential* harm, or risk, in their decisions. The assessed risks are based on perceptions and ‘calculations’ of the potential magnitude of harms and the probability that they will occur. Apart from that, the visibility and the proximity of the harm to the victim influence decisions.

Some state actors expressed their wish that the (potential) harmfulness of food safety violations would have more emphasis in law enforcement decisions than was the case at the time of the interview. To set priorities in inspection and law enforcement they encourage a more evidence-based approach, by including scientific knowledge about potentially harmful consequences of medical and hormonal products for consumers in a structural way. One prosecutor encourages official veterinarians (OVs) and inspectors to include in their First Information Reports for the prosecutor’s office *why* a case should be brought to court, by explaining the potential harm of a specific medical or hormonal product. These interviewees seem to refer mainly to the magnitude of harmful consequences and their probability.

Magnitude of harmful consequences

A first element of a rational approach of harm is how interviewees look into the size of harm, or the *magnitude* of actual or potential losses. They mentioned that the ‘impact’ or ‘seriousness’ of rule violations influence their decisions. These are vague terms that they sometimes clarified with measurable elements, namely: the frequency that a harmful rule violation occurred, the duration of violations and the scale of an event. In the fining policy and judges’ verdicts we have seen, for example, how fines are elevated when there are multiple rule violations, higher quantities of meat or higher numbers of animals affected by a violation. Because of the large number of animals killed each day in slaughterhouses, one animal rights organisation concentrates their actions on the slaughterhouse sector rather than other economic sectors that may involve animal suffering. They inform themselves about the scale (and seriousness) of animal suffering in specific sectors by consulting scientific publications and reports. Because of the higher number of animals suffering and thus a larger assumed impact of their actions, they prefer planning actions in larger slaughterhouses than in smaller ones. For one labour union, activities that involve big meat companies are assumed to affect a larger number of people than activities in smaller ones.

State actors also refer to the size of harms in monetary terms. Public social inspectors consider the size of a social fraud in deciding which cases to follow up, looking at the sum of unlawful profits resulting from the fraud (and thus the financial harm to the state). In cases

involving human exploitation, the salaries paid to employees is one of the elements used to measure the financial harm to workers. According to social inspectors, if the salary is less than half of the Belgian minimum wage, there is a higher likelihood to prove human exploitation.²⁹⁸ Another measurable element in enforcement decisions on social issues is the agreement of an inspectorate and the judge advocate for labour that, as soon as there are at least three different types of rule violations in one case, a criminal prosecution should be initiated instead of an administrative procedure. For example, labour violations that relate to salary, *and* housing, *and* working conditions will be criminally prosecuted.

Magnitude of consequences is also inherent to the risk-based logic behind the FASFC's monitoring activities that focuses on the meat operators who are known to have violated rules in the past (see Chapter 6). In prosecution, measurability matters in the sense that the number of rule violations in one case, past convictions of the same suspect and pending cases against the suspect are all considered in the decision to prosecute (see also Chapter 7). Recidivism does not create more harm per se, but *if* a rule violation is causing (potential) harm, then subsequent or multiple rule violations multiply the harm too. Public and private regulators also mentioned how they respond more stringently to repeating rule violators, although it is not always clear if this policy and practice is based on the repeated or continuing harm/risk, or on a moral judgement of the recidivist. This makes an operator who does not respond to warnings, does not pay an administrative fine, or already has prior First Information Reports or criminal records, subject to more frequent monitoring, more likely to be criminally prosecuted and to gradually receive a more severe sanction every time he or she violates (similar) rules again. In practice though, the logic of considering subsequent rule violations does not always work. Regulating actors are not always aware of other (past) rule violations by the same operator, nor about rule violations in domains they are not themselves authorised to investigate. OVs also said they issue oral warnings without registering them, to try to persuade, for example, a truck driver who maltreats animals during unloading. In this example, if different OVs issue oral warnings independent from one another and all plan to gradually become stricter, a driver might get away with many violations before his violations are actually registered or (eventually) sanctioned.

²⁹⁸ However, in an international context the salary is a relative notion and does not easily convince the authorities in the victim's country of origin to cooperate. Especially when these officials themselves earn less than the workers in the case.

Probability (perceptions) of rule violations and their harms

To explain their decisions, interviewees also referred to (their perception of) the probability that a certain harm would be materialised. They do so based on specific characteristics of the production chain and scientific knowledge. Again, this is partly inherent to the risk-based logic of the inspection policy. For example, it is a policy decision to more intensely monitor the meat sector than other food or non-food sectors, and in slaughterhouses more than in most other operational phases of meat production (FAVV, 2020a, p. 86). Regulators take into account the higher probability of food safety problems because of meat being a fresh product, with higher micro-biological risks, especially when sold raw, compared to other food products. An NGO that bases their campaigns on the probability of animal suffering in slaughterhouses, by rule violations and legal activities, applies the same logic.

Some regulators also consider the meat sector as more susceptible to fraud than other food sectors because of their past experience with fraud in this sector, the high number of different processed products that contain meat and the limited freshness of the products (leading to waste meat), all of which create more opportunities for fraud. One OV states how certain elements of meat production are more susceptible to fraud than others when he conducts ‘enhanced monitoring’:

Is there enough time to do everything that you’re being asked to do?

Yes, if you don’t do everything yes.

But what are your considerations then?

To start with, I only focus on the most urgent things, only those things that are susceptible to fraud: traceability, waste processing. Systems, because this is what they [my superiors] ask, otherwise I wouldn’t do it, but that is mainly the floor plan in order to understand how the [infrastructure of the] company is constructed and so you would see that there are no spaces where they don’t provide access to, you know. So, the plan makes sense, the rest [about systems] doesn’t, no. But things that are susceptible to fraud that is mainly, eh, waste processing, so everything that is supposed to be thrown away, does it really disappear? So that it doesn’t come back in the [human consumption] chain. And traceability you know, those are the most important. And the fridges. In the fridges everything needs to be traceable, nothing in there should be expired, because otherwise you get these stories like ‘It was unpacked and then again packed’. Because eventually, that is allowed, but you are only allowed to do that (...) if you have analysed it [the meat] first (...). (an official veterinarian)

In this sense, he takes into account the opportunity meat operators are thought to have to violate certain rules.

State regulators also mentioned assessing the probability that a rule violation leads to *harm*, responding more strictly when harm is more likely to occur (e.g., considering dirt on walls to be less risky than dirt on the hooks of the slaughter line). One OV also referred to the low probability of harm to consumers, in explaining why he does not intervene when the temperature of carcasses is higher (around 12 or 13 degrees Celsius) than allowed (seven degrees) before transport:

What is the reasoning behind it? Is it the idea 'it doesn't harm anyway?'

Because on the truck it [the meat] is further cooled down, so if this happens fast or slow, I don't know... This is my personal interpretation you know. I just consider animal welfare much more important than public health. Personally... if there is one abscess more or less, well, that will not end up at your plate.

Because that will be cut off?

Normally, what do we have to do? We write 'abscess' on it, that will be cut off, but also at the cutting plant and at the butcher it will be cut off. So, it will not end up at you plate anyway. I care less about this than about animal welfare, but that is personal you know. Many veterinarians are different. (an official veterinarian)

He later added: 'And of course I'm not going to let abscesses pass through on purpose. But if I don't see it...it's not a big deal, that's rather the consideration.' As we see in these excerpts, for this interviewee, it is not only the low perceived probability that consumers will get sick, but also his moral judgement in comparing the seriousness of food safety violations with animal welfare violations. This variation in normative assessments is further discussed in Section 8.2.3.

Four interviewees expressed the wish that state inspectors would have more discretionary power to assess the probability of harm of a rule violation. According to two of them, private auditors of independent certification bodies (ICBs) possess more discretionary power to take potential harms into consideration than public inspectors.

Slaughterhouse quality managers also apply risk-analysis in self-regulation and compliance. For example, tolerance levels for microbial pathogens are based on the potential impact of these organisms on the final product. For a product that will be cooked, a quality manager sets

higher microbiological tolerance levels than for products that will be sold raw. Some meat operators spoke of the low probability of getting caught by inspectors as a reason *not* to comply with the rules or to give priority to something else. The lack of law enforcement also made them assume that the acts are also probably not harmful for consumers.

An external quality manager for slaughterhouses gave an example of how his assessment of risks defines his priorities in compliance with infrastructure, hygiene, quality and food safety rules. He mentioned a client that was supplying hospitals and rest homes by contract and was mainly focused on the price, using cheaper ingredients without listing them on the labels, to meet the agreed prices:

I told her, ‘You even put different allergens in there, this creates a different product altogether. We are talking about rest homes and hospitals! Come on, you cannot do that.’ ‘Well,’ she [the client] responded, ‘at least if they get sick, they are already in the clinic’. That was her answer. So yes, I could complain that they [meat companies] don’t listen about the type of floor, or the type of door [that they are supposed to, according to food safety rules], but for me that is all of secondary importance compared to the product itself. You see? (an external quality manager)

This quality manager prioritises compliance with labelling rules over infrastructure rules, assuming it is more probable that the first affects food safety.

More generally, reducing the probability of harms caused by their products is an important incentive for distributors to impose all kinds of schemes on their suppliers and to call in external expertise. It is not always possible for a retailer to trace the origin of a food safety problem to a specific actor in the chain (e.g., proving if listeria originates from the farm, slaughterhouse or processing plant). Therefore, distributors try to increase the pressure on their suppliers through their schemes. For their suppliers, gaining and maintaining contracts and avoiding disgorgement claims are incentives to accept this and to comply.

Also, the labour inspectors spoke in terms of risk to explain their decisions. Regional departments can set their own priorities. In one region considering the meat sector as an ‘at risk’ sector led to the large-scale prosecutions between 2007 and 2012. After that period, the attention has somewhat faded. The prosecuted cases make the labour inspectorates and prosecutors assume there is also now a higher probability of labour rule violations in this sector compared to others.

Some findings show that, despite the probability of some harms, there is a lack of attention for these harms in meat companies. An inspector responsible for health, wellbeing

and safety of workers on the shop floor mentioned how he and his colleagues observe that meat companies in their region often refrain from making the obliged risk analysis for workers as well as limited attention in the sector concerning the wellbeing of workers. Companies in this sector often do not have basic documents in place such as prevention plans, risk analyses or yearly action plans, while the probability of ergonomic problems and injuries is particularly high in slaughterhouses and meat plants. Boning and transporting heavy carcasses is physically hard and repetitive work and one always has to stand, all of which increases the probability of problems in the lower back. Working with knives increases the probability of tendon injuries, in wrists, shoulders and elbows. Moreover, the low temperatures increase the probability of injuries and the noisy environment increases the probability of hearing impairment or loss. Nevertheless, in self-monitoring by meat companies, this knowledge seems not to be a priority.

Visibility and temporal immediacy of harms and proximity to the victim

Three other elements of harm influence interviewees' decisions, which can be interrelated: the visibility of rule violations and (thus) of harm, its temporal immediacy and the (social, psychological, cultural and physical) proximity to the victim (Jones, 1991, p. 376; Kish-Gephart et al., 2010, p. 5) of the person making the decision. Witnessing harm after a rule violation that evolves immediately and that affects a bearer of harm that is near and/or that one identifies with, motivates compliance and stricter enforcement of rules. However, there are not always direct, visible or identifiable victims, especially in case of food safety violations. When consumers eat meat with residues of hormones or unauthorised medication, they are usually not aware of it. And although pathogenic micro-organisms such as salmonella frequently lead to illness and death, the causes are rarely traced back to a specific food product (Crumley, 2012, p. 379; NVWA, 2015b). Many consumers do not visit a doctor, do not keep packages, and as such, leave no record of the product that caused an actual harm. And when they do, this does not result in accessible statistics because of privacy issues with medical records (OVV, 2014). And even when it does, someone who makes a decision about food safety compliance in a slaughterhouse is not directly confronted with harmful consequences for consumers. There can be a time delay, and consumers are at least socially and physically distant. The lack of information, apart from estimations about consumer illnesses or deaths related to consuming contaminated meat, contributes to this. Some meat operators believe that if there is no *visible* or *known* actual harm resulting from a violation, there is no harm. For example, having never observed harms related to carcasses being

delivered at temperatures higher than allowable, some meat operators believe that this practice does not result in harms for consumers. And prosecutors dealing with various types of crimes often give priority to cases with ‘real’, direct and identifiable victims instead of food safety cases.

In the domain of animal welfare, how animals are raised on farms and are slaughtered is mostly invisible for citizens. Moreover, inspection frequency at farms is very low. Animal rights NGOs try to increase visibility of animal suffering. The power of visibility is illustrated, for example, by the undercover footage that exposed rule violations and its harms in a large pig slaughterhouse that spread in the media (‘animal abuse case’). This resulted in monitoring and enforcement activities of public and private regulators.

Videos and pictures taken by regulating actors also contribute to evidence or to pressure on regulatees to be compliant. Because of the invisible nature of animal welfare violations in this sector, citizens are important witnesses and reporters of rule violations. The AWU receives more complaints from citizens about neglect of cattle than of pigs, as citizens do not observe pigs that are confined in farms. What OVs can observe in slaughterhouses is also limited, because they cannot be everywhere simultaneously and not all types of harm to animals are visible. And even if physical injuries are visible, OVs often do not witness what *caused* them which influences their responses. The sanction policy of the Flemish Animal Welfare Unit (AWU) is also aligned with the visible seriousness of the consequences. Fines are imposed for more serious cases and warnings are reserved for less serious ones. Direct dangers to animals (serious neglect, dead animals) lead to seizures and the forwarding of the case for criminal prosecution.

Visibility and temporal immediacy also matter in setting priorities *between* types of rule violations. One of the interviewed OVs finds animal welfare violations more important than those involving food safety and consumer health. By the examples he provided, it seems that this has at least partly to do with the direct visibility of the harm and also the proximity to the victim: animals suffering before they reach the slaughter line are immediately visible to him, whereas the consequences of food safety violations are more remote and not visible. There is only a *possibility* that consumers will be affected by the consequences of non-hygienic slaughter. As such, this regulator feels more responsible for the welfare of animals, whereas he believes food safety violations are the responsibility of the whole supply chain and its multiple regulators. To the contrary, some meat operators prioritise food safety over animal welfare. This might be explained by feeling a stronger psychological or cultural attachment to humans than to animals.

8.2.3 Variation in moral judgements: wrongfulness

Apart from the actual or potential harms of a specific type of rule violation, the moral judgements of regulators and regulatees influence their decisions and priorities. Based on my data I cannot pinpoint if and how norms are intrinsically individual, influenced by the organisation and by society. What I *do* observe are two general patterns in moral judgements that influence decisions, namely judgements about the types of rule violations and those about the person committing them. In the following two sections I provide examples of both.

Wrongfulness of the act: giving more priority to certain themes than others

Concerning the way interviewees judge rule violations, I observed variations in how they value specific types of rule violations over others. Whereas the previously quoted OV ‘cared less’ about food safety violations than those involving animal welfare, a quality manager of a slaughterhouse prioritised food safety violations. This was observed during the interview when discussing the responses to animal welfare violations in the ‘animal abuse case’:

In the images from [name place], people were considering ‘Oh, a pig was dragged by his hoof’. I found it much worse that ear tags were taken out. That might be less serious for animal welfare, but that is fraud. When you do that you make an animal untraceable. That I consider much more serious.

Towards food safety?

Towards food safety I consider that much more serious. So, people often look at, ‘Ah, the poor animal, the little pig’. But if you have a close look at those images and analyse them, there were things happening that were wrong, that you cannot explain away. Making something untraceable, you cannot justify that. Period. (a slaughterhouse manager).

In another slaughterhouse the quality manager discussed how, in the past, nobody would lose sleep over animal maltreatment. Although he is pleased that the public attitude towards animal welfare has become more demanding, he is more concerned about the wrongs caused by fraud, citing the fraudulent practice of lying about the type of animal in meat products. In his opinion, fraud is something that should *never* happen. Another quality manager also mentioned that, in his opinion, fraud is *always* serious, in part because you cannot be sure about food safety in some cases (e.g., fraud with ID documents of animals). However, even in cases that don’t involve food safety risks, he is in favour of rejecting animals to punish the

offender financially. Yet other interviewees consider fraud resulting in food safety risks as more serious than economic fraud.

Three interviewees, however, observed that the interests of consumers and animals, as well as the avoidance of fraud, seem to dominate in meat regulation, at the expense of protecting workers. According to a representative of a labour union, insufficient attention is given to workers and other social issues compared to financial harms (i.e., because of the horse meat fraud, tax fraud), harms to animals and (potential) harm to consumers:

(...) The horse meat scandal didn't include workers' rights, it was just about horses instead of beef. This kind of fraud, it's a scandal, it could be a problem for the safety of consumers, but (...) sometimes we [labour union] think fraud can have different aspects you know. So, you've got this kind of fraud where you have involvement of Europol and so forth, you've got these reports. I think it was last year [2015], Europol, together with Interpol, had a big operation, where they worked with different police forces: fake mozzarella in the back of a van... (...) there have been extensive reports about this, but then you don't really see, 'OK, but what about the workers?' You know? This fraud with meat or with mozzarella, [products that were] made in difficult circumstances, who was involved in [making] that you know? (...) (a labour union representative)

This interviewee believes that prioritising other issues over social ones is a missed opportunity as problems of food safety, animal welfare and corporate tax issues are all issues that can relate to labour dynamics in this sector (i.e., unqualified migrant workers, subcontractors, social dumping).

Another example of variation in moral judgements concerns how some regulating actors respond to ritual slaughter. In this case, it is not clear if the judgement refers to the act or (also) to the actors, the people belonging to the religious group committing or demanding it. An OV stated that some regulators are principally against ritual slaughter, because of the underlying religious assumptions, which influences their responses to this practice. One slaughterhouse quality manager, instead, referred to inspectors who judge the *actors*. He mentioned how correctly ligating the oesophagus (to avoid defilement of meat) is extremely complicated in ritual slaughter. He argued that, if an inspector happens to have anti-Muslim or anti-Jewish sentiments, he can focus more on this practice to detect rule violations.

Wrongfulness of the rule violator: valuing their intention and motivation

Apart from behaviour, interviewees also make value judgements of the persons exhibiting the behaviour. There is accordance in the way interviewees are influenced in their responses by the offenders' intention, attitude, motivation or willingness to improve/correct rule violations. Generally, they favoured a more repressive response when someone acted intentionally. They also exhibited more disapproval of someone doing something, instead of *not* doing something (omissions, neglect). For some interviewees these characteristics are the deciding factor in elevating an act to a criminal offense or not. Aside from this, when offenders show motivation to become compliant, with a positive and cooperative attitude towards the regulators and to earlier issued warnings, this is considered as a mitigating circumstance.

The importance of intent in the decisions of enforcement is confirmed in the horse meat fraud example mentioned earlier. Several interviewees considered this as a 'real crime'. It is not clear if the media and governmental attention (EU, federal) to this fraud are a consequence of such an approach, or rather a cause. Typically, ten officials are available to investigate food fraud cases at the Economic inspectorate. However, in this case, this manpower was not considered sufficient to adequately investigate an international fraud case.²⁹⁹ As such, at the start of the investigation an additional *forty* officers from other agencies were quickly assigned to work on this case. Restoring consumers' trust was an important motivation and policymakers seized this opportunity to prioritise food fraud in the inspectorates responsible for monitoring the food sector. The Economic Inspectorate was explicit in making food fraud a 'key priority' since this case.

Four meat operators also consider fraud as 'real crime' or as the 'most serious' violation, because of the intent to do wrong. Examples they gave are:

- the integration of French pigs in the supply chain that are falsely given the 'born & raised in Belgium' label,
- using a type of meat other than what is on the label,
- using hormones, or
- fraud involving the ear tags of cattle.

The last example is highlighted by a slaughterhouse quality manager in the following:

²⁹⁹ Internal report Economic Inspectorate

What are the situations where you sometimes don't agree with an inspector?

For example, rejecting an animal because the documents are not 100% right. What does the quality of the meat, the health, hygiene of the meat have to do with a document? If it's fraud, no problem [to reject an animal]. We once had a bull that was blocked for three weeks, alive. It couldn't be slaughtered because the responsible person [in the slaughterhouse] had seen that something was wrong with the ear tags. They investigated this and it turned out to be fraud. The animal was shot, rejected, and sent to Rendac [company that processes/destroys animal cadavers and residuals], no problem. If there's fraud, then there's fraud. (...)

So, it was another bull?

It was another animal, with two different ear tags. Our colleague knew that at the time the ear tags were switched there were also a couple of bulls and calves stolen in the field. There was a high likelihood that this bull was here [in the slaughterhouse].

So, if you would have processed this animal you wouldn't know...

Then you don't know anything. And then, even if it's only to seriously punish the owner financially, that animal should be rejected. Fraud is fraud, period. (a slaughterhouse quality manager)

In fraud cases such as this, interviewees believe criminal prosecution is an appropriate response. They also find criminal prosecution appropriate in cases where violators mislead consumers or provide false information about ingredients. In short, these and other interviewees consider intentional acts and/or cases involving the intention to make (illegal) profits (especially in case of high sums), as more 'wrongful' than mistakes. This is similar to the reasoning of judges in sentencing decisions described in Chapter 7. In contrast to intentional acts, interviewees agreed that violations that involve mistakes that do not affect the quality or safety of the meat or circumstances that are beyond the violator's control (e.g., Salmonella in pigs or technical problems that occur) do not warrant a punitive response.

The same dynamic is relevant in monitoring and enforcement of food safety violations by private actors. One purchase and quality manager of a restaurant chain mentioned that if he discovered that a supplier *intentionally* mixed meat not fit for human consumption with good meat, he would immediately end the contract. However, if it was a mistake, his response would be milder, which he illustrates with a case occurring in the period of the interview:

Today the explanation is 'human error', so...

Ok. That makes a difference for you, to cooperate with this supplier? If it would have been intentional...

If they find that it was intentional, then tomorrow we are finished with this [supplier]. Then he can forget about his exclusive contract. And the day after tomorrow I'll be knocking on the door of a new supplier.

Yes, so that's the same story as ['beef fraud case'], where this was also relevant. Apart from [the question] if there's a food safety risk...

The trust is gone then. (a purchase and quality manager of a restaurant chain)

The intent of offenders is also something state actors consider when making a distinction between animal abuse at farms and animal neglect. A prosecutor mentioned that he always prosecutes abuse and neglect if it results in death. In other cases, he does not always prosecute. Because animal neglect can result from a farmer's ignorance concerning the needs of animals, there is no moral intent in this case, according to the prosecutor. In such cases, his main priority is that the offender becomes compliant. Also, the AWU responds more stringent to cases of animal abuse than those involving neglect. Two prosecutors who handle both animal welfare *and* food safety cases mentioned that they favour an administrative follow up by the FASFC in cases limited to administration or documents only (e.g., operating without an accreditation, 'sloppiness' or neglect, without any intentions 'to do wrong'). They especially prefer an administrative follow-up when the accused shows motivation to improve his or her behaviour.

'(...) there are certain administrative violations, such as an animal that has lost its ear tag. Then there is no wrong intention, that can always happen, that is less serious. But in a case where someone really intends to bring sick animals or animals treated with certain antibiotics or other medication into the food chain, I consider that very serious because this also has consequences for the consumer. And, of course, this is not tolerated (...) that will always be prosecuted.' (a prosecutor)

The excerpt also shows how the prosecutor simultaneously considers the (potential) harm for consumers, again illustrating how perceptions of harmfulness and wrongfulness can be entangled.

An OV noted how their daily presence in the slaughterhouse provides them with a good understanding of the intentions and attitudes of rule violators. He believes this better positions them to react responsively than the FASFC staff, whom he finds too repressive in their responses. For him, the FASFC seems to assume that meat operators have the intention

to violate rules, ignoring the possibility that violations might be the result of human error.

Two OV's expressed their frustration about this:

(...) we always have to submit a report, we (...) cannot say anything about what the sanction should be. Sometimes, it would be convenient if we could say: '...you should only issue a warning, you cannot write a First Information Report on him because it's not serious enough for that, the attitude of this person is not bad enough for that, because what he did is actually because of pure stupidity. Give him a warning'. But we cannot intervene there. So, we forward something and then, depending upon which official comes, this person [in the slaughterhouse] can suddenly receive a fine that blows him off his feet. Then he comes to us saying, 'Yes but, you had told me it was not that serious....' And then I think, yeah, there you are, I have said that, and it was meant to punish that person you know...that was the purpose. But not like *that* you know. You can remain a bit human. You don't need to squeeze these people, you can also be gentler... (an official veterinarian).

Considering animal welfare violations, this interviewee considers the on-site OV's to be in a better position to assess the intention of rule violators. To explain intention, he provided the following scenarios: someone delivers an animal to the slaughterhouse with a broken hoof, a 'blatant violation'. The animal should have been slaughtered (emergency) at the farm. Compare this to a farmer who has done his best to carefully transport an animal. Despite his efforts, the animal receives a slight injury. In the latter case, the interviewee finds it excessive to issue the farmer a hefty fine, of possibly 2,000 euros.

A slaughterhouse environmental coordinator noted how their motivation or goodwill influences their inspection frequency and enforcement style. His predecessor had a very different relationship with the environmental inspectors than he currently has, but it has taken about two or three years to gain back their trust after long-term violations of wastewater discharge norms:

The prior environmental coordinator had made promises at the time and did not correctly execute them. And in fact, the trust between the inspector and that person was somewhat violated. This resulted in a difficult situation, one that became more and more serious. Not much was being realised. And at every inspection they observed the same problems. It makes sense that they became stricter. Then I came here and I started to systematically improve and optimise things. Then you can get these people on your side again you know. And then there's

some space again for dialogue or for a compromise. But you shouldn't go against these people you know, if you say 'I'm going to do that' and two months later they return and it is not done, I mean, then maybe they can tell you once more, maybe they will tell you a second or third time, but they won't continue doing that, certainly not.

So, showing goodwill already helps to...

Yes. And I would also say, it's not always financially feasible to do everything immediately. But if you can demonstrate that you make a step forward every year again, those people are also satisfied. I mean, that they see you are making progress. I notice that this is important for these people. It's also not easy, you know, as an inspector you also want to see things improving. It is easier for an inspector if, every year, things improve step by step, than when no changes are made at all. (slaughterhouse environmental coordinator)

When regulators trust that the operator is making progress to comply with rules, this can make their responses milder, when not all of the needed investments are made simultaneously. The following section delves further into the relevance of trust in interviewees' patterns of reasoning concerning harm.

8.2.4 Conclusion: patterns in perceiving harm and wrong

On the one hand, interviewees approach harm in a technical way, with much emphasis on calculating risks for consumers, referring to two 'measurable' elements of harm, the magnitude of harmful consequences and the probability that they will occur. On the other hand, the visibility and temporal immediacy of harm and the proximity to victims influence their decisions. However, not only harmfulness, but also the wrongfulness of an act matters, as together they influence people's perception of the seriousness (or 'moral intensity') of a situation (Jones, 1991; Warr, 1989). As evident in the literature, social consensus about the wrongfulness of an act positively influences ethical decisions (Kish-Gephart et al., 2010, p. 5; O'Fallon & Butterfield, 2005, p. 398, 401). The findings reveal a consensus about the wrongfulness of fraud and other intentional acts, but discord about the wrongfulness of other types of rule violations. Independent of the *type* of rule violation, regulatory responses are milder concerning regulatees who neglected to do something and who show motivation and willingness to become compliant.

8.3 Concerns about trust and reputational and economic interests

The way harm and wrong matters to the regulators and regulatees is applicable to different types of rule violations and harms. Viewing harm as ‘violations of stakeholders’ legitimate interests’ (Greenfield and Paoli, 2013, p. 864), here I discuss two interest-types that interviewees try to promote and protect from harm: reputations and profits. Both interests frequently recurred in interviews and strongly relate to one another, as well as to trust. This means that the interests of animals and consumers are not the only considerations in compliance with food safety or animal welfare rules. Frequently, and sometimes this is given more importance, involved actors consider how compliance, non-compliance or *responses* to non-compliance (would) affect companies’ and regulatory agency’s reputations as well as a company’s profits. Although this can be expected in most economic sectors, two things stand out in these findings. First, the concerns about reputation and profits of both regulators and regulatees are similar. Second, they are also concerned about *responses* to non-compliance.

8.3.1 Concerns about harm to reputational interests and trust

The literature has shown that trade, the reputation of the (food or) meat sector and (re)building of consumers’ trust are important aims behind the establishment and harmonisation of food safety and animal welfare regulation. The data shows that the (fear for) harm to a company or regulatory agency’s reputation and violations of trust are also important in decisions concerning monitoring, enforcement and compliance. Examples mentioned by interviewees concern real and perceived reputational harm resulting from rule violations or from *responses* to them (by themselves, a colleague, or supplier).

First, I discuss how the reputation of companies vis-à-vis public regulators affects regulatees’ compliance. The reputation of companies also affects rule enforcement and companies know this. Second, I discuss how reputation, in a broader sense (of companies or the sector vis-à-vis regulators, the general public and other actors in the supply chain), affects regulatory practices by private actors within and external to the supply chain. Because of the interactions between state and non-state actors, a company’s poor reputation is easily communicated between and among public regulators, buyers and private regulators, affecting their decisions in similar ways. Public opinion and media influence reputations *and* the fear of reputational damage for all actors. This is discussed further in Chapter 10 as an extra-organisational characteristic influencing regulatory practices.

Reputation of companies vis-à-vis the public regulators: ‘walking on eggshells’

The reputation of companies is integrated in monitoring policy (see Chapter 6). Stricter follow-up of companies that are known to have violated rules in the past is common. In practice, this also leads to milder responses to violations by motivated and trusted companies with good reputations. Three slaughterhouse quality managers have experienced that longstanding trust can be damaged by one incident. One noted how ‘trust can take years to build, but only a second to shatter’. Although he viewed his company as compliant, one rule violation concerning meat-traceability after a technical problem was enough to damage the reputation of the slaughterhouse at FASFC’s headquarters. The violation led to a fine of 500 euros, which the interviewee considered ‘peanuts’. More concerning to the CEO was the reputational damage to the company. The quality manager added that the trust has since been recovered but the company is still “walking on eggshells” with the board of the FASFC. He expressed his discontent with FASFC’s treatment of them as criminals because of one incident.

Rule violations that become public not only affect the reputation of one company, but potentially the whole sector, that responds by new self-monitoring initiatives to reassure regulators and the general public. The events in the ‘animal abuse case’, for example, forced other slaughterhouses to pay more attention to animal maltreatment by installing (additional) camera surveillance on shop floors, organising (additional) training of drivers and employees and requiring more employees to become AWOs.

One quality manager of a retailer confirmed the importance of their reputation at the FASFC. That is why they train their shop managers on the importance of reputation:

One thing is, we are dealing with food here, (...) you put the image of [the retailer] at risk, but also that of your own colleagues. It can happen quickly. Once the FASFC is involved, that is a train that you cannot stop. Because as soon as they have found a serious non-conformity in your shop, they are going to come back. That’s just like tax inspections, they will find *something*. Even if it’s only a little corner that is not properly cleaned. (a retailer’s quality manager)

The importance of having a good reputation with the authorities also influences companies’ compliance and affects the way they respond to their suppliers. For example, according to an OV, reputation is why the owner of a slaughterhouse responds strictly to rule violations by supplying farmers:

(...) if the Animal Welfare [Agency] receives a lot of complaints from [location slaughterhouse] then that's not a good thing for the slaughterhouse, because his reputation will be damaged and he [the owner] doesn't accept that. And he [the owner] has a point you know, (...) that he should be very careful with it, because eventually.... It's like that, (...) eventually they [the inspectors] say, 'It's always something there, we will have to go check there'. And they won't believe you anymore, you know. When you tell them 'Yes, but nothing is wrong here', after a while they won't believe you anymore. (an official veterinarian)

Reputation of companies vis-à-vis other actors in the chain and private parties

Interviewees noted how distributors are encouraged to be strict with their suppliers because of their reputation vis à vis regulators *and* consumers, apart from any food safety or animal welfare concerns. This is perceived because distributors are 'the last link' in the chain. They are the ones that will be blamed for food safety incidents, even when their suppliers are ultimately responsible. In Chapter 5, we have seen the importance of public opinion, consumer trust and reputation (of the meat sector, of a company) in distributor's decisions to apply private labels and certification mechanisms in their supply chains, apart from possible intrinsic motivations to protect animals and consumers. Also, in regulatory practices, the distributors' reputation is an important consideration. This relates to their financial interests, as being prepared for potential food safety issues helps them to avoid recalls and liability claims. Moreover, a good reputation encourages consumers to purchase their products. When rules and/or private standards are violated and become public, distributors and other private scheme owners take all kinds of actions to reassure consumers. They increase their (unannounced) monitoring activities in slaughterhouses and/or of the ICBs (that are supposed to monitor these slaughterhouses) and demand clarification and (more) transparency from all of their suppliers about *their* suppliers. Quality managers of slaughterhouses and distributors said to have taken such measures after the horse meat fraud, the 'beef fraud case', and the 'animal abuse case'. One retailer's quality manager explained, for example, how their demand for more transparency after the horse meat fraud revealed that their suppliers were not passing on their demands throughout their supply chain, or only to their direct supplier but not to the third hierarchical line. This transparency is more complex when supply networks cross national borders. This case has forced this retailer to increase transparency throughout their *whole* supply chain. Four distributors also responded to the horse meat fraud by demanding that an ICB take DNA samples of their products to verify the type of meat. The responses of catering and restaurant chains that participated in this research seem to be less encompassing than

those of retailers. After a crime or scandal, they merely ask for official statements from their suppliers to confirm that their meat does not come from a questionable company. Whereas they do so for fresh meat suppliers (usually one company), they do not make these demands from suppliers of processed meat products. A restaurant chain's quality manager admitted that it is too complicated and time consuming to trace original suppliers in the supply chains of all their processed products.

In order to protect one's reputation, distributors also sometimes end business ties with suppliers who are (suspected of) violating rules. One retailer responded to two different food safety violations of one of their meat suppliers by ending their contract with them. They also conducted 'vulnerability analyses' for all of their meat suppliers. In both cases, the rule violations had been made public, and the retailer took these actions before the investigations by state authorities were completed:

Is it not important that first an investigation is completed and that the facts are proved? That it is clear what has actually happened? Or is there no doubt whatsoever in such a case?

No, not a moment. Why? Because the facts are something different than the clients' perceptions. You cannot explain to a client that you still work with a [company that has violated rules]. (...) You cannot cooperate with a supplier that, in some phase of his activities, commits fraud. That is... the trust is gone. Then decisions are made pretty drastically (a retailer's quality manager).

Several non-state actors agree that client perception in such cases is decisive in the responses to rule violations. A quality manager of a catering company shared how they respond to a supplier's rule violations:

We will end the cooperation. We also have a code of conduct and these things are partly integrated in this code. We don't want to be associated with this either. The consumer asks 'What about this meat?' Because they also hear about it and they become more and more articulate. So, they hear about [incidents such as the one in the 'animal abuse case'] and say 'with which suppliers do you work?' And then we receive these questions at the quality department and we ask the purchase department 'Can you give us some more information about that?' And then we receive an official confirmation of our supplier, something like 'No, we only work with this or that person', and we will forward this to our clients. (a food service company's quality manager).

However, it seems that distributors do not consider *all* rule violations by their suppliers to have the same impact on their reputation. Two OVs talked about hypocrisy of distributors in responding to suppliers' rule violations. The retailers also monitor slaughterhouses themselves. Apparently, they also fail to observe rule violations. When undercover footage, provided by an NGO, revealed the animal maltreatment in a slaughterhouse, customers abruptly ended contracts with the violator. However, a publicised criminal conviction of a farmer who used hormones did not lead to any reaction by associated slaughterhouses or retailers.

The additional measures that private actors take after these incidents can also be seen as a response to damaged trust and reputations among regulating actors. The interviewed private regulators stated that several cases of rule violations at meat companies resulted in distrust in other regulators who were supposed to detect these problems.

8.3.2 The concern about harm to financial interests of companies and regulating actors

The financial interests of companies and regulating actors is another theme that concerns interviewees in relation to rule violations and the *responses* to them. This frequently came up in interviews and these concerns are closely related to those about reputation described above.

