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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

SPAIN

FROM 23 JANUARY TO 03 FEBRUARY 2012

IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE AT THE TIME OF SLAUGHTER

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) mission in Spain carried out between 23 January and 03 February 2012, to evaluate measures taken to ensure the requirements for the slaughter of animals are respected. This included an assessment of the actions taken in response to the recommendations in previous FVO reports on this topic and to the replies received 13/12/2011 from the Spanish authorities to the Commission's reasoned opinion for failure to fulfil obligations under Articles 4, 5, 6 and 18 of Directive 93/119/EC on the protection of animals at the time of slaughter or killing and Articles 8, 54 and 55 of Regulation (EC) N° 882/2004 on official controls.

Both Autonomous Communities (ACs) visited, Murcia and Catalonia, respected the first two deadlines, concerning slaughterhouse (SH) monitoring visits, for actions proposed in the reply to the reasoned opinion.

The actions taken to date by the central competent authority (CCA) and by the authorities in the two ACs visited have resulted in improvements with regards to: restraint procedures, restraint and stunning equipment and their maintenance and, in the case of Catalonia in good instructions for official controls and good supervisory visits (started in December 2011) for verification of effectiveness of official controls. Nevertheless severe deficiencies still persisted regarding: restraint of poultry, restraint of cattle during ritual slaughter without stunning, effectiveness of stunning (mainly but not exclusively in the poultry sector). In Murcia these stemmed from insufficient knowledge of the official veterinarians (OVs) on poultry welfare and lack of documented procedures for the OVs in SHs. Insufficient registration of OV activities and lack of verification of the effectiveness of these official controls contributed to problems being insufficiently detected in Murcia. In Catalonia despite the good instructions for official controls and good supervisory visits, severe non-compliances have remained unresolved for years as a result of insufficient follow up of the OVs' reports by the level empowered for imposing sanctions and due to the sanctions themselves not being consistently imposed or effective and dissuasive in bringing about corrective actions.

Two of the seven recommendations from report 2010-8393 can be considered generally satisfactorily addressed, two not satisfactorily addressed with the other three showing improvements but not yet fully satisfactorily addressed.

The report makes a number of recommendations to the Spanish competent authorities, aimed at rectifying the shortcomings identified and enhancing the implementing and control measures in place.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

AC	Autonomous Community
CA	Competent Authority
CCA	Central Competent Authority (Spanish Food Safety and Nutrition Agency, <i>Agencia Española de Seguridad Alimentaria y Nutrición</i>)
EFSA	European Food Safety Authority
EU	European Union
FBO	Food Business Operator
FVO	Food and Veterinary Office
LFN	Letter of Formal Notice
OV	Official Veterinarian
RO	Reasoned Opinion
SH	Slaughterhouse

1 INTRODUCTION

The audit took place in Spain from 23 January to 3 February 2012 as part of the planned audit programme of the Food and Veterinary Office (FVO).

An opening meeting was held on 23 January with the central competent authority (CCA), the Spanish Food Safety and Nutrition Agency (*Agencia Española de Seguridad Alimentaria y Nutrición*) and the representatives of competent authorities (CAs) from seven Autonomous Communities (ACs). At this meeting, the objectives of, and itinerary for the audit were confirmed by the audit team and additional information required for the satisfactory completion of the audit was requested.

The audit team comprised two inspectors from the Food and Veterinary Office (FVO) and, during the second week of the audit, a legal officer from DG Health and Consumers. Representatives from the CCA accompanied the audit team for the duration of the audit.

2 OBJECTIVES

The objective of the audit was to evaluate measures taken to ensure the requirements for the slaughter of animals are respected. In particular the findings will form part of the assessment of the actions taken in response to the infringement Procedure (N° 2007/4772) opened against Spain for failure to fulfil obligations under Articles 4, 5, 6 and 18 of Directive 93/119/EC and Articles 8, 54 and 55 of Regulation (EC) No 882/2004.

In pursuit of these objectives, the following meetings were held and sites visited:

Visits			Comments
Competent authority	Central	2	Opening and final meetings
	Autonomous	2	Murcia and Catalonia
Slaughterhouses		11	Six were in Murcia and five in Catalonia. They were selected by the audit team, taking into account the capacity of the SHs, species of animals slaughtered, records of previous deficiencies detected by the official services and evidence of sanctioning procedures initiated. The SHs to be visited were communicated to the CA on the morning of the visit.

3 LEGAL BASIS

The audit was carried out under the general provisions of Union legislation, in particular Article 45 of Regulation (EC) No 882/2004 and Article 14 of Directive 93/119/EC.

Legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.

4 BACKGROUND

Aspects of animal welfare at the time of slaughter were dealt with in previous FVO audits to Spain carried out in 2007, 2008, 2009 and 2010. The reports of those audits are available under their

reference numbers (DG SANCO 2007-7328, DG SANCO 2008-8347 (including part B sector specific issues, pages 135-148), DG SANCO 2009-8284 and DG SANCO 2010-8393) on the website of the Directorate-General for Health and Consumers: http://ec.europa.eu/food/fvo/ir_search_en.cfm

The action proposed in reply to a Letter of Formal Notice (LFN) sent to Spain in October 2009 was evaluated on site first during an audit in 2010 (DG(SANCO)/2010-8393). Based on the replies to the LFN and the results of that audit a Reasoned Opinion (RO) according to Article 258 of the Treaty on the Functioning of the European Union was sent to Spain in September 2011. The actions proposed in reply to the LFN, the RO and to the recommendations made in the report of DG(SANCO)/2010-8393 were evaluated during this audit and Catalonia and Murcia were visited so that progress could be assessed.

5 FINDINGS AND CONCLUSIONS

Reply to the Reasoned Opinion

The CCA agreed with the ACs on the actions they had taken or were committed to taking in accordance with their respective powers. These actions were grouped under three broad headings:

A. Actions in the framework of the Strategic Plan for equine and small-ruminant SHs. These actions were proposed in reply to an FVO audit (DG(SANCO)/2011-6021) that evaluated the official controls on slaughter and processing of fresh ovine and equine meat including animal welfare.

B. Adoption at national level of a new Strategic Animal Welfare Plan for SHs for species not included in A above.

C. Other complementary actions, already adopted or in the process of adoption, providing support for the actions A and B mentioned above and to improve the situation in future. These included actions concerning; submission of information on official controls, coordination, official control procedures, training of official staff, raising the awareness of operators in respect of animal welfare, procedures to verify the effectiveness of official controls and the application of corrective measures.

Actions under A and B above are in essence identical measures concerning SHs for different species and they can be summarily described as follows:

1. Monitoring by the official veterinary services, with production of individual harmonised reports for each SH, of compliance with the requirements set out in Directive 93/119/EC for SHs for all species (with the addition of monitoring for compliance with the requirements set out in Regulations (EC) Nos 852/2004 and 853/2004 in the case of small ruminants and equidae). Establishments with serious non-compliances or less serious but recurring non-compliances to be provisionally suspended from activity until correction of the non-compliances. Deadlines for completing this monitoring were established as 30/11/2011 for equine and small ruminant SHs, and 31/01/2012 for all other species.
2. Monitoring by the ACs of the activities of the official veterinary services based on Regulation (EC) No 882/2004 to check the effectiveness of the official controls. Deadlines for completing this monitoring were established as 31/03/2012 for equine and small ruminant SHs, and 31/05/2012 for all other species.
3. Analysis of the results obtained by implementing 1. and 2. and drafting of a general status report by each AC, to include the instances of non-compliances detected and the measures taken to correct them. Deadlines for completing this were established as 31/05/2012 for equine and small ruminant SHs, and 31/07/2012 for all other species.
4. Drafting of an overall status report for Spain, including the actions and measures adopted,

for submission to the competent departments of the European Commission. Deadlines for completing this were established as 30/06/2012 for equine and small ruminant SHs, and 31/08/2012 for all other species.

5. As part of the actions included in the two strategic plans all ACs would also carry out: a revision of existing standard work protocols and procedures; a prioritisation of the assessment of establishments; establishment of shared criteria to classify instances of minor and serious non-compliance; revision and/or creation of a procedure for the verification of official controls, including animal welfare; exchange of those procedures between ACs to improve control quality and equivalence in all ACs.

Point 5 and C above significantly overlap with the actions proposed in reply to the recommendations in the report DG(SANCO)/2010-8393 (hereafter: report 2010-8393). Therefore findings concerning the implementation of those actions will in this report be addressed together with the corresponding recommendations.

5.1 MOVEMENT AND LAIRAGING, RESTRAINT, STUNNING AND EQUIPMENT

Legal requirements

Article 3 of Directive 93/119/EC stipulates that animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing. In particular, Article 4 of Directive 93/119/EC sets out that the construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering. To this end, specific requirements apply to the restraining and stunning of animals brought into slaughterhouses.

Among these requirements, animals must be restrained in an appropriate manner in such a way as to spare them avoidable pain, suffering, agitation, injury or contusions (Art. 5(1)(b) and Annex B of Directive 93/119/EC). Animals must be stunned before slaughter or killed instantaneously in accordance with the provisions of Annex C (Art. 5(1)(c) of Directive 93/119/EC). Stunning means any process which, when applied to an animal, causes immediate loss of consciousness which lasts until death (Art. 2(5) Directive 93/119/EC).

Instruments, restraint and other equipment and installations used for stunning or killing must be designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing (Art. 6(1) of Directive 93/119/EC). In this regard, the CA has the obligation to check the compliance of the instruments, restraint and other equipment used for stunning or killing (Art. 6(1) of Directive 93/119/EC). Suitable spare equipment and instruments must be kept at the place of slaughter for emergency use. They shall be properly maintained and inspected regularly (Art. 6(2) of Directive 93/119/EC).

5.1.1 With regard to movement and lairaging, and restraining of animals (Art. 5(1)(a) and (b), and Annex A and B of Directive 93/119/EC)

Recommendation 1 of report 2010-8393 requested the competent authorities to ensure that animals are restrained in an appropriate manner in such a way as to spare them avoidable pain, suffering, agitation, injury or contusions in accordance with Article 3, Article 5(1)(b) and Annex B of Directive 93/119/EC. This recommendation had already been made in 2008, recommendation 12 in part B sector specific issues, pages 135-148, of report 2008-8347.

In response the CCA stated that the the Competent Authorities of the ACs would review the procedures for animal welfare inspections taking account of this recommendation, and would forward them in due course to all of the official veterinary services. All ACs would finalise this at

the latest by 30/09/2011.

Findings

1. The audit team visited 11 SHs and evaluated 13 slaughter lines in operation: three for pigs, three for poultry, three for sheep and four for cattle. The documentation of several more SHs was also assessed. All SHs visited were chosen from the top three (by slaughter volume) in their respective AC for the species in question.
2. In Murcia the current Manual of Procedures for the official veterinarians (OVs) at SHs was issued in 2007 and did not include any points on animal welfare at slaughter nor have any amendments been made to include it since then. (NOTE: This finding and the one immediately below are relevant for actions proposed to address several recommendations from report 2010-8393. In order to avoid repetition they will only be further developed again in section 5.2.1)
3. In Catalonia the Animal Welfare Control Plans at Slaughter valid for 2007-2010 had been prolonged into 2011 and the revised version of these plans, valid for 2012-2015, had been approved in January 2012.
4. Insufficient lairage capacity (Annex A section II, point 6. of Dir. 93/119/EC) was seen noted by the OVs in three of the 11 SHs visited
 - In a Murcia pig SH this occurred on days when the volume of slaughter was particularly high;
 - In two SHs (one for cattle and one for pigs) in Catalonia. In the cattle SH it was noted systematically (reported by the OVs since 2010), and evident also at the time of the audit. In the other pig SH it was frequently reported (see also section 5.2.3 point 4.).
5. In two poultry SHs visited in Catalonia in case of longer than usual waiting times in low temperatures, -3 to -7°C, elevated mortality (varying in one of the SHs, for eight batches from 21 to 25 January, between 7.6 to 18%1%) was notified by the OVs in January 2011. Elevated mortality was notified also in one of these when longer than usual waiting times occurred with warm temperature and high humidity in May 2011. The protection against extremes of weather in these SHs was insufficient (Annex A, section I point 2. of Dir. 93/119/EC). The OVs requested information from the food business operator (FBO) on the reasons for the mortality but did not register if the information was considered satisfactory or request measures to address it.
6. Handling of the animals from lairage to restraint, restraining procedures and equipment in six of the seven slaughter lines assessed in operation in Murcia showed no noteworthy shortcomings.
7. Unloading and shackling of the broilers in the poultry SH visited in Murcia could not be assessed due to these operations having finished prior to the arrival of the audit team at that part of the operations. Nevertheless broilers suspended on the line showed high levels of vocalisation and a few attempted to climb up the shackle immediately prior to entering the waterbath stunner.
8. Official reports of recent inspections of three other slaughter lines in Murcia noted inadequate restraint of small ruminants during ritual slaughter without stunning. Corrective measures had been requested by the CA in December 2011 (see also section 5.2.1, point 8).
9. In Catalonia animals were in general driven from lairage to restraint in accordance with requirements, except in one SH with respect to cattle ritual slaughter (slaughtering approx. 18% of the bovine animals in Catalonia). When driven to the restraint box for ritual slaughter (halal) the animals showed a marked reluctance to move forward far enough to allow the chin extender to be applied. As a result the operator used the electric prod on all animals. This had been noted by the OVs since 2010 and in spite of other improvements

- with the handling this particular shortcoming had not yet been satisfactorily addressed¹.
10. This same SH performs ritual slaughter (halal) without stunning of sheep (slaughtering approx. 22% of the sheep in Catalonia). Here the OV reported since 2010 that lambs were frequently suspended prior to bleeding. This restraining method is not appropriate as it produces unnecessary suffering and distress to animals contrary to Annex B, points 1. and 2. of Dir. 93/119/EC. Similarly in the letter of the competent authority of the region to the FBO of July 2010 it stated that ritually slaughtered cattle (without stunning) were suspended while still conscious. The SH had recently stopped suspending conscious cattle, while suspending sheep prior to bleeding had stopped only in mid-January 2012.
 11. In one poultry SH in Catalonia birds when suspended initially relaxed but then showed signs of stress (frequent vocalisation, head raised) while on the line to the waterbath stunner (contrary to Annex B, point 2. of Dir. 93/119/EC). Some stress reducing measures were in place such as line equipped with breast comforter and low light level. However, the area was also noisy, with some pronounced bends and relatively high speed. The OVs had identified and reported the noise as a potential cause of stress. The FBO, however, rebutted this in a letter of 31 August 2010 (in reply to a July 2010 letter of the CAs summarising deficiencies) and enquiring about the maximum noise level considered acceptable. No reply was provided by the official services. The shortcoming continued to be reported by the OVs without action by the hierarchy and was still present at the time of the FVO audit (see also section 5.1.2, point 3.).
 12. In the five other slaughter lines assessed in Catalonia restraint was done according to requirements.
 13. Documentation from the official controls of the SHs in Catalonia showed that the most commonly notified shortcomings concerned mainly the electronarcosis stunning equipment, lack of maintenance and calibration programmes, and inadequate restraint linked particularly to ritual slaughter without stunning.

Conclusion

OVs are reporting problems such as insufficient lairage capacity but are unable to get these problems resolved. Elevated mortality of broilers is also questioned by the OVs but no assessment made of whether the explanations provided by the FBOs or measures taken were satisfactory.