Companies' financial interest threatened by compliance and enforcement

Financial interests affect decisions about compliance and monitoring activities within the supply chain. First of all, some meat operators do not comply with certain rules because it would decrease profits or increase costs. They sometimes balance between compliance and remaining cost-effective. For example, CEOs of slaughterhouses do not always make the required investments in infrastructure. This relates to any type of rule, but especially those concerning hygiene were said to be challenging because of continuously needed investments in infrastructure. Three regulating actors mentioned the difficulties associated with verifying if a company truly has no means to invest in improvements, or if it simply comes down to a lack of *will* to invest. An example of non-compliance to increase profits is not waiting to further cool down carcasses when a client immediately demands meat, or when slaughterhouse refrigerators are full. In some interviewees' perceptions the potential risk to consumers does not outweigh the financial harm for the operator. An example of an animal welfare rule that is violated to save time and avoid costs in slaughterhouses is to process more animals than the maximum capacity (of the stables, the slaughter line, or both) allows. This

can have a negative effect on animal welfare, food safety and the environment (e.g., waste flows) at the same time.

Slaughterhouses also consider their financial interests in compliance decisions related to religious rules about ritual slaughter, for halal or kosher meat, next to the interests of animals, workers and hygiene. Meat operators in cattle slaughterhouses and inspectors both argued how the ‘pure’ ritual slaughter technique significantly slows down the slaughter process, is less animal friendly, creates a dirty slaughter area and is more difficult considering the size of cattle, which can lead to dangerous situations (e.g., moving and kicking animals) compared to regular slaughter methods. These are all reasons they gave for using another method: post or pre-cut stunning, which is faster and reduces the time of animal suffering. Simultaneously, these techniques have a clear financial advantage, as they speed up the whole slaughter process significantly. Two interviewees complained how the government was ignoring this issue by letting the religious rules about ‘pure halal’ prevail over animal welfare standards. Whereas initially one of them criticized the hypocrisy of the state because it was going against animal welfare standards, eventually the criticism seemed to be mainly that the state did not consider the financial cost for the company to comply with the religious rules:

For animal welfare you need to do I don’t know what, making adjustments in the stables, other adaptations, whatever is needed. But they [government] do *not* want to go against this ‘pure halal’. You have to wait until the animal is dead before you continue the job. (...) Even heavy bulls that need to be slaughtered halal, that takes six, seven minutes where they fight for their lives, that they suffocate in the blood, that’s inhuman. The FASFC says ‘no problem! If the animal is dead you can continue the job.’ It is so ridiculous. That way they put pressure on us, because like this we can only achieve ten killings per hour. Otherwise we can operate at thirty an hour. So again, the economic aspect, [the FASFC responds] ‘That is not our problem’. It is very important that the government thinks a little more in economic terms and consults the sector before they implement measures.’ (a slaughterhouse quality manager)

This also shows how financial interests motivate slaughterhouse management to slaughter with stunning.

Financial interests also force meat operators to respond mildly to non-compliant suppliers because of their fear of losing them. In theory, a slaughterhouse can refuse animals that are injured or sick at arrival and send them back to the farmer. An animal with one injured hoof

might still be allowed to be processed for human consumption. However, if there are more injuries animals should be destroyed and the animal's owner is at a financial loss. For the slaughterhouse, or their drivers, it is a difficult decision to refuse these animals. In doing so they risk losing these suppliers to a competitor. If the farmers are vertically integrated into a larger company through contracts, there is also a financial loss for the mother company if animals are refused. Therefore, instead of sending animals back to farmers, the slaughterhouse management often only makes a *complaint* to the farmers. One slaughterhouse quality manager noted:

(...) it is also in the work instructions. You're not allowed to bring [sick or injured animals] here. But, (...) [usually] it [the transport] is in the middle of the night, the driver is blamed. The farmer gets the animals out of the stable, because the driver is not allowed to enter the stable according to legislation. (...) So, this farmer herds the animals onto the truck. And then if a driver sees such an animal approaching and says 'No, I'm not allowed to take that with me'. Then the farmer says 'you *will* take it with you! And if you're not taking it, you don't have to come here anymore!' (...) So, what does this [driver] do? He says 'alright I will take it', you know. It is always the incompatibility between different actors and the economic interests (...) And we, as a slaughterhouse, are often in the middle. (...) Because if the farmer says 'You know what? I won't sell my pigs to you anymore. I'll go to the competitor and that's it.' And this happens you know. We also cannot afford it too often, we need [a certain amount of] pigs per year. You understand how difficult this is? (a slaughterhouse quality manager)

Although the FASFC tells slaughterhouses to stop cooperating with suppliers who violate rules, the slaughterhouse managers would prefer that the FASFC intervenes, as not to jeopardize commercial relationships with suppliers. Interviewees described similar dynamics related to other topics, such as problems with ear tags and avoiding antibiotic residues in pigs. Although the origin of such problems lies with the farmers, the slaughterhouses are responsible for monitoring this and are reluctant in their responses for commercial reasons. However, by not acting upon such rule violations by farmers, slaughterhouses run the risk of being sanctioned and/or experiencing financial harms.

Companies' financial interests threatened by (detection of) non-compliance

Some state actors also ponder the financial or other harm they can inflict on a perpetrator by imposing a sanction with the aim of deterrence or retribution. According to state actors, the

administrative fines imposed in case of food safety violations (of maximum 6,000 euros in my sample) are ‘peanuts’ for a meat company that refuses to invest in its infrastructure, because such investments would cost much more. In such cases public regulators favour a criminal law follow-up and higher sanctions, to deter future rule breaking of repetitive non-compliant meat operators. Prosecutors also try to deter offenders by demanding a more severe sanction than was already imposed in an administrative procedure.

Of the different types of sanctions, meat operators are most fearful of losing their SMS or FASFC accreditation and a professional ban, which would end their economic activities altogether. An interviewed prosecutor is reluctant to demand professional bans in cases involving animal neglect at farms, as most farmers primarily depend upon farming activities to earn a living:

But that’s very difficult (...). Of course, it’s very hard to do that in cases involving cattle and pigs. Because when I go to the court and have a professional ban imposed on these people, they lose their complete income. And that’s not what I want either. Yes, those people make a living from it. It would be the same if I were to tell you: ‘Yes you cannot work anymore, and it’s up to you how you will survive’. Yes, so I have to add that to the balance. (a public prosecutor)

Animal welfare inspectors consider offering counselling to farmers to improve the situation for the animals under their care, because neglect often relates to social problems in the farmers’ family and/or financial problems. In such situations, fines compound the farmer’s problems, which can further impact the situation for the animals (e.g., housing conditions and appropriate feed). Also, other state regulators mentioned that they prefer first exhausting milder options to repair the harm, before employing more repressive strategies. Another example would be a social inspector who tries to convince employers to first pay correct wages when social dumping is encountered, before imposing a sanction.

Non-compliance, in some cases, also leads to decreased profits. When animals experience stress prior to slaughter due to animal welfare violations, this not only harms the animals but also reduces the quality of the meat. This eventually affects profits. Therefore, several non-state actors pointed out how compliance with animal welfare rules to avoid animal stress is in the interest of the animals, the slaughterhouse and its customer. One slaughterhouse quality manager explained:

However, we need to be attentive to animal welfare. I think, if that animal has... well I don't want to sound corny, but if it is raised with a certain love and dedication, then in the end you are not going to treat it bad. Why? Because the slaughter quality will also decrease. If you are going to treat an animal in an abnormal way causing stress and suffering (...), meat quality will also decrease. So, it is completely to our advantage to do everything as correctly as possible. (a slaughterhouse manager)

The interview data also point to the deterrent effect of sanctions within the supply chain by customers in cases of non-compliance. Retailers not only influence the processes of slaughter through their role in standard-setting. Their monitoring and enforcement activities also influence how meat companies operate. This is even more so than the influence of public regulators, according to three state actors. One example provided by an OV concerns the quality of slaughter, which relates to, among other things, slaughter speed:

And that relates to problems, the slaughter speed?

Yes, of course. The faster you slaughter, the more you demand of your people you know.

But is it difficult to find a balance? Because indeed, the slaughterhouse doesn't want to pay too much, so they want to do it faster.

And the staff as well. That's a difficult exercise. And the client of the slaughterhouse has more to say in this matter than anyone else, including us [OVs]. If the client says, 'The work on the carcasses has not been done the way it should, it's not cleaned up the way it should be, it has to improve', then, the slaughterhouse is afraid to lose its client and they will listen closely to them.

Maybe more so than to the FASFC?

More than to the FASFC.

Is there also a direct...?

A direct relationship? Sure, in the slaughterhouse where I'm [working] now, it's the retailers who dictate the quality. Many retailers...

Those are the most important clients?

Yes, those are the most important clients [of that slaughterhouse]. They demand more and demand more guarantees than we [representing the state] do. And then you have the choice: either I [as a slaughterhouse] do it or I don't do it. But if I want to keep my client, then I will meet his demands.

But maybe they [clients] won't say something explicitly about the slaughter speed but about the quality of...

About the quality of slaughter (...). The slaughter speed is, in fact, not important if the quality remains good. (an official veterinarian)

Another example of the relevance of (potential) commercial sanctions for compliance, as observed by another OV, is that slaughterhouse staff are more compliant when there is a private audit. He stated that when there is no audit, he needs to constantly remind employees about animal welfare rules. However, during private audits, all of a sudden everyone works according to the rules. He expressed his frustration regarding the uneven effect of public and private regulators on compliance. Especially because, in his view, the FASFC supports the private power dynamic:

We say 'This is not OK', but then we are a 'nitpicker'. But the moment that the client arrives, things are automatically the way they should be. They [the slaughterhouse] have much more respect and fear of the commercial [client]. And the FASFC also participates in this.

How? For the commercial...?

Yes, you know, they support it. (...). I find it incredible, the FASFC should be separate from the commercial...[interests] (an official veterinarian)

Regulators' financial interest threatened by enforcement: fear of liability claims

Regulators also consider potential financial harm to *themselves* in the way they respond to rule violations. Whereas the OVs carry a lot of responsibility concerning food safety and public health, in practice, it is not always easy for them to enforce the rules. In theory, they can stop the slaughter line in case of high food safety risks or emergency animal welfare cases. An inspector and an OV noted how the line is sometimes stopped when it is not clean enough, or when there is a technical problem with one of the machines (e.g., with the stunning method). But three OVs mentioned that usually hardly anyone dares to ask to slow down or stop a slaughter line. They fear conflicts with slaughterhouse staff and risk liability claims for the high costs in cases where the 'lost' production time was unjustified. Thus, the regulator's evidence must be solid before they make such a decision. And, because some rules are very much open to interpretation (e.g., 'cleanness' of facilities), they feel a flagrant rule violation is necessary. A slower slaughter speed is something OVs influence only indirectly, by their reports to and in consultation with the LCU, for example because of hygiene problems or in case the maximum capacity is exceeded.

8.3.3 Conclusion on the concerns for harms to reputation, trust and financial interests

In the interview data, regulators and regulatees refer in similar ways to reputation and financial interests to explain their decisions. They take into account the reputational interests of the company, the sector and/or the regulating agency, which could be threatened by rule violations or mild responses to them. Also related to reputation, is how regulators and regulatees weigh financial interests in their decisions, which are also threatened by rule violations and by *responses* to such violations. Regulatees, in making compliance decisions, also consider if they will lead to profits, losses or additional costs.

This emphasis on reputational and financial interests relates to the reactive nature of meat regulation, with a lot of emphasis on reassuring and soothing consumers whose trust is essential for the economic prosperity of the sector. We see how actual and potential scandals generate an (additional) incentive to comply with rules that are aimed at protecting animals and consumers, to enforce these (more strictly) when violated and/or to establish new rules or standards. We have seen such responses after past crimes and scandals such as BSE and the dioxin crisis and, more recently, with the ‘beef fraud’ and ‘animal abuse case’ in Belgian slaughterhouses.

Conclusion

What do these findings tell us about the way (perceptions of) harm plays a role in decisions of monitoring, enforcement and compliance? In line with the aims behind the rules, regulators and regulatees have many things to consider including the desire to protect consumers, to offer a certain meat quality, to protect animals, the reputation of regulators, and the reputation and economic interests of the meat sector. Sometimes they have to set priorities *among* such interests. Which interests they give most weight, varies by individual and situation. Still, two things emerge from this chapter. The first finding relates to the criteria the involved actors in meat regulation consider that relate to harm. In short, harms that are perceived as small in quantity/size, are not measurable (e.g., not tangible), are considered as less probable, are not visible, and/or that affect victims that are less proximate (physically, culturally, socially, psychologically) to the decision-maker, or occur later in time, are less likely to be prioritised. One of these elements can be more decisive than another and this also varies among individuals. While some actors give priority to directly visible harms to animals instead of potential invisible harms to consumers, others prioritise potential human harms over actual harms to animals.

It is also a moral decision to prioritise one type of harm over another. Moral judgements of rule violations also vary, depending on how the involved actors assess ‘wrongfulness’ of situations and persons. Usually, interviewees consider mistakes as less wrongful than intentional rule violations. This explains why frauds, intentional illegal profit-making, and actively violating rules are often found to be more serious than mistakes and neglect, independent from how their harms are assessed.

A second finding about harm is the importance of the promotion and protection of reputational and financial interests in regulators’ and regulatees’ decisions. The discussed elements of harm might explain this emphasis. Harms to profits and reputation of the organisation you work for (be it a regulator or meat company) are directly felt and can affect your job as well (proximity). Moreover, financial losses are tangible, measurable harms. If these harms are also considered as probable, based on experience or witnessing how this works for colleague companies, this might further contribute to their weight in decisions.

The focus in meat regulation on measurable harm and risk and the common interests of regulators and the sector to protect their reputations and the economic interests of the sector, raises the question if harm could and should have another role in regulation than it currently has. Because different types of harm are central in different legal domains, a more holistic approach to harm would be interesting. This is, first of all, complicated because of the fragmentation of protecting different types of interests by different public agencies. Second, the current regulatory practices are less likely to prioritise less tangible, less measurable, more remote and invisible harms. In the decision-making processes, we see how harm is not absolute: interviewees’ perceptions about harm vary, are sometimes based on limited information about certain (potential) harms, but also on moral judgements. This brings us to the other question raised by the findings, namely what place morality could or should have in meat regulation. I will elaborate more on these questions in the discussion.

Regulators’ and regulatees’ decisions not only depend upon the harmfulness or wrongfulness of a situation, but are also the result of many other characteristics of individuals, organisations, a situation, or of society as a whole. In the next two chapters I discuss how these other characteristics influence decisions. This can be *through* the effect of these characteristics on perceptions of harmfulness and/or wrongfulness, but also independent from them.

Chapter 9. The role of individual and organisational factors and interactions in regulatory practices

Introduction

In the last two empirical chapters the central research question is **How do other factors (other than harm) play a role in regulatory practices?** Of the several factors I identified in the interview data, in this chapter I discuss factors on the individual and organisational level and social interactions between all the involved actors that seem to inform regulatory practices. As explained earlier, the literature about causes of organisational crime and characteristics influencing ethical decision making in organisations usually make a distinction between individual, organisational and extra-organisational and/or situational characteristics (e.g., see Ford & Richardson, 1994; Huisman, 2016, Kish-Gephard et al., 2010). Although I found that some characteristics or factors unequivocally belong in one category, others result from the way factors at different levels are related. Because during the data collection I concentrated mostly on organisational characteristics (of meat companies and regulatory agencies) and interactions between all involved actors, my data about this is also strongest.

9.1 Individual socialisation, motivation, education and experience

Based on the interviews, the individual characteristics that play a role in rule enforcement and compliance decisions are mainly a variation in individuals' background, motivation, education and employment. Training and experience contribute to correctly applying the rules and assessing risks, without losing sight of the spirit of the law and the practical challenges of some rules. Experience is also said to help regulators to stand firm against (potential) pressures from meat operators, but can make regulators numb towards rule violations.

Interviewees also mentioned seemingly demographic characteristics such as regulators' and regulatees' age, gender and cultural background. However, this relates more to processes of socialisation instead. For example, young, often female, official veterinarians (OVs) who are not from rural areas are said to be more sensitive to animal welfare violations. It is unclear if this relates to their gender and age, or rather a lack of experience and broader societal changes in how people regard animals. The way some interviewees referred to the foreign cultural backgrounds of workers, to explain their lower respect for animals compared to other workers, has to be seen in the context of other meso and macro dynamics (e.g., poor

training, work pressure and language barriers). The importance of training and experience of individuals is more clear-cut and I will explain this in the following sections.

9.1.1 City girls and farmer's sons in a masculine and culturally diverse environment

Age, gender and family background do not explain law enforcement and compliance decisions in itself. Rather, they seem to relate to experience, societal changes and the challenges that women face in the male context of meat production.

One example is how interviewees referred to the age of OVs, considering the older generation as more 'down to earth' when it comes to animal welfare standards and the young generation 'too emotional' in their responses. The *type* of veterinarian explains some variation as well, as some are trained in pets while others concentrate on farm animals only, because of family background:

Veterinarians [at farms] are often farmers' sons, so they have a completely different approach towards animals. Small pet veterinarians are, in general, and now I'm generalising a lot, those are more... you know 'I'm a veterinarian, for the individual [animal]'. We humanise animals, we work from our heart for animals, we look at the individual and not the economy. We see the animal as a member of the family. (...) Whereas [farm] veterinarians look at the profits of the farmer, not the wellbeing or the health of the individual [animal]. And that, I think, is a very big difference. Unfortunately, in the slaughterhouse, it's often the [farm] veterinarians who work there and they have a very different bond with animals than small pet veterinarians.
(an official veterinarian)

According to this OV, an increasing number of small pet veterinarians work in slaughterhouses, replacing those familiar with farm animals. The first group is usually also relatively young and female, often referred to as 'city-girls'. They are thought to be more sensitive to animal welfare standards and thus respond more strictly to violations.

Some interviewees said, more generally, that age and gender influence responses of regulators to violations of animal welfare *and* food safety rules. They either link young women to more coercive enforcement styles based on a lack of experience, or rather to more lenient styles because the young women are said to have difficulties asserting themselves in the very masculine world of slaughterhouses. Slaughter and boning activities are mainly occupied by men who do the physical work and the masculine environment affects regulators in their job. Two interviewees recalled incidents where female OVs were intimidated or were

spoken to in an indecent way after they corrected slaughterhouse employees and drivers. One female OV mentioned her own challenges as a young woman in standing firm when confronted with disagreements in the slaughterhouse. For her, this was especially the case during ante-mortem inspections where she often finds stable workers and the drivers who treat pigs in a rough manner and are impatient with the animals. These men exhibited their discontent with her strict enforcement style by rolling their eyes and responding to her remarks with sighs, anger, verbal aggression and sometimes even threats. She is convinced these men do not follow animal welfare rules when she is not watching.

Gender of (self-) regulators seems to also affect compliance by workers. A female slaughterhouse quality manager referred to this interaction, testifying that it is not always easy to be a woman in a company where the majority of the employees are male. She used to be the only woman in this slaughterhouse and is in a higher position than the workers.

I was a tough one, because I was the only woman here. I did all that, being the only woman, and higher in rank. But yes, everyone had to keep up with all those rules, new rules. Those people came from prehistoric times. (slaughterhouse quality manager)

Four interviewees explained the difficulties that women experience in slaughterhouses to the country of origin or cultural background of the male slaughterhouse employees. This explains for them why some workers respond in an offensive way, laugh at female OVs or quality managers when they make a comment, or simply ignore them, because in their eyes women are subordinate to men. It can make the role of female OVs more challenging in correcting rule violators, and to complain about them to slaughterhouse management.

Interviewees also linked country of origin of workers to animal maltreatment. In reflecting on the 2017 ‘animal abuse case’ involving undercover footage, three slaughterhouse managers blamed employees for their negligence. Six interviewees specifically referred to the ‘cultural background’ of the foreign workforce and/or their ‘lack of ethics’. They believe how, in some of the employees’ countries of origin, people consider animals as mere commodities, more so than in Belgium. They relate this to the countries’ wealth, as animal welfare standards are higher in a relatively wealthy country such as Belgium when compared to Rumania or Bulgaria, where many workers come from. In the ‘animal abuse case’, the slaughterhouse fired six persons after the events, apparently holding them responsible (the AWO, the head of the stable, a stable employee, and three employees who were visible on the footage, who were hired by a subcontractor). It is unclear though if the management really

believed these individuals were responsible, or if the firing was symbolic. Shifting the blame to workers seems to ignore other factors that contribute to staff's non-compliance, such as management's vision, poor training, work pressure and language barriers, which I discuss later.

9.1.2 The importance of training and expertise at inspectorates

Three OV's complained about the limited training and communication offered by the Federal Agency for the Safety of the Food Chain (FASFC) about food safety and animal welfare rules and their underlying aims. This makes them more dependent on the coordinating OV's and informal communication. One explained how they only receive 12 hours of training, two hours theory and ten practical in a slaughterhouse to get acquainted with the job, learning by doing. There is an obligation to follow 50 hours of training during a three-year period, paid by OV's themselves, but the OV's do not find all the topics offered relevant. They receive memos from the FASFC about legislation changes, but an OV admitted how they do not always thoroughly read them and sometimes have difficulties understanding the legal jargon. Some coordinating OV's inform their teams about new memos and highlight the most important changes. In one slaughterhouse, the coordinating OV makes his colleagues fill in more checklists than required, to make them aware of the slaughterhouse SMS *and* stay updated with the rules:

We have created a system ourselves, that every official veterinarian also has to fill in checklists. But that is mainly about process hygiene; so how clean they slaughter, how they work, (...) what the temperature is of sterilisation machines [for knives], you know, if the general functioning of the slaughterhouse meets the legal norms. That's what it's about. And then we can use that to [communicate with] the operator and the idea is, on the one hand to make the official veterinarian aware about what to keep an eye on and, on the other hand, to be able to tell the company: 'Yes, if (...) the temperature of a sterilisation machine is below 75 degrees for example, we need to stop the slaughter line. (...)' You know, those kinds of things, that you pay attention to it, because otherwise you won't keep an eye on it. (an official veterinarian)

The personal methods of coordinating OV's thus largely influence how prepared OV's are for their task. One coordinator spoke of correcting OV's who lack knowledge of rules, for example, incorrectly rejecting cattle based on animal welfare violations, when, based on this

legislation, it is not in their power to do so. They can only file a report to the AWU, who decides on the follow up. One OV also revealed limitations of training when discussing the appropriate response to a pig's carcass defiled with manure, which was not a topic discussed during his training. He did not assess the risks for consumers of meat defilement as very serious. He explained:

A bit of... manure defilement, I believe that is cut off, just like abscesses. I don't think we let it pass through. And in any case that will not be eaten, it goes first to a cutting plant or butcher. They will see it and cut it off. They will not put it in their counter like that. (an official veterinarian)

The interviewee noted that rinsing defiled meat with water is a very serious violation. It makes the contamination worse because bacteria spread out over the meat, which is not visible for actors in later stages of the supply chain. However, he said that he not always responded to defilement in the same way, distinguishing defilement on the carcass from defilement on the hooves, based on what colleagues had told him:

Now, with meat defilement, if that is a small spot, then I will put a circle around it with a [special] pencil. The person next to me has to cut it off. And then it occurs that they take the [water] tap [to rinse it], that yes.

When you're watching.

When I'm watching. Then it's our task to say: 'Look, you need to cut that off, you're not allowed to rinse it'. Uhm, but many official veterinarians say something like 'Yeah, it's on the paws, that's not for Belgium, that's for China, there it is cooked anyway, so let it be'.

But what can you do then? If you see... [someone using water to rinse defilement]

I should write it down, or report it to the [coordinator of the OVs in a slaughterhouse], or to the responsible person of the slaughterhouse. (...)

And that's what you do?

Well [sighs], no, I don't.

So, what you say is that it makes a difference if [the defilement] is on the carcass or on the hooves.

Yes, I consider that as a big difference.

[When it is] on the carcass, that's when you would be stricter?

Yes, because the carcasses are sometimes directly transported to a butcher in one piece, that's not clean in that case. But if I know that the hooves will still be boiled and treated, then I think

like,... 'Well, the risk is somewhat smaller'. (...) But of course, can I be sure of that? That's what I heard, I assume that it's true you know.

But then I wonder, to what extent is this part of your training?

Not at all. (...) it is assumed that we are informed. (...)

(an official veterinarian)

Thus, this interview excerpt shows how knowledge required to assess risks at least in some cases depends on informal exchanges and one's own initiative. This interviewee only learned, by asking colleagues, that rinsing defiled meat with water is not permitted. He believes that knowledge of OVs should be tested *before* they are hired by the FASFC:

And I wonder, how are we supposed to know this? I come from a small pets practice. They [FASFC] (...) only hired me after a short conversation. That was about legislation, about the structure of the FASFC, about the organigram as they say. But they *never* checked 'what do you know about temperature, about....' Nothing! They assume that we know these things.

Interviewer: It's one thing to know what is and is not allowed. But a second thing is to understand the risks, so that you can maybe...

Exactly! Maybe then I would respond in a much stricter way, if I would know that defilement of meat is very serious. Actually.... yes, we are veterinarians, and we are expected to know that. (official veterinarian)

Apart from the food safety and animal welfare risks that can be caused by an OV's lack of training, it can also put them in a vulnerable position when they are held responsible for problems.

Concerning labour inspectorates and the judge advocate for labour, cases prosecuted in the meat sector (between 2007 and 2012) provided the basis for the follow up of subsequent and similar rule violations. The prosecutions exposed social problems and provided momentum to focus on these matters, also on the federal level. This provided the expertise to target offenders in networks of front men and subcontractors, to organise inspections in a way that undeclared workers cannot easily hide during unannounced inspections and to make offenders pay for illegally obtained profits or for non-payment of social contributions.

9.1.3 Individual motivation and expertise of regulating actors

Interviewees pointed to varying motivations of individual regulators. The performance of OVs seems to be affected by their sense of duty to some extent. Three were told by colleagues

that they were being too strict and that they would have to loosen up a bit. Whereas one OV admitted that he became less strict concerning certain rule violations over time, others persist and repeat the same comments to slaughterhouse employees, with a strong sense of duty:

I am really there with the idea that I want to create an added value. Some are also just there, you know, 'Look, yes, I don't have sufficient work yet [in a veterinary practice].' Then it is an additional job (...). And once in a while you notice... it's a minority, let me make that clear, but [colleagues] who dare to be less strict. (an official veterinarian)

Some state regulators recall colleagues they met in the past, who lacked motivation and would only formally conduct an inspection. One OV explained:

I'm self-employed, but an official [inspector] can also just make his hours and want to go home quickly and that's it. There are examples like that. Personally, I know... but well the last, let's say, ten years that has improved a lot. (...) Let's say for example, I experienced once, someone who came for an inspection, which was meant to last the whole day. He arrived at 9.00 in the morning and just sat here at the desk until, I would say 10.30, 11.00, drinking coffee, shaking hands here and there, and then he would write down on his bill 'from 9.00 to 17.00'. Then I had to sign that. Yeah, I sign such a thing quickly, because then they would leave and I would be relieved of the burden. But yeah, probably he would go home. That's an official. I mean, they're no saints either. There can also be bad and good ones among them. (an official veterinarian)

The 'negligent' regulating actors who, according to interviewees, were only focused on their wages and billing hours, were 'checking boxes', fulfilling tasks with the least possible effort. Some asked the slaughterhouse quality manager to instruct them how to fill in a checklist. According to interviewees, negligent regulating actors were typically at the end of their career and with their retirement, this attitude disappeared among the FASFC inspectors and OVs. Other interviewees still observe a similar negligence among *today's* OVs and inspectors, who normalise not taking their tasks seriously and taking long breaks.

You know, [other OVs think] 'he is taking a break, so I also take my break', so with time... [people get this attitude] 'Yes we only get paid 45 euros an hour, so I have the right to do nothing and sit here and drink coffee' (an official veterinarian).

Still, this does not address the unfavourable circumstances for OV's that seem to *contribute to* the lack of motivation, as we will see in Section 9.3.

In the criminal justice system, a lack of motivation seems to be linked to a lack of expertise. Food safety and animal welfare themes are generally not popular, are less central in police training and are not prioritised in National security plans, all of which contribute to the lack of motivation of police officers to prioritise these offenses (Politie, 2008, 2012, 2016).³⁰⁰

The criminal justice actors are less often confronted with such cases and also prioritise other crimes because of limited capacity. Food safety cases are complex (e.g., by the amount of legislation) and demand more active detection than 'routine' crimes. This all contributes to fewer investigations and thus, limiting knowledge gained, creating a vicious cycle. Prosecutors and police officers specialising in hormones depend upon local police departments during investigations for example, where expertise of local officers is rare and depends on personal motivation. Prior food safety expertise in police regions has decreased over the years, the result of retirement and not replacing specialists after police reforms. At the prosecutor's level, hormone cases cannot be dismissed based on the opportunity principle, but prosecutors depend on the input from the people monitoring and investigating cases 'in the field'. Despite the special referral magistrates made responsible for food and pharma crime in each judicial district, the expertise among prosecutors on food safety and animal welfare crimes is limited. Three prosecutors mentioned how it depends on their personal motivation and internal agreements to prioritise cases in the meat (or food) sector and forward them to one prosecutor who can develop expertise, despite the broader workload.³⁰¹ A specialised prosecutor, in turn, can encourage inspectors and police officers in their activities with feedback about how cases had been followed up, also contributing to motivation and knowhow at those levels. According to two prosecutors, there is even less specialisation among judges and investigating magistrates in food safety crimes. It is rare to find a judge who is interested in these themes, although there are initiatives among courts to concentrate expertise by agreements to summon these cases before one court in a region.

³⁰⁰ With one exception: animal welfare crimes were prioritised in the plan National security plan of 2016-2019 only (Politie, 2016, p. 66).

³⁰¹ One should take into account that the economic activities of the meat supply chain are concentrated in certain Flemish regions, which forces some districts to develop expertise but also allows them more opportunities to do so.

9.1.4 Regulators' experience influencing their judgements and responses

Experience influences the variation in decisions about rule enforcement. Rather than contributing to more lenient or more punitive responses, the examples show it facilitates more *responsiveness* of regulators, adapting for example to the context (Ayres & Braithwaite, 1995). This is not necessarily always 'better'. Rigidly holding on to the law or a personal interpretation of rules can be positive as it helps protect a regulating actor from pressure or manipulation of meat operators and from indifference after frequent exposure to rule violations. Examples demonstrate how both more and less responsiveness has advantages.

On a positive note, more experience contributes to better risk assessments concerning food safety. It contributes to the awareness of regulating actors of the practical challenges or even dangers of complying to certain rules, which allows slight deviation from rules. One slaughterhouse owner provided an example of the challenges in checking ear tags when there are many cattle bunched in large groups. Regulators who have experience with these challenges are more understanding of mistakes with ear tags than unexperienced regulators, which influences their response. Another slaughterhouse manager recalled an environmental inspector who once demanded to have someone clean a silo full of category 1-waste, including intestines. The interviewee refused to do this because of the dangers involved with sending a worker into the silo because of the way it was constructed and also because of the dangerous build-up of gasses inside.

It also influences regulators' decisions when they have experience with a particular company. It takes time to get acquainted with a slaughterhouse (e.g., the building, operational processes) and OVs are supposed to rotate after a maximum of three years. Unfamiliarity with the company can result in them missing violations because it is harder to know where the risks are highest and it is more difficult to set priorities in the limited time of an inspection.

Experience also helps regulators to depend less on what the meat operator tells them. It can be appropriate, as a regulator, to follow the advice of a more practically experienced meat operator. However, an OV and a slaughterhouse quality manager warned how meat operators try to pressure or deceive unexperienced regulators. Experience allows OVs to hold their own and stay calm when slaughterhouse management does not agree with their decisions during meat inspections. According to one OV, it was helpful to be experienced and knowledgeable when staff tried to intimidate him when he just started at a slaughterhouse:

(...) I have to make sure the food safety and public health is being checked... But they [slaughterhouse staff] always try. Actually, they mainly try to assure that they have as little as

possible extra work and that as little as possible time is lost. But I have to say, I approach it in a positive way. But sometimes you have to stand very firm. And I can imagine, because, of course, I didn't just graduate, so I have experience, I have a lot of experience with [animals]. And I can imagine that someone who does not have a lot of experience and has to be guided by what the operator says, and maybe believes that is the truth, maybe does not have a lot of experience about all legislation, that you might believe what the operator says is what needs to be done. So yeah, you always have to be alert. (an official veterinarian).

Later on, he clarifies this with an example about meat defilement:

Once a veterinarian came to me when I had just started working there. So, manure needs to be cut off in case of defilement of meat. The manure was rinsed there [in that slaughterhouse], in the beginning also just with a bucket. I thought I had arrived in prehistory. One moment a veterinarian came to me and says 'Yes, the lower half of the carcass you can rinse, the upper half you can cut off [the defiled meat]'. I said 'Who told you that?', 'Well, the operator says it'. I said 'Can I remind you that you should not believe everything the operator says?' I said 'that you are responsible for your own deeds' and I said 'You better read the operational instructions'. So that's what I mean by them trying to fool you (...). (an official veterinarian)

A lack of experience can lead to underestimating food safety risks and to following the letter of the law out of fear of making mistakes. Concerning animal welfare, a lack of experience can also make regulators stricter, as they are not at all used to the violence that is inherent to the slaughter process. According to an OV and a slaughterhouse quality manager, the inspectors recently hired by the Flemish AWU are more coercive in their enforcement decisions because the activities in a slaughterhouse, *in itself*, are already disturbing for them.

But quite frankly, those people who do these inspections, they know absolutely nothing about...[slaughter processes] those are laymen. They are veterinarians, but laymen. They are usually veterinarians who are very, very, very, very sensitive for animal welfare and the slaughterhouse is not the right place for such people. In a slaughterhouse you're better served by FASFC inspectors, because they are used to seeing all that. Because it's still a dramatic event you know. (an official veterinarian)

Later he also referred to ritual slaughter (without stunning), which looks even more 'dramatic', and thus demands an even more trained eye:

You can see clearly that [the bull] experiences an enormously stressful situation. And yes, then I think, something like that should be evaluated by someone who is used to seeing it. Who can say 'is this according to the norms or not?' Because, how do you decide on the norm? (an official veterinarian)

In this quote he also hints how someone's experience influences their normative frame.

A lack of experience with the slaughter process of inspectors and OVs was an often-heard complaint from meat operators. They have difficulties accepting reprimands from regulating actors who have no experience or knowledge concerning the slaughterhouse's daily reality. Four slaughterhouse managers, a private certifier and an OV complained about the new generation of (often female) inspectors and OVs who, in their opinion, are young and unexperienced and therefore not always correctly enforcing the rules. Seven non-state actors see this as the consequence of a recent replacement of many retiring FASFC staff by young, inexperienced ones. According to meat operators this makes some regulators too mild towards companies violating rules. A quality manager with experience in several slaughterhouses had informed the AWU how to detect violations concerning the 'pure halal' method of slaughter. If the staff does not wait long enough for the animals to be unconscious before pulling them up, this can be seen by data about the number of animals slaughtered per hour. They invited the AWU to observe a correctly conducted ritual slaughter process to demonstrate this. The quality manager complained how two of the three inspectors that came were not even capable of watching the slaughter process and how he felt that their advises about detection of incorrect ritual slaughter methods were not used. He still observed incorrect methods in cattle slaughterhouses two years later.

Also, a certification manager of an independent certification body (ICB) referred to the limited experience of state regulators. After I had mentioned how some actors criticize ICBs for not having observed certain non-conformities in slaughterhouses, he stressed how the ICB hires more experienced auditors than the FASFC does:

But the ones we send to the meat sector, or meat processing industry, those people know the ropes very well. And it will not surprise you that the old generation of the FASFC, those are dyed-in-the-wool people who know the sector, but [there are] also a number of recent graduates, and I don't mean that in a denigrating way...

There is this transition now yes?

...but a recent graduate needs to know the ropes in order to know what this other person might show. Whereas the one with more experience, can observe more. (...) So, in practice our

people are all capable to [inspect] the sectors where we employ them (...). There is not one [person] who cannot handle his sector (...) and they know the sector inside out.

[later during the interview]

We don't want recent graduates here. I would like to have them because that's very cheap compared to someone who has been in the industry for years. But at the same time, and you can't blame the graduate for that, he can come back in about five or six years when they know the ins and outs of the job. (...)

On the other side of the coin, more experience in one particular company can make OVs more lenient by getting too familiar with the company and its staff and/or can make them 'numb' to rule violations. Two OVs spoke of 'numbness' towards the violence witnessed in slaughterhouses the longer one works there, making some OVs *too* tolerant or lenient towards animal welfare violations. They fall into the habit of responding in a certain way, or their principles become lax. One OV observed this in his own responses, when discussing the unloading of pigs. He believes he should intervene when an animal is injured, taking it out of the lot and stunning it before drivers unload the rest of the pig stock.

Whereas, they know this very well you know? I already told them ten times before. I have to repeat that time and again.

And that's what you do?

Well, with time...

You might also think, 'well...'