Restraint procedures and facilities seen were adequate in 10 of the 13 slaughter lines evaluated. However, in Catalonia some restraint deficiencies had been in place for at least two years and were only recently satisfactorily addressed while others, linked to ritual slaughter without stunning, kept recurring even though they had been the object of sanctions by the CA.

In two SHs in Catalonia the CA had requested and obtained some improvements with animal welfare but excessive use of the electric prod on cattle, and unnecessary excitement of broilers at the entry into waterbath stunner were still a problem. In one poultry SH in Murcia agitation of the broilers at entry into the waterbath had not been noted.

Improvements were visible but recommendation 1 of report 2010-8393 has not yet been fully satisfactorily addressed.

¹ In their response to the draft report the Competent Authority noted that “Although on the day of the inspection excessive use of the electronic prod was found, it should be stated that, since the Official Veterinary Services found that failure, the slaughterhouse has applied corrective measures to use it in accordance with the rules concerning time and area of application in Annex A, II, 3 to Council Directive 93/119/EC of 22 December 1993.”

5.1.2 With regard to stunning and bleeding (Art. 5(1)(c) and (d), and Annex C and D of Directive 93/119/EC)

Recommendation 2 of report 2010-8393 requested the competent authorities to ensure that animals are stunned before slaughter in a way which causes immediate loss of consciousness which lasts until death in accordance with the provisions of Article 5(1)(c) and Annex C of Directive 93/119/EC. Similar recommendations were made in recommendation 4 of report 2007-7328 and recommendation 10 of report 2009-8284.

In response the CCA stated that the the Competent Authorities of the ACs would review the procedures for animal welfare inspections, taking account of this recommendation. The said procedures would include the parameters for stunning and use as a reference the EFSA reports (AHAW/04-27 of 2004 and the AHAW Panel scientific report of 2006) or Regulation (EC) No 1099/2009. All ACs would finalise this at the latest by 30/09/2011.

Findings

1. Murcia has still not determined the electrical parameters for waterbath stunners. This is contrary to the requirements of Annex C, section II, point 3., B.1 second paragraph of Dir. 93/119/EC. Catalonia has included electrical stunning parameters for the relevant species in the Catalonian Animal Welfare Control Plans at Slaughter. The parameters are those recommended in the report of the European Food Safety Authority (EFSA) of 2004. However, as confirmed during this audit they are considered to be only indicative. They can thus not be used as a basis for enforcement if not respected. Both of the above are also contrary to the reply from the CCA to recommendation 2 of report 2010-8393.
2. The three pig SHs visited carried out stunning by exposure to carbon dioxide. The procedures complied with requirements and stunning was effective in all three.
3. The three poultry SHs visited carried out electronarcosis stunning with waterbath stunners.
 - In the poultry SH visited in Murcia (killing an average of 6 500 broilers per day) the FBO's own assessment of signs of recovery on the day indicated 1 bird in 15 with signs of recovery. This converts into 6.6% inadequately stunned which was considered satisfactory by the FBO. However, from signs of recovery of consciousness (breathing plus wing flapping) immediately after the neck cut the audit team saw that 12% of birds were inadequately stunned. The FBO used high frequency stunning, more than 500Hz, in two phases, direct current followed by alternate, but with only 12mA per bird while EFSA recommends 200mA per bird at this frequency. The high percentage of inadequately stunned birds had not been noted by the OV on site nor by the official supervision. The bleeding cut was correct and there was manual backup for the automatic neck-cutter. All birds were dead when entering the scalding tank.
 - In the two poultry slaughterhouses visited in Catalonia (killing an average of 170 000 broilers per day altogether, approx. 20% of the daily total in Catalonia) the broilers presented no obvious signs of recovery on the day of the visit. However, the stunning parameters used at the time of the visit were 25 to 70% higher than the ones registered by the FBOs as used during the previous week. The bleeding cut was correct, there was manual backup for the automatic neck-cutter and all birds were dead when entering the scalding tank.
 - A supervisory report of 15/12/2011 from a joint visit by the Agriculture and Health Departments to one of these two SHs registered stunning parameters at that date identical to the ones registered by the FBO for the week previous to the FVO visit and noted that 30% of the broilers were inadequately stunned (with signs of recovery

of consciousness such as breathing, palpebral reflex, attempts to raise the head) and that a small proportion of the birds were still conscious when entering the scalding tank.

- During 2011, in both of these SHs, the OV's had not filled in the fields of the animal welfare checklist concerning their assessment of whether the stunning was satisfactory stating that this was due to lack of instructions and/or knowledge. One of these OV's had not attended any training on animal welfare at slaughter since 2004.
 - Following an instruction of the Catalan Health Protection Department in January 2012 the OV in one of these two SHs did carry out an evaluation of the effectiveness of stunning in 24 and 25 January 2012. This was the week prior to the FVO visit and the parameters used on those days (100Hz, 66 to 79mA per bird, while EFSA recommends 100mA per bird at this frequency) were lower than the ones applied on the day of the visit by the audit team as mentioned above. The OV considered stunning to be effective for lighter birds but requested improvements (without indicating a deadline) with the stunning effectiveness of the heavier birds.
 - In this same SH the birds arrived at the waterbath stunner still agitated. The resulting wing flapping and/or raised heads resulted in pre-stun shocks because necks or wings touched the electrified water before the head.
 - In the other poultry SH visited in Catalonia, after the supervisory verification visit, the OV's also performed an assessment of the effectiveness of stunning during eight days of operation in January 2012. The registered intensity of the current used to stun the broilers was lower than during the FVO visit (as indicated above) and the OV noted some batches, usually of heavier birds, with significant percentages (4 to 12%) of broilers inadequately stunned and also with a percentage (ranging between 1 to 4%) of birds still alive when entering the scalding tank. The CA requested corrective measures but did not indicate a deadline for those.
4. The three sheep slaughter lines evaluated in operation where all stunning prior to slaughtering at the day of the visit. All three performed electronarcosis stunning with simultaneous wetting of the skin.
- In Murcia one of the sheep SHs visited carried out 100% ritual slaughter sometimes with stunning sometimes without. Electrodes were correctly placed and a current intensity of 1.5A was applied. Stunning was effective, bleeding started soon after stunning and further dressing operations did not start until bleeding finished.
 - In the other sheep slaughter line seen in Murcia the electric current did not reach the minimum target intensity determined by the FBO (0.7A) in approximately 80% of the cases remaining usually between 0.5-0.6A. Initially some lambs showed signs of recovery (rhythmic breathing) but after two consecutive obviously inadequately stunned animals the OV took action and from then on the effectiveness of stunning was satisfactory. The written stunning procedure indicated much lower target intensity requirements (0.2A) but the FBO informed the audit team that this was because the document had not been updated. The interval between stunning and bleeding is also not in line with the FBO procedure because that indicates 5 seconds and during the visit the audit team registered intervals of 21 to 36 seconds. In addition a 5 second stun to bleed interval is physically impossible with the current equipment in place. This had not been noted by the OV's or the supervisory level.
 - In the sheep slaughter line seen in Catalonia lambs were being stunned with a current intensity of 0.32 to 0.48A. Stunning was effective with no signs of recovery of consciousness. The FBO informed that in the case of lambs they had found this intensity to be adequate for effective stunning and did not apply the 1.0A intensity indicated by the OV's because with lambs it would cause bursting of the capillaries

- and subsequent marketing difficulties. Ritual slaughter (halal) is also performed routinely and always without stunning.
5. In Catalonia OV reports concerning a sheep slaughter line, not seen in operation by the audit team, indicated inadequate stunning already in 2010. The problem was satisfactorily addressed only recently (mid-January 2012) with the switch in stunning method from electronarcosis to penetrative captive bolt.
 6. In the four cattle slaughter lines evaluated in operation stunning was either performed with captive bolt pistol or not performed at all in the case of ritual slaughter.
 - One cattle slaughter line assessed in Murcia performed halal slaughter (without stunning) of 75% of the animals slaughtered daily. At the day of the visit only four animals still remained that would be stunned prior to slaughter. Two of these four animals were inadequately stunned and the OVs on site agreed with this assessment. The verification of effectiveness of stunning, as described by the FBO, was "visually by the operator" and no action was taken with regards to these two animals inadequately stunned. Questioned by the audit team both the FBO and OVs stated that a second stun shot for animals inadequately stunned was something very rarely done.
 - In the other three slaughter lines the animals were adequately stunned with operators calmly and skilfully applying the captive bolt pistol.

Conclusion

Electronarcosis parameters have still not been determined in the ACs visited, contrary to EU requirements from 1993. The effectiveness of stunning has improved but shortcomings still remain, mainly in the poultry sector as the poultry welfare knowledge of the OVs was insufficient.

Recommendation 2 of report 2010-8393 has not been fully satisfactorily addressed.

5.1.3 With regard to the equipment used for stunning or killing (Art. 6 of Directive 93/119/EC)

Recommendation 3 of report 2010-8393 requested the competent authorities to ensure that stunning equipment and backup instruments comply with the requirements laid down in Annex C to Directive 93/119/EC and are properly maintained as laid down in Article 6 of Directive 93/119/EC. This recommendation had already been made in 2008, recommendation 13 in part B sector specific issues, pages 135-148, of report 2008-8347.

In response the CCA stated that the Competent Authorities of the ACs would review the procedures for animal welfare inspections to ensure that the following would be checked: that own-check procedures include verification of the operation of the stunning equipment, that the maintenance plan includes stunning equipment, back-up equipment and control records and is in place and being implemented, and that there is a person in charge of maintenance and verification of the same. All ACs would finalise this at the latest by 31/12/2011.

Findings

1. Stunning equipment for cattle (captive bolt pistol), pigs (carbon dioxide) and sheep (electrodes) in the slaughter lines evaluated complied with requirements.
2. In two poultry SHs the shower for wetting the shackle-to-leg contact was in one case partially blocked by a metal part and placed at a point where the birds would already be receiving electric current, while in the other SH it was placed too far from the waterbath stunner with the shackles only slightly humid at its entrance (contrary to Annex C, section II, point (3) B(3) of Dir. 93/119/EC). In this last SH there was also overflow of water at the

- entrance to the waterbath which does not comply with Annex C, section II, point (3) B(4) of Dir. 93/119/EC. This had not been noted by the OV's.
3. Own checks procedures were mostly developed in preparation for the coming into force of Reg. 1099/2009 in 1 January 2013. Therefore they had in many cases just been issued or revised and were still going to be evaluated, or had recently received comments from the OV's.
 4. All slaughterhouses visited had maintenance schedules in place. However, they did not always include calibration of the equipment nor were all maintenance records fully comprehensive. This same shortcoming was frequently notified in other SHs by the OV's in Catalonia.
 5. The OV's verification of maintenance records was many times not registered.
 6. Backup stunning equipment was available in the SHs visited. However, in one SH it was not readily available on the spot.

Conclusion

Restraint, stunning and backup equipment and its maintenance showed obvious improvement. However, some shortcomings concerning waterbath stunning equipment remain undetected. Equipment maintenance, and its supervision, is in most slaughterhouses poorly documented and therefore difficult to audit.

Recommendation 3 of report 2010-8393 was generally satisfactorily addressed in the SHs visited. However, the system in place does not yet provide sufficient documented evidence that maintenance is always adequate in all slaughterhouses.

5.2 INSPECTIONS, CORRECTIVE MEASURES AND SANCTIONS

Legal requirements

Article 8 of Directive 93/119/EC sets out that inspections and controls in slaughterhouses shall be carried out under the responsibility of the competent authority. This article is to be read in conjunction with Regulation (EC) No 882/2004 that lays down the rules for the performance of official controls and applies *inter alia* to any form of control performed by the competent authority for the verification of compliance with animal welfare rules.

Article 8(1) to (3) of Regulation (EC) No 882/2004 concern official control and verification procedures, Article 8(3) of Regulation (EC) No 882/2004 requires that the CA shall have procedures in place to verify the effectiveness of inspections that they carry out and to ensure that corrective action is taken when needed. When the competent authority identifies non-compliance, it shall take action to ensure that the operator remedies the situation (Art. 54 of Regulation (EC) No 882/2004). Art. 54(2) of Regulation (EC) No 882/2004 encompasses a list of measures, which such action shall include, such as the suspension of operation or closure of all or part of the business concerned for an appropriate period of time.

Regarding sanctions, Member States are to lay down the rules on sanctions applicable to infringements of the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented (Art. 18(1) of Directive 93/119/EC and Art. 55(1) of Regulation (EC) No 882/2004). The sanctions provided for must be effective, proportionate and dissuasive (Art. 55(1) of Regulation (EC) No 882/2004).

5.2.1 With regard to Inspections (Art. 8 of Directive 93/119/EC and Art. 8 of Regulation (EC) No 882/2004

Recommendation 4 of report 2010-8393 requested the competent authorities to ensure that adequate

procedures are in place to verify the effectiveness of official controls, as required by Article 8(3) of Regulation (EC) No 882/2004 and that these ensure that corrective actions are taken as necessary. Similar recommendations were made in recommendation 5 of report 2007-7328, recommendation 7 of report 2008-8347 and recommendation 11 of report 2009-8284.

In response the CCA stated that the competent authorities of the ACs would review or, as necessary, draw up a procedure for verification of official controls that includes animal welfare. The majority of ACs would implement this by 30/6/2011, Catalonia by 30/9/2011 and Madrid, Castilla y Leon and Extremadura by the first quarter of 2012.

In addition the CCA would include verification procedures in the National Plan for the Official Control of the Food Chain by 31/12/2011.

Findings

1. Murcia has produced a generic procedure for audits to verify the efficacy of official controls. In the reply to the General Audit report 2008-8347 (Part B 2008-7766 recommendations 11, 12 and 13), the reply of 12/2/2010 to the LFN, and the reply of 7/12/2011 to the RO, Murcia had stated that it intended to carry out such verifications annually. However, it has not yet initiated audits of official controls of animal welfare at slaughter. The audit team was informed that it intended to start them in 2012.
 2. Murcia has not issued the documented procedures including instructions and information for staff concerning controls of animal welfare at slaughter required by Art. 8(1) of Reg. 882/2004. Such procedures were requested already in recommendation 4 of report DG SANCO 7328/2007².
 3. Murcia carried out in 2010 a supervisory review of all 23 SHs in the AC. The intent of this review was to obtain an harmonised overview of all shortcomings present in the SHs, clarify differences of interpretation between the OV's and establish a risk classification for those same shortcomings. Based on the results of that exercise it then performed a review and updating of the checklists to be used to verify the FBO's compliance with the requirements of Regulations (EC) No 852/2004 and 853/2004.
 4. Subsequent to the above a new checklist for verification of animal welfare at slaughter was also recently (November 2011) issued. However, it is not accompanied by any instructions nor had it been filled in yet by any of the OV's at the SHs.
 5. The new checklists had been used by the second level of supervision during a recent round of supervisory visits of the SH. However, the animal welfare checklist had not been used in poultry SHs because the supervision mistakenly considered that it was not designed for it.
 6. In the six SHs visited in Murcia the OV's were asked by the audit team which if any instructions concerning animal welfare at slaughter had been received. None could be shown except in one SH. In that SH the OV's presented a previous version of the current checklist stating that it was never filled in but that it was sometimes used as guidance for their checks.
 7. In Murcia the animal welfare supervisory activity of the OV's based at the SHs were not reported unless shortcomings were detected. This is not in line with Art. 9(1) of Reg. 882/2004.
 8. After the above mentioned full review and assessment of all SHs in Murcia a letter was sent to each FBO listing all the shortcomings detected. All the letters were sent in December
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- 2 In their response to the draft report the Competent Authority noted that "Guidelines on the conditions of application of the Animal welfare protocol in slaughterhouses, giving comprehensive instructions and interpretation criteria for the matters in the protocol, including stunning conditions, for official controls by the Official Veterinary Services have been prepared and are being disseminated, both through the usual channels for distribution of documents and at the workshops for slaughterhouses with the Official Veterinary Services (to be held in May 2012)."