I have to admit that with time I also think sometimes 'I will let it pass once....' But that's not a good thing! If even *I* do that, and I'm one of those who is very extreme [in enforcing animal welfare rules] compared to my colleagues.

Yes?

Yes, it's really like that. I only work there, two or three years, and I notice people who work there 10, 20 or 30 or 40 years, they don't look at it anymore. So, then I think 'Oh my, I even notice it already with myself'. (...) But you do become more tough you know. In the beginning, the first time I was in a slaughterhouse, I just had to cry you know. I was so emotional there, I couldn't stand it. I said I would become vegetarian and everything. And now, actually it doesn't touch me anymore, I don't like that of myself. (...) It's a button you switch.

Maybe that's also necessary?

Yes, otherwise it maybe isn't possible yes. But I think, if I compare that with my colleagues, for them it's just a product. For me it's still a living being. (an official veterinarian)

According to another OV, colleagues who daily witness ritual slaughter of cattle and then come to work in a pig slaughterhouse, will respond more leniently when one pig is insufficiently stunned than someone who does not have this experience. In his reasoning, because ritual slaughter of cattle looks extremely violent, this experience will downplay problems in the regular slaughter process, especially of a smaller animal. A similar dynamic applies to food safety violations. According to a slaughterhouse manager, inspectors in Brussels seem to have lower food safety standards than in rural areas, because they are confronted with more violations. There is a higher concentration of these economic activities in the capital, while there is a lack of motivated inspectors. For him, this explains why he observes poorer hygiene there when he delivers meat to butchers in Brussels, where a small rule violation stands out less than in an area with a higher overall compliance.

9.1.5 Poor training of meat company staff

For compliance, training of employees is also crucial. Concerning animal welfare, an inspector mentioned that some farmers simply lack the knowledge about nutritious feed for their animals, giving them a too one-sided diet, as also seen in one of the cases.³⁰² In slaughterhouses, training of workers on the shop floor is complicated by the unpopular nature of the work, with a high turnover of (especially interim) inexperienced workers, which is sometimes as short as two days. Education on the craft of slaughter of animals does not exist in Belgium. In small slaughterhouses, this craft is necessary and usually taught by experienced colleagues. In large-scale slaughterhouses, new employees also have to learn by doing. Two quality managers complained that they are constantly occupied by training new workers. Former training or experience is thus desirable, but not required, considering the shortage of willing workers. One of these quality managers remembered a discussion he had with a social inspector who questioned him about the experience of his employees, not realising there is no training for slaughterhouse staff in Belgium:

I said, ‘When do we speak of a slaughterer? That’s someone whom we put a knife in his hands and explain what needs to happen. And if they can do that within 15 minutes he is a slaughterer.’ I said ‘There are those who can do that in five minutes, and those people with whom you are occupied for five hours and he still doesn’t manage. That’s simply the skill and practical insight of those people.’ (...)

³⁰² (Nr40Cattle). In two other cases it is not clear from the file if the lack of (proper) feed resulted from a lack of knowledge or unwillingness to provide it (Case101Pigs, AWAcase4).

And there are also people who did the job in their country of origin?

Yes of course, we ask for that, but then the problem is, those are slaughterers from abroad, right? Where they slaughter 10 cattle with two people in a day. Here we slaughter 400 cattle on some days, that's 30 an hour. So, it's a completely different way of working. And you can see that they know how to sharpen their knife on steel, that you see, ah, he has...[experience]. But that's all-in slow motion, it has to move on you know? That's the economy.

Language difficulties are a further challenge to adequately train staff in hygienic work processes, animal welfare rules, and occupational safety. Communication problems and high turnover also complicates building up a good relationship between management and employees. This dynamic is thought to contribute to rule violations, and to make workers vulnerable to become a victim of and/or an accessory to labour violations.

Interviewees also referred to the importance of the education of slaughterhouse management. According to four interviewees, specifically the meat producing sector is behind in professionalising compared to other food producing sectors. Three interviewees mentioned how slaughterhouse managers are 'self-made men', such as farmers' sons, who do not have the necessary education for the demands of the job. The majority of Belgian meat companies and slaughterhouses originally were small companies that have increased in scale over time. According to a private certifier, some of these companies have grown fast and the directors/managers have not kept up with proper training, are not conscious about their responsibilities, nor capable to deal with the specific risks:

Most of the bosses of big meat companies started from which background? Those are farmers or animal transporters you know. That is perfect, for me that is absolutely no problem! But they haven't done any management studies or scientific studies and they are managers of companies of 300 or 400 people that bring tons and tons of meat on the market. And sometimes they make a decision just on their own you know. [An auditor or internal quality manager can say] 'Sorry, but there is a problem here', [the boss of a meat company will say] 'No, I'm the boss here'. That's the situation. (CEO of an ICB)

If such companies do not hire external expertise, it becomes challenging to keep up with the complex legislation and private schemes such as BRC and IFS according to this interviewee. According to one state actor, this is more the case in the beef supply chain than in the pork supply chain.

9.2 Culture, structure, strategy and social dynamics within meat companies

The variation in regulators' and regulatees' decisions is also explained by the characteristics and social dynamics specific to meat companies. First of all, the management's vision or mentality was mentioned by state and non-state regulators as an important characteristic affecting compliance. Other, more structural and strategic characteristics of meat companies include the rapid expansion of companies, integration and the scale of their operations.

9.2.1 Management's vision

Considering the meat company's organisational culture as the beliefs, values and norms in an organisation, also the vision of the company's management is part of this culture (Huisman, 2016). According to eight interviewees, it strongly contributes in general to compliance and harm-avoidance. When the vision of the CEO is merely profit-driven, some interviewees observe less willingness to make necessary investments to become compliant with rules and private standards. Related to this, twelve other interviewees, mainly state actors, mentioned how prioritising profits, avoiding costs and not taking enough responsibility is a problem of management mentality in meat companies, farms, and/or slaughterhouses, in particular. They described this mentality in several ways, including being 'lumpish', focusing on maximizing volumes, pressuring employees, investing in animal welfare only if it serves the profits, being ignorant about rules and/or not being professional concerning food safety until some scandal pops up. State actors observe slaughterhouses where there is 'always something wrong', with some actors continuing poor practices, despite prior convictions and fines for food safety, animal welfare and/or labour rule violations. This is in line with the high degree of recidivism mentioned in Chapter 7. At the same time, interviewees observe intrinsically motivated management in other companies, focused on high quality and safe products and investing in animal welfare for the sake of the animals and not profit.

How management's vision affects compliance in a negative way, is expressed in persisting habits, carelessness about the rules, or a lack of understanding of the importance of complying to certain rules. Interviewees observe, for example, farmers who bring animals to slaughterhouses and still do not properly apply ear tags because traceability in the past was not as much of an issue as it is today. An OV stated:

We have some farmers, if we see them stop over with their truck we say 'Okay, there we go again. What will it be this time?' Because there are some among them, every week there's something [wrong] you know. (...)

That's a specific type of cattle trader or farmer? Or they just constantly don't work the right way?

It's their mentality. They have this idea that everything should go the way it used to in the old days. (...) Like the one who brought a cow with a broken paw (...) he doesn't clean his cattle-truck, he doesn't clean, then you have to call him 'Come back, you need to clean your truck', well, those are people who always try! These are really tiring people. And you have others who adapt. The modern farmer will have to adapt you know, it's as simple as that.

So, with the change of generation, those problems will...[diminish]

Yes, but it's also of course, the old [inspection agency] contributed to it as well. Because in the old days there were several slaughterhouses where there was nobody inspecting.

So, they are used to everything being allowed, they have difficulty....

...with adjusting you know, those adjustments, in the meantime more than ten years have passed and still this process of adjusting is going on. For some farmers this is a problem. (an official veterinarian)

Two state actors related animal neglect to the problematic mentality of farmers, combined with their financial and social problems. They observe how some farmers are ignorant of animals' needs and look mainly at the costs of remedial measures necessary to be compliant. The scale of the farm does not seem to play a role in non-compliance of farmers. Nor is it necessarily related to the age of the farmer, as problems are also passed on from generation to generation. Also, in five of the NIU-cases, both a father and son (and in one case, also the mother) were suspect of similar rule violations concerning farming, trade and illegal slaughter of cattle.³⁰³

According to four interviewees, management is decisive in the effectiveness of self-monitoring in slaughterhouses. Managers are usually not present on the shop floor in large slaughterhouses, yet influence the habits in an organisation concerning if/how an employee reports non-conformities within the company or to the authorities. It also affects decisions about financial investments, weighing the short-term benefit of ignoring non-conformities versus the long-term perspective and a good reputation. An OV testified how, in a slaughterhouse with a short-term vision, he would not want to be a coordinator there because his job will be less valuable:

³⁰³ (Nr5Cattle, Case6Cattle, Case46Cattle, Nr89Cattle, Case96Cattle). In three other cases, a father and son were prosecuted for rule violations as (illegal) veterinarians or meat processors (Case17Cattle, Nr23Cattle, Case88Cattle).

I mean, you can give remarks and not much happens then. Or they get an inspection, a First Information Report is written, or they don't pay or they get another First Information Report and then they have to wait until you give them a P15 [procedure that can lead to withdrawal of an accreditation]. And then there will be a lawyer, they will patch up [the problems] a little bit, to conform to the points [made], and then okay, they can go on again for another six months. They will do nothing... (...) you have to threaten them before they take any action. (an official veterinarian)

By changing management, the vision and strategy of a company can change. One OV works for a company that used to have a very bad reputation. The owner felt he was emotionally too much involved to respond well to inspectors' negative comments and, when he stepped back as a manager and hired others for that job, the company became more compliant.

Interviewees also point to the link between the management's vision and the type of animals that are accepted in a slaughterhouse. Some cattle slaughterhouses specialise in dairy cows, that are slaughtered as soon as they are no longer profitable. These animals are typically in a worse state than beef cattle, as they frequently have injuries (and thus animal welfare problems during transport) and diseases. Therefore, dairy cows are not accepted everywhere. Some retailers only accept beef cattle or set a maximum age for the animals they buy. There is a similar dynamic in the pig sector where sows have more problems (i.e., a longer history of medication, more animal welfare problems and diseases) than fattening pigs. Although an animal's health upon arrival at the slaughterhouse is partly the farmer's responsibility, according to two OVs problems sometimes relate to lower standards of slaughterhouse management concerning the acceptable health of animals. OVs observe how operators interpret the rules and FASFC's circular letters in varying ways, resulting in farmers and animal traders selecting to do business with slaughterhouses that accept any animal, regardless of diseases or injuries. As a consequence, a 'tolerant' slaughterhouse also influences the ways of inspecting and priorities of OVs, who might lower their standards. Among animals in good health, one problematic animal is more likely to stand out and to lead to rule enforcement than when poor animal health is the norm, according to an OV.

Also, non-state actors stressed the importance of management's vision, such as very profit-driven management that follows any supplementary standard that customers demand, or management that emphasizes good labour conditions. According to a slaughterhouse quality

manager, all employees in their company are proud of their job, because they are allowed to work in a decent way, both with animals and concerning hygiene levels:

Those people are proud. Their children dare to say: 'my dad works in a slaughterhouse'. In the old days these were barbarians who would beat the animals to death and I don't know what. Now, those people have pride. Did you see that room? [the toilet] It's clean. Those people, they all have nice white clothes we give them.

Yes, so that all contributes to their work experience?

Those people are proud, those people have gotten their pride while in the old days it was a curse 'My dad works in a slaughterhouse', you better not say that. Now it is a well-paid job. Yes, difficult hours sometimes. But the people are getting paid. (a slaughterhouse quality manager)

During this conversation and tour in the slaughterhouse, the interviewee clearly made an effort to show their care for their people and animals. He intended to confirm this by mentioning an employee who felt sick once, whom he gave medicine for support. However, he also added that this person would not want to go home because he would lose hours and receive no wages from the subcontractor. Ironically, the interviewee actually illustrated the weak position of the subcontracted workers.

Private certifiers and scheme owners also explicitly mentioned management's vision as important for compliance. When I asked the chair of a private scheme owner about the relevance of scale of a company for audit frequencies or length, he responded:

But it's all about management and... It's all in the mind you know. There are small companies who do this wonderfully. So, it's not a discussion of big – small, it's a discussion: how does management approach the needed investments and the motivation of their employees to keep an eye on taking and implementing certain measures, especially preventive, etcetera?

Management is crucial. If you have a hundred companies and you look at the manager, then you can almost say: the good managers have a good company, (...) the risks are well assessed, and it's under control. If the manager is fooling around, then we really have a problem. (chair of a private scheme owner)

A retailer's quality manager also explained the 'beef fraud case' in terms of management and organisational culture:

(...) it's all about management, to not make your employees aware of the importance of it [of food safety and animal welfare]. It's not in their organisational culture. Animal welfare, food safety, it should be number one in the organisational culture. But no, 'slaughter this number of animals an hour' that's the most important. Yes, well, that's the same with the cost price, it's all related. (a retailer's quality manager)

Two retailers' quality managers also mentioned how the organisational culture, and more specifically, the management vision, are integrated in their audits of suppliers. One of them noted how such an audit includes questions about the general culture of a company, how much pressure is placed on the purchase department to focus mainly on prices of suppliers, knowledge of purchasers about the rules, presence of a whistle-blowing mechanism for employees, and the presence/functioning of a product integrity manager. Companies with a negative 'product integrity audit' score also usually do not score well in compliance in several regulatory domains. According to the other retailer's quality manager, during an audit, the items concerning management vision reveal the meat company's attitude:

[auditors check] Have they [the management] paid attention to this? Did they ask for an inspection? Did they visit the shop floor themselves? Are they conscious about all these parameters? You know, in the sector, and there we should be attentive, because we always say 'Ah yes, the quality manager' [takes care of it]. And please note, I acknowledge the competence of my colleagues who work in the slaughterhouses there. But are they being heard?

If their manager actually...

...yes, are they part of the board? [Some board members answer] 'No, that's the crazy man in the lab, with the white coat. Yes, let him talk'. That's always, that's the mentality. (a retailer's quality manager)

He and other non-state actors pinpointed the problem that the quality managers are not always taken seriously by management. So, whereas the quality manager and an SMS can help to identify certain problems, it depends on the vision and involvement of managers and owners if staff *responds* adequately to problems. The board is not always informed about the problem, does not understand the rules or risks, or ignores their quality managers' advice. Some owners/managers are always absent during slaughter hours, not closely associated with the production process and not interested in long term benefits of investments in infrastructure and staff training needed for animal welfare compliance.

Two interviewees stressed the importance of slaughterhouse management in avoiding rule violations. They can set priorities (e.g., invest in good social ties with employees, being frequently present on the shop floor) and are responsible for the way employees are trained and recruited (i.e., by subcontracting or not). They also dictate working conditions, such as a reasonable slaughter line speed, which fosters food safety compliance, patience with the animals and stress avoidance. By doing so, managers can create a culture that benefits hygienic operational methods, disapproves of animal abuse and prevents rule violations more generally.

The rule violations mentioned by interviewees that, for them, are exemplary of this problematic management vision are slaughterhouses that do not wait for carcasses to obtain the proper temperature before transport, those that seek the cheapest labour possible, animal maltreatment, involving subcontractors who do not/insufficiently pay social contributions, fiscal contributions and wages, and meat processors buying meat of inferior quality or even unfit for human consumption to increase profits. Because such practices keep meat prices low, competing companies can feel encouraged to violate rules in order to survive.

Because my study focused on rule violations, I have less data about good practices, while management's vision obviously can also be reflected in positive initiatives, aimed at prevention of non-compliance and/or of harm. To go 'beyond compliance' can be a strategy to achieve (more) profits in the long term (Huisman, 2016). The interviews do not reveal the effectiveness of these initiatives, nor if underlying motivations are an intrinsic moral drive to avoid harm, or driven by profit- or cost-reduction, and/or reputation. However, in 11 of the 12 visited slaughterhouses the owner or quality manager mentioned at least one initiative made that (at that moment) was not required by any legal or supplementary standard. Examples of such initiatives related to food safety include sampling meat more frequently to check for pathogens in accredited labs, proactively investing in infrastructure, investing in research to detect antibiotic residues and to respond more firmly than required towards farmers using antibiotics and camera surveillance in the context of food defense (avoiding psychological contamination and fraud). Initiatives related to animal welfare include training employees to become an AWO before legally required, additional training for employees (e.g., by external experts), investing in camera surveillance and checking a higher percentage of pigs (more than the legally required 1%) for the eye reflex to make sure they are unconscious. Concerning labour issues, interviewees spoke of setting a maximum limit of working hours,

regular breaks, an internal prevention service or confidential advisors for employees, conducting a job satisfaction survey and organising social gatherings. Meat operators also mentioned initiatives to reduce water use and to recycle energy.

9.2.2 Vertical and horizontal integration

A company's compliance and the ease of monitoring is also linked to their structure, concerning vertical integration (activities up or down in the chain) and/or horizontal integration (other types of meat, or meat products) of activities. According to an auditor and CEO of an ICB, the lack of knowledge of newly integrated activities is an important cause of rule violations. Companies can integrate such activities to meet the demands of clients and to have more added value, but it can involve growing pains when expertise lags behind about newly integrated activities that involve different risks, laws and private standards, which can demand another role of a manager. That is why some interviewees believe that specialised (and small) companies are better able to meet high-quality standards. However, small specialised companies face international competition with companies that produce huge volumes and a range of different meat products, which satisfies customers who prefer one supplier for the majority of their meat products. On the other hand, two state actors and an external quality manager observe that vertically integrated companies feel more responsibility to be compliant and are more critical in their self-monitoring activities than independent slaughterhouses because blame cannot be shifted to former or subsequent phases in the chain. Integrated companies' efforts in breeding (e.g., high quality feed, attention to animal welfare) and slaughter and boning (e.g., hygiene) have an effect on the quality of their final products.

For regulating actors, vertically integrated companies have the advantage of being easier to monitor. A slaughterhouse and boning plant at the same location facilitate the monitoring of the meat, on the condition that the inspector knows the (usually more complex) operations, infrastructure and SMS of the company. A disadvantage of vertically integrated meat companies for OVs, is that they experience more pressure to be lenient than in independent slaughterhouses, because the cost of rejected carcasses is for the same company.

9.2.3 Scale of company

My findings are not univocal concerning the link between the size of a company with self-regulation and compliance. It seems easier for larger meat companies to be compliant with certain rules than for smaller ones. Larger companies have more resources to keep up with

required investments in infrastructure and to hire external consultants for compliance and the SMS. A small-scale cattle slaughterhouse owner explained that compliance with all the rules and the associated paperwork leaves him with hardly any time to do his actual job. Large companies are also thought to have more to lose by non-compliance, as the impact of problems is usually also larger.

On the other hand, some interviewees associate the larger-scale companies with non-compliance and challenges in compliance. According to an OV and a small slaughterhouse owner, some large export-focused companies focus more on profits and cost-reduction than on anything else. Certain operations are more challenging in large-scale slaughterhouses, such as checking cattle IDs before slaughter. As larger companies require more employees, they usually work with more external employees, with a higher turnover of unskilled and foreign workers, which make labour violations, miscommunication and training problems more common. Larger companies might also be better capable of concealing rule violations. Two labour inspectors mentioned how, after a period of intense inspections in the meat sector, especially large companies found ways to organise their contracts and operations in such a way that impeded the detection of labour irregularities. They give the impression of being compliant 'on paper', making subcontractors responsible for workers, when in fact the meat operators actually are responsible. In this way operators avoid responsibility for rule violations, while knowing that if they underpay subcontractors, eventually workers will be underpaid.

9.3 Culture, structure, strategy and social dynamics within regulating organisations

Also, the regulators' organisational characteristics explain their decisions. Based on the data, I distinguish four characteristics: culture of fear, frustrations about responses of superiors after reports of non-compliance, factors that relate to the FASFC's structure, and the presence of regulating actors. I cannot always disentangle cultural, from structural and strategic elements, but the first two topics appear to be cultural. They relate to 'how things are done' at the slaughterhouse, revealing FASFC's instructions, but also shared assumptions and experiences among OVs and inspectors about ways of working that are passed on to new members. First of all, I speak of a culture of fear among inspectors and OVs vis-à-vis superiors within the FASFC. They fear being overzealous, or on the contrary, not (sufficiently) submitting reports on rule violations. This fear seems to be based on disagreements with superiors and a lack of clarity about the correct response to rule violations and the negative consequences this can have for the individual regulating actor. A second cultural dynamic describes the shared

frustrations among interviewees about the way their superiors (do not) respond to their reported rule violations, varying from a lack of follow-up, to confusing or contradicting responses. This seems to demotivate them.

This brings us to the two structural and strategic characteristics of the FASFC that relate to these cultural dynamics. The first one covers several dynamics that relate to the FASFC's structure, namely the way OVs are hired and treated by superiors, the tensions that are sometimes felt within the FASFC by the combined interests to support economic interests of the meat sector and protecting public health, and dissatisfaction of inspectors and OVs with the FASFC's division between the primary and transformation sector. A fourth, rather strategic, characteristic of regulation is how the presence of monitoring actors, even when their visits are unannounced, influences compliance of meat operators, but also of OVs.

9.3.1 Culture of fear among regulators

Interviewed OVs and meat operators suggest that there is a social dynamic among inspectors and OVs working for the FASFC that can be best described as a culture of fear. The process of contacting potential interviewees already demonstrated hierarchy and control from superiors about how many and which people I could talk to. Also, it was not always easy to convince persons lower in the hierarchy to talk to me and if they agreed, I felt sometimes hesitation to speak openly about experiences and opinions, especially when the interviewees were critical of their superior(s). Some inspectors and OVs seemed to fear sanctions, namely suspensions, losing work hours or their jobs.

FASFC inspectors and OVs experience fear themselves, or witness others fearing, to openly disagree with their superiors. Disagreements are sometimes in favour of the meat operator, in other cases not. An OV reported how his colleagues told him it is best to be silent about any complaints he might have towards the FASFC headquarters. He feels frightened by his colleagues' testimonies about how expressing criticism to superiors, or 'playing labour union' for OVs, had led to superiors providing these OVs with less shifts, or threatening to reduce the number of shifts. OVs feel they have a weak position, as in the official communication superiors give other reasons for 'temporary suspension' of an OV.

According to one OV, his colleagues also experience fear of inspectors, who are considered as superiors rather than colleagues. OVs tell new colleagues in the slaughterhouse that inspectors do not need to know everything, that it is safer not to tell them too much:

Everyone thinks that they will be the one to suffer if they tell [inspectors] too much. That's the advice they [colleagues] gave me. The first week that I worked, the general advice I received was '[Name interviewee], don't see anything and be silent, that's how you're going to survive in here.' Yes? Like that....

They say this to everyone?

Yes, like: 'Don't tell the inspectors anything, tell *me*. The Coordinator of official veterinarians, or I can solve this'.

Six slaughterhouse quality managers observe how inspectors and OVs avoid taking individual responsibility by not making a decision if they are not sure it is in line with their superior's policy. They are thought to do so out of fear of being blamed in case of a food safety problem or fear that a superior will observe something that the inspector or OV failed to report. The quality managers are observing this more now (at the time of the fieldwork) than in the past. One slaughterhouse owner talked specifically about OVs in the following:

They stay for four or five years [at the slaughterhouse], there's always two of them, and from two (...) then they're scared. That whole system of the FASFC, you might hear that, at the moment that's... They all have studied the same thing, five or six years to be a veterinarian. And they are so scared to say what they think, there is so much pressure from higher levels (...). That much pressure on the official veterinarian, because on the top they're so afraid something will happen, they're so afraid of their little position that they put so much pressure on those that are below [them]... Back in the days you had inspection unit [region A], inspection unit [region B], inspection unit [region C], and if they would come and they would have a look and they came to inspect they would say: 'It's good, go on like this', or 'No, you need to do it like this and that you need to do like that', then we would do that. But now they're all scared.

They don't dare to say anything?

Yes. They have also studied, they should also know it. But [they go by what] 'Brussels says'... (a slaughterhouse owner)

If the described fears are grounded, and if what regulating actors experience as 'punishment' by the FASFC is also the intention of superiors is hard to say. Nevertheless, the fear in itself influences monitoring and enforcement practices, and this seems to work in two ways. There is fear to use discretion in favour of a slaughterhouse, to be accused of being 'too lenient' and to be blamed for it. This includes the fear of becoming a scapegoat if a tolerant attitude would lead to an actual food safety or animal welfare problem. An OV spoke of a coordinator who is

known to put a lot of pressure on his colleagues at the slaughterhouse, because of his fear of superiors and his responsibility. Another OV experienced that the coordinator wanted him to respond more *tolerantly* to a certain rule violation when he asked for his opinion. However, when the interviewee put his question in an email instead of asking the coordinator, the coordinator's answer implied a more rigid interpretation of the rule than he had expressed orally. To the interviewee, it seemed that this way of responding was inspired by avoiding written evidence of his tolerant approach, in case it would ever lead to a problem.

On the other hand, some state regulators expressed fear of being *too* strict, compared to a superior or slaughterhouse manager. This can lead to not registering or sanctioning a rule violation because of pressure from a superior or the slaughterhouse, according to interviewees. Three interviewed OVs heard from colleagues that people who are too 'rebellious' or insistent about a rule violation will be 'put aside'. One of them mentioned that if you stand firm, have expertise, and you are 'strict but fair', you are not frustrated by anyone. However, he also hears about intimidation:

I do have colleagues who have done the job for about 20 or 25 years who tell me: 'you will notice someday, they will move you if the operator hears that you are an annoying factor. Then they will move you to another slaughterhouse', for example. But maybe that was easier in the past than it is now.

Being frustrated or intimidated by superiors or food operators does not seem to belong to the past however. Four interviewees have themselves experienced or know of others who have actually been punished for enforcing rules in a way that they now believe was 'overzealous' in their superiors' opinion, or led to resistance of farmers whose animals they rejected in a slaughterhouse. One of them mentioned:

The few times I *did* get in contact with the FASFC, it was not because I didn't do my job. What was it? Because I was overzealous, wanting do to it too good, that's the feeling I get. That I had written an information form for example, when someone else would maybe have turned a blind eye. And that's not appreciated. You don't have the feeling... You won't get more hours, you're not getting paid more or you don't get anything else than someone who neglects it, who's only fooling around, that's a feeling you get. (an official veterinarian)

The four OVs all mentioned that the FASFC suddenly provided less shifts to them or the colleague in question, sent them to another slaughterhouse where they would make fewer

hours, where hours were more variable, where hours were more difficult to combine with having a family or a veterinary practice, and/or to a slaughterhouse that was geographically further away from the OV's home. Interviewees shared a suspicion that the policy of rotating after a period of time is used as an excuse to move someone who is persisting too much about a rule violation, earlier than the prescribed five years. During the procedures to solve disagreements with a meat operator, sometimes in court, the FASFC is said to be very supportive towards the OVs. It is only *after* such events that OVs are displaced. This seems too coincidental to the actors involved. They consider these events as an illustration of the influence of the sector on the FASFC's activities. Even if this was pure coincidence, the mere suspicion does affect the OVs' wellbeing and the trust between them and their superiors.

9.3.2 Regulators who face opposition

Another cultural element, observed by interviewed FASFC inspectors and OVs, is how they sometimes do not feel heard, supported or practically allowed to do their job. Four OVs and a retired inspector experience that, even after repeatedly having submitted reports about rule violations, this sometimes does not lead to any response, or follow-up from their superiors or the slaughterhouse staff. The lack of feedback about follow-up makes some actors less motivated and more lenient in their responses to rule violations, sometimes even withholding from reporting problems. Combined with a low personal motivation of some OVs and their unfavourable position, it can create a *'je m'en fous'* attitude. However, not all OVs lack motivation:

You cannot generalise that's for sure, but sometimes I get the impression that there is a problem and that OVs have the feeling like, 'Yes, but well, it doesn't matter if I make a remark on this, because it will be swept under the carpet anyway'. But maybe I don't do the job long enough to [stop] offering resistance against this and that I still believe with full naïve enthusiasm that I *should* do it. (an official veterinarian)

Two other OVs added that, in case of a problem such as in the 'animal abuse case', they feel treated unfairly when the blame is put on them for the lack of law enforcement:

In the media it always comes across like: 'There's a veterinarian there and that veterinarian doesn't do anything, and now look, there are [rules of] animal welfare violated and those veterinarians didn't do anything about it'. The media, but also in politics. If [Minister of

Animal Welfare] Ben Weyts is talking like this, or someone else, that actually hurts you know, because then I think ‘Those information forms that I wrote ten years ago and later still, (...) what happened to those?’ (an official veterinarian)

The frustration of not being heard does not mean that OV's do not respond to the problem on the spot. In fact, when they have the feeling their reports are not followed-up by superiors, OV's also solve issues themselves.

We have to submit reports to the LCU, but (...) we can only report. And then there are many [OV's] who say ‘You know what? We have already reported all kinds of things and eventually it led to nothing, it led to a lot of misery and now I say ‘We settle things directly and we tell the slaughterhouse, something like ‘That was not well stamped [with the identification mark], contact this farmer and make sure it doesn't happen again’. And we have the feeling that this is more efficient than that whole bureaucracy. (an official veterinarian)

The way OV's experience a lack of feedback from the AWU after filing reports has a similar result. It makes some OV's focus more on solving animal welfare problems directly on their own behalf, avoiding filling in ‘all those papers’. One OV stressed that the very fact of repeatedly sending reports about rule violations to a superior, in some cases, *does* lead to action of slaughterhouse management. Their persistence then pushes managers to comply, because it can eventually result in higher inspection frequency and costs.

Inspectors and OV's are also influenced in their decisions by confusing or contradicting responses of their superiors to the reports they submit. Although these ‘frontline officers’ believe that they correctly enforce the law, apparently their superiors sometimes disagree. In the experience of some field-level inspectors, superiors provide mixed messages about what is actually expected of them, for example when the inspector is whistled back after having filed reports. A retired inspector explained:

And then, in the long term it is difficult to know what is important, and what isn't important.

Yes, ‘Now what do they want in Brussels?’ You don't really know that then.

Well, with time that's indeed something you don't really know. So, if you experience that like I did, that Brussels decided [about a particular company]: this and this is all negative [non-compliant], but you [the company] can maintain your accreditation. Yes, then what more do they actually expect of me?

It also doesn't motivate you to do your job, you don't really know any longer what's the right thing to do?

Voilà, that is the problem in the long term, looking back at a whole career I mean. And that's the same as what you read now in the newspapers [about the 'beef fraud case'], that there are inspectors that report the same thing that is not conform, over and over again, and you don't get things rectified [of the slaughterhouse] as the inspector. You have written a First Information Report and I don't know what, and your efforts all lead to nothing. With time you [as an inspector] don't listen anymore to the official veterinarian either. That was recently in the newspaper, that official veterinarians say: 'If we report that or not, it doesn't make any difference'. (...)

What's the reason for that? So, it's not the official veterinarian, maybe also not the coordinator of official veterinarians...?

Often the problem is that the inspector has tried [to respond to something] and that it led to nothing and that he says: 'Well, but, I cannot continue doing that'. (a retired inspector)

Two interviewees provided similar examples of an OV and an inspector who had enforced rules concerning ritual slaughter too strictly, according to the FASFC headquarters. In one case, the slaughterhouse had complained that the strict enforcement by an inspector was slowing down the slaughter process, making it more costly. The FASFC told the inspector to *not* enforce the rule any longer. In another case, an OV was transferred to another slaughterhouse after enforcing the rules on ritual slaughter.

OVs are also restricted in what they *can* monitor by the way the regulation is organised. Their inspections start at 4.30 in the morning, whereas animals can already be unloaded earlier at the slaughterhouse, in some cases already at three or four in the morning, or earlier. The FASFC does not allow the slaughter process to start before 5am, to organise their monitoring activities.³⁰⁴ A large number of pigs to be slaughtered on a day are thus already unloaded by the time the OVs arrive, without any monitoring. The head of the stable is usually responsible for separating animals when there are concerns about animal welfare or food safety. In theory, animals that before arrival of OVs suffer from an animal welfare problem, should be directly killed to relieve them and are not allowed to be slaughtered later (Driessen et al., 2018).

During presence of an OV, it can be considered to slaughter these animals anyway, provided that the animal is first inspected. When the OVs arrive, they only have 30 minutes before the slaughter process begins to conduct ante-mortem inspection of all of the pigs that are already

³⁰⁴ Additionally also environmental permits can limit slaughter hours because of the noise.

in the stables, which OV's experience as very unpractical. If, at that moment, some of the pigs are already down and cannot move autonomously, OV's do not know the causes, but do not have much time to check documents of individual animals. The slaughterhouse wants to 'clear the way' before a new stock of pigs arrives. This leads to challenges because OV's have to pay attention that animals are not integrated for human consumption that should have been destroyed, that suffering animals are directly killed, *and* that unneeded financial losses are avoided by killing animals before the slaughter line for animal welfare reasons that show no problems concerning food safety. OV's believe that operating in this fashion is contradictory to the very high expectations of their monitoring activities during a shift. From what the OV's have understood from superiors, the problem would be to find sufficient OV's who want to start at 3am, without higher salaries for night hours.

9.3.3 The FASFC's structure

Official veterinarians' responsibility versus the experienced lack of appreciation

For OV's, the described culture is enhanced by the more structural characteristic of their working conditions and the way the FASFC appoints them. They experience a high degree of responsibility (even more so for coordinators) and work pressure, in contrast to a lack of appreciation and support, which affects their monitoring decisions. The lack of job security, variable and insecure working hours, relatively low wages (that are independent of experience or nightshifts), lack of payment for work-related travel (when less than 40km), makes them feel underappreciated. According to two coordinating OV's, the FASFC *and* their colleagues often shift responsibility to them. This lack of support from superiors also is thought to diminish the respect of meat operators towards them. Interviewed meat operators mentioned how in their experience the OV's have little to say within the FASFC structure.

The interviewed OV's emphasized that they want to do their job properly. They sometimes feel unjustly treated, when their efforts are not appreciated, their decisions not backed up, or they are blamed for problems by their own superiors. Both the fear of being too strict or too lenient are at least partly related to OV's being officially autonomous workers and responsible for their own decisions. They fear the FASFC will not support them in case of problems. If they reject an animal, *their* name and signature is on the documents and a wrong decision can result in a liability claim by the inspected company. This is the reason why the FASFC obliges OV's to obtain professional insurance. The liability claims are partly a

holdover from the BSE crisis, when not detecting spinal cord in meat could lead to claims up to 100.000 euros. However, even if OVs follow the rules they can be confronted with claims:

Even when you follow the law?

Yes, you follow the law, but it happens, you missed something, everybody misses something sometimes. That happens. And that little piece of spinal cord is not harmful, but well, if there is someone on the other side [a buyer] who makes an issue about it, and who sees it as a possibility to not accept the cargo, yeah, then it might turn out very badly. And then it is always the veterinarian, it is always the official veterinarian then [who is blamed].

Did you ever have to use your professional insurance?

No, I have not had to use it yet, but I do know of some persons who did need it, yes.

Yes? And that was about BSE or about...

It was with BSE, those were 20 carcasses that had arrived in the Netherlands and they found spinal cord inside. That person, in that case they had to move heaven and earth to fix that, that those cows... he had to use his insurance. It is why, of course, for those official veterinarians, that I [as a coordinating OV] want to make sure that they don't start doing illegal things, that they would do something that goes beyond their authority.

To protect them in fact.

Yes, that they do not just turn down a carcass without reason, because then, first I will be scolded you know, that's how it is. First, I will be scolded because they will say: 'How is it possible that they don't know?' But yes, our task is to keep an eye on legislation, to be sure what is and is not allowed and to keep track of the directives of the FASFC because they change all the time. And you're never being informed when they have been changed. (an official veterinarian)

Also adding to the frustration is when politicians and the media place the blame on OVs, or at least partly. It can influence regulatory practices, for example, in not taking the job seriously anymore, or following a black letter approach out of fear of blame and liability claims.

Four interviewees also mentioned how OVs' responses to rule violations depend on the way they depend financially on the job (i.e., only having this job, or combined with a veterinary practice). Those, for whom this job is the main income, or the income is the main motivation, are said to be less critical towards the sector and towards their superiors, out of fear to lose shifts or hours.

Another difficulty that can affect OVs' decisions and actions is how they often feel as though they are caught in the middle, between the instructions of the FASFC who pays them

and the interests of the company and its employees where they conduct their daily inspections. According to a representative of veterinarians, this is a reason for many OVs to quit after two or three years, as the job involves too much stress. He explains how also inner (moral) conflicts can add to the stress. Being educated as a veterinarian, feeling responsible for the protection of public health and motivated to do the job right, can cause inner conflicts if an OV feels he or she should not (always) enforce the rules strictly.

One OV, on the contrary, sees opportunities in their responsibility, as they are in the position to avoid many problems. He was critical about his colleagues in the context of the maltreatment of animals that was shown in the undercover footage in the ‘animal abuse case’:

Things went wrong there that you can solve directly as a coordinating official veterinarian. The pig that was being kicked, I don’t know if you remember those video images, that is a pig being kicked, that’s a pig being pulled on his ears, that cannot happen. If that happens in a slaughterhouse, then you’re a fool and then you don’t know what’s happening. If you allow that to happen as a coordinating official veterinarian, then you’re jointly responsible because then you have also (...) not educated the staff and your fellow veterinary inspectors. Because then (...) you have to make it very very clear that something like that is absolutely not allowed, that’s very simple, this can’t be. (an official veterinarian)

Politics and hierarchy within the FASFC’s structure

The interviewees experience how political interests and hierarchy in the FASFC’s structure, in the design and its daily operations, also affect regulatory practices in the meat sector. The idea to place the FASFC under the authority of the Ministry of Agriculture (and small businesses) since 2007, was a political decision. Three state actors mentioned how they believe it belongs under the Ministry of Public Health as was originally the case when it was established in 2000. They are surprised that this does not lead to more criticism. One interviewee mentioned that the inspectors of the Institute for Veterinary Inspection (IVI, ‘IVK’ in Dutch, integrated within the FASFC at its establishment) were much stricter than the FASFC because the main focus of the IVI was public health. The enthusiasm of the IVI inspectors, combined with a very lax inspection of hormones at farms by the Ministry of Agriculture at that time, is how some interviewees explained the violence against the IVI inspectors during the ‘80s and ‘90s. The murder of veterinarian Van Noppen brought to the front the tension between public health and agricultural interests. According to five interviewees, regulatory policy and practices are still susceptible to political pressure and the agricultural lobby. This makes the

task of food safety protection politically sensitive. The interviewees mentioned how in some regions the LCUs are thought to be more protective towards the agricultural sector than others.

Interviewees also experience how in meat regulation the strong hierarchical structure of the FASFC negatively influences the interactions between the highest circles towards staff in lower positions. Staff from higher circles are said to communicate to lower-level employees how little they have to say. At the bottom level are the OVs, seen as ‘the eyes and ears of the FASFC’ in the field, who feel sometimes marginalised. They need to report misconduct to the coordinating OV, who in turn reports to inspectors in his region (LCU). At all of these stages there are filters in what exactly is reported. Only the LCU inspectors have the authority to make a First Information Report. One OV mentioned that he called the LCU with a question about his contract, the official responded in an authoritarian way saying that they did not appreciate him asking any questions, making it clear who was in charge. For the interviewee it was a reason not to contact the LCU directly anymore. The hierarchy is also felt when OVs reject a carcass and officials from Brussels overrule their decisions in a counter-inspection. Also, the meat operators observe that OVs or inspectors sometimes disagree ‘with Brussels’, but lack discretionary power. The LCU inspectors complain to OVs that they can only abide by the decisions of their superiors in Brussels, which makes some inspectors feel like passive ‘pawns’. According to two retired inspectors, the board in Brussels appoints positions in LCUs, which depends more on loyalty towards the board than on competence. The interviewees experienced that having an opinion that is not the board’s, is not appreciated.

9.3.4 Announcement of inspections and presence of monitoring actors

A strategic element of monitoring that influences compliance is if an inspection is announced or not, or, more generally, the presence of an inspector or OV. When a company knows in advance the moment of inspection, they are assumed to make more effort to be compliant on that moment. Three interviewees admitted that knowing of an impending inspection is reason for slaughterhouse employees *and* the OVs to make more effort to work according to the rules. According to a slaughterhouse quality manager, the work would be unprofitable if you would be compliant with all the rules all the time. Some inspectors always pass by the same day of the week, also facilitating slaughterhouse staff to adapt. Also, during *unannounced* visits, personnel have time to adapt their way of working or hide when the inspection concerns undeclared workers. Once inspectors or auditors arrive at the company, this is

announced on the intercom to inform everyone. This provides everyone with advanced warning since it takes inspectors/auditors at least five to ten minutes to enter the facility, to register, receive a badge, put on protective clothing, change shoes and disinfect their hands and shoes.

Interviewees are not very confident in the compliance of companies in the absence of an inspector. Four interviewees are fairly sure that rules are violated whenever and wherever the FASFC is not monitoring. Three other interviewees pointed to the low intensity of monitoring of hormones (e.g., only taking urine samples in slaughterhouses when cattle weigh over 630 kg). Methods of administering hormones to animals are assumed to be adapted to avoid detection by these samples. Generally, interviewees compared monitoring to traffic rules: people are more compliant when they know they are being observed, as noted by a slaughterhouse owner in the following:

The moment of inspection [people] are more alert than usual, also the employees, (...) If you slaughter today and there is no monitoring, and tomorrow you slaughter again and there is inspection, then [people] pay attention to other things because there is inspection.

And those are things that, in practice, normally...

...where one is a bit more relaxed about. For example, also here now, your knives need to be disinfected each time the skin [of the animal] is touched. I know from my people that they pay more attention to it if an inspector is watching than (...) when this is not the case.

Is it then a matter of difference in perception, like 'Yes, it won't do any harm anyway'?

Yes, yes, yes. You see, I think they also say, you know, 'It's all a bit exaggerated' and then do something [non-compliant] more quickly. It is definitely not... It is not causing anything that can lead to harm.

No?

These are all people who take their responsibility.

Yes?

But well, yes, I think this is a bit the same as, if they [police] are flashing on the highway, you won't drive too fast. If they're not there, it can be maybe sometimes, well yes: 'They are not there, we take the risk'. You see, I think it's more like this. (a slaughterhouse owner)

Two slaughterhouse quality managers on the other hand, mentioned that the presence of an inspector does not change their operational methods, as the consequences are not in their interest. Unannounced inspections also encourage them to work in a compliant manner at all times.

9.4 Other social interactions between and among regulators and regulatees

In this section, I focus on four notable social dynamics that relate to the individual and organisational levels simultaneously and describe interactions between and among regulators and regulatees. So, whereas the above-mentioned characteristics also influence such interactions and are by no means static, here I specifically focus on the interactions. The social dynamics that affect decisions are related, namely, the enforcement styles of regulating actors, the use of pressure and intimidation between and among regulators and regulatees, distrust between different actors and avoiding the blame for rule violations (and resulting harm).

9.4.1 Enforcement styles of regulating actors

Enforcement styles of regulating actors vary according to the region, the individual, the hierarchy in the organisation and the type of organisation (state or non-state). The styles of individual regulators vary from very strict, to being open to dialogue and focusing on solving problems, with varying degrees of professionalism. This can affect the regulators' decisions and the regulatees' willingness to abide by these decisions. The data shows that very coercive approaches diminish cooperative attitudes of some regulatees, compared to more persuasive approaches.

Seven meat operators and a sector representative expressed their frustration when state actors follow the letter of the law rather than the spirit of the law. They regret that this approach does not necessarily lead to better quality meat. In some cases, they experience a lack of 'common sense' in the evaluation of the harm or risks of rule violations, leading to enforcement decisions some regard as 'absurd' or even 'stupid', for example, the rule requiring the ligation of the oesophagus during slaughter of cattle.

That is a problem that comes back all the time, ligating the oesophagus, that is a hell of a job. I'm of the opinion, if you can show that the carcass, with the way you slaughter, you manage to have a maximum [level] of hygiene, maximum, that is much more important than that little rule. And I find it so stupid, (...) you could say 'There's the spirit of the law and the letter of the law', but [the FASFC] says: 'We're going follow the letter of the law'. (a slaughterhouse manager)

Some companies feel that the FASFC inspections are 'police-like', leading to fear, whereas

they would prefer the FASFC to act as an ‘advising partner’ who helps to professionalize the sector, which also improves food safety. In their view, the state actors’ regulatory style should depend more on the seriousness and harmfulness of rule violations. For rule violations that they consider as ‘serious’, such as fraud, or violations resulting in direct harm to animals or consumers, they *do* welcome deterrent measures:

Please get the cowboys out of the market! Because those who comply [with the rules] are demanding to get the cowboys out of the market. We don’t want anything more than that they [regulators] act with force. But the vast majority of companies works according to the rules, and even better than that. (representative professional association)

For rule violations that non-state actors consider as less serious, six meat operators would appreciate the opportunity for dialogue and compromise. Five slaughterhouse quality managers mentioned that dirt on equipment that is not in direct contact with meat should not be considered as a violation because it does not create a food safety risk. A slaughterhouse owner received a fine even when he, himself, discovered and solved a problem with a cow’s identity card that did not create any food safety risk. Four interviewees also consider the FASFC’s responses to hygiene violations (related to salmonella) out of proportion considering that the problem can have its origin at a farm. According to meat operators, these examples show the rigidity of some inspectors, who sometimes accompany their comments by threats to withdraw an FASFC accreditation or obstruct an export agreement. Six interviewees experience the approach of the FASFC as more strict now than in the past. On the one hand, the checklist encourages a black letter approach, a rigid way of rule enforcement and limited discretionary power of individual regulators. Five interviewees would welcome more room for nuance that enables assessment of risks or consequences for the meat quality and takes into account efforts a slaughterhouse has already made to meet its responsibility. On the other hand, two state actors noted that checklists leave *too much* discretionary power to the inspector concerning how they fill it in and whether or not to ‘dig a little deeper’ into an issue or not.

Meat operators have difficulties accepting a strict enforcement style when they know or hear about other companies where regulating actors are more lenient to the same rule violations. If this does not lead to (the same) sanctions, it discourages compliance and leads to feelings of unfair competition. For example, some slaughterhouses lost buyers because they followed the rules concerning ritual slaughter, while other slaughterhouses who violated them

(i.e., not waiting for cattle to lose consciousness before lifting them) were not punished for it. Law enforcement is easier accepted if it is felt as just and uniform.

Interviewees experience the enforcement style of state regulators as more ‘by the book’ compared to non-state regulators. The commercial relation (e.g., between meat operator and certifier, between a restaurant and the parent company), is thought to influence this. Trying first to persuade companies to become compliant before issuing official warnings, firing people or ending contracts, is in the interest of the auditing or buying company.

Interviewees also referred to differences in enforcement styles between *types* of state regulators, namely the hierarchal position of the regulators in the FASFC. According to three OVs and three meat operators, the FASFC policy-making and sanctioning staff are much more strict than the frontline officers in slaughterhouses. OVs will more often try to find a solution with the company’s management first:

Gee, yes, of course if we see things that are unacceptable I will first give a warning for example. If you notice then after one or two warnings that they don’t take action to solve something, then I send an information form to [the LCU]. And of course, an information form results in a criminal police report and then it’s fines, eventually. But well, if somebody doesn’t want to learn, what’s the use in trying to make him see the light? But I’m following the principle to never directly use force. I believe, you should be constructive in trying to find a solution and you do that through communication. And yes, there’s always something that can go wrong. So, they can just report it, you know: ‘Look, this has gone wrong, or that has gone wrong’. And if then they indeed take action in a constructive way, repair the [water] sterilisation machine for example, or change something (...) But if that doesn’t happen and you have to say it again after three weeks, or it’s already the third time that you give this comment, well yeah, then it can result in a remark and an information form. (an official veterinarian)

This OV provides operators the opportunity to report a problem and to fix it. However, two other OVs were told by their superiors only to inspect, not to *interpret* the law, neither advise companies or try to help them in finding a solution. Nevertheless, some OVs try to be constructive and solve problems anyway.

Regulating actors at the higher levels in the FASFC’s hierarchy, more often than OVs, are found to assume wrongful intentions of meat operators, treating them as ‘criminals’ and leaving little room for dialogue. A slaughterhouse quality manager stated:

And certainly, at the high level it's very different than on the local level, because with those people [on the local level] we have to cooperate on a daily basis. It is the higher level that treats us more as if we were cowboys.

Cowboys?

As cowboys who will try everything to... so as cheaters, as fiddlers. (slaughterhouse quality manager).

The varying approaches within the FASFC sometimes leads to conflicts *among* their regulating actors. An inspector explained how a former colleague had a very authoritarian and uncompromising enforcement style that made not only the regulated actors fear him, but also his colleagues, leading to tense relationships. According to three interviewees, the increased strict approach at the higher levels of the FASFC are the result of scandals that put pressure on the FASFC. Still, according to three regulating actors, the focus is mainly on companies that already have long-standing bad reputations. A retired inspector stated:

We have never closed a big slaughterhouse. So, what [minister] Weyts has done with [name of a meat company suspected of fraud in the 'beef fraud case'], that hasn't happened often yet.

And in [name place 'animal abuse case']?

Yes, and in [name place].

Both are big slaughterhouses in their sub-sector right?

That hasn't happened often yet: to shut down an economic activity altogether because of animal welfare, that is a change. I can't think of any [other] examples.

So maybe that is also a change in time, in the way...?

Yes, it's something new. But the government always closed slaughterhouses that were already almost closed! (...) We only gave the final deathblow.

Yes, they were already on the brink of collapse.

Yes, it has always been like that.

An OV gave another example of a slaughterhouse that the FASFC closed, that, over a long period of time, was already avoiding investments to modernize their infrastructure. This company preferred to continue slaughter activities as long as possible, despite fines of 2,000 or 3,000 euros.

Enforcement styles depend, at least partly, on interactions between regulators and regulatees.

A slaughterhouse owner showed awareness of how his own attitude influences regulators' responses:

But careful, I also have been in conflict with some inspectors because it was not constructive. They arrive here and say 'This and this needs to be changed'. Then I say 'Yes, you just arrived at my company, you don't know my company, you see something, you say...' So indeed, to look in a constructive way 'Does something need to be changed?' That we will work on. And I think indeed you have too, your company needs to improve it. And there yes, you need to try to use the inspections in a positive sense, use them as a driving force instead of going against it all the time. That is also useless. (a slaughterhouse manager).

He recalled one conflict instigated by a new inspector who visited the company without knowing its history and the recently made investments following from consultation with a former inspector.

OVs' daily interactions with slaughterhouse employees complicate a very strict attitude as they try to maintain a good relationship. This can be a complicated balancing act, especially as they do not always know if colleagues have already made similar comments to the same actor:

If you see they might do something [wrong], I say 'Hey, that's not allowed!' How often has that already been said? 'Hey, that's not allowed, the next time I will submit a report of it'. Yes, the next time... Maybe they already received 20 warnings. If that would always be the same person you could say 'Yes, now it's the third time already, I'm going to report'. In the beginning, the first years [working at that place], I would report easily; if I saw an infringement I would write [a report]. They would tell me '[Name interviewee], you need to learn to communicate more'. Because it's also true, that the next day you have to work again with those people. That's also a bit of the problem. (...) These are always the same people and you need to count on their cooperation. Slaughterhouse employees as well: if you would observe that they pull [an animal by] a paw or an ear and you write something with their name, they know very well who has written that. Next time if you need something, if they have to do something for you, they will pretend they haven't heard you.

Yes?

There is still a driver who doesn't speak to me because of a fine he got in my first year. He finally received a fine during the first year in [location] for animal welfare. He still doesn't speak to me. (an official veterinarian)

A strict approach can be further encouraged by the fear to be summoned themselves, which makes OV's avoid making decisions autonomously.

9.4.2 Pressure, intimidation and tension

The interviews reveal tensions between and among regulators and regulatees. Sometimes intimidation or even violence is used to try to silence critics or to ensure milder responses to rule violations. First, some regulatees use pressure vis-à-vis regulating actors. OV's experience this in their interactions with slaughterhouse staff, farmers and animal traders, who are negatively affected by their decisions. This interaction varies by the type of slaughterhouse. Cattle are inspected per individual animal, have a higher value than pigs, and in case of a rejected animal, the animal's owner will try to avoid the financial loss. Because the farmer is not present in the slaughterhouse, rejections do not cause much tension. If the owner of the animal is a meat wholesale trader, he can be present in the slaughterhouse, examining the carcasses at the end of the slaughter process and sometimes opposing a OV's decision. Concerning pigs, if only a few are rejected out of 100, the loss is proportionally much smaller than rejecting one cow or bull. Still, a wholesales meat trader who buys pigs from a farmer and carries the cost of rejected animals, also objects sometimes. He can hold the OV accountable who has to defend the decision to reject. One OV mentioned:

They come to the coordinating official veterinarian and say 'This cannot be!' and yes then they're getting started...

But what are they doing on the shop floor, they don't have to be there right?

They come to see their pigs you know. They are allowed to see the carcasses.

Yes, they can be present along the whole slaughter line?

They are allowed there, in principle they don't have to be there, but if they wear appropriate clothing and just come to watch their carcasses then they are allowed... Everyone has the right to object, they also have the right to do counter-inspections. And of course, it's much easier to object than to have a counter-inspection. That's much easier, because (...) the aim of objecting and intimidating is of course that you change the initial decision, so that a counter-inspection is not needed. (...). But at this moment, I don't believe there are any slaughterhouses where this works, so where they succeed in doing that, I don't think so. Don't get me wrong, they will try, they will always try.

So, in the past this was just more common, that people then... How should I imagine that?

You're at the slaughter line and then someone comes...

I once experienced that someone was in front of me, jumping up and down and screaming. He was screaming, 'Oh, you want to destroy everything, we have to be destroyed, we'll go bankrupt!' Like that.

And then how did you respond? What do you do in such a case?

Oh nothing, I was just, I asked him what his problem was. And then, then it got even worse.

Ah yes, OK.

But you have to, (...) the most important is, if you are consistent. As long as you're consistent, then...

Yes but, it demands a certain attitude that I think not everyone masters just like that.

No, no, you have to, you know, just stay cool, let him go ahead. But the time of the real threatening is over. It's not like they will flat the tires [of your car] or start to stab [you] anymore... (an official veterinarian).

The extreme acts of violence mentioned at the end of the conversation above occurred about 30 years ago to colleagues the interviewee knew.

Because an integrated slaughterhouse (including more tiers of the chain) is burdened with the eventual cost of a rejected carcass, here the OV's experience more pressure to approve pigs than in autonomous slaughterhouses, that are more neutral. Still, they also try to keep their clients satisfied, to avoid them going to a competitor. For the animal's owner, these interactions also influence the fairness of the inspection procedure. As a farmer is usually not present in the slaughterhouse, it is less likely that he will ask for a counter inspection when one of his animals is rejected. Since these farmers do not have time and means to attend the slaughter process, they have to assume that the slaughterhouse is operating correctly.

These interactions create tensions between the actors, including intimidation of OV's. Four OV's have experienced how a trader, or the foreman or owner of a slaughterhouse tried to influence their decision, by asking questions or making comments. Especially when an OV is new in a company, the meat operators seem to test them to see how far they can go. They sometimes pressure the OV's to avoid slowing down the slaughter process, which could result in them losing suppliers. One OV stated:

Intimidation always happens, they always try. It's not anymore in such a degree that they threaten you, but they will intimidate. Because threats used to happen as well.

But is that, is it something exceptional? I try to get an idea about...

Hmm, that depends, ehm, in the beginning when you are there they will test you. So ehm, in the very beginning that you're in a slaughterhouse, everything you do, they can come

complain. They come to you, 'Yes and what, and this and that' and always full of excuses. If you remain intractable and say exactly the same thing every time, consistently, you say every time 'these are the things... we do it this way', then it also stops. Because the biggest mistake you can make... and actually everywhere it's like this, is to say once: 'Yes, maybe you're right'. If you do that, then they will (...) try, you know, you understand? They fight for their suppliers. I can understand that very well. (...) For the supplier of the cattle or the pigs. *Yes, but that's actually not their problem, because in case of a problem, the fine is for the supplier, not for the slaughterhouse.*

Of course, if there are excesses, they [slaughterhouse] also don't agree [with the supplier]. That is, most of the time it's like that, but of course they try to please the supplier as much as possible. Let's say, if someone supplies cattle, they will try to make sure the cow will be approved, so that (...) the person [supplier] is getting paid. (...)

So, it's about being clear and...

Then those men also don't make a fuss, and sometimes they start to scream, yes, but, let them do so. They will stop. Because in the old days there was a lot (...), of intimidation [in one slaughterhouse]. That was very bad there for a while.

You also experienced that?

Yes, I've also inspected there. (an official veterinarian)

Another OV recalled a farmer who was unhappy about his decision and spoke to a family member of the OV in a threatening way, although this family member had nothing to do with the meat sector. These examples show the pressure OVs experience in their decisions, encouraged by high competition in slaughterhouses over demand for suppliers.

An OV also stressed the importance of maintaining relationships with slaughterhouse employees and management in their daily interactions. If you are not aware of subtle manipulation by the management, this can easily affect your position:

How difficult is it to set up a policy in a slaughterhouse that is maybe not the same as the slaughterhouse's?

That also depends on how much you get along with the operator you know. That is something, you always have to be aware of that. We are autonomous, working in someone's company but should work independently. That is a weird situation you know. You are hired as an autonomous person, you have to listen to someone you never see [the FASFC/LCU], and who hardly keeps you informed, and you have to cooperate with someone who you also have to monitor. Because you have to monitor and you have to cooperate. That is a very, very weird situation. And then they say: 'You should stay independent'. Yes, that is possible, but the first

thing you have to do is not to befriend [the operator]. And never accept anything [gifts] you know, for Christ's sake, never accept anything. (...) You have to be very careful with that, because the people... it's even accepting a drink. I know of a slaughterhouse owner, yes, one [official] went to have a drink with him, in the town of the slaughterhouse. So, he goes outside with the owner of the slaughterhouse and with the rest of the official veterinarians and he orders an [alcoholic drink]. Well, after that, every time he saw the slaughterhouse owner and there was a little disagreement, the first thing the slaughterhouse owner would say was 'What's wrong? You need a [drink] maybe?' Just to say, it can be this ridiculous, but that's very dangerous. Because if the FASFC hears about it, that's just as if you're some kind of drunk... So, you always have to be careful with those people, always.

They are trying to...

Those are business people you know, they only work for themselves, most of the time these are very motivated people, you shouldn't underestimate that. (an official veterinarian)

Three OV's emphasized how interactions in slaughterhouses are not necessarily problematic. As long as you stay consistent and clear about the final advantages of cooperation and compliance for a company. It helps to know how to play the role of 'the necessary evil' as an OV.

We have to be there, they think the less we [OV's] say the better, just to keep everything running. But if there's a scandal they will say, for the people [general public]: 'Yes, but there are veterinarians', because a veterinarian generates trust and 'Thanks to the veterinarians you can rely a 100% on the wellbeing [of the animals] and food safety and everything'. Yes, but then you should allow us to do our job. I don't give in (...) You need to stand firm. And that I find important, and that the educational programme makes sure that on a yearly basis they [OV's] are supported in this (an official veterinarian)

With time, the pressure of meat operators on OV's has decreased in cases of rejected meat that is unfit for human consumption. However, the given examples show that intimidation still happens, but in different ways than in the past.

Second, there is pressure and tension among regulators, seemingly as a result of disagreements about rule interpretation or about the appropriate responses to a rule violation. When an animal's owner disagrees with a rejection and calls for a counter-inspection, eventually an LCU-inspector intervenes and makes a decision. In serious cases they agree, but in more 'grey zones' between compliance and non-compliance, two vets noted that the

inspector often sides with the meat operator, urging the OVs to be more lenient. One OV mentioned that often when he checked carcasses temperatures before export at one company, these would exceed the allowed maximum. When informing the LCU, responses varied. They would either tell him to hold the carcasses until the right temperature was met, or that a small deviation from the maximum degrees was not a problem. Often the LCU would not make the effort to come to the slaughterhouse, especially when the weekend was approaching. The following quote illustrates the frustration of one interviewee concerning the experienced ambivalence:

On Monday morning you know that the carcasses that are going to leave will be cold, because they have been hanging there the whole weekend. But Friday afternoon you would know sometimes ‘The fridges are full they need to get [the carcasses] out’ and then I would know very well ‘I will inspect now’. But Friday afternoon if you would call [the LCU], then they definitely won’t feel like coming. Often, they just don’t come, or they make you write all kinds of documents and regulations and then tell you ‘It’s all right for once’. Then they are a bit like the Roman emperor who tells the slaughterhouse ‘It’s alright, we’ve solved it’. And we [the OVs] are the overzealous one, or the one who wants to go into the details. (an official veterinarian)

This interviewee considered himself as relatively strict, but felt demotivated by this dynamic. He acknowledged the unsuitability of an extreme “by the book” approach, if it does not serve animal welfare or public health.

Other data point to inspectors being stricter than OVs. This can be very confusing for the regulatee, as it results in unclarity about what is needed to be compliant. An external quality manager mentioned how this leads to doubts, as illustrated by the advice a client once asked from him:

Last week I got a phone call from a meat processing company in [place]. He calls me: ‘Yes, [name], I have a periodical inspection of an official veterinarian. Yes, that person comes in here, I need to show him around, we only just arrived in the cutting room and he says: Oh, I didn’t know it was so big here, we need to hurry up a bit because I don’t have much time.’ [Name owner company], tells me: ‘Yes I showed him everything quick quick, because he didn’t have time. I receive the form. He writes that he had been here for three hours while he’s only been here for about an hour. (...) And [it turned out] everything was fine for him. And even I have seen things that were not right!’ You know, this is someone [the meat operator]

(..) who wants to go for it. So, then I just tell him '[Name], you know, soon you have an inspection [of an inspector]' I said: 'Just remember that all those smaller inspections, you cannot rely on them. You should work the whole year according to the rules of the inspector whom you see once a year, ok?' He said: 'Yes, but should I report this to the FASFC?' I say, 'Should you report that? You have to decide that for yourself'. But, of course, this is difficult for a company.

To express criticism in fact?

Yes. First of all, you will damage your position towards the official veterinarians, because they will say: 'Yeah, at [that company] we have to be strict, because they want us to be strict, and if we're not, they will go to the FASFC'. (...) But yes, then what is the value of those inspections of official veterinarians? Well, of *some* of them, let me put it like that, they are not very...[effective]

(...) Some [companies] also really want to have good inspections, because...

Of course! Of course! Then they know what to comply with. Now in reality it's like this: throughout the whole year the official veterinarian says: 'It's good, it's good, it's good'. Once a year they get the inspector, yes, the official of the FASFC, and that one says: 'That's not good, that's not good, that's not good. Oh, you get a warning and a subsequent inspection, if then still things are not okay, you will get a First Information Report.' And then the people [operators] say, 'Yes but, look, it was always good'. And then they [inspectors] respond: 'Oh, that might be, but we have this snapshot in time and now for us it's not good, period.'

So actually, there should be more consistency between the official veterinarians and the inspectors?

Voilà, and that's absolutely not the case. (an external quality manager)

Interviewees also referred to tensions between OVs in the same slaughterhouse. According to a coordinating OV, some are more critical of their superiors than others, and/or have different ways of working, which can create a tense atmosphere:

At some places it [the atmosphere between colleagues] is not that good.

And why is that?

I think it's mainly personality, incompatible personalities, and also the fact that every veterinarian is on his own, those are often *Einzelgänger* you know. And that, the problem is if everyone starts to do as they please, that everyone starts to do their task in a different way, without making sure that you do the same in a group. But if you put one among them who says, 'Yes but, I'm going to do that completely different now', you cannot stop him you know? You have nothing to say about it. (...) (an official veterinarian).

He mentioned that coordinators do not have more authority than the other OVs, despite their wider range of duties and responsibilities. This leads sometimes to tensions on the shop floor, mostly because of varying sensitivities to animal welfare violations.

Third, there are cases known of pressure among regulatees, sometimes accompanied by threats and intimidation. An OV recalled a driver who no longer got any loads from an animal trader after having refused to transport injured pigs. A labour union employee recalled a slaughterhouse worker who reported fraud involving meat not fit for human consumption. Both the worker and the interviewee himself were threatened by the boss and by ‘big guys’ he had sent to intimidate them. In another case, an employee who was in conflict with a subcontractor came to the labour union to report labour rule violations. In this case, the subcontractor had ‘some of his men’ attempt to intimidate and silence employees.

Two slaughterhouse managers also mentioned cases where regulators pressured and even threatened regulatees. One mentioned how he had commented on an OV who was violating personal safety rules, whereupon the OV threatened to expose rule violations he had observed in the company. Another slaughterhouse quality manager referred to OVs not allowing slaughterhouse staff to correct them for violating food safety prescriptions. He stressed that this should be possible in both directions. Pressure between and among regulators and regulatees is related to all these actors often knowing about at least *some* kind of rule violation by others. This enforces a culture of silencing rule violations in the slaughterhouse, which is further discussed in Section 10.1.1 in the next chapter.

9.4.3 Distrust

The words trust and distrust frequently came up during interviews as affecting compliance and regulatory practices. Most commonly, interviewees discussed distrust between state and non-state regulators. Seven state actors said that they do not trust private certification, because of the commercial interests involved, the way private audits are conducted and a lack of enforcement of private standards. Private certifiers are said to only superficially check documents, checking if the company is *capable* of complying, instead of checking if they *actually* do, and to only visit after announcement. State actors also criticised the proliferation of certifiers, an ‘industry’ in itself that profits from expensive schemes and audits. A slaughterhouse quality manager and two certifiers discussed state actors’ distrust of private certifier’s independence and objectivity. One certifier explained:

How do you notice this?

It's the way they approach you. The way they express themselves if they run into something [a non-conformity] in the field that we've not observed. Then it is communicated in a style like, you're already condemned, you've already done wrong even before you could even explain what happened, or [before] you could give the context or a situation about how it actually really happened (a certification manager of an ICB)

The ICB sometimes receives complaints from the FASFC about not having observed certain rule violations. Because the FASFC provides the ICB's accreditation, the FASFC can demand rectifying actions from the ICB. Three interviewees were defensive about private certification when discussing the scepticism towards their objectivity, trying to negate this perception. According to a private certifier it is not in their interest to risk their reputation at the FASFC. Moreover, the FASFC is paid by companies for their inspections and because state *and* non-state regulators hire auditors/inspectors with experience, they are never completely independent from the sector. One meat operator explained that the commercial relationship with an ICB has the positive effect that there is competition, which according to him does not affect the auditing process in itself. In fact, he criticised the lack of transparency and competition in the FASFC's inspections:

You conclude a contract with those people [a private certifier] and you pay 1,200 or 1,400 euros each day that they're here. You don't have that with the FASFC. You also have to pay for it [FASFC inspections] but there are not agreements about it, there's no competition. It [the money] is for the FASFC and that's it. With those ICBs, such as SGS, or Lloyds. So, if you find one too expensive, or not good enough, you pick another one. So, then you have certain commercial partners. You feel that this is a very sensitive issue for the FASFC.

That they don't trust it because it's less independent?

Yes, you feel that and I don't find it correct. I don't say everyone thinks like that, but some persons at the FASFC share that vision, clearly demonstrate it and bring it in systematically. They say 'all that, it's just worthless'. Personally I don't agree. (a slaughterhouse quality manager)

Scepticism about private regulation is also based on state actors' observations of meat companies violating private standards. An OV observed how in one slaughterhouse pigs were systematically stuck with prods that emit electric current in the stables and passageways. This was not compliant with a private scheme, which allows this only in the last passageway

before the killing floor. The slaughterhouse had integrated the standard in their SMS, but after the OV commented on it, their only response was to delete it from the SMS. During inspections of the private scheme, the prods would be hidden. The OV observed these practices often, also with other supplementary standards.

Distrust between private and public actors is often fed by divergent results of their inspections conducted at the same company during the same time period.³⁰⁵ In some cases, one or the other observes non-conformities that the other did not, which raises questions about the quality of the inspections of the other. In one case, a slaughterhouse with a cutting plant had received an IFS certificate but lost its FASFC accreditation two months later. Something similar happened in three slaughterhouses between 2015 and 2016 where FASFC staff encountered rule violations during state-inspections that an ICB had not detected and/or had not acted upon only a few days earlier. Thereupon the FASFC filed complaints to BELAC concerning these ICBs, which can (and sometimes did) result in BELAC withdrawing the ICB's accreditation. The ICBs defend themselves by saying an audit is a snapshot in time. However, certain observed non-conformities in slaughterhouses (e.g., in infrastructure, missing documents) are always observable. These events were also a reason for customers of the concerned slaughterhouses to distrust certain ICBs. A retailer responded by starting their own monitoring activities at slaughterhouses that supply meat to the cutting plants they buy from. A private meat label responded by ending their cooperation with one specific ICB. The opposite also occurs: a consultant, a private certifier and private scheme owner also doubt the *FASFC's* methods and credibility. One observed non-conformities in meat companies that the FASFC apparently did not observe or record. For a private label of meat, it meant they no longer assumed that FASFC inspectors monitor all legal standards. Up to that moment, the private audits by an ICB for their label would cover only the supplementary standards, but the events made them aware of the shortcomings of state inspections. They started auditing the SMSs of companies and the public standards during audits, especially concerning meat companies with past non-conformities, to reduce risks. This illustrates how the distrust among regulators results in additional monitoring activities organised by varying actors. One private certifier noted:

[name scheme owner] is an example. That is the most important scheme-owner in Belgium I think in the animal feed sector. (...) [name scheme owner] does not trust Belac, so [the scheme

³⁰⁵ Although a state inspection is not the same as a private audit, which makes different observations likely and expected, both actors monitor the required compliance with public standards.

owner] also comes to check us [the ICB]. They say this as well, and they are right; the monitoring intensity of Belac of our work concerning the [name] scheme is such that many things we could do wrong, Belac would never observe. And [the scheme owner] knows this very well, so they say: ‘Then we go ourselves to these agencies’ and that’s what they do, in the office and in the field. But in the spirit of things, that’s of course absolutely nonsense. It should be the case that Belac is capable of also checking the [name] scheme if it is accredited for this, on the level that [the scheme owner] and the stakeholders intended. We also observe this with the IFS. IFS is doing its own investigations, BRC as well, FASFC is doing it in the meantime, the FASFC doesn’t trust us. I trust the FASFC 100%, but I’m also not blind [refers to FASFC inspectors with limited experience in the field]. (Certification manager of an ICB)

Also, between state regulators, particularly in the relationship between the OVs and inspectors and/or their superiors, there is distrust. The trust of some OVs in the functioning of the FASFC is limited because of the lack of feedback from their superiors and the meat operators about the consequences of their reports. Inspectors would benefit from a good relationship with OVs to be familiar with the ins and outs of a slaughterhouse. Two retired inspector believe their generation was more involved than the current one, with more frequent visits to the slaughterhouses than legally required, in order to know and support the coordinating OV. This allowed them to work in a more preventive way, avoiding non-compliance, and not relying solely on inspection moments. They believe the current generation of inspectors works more office-based, apart from official inspections, and offers less support to the coordinating OVs. OVs also report a lack of interaction with inspectors.

Second, the data reveals signs of mutual distrust between regulators and regulatees. This distrust is believed to negatively affect the functioning of concertation committees and impairs regulators’ emanating authority, which complicates cooperation with slaughterhouse employees. For OVs the latter is especially important, as employees who trust them are more willing to communicate problems. At the same time, OVs feel that their comments to managers and employees are not always taken seriously.

A third way distrust came up, was in discussing relationships between corporate actors in the supply chain. There is distrust among farmers towards some slaughterhouses, believing that they are not paid a fair price for the final carcass. These beliefs are rooted in their experiences with fraud concerning carcass weights. During the cutting process, more meat than is necessary is sometimes removed as ‘waste’ and is used for pet food (e.g., scar tissue of cows that had a Caesarean), to reduce payments to farmers. Through legislation, agreements

and automation processes, slaughterhouses are now more transparent concerning the way they decide carcass prices. Conversely, slaughterhouses do not blindly trust farmers to respect the waiting period for slaughter after applying antibiotics. There is also distrust between actors concerning animal welfare during the loading, transport and unloading of animals, specifically about where and by whom an injury was caused or who ignored an injured or sick animal.

These signs of distrust among all actors are worrying for a regulatory framework that is based on trust. If actors within the chain trust each other, cooperation and self-regulation within the supply chain is more likely to be effective. If regulatees and regulators have reasons to distrust an ICB or the FASFC, the clients (e.g., retailer, slaughterhouse, private label) will be less willing to pay them, or to accept their reprimands. The findings make clear that distrust impairs the cooperation between different regulating actors in the meat sector. It leads to additional monitoring initiatives that make the web of regulation increasingly complex and inefficient.

9.4.4 Blame avoidance and scapegoating after rule violations

Not all meat operators and regulating actors seem to take responsibility for their actions or negligence and the resulting harm. Instead, they talked about how a rule violation was *another* actor's responsibility, shifting the blame, sometimes falsely scapegoating others to avoid reputational damage and potential sanctions.