2011 and required either immediate correction or a 3 month maximum deadline for correction of the listed shortcomings. The FBOs were given a 10 day deadline to reply with an action plan. However;

- Standardised template sentences (identical to the ones used in the checklists) were used in these letters notifying the shortcomings. However, these sentences were in some cases very general and with ambiguous meaning e.g.: the stunning, bleeding and slaughter operations are not performed without delay and avoiding contamination. Therefore it was sometimes impossible to know if the shortcoming that should be addressed was related to animal welfare (delay in stunning or bleeding) or to hygiene (contamination), or in cases of multi-species SHs in which slaughter line had the shortcoming been noted. Some FBOs requested this type of clarifications in their replies and the Murcia CA also recognised that this could be improved.
 - In one SH visited the FBO stated that it had not replied with the requested action plan since it did not agree with the shortcomings reported. The competent authority informed the FBO that a formal reply had to be produced.
 - In one case the CA could not provide documentation supporting the deficiencies reported in the letter.
 - In the majority of SHs visited the shortcomings listed had been addressed. However, due to the ambiguities described above the audit team could not always establish if the actions taken did address the shortcomings listed.
9. Training of official Murcia staff on animal welfare at slaughter was last performed in 2005. The official services have proposed training that will include some animal welfare points for 2012 but this training has not been approved yet. Nevertheless according to the programme provided its animal welfare content is minimal.
10. Murcia has carried out the planned SH monitoring visits, proposed in the reply to the RO, within the proposed deadlines of 31/11/2011 and January 2012.
- Animal welfare shortcomings reported during these monitoring visits were not considered serious non-compliances according to the grading system agreed between the CCA and ACs.
 - Deadlines for their correction were indicated and no sanctioning procedures or suspension of activity was proposed.
11. In Murcia inadequate restraining and stunning in one poultry and inadequate stunning in a cattle SH had not been detected by the OV's nor by their supervisors.
12. Catalonia has also carried out all the monitoring visits within the proposed deadlines. However, animal welfare for some particular species in some SH was not assessed due to low volumes of slaughter. The Catalonia CA has issued an instruction to the OV's of these SHs that the animal welfare assessment is to be carried out by the OV's as soon as possible.
13. In Catalonia these monitoring visits prompted some sanctioning procedures (see also section 5.2.2 point 8.) and resulted, until the time of the audit, in three cases of suspension of activity because of animal welfare shortcomings. When reviewing the documentation of the three suspended SHs and discussing it with the Catalonia CA the audit team could see that:
- All three SHs were formally suspended on 20/01/2012, after a first monitoring visit on 11, 22, and 23 November 2011 respectively.
 - The updated documentation, last sent by the CCA to the Commission Services in 29/12/2011, included a procedure illustrated with a "decision tree" explaining that for serious non-compliances SHs would be the object of precautionary suspension and removal from the list of EU approved establishments until non-compliances corrected. If less serious non-compliance then a deadline for correction would be given, SH revisited and if same non-compliance still present then precautionary

- suspension also. The two SHs visited on 22 and 23 November 2011 had serious non-compliances but followed the same procedure as for a less serious non-compliance i.e. deadline for correction of the shortcoming and suspended because the same shortcomings were present during a subsequent visit.
- The other SH had less serious non-compliances and was suspended after a revisit because it did not address them.
 - The Catalonia CA explained that a deadline was given also for serious non-compliances, instead of precautionary suspension of activity, because of concerns with possible legal challenges. Additionally it stated that this was known to the CCA because it had been discussed in meetings between the CCA and ACs, and it was also known to the Commission Services because in the individual reports for each SH the serious non-compliances had a deadline also indicated beside them. The CCA had indicated that the procedure was applied throughout all of Spain, but it was only possible to detect that Catalonia, the major livestock and poultry producing AC in the country, had diverged from this procedure by investigating hundreds of individual SH reports. The CCA confirmed that it was aware of this, and that it occurred only in Catalonia and in one or two specific cases in one more AC.
 - The audit team stated that notifying the Commission Services through the individual reports for each slaughterhouse was not an acceptable means of notifying a divergence from the procedure.
14. Catalonia has included a procedure for verification of efficacy of official controls, as well as for the OVs to perform the animal welfare controls at slaughter, in the Control Plans for Animal Welfare for 2012-2015, valid from 20 January 2012. These control plans are an update of the previous ones for 2007-2010 (which were extended into 2011). They include:
- The electrical stunning parameters recommended in the EFSA 2004 opinion and that will become mandatory with the entering into force of Reg. 1099/2009 in 2013;
 - Revised checklists and templates for notifying shortcomings, and for verification and registration of their correction;
 - Instructions and guidance to the OVs concerning the seriousness of shortcomings, effectiveness of stunning and indicative satisfactory percentages, etc;
 - The new requirements from Reg. 1099/2009;
 - A requirement to carry out visits for verification of efficacy of official controls of animal welfare at slaughter to a minimum of 20% of the SHs per year.
15. In Catalonia the animal welfare supervisory activity of the OVs based at the SHs was reported not only when shortcomings were detected but also with the checklists used during the periodic and general reviews performed at the frequencies prescribed according to the control plan. However, the OV reports did not always detail the result of the official control (lack of evaluation of effectiveness of stunning and/or FBO actions not evaluated), action to be taken by the FBO and rarely included deadlines (see also: section 5.1.1, point 5; section 5.1.2, point 3, 4th, 5th and 7th bullets; section 5.2.2, point 10, 2nd and 3rd bullets).
16. Catalonia started verifying the efficacy of official controls of animal welfare at slaughter in December 2011. The respective reports demonstrated that:
- The verification visits correctly focused not only on the shortcomings present in the SHs but compared those with what had been reported by the OVs;
 - The OVs performance shortcomings seen by the audit team in the SHs visited had also been detected during the verification visits;
 - Recommendations were made to improve the OVs performance.
17. The CCA has not yet published the updated version, originally planned for 31/12/2011, of the National Plan for the Official Control of the Food Chain, which would include the verification procedures. The audit team was informed that this delay was due to an ongoing

reorganisation of the CCA³.

18. In both ACs visited the respective competent authorities have encouraged the FBOs to start preparing for the requirements of Reg. 1099/2009, which revokes Dir. 93/119/EC and comes into force 1 January 2013.

Conclusion

Murcia has not started the annual verification of efficacy of official controls of animal welfare at slaughter that it has stated, since the reply to the report DG(SANCO)/2008-8347, it would initiate.

Despite this having been recommended already by the FVO in 2007, the documented procedures, including instructions and information for staff concerning controls of animal welfare at slaughter, required by Art. 8(1) of Regulation (EC) No 882/2004 have not been issued in Murcia. Reports from the second level of supervision generally comply (although the template sentences used to identify the non-compliances are sometimes ambiguous) with the requirements of Art. 9 of Regulation (EC) No 882/2004. However, official controls of animal welfare at slaughter in Murcia by the OV's at the slaughterhouses are not reported as required by that same article. As a result audits of the effectiveness of official controls of animal welfare at slaughter will not possess adequate activity registers, and adequate comprehensive standards, against which to assess that effectiveness.