First of all, shifting responsibility occurs among corporate actors up and down the supply chain. For some food safety problems it is difficult to prove where exactly in the supply chain they originated. According to two slaughterhouse quality managers, their responsibility ends when the meat has left the company. If their customer (e.g., a meat processor) or the final consumer does not handle the meat correctly (e.g., heating it sufficiently), then the slaughterhouse should not be blamed. Retailers sometimes blame their suppliers for food safety or quality problems with their meat, but at the same time put pressure on prices of their suppliers. Asking one retail quality manager if that can be contradictory, he disagreed:

That's what they [their suppliers] reproach us you know? They say 'We won't do that [considering a standard] because you put that much pressure on the price that you don't leave us any choice'. No, that is not an answer, because there's the law, there's the [private]

schemes, you have to comply to that. You cannot say 'I don't comply because you put us under too much pressure'.

Well, there has to be some margin, of course, to be able to invest in all kinds of innovative methods. That's their complaint of course, you know 'Yes, we want to, not only for you [the retailer], but also for the consumer'.

Yes, we have to deal with a consumer who is still very spoiled and who gets pretty cheap meat. That's another discussion, the story of the consumer. (a retailer's quality manager)

So, he not only holds the supplier responsible, but also consumers. A consultant mentioned that most food companies (including meat processors and distributors) will consider themselves rather as a victim of their suppliers than as jointly responsible when facing fraud or a food safety violation within their supply chain.

Also in case of animal welfare violations the blame is shifted to others in the supply chain. Pinpointing who is responsible can be complicated because making sure that sick or injured animals are not transported to the slaughterhouse or to a cattle market is a shared responsibility of the farmer, a livestock trader, the driver and the slaughterhouse. A farmer with an injured or sick animal has two options: calling Rendac to destroy it leading to no profits, or asking the trader to come pick it up earlier than the rest of the stock, resulting in lower profits than for a healthy full-grown animal (but more profits than having to destroy it in the end anyway). When he does neither of this and makes it leave to the slaughterhouse with the rest of the stock, he is violating animal welfare rules. Drivers should not transport injured animals, but cannot see everything during the loading of animals. Moreover, cases are known of farmers or traders pressuring drivers to accept animals unfit for transport. In the next step, the slaughterhouse has the responsibility to reject sick or injured animals as well. In the 'animal abuse case' one of the slaughterhouse's responses was to forbid drivers access to the stables, and slaughterhouse personnel who could be seen in the footage maltreating animals was fired. Some interviewees explained the observed rule violations by the structural labour challenges for slaughterhouses, others blamed individual workers. Animal Rights was sorry that workers were fired and scapegoated, holding the management responsible.

Concerning labour violations (e.g., underpayment of workers), meat operators shift the responsibility to subcontractors. A judge advocate for labour noted that, in rare cases, they were successful in proving the culpability of a meat company that was paying too little to subcontractors for covering minimum wages and/or social contributions. In these cases, the company knew or could have known that the workers did not have a valid residence permit

and/or were exploited by the subcontractor. In some cases, (part of) the blame is also placed on the workers themselves, for example when they end up in similar problematic situations multiple times.

Second, state regulators blame each other to avoid responsibility for rule violations. Some interviewees mentioned how, on a political level, the opposition gratefully uses or exaggerates scandals to scapegoat the FASFC when election times approach. This colours the responses to rule violations and *allows* or even encourages scandalising and mediatising events, such as with the dioxin crime, the ‘animal abuse case’ and the ‘beef fraud case’. According to three interviewees, OVs were wrongfully scapegoated in the last two cases, as they had reported underlying structural problems in the past, which were never followed up. Their ‘autonomous’ position makes them an easy target for blame shifting, whom the FASFC delegates many tasks to. By blaming OVs, two interviewees feel superiors neutralize their responsibility and/or obscure more structural problems within the FASFC. Also, in the daily working of the slaughterhouses, coordinating OVs especially feel scapegoated for problems. One of them stated the following concerning LCU inspectors:

From some [LCU inspectors] you experience more support than others. Because it’s, it’s one of the things I mentioned earlier, that most of the time you’re considered as the one to blame. That’s also, also by the FASFC you know, they also first point their finger at you, you know. But it has improved compared to the old days. In the past you would always be the scapegoat, now it’s... Yes, now they will also sometimes hold the [meat] operator responsible, whereas not in the past (an official veterinarian)

There is also blame shifting between the FASFC and the AWU. After the events of the ‘animal abuse case’, the FASFC directly responded that animal welfare was no longer their responsibility, pointing at the regional AWUs. Even though the AWU had made agreements with the FASFC about the OVs continuing to report rule violations to them.

Third, there is blame shifting between state-actors and meat operators. Some meat operators seemed to shift their own responsibility to OVs, who should detect problems at the slaughter line. They also mentioned rule violations by their suppliers that require intervention by the FASFC, who seems to blame them for things detected at the slaughterhouse that they are not responsible for (e.g., transport of sick animals or missing ear tags):

Animals that shouldn’t arrive here, but arrive here anyway, we are always the loser, always. *Yes, because they inspect here, they also observe more here of course.*

Yes, and if we then report it, they won't, or hardly ever go back to the source [of the problem]. I told the FASFC: 'If we report the same man three times, tell him the fourth time that he is obliged to call you the moment he wants to load [animals]. And let him sign a claim for an amount of hours, for inspection.'

The FASFC should do that?

Yes of course.

You could also say, 'I don't cooperate with this cattle trader any longer'.

Yes, that's what the FASFC also says. But we don't work with anyone. You [as cattle trader] buy the cattle and you tell me: 'kill it'. I don't buy the cattle.

No, but you do cooperate with that trader.

I know, but that's actually pure theory.

How, what is theory? You could say: 'You came here so many times with bad...'

[then the trader will tell me] 'I will go to another [slaughterhouse]'. We are a service company. That is distortion of competition. So, he will go to another, where he can have his way.

To another slaughterhouse?

Yes, yes. Where he can succeed.

And that's risky, because you...

...will lose clients. And if that's a client of 70 animals a week [sighs], it's not that simple. (a slaughterhouse quality manager)

Conclusion

The findings emphasize the importance of looking at interactions between people and organisations to explain regulatory practices. Characteristics of an individual or organisation seldom affect decisions in an isolated or static way.

On the individual level, socialisation, motivation and especially education and experience influence regulatory practices. Expertise on food safety and animal welfare topics in the criminal justice system seems limited. Knowledge of the OV's is variable, depending on training and informal communication. The advantages of experience are clear nevertheless, in encouraging responsive monitoring and enforcement (not being too strict, nor too lenient), better risk assessments, understanding of practical challenges of rules and to stand firm in sometimes intimidating social situations. Regulators at the same time need to stay alert not to become numb or too familiar with a company, which hinders responsiveness and risks regulatory capture. Gender and age of regulators seems not to matter *as such*, but mark how

interactions between people with varying experience, in a context of societal changes and a masculine environment, affect their decisions.

Zooming in on the meat companies, the management's vision is thought to be decisive for compliance. Examples include staff training, the types of animals that are accepted, how seriously the quality manager is taken and how the SMS is implemented in practice. Ultimately this affects not only compliance but also the quality of the meat and the responsibilities taken in avoiding risks and harm for consumers and animals. A problematic management vision in some meat companies potentially affects competitors' compliance as well. Apart from this cultural characteristic, a company's structure and strategy also matter. In fast growing companies with newly integrated activities, the expertise of management sometimes lags behind. At the same time, vertically integrated companies are said to feel more responsible for compliance and to apply the SMS with more rigour, because they cannot shift the blame to others in the supply chain. Larger companies are thought to be more easily in compliance with rules (e.g., administrative requirements of the SMS), but can also more easily conceal non-compliance and have more pressing labour challenges.

The data reveals distrust and tensions between regulating and regulated actors. This could be expected as the sector defends their economic interests, sometimes at odds with the interests protected by the rules. More surprisingly, the data also reveals tensions and distrust among regulators at different levels within the FASFC, relating to its culture and structure. Interviewees expressed fear of being too strict or too lenient, because of the way superiors are known to respond to disagreements. The inspectors and OV's do not always feel like they are heard or supported and have the impression that superiors sometimes serve more the economic interests of the sector than public health. The inspectors and OV's do not always stand united either, with varying regulatory styles, limited communication and distrust towards one another. Although, to some degree, this might be desirable because they have another role to play, it seems to impair the effectiveness and (experienced) fairness of regulatory practices. This becomes clearer when looking beyond the walls of a meat company or regulatory agency.

Zooming out of individual organisations I identified four additional social dynamics that affect regulatory practices. One is the variation in regulatory styles. The sector welcomes persuasive approaches that are fair and uniform, with room for dialogue, in the spirit of the law, which encourages cooperation. At the same time, they support repression of outright fraud and other violations that are intentional or serious in their eyes. Non-uniform interpretation and enforcement of rules sometimes results in tensions between and among

regulators and regulatees. Sometimes intimidation or even violence is used in an attempt to silence critics or to ensure milder responses by any type of regulator, who regulates from within or from outside the supply chain. Data also point to mutual distrust between and among some regulators and regulatees, which seems to impair cooperation between actors, willingness to be compliant and effective self-regulation. It contributes to more monitoring activities by all actors and a more complex and inefficient regulatory framework. The distrust and tensions are enforced by blame shifting in case of rule violations among all actors involved. The least powerful actors in regulation (lower positions in the FASFC's hierarchy) and in the sector (suppliers) seem to be the easiest target to place the blame.

All in all, this does not paint a rosy picture of the social dynamics in meat regulation. These very interactions also hint to the limitations of the categorisation of factors on the individual, organisational and extra-organisational level to explain decisions and non-compliance. Whereas companies' characteristics explain, to some extent, (non-)compliance for example, this occurs in a context of a multitude of interactions with other corporations in the sector *and* with regulators. To complete the picture, in the following chapter I turn to the last level of factors that are perceived to play a role in regulatory practices, beyond individuals, organisations and social interactions.

Chapter 10. The role of extra-organisational factors in regulatory practices

Introduction

In this last empirical chapter, I discuss the characteristics that influence decisions of regulators and regulatees that are not specific to an individual or organisation, nor relate to harm. It goes beyond those levels and as such, I refer to the ‘extra-organisational’ (or macro-) level (see the last part in Table 8.1). In the literature about discretion and ethical decision-making, factors at this level known to influence (ethical) decisions in organisations relate to the society (e.g., its culture, media) and a sector or industry in itself (e.g., the applicable laws, business competitiveness) (Ford & Richardson, 1994; Huisman, 2016; Loyens & Maesschalck, 2010; O’Fallon & Butterfield, 2005). I identified factors that I discuss by means of four categories. The first one covers characteristics that are specific to the meat sector that affect regulatory practices. These include a culture of silence, labour challenges, market dynamics and the transnational nature of the sector. Second, I brought together the characteristics of regulation, in general, that affect regulators’ decisions in pragmatic ways, namely the structure, means and feasibility of monitoring and enforcement. Third, I shed light on the interwoven economic and political interests in meat regulation that interviews revealed. This includes the potential for conflicts of interests in the small social world that the meat sector *and* its regulation represent. A fourth macro level dynamic affecting regulatory practices that I distinguish is the public sentiment in interaction with mediatisation of meat-related crimes and scandals.

10.1 Characteristics of the meat sector shaping regulatory practices

The Belgian meat sector’s cultural, social and market dynamics affect compliance in meat companies and rule enforcement. First, the hidden nature of the sector impedes detection of rule violations. Second, the fluid and largely migrant workforce creates challenges for compliance and rule enforcement. A third sectorial characteristic is the business competitiveness and accompanying price and work pressures, pushing the limits of workers and official veterinarians (OVs). Fourth, the transnational nature of the supply network complicates law enforcement.

10.1.1 Culture of silence

Related to the hidden nature of the meat sector, from interviews it appears that its members follow the philosophy of ‘every man for himself’, where you keep to yourself and do not talk about another’s misconduct. This diminishes intervention by actors within- and outside the supply chain, when rules are violated. Meat operators are believed not to report rule violations of their suppliers to state regulators. They do complain to the suppliers themselves, but ‘snitching’ is considered unacceptable. According to a slaughterhouse operator, punishment for snitching would include being excluded by others whom you depend upon commercially. State actors added that operators protect others with whom they have friendly and trade relations. When inspectors communicate rule violations with meat operators, the latter frequently tell them to go check other places where the same activity is allowed, without revealing more specific information. Inspectors therefore assume that operators know more than they disclose about rules violations elsewhere.

Indeed, actors in the supply chain sometimes observe or hear about rules being violated elsewhere, from drivers who visit different companies or from employees who have worked elsewhere. A slaughterhouse quality manager knew of a company violating rules concerning stunning, but did not report this. Even though state regulators detected this problem, they might have done so earlier if he had reported it. An interviewed farmer observed that cattle were delivered at a slaughterhouse that could not move autonomously, by injuries or illness. When asking if he reported this to the authorities he responded: ‘les loups ne se mangent pas entre eux’, meaning that the prevailing idea is ‘if you don’t talk about me, I won’t talk about you’. This allows meat operators, who are confronted with their own misconduct, to threaten to reveal the violations of others. When questioned about reporting rule violations of others in the sector, one meat operator laughed and provided the following response:

But, if you know [about a rule violation], is there some kind of feeling like, ‘We should report this’? Or is that never....

We are not going to report that, we are not going to report about the competitor, of course not.

[Laughs] That is just...

That doesn’t happen in the sector?

But no [laughs]

You would not snitch on others.

No, no, no, no, not in *that* sector, that would be the deathblow [of the company]. If you do that, you'll be dead.

Because...?

Yes, yes, you're not going to snitch on your competitor. That just doesn't happen.

What would be the consequence? Why wouldn't that be...

Because the sector excludes you, you know. (...)

Just to understand how that works...

No, [laughs], because nobody does that in the sector.

No?

No, [indignant], that whole... no, no, no.

Because I believe the government would be very pleased [if you would], because they cannot be everywhere at the same time of course.

(...) No, no. That's not how it works and it will never work like that either. It cannot work, oh no, oh. The government just needs to inspect and that's it, it's their job. (a slaughterhouse quality manager)

He explained how in a small sector such as Belgian meat production, everyone will know who has talked to regulators. Instead, problems are solved directly by the actors involved, or lead to ending a cooperation instead of informing regulators. When asked if that does not mean that a problematic supplier will simply continue malpractices elsewhere, a slaughterhouse manager responded that this is up to the other slaughterhouse. Snitching is even less likely when suspects are accessories to the same offense. A prosecutor frequently observes the same farmers and livestock traders cooperating closely in multiple criminal cases.

Competitiveness obstructs the exchange of best practices in compliance, as we have seen in Chapter 6. Also, it limits the solidarity between companies in case of a scandal or crime. Scandals at competing companies can be good for business, despite potential reputational damage to the sector. One example is how buyers search for new suppliers when they end contracts with one that violates rules. However, it does not seem to be a reason for meat operators to disclose rule violations of competitors to regulators.

Eight regulating actors mentioned how they rarely receive reports of rule violations from sector members. Even though OVs are in slaughterhouses on a daily basis, they experience little openness from slaughterhouse management. Labour inspectors find that both workers and employers are not very cooperative during inspections. State regulators are probably not very warmly received in *any* sector, but interviewees emphasized how this is particularly the case in the meat sector.

However, interviewees also gave examples of corporate actors who actually *do* report rule violations (e.g., fraud) of competing companies, colleagues or employers, especially concerning serious violations. Typically, these reports are believed to come from former employees who were terminated or from jealous competitors. A retailer's quality manager mentioned that livestock traders share information about others violating rules and are generally very well informed about the ins and outs of the sector:

Do you also sometimes receive information [about rule violations] from the government, or from people you work with?

First of all, from our livestock trader. The people in the field, they are always informed about what's happening, there's always someone calling you: 'Look [name], are you informed about...?' Or at the purchasing department. (...) and, that's also [specific to] the sector, it's a small sector. Everyone knows one another, and everyone knows, 'Look, that has happened there, or there'. (a retailer's quality manager)

When the quality manager receives such information, an external auditor is asked to inspect (announced) the concerned company to verify the rumours.

10.1.2 The nature of the job related to labour challenges

The challenging nature of the job in slaughterhouses and cutting plants, as described in Chapter 4, complicates finding viable workers. This, in combination with the pressure of labour costs, leads to a fluid and migrant workforce in the meat sector, which affects compliance and rule enforcement. The cold, noisy, dirty, humid, physically and psychologically demanding conditions in slaughterhouses and cutting plants are not appealing to potential employees:

Cutting meat is a 'bottleneck job', that means there is a shortage. So, what do people do? They search, and where do they find them? People who can do it, people who want to do it. You shouldn't underestimate that, you know, two to four degrees the whole day, no sunlight, cold, humid, machinery. Have you ever been there? That's with saws, ...a noisy environment. Not the sexiest environment. And then, you need to be capable of doing the job as well you know. (employee of a labour union)

Or, as one corporate actor rhetorically asked: ‘Who desires to have his hands in a carcass all day long?’ The reliance of some meat operators on subcontractors to recruit workers is a (relatively cheap) solution to find competent people. They can do so on short notice, allowing the company flexibility. As a consequence, many workers do not have the experience for the job and do not speak the management’s language(s), complicating instruction and correcting, especially when the slaughter speed is high. According to interviewees, this also contributes to a number of rule violations including, animal maltreatment, workers not responding properly to technical problems (i.e. not informing the management, not stopping the slaughter line), not mastering the technical aspects of meat cutting, leading to meat defilement, not properly handling or maintaining machines resulting in accidents, smoking on the shop floor and not properly responding to vermin. Language problems also make the workforce more prone to exploitation. To illustrate serious consequences that communication problems can have, an inspector mentioned an incident where an employee who was attempting to repair a machine lost three fingers when his colleague started the machine because the voltage was not turned off.³⁰⁶ Apart from the fact that the machine did not meet the minimum safety requirements, there was no risk analysis present and insufficient and easily understandable written instructions for employees. According to this inspector, these accidents typically occur because temporary workers receive incorrectly communicated instructions, management fails to check if workers understood them and/or because workers disregard them.

Moreover, the high turnover complicates management and employees building up a good relationship. Competing subcontractors ‘buy away’ good workers by offering a slightly higher payment elsewhere. One pig slaughterhouses quality manager explained their struggle to fill vacancies:

For example, we have someone here, who works here, say five years, a Polish man and he could speak English, which was already ‘yippee’ for us, because at least...he could translate. I speak English with him and he translates it into Polish to [his colleagues] ...That’s how we can train people. Then you don’t always need an external person to train. This person is leaving now, to the construction sector. They make more money there, that’s true. We do search [for workers], yes. Well, that’s pure agony. We are looking for two persons in the dispatch section; we didn’t find them. We’re looking for four drivers, FOUR drivers! We don’t find them. We’re looking for a cattle driver, we don’t find [one]. Technicians, two or

³⁰⁶ The case ended with a deferred prosecution agreement of 7,000 euros, which is considered high for this type of case.

three that we have been looking for, for two years, we don't find them. Then, when someone *does* show up for that position, [then] after two, three days he's gone. Why? Most often we don't know why. Actually, we don't know, probably because it's too tough. Because it's a job nobody wants to do. (a slaughterhouse quality manager)

Shortages increase in summer, when foreign workers want to spend holidays in their home countries, sometimes resulting in slaughterhouses operating with 30 fewer workers, increasing compliance challenges.

Language problems also obstruct the detection of rule violations because of the lack of (the appropriate) interpreters. This makes it impossible to interrogate all workers during inspections. Furthermore, the quality of an interrogation with interpreter is not as effective and sometimes, multiple interpreters are necessary:

That [an interrogation with interpreter] takes about two hours per person. Because eventually, if you want to discuss all aspects of labour regulations, posting, exploitation, ... Yes, then you have this inquiry form of 60, 70, 80 questions that needs to be translated by an interpreter, answers, noting down everything. So, you need about two hours [per person]. (...)

Prior to an inspection, inspectors often do not always know which languages are spoken by the staff and thus, which interpreters are needed. Even if they know from which country workers are posted, they may not necessarily know their ethnicity.

Apart from the shortage of willing workers and the communication problems, there are challenges in the way workers need to change their perceptions of animals. The routinely killing of animals requires 'switching a button'. This creates the risk of not being attentive to the needs of the animals, especially if moving animals to the killing floor or killing animals is the only task one has all day. Because of this, the professional association recommends varying workers' tasks.

10.1.3 Time pressure in the 'race to the bottom'

The pressure on slaughterhouse staff and OVs to work fast can encourage non-compliance and affects the way different types of rules are monitored. The slaughter speed is thought to affect both workers *and* OVs in the quality and performance of their job. The 'right' slaughter speed that allows for compliance depends on the infrastructure (e.g., capacity, length of slaughter line) and the number of employees at a slaughterhouse (see Chapter 4). When these factors are not in accordance, it becomes increasingly challenging for employees and OVs to

work in a hygienic way and, for the OVs, to monitor the employees. A high slaughter speed also challenges compliance with animal welfare rules and monitoring, both in the pre-mortem and post-mortem inspection. The slaughter line is not always stopped if the stunning was not successful. According to three slaughterhouse quality managers, animal welfare violations result from time pressure and employees losing their patience. Private actors do not set any standards concerning slaughter speed.

Financial pressure can also encourage labour violations, for example, when workers get paid per kilogram of meat processed and, as such, are encouraged to work as fast as possible. They can be tempted to violate safety rules, such as refraining from using safety gloves and earplugs. Some meat companies are known for reducing payments to subcontractors, justified by complaints about the quality of the job done. They say, for example, that the meat is not well cut, or contains too much grease.

In other tiers of the supply chain, financial and time pressure is also believed to encourage non-compliance, such as violating hygiene rules in catering kitchens. More generally, six interviewees complained about price pressure from supermarkets and (other) final consumers who choose the cheapest product, which demonstrates a lack of respect for workers, for production processes and for good quality products. In their experience, companies opt for the cheapest labour and ingredients in the ‘race to the bottom’ and this seems to motivate non-compliance.

10.1.4 The complexity of cases resulting from the international context

The complexity and transnational nature of rule violations in the meat sector impedes rule enforcement. This is the result of the international structure of the meat supply chains and has complicated, for example, the follow up of the horse meat fraud and animal welfare violations. The latter, for example, cannot be followed up by Belgian authorities when animals are raised outside of Belgium. Officially, OVs do not have to demand the (normally required) certificate of competence of foreign drivers arriving at slaughterhouses, nor to check the loading density of animals in their trucks. But the origin of a farmer or driver is not directly observable when a truck arrives at the slaughterhouse. Thus, when an OV observes animal welfare violations with these animals, they only learn from the documents that the animals were reared outside of Belgium. If they report animal welfare violations with these foreign transports to the LCU anyway, some LCUs respond that they are not authorised to do anything about it.

Another example is the complexity of cases involving labour violations. In case of false self-employment of foreign workers posted in Belgium, it is difficult to prove that they do not have a substantial activity in their country of origin. These are labour-intensive cases that require cooperation of authorities abroad who often do not consider these cases as urgent. Further complicating these cases are communication issues due to language barriers. The judge advocate for labour explained that the creative ways of offenders who use subcontractors, letterbox companies and straw men, make investigations of employment of illegal subcontractors time consuming. This time is lost when the inspectorates repeatedly impose administrative fines, which in some cases is not even attempted because the inspectorates know these will not be paid.

10.2 Characteristics of regulation shaping regulatory practices in pragmatic ways

Regulation, itself, can be considered as an extra-organisational characteristic influencing the decisions of regulators and regulatees (Loyens & Maesschalck, 2010, p. 72; Huisman, 2016). In Belgian meat regulation, in particular, the way different competences are dispersed among state agencies, their capacity and means, and the challenges of monitoring certain rules affect regulators' decisions.

10.2.1 The overall structure of regulation: dispersed authorities

According to six interviewees, the dispersion of authorities between many different federal and regional agencies impedes the efficiency of their activities in the meat sector. It can hamper the detection and follow-up of rule violations, because regulators depend upon effective cooperation and information exchange. This is also necessary to observe links between different cases. An example experienced by interviewees was the lack of direct communication between the OVs paid by the FASFC, who were in charge of monitoring and reporting animal welfare violations in slaughterhouses, and the AWU staff who can impose enforcement measures.³⁰⁷ Although the OVs could respond to a violation directly, the newly acquired animal welfare inspectors at the AWU did not communicate with the FASFC's coordinating OV when inspecting a slaughterhouse. Even though this person filled in checklists on behalf of the AWU. For a coordinating OV, it makes more sense to be involved during AWU inspections, in the same way as in food safety inspections by the FASFC.

³⁰⁷ This was before the AWU hired 50 autonomous veterinarians to complete monitoring activities in Flemish slaughterhouses since October 2020.

It can also be, sometimes, for example, the [FASFC] inspector says: ‘Oh my, what’s this? This is very dirty’ Then I say: ‘yes, but it’s not like this everyday, that’s just bad luck (...) that’s just Murphy’s law.’ I mean, not that I want to defend the slaughterhouse, but I say ‘look, that is now simply bad luck’. Then they [inspectors] can say, ‘Okay, that will be only a warning’. They can give another weight to it. That way it’s not seen as such a serious rule violation. (an official veterinarian)

The OV would like to be able to provide more context or nuance to a rule violation because of his daily presence. To some extent, these complaints might have been due to growing pains because of the recent transition of animal welfare to regional authorities. At the same time, there are also advantages of AWU inspectors who approach the interests of the animals more objectively, since the FASFC inspectors were authorised for more topics, simultaneously. Because of the transition of animal welfare to the regions, inspectors do not face the dual mandate of food safety and animal welfare any longer. Before, this could complicate decisions and priority-setting, and still does for the FASFC OVs who have a dual mandate. On a higher level, the dispersion of political responsibility might have a similar advantage: the Minister of Animal Welfare might respond more neutrally or objectively to animal welfare scandals compared to a minister who is simultaneously responsible for food safety.

In labour regulation, dispersed authorities seem to complicate monitoring and enforcement. For example, if a subcontracting agency goes bankrupt and the employees have not been paid, the employees should submit a claim to the trustee in bankruptcy for the missing salaries. A fund is available for them to retrieve their payment. But when ‘employees’ who never actually worked for this subcontractor submit claims anyway, the bankruptcy trustee is not equipped to detect such abuse.

Information exchange is even more problematic when it is between state and non-state actors. OVs consider it as a missed opportunity that private auditors of independent certification bodies (ICBs) do not communicate with them, nor with their coordinator. Private actors, themselves, rely on information from the FASFC, for example when the FASFC suspends an accreditation for a SMS, which is a basic condition for private certificates.

For meat operators, the dispersion of authorities can complicate compliance, as it requires an understanding of which agency is authorised for a specific legal domain. The rules (or protected interests) of different domains can also contradict one another, requiring prioritisation. For labour safety, it is important that slaughterhouse workers wear an armour suit. These suits are difficult to clean, challenging food safety compliance. Another example

is the ritual slaughter of cattle, where animal welfare standards are not in line with some religious norms.

10.2.2 Capacity, time & means of regulators

More capacity and time afforded to inspectors, auditors and OVs to monitoring results in a higher likelihood that rule violations are detected. This contributes to better quality of public and private monitoring and smooth enforcement. Ultimately, this depends on political or board decisions concerning amounts and distribution of resources. Regulators' lack of capacity, means and time is the most common pragmatic obstacle to monitoring and enforcement. An FASFC inspector and an OV believe that they have sufficient time to complete their checklists and/or to complete all of their required tasks. However, two of their colleagues said that their time is too limited to verify every single point on the checklist and to complete other administrative tasks. Time and capacity also affects the daily ante-mortem inspection of living animals by OVs. They have to choose between monitoring the unloading of animals or the killing, both of which occur at different locations in the slaughterhouse. Further, they are required to check animal identity and medical history documents. If they observe a rule violation, they need to move to an office to report this and complete the necessary paperwork. While in the office, they cannot observe the unloading process. Moreover, in some slaughterhouses, there are two locations where animals are unloaded, which cannot be observed simultaneously. Therefore, especially in the ante mortem inspection, the number of OVs is too limited to be able to observe everything at the same time. The unloading of animals is given priority because this is a central point where the drivers and the slaughterhouse employees are both present. If problems are detected here with documents, animals still can be blocked. Further, the condition of animals should primarily be observed at this early stage. It depends on the stunning method (and known problems with it, such as if animals are waking up, failing of electric stunning) if OVs are also attentive to the process *after* the killing.

Work pressure also influences the quality of the post-mortem inspections. The number of OVs posted in one slaughterhouse depends upon the average slaughter speed in one year. Inspecting seven or eight pigs' carcasses per minute is said to be feasible, while 12 animals per minute is not. More people would simplify the job, but is also more costly for the FASFC:

'Yes, ehm, most often they tend to give too little [number of OVs] you know.

The LCU?

Yes, the FASFC, because they will try, of course, to put a number of people [at the slaughter line] that is as small as possible. Because they have to pay them. Ehm, and they also believe that those people never need a break. And actually, like inspecting meat, you cannot do that if you never take a break, because you cannot stand there and concentrate for 11 or 12 hours a day without a break, while observing 500 [animals] per hour. (an official veterinarian)

In some places OV's are not allowed to take more than two 20-minute breaks per day. This is an extremely low number considering a working day of 11 or 12 hours with 400 or 500 pigs passing per hour:

Yes, that's madness as well. That's madness, because you can't inspect anymore then, you don't see *anything* anymore. If you've been standing there for ten hours, then they can let it pass, you won't see it anymore [if something is wrong with a carcass]. (...) It depends completely on the LCU, Brussels has nothing to say about it. No, it's the LCU, it depends on (...) the LCU's mentality if the official veterinarian can rest. (...) In our agreement there's (...) no word about rest.

But you have certain rights, I suppose?

But you're autonomous, so you're free to (...) accept your task or not. (an official veterinarian)

The shortage of OV's willing to work for the FASFC is worse in regions with a high density of meat production activities and is believed to lead to lower criteria in selection procedures and fewer OV's at the slaughter line, which can diminish the inspection quality. Because of the work pressure, four OV's said they prioritise the physical inspection of carcasses, which cannot be postponed. They consider 'paperwork' as less urgent. The documentation of meat inspections, kidney tests, BSE tests, tape worm, and suspicious animals (i.e., above 630 kg, with injection marks, delivered at suspicious hours) are considered more urgent than the registration of the collection of meat waste, for example. Prioritisation and efficiency under time pressure is easier for experienced OV's and inspectors.

The changes in prioritisation of hormones also illustrates the importance of capacity and means. In the 1990s, the events surrounding the hormones 'mafia' created an incentive for more capacity and means to detect hormone crimes in animal husbandry. Over time however, state regulators observed a decline in the number of detected hormone crimes. Although it might occur less frequently than in the past, interviewees suspect it stems from the limited capacity and budgets invested in actively investigating hormones use. According

to three state actors, this is the result of a lower priority at the FASFC and fading expertise at the police Hormones Unit and local police departments about developments in the types of substances and new techniques to avoid detection. Police expertise and capacity is required to assist the FASFC (e.g., with coercive measures) in these cases, but the lack of prioritisation makes hormone use under-investigated, resulting in long delays in prosecution.

10.2.3 Feasibility, ease of monitoring and evidence

A pragmatic characteristic influencing monitoring activities is feasibility, as practical drawbacks complicate these activities, or even make them impossible. One example is that inspections are often limited to documents and take place during regular work hours. Certain aspects of the SMS (e.g., temperature of water to clean knives) can only be checked on paper which makes inspectors rely on the trustworthiness of the operator. Other activities occur at night, such as the transport of carcasses and the loading and unloading of animals, when there are no inspections. One retailer demands that auditors also visit slaughterhouses at 5.00 a.m., but not all private regulators do so. The workers who clean meat plants start working after regular hours. One interviewee from a labour union discusses this sore point concerning their working conditions in the following:

These cleaning workers who come after working hours in that particular plant, who knows on what contract they're employed? We also found migrant workers, people with precarious employment contracts. But we are not organising workers in the cleaning sector, this is another trade union. They also report the difficulties organising those workers. They don't come forward to complain, they don't have qualifications, sometimes they don't speak the language. So, if no one is complaining, how can you prosecute? You hardly see a labour inspection at 10 or 11 PM, knocking on a plant's door to see what's going on. (representative of a labour union)

Also, the methods of monitoring are not always easy, or not applied consistently, affecting the results. To detect hormones, it requires less effort by an inspector to take samples of fats than to take urine samples, while the latter are more accurate. To check traceability, an inspector must enter the freezer to check the stocked meat and to demand the documentation in the SMS about the dates that it was frozen. Drivers transporting live animals who frequently come to the same slaughterhouse are not always asked for the required documentation as noted on the checklist. An OV mentioned that it is sufficient if this is

checked only once, after that the driver is trusted. Another example relates to adding water to meat which affects the quality. According to a slaughterhouse quality manager, it is a common violation in the food service sector, but analysing all meat to detect water is not feasible for state regulators.

The relatively high inspection frequency at slaughterhouses facilitates the observation of many problems which significantly influences who and what is detected and followed up on. It leads to a higher number of rule violations being observed in slaughterhouses than in other tiers, that do not (necessarily) originate at the slaughterhouse (e.g., animal maltreatment, salmonella, dirty animals, missing ear tags, residues of medication), while at farms or during transport there are hardly any inspections.

The described limitations to capacity, expertise and the feasibility to detect certain violations affect the evidence of rule violations and law enforcement decisions. Prosecution of hormone cases, for example, is more likely in cases involving illegal substances that are not endogenous to the animal, in cases of recidivism, when there are available samples proving hormone use, when an informant provides evidence, and/or when the animal's weight is higher than 630 kg. Therefore, these conditions affect inspectors in their efforts as well. The quality of the evidence depends on the skills of, and cooperation between, regulating actors and of regulatees' willingness to file complaints and cooperate. Evidence also affects *who* is prosecuted, which relates to the power position of the offender. Regulators admitted that they do not always follow up on actors who are ultimately responsible for the violations. The most feasible cases are more attractive to follow up and, the more powerful actors are better organised to avoid prosecution. In hormone cases, cattle farmers were often prosecuted while the suppliers of the illegal substances were not. And, in social fraud cases, subcontractors can be offenders when they structurally underpay workers, but can also be considered as victims when they are underpaid by the slaughterhouse. A meat company that opts for the cheapest solution to find workers via subcontractors risks not knowing who is working there, under which conditions they are working, what wages they are being paid and if also social contributions are being paid. However, according to two judge advocates for labour, meat companies are more difficult to prosecute than subcontractors, despite knowing the risks when underpaying subcontractors.

10.3 Intertwined economic and political interests

There is a perception among interviewees that the entangled political and economic interest of public officials in charge of rule implementation and enforcement leads, in some situations, to

prioritisation of the sector's economic interests over encouraging enforcement of laws or compliance by companies. Regulating actors, inside and outside the supply chain, switch between and even combine tasks commissioned by the FASFC, ICBs and meat companies, challenging their independence.

10.3.1 Regulatory capture: balancing between economic and other interests

Interviewees expressed their concerns about regulators favouring the economic interests of the meat sector in some cases, at the expense of rule enforcement. They worry how this affects meat quality and leads to arbitrary rule enforcement and unfair market dynamics. Their worries thus are not so much about the effects on animals or consumers. This 'regulatory capture' is a known phenomenon in powerful and concentrated markets, meaning that a state's regulatory agencies who are supposed to regulate companies are 'captured' by them, representing their interests (Ayres & Braithwaite, 1995, p. 56; McMahon, 2013, p. 408). According to Ayres and Braithwaite (1995), cooperation between state and non-state actors is needed in 'the multi-'stakeholder' regulatory process. However, usually the most powerful interest groups (i.e., with the most money, most effective mobilisation, or most bureaucratic power) benefit from the policy outcomes at the expense of less powerful interest groups. In the context of food regulation, McMahon (2013) recognised how regulatory agencies represent the interests of the industrial food producers and retailers (McMahon, 2013).

State regulators expressed the balancing act between maintaining, improving and enforcing high standards for meat production, without impeding the international competitiveness of Belgian meat producers. Six non-state actors expressed their frustration that the Belgian authorities always try to be the 'star pupil' in the EU, implementing rules more strictly than other member countries. They criticized this 'gold plating', which goes against a level playing field. Companies that cannot keep up with the developing regulation have to quit and state actors are aware that new rules can create problems for Belgian companies. International competition is pressing, especially in the pork sector that exports a lot of their products. At the same time, adopting other countries' lower standards will not improve animal welfare and food safety. Harmonisation at the European level is most desirable, but animal welfare concerns are not deemed realistic at the moment.

According to four state actors, unfair international competition is an excuse used by operators for their non-compliance. Also, state actors are believed to use this as an excuse, as a result of the successful meat lobby. Two OVs mentioned that the FASFC board, some inspectors and OVs sometimes see to do as the companies please because they are paying

'clients'. Three interviewees observed that the FASFC (and ICBs) are reluctant to enforce the rules and explain this by the way monitoring is financed. A manager of a small-scale slaughterhouse was paying 11 euros per animal to the FASFC for veterinary inspections, which can easily amount to 130,000 euros a year. This contributes to tensions in the triangle between the FASFC (and ICBs) who wants to secure companies' financial contributions, the OVs who want to do their job and the slaughterhouse that is eventually paying the OVs' wages whose decisions they do not always appreciate. As a result, companies are not in favour of the FASFC raising OVs' wages and are said to increase the slaughter speed to offset inspection costs. Some OVs in turn experience a lack of support from superiors and high work pressure, as I discussed earlier.

For some OVs, an example of how economic interests prevail in monitoring is that their shifts start after a large number of animals have been unloaded. Another example relates to the discussion of whether to reject pigs with Icterus (jaundice). According to an OV, Icterus is only a problem if connecting tissues and the white of the eye of pigs has yellowed, in which case the meat also tastes bitter, has a lower quality and should *not* be used. However, in cases where this colouring did not occur, there is no quality problem and the meat can be processed in products without a problem. In this second case, not all OVs respond in the same way, depending on instructions from the slaughterhouse. This interviewee believes that OVs should *not* reject these carcasses and the slaughterhouse should carry the loss:

There is a lot of variation, 'au tête du client' you know. That they [OVs] inspect according to the wishes of the operator. (...) So, if the operator says: 'You have to throw it all away so that I don't need to pay the farmer for it', then they throw it all away. Then they [the carcasses] will all be rejected, whereas what you should say is: 'I won't reject these, you have to arrange that yourself with the farmer, for me this is approved (...)'

So, if you would reject it, you would actually....

...put the farmer at a disadvantage (...), that's not your job, you shouldn't inspect for the slaughterhouse, you should inspect for the FASFC and for public health. If that [meat] cannot harm public health, why would you throw it away?

Then you're actually also influencing the market processes?

Yes, but you also influence the place where they bring these pigs [with Icterus]. You shouldn't forget that either.

So actually you [coordinator of OVs] have quite an important role in...

Yes, of course.

... influencing that. So, you could say, those slaughterhouses with (...) a reputation where a lot of bad animals [with injuries or illnesses] are still accepted, the coordinator of official veterinarians has a role in this?

Usually, he has a role in this yes. (an official veterinarian)

Also inspectors sometimes act in the interest of the company instead of following official policy. According to three state actors political pressure has prevented closure of non-compliant companies in the past, because of the loss of jobs this would entail. One of them mentioned also the Fipronil crisis as illustrative of the FASFC prioritising economic agricultural interests over public health. The mild response of the FASFC towards farmers in this case, by directly offering them financial support for the harm suffered, led to indignation among OVs:

And the FASFC, I was really shocked, all my colleagues were shocked, that the FASFC was one of the first to say: 'Look, we have a fund here, there are means... [for the farmers]' We think: 'we don't get the budgets to do our job (...) it all costs too much money [e.g., taking samples] (...) And if you [the board] then say that there's no money for us, we are a necessary evil, we get up early in the morning... We form a team in the slaughterhouse and do the dirty job so to speak, and are scapegoated as soon as something goes wrong. They don't want to give us a raise, (...) that should be the case!' But then during the Fipronil crisis, all of a sudden, they have lots of money available for the budget! There was not even a verdict! It was not even juridically clear if they [the farmers] were innocent. I found that unbelievable. That really hurts. (an official veterinarian)

The role of the FASFC in facilitating the export of meat also makes the FASFC very entwined with the sector. The FASFC is thought to have an important influence in which companies can export to China and Korea. According to two veterinarians, some slaughterhouse owners or managers are known to be in direct contact with the Minister of Agriculture, authorised for the FASFC, and with a top-ranking FASFC official. This makes the interviewees doubt whose interests the FASFC represents.

An OV witnessed an inspector facilitating the concealment of a slaughterhouse's violation of a foreign supplementary standard. For meat exported to Korea, knives in the slaughterhouse cannot be sterilized with a product called Kenosan, although it is allowed in Belgium. The day before the Korean customers would visit the slaughterhouse, an FASFC inspector made sure Kenosan was (temporarily) not used:

Inspections of big clients, often from abroad, are often preceded by an FASFC inspection. So, the day that Korea, or maybe even the day before, he [the inspector] came and instead of Kenosan, everything needed to be water of more than 82 degrees [to sterilise the knives]. (...) So, he cooperated, consciously... Okay, commercial relations do not concern him, but the Korean rules say that Kenosan should not be used, and they [the slaughterhouse] did use it. But the day [the client from] Korea came, it was warm water and the official [inspector] was an accessory to this, he knew about it. I find it striking that they collaborate in this, and it's not fair towards Korea. And okay, (...) it has nothing to do with public health, but if they [the clients] demand this... That's the same as if Belgium would tell America 'The meat you bring cannot be treated with hormones', then that's our demand. And if the government [in the US] collaborates to conceal this, that's fraudulent. (an official veterinarian)

Specific to the Belgian situation is how interviewees see variation in the degree of capture between regions, related to the cultural differences and rival sentiments between Flanders and Wallonia. In the experience of three interviewees, Walloon LCUs seem to be more lenient and more protective towards the agricultural sector than Flemish LCUs, in rule implementation, monitoring and enforcement. An OV and a former inspector with experience in different regions observed ongoing rule violations in Flemish slaughterhouses that originated in Walloon farms (i.e., problems with ear tags of cattle, cripple animals) that were not followed up, despite the interviewees' frequent reports to the Walloon LCUs.³⁰⁸

Also non-state regulators are not immune from pressure of the companies they audit, according to interviewees. One OV observed that if a company is not satisfied with the audit of an ICB, it threatens to go to a competing ICB to obtain a more favourable result. Certifiers of one ICB mentioned that slaughterhouses sometimes, indeed, do seem to have the idea that they deserve a certain service for what they pay the ICB, considering it as their right to have a positive result. However, they, and another ICB certifier, stressed that they do not give way to such pressure, as it would risk reputational damage.

10.3.2 Conflict of interest: the mixing and switching of jobs in a small world

In the small world of the Belgian meat sector and its hybrid regulation, people switch and combine jobs in meat companies, state regulatory agencies and ICBs. Moving from one company to another, from a state to a non-state regulatory agency, and from a regulatory agency to a meat company, can harbour conflicts of interests. People with experience in food

³⁰⁸ At a time that the FASFC was still authorised for animal welfare regulation.

safety and quality are in demand and therefore, some OV's and inspectors later take positions at slaughterhouses as quality managers.³⁰⁹ Some of them eventually return to the FASFC. Interestingly, mixing private and public tasks sometimes occurs at the same time. An OV, paid by the FASFC, can simultaneously be an auditor for an ICB, as long as it is not at the same slaughterhouse. An ICB certification manager mentioned that they avoid hiring OV's for auditing the SMS in slaughterhouses and boning plans while they are simultaneously employed by the FASFC. He pointed to the risk that the OV might sympathize more with the clients because of his familiarity with the sector. It could result in what he calls 'softgrading', evaluating a company more leniently because of diminished objectivity. An OV can also work at more than one ICB simultaneously, because of the lack of trained and experienced inspectors available. ICBs try to avoid conflicts of interest of their auditors by verifying if an auditor has worked at the company he is going to inspect. The auditor is supposed to report his doubts about conflicting interests in a specific case. An ICB employee also mentioned to check with the *client* (the meat company) to see if they have any potential conflicts of interest concerning an auditor. It happens that the 'match' between auditor and company is rejected by one of the two. An FASFC inspector can simultaneously work for a private lab that analyses samples for meat companies. This occurred in an administrative case.³¹⁰ In this case, clients of a consultancy agency that cooperated with this lab were unhappy about an FASFC inspector performing this task.

Potential conflicts of interest arise in cases where a farmer or trader demands a second opinion after an OV rejects a carcass. The owner of the animal can appoint another OV to do this, who cannot be employed by the FASFC. Usually he appoints the farm's veterinarian, who is paid by the farmer and, thus, also not independent. If this person approves the carcass, a third FASFC inspector needs to provide a judgement and might be more inclined to follow his colleague's original opinion. Conflicts of interest also arise when an OV inspecting animals at a slaughterhouse is the supplying farmer's private veterinarian. Some interviewees believe this was more the case in the past. Nowadays, OV's with private practices specialising in farm animals are usually sent to inspect companies outside of their home regions. Nevertheless, according to one OV, this is still a concern:

³⁰⁹ also Andries & Eckert (2018, 28 March). Ex-topman FAVV geef nu tips aan slachthuizen. *Het Nieuwsblad*. https://www.nieuwsblad.be/cnt/dmf20180328_03434278, last accessed August 2018.

³¹⁰ The rule violations in this proceeding had nothing to do with having two jobs (FASFCcase11).

Now I have to say that if the pigs are not good, they [OVs who have to inspect animals they work with in their private practice] will also reject them, but I think, for doubtful cases, this is another story (...). It illustrates that some maybe have a subjective view on [pigs]. For me every pig is the same.

But this is allowed? There are actually no rules about this?

I also used to think: 'before you become an official veterinarian you will be thoroughly screened if you don't have any interest here or there' for example, but apparently this is not the case. And the weird thing is that we also hear from older colleagues that sometimes official veterinarians who were involved in dubious situations back in the days, still are allowed to come back to do inspections [for the FASFC].

Such as?

For example, not people who were convicted for use of prohibited substances, but definitely [people who have been in] very suspicious situations. It is generally known that such official veterinarians are allowed to inspect again, not only as an official veterinarian, but also in civil service [at the FASFC]. When I started, there was an official [inspector] of whom they [colleagues] said 'that's the poacher turned gamekeeper'. (an official veterinarian)

Another potential conflict of interest of *inspectors* that interviewees pointed to is when they do not frequently rotate to different inspection locations. OVs complained about the limited rotation of LCU officials in some regions, despite the five-year limit, arguing that they get to know the local companies very well after several years. They might therefore decide more in the company's favour. Regular rotation of OVs and inspectors is especially challenging in regions where there are not many meat companies and thus not sufficient work.

10.4 Changes in public opinion and the role of the media

Public opinion and changes in public morality also affect regulatory practices, influenced by scandals and crimes in the sector and their mediatisation. Societal norms, in interaction with individual and organisational norms, change over time and affect standard-setting, criminalisation processes and decisions of regulators and regulatees. Not all rule violations in the meat sector lead to firm state responses, or are subject of changing approval with time, such as hormones. With the strong emphasis of regulators and the sector on reputation and trust, they are very sensitive to public opinion and criminalisation. This is a reason why criminal procedures are unwanted, which are public, whereas administrative fines or deferred prosecution agreements are arranged without an audience. The media is a macro-factor that has an important role in public opinion and reputational damage. The cases of the European

BSE- and the Belgium hormones crimes and dioxin crisis illustrated the reactivity of the food sector and its regulators to mediated scandals and crimes with meat, triggering new rules and policies for food production and regulation. In the following two sections I discuss some of the food safety and animal welfare related topics brought up in interviews that illustrate the public opinion and media effect on regulatory practices in the meat sector.

10.4.1 Food safety: uproar after scandals

The shift in thinking about hormone use in animal rearing is one example of how the interactions between public opinion, mediated scandals and developments in scientific knowledge result in changing food safety rules *and* the way they are enforced. This shift can be both a consequence and cause of the criminalisation of hormone use at the end of the 21st century. According to a non-state regulator, the murder of the veterinarian, Van Noppen, in 1995 occurred during a period that regulators' and farmers' perceptions about hormone use shifted from acceptance ('everyone is doing it'), to something that became increasingly criminalised and repressed. During the eighties and the beginning of the nineties, hormone use was common in Belgium to maximize profits and was stimulated by veterinarians and pharmaceutical suppliers. In the 1990s it was estimated that 30% of European beef production still used illegal hormones and, even when it was prohibited, the risk to getting caught was low (Braithwaite & Drahos, 2000; Vreeburg, 2004). In Belgium, the proponents of hormone use favoured controlled use and feared that repression would push the use and trade underground. Not all meat operators and inspectors directly accepted the repressive approach that followed, leading to a strong opposition between proponents and opponents. For some meat operators, the transition to a more repressive approach occurred too quickly for them to adjust their ways of working. The view that the prohibition of hormones use was implemented to protect the European market did not motivate operators (and regulators) to end this practice. The coordinator of a private scheme owner explained:

(...) for a long time, we were in some kind of twilight zone and therefore animal feed producing companies, veterinarians and farmers used hormones with the idea: 'it will all work out, sooner or later it will be allowed'. At a certain moment this shifted and it was prohibited, (...) and then you had those who stopped [using hormones], yeah, they hardly made profits anymore, and those who continued, who were making much more profit than all the others. And that actually, yes, that has been going on for a very long time (...). And eventually (...) a very serious incident had to happen to make everyone switch the button and realise 'This is

really not OK' and that was the murder of Van Noppen. (coordinator of a private scheme for meat)

This violent episode is seen as a pivotal moment that led to more repression and enforcement of existing legislation. Together with the media attention it provoked, it pushed the beef sector to invest in repairing reputational damage, resulting in the establishment of a private label that emphasized traceability and food safety to regain consumers' trust in Belgian beef. It was also an incentive to invest more in the detection of hormones, with the establishment of a special federal police 'Hormones Unit' (see Chapter 5). With time, the attention on hormones has faded. Interviewees expressed their concern about hormones not receiving sufficient attention anymore, judging the current lack of capacity and means invested in its detection.

Shortly after the hormones crimes, the Dioxin case was another landmark in food safety regulation, resulting in the establishment of the FASFC and contributing (among other events) to the EU's GFL. More recently, the 2013 horse meat fraud and the 2018 'beef fraud case' affected Belgian state and non-state regulation, leading to the FASFC's enhanced monitoring focusing on fraud opportunities in slaughterhouses and boning plants.

10.4.2 Animal welfare: consumers' grown sensitivity and distance from meat production

Public perceptions about animal interests change, according to knowledge about harms and changing morals. This is sometimes encouraged by animal welfare crimes and scandals, that affect monitoring, enforcement and compliance. Meat operators and regulators have noticed an increasing sensitiveness towards the impact of meat consumption on animals and the environment. In the sector, this mentality switch did not occur overnight. Some meat operators support consumers who favour reducing meat consumption, while being more attentive to good quality meat, provided that consumers want to pay a fair price and are respectful of the work necessary to produce it. Some interviewees expressed their scepticism about 'hypes' such as veganism and mediatised actions of not eating any meat for forty days. NGOs and distributors assess public opinion, commercial and political support for certain topics, affect changes in the production standards and contribute to consumers' sensitivities by informing them. Two NGOs and a retailers' quality manager made a comparison between Belgian and Dutch public opinion about animal welfare, claiming the latter have more progressive requirements. This results in the interviewees requiring lower animal welfare standards in Flemish production processes compared to their colleagues working in the Netherlands.

In this context, the undercover action in the ‘animal abuse case’ by Animal Rights was a trigger for the Belgian meat sector to take the public’s concerns (more) serious. Even when operators themselves were not all convinced that change was needed, the events pushed the management of *all* slaughterhouses to more intolerance towards animal welfare rule violations by their suppliers and staff, to invest in additional training and new equipment (e.g., camera surveillance and additional mobile electric stunning equipment). Quality managers at two different slaughterhouses explained these initiatives, at least partly in terms of reputation:

Four extra cameras have been ordered that we will pin down.

Okay. Because you have to? Or because you want to?

We will be better able to observe that nothing goes wrong. And to show the community: ‘look, everything is under control’. (a slaughterhouse quality manager)

We specifically had three other persons follow the training to become an Animal Welfare Officer, as this is a critical point for the appearance to the outside world. We definitely cannot [afford to] run into something like that (a slaughterhouse quality manager)

In our discussions about the events in the ‘animal abuse case’, slaughterhouse owners and quality managers not only mentioned the growing sensitivity of consumers towards animal welfare, but also the decreasing knowledge of consumers concerning how meat is produced. They experience it as a contradiction. On the one hand, people want to eat meat and are increasingly demanding about the way it is produced. While on the other hand, they seem to have no knowledge about production processes. In fact, these interviewees recognize that there are no flawless ways to kill animals. According to these interviewees, the discrepancy results from the diminished contact of consumers with agriculture, animals, and life and death of animals on the farm compared to earlier generations:

Back in the days everyone had an uncle or grandfather or someone who had a farm, where one would see an animal being killed. But now, people are so alienated and so far removed from this that it’s actually... (...) You cannot kill an animal in an animal friendly way. But I also learned, from the time of my grandfather, that if you come near a cow, you should always bring a stick. I mean, come on, you know? Well, it’s not that you should beat it, but if the animal walks towards you, you need to make sure you can defend yourself. (a slaughterhouse owner)

According to a slaughterhouse quality manager who was discussing emergency slaughter, this growing rift between producers and consumers leads to misinterpretation of what the regular slaughter processes look like:

If I shoot that pig, it's brain dead, but it will show a lot of spasms. The law prescribes it: when you need to shoot a pig [in case of emergency, e.g., when it is injured] you need to cut its throat directly as well. So, the throat of the pig is cut, there is a lot of blood, and because of the spasms it looks really bad, while legally that is completely correct, concerning animal friendliness is it completely correct. But to the average man on the street, this is hardly acceptable because this is quite a bloody scene. Now, I believe that people these days (...) they *do* still want to eat their piece of meat, but they do *not* want to know anymore that an animal has to be killed for that. (a slaughterhouse quality manager)

And although the interviewees also found the undercover footage in the 'animal abuse case' shocking and recognised rule violations, the footage also showed elements of a regular slaughter procedure that is shocking for laymen. When these laymen express their opinions about the slaughter process, this frustrates compliant meat operators, also because they know mediatisation and (subsequent) public outrage can affect public and private regulation.

Both the food safety and animal welfare related examples show that scandals, crimes and their mediatisation can be helpful in bringing misconduct to light and generating social turmoil that pushes private and public actors to improve standards and/or their enforcement. The problem however, is that this dynamic can also contribute to arbitrary, unpredictable and merely symbolic responses by both state and non-state actors who also look at (and depend upon) one-another. It might push more 'just' parameters, such as the harm and/or wrongfulness of a rule violation, to the background. Because media follow another logic to prioritise topics (e.g., sensation) than focusing on the seriousness of rule violations, mediatised crimes and scandals are not necessarily desirable ad hoc guidelines for regulation.

Conclusion

The way harm, individual and organisational characteristics and social dynamics play a role in regulatory practices cannot be seen in isolation from macro-dynamics. Slaughterhouses are part of a relatively small sector that is hidden and is known to silence malpractices. The high turnover of (often migrant) workers challenges compliance because of their lack of experience

and language skills. They, together with inspecting OVs, are under pressure to work fast, while respecting a wide range of private and public rules, under harsh conditions. These characteristics are an explanation for certain types of rule violations *and* challenge monitoring and enforcement. Further complicating law enforcement, Belgian rules do not always apply when workers, animals, or meat cross borders.

Authorities and means are dispersed between several federal and regional agencies controlling the sector, which impedes their efficiency and creates tensions between different agencies. The quality of inspections and audits depends on capacity and time. The way OVs need to set priorities in their tasks depends on their number, the LCU's mentality about work conditions and the company's maintained slaughter speed. In their monitoring tasks, OVs, as well as other regulating actors, take into account the feasibility and ease of monitoring and rule enforcement. Despite slaughterhouses being intensely monitored, regulators are challenged to go beyond the reality on paper, to monitor compliance outside of working hours and to overcome power dynamics that affect who is capable of avoiding prosecution.

Power dynamics relate to characteristics of the sector and its regulation, where political and economic interests meet. Interviewees point to regulators serving the interests of meat companies, affecting meat quality, market dynamics and arbitrariness in enforcement. Regulating actors balance between maintaining, improving and enforcing high standards for meat production, while not impeding the international competitiveness of Belgian meat producers. This is also seen in the tensions between the FASFC and ICBs, the OVs and the slaughterhouses. This explains criticism of the FASFC's supposedly mild responses to rule violations and the way OVs feel sometimes caught in the middle. The corporate-state cooperation combined with the small scale of the meat sector and its self-regulation leads to potential conflicts of interests, because of an entanglement of private and public functions occupied by a limited number of people. Veterinarians with meat sector experience circulate between the FASFC, ICBs, private practices (working for farmers), private consultancy and meat companies. In such a setting, it seems only human to be affected by personal relations and commercial interests.

The described dynamics make it less credible that mediatised rule violations come as a surprise to those with experience in the sector and its regulation. Nevertheless, because such events affect these actors' reputations, they have proven to be a momentum for change. This can be symbolical and short-lived, but also has had a permanent impact on the sector and its regulation. NGOs and retailers contribute to this, responding to the way they assess public concerns, political support and commercial options. But while the involved actors might

anticipate sensitivities of consumers and avoid public panic, there seems to be potential for a more structural prioritisation of harm and wrong.

Discussion and conclusions: getting to the meat of the matter

Introduction

With my study I have pursued two aims. First, I have examined which rule violations occur in the meat sector and how regulators and regulatees assess these rule violations (a.o. in view of their harmfulness) and respond to them. Second, I have identified and examined the factors that construct regulatory practices in this sector and examined to what extent the practices are inspired by the goal of harm reduction and prevention. In this way, the study contributes to the scarce research in criminology on non-compliance in the food sectors, especially in Belgium *and* the literature about regulation and governance.

The central research question to be answered in this final chapter is:

How is food safety and animal welfare regulation of the Belgian meat sector constructed and what is the relevance of reducing and preventing harm?

To answer this question, foremost I have conducted interviews with a wide variety of state and non-state actors who know the Belgian beef and pork sectors either from within, or as public or private regulating actors. Also, sector representatives and civil society actors were interviewed because of their role in standard-setting processes. Most of the interviewees have experience with food safety and/or animal welfare regulation or compliance in the Belgian beef and pork sectors, primarily in Flemish slaughterhouses. Second, I employed a document analysis of administrative and criminal cases about rule violations in the beef and pork sectors. These cases were selected with the assistance of the National Investigation Unit (NIU) and Judicial Department of the Federal Agency for the Safety of the Food Chain (FASFC), public prosecutors, and the Flemish Animal Welfare Unit (AWU).

In this chapter I discuss the findings of the empirical chapters, answering step by step the sub-questions (excluding the two preparatory ones), *vis-à-vis* the literature. In doing so, I am able to answer the main research question in the conclusions. I will close this chapter with some reflections on the research design and suggestions for further research.

Synthesis of the main findings and discussion

Before discussing the findings per sub question, I first summarise the three contributions this study makes to the literature on food-related crime and regulation. The first contribution is providing a further example of ‘pluralist’ and ‘hybrid’ regulation (Braithwaite, 1993, Grabosky, 2010) “in action”, through the analysis of the regulation of the meat sector in

Belgium, a sector not previously studied under that lens. Instead of taking the regulatory framework of the meat sector as a given, I have examined the aims of the regulating actors with rules and standards. This perspective has allowed me to assess the relevance of harm (perceptions) in the *design* of meat regulation.

A second contribution of my work has been to map rule violations in the Belgian beef and pork sectors. By looking at rule violations and not only crime, this analysis sheds light on the outcomes of priorities, efforts and reasoning in law enforcement.

A third and last contribution this study offers, is insight in the construction of regulatory practices of field-level regulators and meat operators and the factors that influence such practices and the underlying decisions. Harm reduction and risk-analyses are part of the design of meat regulation, but do not necessarily or solely explain the daily decisions of field-level actors. Therefore, I have examined the way they approach harm and risk in regulatory practices. In doing so, I have identified many other relevant factors and social interactions.

1. The hybrid regulatory framework for beef and pork sectors

Chapters 5 and 6 show that meat regulation is hybrid, consisting of a mix of state, private and civil society actors who co-regulate the activities in the beef and pork sectors (Havinga, 2015; Gunningham & Sinclair, 2017). The FASFC and the AWU are central actors in food safety and animal welfare regulation respectively, but interact with, and depend on, many other state and non-state actors. Here, I will first discuss the aims of rules and standards and the interactions in processes of standard-setting. Second, I will focus on the interests that are not protected by the rules and standards. Third, I will discuss the way monitoring and enforcement is organised in the slaughterhouses.

1.1 Aims and interactions in processes of standard-setting

Standards and rules are the result of interactions between multiple actors who are interdependent. Because regulatory practices, in the first place, are inspired by the rules and standards, I wanted to know: ***What do the aims of rules/standards and processes of rules/standard-setting reveal about the interests the involved actors intend to protect from harm?*** This question was answered in Chapters 2 and 5, based on an analysis of legislation and policy documents and interviews with private actors involved in meat regulation.

The findings show how, in processes of standard-setting for the meat sector, the involved actors balance between interests that they want to protect from harm, and positive

interests they intend to promote. Food safety rules intend to protect public and/or consumers' health. Animal welfare rules officially aim to protect animals from pain, distress, suffering, injury and disease that 'we' consider 'unnecessary' and 'avoidable', and/or to secure occupational safety and human health. At the same time, rules and standards that protect the interests of consumers and animals also intend to *promote* positive interests. Official aims of food safety and animal welfare rules are also to promote trade, fair trade, political interests and the reputation of the meat sector and its regulators, by promoting consumers' trust. To some extent, these 'benefits' are congruent with protecting interests of animals and consumers: better animal welfare and hygiene for example, improve meat quality and safety, consumer trust and the sector's reputation. But avoiding harms and promoting trade are not always completely compatible in meat production. This means the involved actors balance several interests, and the outcome is that some interests are not protected from harm by rules or standards, or only partly (i.e., consumers are protected from unacceptable levels of risks, animals from 'unnecessary' suffering). In other words, the ideals of protecting consumers and animals from harm are, to a certain extent, compromised because of the positive interests of the meat sector and its regulators. The findings show that how much is compromised is influenced by several factors, of which some relate to the reduction or prevention of harm, but not all.

I will now discuss the harm-related criteria that are relevant in the standard-setting process of the Belgian meat sector, which are closely intertwined with normative judgements. At the same time, my analysis reveals how in processes of standard-setting, the role of crimes and crises in the meat sector, their mediatisation, and the power positions of the actors involved, are important.

Actors involved in standard-setting at least consider measurable elements of harm. Rules and standards prescribe 'unacceptable' levels of harms to consumers, as a result of assessments of probability and magnitude of harms. This makes monitoring and enforcement of food safety rules risk-based (Demeritt, Rothstein, Beaussier & Howard, 2015). Specific food safety risks concerning hygiene, animal diseases and pathogens are typical in meat production.

Not only (potential) harm, but also the (perceptions of) *wrongfulness* of acts or omissions are considered in standard-setting, influenced by the social consensus among peers about the wrongfulness of an act or the actor (Jones, 1991). Both the use of hormones in animal husbandry and animal maltreatment in the meat sector have not always been considered as 'wrong' (or harmful) by the meat sector and its regulators, or not in the same

way as they are now. Both topics demonstrate how public opinion and consensus about wrongfulness can change over time (see also Sparrow, 2008, p. 98). The use of illegal growth promoters in animal husbandry was found particularly wrongful when it was associated with organised crime, which has contributed to its criminalisation in Belgium. The standard-setting process behind ritual slaughter practices also reveals the influence of culture and religion that influence perceptions of wrongfulness and harmfulness, *and* the decreasing acceptance of these practices in the wider society. Possibly, with time, the use of animals for meat consumption will be met with even more ethical concerns, further pushing changes in operational standards.

Also, important in the meat sector is how the rearing and killing of animals for their meat is subject of increasing moral opposition overall. The changed ideas concerning the suffering of animals have contributed to elaboration of animal welfare regulation, with additional rules and standards to protect animals. Still, animal welfare rules and standards mainly refer to *human* interests and take a secondary position in terms of regulatory budgets, capacity and prioritisation.

How the balancing of interests plays out, also depends on the power position of the bearer of harm or the receiver of positive interests. The representatives of animals' interests, the sector's interests and consumer's interests, and their subgroups (e.g., type of animal, type of company) have varying power to 'weigh' on the regulatory debates to protect or promote their interests. My data confirms the important role of non-state actors, especially retailers, in the regulatory debates as other scholars have already pointed out (e.g., Broom, 2017; Grabosky, 2017; Havinga et al., 2015).

Because of the important role of private scheme owners and distributors in standard-setting for the meat sector, they were asked about their motivations to set certain non-statutory standards. Their interests behind standards for beef and pork production partly overlap with the aims behind public standards. Additionally, they offer something 'extra', by means of additional 'quality' standards that respond to some consumers' wishes (e.g., religious or ethical wishes). Apart from possible intrinsic ethical and harm-reducing intentions of private standard setters, some standards aim to prepare for, and respond to, food safety problems, to encourage meat consumption and to increase profits. Retailers weigh consumer's wishes, fashions, their own reputation, feasibility and costs in deciding how safe, ethical, or fair meat should be produced. As such, also in private standards there is sometimes duality and tension of intending to reduce risks or harms for consumers and animals, while intending to serve

other (predominantly commercial) interests. The result of this balancing act dictates which interests are chosen to protect from harm in private schemes. This makes standard-setting a volatile and opportunistic process in terms of harm reduction. While some private standards reduce harm (e.g., retailers demanding from suppliers not to castrate pigs without anaesthesia), in other cases (e.g., tail-docking of pigs), no or limited private initiatives are taken. Therefore, it is wishful thinking to expect that private standards will pick up the protection of interests that public actors do not regulate.

The examples of standard-setting processes on pig castration in animal husbandry and ritual slaughter have also demonstrated the fluidity of standards and how public and private actors interact in this phase. NGOs and consumers also weigh on regulatory debates in an attempt to fill the gaps concerning interests currently left un(der)protected. Despite their successes to influence distributors' production requirements, they do not seem capable of setting in motion more radical changes in harm reduction (see also McMahon, 2011; Parker et al., 2018).

1.2 Harms to interests not protected or created by the regulatory framework

Processes of standard-setting lead to a regulatory framework that leaves certain harms to interests unprotected and even creates some harms. The analysis of the regulatory framework shows which harms standard-setters do not intend to regulate or are not successful in doing so. Interviewed meat producers and regulators referred to some interests that are not or partly protected by the regulatory framework, such as the health of slaughterhouse staff and inspectors which can be threatened by zoonotic diseases and occupational risks during slaughter activities. Concerning animals, interviewees referred, for example, to physical and mental harms to animals because of poor housing conditions and flaws in stunning methods.

These harms are to be added to other harms the meat sector is known to produce to consumers, public health in general, animals and people working with animals (see Chapter 2). The literature review shows how many of those harms are avoidable, in the most radical way, by avoiding meat production and consumption altogether. In a less radical view, harm can be reduced by adapting production processes. The findings show how decisions in standard-setting about the harms that are reduced or avoided and which ones are normalised, have somewhat arbitrary results. Some harms could be better addressed by regulation, for example, those that stem from intensive farming and slaughter (e.g., dense animal populations, high slaughter line speed) or by responding to the harms created by intensive

farming (e.g., tail-docking, high preventive antibiotic use in livestock farming contributing to antimicrobial-resistance) (Broom, 2017; Parker et al., 2018; Rossi & Garner, 2014).

Based on the literature review and empirical research, the meat sector also suffers from harms by the employed production methods. Certain health risks (e.g., AMR, zoonotic diseases, occupational risks) are particularly high for the people working with animals. The spread of animal diseases, some of which are transmittable to humans, has had serious financial and social consequences for the sector (e.g., the BSE episode). Also, the ‘race to the bottom’ that concentrates on low prices and high volumes is not beneficial to many actors in the supply chain.

Other harms to the meat sector result from regulation, which co-creates the meat market in a way that harms some actors in the sector. The hybrid regulatory framework seems to encourage concentration of the slaughterhouse sector and consolidation of big meat companies, at the expense of smaller ones. Some slaughterhouses and boning plants experience a loss of independence through private schemes imposed by their customers, fail to keep up with investments and paper work required by public and private standards, and/or cannot afford the additional costs of private certification and audits. These disadvantages seem to be unequally high for average small to medium-sized enterprises (SMEs) compared to large-scale ones. Therefore, according to some interviewees, the regulatory framework is tailored to the latter. How private or hybrid food safety regulation harms the interests of smaller firms is revealed through other studies about the meat and food sector (Dunn, 2003, Hutter & Jones, 2007; McMahan, 2011; Wengle, 2016). They show how SMEs generally have less expertise and resources to adapt and depend more on state systems for information and advice. Larger companies not only have a greater capacity to follow up on updates, for training and to hire consultants, they are also more likely to be involved in setting standards for the sector (Hutter & Jones, 2007, p. 40). As a consequence of these power dynamics, smaller firms go out of business or are encouraged to scale-up (Dunn, 2003). Even if this is not necessarily a deliberate intention, politics play an important role in these developments. This, in itself, is a good reason to discuss the focus and power dynamics of food (or meat) regulation (McMahan, 2013).

1.3 All eyes on the slaughterhouse: multiple regulating actors and their roles

In Chapter 6, I have examined the organisation of regulatory *practices* in slaughterhouses. The central research question here was: ***How do the regulating actors organise monitoring and enforcement in the slaughterhouses and how do they interact?***

The way public and private actors complement and reinforce each other in monitoring and enforcing the meat sector demonstrates actual ‘co-regulation’ (Gunningham & Sinclair, 2017). The actors also monitor each other and this meta-regulation occurs within organisations and between governmental layers (Grabosky, 2017). The state has delegated regulatory tasks to private actors and leaves a lot of responsibility to the meat sector to monitor itself, but the state maintains an important role in facilitating and monitoring this delegation, employing the principles of enforced self-regulation (Ayres & Braithwaite, 1995; Grabosky, 2017).

According to some interviewed regulators and meat operators, the weaknesses of this construction are the costs of self-monitoring systems (SMSs) and the way its accreditation mainly benefits large-scale companies. Also, monitoring SMSs mainly entails controlling the registration maintained by companies, with details about the identified and assessed risks in their production processes. Interviewees believe that these documents are easy to manipulate. These weaknesses were also observed in a British study where officials worried how documentation about work processes in slaughterhouses not necessarily reflects the behaviour of slaughterhouse staff, while such documentation is used as a reference in decisions about the frequency of regulatory interventions (Pope et al., 2013). Also, in Belgium, the presence of an accredited self-monitoring system (SMS), based on HACCP-principles³¹¹, impacts the inspection frequency.

Within the slaughterhouses, the quality managers and animal welfare officers (AWOs) also monitor compliance with food safety and animal welfare rules. These actors sometimes feel like they are caught between the legal and supplementary requirements about food safety and animal welfare (and the will to comply to them) and their superiors, who not necessarily have the will and/or resources to follow their advice. Also research in other economic sectors shows how these ‘compliance officers’ are most effective in their role when having more independence and a certain level of ‘organizational clout’ (Braithwaite, 1989, p. 135; Huisman, 2001; van Wingerde, 2012).

Interviewed meat operators generally experience private monitoring and enforcement, as opposed to public monitoring and enforcement, as less focused on the letter of the law and sanctioning and more focused on creating transparency and trust. In terms of regulatory styles, the private actors are generally perceived as more persuasive and facilitative and public actors as more coercive and formalist (Braithwaite, Gibson and Makkai, 1994; May & Wood, 2003).

³¹¹ Hazard Analyses Critical Control Points-system.

However, public and private actors also have another role and are supposed to complement one another. The idea behind the FASFC inspections is to focus more on compliance at one particular moment, while audits of independent certification bodies (ICBs) evaluate whether an operator is capable of solving *potential* problems (Raone & Schiffino, 2015, p. 187). The public and private regulatory practices are in fact intertwined, as the different actors base their enforcement decisions on other regulating actors (e.g., private certificates that require an accreditation of the SMS). This makes the (perceived) differences less relevant and makes private regulatory practices rely on similar risk and reputation principles than the ones the FASFC employs. These principles imply that the relatively high food safety risks of meat compared to other types of food (FAVV, 2020a) and past rule violations of meat operators make FASFC's frequencies of inspections and sample-taking relatively high in slaughterhouses. The many monitoring activities in the slaughterhouse increase the likelihood to detect rule violations, which also affects law *enforcement*. Broom (2017) also observed how law enforcement in slaughterhouses is better than at farms. How this influences regulatory practices is discussed further in Section 3.