In Murcia the OV's and the supervisory level did not detect obvious animal welfare shortcomings in two of the six SHs visited.

Catalonia has carried an extensive review of its Animal Welfare Control Plans producing good, thorough instructions and guidance for official controls of animal welfare at slaughter. However that guidance was not consistently followed and reports of OV's sometimes did not comply with the requirements of Art. 9 of Regulation (EC) No 882/2004. Catalonia started verifying the efficacy of official controls of animal welfare at slaughter in December 2011. These verification controls comprehensively, and accurately, detected OV's performance shortcomings in the SHs visited by the audit team.

Recommendation 4 of report 2010-8393, which is repeated since 2007, has still not been satisfactorily addressed by Murcia and was only implemented by Catalonia in December 2011. The procedures in place did not ensure that corrective action was always taken when needed.

Both ACs visited respected the first two deadlines, concerning SH monitoring visits, for the actions proposed in the reply to the RO. However, the decision tree concerning suspension of activity communicated by the CCA to the Commission Services is not being followed by Catalonia, with the time elapsed between detecting a serious non-compliance and imposing the corresponding suspension of activity being almost the same as for a less serious non-compliance.

5.2.2 *With regard to Corrective Measures (Art. 8 and 54 of Regulation (EC) No 882/2004)*

Recommendation 5 of report 2010-8393 requested the competent authorities to ensure that for infringements of the requirements of Directive 93/119/EC the operator remedies the situation, as required by Article 54 of Regulation (EC) No 882/2004. Similar recommendations were made in recommendation 9 of report 2007-7328, recommendation 8 of report 2008/8347, and recommendation 12 of report 2009-8284.

In response the CCA stated that the competent authorities of the ACs would review the procedures for animal welfare inspections so that they include the course of action in the event of infringements: criteria, deadlines and measures to be adopted. All ACs would finalise this at the

³ In their response to the draft report the Competent Authority noted that after the date of the audit the National Plan for the Official Control of the Food Chain, which includes verification procedures, had already been published.

latest by 30/09/2011.

In reply to the reasoned opinion the Catalonia CA informed that in July 2010 it had sent letters to all 163 FBOs of SHs with animal welfare shortcomings (see points 5. to 9. below). The audit team was informed that by November 2011 shortcomings had been corrected in 62 SHs (37%) and the initiation of sanctioning procedures had been proposed for a total of 105 SHs.

Findings

1. Murcia still does not have written procedures for inspections of animal welfare at slaughter. There is nevertheless a generic procedure that the OV's apply in any cases of non-compliances (hygiene, animal welfare or animal health) reported by them.
2. In Murcia inadequate stunning of poultry in one SH and of cattle in another had not been noted, nor action requested, by the OV's or their supervisory level.
3. The very recent issuing of letters listing the animal welfare shortcomings of the SHs in Murcia (see also section 5.2.1 point 8.) together with the sometimes ambiguous standard sentences used and the insufficient registration of the OV's activities did not allow the audit team to obtain adequate documented evidence of corrective measures imposed by the OV's. This must nevertheless be balanced with the fact that the majority of slaughter operations seen during the audit complied with animal welfare requirements.
4. In Catalonia the updated versions of the Animal Welfare Control Plans include additional details concerning classifying, registering and following up on shortcomings reported.
5. After a February 2010 meeting between the Catalonia CA and the SH operators, in which long standing animal welfare shortcomings detected in SHs in Catalonia were discussed, a letter was sent in July 2010 to 163 FBOs. Each letter listed the shortcomings detected during the previous two years relevant to the FBO in question and requested corrective measures to be taken "within six months". For very serious deficiencies, such as incorrect restraint of animals, the FBOs were requested to correct them "as soon as possible". The letters also stated that if the shortcomings had not been corrected within the six months "sanctioning procedures will be initiated with possible imposition of economic sanctions or temporary suspension of slaughter until correction of the shortcomings".
6. In the SHs visited two FBOs had not provided written replies to these letters.
7. A copy of the letters was also sent to the OV's at the respective SH asking them to follow up on the issues raised in the letter and report on its follow up. OV's reports on the follow up of these letters were seen in the establishments visited. Consultation of the reports however revealed that in almost all cases some shortcomings persisted and that no sanctioning procedures could be shown to have been initiated with a basis in these follow up reports regardless of findings and expiry deadlines. Hence some animal welfare shortcomings listed in the letters and present for two years already in 2010 had still not been remedied by the FBOs when the deadlines expired. Catalonia has not implemented what it announced in the July 2010 letter.
8. Some sanctioning procedures have been recently initiated (December 2011 and January 2012) concerning some of the same non-compliances listed in the letters of July 2010 and respective follow up reports (see also section 5.2.3 points 4., 5. and 6.). However, they are not based on the January and February 2011 follow up reports but on later 2011 reports that notified the same deficiencies. They are in some cases also the result of the monitoring visits proposed in the reply to the RO.
9. The audit team made the above remark in Catalonia in 30/1/2012. At the closing meeting in Madrid in 3/2/2012 the Catalonia CA provided the audit team already with one new sanctioning procedure, initiated in 1/2/2012, in connection with the follow up report of January 2011 of one of the cases discussed.

10. All *Actas* (notification of shortcomings to FBO) produced by OV's in Catalonia are sent to the next level of the Catalonia CA. However:
- it is not required that those *Actas* identify if the shortcomings detected, and notified to the FBO with the *Acta*, have been satisfactorily addressed or are still present;
 - a reply from the FBO may or may not accompany such *Actas*, and the FBO replies seen that accompanied the *Acta* did not have any further comment or assessment from the OV about their adequacy;
 - in addition in spite of the instructions in the Animal Welfare Control Plans, requiring precise identification of the shortcomings and specification of deadlines, the *Actas* do not comply with the instructions. Deadlines were rarely established and a common formulation seen in such *Actas* was "Improvements are needed with regards to the stunning box" which does not specify what was wrong with the stunning box;
 - therefore the system as implemented does not allow this next level of the CA to establish what needs to be done if using exclusively the documentation routinely provided.
11. In Catalonia many shortcomings that had been present for at least two years already in 2010 were still present late in 2011, or even 2012, or had only recently been satisfactorily addressed, e.g.:
- The insufficient lairage space in one cattle and one pig SHs (section 5.1.1 point 4.), still unsolved;
 - The high noise level at the hanging area of a poultry SH (section 5.1.1 point 11.), reported since 2007 and noted to have improved but not yet fully satisfactorily addressed;
 - Excessive use of the electric prod with cattle undergoing ritual slaughter (section 5.1.1 point 9.), still unsolved;
 - In one multi-species SH ritually slaughtered cattle were frequently suspended while conscious (section 5.1.1 point 10.) this was satisfactorily addressed in December 2011;
 - In another multi-species SH sheep were not adequately stunned (section 5.1.2 point 4.). The problem was satisfactorily addressed in mid-January 2012 with the change in stunning method from electronarcosis to penetrative captive bolt;
 - Documentation concerning a quail SH (slaughtering on average 300.000 birds per week), visited in 2010 by the FVO, showed that in July 2011 there was still systematic inadequate stunning and high percentages (from 6 to 13%) of birds conscious when entering the scalding tank (both of these had been reported already by the OV's in 2008, 2009 and 2010). Problems with restraint and stunning were still being reported in October 2011. The Catalonia CA initiated sanctioning procedures based on the two reports of 2011 (see also section 5.2.3 second bullet of point 5.).
12. In addition to the examples provided above with no or very slow-resolution, the audit team also saw evidence in Catalonia of measures taken more promptly by the FBOs to remedy animal welfare shortcomings noted by the OV's. Namely concerning written procedures, staff training, maintenance requirements, animal handling and improving equipment.