2. Rule violations in the beef and pork supply chains and sanctions

The central research question in Chapter 7 was: *What is known about rule violations in the beef and pork supply chains and how are they assessed by regulators and regulatees?* The analysis of administrative and criminal cases demonstrates the types of rule violations that are actually detected and prosecuted and the rule enforcement policies and practices of the FASFC, the AWU and the criminal justice system. Additionally, the rule violations discussed by interviewees reflect the types of rule violations they witness or commit, and (to some extent) the causes and the interviewees' perceptions about seriousness. I will discuss findings about rule violations from both the interviews and analysed cases and finish this section with a discussion of the sanctions imposed in the latter.

2.1 The various forms of rule violations in various tiers of the supply chain

The document analysis has shown that rule violations in the beef and pork sectors manifest in many forms. Although corporate crime research often concentrates on serious and/or rather exceptional cases of large or well-known corporations, empirical research shows that most offending is not very serious and 'takes place in the daily routines of small and medium-sized businesses' (Huisman, 2016, p.5). In this study, it was a deliberate choice to take a broader

perspective than focusing only on crime-by-law, to understand the processes and reasoning behind non-compliance and responses to it. It is no surprise therefore, that my data also encompasses rule violations of varying seriousness and (potential) harmfulness. Rule violations are also committed by various types of actors. These actors are not only or primarily ‘reckless individuals’ who try to profit at the expense of, in these cases, consumers and/or animals, but also entrepreneurs struggling to survive in a competitive market (Haines, 2011a).

Legislation and enforcement policies partly explain the types of rule violations represented in the studied proceedings. My sample, to some extent, reflects the NIU’s prioritisation of fraud involving food safety risks and cases that are 1) complex, and/or 2) demonstrate an organised character, and/or 3) linked with hormone crime, and/or 4) are considered as ‘serious’ (e.g., concerning the nature, scale, consequences or implications for public health). The cases about food safety violations involve several cases of use/possession or trade of hormones or unauthorised medication, the use of animals for human consumption that have been illegally slaughtered, and/or that have not been medically inspected. In records of *administrative* fines, more typical food safety violations concern norm-violations of pathogen micro-organisms and problems with SMSs.

When animal welfare violations lead to criminal prosecution, this is most likely without interference of the NIU if the case did not simultaneously contain one of the other elements listed above. The additional cases that prosecutors forwarded to me about animal welfare violations also show that animal welfare violations, *alone*, have led to criminal prosecutions. These cases, and those where animal welfare violations were part of a multitude of violations, involve serious neglect of animals at farms, involving dead animals and illegal veterinary activities. Administrative animal welfare cases show less serious cases of neglect and violations during transport and in the slaughterhouse (e.g., the way workers drive and stun animals).

Important reasons for criminal prosecution are recidivism and multifactorial³¹² violations. The number of rule violations in one case, past convictions of the same suspect and pending cases against the suspect are all considered in the decision to prosecute. Based on the data, it is not always clear if more stringent responses to repeat offenders is mainly based on the repeated or continuing harm/risk or on a moral judgement of the recidivist. Recidivism does not create more harm, per se, but *if* a rule violation is causing (potential) harm, then

³¹² Multifactorial in the sense that one type of behaviour leads to (potential) harm for different bearers and/or that one act or case includes different types of rule violations.

subsequent or multiple rule violations multiply the harm. As the dataset contains many cases of recidivism and of behaviour that simultaneously violates several types of laws, this either reflects enforcement policy, and/or demonstrates how recidivism and multifactorial violations are actually common in this sector. The few quantitative studies on corporate crime research demonstrate how a high percentage of offenders are indeed recidivists and how a small number of offenders is responsible for the majority of rule violations (Simpson, 2011, p. 485).

The document analysis, supported by interviews, shows how rule violations are not only diverse, but also occur in various phases of the supply chains. This picture also emerges from the rare studies focusing on rule violations in (one tier of) the meat sector in other countries (e.g., Geelhoed, 2017; Gussow, 2020; Ruth & Huisman, 2014; Väärikkälä et al., 2019; Vreeburg, 2004). The criminal cases in my sample are mostly concentrated in the first phases of the chain, related to hormone crimes by farmers, veterinarians and animal traders. The findings also seem to confirm the idea that offenders are mostly ‘insiders’ in the meat sector, who are primarily involved in legitimate activities that provide opportunities to violate rules (Croall, 2007; Gussow, 2020; Lord, Flores Elizondo et al., 2017; OVV, 2014).

Most of the cases do not provide much information about the victims and harms of the rule violations in the meat sector. Food safety violations usually involve food safety *risks*, while there is a lot of uncertainty about the actual consequences for consumers. These rule violations typically do not involve identifiable victims, which is characteristic of corporate offending, more generally (Croall, 2009; Lierman, 2009; Vande Walle, 2005). Persons who are victimized might not even be aware of it, because harms are often not perceptible, remote in time and difficult to trace back to the exact cause. This is different for some of the animal welfare violations, especially when they involve visibly injured, sick or dead animals.

2.2 Interviewees’ perceptions about regulation and reported rule violations

The recorded rule violations can be better interpreted if they are compared with perceptions regulators and regulatees have given in interviews of the regulatory framework and of rule violations. These perceptions also help to explain *why* certain rules are violated.

Concerning the regulatory framework, interviewed meat operators were generally positive about the way food safety regulation developed in Belgium after the dioxin crisis, with more emphasis on their own responsibilities. However, they also expressed criticism, mentioning how rules are too numerous, complex and/or are not legitimate for a number of reasons: because they are redundant, not-tailor made, outdated, infeasible in practice, not (sufficiently) serving the claimed objective, and/or contradictory to other interests (of other

regulatory domains). Also, short implementation times for rules seem to explain some violations. Other complaints voiced by interviewees demonstrate frustrations about regulators' responses, namely, disproportionately high sanctions and unpunished rule violations committed by others. Also studies about other economic sectors (e.g., Huisman, 2011) and in the meat sector (Pope et al., 2013) reported how challenges experienced by regulatees with rules can contribute to violating them. This is similar to the findings of Pope et al. (2013), who found that the attitude of meat operators towards the food safety authority and to compliance is affected by the way they experience the regulatory model as unfair, because of its 'one-size fits all' design, the lack of risk-based principles of some official controls and a lack of consistency among officials in the interpretation of rules, resulting in uncertainty for operators. The costs of managing risks also influenced non-compliance in that study. In line with this earlier work, my interviewees supported the objectives of HACCP principles but believe these principles concentrate too much on work processes instead of results. Moreover, interviewees feel this system does not take into account the heterogeneity of meat companies, concerning size and types of operational processes. These are reasons that some meat operators consider the HACCP-based demands as an illegitimate burden.

Despite these challenges with regulation, meat operators and their regulators agree about the seriousness of certain rule violations, which overlap with the type of violations in the analysed cases that were criminally prosecuted. Interviewees explain their assessment of 'seriousness' by the way they perceive risks for consumers or the harm to animals. They also consider wrongfulness of the act or actor, as they judge intentional acts as more serious than unintentional ones. Also, they consider the ways someone responds to a violation after having made a mistake or after a machine has broken down. Serious intentional food safety violations that they mentioned include the use of illegal growth promoters and providing meat not fit for human consumption. The non-intentional violations that they consider serious mainly cover hygiene and microbiological problems that are linked to poor work processes, refraining from investments in infrastructure, or not properly responding to technical defects of software or machinery. In my sample, these non-intentional violations were subject to both administrative and criminal proceedings.

Concerning animal welfare, interviewees also mentioned cases of serious neglect at farms leading to death, which often involved multiple rule violations and harms to animals that occur during transport. Other cases of maltreatment of animals in the slaughterhouse that they assessed as serious were only observed in the sampled administrative cases. Again,

accidents can happen and stunning can involve technical failures. However, interviewees considered cases as serious when *responses* were inappropriate.

2.3 The range of measures and sanctions imposed

In the follow-up and sanctioning of rule violations, occasionally severe sanctions are imposed in this sector, including custodial sentences of up to 60 months and professional bans. This does not necessarily go against the idea of some scholars, that corporate rule violations lead to relatively mild sanctions (Levi, 2016; Newburn, 2013, p. 409). After all, the majority of rule violations are dealt with by administrative fines, which are relatively low in the studied cases. Also, the majority of criminally prosecuted cases result in fines and most of the fines and custodial sentences imposed are much lower than the extreme high sum of 110,000 euros imposed in one studied case. Moreover, we do not know how many rule violations are *not* detected (the ‘dark number’), or not followed up after detection. What we *can* say about sanctioning is that the most severe criminal sanctions are imposed predominantly in cases involving hormones and illegal medication in animal husbandry, and/or multiple types of rule violations and recidivist offenders. Also, the animal welfare violations generally lead to much milder (administrative and criminal) fines and custodial sentences than food safety violations. However, professional bans are imposed on farmers in case of serious animal welfare violations. In slaughterhouses specifically, we see that serious animal welfare violations lead to, at best, an administrative fine of 1,600 euros in my sample of cases. Although Väärikkälä et al. (2020) focused on *criminal* sanctions for welfare violations of cattle and pigs in Finland, they found sanctions were mild when considering the severity and duration of violations. The reasoning behind sanctions is discussed with the interview findings in Section 3.

3. Identified factors and interactions that shape regulatory practices

The balancing of different interests in the standard-setting phase is continued in the subsequent phases of monitoring, enforcement and compliance. In this balancing act, individual actors choose whether to comply to a rule and whether and how to respond to a rule violation. The interviews reveal how, for these decisions, the actors consider similar interests that rules and standards aim to promote or protect from harm. However, the weight or priority the involved actors give to these interests, depends on: 1) their perceptions of harms, benefits and wrongfulness of these violations, 2) other factors that I identified on the individual, organisational and extra-organisational level and, 3) social interactions. A summary of the

most relevant identified factors and how they shape regulatory practices is visualised in Figure 11.1 in Appendix 2. For a complete overview of the factors that emerged from my data-analysis, I refer to Table 8.1 in the introduction of Part III. Here I highlight the factors that stand out and how they relate to the debates in the literature.

3.1 How harms, benefits and wrongfulness play a role in regulatory practices

The findings about the relevance of harms, benefits and wrongfulness, have mainly been discussed in Chapter 8. The sub-question that was central in this chapter was: ***How does (actual/potential/perceived) harm play a role in regulatory practices?*** According to my findings, regulators and regulatees have rational ways of considering the actual and potential harms of rule violations. At the same time, harm turns out to be a complex concept because perceptions of harm are not only fuelled by facts and measurable elements of actual or potential harm that is available, but also by more subjective elements. Then, harm perceptions affect moral judgements about the *wrongfulness* of the acts and actors. At the same time, both perceptions of harm and moral judgements are influenced by other factors and social interactions, that I will discuss in Sections 3.2 and 3.3. Also, in this phase of regulation, positive interests of the decision-maker can compete with perceptions of harmfulness and wrongfulness. Combined, these factors influence decision-making processes of field-level actors.

3.1.1 The shared objective and subjective criteria in assessing and perceiving harm

Interviewed regulators and regulatees refer to measurable elements of harms or risks, namely magnitude of harmful consequences and the probability that they will occur. This is what Hutter (2011, p. 309) calls, ‘objective’ knowledge, which also includes historical statistics about risk events and available scientific knowledge. In this sense, evidence-based reasoning is behind regulatory practices, to some extent demonstrated by the policy of monitoring slaughterhouses and the follow-up and sanctioning of rule violations. The parameters of the sanction policy of the FASFC, AWU and judges refer to the impact of rule violations, including, for example, the duration, size of a company, number of products or animals involved, and the number of different rule violations. The greater the (expected) harm, the more severe the sanctions imposed. Because the actual harm to consumers of food safety violations is often unknown, as also observed by Crumley (2012, p. 383), sanctions for these types of violations are influenced by *potential* harms.

Not all harm is ‘measurable’, however, and the data show how also subjective, uncertain and unquantifiable information influences regulatory practices. Similar to Hutter’s (2011, p. 309) observations, such knowledge is based more on regulators’ judgements, experience and training. ‘Seriousness’ of harm is considered, although it is not always clear what this means and can refer both to harmfulness and wrongfulness of acts/omissions or actors. The AWU’s fining policy, for example, assesses violations resulting in actual harm to animals’ health or wellbeing to be more serious than violations of rules having only administrative consequences. Other distinctions about seriousness are less straightforward. I previously mentioned the way hormones and illegal medication violations are considered as more serious than other food safety violations. This is in line with legislation and prosecution policies but does not seem to be based on harm. And while the use of hormones and medication can harm animals’ health and well-being, judges rarely refer to such harms. Also, in other cases, if harm to animals was mentioned, it was most often done so in combination with other types of harm. Therefore, some of the findings suggest an anthropocentric approach of harm of the actors involved. It demonstrates how applying harm principles always involves some normative weighing of information about actual and potential harms to different bearers.

Other criteria concerning harm that interviewees seem to apply, are the visibility and temporal immediacy of harm and the (social, psychological, cultural, physical) nearness, or proximity, to victims (Jones, 1991; Kish-Gephart et al., 2010). These are also less objective elements of harm and make decisions more arbitrary if the intention is to reduce harm. If harms to consumers or animals occur later in time, are not visible for the inspector or meat company or involve consumers or animals that a decision maker feels are more distant, the regulatory decisions can be milder or non-compliance more likely, whereas the harm is not necessarily less serious or ‘smaller’. People are less likely to report poor animal welfare conditions when it is hidden from public view, for example (Broom, 2017, p. 37), as most activities in intensive farming and slaughter are hidden. In such conditions, regulatees can more easily ignore welfare problems.

3.1.2 Perceptions of wrongfulness of the rule violation and violator

Another more subjective situational factor that plays a role in regulatory practices, but does not necessarily (only) relate to harm, is the social consensus among peers about the *wrongfulness* of an act or the actor (Jones, 1991). Social consensus about wrongfulness contributes to criminalisation, as I mentioned above, but also shapes policy and practices of

monitoring and enforcement. Legislation can influence the way regulating actors apply the law and their perceptions of wrongfulness. When the trade, possession and use of illegal growth promoters in animal husbandry was criminalised, this in turn could affect people's perceptions about the wrongfulness of hormone use. The way certain criminalised activities are prioritised for the NIU (e.g., fraud and hormone use), defines the use of resources for investigations and prosecution, possibly at the expense of other types of rule violations identified in the sector.

Also, interviewees generally agree on the wrongfulness of fraud and other intentional acts, independent of the harm it causes. They perceive hormones and fraud cases as 'real' crimes. It is unclear if this perception is a mere consequence of criminalisation or of other factors. The result is a focus on violators' intentions and prioritisation of rule violations that sometimes 'only' lead to financial harm. In the follow-up and sanctioning of rule violations, responses are generally milder concerning neglect, than to have acted in a way that violated a rule, even though both can result in considerable harm. Also, regulatees who show motivation and willingness to become compliant are met with milder responses, which is in line with the theory of responsive regulation (Ayres & Braithwaite, 1995).

It is worthwhile to consider what the reasons are of framing rule violations in the meat sector in a certain way, as it seems to have consequences for regulatory practices, possibly through perceptions of wrongfulness. Is the way hormone violations were framed as 'organised crime' in the past, (still) appropriate or effective from the perspective of harm reduction/avoidance? Also, nowadays, some regulating actors and the media continue to present malpractice in the meat sector as a 'mafia' problem. This seems to be based on the idea that 'bad apples' are to be blamed for rule violations in the sector. Although in some cases this may be correct, most rule violations in my sampled proceedings seem to be committed in the context of opportunities by insiders of legitimate companies. Also interviewed regulating actors seem to support this view, by explaining rule violations by factors that are inherent to the sector, such as its closed culture and mentality of companies' management.

The way rule violations in the meat sector are explained and labelled is important, first of all, because it defines how to best prevent or respond to rule violations. If regulators explain rule violations in the meat sector as a problem of organised crime, the problems are usually explained by factors *external* to the meat sector. In this way, causes are not sought in structural problems specific to the sector's daily operations and its regulation (Lord, Flores Elizondo, et al., 2017; Simpson, 2013). Trying to deal with those structural problems might be

more effective to avoid harm. By presenting malpractices in the sector as a ‘mafia’ problem, the sector and its regulators can avoid blame and negative public attention (Lord, Flores Elizondo, et al., 2017). A second reason why the (type of) criminal labelling of rule violations matters is that it communicates something about the seriousness of the violations. Certain (potentially) harmful activities, involving (other) food safety risks and actual harms to animals, are not always met with similar stringent follow-up and sanctions the way hormone and fraud cases do. Responding with relatively mild administrative fines to violations concerning hygiene and pathogens alone, or concerning animal maltreatment, can communicate that those violations are less wrong, and/or the involved risks and harms less serious. Third, whether and when to label activities as ‘criminal’ is also important because it affects relations between regulating actors and meat companies. Some meat operators expressed how they feel incorrectly labelled as ‘criminals’ by public regulators and this seems to negatively influence their interactions with regulating actors. Even if the label is correct, this could stigmatise regulatees and even make them turn against the regulating agency (Braithwaite, 1989).

The FASFC’s, the AWU’s and judges’ sanctioning policies are influenced by normative assessments as well, with more severe sanctioning of violations committed in the context of a professional activity than committed by a private person. This is partly inherent to the law when it concerns the question of culpability, legal duties of legal entities and their (criminal and civil) liability for crimes and the resulting harms. However, the normative assessments can also involve personal value judgements about violators. Representatives of both the FASFC and the AWU reported that their agencies make this difference in their sanction policy because of the exemplary role of companies compared to private persons, as the first are assumed to know the applicable legislation. Judges also refer to companies’ ‘economic position of power’, obligations and responsibilities. This seems to support findings of earlier research which found how judges considered offenders with a higher social standing as more blameworthy (Wheeler et al, 1982). Judges in the studied proceedings also make references to the moral character of the accused persons and their ‘poor sense of values.’ Conversely, a clean record positively affects the perception of the offender’s moral character, which has also been noted by other scholars (Levi, 2016; Wheeler et al., 1982).

3.1.3 Perceived harms *and* benefits for economic and reputational interests

Meat operators and regulators commonly emphasized how potential harms or benefits to reputational and financial interests resulting from rule violations (and responses to them)

influence their decisions. This finding is in line with known dynamics in risk-regulation, where regulators not only consider the risks related to (in this case) meat production and consumption, but also consider managing the economy, avoiding political risks, avoiding personal and institutional blame and liability (Hood, 2002; Hutter & Lloyd-Bostock, 2017). For slaughterhouses, Pope et al. (2013) also noted that the reputation of slaughterhouses and their relationship with customers are important motivations for them to 'take ownership' of food safety, meaning systematically and continuously assessing and managing risks. For retailers, too, avoiding reputational damage is thought to be an important motivation to improve standards about animal welfare (Broom, 2017). The reputational worries cannot simply be brought back to worries about profits only, as reputational loss (also) has a moral basis (Braithwaite, 1989, p. 123). During interviews, meat operators revealed the importance of pride in their job, passion, family history and the values of hard work that they feel are sometimes damaged by negative media attention and by regulation. Regulating actors also expressed the need to feel valued in their job. They feel their reputations are affected whenever the organisation they work for, or a colleague in a similar function, suffers from reputational harm.

The importance of protecting and promoting reputational and financial interests contributes to the reactive nature of meat regulation. Scandals and crimes continuously trigger compliance initiatives, monitoring and enforcement and the establishment of new rules/standards to repair reputations, profits and consumers' trust. These findings suggest that publically naming and shaming violators can encourage compliance of these companies and others in the meat sector. According to the principles of 'reintegrative shaming' (Braithwaite, 1989), shaming companies to moralise them can indeed work if you also offer them advice and support to become compliant, hence 'reintegrative'. To be most effective, shaming should include the disapproval of behaviour, while maintaining social relationships. Responses can be formal and informal, by state and non-state actors. Companies that are well integrated into a community, are more 'amenable to the pressures of informal social control' (Braithwaite, 1989, p. 144). Stigmatising a rule violator, instead, includes a risk that violators rationalise wrongdoing and create a subculture of 'regulatory resistance' (Braithwaite, 1989, p. 131). In light of this theory, an assessment of good and poor practices in Belgian meat regulation might provide directions for improvements concerning the use of labels as 'organised crime' mentioned above, or by assessing how culture and sense of responsibility in the sector (or a company) can predict the success of a specific regulatory response.

3.1.4 Downsides of the focus on risk in an instrumentalist approach to regulation

The findings on the balancing of interests raise questions about the *desirability* of harmfulness and wrongfulness influencing regulatory practices. In its design, food safety regulation is risk-based, meaning that the intention is to prevent or reduce harms that are found unacceptable, after assessing the probability and magnitude of harms (Demeritt et al., 2015). The emphasis on measurable elements of harm or risks is part of an instrumentalist approach to regulation that concentrates on identifying, managing and controlling risks or harms caused by activities in the meat sector (Parker et al., 2018). The instrumentalist approach to regulation is common in the literature of food safety regulation, but my examination of this approach, in practice, for Belgian meat regulation, reveals some downsides.

First of all, the harms that not are measurable, absolute and/or visible are less likely to be prioritised in regulatory practices. Examples of invisible harms to animals include stress or depression, for consumers illness resulting from consuming pathogens and medication residues. To adequately prevent or reduce these less tangible types of harm, training and experience of meat company staff and regulators is even more crucial than for the more visible and measurable harms of rule violations.

A second downside of the technical and instrumentalist risk-based approach in meat regulation is that it draws attention away from the fact that, despite the reliance on scientific knowledge and risk-assessment, the ultimate choices made in regulation are also steered by economic and political interests. An instrumentalist approach to regulation deals with harms in a rather fragmented way: case by case, problem by problem (Parker et al., 2018). Because multiple regulatory regimes apply, their objectives can compete with, or contradict one another. On a policy level, this is a reason to set political priorities and the fragmented regulation leaves room for powerful actors to (co-)shape regulation. According to my findings, the most powerful actors generally centralise human harms in standard-setting and regulatory practices. This allows companies to emphasize their food safety efforts, stressing their scientific basis and assuring consumers and citizens about meat safety. As such, they can give a distorted view of ‘safety’, that neglects less visible and measurable harms of their activities and non-human ‘safety’. This approach can also neglect the ethical aspects of meat production. The selective view on harms and ethics starts during standard-setting, where the involved actors consider the need for rules and standards in the meat sector in separated ‘siloes’. If they concentrate on the food safety ‘silo’, they can ignore other harms.

Third, in regulatory practices, the multiple regulatory regimes can also be inefficient and conflicting for regulatees. Such challenges were also observed in the regulation of Dutch

pig farming (Geelhoed, 2017). Also, in the follow-up and sanctioning of rule violations, fragmented responses imply that separate regulating actors have only partial information on the rule violations (and their harms) and the violators. This supports the employment of multidisciplinary platforms where information is exchanged between regulating actors, which is already done, in practice, in Belgian meat regulation.

A third downside of the instrumentalist regulatory approach is that it fails to address the structural causes of (potential) harms in the context of business activities (Parker et al., 2018). In the context of meat production, we have observed the normalisation and acceptance of harms and risks that are the result of (intensive) operational methods. These are encouraged, at least partly, by regulation.

3.2 How other factors play a role in regulatory practices

In Chapters 9 and 10, the central research question was: ***How do other factors (other than harm) play a role in regulatory practices?*** Harmfulness and wrongfulness of rule violations are not the only, and not necessarily, the most important factors that affect regulatory practices. Many other factors that characterise situations, individuals, organisations and beyond, play a role. These factors can affect the perceptions of harms, which in turn affect perceptions of wrongfulness of rule violations, or directly contribute to perceptions of wrongfulness (see Figure 11.1 in Appendix 2). The ‘other’ factors can also play a role in regulatory practices independent of the (perceived) harmfulness and/or wrongfulness of rule violations and their actors.

The factors affecting decisions in regulatory practices, are less static and isolated than the literature on ethical decision-making suggests (e.g., Ford & Richardson, 1994; Kish-Gephart et al., 2010; O’Fallon & Butterfield, 2005). So, even though I present the factors by category, they are linked. Together, all these factors influence social interactions between and among regulating actors, which in turn influence the decisions of field-level actors.

3.2.1 Experience, training and motivation of regulators and regulatees

Education and experience of regulators and regulatees are individual characteristics that play an important role in compliance and responses to non-compliance. Organisational cultures and strategies contribute to the way employees are trained. Also, other scholars have pointed to the importance of training and experience of meat companies’ employees, to better understand food safety risks (Pope et al., 2013) as well as to change attitudes towards animal

welfare (Broom, 2017). Training of inspectors is also crucial in their responses. In light of the principles of responsive regulation, training supports an inspector to apply different enforcement styles depending on the situation and offender (Mascini & Van Wijk, 2009). Pope et al. (2013) noted the need for highly skilled officials, to successfully explain to slaughterhouse operators the importance of compliance, the benefits to their business and the consequences for public health. For these tasks, officials need knowledge and an understanding of commercial issues as well as communication skills.

Officials with a strong sense of duty seem to be stricter in the follow up of rule violations. Whereas the experience of officials and meat companies' employees are important, when they work for a long time in the meat sector, they can become 'numb' to certain rule violations. This dynamic can be part of organisational culture (Huisman, 2016), if certain activities are normalised in the daily routine among employees and (in this case) official veterinarians (OVs). My findings show how experience also allows OVs to counter such routines.

3.2.2 Organisational characteristics

Both regulating agencies' and meat companies' specific characteristics seem to play an important role in the decisions of their employees.

In meat companies, the vision of management or supervising staff is perceived as very important in compliance, which also confirms the findings of Pope et al. (2013). Although the presence of the SMS, quality managers and AWOs can help to predict and prepare for certain problems, responses to actual problems seems to greatly depend on organisational culture, which includes the management's vision. Some public regulating actors express their distrust towards some companies' management and are sceptical about the self-regulating capability of the sector. In the sector this is also felt, and the way some feel treated as 'criminals' in turn affects their interactions with public regulators.

Other relevant characteristics are rather structural or strategic, namely company size, autonomy and supply chain integration. The findings are not conclusive concerning the way these characteristics play a role. For example, interviewees associate larger companies with more resources to keep up with investments in infrastructure by public and private standards and to hire external experts to contribute to more rigorous SMSs. However, both small and large companies can have financial troubles, which is known to affect compliance (Pope et al., 2013). According to the interviewees, larger companies are also associated with more pressing labour challenges that can contribute to *non-compliance* on various regulatory

domains. Some interviewees believe large companies are also better capable of concealing non-compliance, for example, in the way they work with subcontractors, who can be blamed for poor labour conditions and underpayment of workers. Also others have pointed to this ‘outsourcing of responsibility’ in the context of labour exploitation in agri-food sectors (Davies & Ollus, 2019). In the wider corporate crime literature, concealment and the power to counter negative publicity are associated with larger companies as well (Almond & van Erp, 2018; Huisman, 2016, p. 14). De Boeck et al. (2018, p. 24) concluded how the size of Belgian food processing companies did *not* influence their food safety climate. They pointed to other characteristics that are related to size, such as the possibility to outsource technical expertise and the distance of management to workers on the shop floor. Usually there is less distance between management and workers in smaller companies which makes communication about compliance more efficient.

Also, according to my findings, other characteristics are simultaneously (or maybe more) important. It makes a difference, for example, if a slaughterhouse is independent or part of a company that has vertically integrated several tiers of the supply chain. In case of vertically integrated companies, blame shifting to former or subsequent tiers in the supply chain makes less sense, and thus some interviewees suggest these companies feel more responsible for compliance and employ a more critical attitude towards self-monitoring than independent slaughterhouses. The distribution channels also matter, as some interviewees associate large export-focused companies with a stronger profit orientation, which can be at the expense of compliance with certain rules.

On the regulators’ side, some of the interviewed OVs and inspectors experience fear, opposition and distrust within the FASFC. This seems to affect the decisions of field-level actors, together with the hierarchy and the intertwined economic and political interests. How this works, becomes clear when discussing social interactions, in Section 3.3.

3.2.3 Factors on the extra-organisational level

Of the macro-level factors discussed in Chapter 10 that are perceived to inform regulatory practices, I discuss the ones that are most specific to (Belgian) meat production and regulation. These are characteristics of the meat sector, of meat regulation, or of society.

In the meat sector, the culture of silence and labour challenges related to the nature of the job in slaughterhouses stand out. Activities in slaughterhouses are usually shielded from public view as they may seem violent and unpleasant to a layman and will not promote meat consumption. The slaughterhouse sector is confronted with recurrent negative attention of the

media and NGOs, which might encourage them to ‘hide’ their activities. This might explain the culture of silence that interviews revealed, not only vis-à-vis the public, but also among actors in the supply chain. It is described as a culture of ‘every man on his own’, where you mind your own business. This might relate to the highly competitive nature of the sector, a factor that others have associated with less ethical decisions as organisations focus on survival (Ford & Richardson, 1994; Loyens & Maesschalck, 2010). In the relatively small world of the Belgian meat sector, operators admit how misery elsewhere can be profitable for their business. However, they refrain from reprimanding suppliers or customers, which they believe will harm future supply or demand. The closed culture is observed by interviewees as typical for the meat sector, in comparison with other food sectors. However, the silencing of corporate rule violations is also observed in other than food sectors (van de Bunt, 2012). In the meat sector and its social environment, we can recognise disinterest to disclose rule violations and fear for the commercial consequences of disclosure. The hidden nature of meat production processes and the fact that victims of rule violations in the sector are often invisible, indirect and ‘distant’ to violators, are likely to contribute to this silence. This silencing complicates detection of rule violations.

The nature of killing animals and processing carcasses is a challenge in recruiting persons who are fit for the job. The work conditions in slaughterhouses are particularly harsh and unpopular, leading to many migrant workers filling these positions. They have to learn by doing, but will leave as soon as they find a better position. The high turnover and language challenges complicate their training and their compliance with several types of rules and standards, especially when slaughter speed is high. For regulating actors, language barriers with slaughterhouse staff can complicate their monitoring and enforcement activities. Former research in the food and meat sectors has shown how language barriers can impede responsive regulation, as it complicates social relationships, in general, and persuasion and advising of staff in particular (Mascini & Van Wijk, 2009; Pope et al., 2013).

In the monitoring activities in the slaughterhouse, especially the position of OVs is particular compared to regulation of other food and non-food sectors. Being present during the process at the slaughter line makes them participants in the operational processes while they conduct a monitoring task. They follow instructions of a public regulator whom they do not physically work with, while the slaughterhouse and its employees constitute their daily work environment. Interviews reveal how this position brings along challenges in practice, making them sometimes feel caught in the middle. OVs balance between what legislation or policy prescribes, the meat operator’s interests, and their own interpretation of rules and risk-

assessments that are sometimes stricter or milder than those of superiors, slaughterhouse management and/or staff. The OV's assessment of a rule violation depends (at least partly) on their experience and expertise. Their deviation in the assessment of rule violations from those of inspectors, can be explained by the OV's daily observations and interactions in the slaughterhouse. Their position seems to make OVs, in some cases, more understanding and persuasive than inspectors, for example, in case of mistakes and technical failures of otherwise law-abiding operators. In other cases, it makes them more coercive, if they observe how violations are repetitious and intentional, for example. Other research has demonstrated how the permanent presence of officials in the slaughterhouse undermines the responsibility of meat operators, themselves, for food safety (Lawless & Wiedemann, 2011; Pope et al., 2013). The OV's presence can be problematic if it means slaughterhouses are operational that would not maintain an acceptable level of food safety compliance without the OV's job (Lawless & Wiedemann, 2011). As one OV mentioned, OVs are a 'necessary evil' in the slaughterhouse. Without their presence, compliance with food safety and animal welfare standards might be lower, while it is not in the company's interests to violate rules or maintain low standards.

Some interviewees suggest that the shared corporate-state interests of a thriving meat sector are vulnerable to regulatory capture. Their experiences in the slaughterhouse indeed show how both, on the policy level as well as in the field, regulating actors sometimes act in favour of the interest of the company they are supposed to regulate. Sometimes this goes against official policy or legislation. Interviewees explain this capture by the intertwined economic-political interests in the small social world of Belgian meat production and regulation. The literature provides reasons to be aware of capture in meat and dairy sectors, because when crimes are committed or during scandals, public regulators have also been making decisions in favour of the agro-food sector, seriously jeopardizing public health and causing other harms (Abels & Kobusch, 2015; Chambers, 1999; Hutter & Jones, 2017).

On a broader societal level, there is a growing sensitivity and public concern for animal welfare issues. Such general beliefs and philosophies are thought to be capable of influencing attitudes towards animal welfare (Broom, 2017). As the norms about acceptable ways to treat animals change, also private and public regulatory initiatives about animal treatment do. This demonstrates the way corporate offending can be considered as an 'index of social change' (Aubert, 1953; Nelken, 2012, p. 648). The images of animal maltreatment in an 'animal abuse case' may not have created a shock in the past, when life and death of animals was still more part of human experiences. Instead, sensitivity to animal welfare was

already lingering and many meat consumers are very distant from production processes. At the time of the events, the ‘animal abuse case’ seems to have set in motion further mentality changes, that have evolved into stricter norms and have changed operational methods. It remains to be seen if these changes were not merely symbolic and temporary, with fading attention over time. At least the serious investments in public monitoring of animal welfare in Flemish slaughterhouses seem to promise that changes are more structural.

3.3 The role of social interactions in regulatory practices

The described factors all influence the way regulators and regulatees in the meat sector interact. This is reflected in varying enforcement styles of regulating actors. The ‘best’ or most effective style depends on the situation and the actors involved. Meat operators and OVs generally perceive the styles of public regulators in higher FASFC positions as more coercive than those of OVs and private regulators. The operators welcome persuasive approaches and generally seem to encourage more coercive ones in case of fraud and other intentional violations. Which enforcement style a regulating actor uses relates to other interactions and factors that I identified. For example, a rigid interpretation of the law and coercive enforcement style, is encouraged by fear of field-level actors of being blamed in case of a food safety problem. A persuasive approach can be the result of pressure of the slaughterhouse management on the regulating actor.

Regulating actors in different hierarchal positions having various enforcement styles might be desirable to some extent, considering the different roles inspectors and OVs have to play. Still, Pope et al. (2013) noted how a regulating agency would communicate a more consistent message if inspectors and OVs respond in a more unified way. Regulating organisations strive for uniformity, but some inspectors and OVs wish to have more discretion, in order to respond in a more tailor-made way to a situation, behaviour, or type of company, based on their personal assessment. Mascini and Van Wijk (2009) found how responsiveness of food safety inspectors was limited by the unwillingness of superiors (managers and politicians) to allow this. Pope et al. (2013) recognize however, how responsiveness by regulators is important in slaughterhouses, because of the complex way several factors are known to affect compliance here (Pope et al., 2013).

The social interactions that interviewees described, point to tensions and distrust between and among regulators and regulatees. A common underlying explanation for these interactions seems to be the balancing act between protecting consumers and animals, while safeguarding

economic interests of the meat sector, which is a common political dynamic in regulation (Haines, 2011a). In searching for the right balance, it seems the actors involved sometimes disagree about rule interpretation or about the appropriate responses to a rule violation. Tensions and distrust seem to impair cooperation between actors, the (experienced) fairness of monitoring and enforcement, willingness to comply, and thus the effectiveness of regulatory practices. Distrust, in particular, leads to additional monitoring initiatives, adding to the complexity of the regulatory 'web', and its efficiency.

Tensions and distrust manifest in blame shifting when rule violations become public. This again demonstrates how meat regulation is not only about reducing risks or harm for consumers and animals, but also about avoiding institutional blame and political risks (Hood, 2002; Hutter & Lloyd-Bostock, 2017). The least powerful actors in regulation and in the meat supply chain are the easiest target for scapegoating, involving regulating actors in the lowest hierarchal positions, small companies and actors in the primary phases of the supply chain. OVs and inspectors who have actual experiences of being blamed for their (lack of) interference, or disagreement about this with superiors, can be influenced by this in future decisions. The hierarchy in the structure and culture of the FASFC, as experienced by interviewees, can be a strategy to avoid blame in risk governance (Hood, 2002). The tasks and responsibilities of OVs and the way they are hired, put them in a vulnerable position to be blamed when problems arise, and allows superiors to neutralize their responsibility.

In the meat sector, corporate actors also shift responsibility up and down the supply chain. This 'neutralisation technique' is also observed in meat sectors in other countries (Pope et al., 2013; Stuart & Worosz, 2012). Some interviewed meat operators shift the responsibility for harms of foodborne illnesses to farmers, subsequent processors and consumers (i.e., how they handle meat), for example, while they (also) relate to operational methods and slaughter line speed. Inspectors as well as meat companies' staff are known to make an increasing number of mistakes if slaughter speed increases (Stuart & Worosz, 2012). Some interviewees blame workers for maltreatment of animals, while ignoring contributing factors that lie beyond the individual workers' responsibility, such as poor training, work pressure and language barriers.

Conclusions

Having answered the sub-questions, to conclude, I return to the main research question: **How is food safety and animal welfare regulation of the Belgian meat sector constructed and what is the relevance of reducing and preventing harm?**

In this study, I have examined compliance and regulation as two sides of the same coin. Together, they contribute to a social world of meat regulation that is built up by different phases. I will discuss the findings according to, 1) the phase of standard-setting and, 2) the regulatory practices, that combines compliance, monitoring and enforcement.

In establishing rules and standards in food safety and animal welfare regulation, standard-setters do not only consider the protection of public health, consumers and animals from harm, but also the promotion of reputational and financial interests of the sector and reputational and political interests of its regulators. Different interests sometimes compete with one another. Closely related to harm, the wrongfulness of acts or omissions also is considered. The rules and standards that result from balancing these interests, mainly aim to *reduce* harms, instead of preventing them altogether. The result of the balancing act is also that some harms are tolerated by the regulatory framework and that the latter also generates harms. Power positions of the actors influence whose interests are best protected or served by the regulatory framework.

The regulatory framework is the point of departure for regulators and regulatees, but they also make their own assessment on compliance, monitoring and enforcement. The interests that need protection from harm or need to be promoted, combined with ideas about wrongfulness, continue to play a role, be it the way the individual *perceives* them. I identified many other factors that add to the balance and lead to compromises to ideals of harm reduction in regulatory practices.

In the way all these factors construct regulatory practices, three broad patterns stand out that challenge the individual decision-maker in meat regulation: the specific food safety and animal welfare challenges related to the slaughter of animals, characteristics of meat regulation that are a response to these first set of factors, and power dynamics in the sector and its regulation. Together, they influence social interactions between all actors, that also affects their decisions.

1. Balancing interests in standard-setting

Although the empirical research concentrated mostly on *practices*, I have first examined the aims behind rules and standards in the design of food safety and animal welfare regulation

that applies to the Belgian meat sector. The analysis shows that the regulatory framework is fluctuant and the result of interactions between various actors. In its design, the regulatory framework is mainly based on ideals of harm *reduction*, rather than harm prevention. From a harm *prevention* perspective, meat production and consumption should be banned altogether to avoid associated harms. Food safety regulation and, even more so, animal welfare regulation, are based on less radical principles, as certain levels of harm (to consumers, public health and animals) are more or less accepted. The rules and standards still allow serious harms to occur, for example, because of foodborne illnesses, zoonotic diseases and antimicrobial resistance. Accepted levels of harm to consumers are clearly much lower than for animals in the rules. In protecting animals from ‘unnecessary’ and ‘avoidable’ pain, distress, suffering and injury, the law leaves a large margin that allows inflicting harms on animals during animal husbandry, transport and slaughter. Thus, the regulatory frame does not equally protect *any* interest from harm in meat production. Which types of harm are accepted depends partly on the characteristics of the harms (i.e., the type of harm, to whom, the probability of effect), but also on the perception (in society, of the actors in standard-setting) of the wrongfulness of the behaviour that creates the harm.

The protection of certain interests from harm is not the only official aim of public and private rules. Also part of the official aims is *promoting* certain interests, namely trade, the reputation of the meat sector, the reputation of regulators and consumer trust. These economic and political interests add important weight in standard-setting, leaving certain interests unprotected by the rules and standards.

The influence of private actors in meat regulation has advantages and disadvantages. By their weight on standard-setting processes and their supplementary standards, operational processes in meat production change. Sometimes this works faster and in a more effective way than by public rules (only). With time, private standards can be adopted also in ‘mainstream’ meat production processes, in other segments of the market and other geographic regions. Additionally, supplementary standards (and their monitoring and enforcement activities) can contribute to consumer trust and transparency of production chains. Also, all kinds of social and ecological efforts in the meat supply chain can be encouraged by private standards. Another advantage of private standards (and private monitoring and enforcement) is how it saves costs of public regulation.

However, the findings indicate disadvantages of private standards as well. The way the standards affect operational processes and the final product results in parallel markets where

meat is produced under varying standards. The reduction of harms (to animals, the environment, people) is then effectuated only in niches of the meat market, not for meat production overall. At the end of the supply chain, the benefits of ‘animal friendly’ meat and/or meat that is produced with the highest food safety and quality guarantees, are limited to only a small group of privileged, informed and wealthy consumers (McMahon, 2011). Also, even when private actors intrinsically consider ethics and harm reduction, they compromise these ideals by feasibility and costs of imposing each new standard. Radical changes in the supply chain are not very likely in this context. The risk is also that adopted standards serve a mere symbolic and commercial purpose, to appease the conscience and criticism of the general public and respond to profitable consumption fashions. This way, the demand of consumers for more radical changes can be avoided and systemic problems of food production are not questioned. These are reasons not to rely (only) on private actors to protect interests that governmental actors currently fail to regulate.

Extending our perspective to the phases of monitoring and enforcement, private regulation has other (possible) downsides. Both in the literature and the empirical findings, there are signs about harms originating from regulation (including private regulation). The position of large retailers at the end of the supply chain, as a participant in standard-setting, monitoring and enforcement, seems to be empowered by the regulatory framework. The disadvantages of the framework seem to unequally affect small to medium-sized enterprises (SMEs), who have less resources and capacity to follow up on updates in rules and standards, to hire external expertise and invest in handbooks and audits to become compliant. Concerning enforcement activities, more research is needed to understand how private scheme owners and distributors respond to non-compliance with their schemes, how frequently they impose sanctions (and which ones) and on which legal basis and what the effects are. This is less transparent in private than public law enforcement. Possibly meat companies take large risks by making investments to meet private demands, when their contracts can be terminated, for example, because of a food safety incident, something that can also be (partly) beyond the control of the company.

2. How decisions of field-level actors are constructed

In regulatory practices, the balancing act continues at the individual level of the decision-maker. The individual sometimes needs to prioritise among the harms to avoid and the positive interests to promote, especially if different types of regulation are (self-) monitored by the same actor. Individual perceptions of harm and wrongfulness are important here.

Additionally, many other factors on the individual, organisational and extra-organisational level and social interactions fuel the decisions of the individual. Even more so, these factors and interactions can change and distort the ideals of reducing harm for consumers and animals as initially thought out in the regulatory design. As a result, actors attribute different weight to interests to protect from harm in regulatory practices.

The balancing act can create tension for the individual when interests compete, and tension and distrust between individuals and organisations who balance interests differently. The tension and distrust manifests in social interactions between all the actors involved, which further affects decisions about compliance, monitoring and enforcement. The way actors respond to rule violations by avoiding blame or even shifting it to other actors in the sector and its regulation, demonstrates this.

Although the way the factors and social interactions relate to perceptions of harm can be different per person and situation, the findings have shown some patterns in how this works in meat regulation. I will first discuss criteria and perceptions of harm that regulators and regulatees commonly base their decisions on. This is linked to perceptions of wrongfulness and is also balanced with positive interests. Second, I will focus on the way this balancing of harm, wrong and benefits, relates to the most relevant characteristics of the meat sector and its regulation, that together shape regulatory practices.

2.1 Shared criteria in balancing harms, wrongfulness and benefits

I identified some common harm-related factors that shape perceptions of harm in the way regulators and regulatees explain their decisions. These characteristics are, on the one hand, facts about actual harm and measurable elements of potential harm (the more or less ‘objective’ criteria). The higher the magnitude of harm and the probability of effect, the more weight or priority the decision-maker tends to give this. On the other hand, more subjective elements of the seriousness of harm also influence harm perceptions, which affect compliance and law enforcement decisions. Feeling ‘closer’ to a victim, as a decision-maker, can lead to stricter responses to a food safety violation than one involving animal welfare, for example. Visibility of harm matters as well, combined with the remoteness of harm, the time that passes between the rule violation and the moment that harm manifests itself. These normative elements can make responses milder when the harm is invisible at the moment of the rule violation (e.g., invisible suffering of animals versus maltreatment with direct and visible manifestations of harm).

Because many harms or risks of food safety violations are unknown, not directly visible and can affect consumers who are distant (e.g., in time, space) from the regulating actor or rule violator, other factors are important in their responses. Training, expertise and a sense of responsibility are important factors. The same is true for violations of animal welfare rules that involve invisible or unmeasurable animal suffering.

The perceptions of actual and perceived harm also shape regulatory practices through the way they influence perceptions of wrongfulness of an act or actor. Rule violations that involve (potential) harms to consumers seem to be perceived as more wrongful than those causing harms to animals, which would point to an anthropocentric perspective. However, the public attitude towards animal suffering for meat production, whether it stems from legal or illegal activities, is less tolerant than in the past, which also plays a role in regulatory practices.

Also, positive interests add to the balancing act and sometimes compete with the goals of harm reduction. Regulatees can have a direct interest to promote the meat sector's reputation, trust of consumers and trust of regulators, or an indirect interest, because of the organisation they work for. Regulating actors also consider the trust of consumers, their reputation and political and economic interests.

2.2 Other characteristics of the meat sector and its regulation in the balancing act

The important factors that, together with the harm-related criteria, construct regulatory practices, can be divided into characteristics of the meat sector and its companies, and characteristics of regulation and their organisations. Together, they contribute to the way regulatees and field-level regulators interact. Social interactions, in turn, further shape regulatory practices. In these interactions power positions have an important role.

Among the characteristics of the meat sector, an important one is that the job of killing animals and transforming them into a consumption product is a particularly delicate activity that involves specific challenges for slaughterhouse staff and regulators. It is here that the most 'dirty' job of the supply chain is carried out. The harmful consequences to animals are directly visible and serious, even without rules being violated. While violence to animals is institutionalised and normalised in the slaughterhouse, the perception of its wrongfulness varies between persons and is influenced by rapid changes in the way society regards the meat sector in general, and animal welfare violations in this sector, in particular. Also, the specific food safety risks associated with killing animals and cutting and boning carcasses put a lot of responsibility on individual staff members and meat inspectors. This all leads to activities in

the slaughterhouse being closely scrutinized by the public, media, and regulating actors. When harms are observed in the slaughterhouse, they raise public concern and indignation. If such harms are made public, slaughterhouse management or staff can be easily blamed, while the causes of the harms' also lie in the larger enterprise of meat production and its demand. Meanwhile, the particular job in slaughterhouses challenges the management to find and maintain suitable employees. The instable and predominantly foreign workforce constitutes challenges for compliance and problematizes interactions with regulating actors because of communication problems.

The work-related challenges in the slaughterhouse are no excuse for meat companies not to take responsibility. Rule violations and crises are known to occur in the sector, resulting sometimes in serious harms, and the sector is considered specifically vulnerable to fraud (Van Ruth & Huisman, 2014). The culture of 'every-man-for-himself' in the meat sector, and its closed nature, seem to impede swift responses to violations observed by colleagues, suppliers or customers. This allows misconduct to remain hidden from regulators and the harm to continue occurring for a longer time than necessary. The cultural characteristics of the sector, combined with its reputation, contribute to mistrust of some regulating actors towards the sector. Culture is important at the company level as well in explaining non-compliance, at least to some extent. The vision of a meat company's management contributes to how challenges are dealt with. Examples include how employees are recruited and trained and which decisions are made in balancing between compliance with food safety and animal welfare rules and remaining profitable.

The knowledge of, and experience with rule violations (e.g., related to hormones, different types of fraud) and crises in the sector and their mediatisation, further influence how regulated and regulating actors balance (potential) harms, wrongfulness and positive interests. The lived or observed past events contribute to fears of being scapegoated, of liability claims, of losing the trust of actors in the sector, of regulating actors and of consumers. Meat operators and their employees can be influenced in their future decisions by witnessing the consequences of a rule violation. Conversely, if an actor observes that certain rules are hardly enforced, he or she can also feel encouraged to continue these practices.

In a similar way, field-level regulators who have witnessed the consequences of their own (or a colleague's) interference or non-interference after a rule violation in the past, are likely to take these experiences into account in their future decisions. They can be torn in two ways, if they try to avoid being blamed for a rule violation they miss or do not report, while also trying to avoid criticism by superiors and a liability claim of a meat company because of

reporting a rule violation. Additionally, past rule violations seem to have contributed to labelling (some) actors in the meat sector as criminals or ‘cowboys’. Apart from the question whether or not this image is (still) correct, it illustrates distrust between actors and contributes to tensed interactions.

The characteristics of the meat sector and meat companies mentioned above, have influenced monitoring and enforcement *policies* in the meat sector. The regulation of the meat sector, including the role of private actors, is relatively strict, well-developed and intense compared to other sectors (De Boeck, et al., 2018, p. 16; Van Ruth et al., 2018). This is especially the case for the slaughterhouse, the ‘bottleneck’ of the supply chain. So, although the operations of the meat sector remain largely hidden for the general public, the slaughterhouse is frequently visited by all kinds of public and private actors. The intensive monitoring makes it more likely to detect rule violations, including violations that were caused in earlier operational phases. It is possible that, at least to some extent, we can speak of a ‘control paradox’: *because* the meat sector is strictly controlled, at least from the slaughterhouse phase onwards, it is also more likely to detect rule violations and harms there. This, in turn, further contributes to the negative reputation of the sector, further backing strategies and decisions in its control.

A particular element of the intense monitoring of slaughterhouses is the position of the OVs. In their daily inspections at the slaughter line, they deal with similar harsh working conditions as the slaughterhouse staff. Moreover, they balance between avoiding harms to consumers, animals, themselves (by liability claims, ethics), the reputation of the FASFC (and recently also the AWU’s) and the slaughterhouse’s financial and reputational interests. This way they can be confronted with competing and sometimes conflicting interests, involving a lot of responsibility. Meanwhile, within the FASFC structure and strategy, they have only limited power and discretion. Their challenging position seems to contribute to the way OVs experience fear, tensions, opposition and distrust in interactions within the slaughterhouse as well as with colleagues and superiors.

Also, the way the interests of public regulating actors are sometimes closely intertwined with the sector’s interests, influences regulatory practices. The field-level actors sometimes have the impression that, for colleagues or superiors, the (potential) harms to the interests of animals and/or consumers are outbalanced by the interests of managing the economy and/or avoiding political risks and/or personal and institutional blame and liability. The differences between individual actors to balance the protection and promotion of several

interests, further explains why field-level regulators feel sometimes opposed by superiors in conducting their tasks.

Owners of private schemes and the private companies who audit meat companies seem to have different social interactions with meat operators than public regulators. Meat operators generally experience private actors' regulatory styles as more persuasive and less formalist compared to public regulators, which can contribute to the meat operators' decisions about compliance. While the commercial relationship might encourage private regulators to adopt a persuasive style, meat operators seem to adopt a more cooperative attitude to them as well, willing to satisfy their customers. Also, the more coercive styles of state actors might *allow* private actors to interact in a less coercive way with their clients.

The challenging role of the OVs, the potential of regulatory capture and the role of private regulators reveal the importance of power positions for regulatory practices. In standard-setting, we have seen how actors with less power in the supply chain (i.e., SMEs, actors in primary phases) have less influence on the regulatory framework. They also have less ability to adapt to changes in rules and standards, but seem to suffer most from their implementation.

Power dynamics help to explain the tensions between actors and the weight an actor gives to the benefits or (potentially) harmful consequences of their decisions for themselves and the organisation they work for. In lower hierarchies, both within a meat company and regulatory agency, the difficulty of balancing different interests are most vivid. This is where the action is, which makes slaughterhouse staff and OVs vulnerable for blame, with little power to shift blame in case actual harm or risks of rule violations are detected (and become public). Merely the perception of this vulnerability can make regulators and regulatees very careful in their decision-making. For regulating actors this is enforced by multiple monitoring layers.

The answer to the main research question is thus not univocal, as many factors and social interactions construct regulatory practices in complex ways. This study has identified some patterns in the way (perceptions of) harms, positive interests and morals shape this construction, together with characteristics of the meat sector, meat companies, regulatory agencies and society as a whole. These characteristics all contribute to the way the actors involved in meat regulation interact, and to what extent these actors uphold the ideals of 'sound' and 'safe' meat in practice.

Reflections on the research design

As with any study, this study was limited in its time and scope, and the choices made in the research design are reflected in the findings.

The study is not representative for the entire Belgian meat sector, nor for all types of regulation applying to the sector and all actors involved in its regulation. Despite these limitations, it still covers (tiers of) both the beef and pork supply chains, the perspective of both regulators and regulatees, public and private actors, and concerns both food safety and animal welfare regulation. Inclusion of these sources and topics has come at the expense of more depth concerning the several subtopics and subgroups involved in meat regulation. Also, I did not interview some subgroups of actors, such as workers on the shop floor of slaughterhouses, who are important actors in compliance. They probably have other experiences with, and views on, compliance and the regulatory framework than management.

The document-analysis was also wide in its scope, rather than in-depth, as I did not analyse complete cases, but only the court decisions of the ‘NIU-cases’. Together with the more selective samples of administrative cases, this has resulted in a descriptive analysis that provides an overview about the types of rule violations that have been detected in the beef and pork sectors, the types of actors involved, and the way the latter were sanctioned. The sample of ‘NIU-cases’ covers the period of 2006-2016, right before significant investments in the NIU’s manpower and expertise were implemented. As this is believed to have affected the types of violations and actors in the meat sector that are prosecuted, later cases might paint a different picture.

The amount of information that can be found in court decisions about the considerations of judges for the sentences they impose varies per judge and per sentence, but is generally superficial. From the files, it was also not always clear if judges’ considerations motivated the sanction, or the evidence of culpability of the suspect. Moreover, many other factors might influence judges’ decisions that are not integrated into these files because they do not serve the purpose of a court decision. Interviews with judges would have been necessary to identify these factors.

Despite efforts to draw from a broad range of actors in meat regulation according to varying criteria (see Chapter 3), a selectivity bias in the types of interviewees is, to some extent, unavoidable. Among the companies that participated, it is possible that law-abiding companies are overrepresented. However, I have attempted to minimize this bias by using a snowball sample and interviewing different types of actors (e.g., regulators and regulatees, various subgroups) who also reported about meat companies. To improve the quality of the

data, I have combined the interview data with findings of analysed proceedings that cover convicted persons and companies. Something similar is true for the experts I have interviewed. Here, too, a selectivity bias might have influenced the findings, for example because some field-level regulators were contacted through their superiors and might therefore only communicate the ‘official line’ of an organisation. However, I have minimized this risk by approaching this population through varying gatekeepers. Through this approach I have also aimed to avoid over representing employees who are mostly *dissatisfied* within a regulatory organisation, and might have been eager to share their experiences for that reason.

Having said this, this study provides insights on noncompliance in the meat sector and on the way food safety and animal welfare regulation are constructed in Belgium. Based on these considerations and the findings, I will conclude this dissertation by formulating suggestions for further research.

Directions for further research

Some findings in this dissertation are based on a limited amount of data and could not be elaborated in this study, but nevertheless provide interesting leads for further research.

First, despite the width of the study, I did not integrate all types of regulation applicable to the meat sector. In terms of avoiding and reducing harm, including other types of regulation that address other types of harm deserves more attention, especially environmental regulation in the meat sector. As I concentrated on slaughterhouses, food safety and animal welfare regulation were more specific to this subsector than environmental regulation. However, the harms resulting from (legal and illegal) activities in feed production and intensive animal farming generate serious, avoidable harms with a global impact. These include, among others, harms resulting from manure disposal, deforestation for animal feed leading to biodiversity loss, inefficient land and water use for animal-rearing and for growing the crops for their feed (Boekhout van Solinge & Kuijpers, 2013; Hertwich, 2010; Kraham, 2017; Parker et al., 2018; Rossi & Garner, 2014). As such, intensive meat production, proportionally, has an enormous impact on the environment and is a major driver of climate change concerning greenhouse gas emissions. Regulation instead, tends to have a local focus that concentrates on visible harms, occurring in close proximity, that are tangible and manifest quickly, while animal feed imported in Belgium also contributes to these serious, but sometimes slow, invisible and indirect harms impacting nature, humans and animals.

Related to the first point, a next step could be to explore the ways in which regulation can contribute to avoid harm produced by meat production from a more holistic approach to

harm. This study pointed out how fragmented meat regulation is, which makes the regulatory framework complex and, at some points, inefficient. The regulatory framework looks through separate lenses to address different types of harm (by legal and illegal activities) to humans, animals and nature, while their interests are often linked. As humans and animals are part of the environment, we are all affected by environmental harm. Further research could explore the ways in which specific regulatory initiatives could contribute to more effective avoidance of different types of harm. For example, future research could look into the potential of criminalisation of now legal activities and a more intrusive role for the state in controlling food types and production methods that generate most harm. The question of criminalisation links to the question of the legitimacy to continue producing meat for human consumption at all, and if the answer is yes, under which conditions this can be done generating the least harm. Further research in the direction of ‘ecological regulation’ in the way Parker et al. (2018) propose, seems promising, which entails ‘an evaluative and normative framing of regulation that can comprehend the enormity of intersecting ecological, social and political challenges’ and ‘recognizes and respects ecological limits’ (Parker et al., 2018, p. 12, 13). Ecological regulation, as they propose, addresses systemic harms produced by global food production in a more radical way than current regulatory regimes do. In the case of intensive meat, the authors encourage the use of a diversity of regulatory strategies that aim at reducing meat production and consumption altogether, focusing on solutions that protect the environment, but also individual and social well-being (Parker et al., 2018).

Further research in this direction could also address harms to workers (in farms, slaughterhouses) by labour regulation in the food sector, which I could only integrate in this study to a limited extent. I have pointed to an anthropocentric perspective on food safety and animal welfare regulation, but including labour regulation could nuance this picture as it seems to matter *who* is harmed. Some findings seem to indicate that priorities in regulatory practices tend to protect consumers more so than workers. Also animal welfare sometimes seems to be more of a priority than the rights and well-being of workers in the slaughterhouse.

Another suggestion is to concentrate research on the economic and political power dynamics in meat or food regulation. While these are crucial in the priorities set in regulation, the research methods I employed were not fit to grasp such dynamics. Several interviewees have hinted at the influence of the agro-food sector in the regulatory framework, also influencing the way rule violations are followed up. The power of some companies and their representatives is believed to contribute to shared political and economic interests in food regulation, halting state interference and stricter production standards in certain standard-

setting processes, and leading to inequalities in the types of companies that benefit most from regulation of taxes and premiums. Research into this topic should include financial flows, in the sector and the way in which regulation is financed, the details of merging and acquisitions in a food sector, and companies' positions and interests in platforms and roundtables that influence standard-setting and implementation of rules. Such research could include the *benefits* of private initiatives to introduce new production standards. Under certain conditions it is possible to align the interests of profit-making and reputation of companies and sectors with the aims of reducing and avoiding harms. Especially when considering the long-term benefits, there seems to be potential for more ethical and harm reducing private initiatives.

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Appendix 1. List of experts interviewed

	Regulatory expertise in the meat sector	Function / organisation
1*	Fraud / FS	(former) Director / NIU – FASFC
2*	Fraud / FS	Inspector/ NIU – FASFC
3*	Fraud/ FS	Public prosecutor / Prosecutor General’s Office
4	FS	DG Control - FASFC
5	FS	Inspector-veterinarian / LCU - FASFC transformation department
6	FS	Inspector-veterinarian / LCU - FASFC primary department
7	FS	Inspector-veterinarian / LCU - FASFC primary department
8	FS	Retired inspector / FASFC
9	FS	Retired inspector / FASFC
10	FS & AW	Official veterinarian / FASFC
11	FS & AW	Official veterinarian / FASFC
12	FS & AW	Official veterinarian / FASFC
13	FS & AW	Official veterinarian / FASFC
14	FS & AW	Official veterinarian / FASFC
15	FS & AW	Official veterinarian / FASFC
16	FS & AW	Professional association veterinarians
17	FS & AW	Referral magistrate food and pharma-crimes / Court of first instance
18	FS	Referral magistrate food and pharma-crimes / Prosecutor’s Office, Court of Appeal
19*	FS	Federal police - Hormones Unit
20*	FS	Inspector / The Federal Agency for Medicines and Health Products
21	AW	Animal Welfare Unit – Department Environment
22	AW	Animal Welfare Unit - Department Environment
23	AW	Policy / Animal Welfare Unit - Department Environment
24*	AW	NGO
25	AW	NGO
26	AW	Referral magistrate animal welfare crime / Public Prosecutor’ Office
27*	Labour	Coordinator / inspectorate Social Security Intelligence and Investigation Service
28*	Labour	Judge advocate for labour / Public prosecutor’s office
29	Labour	Inspector / National Social Security Office
30	Labour	Inspector / Labour inspection
31	Labour	Judge advocate for labour / Public prosecutor’s office
32	Labour	Inspector / Supervision of Well-being at Work
33	Labour	Inspector / (former) social inspection
34	Labour	Inspector / (former) social inspection
35	Labour	Labour union
36	Labour	European labour union
37*	Fraud /Economic	Inspector / product quality and safety - Economic inspection
38*	Environment	Chief commissioner / FPS Economy, SMEs., Self-employed and Energy
39	Financial	General advisor / General administration of taxes
40*	General food	European Parliament

Informal conversations

1	Fraud/FS	Director / NIU – FASFC
2	Fraud/FS	NIU – FASFC
3	FS	Commissioner of Administrative Fines / Judicial Department - FASFC
4	FS	DG Enforcement Policy - FASFC
5	FS	DG Enforcement Policy - FASFC

Note. Concerning the expertise, AW = animal welfare, FS = food safety

* Consulted (a first time) during the exploratory part of the fieldwork

Appendix 2. Tables and figures

Table 4.1

Number of Livestock in Belgium

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Pigs	6 321 055	6 429 566	6 521 447	6 447 750	6 351 283	6 350 289	6 364 164	6 176 576	6 108 077	6 209 131
Cattle	2 453 264	2 433 998	2 389 878	2 271 918	2 276 200	2 298 616	2 320 141	2 333 652	2 224 859	2 227 727
Calves	147 189	158 633	170 441	166 262	165 119	178 620	183 121	167 697	161 129	170 363

Source: VLAM, 2019

Table 4.2

Regional Distribution of Livestock in October/November 2018

	Flanders & Brussels		Wallonia	
Pigs	94%	(5,832,465)	6%	(376,666)
Cattle	50%	(1,124,255)	50%	(1,103,472)
Calves	94%	(159,931)	6%	(10,432)

Source: VLAM, 2019

Table 4.3

Number of Livestock Slaughtered in Belgium

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Pigs	11 161 283	11 896 078	11 764 956	11 695 145	11 915 000	11 855 070	11 886 693	11 181 334	10 949 769	11 230 544
Cattle	461 661	519 828	536 011	515 917	482 379	504 810	519 074	546 485	549 027	539 195
Calves	328 309	315 370	321 185	306 648	323 800	330 521	353 474	364 885	371 113	348 904

Source: VLAM, 2019

Table 4.4

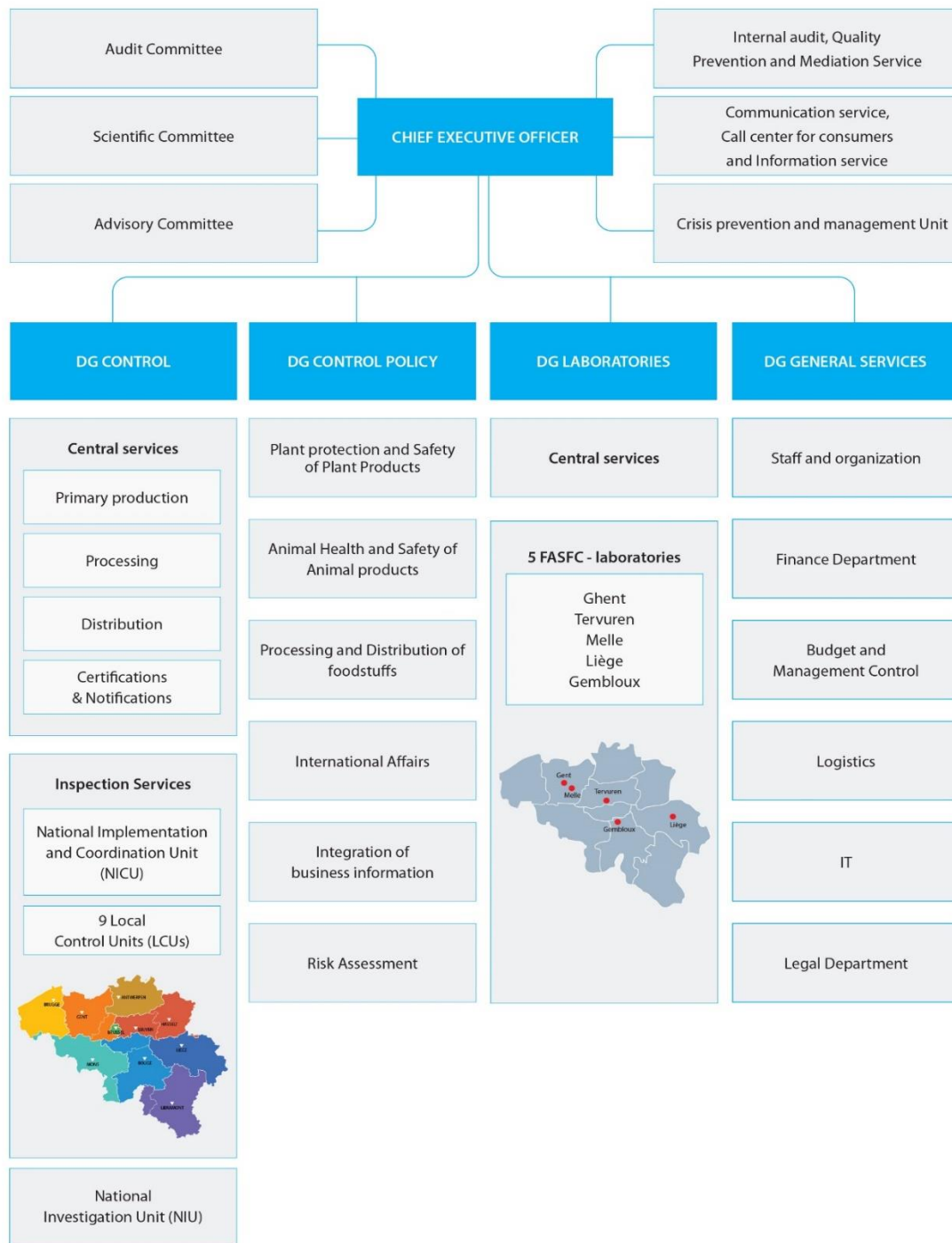
Regional Distribution of Livestock Slaughtered in 2018

	Flanders & Brussels		Wallonia	
Pigs	94%	(10 505 694)	6%	(724 850)
Cattle & calves	75%	(661 967)	25%	(226 132)

Source: VLAM, 2019

Figure 5.1

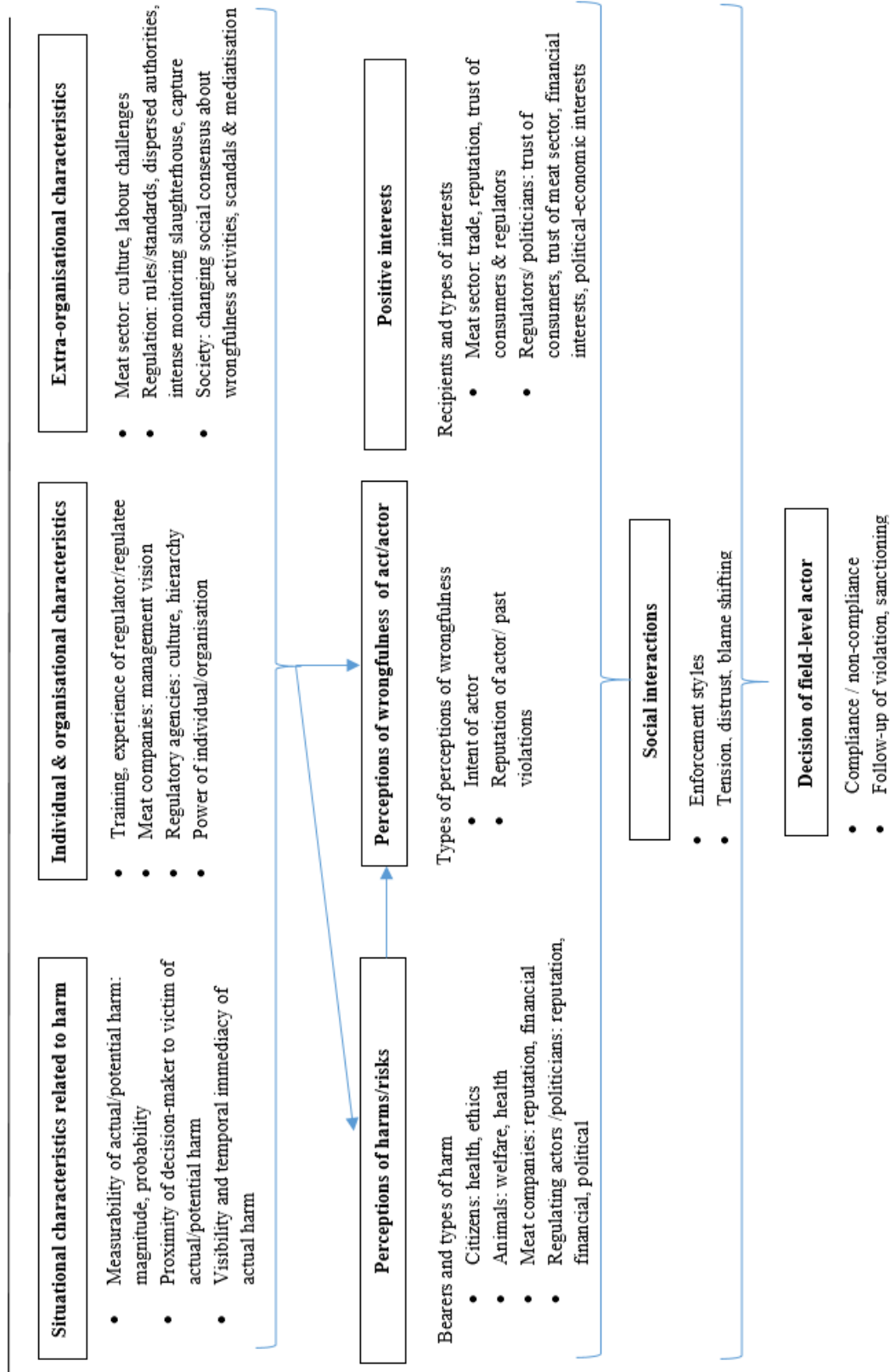
FASFC Organisation Chart (2020)



Source: <https://www.fasfc.be/about-fasfc/organisation-chart>, last accessed October 2021 (last updated: 10 January 2020)

Figure 11.1

Most Relevant Factors Identified and the Way they Shape Regulatory Practices



Appendix 3. Concept list

Animal by-products	Carrion, animal parts and products of animals resulting from slaughter activities that are not meant for human consumption. This is divided into three categories, of which category 1 material is considered to have the highest risks and, as such, must be destroyed.
Emergency slaughter	‘The slaughter of animals that are sick or killed by an accident, animals that are in immediate mortal danger or are a threat to persons or goods’ (article 1, ‘Wet betreffende de vleeskeuring en de vleeshandel’, BS 16 maart 1953). These animals are killed without completing the notification for slaughter that is normally required.
Heifer	A heifer is a cow of about two years old that has never calved or, has only done so once.
Post-cut stunning	Stunning method for cattle with a captive bolt pistol, directly during/after cutting its throat (up to two seconds after). This is employed as a variation to the ‘pure ritual’ slaughter method for cattle, to reduce animal suffering.
Pre-cut stunning	Stunning method for cattle with a captive bolt pistol, by stunning the animal before pulling it on the slaughter line within a minute and then cut the throat. This is employed as a variation to the ‘pure ritual’ slaughter method for cattle, to reduce animal suffering.
Scheme	In the context of private schemes: a specification sheet, that includes all the public and private standards that a company must comply with in order to obtain/maintain a certificate.
Sow	A female pig that is raised to breed piglets.
Vertical integration	One or more subsequent tiers in the supply chain are integrated by the same company. Backwards vertical integration is when meat processing companies also invest in feed and in livestock ownership. Forward vertical integration is when additional meat processing activities are integrated in the same company (e.g., companies that slaughter animals and also produce complex meat products).
Zoonosis	‘Any disease and/or infection which is naturally transmissible directly or indirectly between animals and humans’ (article 2, Council directive (EC) No 2003/99/EC of 17 November 2003 on the monitoring of zoonoses and zoonotic agents’)

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