Conclusion

In Murcia shortcomings of animal welfare at slaughter reported were acted upon without undue delay therefore sanctions had not been needed. However, insufficient and/or ambiguous registration of the activities and results of the official controls of animal welfare at slaughter in Murcia meant that this outcome was not clearly documented.

Regarding the approach adopted in Catalonia in 2010 to deal with long standing animal welfare

non-compliances in SHs although the OV's followed up on those letters as required, the higher level of the CA did not implement the sanctioning measures. Despite the OV's regularly notifying shortcomings the deficient reporting procedures and the slow and insufficient follow up and support from the hierarchy resulted, in several cases, in slow action from the FBOs to address the shortcomings reported.

There is improvement with regard to recommendation 5 of report 2010-8393. However, significant shortcomings were not detected in Murcia and Catalonia has not consistently applied corrective measures.

5.2.3 With regard to Sanctions (Art. 18(1) of Directive 93/119/EC and Art. 55(1) of Regulation (EC) No 882/2004)

Recommendation 6 of report 2010-8393 requested the competent authorities to ensure that where necessary sanctions are imposed which are effective, proportionate and dissuasive as required by Article 55 of Regulation (EC) No 882/2004. Similar recommendations were made in recommendation 9 of report 2008-8347 and recommendation 12 of report 2009-8284.

In response the CCA stated that the ACs' competent authorities with powers to penalise animal welfare shortcomings in slaughterhouses would review or, as necessary, draw up a procedure for verification of official controls that includes follow-up and review of procedures in the event of shortcomings and suitable classification of the sanctions in accordance with Law 32/2007. Two ACs would, furthermore, draw up specific coordination notes on infringements linked to Law 32/2007. The deadline for this was 30/6/2011.

The national Law 32/2007 of 7 November 2007 concerning the care of animals during rearing, transport, experimentation and slaughter, defines three categories of infringements light, serious, and very serious and corresponding sanctions (fine of up to 600€, from 601€ to 6000€, and from 6001€ to 100000€, respectively) which ACs' competent authorities are empowered to impose on the FBOs (Article 13 to 19 of Law 32/2007).

Recommendation 7 of report 2010-8393 requested the competent authorities to ensure that provisions for sanctions regarding animal welfare infringements at slaughter, as required by Article 18 of Directive 93/119/EC and Article 55 of Regulation (EC) No 882/2004, are applied in all Autonomous Communities.

In response the CCA stated that the management board of the AESAN sent the Directorates-General for public health of the ACs a letter on the implementation of Law 32/2007 on animal welfare in accordance with this recommendation, and a clarification document from the AESAN Legal Department, to be forwarded to the departments responsible for this area in each AC.

Findings

1. The only sanctioning procedure initiated in Murcia during 2010 and 2011 was a recent one concerning the lack of training of a SH worker performing ritual slaughter without being qualified. The procedure had been approved administratively but had not yet been legally opened. Nevertheless the audit team was informed that the FBO had already made sure that the worker in question was formally qualified for the task.
2. The Catalonia CA has made a significant effort with regard to initiating sanctions in case of shortcomings in animal welfare at slaughter as can be seen from the evolution of the number of sanctioning procedures initiated along the years, with 18 in 2010, 40 in 2011 and 63 already during January 2012 (the sanctioning procedures initiated in January 2012 all concern non-compliances notified in 2011).
3. The large majority of sanctions (14) in 2010 were classified as light and fines imposed

- ranged from “warning” (two) to the 600€ maximum (four). Two serious shortcomings were fined the 601€ minimum while the two other serious shortcomings were fined 2000€ and 2160€.
4. One pig SH was the object of sanctioning procedures for the same shortcoming in 2010, 2011 and 2012. In this SH the FBO organised the arrival of the animals within specific time frames but when problems in the line caused stops in slaughter operations or the animals arrived outside the programmed times (even though the lairage is accessible 24h per day) some trucks were not allowed to unload and had to wait for several hours (without the possibility of feeding the animals), in addition to the travelling time that they had already endured.
 - This was reported in February 2009 for trucks with a total of approximately 1000 pigs, with a sanction classified as light 600€, paid in April 2010.
 - Another refusal to allow unloading of trucks was notified in December 2010. The pigs endured an additional 20 hours in the truck. The second case was classified as serious and fined 900€ in November 2011 but the FBO appealed and has not yet paid this fine.
 - In July 2011 the OVs reported that this same refusal to unload the trucks kept occurring occasionally and the animals had to wait in the trucks for 12h more. A third sanctioning procedure was initiated in January 2012 (serious shortcoming, fine not yet established) linked to this shortcoming and others noted in the same report.
 - At the day of the audit team's visit this FBO had not yet increased its lairage capacity.
 5. The 40 sanctions proposed in 2011 concerned 14 for light shortcomings and 26 for serious shortcomings. Only two of the serious shortcomings have a fine amount established and in both cases it is for the minimum value of 601€.
 - Three of these shortcomings (one light and two serious but with the amount of the fines not established yet) concerned one same pig SH and were all because of incorrect restraint of the animals with two being additionally because of problems with the stunning equipment.
 - Two other serious shortcomings (fine not yet established) concerned a quail SH visited in 2010 by the FVO. A new waterbath stunner had been installed in January 2011 and an attempt to improve stunning was made by commissioning a study. However, there was still systematic inadequate stunning and high percentages of birds conscious when entering the scalding tank (both of these had been reported already in 2008, 2009 and 2010) being reported in October 2011.
 - Two other serious shortcomings (fine not yet established) concerned one same multi-species SH and were both for incorrect restraint.
 6. The 63 sanctions proposed in 2012 were all classified as serious shortcomings. 90% of the sanctions were identified as being because of shortcomings with stunning facilities or equipment.
 - One multi-species SH sanctioned 601€ (serious shortcoming) in 2011 for shortcomings with the stunning equipment and incorrect restraint is being sanctioned again in 2012 (serious shortcoming, fine not yet established) and again for shortcomings with the stunning equipment.
 - A pig SH sanctioned 601€ (serious shortcoming) for restraint and stunning shortcomings in 2010, was the subject of two proposals for sanctions in February and November 2011 with both notifying insufficient lairage capacity and again inadequate stunning amongst other shortcomings. A sanctioning procedure was initiated in 2012 (serious shortcoming, fine not yet established).
 - A multi-species SH sanctioned 2160€ (serious shortcoming) in 2010 for shortcomings while performing ritual slaughter and while moving the animals

- (reported already in the July 2010 letter) has been proposed for sanctions for identical reasons again in 2012 (serious shortcoming, fine not yet established).
7. The sanction procedures initiated in 2011 and 2012 are almost all initiated at least four months after the notification(s) in which they are based, with some being initiated almost one year after notified.
 8. In 12 January 2012 the Catalonia CA issued a circular letter because of serious problems concerning the restraint of animals ritually slaughtered, and with the bleeding procedure for some bird species, reported by the initial visits for verification of efficacy of official controls in December 2011. This letter informed the OVs at the SHs and the meat industry associations about the legal requirements concerning the above mentioned shortcomings. It also instructed the OVs to verify if the shortcomings in question were present in the SHs under their supervision and that, if present, suspension of activity could be imposed until such a time as the shortcoming had been corrected.
 9. Evidence of the application of such measures (suspension of activity due to inadequate restraint during ritual slaughter) was provided to the audit team.
 - In one SH, slaughtering an average of approx. 6 700 sheep per week, the OV reported in September 2010 that ritually slaughtered lambs were suspended as a means of restraint. Throughout 2011 this same shortcoming kept being reported. A sanctioning procedure was initiated only in January 2012. In 19/01/2012 the OV notified the FBO that ritual slaughter of sheep was suspended until a system to restrain the animals in compliance with requirements had been installed. One week after the suspension an adequate restraining system had been installed.
 - Another multi-species SH had a long standing record of animal welfare non-compliances (shortcomings reported in 2008 and still present at the end of 2010) and sanctions imposed once in 2009 and twice in 2010 always for restraining sheep for ritual slaughter without stunning by suspending them. In 2011 another sanctioning procedure because of shortcomings with the stunning equipment (serious shortcoming, fine not yet established) was proposed. During a joint visit to this SH in 20/1/2012 for verification of efficacy of official controls, evident suffering of cattle in the restraint equipment used for their ritual slaughter was noted. The use of this equipment was forbidden in 24/1/2012 until its compliance with animal welfare requirements could be demonstrated.
 10. Other than this above mentioned very recent and very specific situation in Catalonia the OVs in the establishments have not been empowered to propose sanctions. Sanctions can only be proposed by a higher level of the Catalonia CA. However, this system has resulted in the OVs notifying time and time again (years in some cases) the same identical shortcoming without action from the level empowered to take stronger measures.
 11. All the above mentioned sanctions were proposed based on Law 32/2007.
 12. The AC of Extremadura (where problems were noted by the FVO in 2010 with the implementation of law 32/2007) informed the audit team that regional elections had delayed the final clarification on which department would be responsible for applying sanctions in connection with Law 32/2007 with regards to animal welfare at slaughter but that a legal opinion was expected still in February 2012. After such a legal opinion is issued no more than an executive decision (and therefore also no extended delay) should be needed to implement the legal opinion.
 13. The representatives of the ACs present at the opening meeting informed the audit team that there had been no problems with applying sanctions according to Law 32/2007 in their respective ACs.

Conclusion

In Catalonia the long delays between first notification of animal welfare shortcomings and initiating sanction procedures reduces their effectiveness and dissuasive effect.

The sanctions for serious shortcomings from 2010 to January 2012, for which fines have been established, are all in the lower range, 601€ to 2160€, of the possible maximum of 6000€. The documented cases of sanctions applied, with shortcomings remaining unsolved, or present for very extended periods, or that keep recurring, demonstrate that, except when suspension of activity is imposed, as implemented the current sanctioning system is not effective and dissuasive.

Therefore although the Catalonia CA have very significantly increased the number of sanctions imposed, they are not yet effective nor dissuasive, recommendation 6 of report 2010-8393 has not been satisfactorily addressed.

Problems detected in 2010 with applying effectively the sanctions provided for in Law 32/2007 did not occur in the ACs visited, are not reported by other ACs, and Extremadura, in which it was still pending, informed the audit team that this should be resolved still in February 2012. Other than obtaining confirmation from Extremadura on this last point recommendation 7 of report 2010-8393 has been satisfactorily addressed.

6 OVERALL CONCLUSIONS

Both ACs visited respected the first two deadlines, concerning SH monitoring visits, for the actions proposed in the reply to the RO. However, the decision tree concerning suspension of activity communicated by the CCA to the Commission Services is not being followed by Catalonia, with the time elapsed between detecting a serious non-compliance and imposing the corresponding suspension of activity being almost the same as for a less serious non-compliance.

In comparison with previous audits in this sector obvious improvements were seen with regards to restraint procedures and equipment, effectiveness of stunning, stunning equipment and its maintenance, good procedures for official controls in Catalonia (though not always fully respected), good supervisory visits in Catalonia for verification of effectiveness of official controls and a major increase in the number of sanctions imposed.

Shortcomings still present on the side of the FBOs concerned mainly: insufficient lairage capacity, restraint of poultry, restraint of cattle during ritual slaughter without stunning, effectiveness of stunning (mainly but not exclusively in the poultry sector) and documented evidence of maintenance and/or calibration of restraint and stunning equipment.

The main shortcomings still present on the side of the official controls concerned: lack of determination of the strength and current to be used in waterbath stunners, insufficient poultry welfare knowledge of the OVs, lack of documented procedures for the OVs in SHs in Murcia and insufficient reporting of those OVs' activities, lack of verification of efficacy of official controls in Murcia, insufficient follow up of the OVs' reports by the level empowered for imposing sanctions in Catalonia, and sanctions not consistently imposed and not effective and dissuasive in Catalonia allowing severe non-compliances to remain in place for years.

The insufficient and/or ambiguous registration of the activities and results of the official controls over animal welfare in Murcia made the official controls system there difficult to audit.

Two of the seven recommendations from report 2010-8393 can be considered generally

satisfactorily addressed (recommendations 3 and 7), two not satisfactorily addressed (recommendations 4 and 6) with the other three showing improvements but not yet fully satisfactorily addressed.

7 CLOSING MEETING

A closing meeting was held on 3 February 2012 with representatives of the CCA. At this meeting, the main findings and conclusions of the audit were presented by the audit team. The representatives of the CCA and of Catalonia provided some comments concerning the actions in case of serious non-compliance as described in the reply to the RO, and the Murcia representative requested clarification on some points.

8 RECOMMENDATIONS

Nº.	Recommendation
1.	The CCA should ensure that slaughterhouses are equipped with a sufficient number of pens for adequate lairaging of the animals, as required by Article 5(1)(a) and Annex A section II, point 6. of Directive 93/119/EC.
2.	The CCA should ensure that animals are restrained in an appropriate manner in such a way as to spare them avoidable pain, suffering, agitation, injury or contusions as required by Article 3, Article 5(1)(b) and Annex B of Directive 93/119/EC, as recommended already by the FVO in 2008 and 2010.
3.	The CCA should ensure that the strength and duration of current required in waterbath stunners is determined by the competent authorities as required by Article 5 (1) (c) and Annex C section II, point 3. B (1) of Directive 93/119/EC, as recommended already by the FVO in 2007 and 2009.
4.	The CCA should ensure that documented procedures, as required by Article 8(1) of Regulation (EC) No 822/2004, including instructions and information for staff carrying out official controls of animal welfare at slaughter are issued by all Autonomous Communities, as recommended already by the FVO in 2007 and 2008.
5.	The CCA should ensure that, as required by Article 9 of Regulation (EC) No 822/2004, reports of official controls of animal welfare at slaughter are issued by all Autonomous Communities. It should also ensure that the reports issued comply with all the requirements of Article 9 (2) of that same regulation.
6.	The CCA should ensure that, as required by Article 8(3) of Regulation (EC) No 882/2004, verification of the effectiveness of controls of the requirements of Directive 93/119/EC is carried out by all Autonomous Communities, as recommended already by the FVO in 2007, 2008, 2009 and 2010.

N°.	Recommendation
7.	The CCA should ensure that, as required by Article 6 of Regulation (EC) No 882/2004, appropriate training on animal welfare requirements at slaughter (particularly concerning poultry welfare) is provided to inspectors in slaughterhouses, as recommended already by the FVO in 2007, 2008 and 2009.
8.	The CCA should ensure that, as required by Article 54 of Regulation (EC) No 882/2004, in case of infringements of the requirements of Directive 93/119/EC the operator remedies the situation, as recommended already by the FVO in 2007, 2008, 2009 and 2010.
9.	The CCA should ensure that, as required by Article 55 of Regulation (EC) No 882/2004, where necessary sanctions are imposed which are effective, proportionate and dissuasive, as recommended already by the FVO in 2008, 2009 and 2010.

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 93/119/EC	OJ L 340, 31.12.1993, p. 21-34	Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 1099/2009	OJ L 303, 18.11.2009, p. 1-30	Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing
Reg. 852/2004	OJ L 139, 30.4.2004, p. 1, Corrected and re-published in OJ L 226, 25.6.2004, p. 3	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs
Reg. 853/2004	OJ L 139, 30.4.2004, p. 55, Corrected and re-published in OJ L 226, 25.6.2004, p. 22	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin