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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

ESTONIA

FROM 03 TO 07 JUNE 2013

IN ORDER TO EVALUATE THE IMPLEMENTATION OF THE REQUIREMENTS ON THE  
PROTECTION OF ANIMALS AT THE TIME OF SLAUGHTER

## ***Executive Summary***

*The mission took place in Estonia from 3rd June to 7th June 2013 as part of the planned audit programme of the FVO. An opening meeting was held with the Estonian competent authorities on 3rd June 2013. 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 objective of the audit was to evaluate the implementation of the requirements on the protection of animals at the time of slaughter, in particular the major farmed animal species. In order to achieve this objective, the audit team visited County Veterinary Centres and slaughterhouses in five different Counties.*

*The majority of the requirements of Regulation (EC) No 1099/2009 have been, or are being, implemented by business operators. Requirements which are not being implemented are parameters for the electrical waterbath stunning of poultry, which the business operator is aware of, and some of the processes that have to be included in the Standard Operating Procedures. All operators carrying out slaughter and related operations and all Animal Welfare Officers were in possession of the required Certificate of Competence. Animal Welfare Officers are carrying out monitoring activities on the stunning of animals but are not detecting, and taking corrective actions on, some of the other requirements of the regulation. Business Operators are therefore not being adequately assisted by the Animal Welfare Officers in protecting the welfare of animals.*

*The central competent authority (CCA) has designed a system to carry out official controls on the protection of animals at the time of slaughter. However, since verification of effectiveness has not started yet, the audit team could not evaluate whether these arrangements are suitable for identifying areas for improvement and taking corrective action, as appropriate. Officials from the CA are effectively following the Worksheets put in place to carry out official controls on the requirements of Regulation (EC) No 1099/2009. However these Worksheets do not fully cover all the requirements of Regulation (EC) No 1099/2009.*

*Animal welfare of bovines and swine at the time of slaughter is generally satisfactory with the exception of some minor deficiencies. The application of insufficient currents for waterbath stunning of poultry is a major animal welfare issue, which the CA has not sought to correct.*

*The report makes a number of recommendations to the CCA, 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

<b>Abbreviation</b>	<b>Explanation</b>
AHWFD	Animal Health, Welfare and Feedingstuffs Department
AV	Authorised Veterinarian
AWO	Animal Welfare Officer
BTSF	Better Training for Safer Food
BO	Business Operator
CA	Competent Authority
CCA	Central Competent Authority
CVC	County Veterinary Centre
FVO	Food and Veterinary Office
MS	Member State
OV	Official Veterinarian
SH	Slaughterhouse
SOP	Standard Operating Procedure
VFB	Veterinary and Food Board

## 1 INTRODUCTION

The audit took place in Estonia from 3rd June to 7th June 2013 as part of the planned programme of the FVO. An opening meeting was held with the Estonian competent authorities on 3rd June 2013. 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 was composed of two auditors from the FVO and a trainee. The audit team was accompanied throughout the audit by a representative from the central competent authority (CCA) – the Animal Health, Welfare and Feedingstuffs Department (AHWFD) of the Veterinary and Food Board (VFB) within the Ministry of Agriculture.

## 2 OBJECTIVES

The objective of the audit was to evaluate the implementation of the requirements on the protection of animals at the time of slaughter, in particular the major farmed animal species.

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

Visits			Comments
Competent authority	Central	2	Opening and final meetings
	Regional	6	Regional authorities were met at the slaughterhouses and at a County Veterinary Centre (CVC) visited.
Slaughterhouses		5	Visits to poultry, bovine and swine slaughterhouses in the counties of Harju, Rapla, Järva, Jõgeva and Tartu.

## 3 LEGAL BASIS

The audit was carried out under the general provisions of Community legislation, in particular Article 45 of Regulation (EC) No 882/2004.

A full list of the legal instruments quoted in this report is provided in Annex 1 and refers, where applicable, to the last amended version.

## 4 BACKGROUND

Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing has been applicable as from the 1st January 2013. This regulation repeals Council Directive 93/119/EC although in the case of pre-existing slaughterhouses parts of the Annexes to the Directive remain valid until the 8th December 2019.

In May 2012 the Directorate General for Health and Consumers had sent a questionnaire to all Member States (MSs) and to Croatia enquiring about the predicted state of implementation of Council Regulation (EC) No 1099/2009 for the 1st January 2013.

This is the first of a series of planned audits to evaluate the implementation of Council Regulation (EC) No 1099/2009 at the time of slaughter in Member States.

## 5 FINDINGS AND CONCLUSIONS

### 5.1 COMPETENT AUTHORITY

#### 5.1.1 Organisation and responsibilities

The general structure of the CA is described in the Country Profile found on the Europa website using the following link:

[http://ec.europa.eu/food/fvo/controlsystems\\_en.cfm?co\\_id=EE](http://ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=EE)

#### 5.1.2 Official Controls

##### 5.1.2.1 Organisation of Official Controls

### Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires Member States to carry out regular official controls on animal welfare so as to achieve the objectives of this Regulation.

Article 8 of Regulation (EC) No 882/2004 requires CAs to carry out official controls in accordance with documented procedures.

Article 9 of Regulation (EC) No 882/2004 requires the CA to draw up reports on the official controls it carries out which shall include a description of the purpose of the official controls, the results of the official controls and, where appropriate, action that the business operator concerned is to take.

Article 54 of Regulation (EC) No 882/2004 requires CAs to take necessary enforcement measures to ensure that the operator remedies non-compliances detected.

Article 22 of Regulation (EC) No 1099/2009 specifies actions that the CA may take to ensure that the operator remedies non-compliances detected for the purpose of Article 54 of Regulation (EC) No 882/2004.

Article 23 of Regulation (EC) No 1099/2009 requires Member States to lay down rules on penalties applicable to infringements of this Regulation. These penalties must be effective, proportionate and dissuasive.

### Findings

Animal Welfare Specialists (AWSs) from the CVCs carry out official controls on each slaughterhouse (SH) within their County once a year. With regards to these controls, the CCA informed the audit team that:

- An Inspection Worksheet, issued by the CCA, is used by the AWSs to carry out official controls on the requirements of Regulation (EC) No 1099/2009. This document is essentially a check-list outlining the requirements of Regulation (EC) No 1099/2009 and is designed to describe relevant findings;

- Following the audit, the AWS produces a report using a template issued by the CCA. Non-compliances detected during the control, and requests and deadlines for corrective measures are indicated in this report. In one example seen the AWS had detected slippery flooring between the lairage and the stunning area during an inspection dated 13<sup>th</sup> May 2013. The deadline to correct this non-compliance is the end of August 2013;
- The Business Operator (BO) is also informed of financial penalties (non-performance penalties) that would be incurred if the deadlines are not respected. In the example described above, the BO was notified of a 50Euro penalty if the correction is not carried out by the end of the deadline indicated;
- The AWSs carry out a follow-up visit after expiry of the deadline to verify implementation of the corrective measures.

The audit team noted that:-

- AWSs met indicated that BOs generally tend to meet the deadlines specified in the report in order to avoid paying the penalty. One of the SHs visited had been inspected in March 2013. The non-compliances detected at this SH had to be corrected by the 1st April 2013 in order to avoid facing a penalty of 120Euros. Another inspection, carried out on the 11th April 2013, verified the implementation of these corrective measures;
- The Inspection Worksheet is the only document available to the AWSs for conducting an inspection in SHs on the protection of animals at the time of slaughter and further guidance on e.g. interpretation of legal requirements or control techniques to be applied have not been issued yet;
- There are documented procedures on how to produce a report using the report template after an inspection. These reports include details of the SH and of the BO, the type of and reason for the official control, a summary of the general situation in the SH, a list of identified non-compliances and relevant corrective actions requested, the deadline to carry out the corrective actions and the financial penalty if the BO does not carry out the corrective actions within the stipulated deadline.

Official controls during slaughter are carried out by Official Veterinarians (OVs) and Authorised Veterinarians (AVs) whose main responsibility is food hygiene. Animal welfare at the time of slaughter is amongst the duties of these officers. The presence of an OV at the SH depends on the size of the SH. Ante-mortem inspection of animals is carried out either by OVs in high-capacity SHs, or by AVs in low capacity SHs. Post-mortem inspection is carried out by OVs and AVs in high-capacity SHs. In low capacity SHs, AVs perform routine post-mortem examination. With regards to these controls, the CA informed the audit team that:

- When non-compliances with legislation on the welfare of animals at the time of slaughter are detected, the OVs and AVs have the legal power to request immediate corrective actions to be taken;
- The OVs and AVs at the SHs have the legal power to suspend or reduce the speed of slaughter;
- OVs have the legal power to take further enforcement measures whereas the AVs do not.

Any cases of non-compliances, detected by AVs in SHs where an OV is not present (low capacity SHs), which require further enforcement measures are referred to the AWS of the CVC to follow up.

#### *5.1.2.2 Coordination and Training of CA staff*

### **Legal Requirements**

Article 4(3) of Regulation (EC) No 882/2004 requires MSs conferring the competence to carry out official controls on an authority or authorities other than the CCA, in particular those at regional or local level, to ensure that there is efficient and effective coordination between all the authorities involved.

Article 6 of Regulation (EC) No 882/2004 requires CAs to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

### **Findings**

- The CCA holds regular meetings for AWSs from the CVCs on a quarterly basis. Attendance at these meetings is recorded and stored by the CCA;
- During these meetings the introduction of new regulations and checklists, and the modification of working procedures are presented to the AWSs;
- The OVs and AVs carrying out official controls at SHs are then trained by the AWSs on a regional basis;
- The CCA informed the audit team that it intended to send AWSs to participate in the BTSF training courses on the protection of animals at the time of slaughter. Two AWSs were to attend the first course planned for the third week of June 2013.

#### *5.1.2.3 Verification of Official Controls*

### **Legal Requirements**

Article 8(3) of Regulation (EC) No 882/2004 requires the CA to have procedures in place to verify the effectiveness of official controls.

### **Findings**

As indicated in the Country Profile, the AHWFD undertakes assessments of the work performed by CVC inspectors on the basis of a three-year (rolling) plan. Verification of the effectiveness of official controls is carried out in 5 CVCs each year for every three-year period. This always involves on-the-spot assessment. This is the first year of implementation of Regulation (EC) No 1099/2009. The CCA informed the audit team that verification of effectiveness of official controls on animal welfare requirements, including the protection of animals at the time of slaughter, in the 5 CVCs has not been initiated this year.

## **Conclusion**

The CCA has designed a system to carry out official controls on the protection of animals at the time of slaughter. As the system is in its early phases of implementation and the verification of effectiveness of control procedures has not initiated yet, the audit team could not evaluate whether the system is capable of identifying areas for improvement and taking corrective action as appropriate.

The CCA has put in place a coordination mechanism and training to provide for consistent official controls. Inspection worksheets and report templates contribute to the consistency of controls but as the control procedures have not been documented as required by Article 8 of Regulation (EC) No 882/2004, verification of compliance with planned arrangements and effectiveness is difficult to perform.

The reports issued by the CA are in line with the requirements of Article 9 of Regulation (EC) No 882/2004. Actions taken in case of non-compliance have been effective in ensuring that BOs remedy the situation as required by Article 54 of Regulation (EC) No 882/2004.

### *5.1.3 Stricter National Rules*

## **Legal Requirements**

Article 26(1) of Regulation (EC) No 1099/2009 allows MSs to maintain stricter national rules aimed at ensuring more extensive protection of animals at the time of killing than those contained in the Regulation that are in force at the time of entry into force of the Regulation. MSs are required to inform the Commission before 1<sup>st</sup> January 2013 of such national rules.

Article 26(2) of Regulation (EC) No 1099/2009 allows MSs to adopt stricter national rules aimed at ensuring more extensive protection of animals at the time of killing than those contained in the Regulation in relation to the killing and related operations of animals outside of a slaughterhouse, the slaughtering and related operations of farmed game, including reindeer, and the slaughtering and related operations of animals as prescribed by religious rites. This article also requires MSs to notify the Commission of any such national rules.

## **Findings**

The CA indicated that there are stricter national rules in Estonia on the slaughter of animals as prescribed by religious rites, as foreseen by Article 26(2)(c) of Regulation (EC) No 1099/2009. These rules entered into force on the 1st of January 2013, as prescribed by Decision No 198 of 11th December 2012 Amending the Animal Welfare Act. These stricter rules require that the animals slaughtered as prescribed by religious rites are immediately stunned after their neck is cut and that the meat from these animals is to be used only by the local community. As of the 7th June 2013 the Commission had not been notified of these stricter rules, although this is a requirement of Article 26.

## **Conclusion**

The CA has adopted stricter national rules aimed at ensuring better protection of animals that are

slaughtered as prescribed by religious rites. The CA has not, however, complied with the notification requirements of Article 26 of Regulation (EC) No 1099/2009.

#### *5.1.4 Scientific Support*

##### **Legal Requirements**

Article 20 of Regulation (EC) No 1099/2009 requires MSs to ensure that there is sufficient independent scientific support available to assist the CA on a number of activities identified in this Article. This Article requires MSs to identify a single scientific contact point when the independent scientific support is provided via a network with other MSs. The single scientific contact point is to be made publicly available via the Internet.

##### **Findings**

The CCA indicated that:

- Given the limited availability of resources in the MS it had not yet identified a source for independent scientific support;
- The alternative of identifying and appointing a single scientific contact point had not been followed either.

##### **Conclusion**

The CA has not complied with the requirements of Article 20 of Regulation (EC) No 1099/2009. Therefore at the moment it cannot avail of independent scientific support to assist in assessing approval of slaughterhouses, development of new stunning methods, instructions provided by manufacturers of restraining and stunning, guides to good practice and capacity and suitability of separate bodies and entities to provide the training as laid down in Article 21(2) of the Regulation.

#### *5.1.5 Certificate of Competence*

##### **Legal Requirements**

Article 7 of Regulation (EC) No 1099/2009 requires BOs to ensure that handling and care of animals prior to restraint, restraining, stunning, assessment of effective stunning, shackling, hoisting, bleeding and slaughtering of animals is done only by persons holding a certificate of competence demonstrating their ability to carry out those operations in accordance with the rules laid down in the regulation.

Article 21 of Regulation (EC) No 1099/2009 requires MSs to designate the CA responsible for ensuring that training courses are available and approving their programmes, approving the content and modalities of an independent examination for, and, issuing certificates of competence in the killing of animals and related operations. The subjects of the final examination must be relevant for the categories of animals concerned, corresponding to the operations identified in Article 7 and subjects as set out in Annex IV to the regulation. The certificates of competence must indicate for which categories of animals, type of equipment and for which of the operations specified in Article

7 the certificate is valid. This article also allows the CA to delegate one or more of these tasks to a separate independent body.

Article 29 of Regulation (EC) No 1099/2009 includes a transitional provision until 8th December 2015 allowing these certificates of competence to be issued by way of a simplified procedure to persons demonstrating relevant professional experience of at least three years.

## **Findings**

The CA indicated that:

- The VFB is the designated CA to implement the requirements of Article 21 of Regulation (EC) No 1099/2009;
- The VFB has appointed a training and examining board for the Certificate of Competence. It has maintained the responsibility to issue certificates of competence;
- The VFB is issuing Certificates of Competence based on the training and examination requirements laid down in Article 21 of Regulation (EC) 1099/2009;
- Certificates of Competence are also being issued based on the transitional provision indicated in Article 29(2) of Regulation (EC) No 1099/2009. In this case, the employing BO has to issue a declaration on the number of years of experience the applicant has;
- The Certificates of Competence issued indicate which categories of animals, type of equipment and for which of the operations the said certificate is valid, as required by Article 21(3) of Regulation (EC) 1099/2009;
- The VFB currently does not recognise the equivalence of other certificates to the Certificate of Competence, as permissible by Article 21(7). It is however aware of the obligation (Article 21(7)) to make any such list publicly available over the Internet.

The audit team noted that:

- The training programme covers all the subjects listed in Annex IV of Regulation (EC) No 1099/2009;
- In all the SHs visited, the staff involved in the killing of the animals and related operations were in possession of a Certificate of Competence issued by the VFB;
- These operators were competent in the activities carried out under the Certificate of Competence (see Sections 5.2.3 and 5.2.4);
- In all of the SHs visited the Animal Welfare Officers (AWOs) were in possession of a Certificate of Competence issued by the VFB;
- Although being in possession of a Certificate of Competence the AWOs were not able to detect deficiencies such as the lack of provision of water at all times to the animals kept in the lairage and the slippery flooring between the lairage and the stunning area (see Section 5.2.2).

## **Conclusion**

There is a system in place for the training, examining and issuing of Certificates of Competence in the killing of animals and related operations, as required by Regulation (EC) No 1099/2009. This process is effective in ensuring that the stunning, and related operations, of animals is carried out by competent persons so as to prevent unnecessary suffering. This process is however insufficient in ensuring that the AWOs are fully competent in aiding the BOs to comply with the requirements of Regulation (EC) No 1099/2009.

### **5.2 BUSINESS OPERATOR'S RESPONSIBILITIES**

#### *5.2.1 Standard Operating Procedures and designation of Animal Welfare Officer*

### **Legal Requirements**

Article 6 of Regulation (EC) No 1099/2009 requires BOs to plan in advance the killing of animals and related operations and to carry them out in accordance with standard operating procedures (SOPs). These SOPs and their implementation must ensure that killing and related operations are carried out in a way that ensures animals are spared any avoidable pain, distress or suffering.

Article 17 of Regulation (EC) No 1099/2009 requires BOs to designate an AWO for each SH to assist them in ensuring compliance with the rules laid down in the regulation. The AWO must be under the direct authority of the BO, be in a position to require SH personnel to carry out any remedial actions necessary to ensure compliance with the regulation, hold a certificate of competence for all the operations of the SH for which the AWO is responsible, keep for at least one year a record of the action taken to improve animal welfare in the SH and have that record available to the official supervision. The responsibilities of the AWO must be set out in the SOPs of the SH and effectively brought to the attention of the personnel concerned. This Article does not apply to low throughput SHs.

### **Findings**

In the SHs visited, the audit team noted that:

- The BOs of the SHs visited had created SOPs as required by Article 6 of Regulation (EC) No 1099/2009;
- The SOPs seen in four out of the five SHs did not include the scheduling of the arrival of animals at the SH. Procedures to adopt when emergency killing at the SH is needed were absent in all five SOPs seen. These are two requirements that are included in Article 6 of Regulation (EC) No 1099/2009;
- Other requirements to be included in the SOPs, as prescribed by Article 6 of Regulation (EC) No 1099/2009, such as stunning equipment used and key parameters to apply, were always indicated in the SOPs seen;
- The BOs had designated an AWO, as required by Article 17 of Regulation (EC) No 1099/2009. The name of the AWO and his/her authority was specified in the SOPs referred to by Article 6 of Regulation (EC) No 1099/2009;

- Responsibilities of the AWOs were included in the SOPs seen, as required by Article 17 of Regulation (EC) No 1099/2009;
- All the AWOs met were in possession of a Certificate of Competence as is required by Article 17 of Regulation (EC) No 1099/2009;
- The monitoring procedures, required by Article 16 of Regulation (EC) No 1099/2009, were included in the SOPs seen (see Section 5.2.4);
- In one of the CVCs visited the AWS had created a template SOP for use by SHs slaughtering less than 1,000 livestock units of mammals or 150,000 birds or rabbits per year (hereafter referred to as low throughput SHs). This template was adopted by other CVCs for use by the low throughput SHs under their authority. The template lacks procedures to adopt when emergency killing at the SH is needed but is otherwise complete.

## **Conclusion**

The SOPs drawn up by the BOs meet most of the requirements of Article 6 of Regulation (EC) No 1099/2009 but lack procedures on the scheduling of the arrival of animals and emergency killing at the SH.

BOs have adequately implemented the requirements of Article 17 of Regulation (EC) No 1099/2009 concerning designation of AWOs, their responsibilities, tasks and qualifications in the SOPs.

### *5.2.2 Layout, construction and equipment of slaughterhouses*

## **Legal Requirements**

Article 14 of Regulation (EC) No 1099/2009 requires BOs to ensure that the layout and construction of SHs and the equipment therein comply with the rules set out in Annex II of the Regulation. In addition the BOs must submit, when requested, to the CA the data concerning the maximum number of animals per hour for each slaughter line, the categories of animals and weights for which the restraining or stunning equipment available may be used and the maximum capacity for each lairage area.

Article 29 of Regulation (EC) No 1099/2009 includes a transitional provision until December 2019 that the rules set out in Annex II shall only apply to new SHs or to any new layout, construction or equipment covered by that Annex which have not entered into operation before 1 January 2013, in which case the relevant provisions of Directive 93/119/EC continue to apply.

## **Findings**

All SHs visited by the audit team had been in operation before 1st January 2013. No modifications to the layout and construction of these SHs had been carried out after this date. Furthermore, all stunning equipment in use had been installed and used for the first time before 1st January 2013. This means that the transitional provision laid down in Article 29(1) of Regulation (EC) No 1099/2009 applied to all slaughterhouses visited.

At the poultry SH visited the unloading and removal of the birds from the cages was carried out by an automated system. The CA indicated that it was not fully satisfied with the system as it had noted that in some cases it could cause overexcitement or be a risk of injury to the birds. In this SH, the audit team noted that:

- Flapping of the wings was frequent at certain stages of the automatic unloading system (e.g.: the step prior to the shackling carousel) indicating that these stages were causes of excitement to the birds;
- The BO had implemented several actions to reduce the risk of injury to the birds by the automatic unloading system, namely operators visually checking crates after being emptied, and sensors to detect the presence of birds prior to cleaning of the crates;
- The receiving area in the poultry SH visited was well-ventilated and blue lighting was used to keep the birds calm;
- The time from shackling to entry into the waterbath stunner was observed to be less than 1 minute. Although the shackle line has been in operation before 1st January 2013 it is already in compliance with this requirement laid down in Annex II of Regulation (EC) No 1099/2009. The installation of a breast comforter throughout the shackle line is missing. This will have to be in place before the expiry of the transitional provision in December 2019.

At the other 4 SHs visited the audit team noted that:

- The lairage pens were clean and it was possible to provide water to the animals in all lairages. However in one of these SHs water was not provided at all times to the animals and this had not been detected by the AWO;
- In one of the four SHs visited, there was no visible sign besides the lairage pens indicating date and time of arrival of the mammals (2.3 of Annex III of Regulation (EC) No 1099/2009);
- Other non-compliances to the requirements of Directive 93/119/EC under the transitional provision of Regulation (EC) No 1099/2009 for the layout and construction, such as slippery flooring between the lairage and the stunning area, had not been detected by the AWOs;
- Although the audit team or the AWSs had detected the non-compliances described above none of the AWOs met had taken, and recorded, any action to improve animal welfare at the SH where they were employed.

With regards to the stunning equipment used in all 5 SHs visited, the audit team noted that:

- Some of the electrical stunning equipment was not equipped with both an audible and visual device indicating the electrical parameters used. The electrical stunning equipment, including the waterbath stunner, was not equipped with devices to record the electrical parameters applied. This equipment had been in use before 1st January 2013 and is in compliance with the requirements of Annex C Paragraph 3.A.2 of Directive 93/119/EC. Its use can be continued under the transitional provision of Regulation (EC) No 1099/2009 until 8th December 2019 after which it must be brought into compliance with the rules set out in

Annex II to this Regulation;

- The penetrative captive bolt devices used complied with the requirements of Regulation (EC) No 1099/2009.

### 5.2.3 *Handling and restraining operations at slaughterhouses*

#### **Legal Requirements**

Article 3 of Regulation (EC) No 1099/2009 requires that animals be spared any avoidable pain distress or suffering during their killing and related operations. In particular it requires that BOs ensure that animals are provided with physical comfort, protected from injury, handled and housed taking into consideration their normal behaviour, do not suffer from prolonged withdrawal of feed and water and are prevented from avoidable interaction with other animals that could harm their welfare. The facilities must be designed, constructed, maintained and operated so as to ensure compliance with these obligations under the expected conditions of activity throughout the year.

Article 15 of Regulation (EC) No 1099/2009 requires BOs to ensure that the SH operations comply with the rules set out in Annex III. In addition it provides details concerning forbidden methods of restraint, as well as restraining methods and equipment in the case of particular methods of slaughter prescribed by religious rites.

#### **Findings**

None of the 5 SHs visited by the audit team carried out slaughter prescribed by religious rites. The CCA had indicated to the audit team that a very small number of bovines and ovines had been slaughtered by religious rites in the past years. At the SHs visited the audit team noted that:

- In the poultry SH visited the shackling of birds was done without causing overexcitement to the birds. The shackled birds did not show signs of overexcitement;
- Handling and restraining operations were carried out by competent operators who took into account the animal species and behaviour and handled them in accordance with the requirements of Regulation (EC) No 1099/2009 at the time of the visits. In particular, animals were moved with care without causing them to rush and prods and electric goods were not used.

### 5.2.4 *Stunning Methods, Checks on stunning, Use of restraining and stunning equipment and Monitoring Procedures*

#### **Legal Requirements**

Article 4 of Regulation (EC) No 1099/2009 requires all animals to be killed only after stunning, except if subjected to particular methods of stunning prescribed by religious rites. Stunning methods and respective requirements are specified in Annex I and the loss of consciousness and sensibility must be maintained until the death of the animal.

Article 5 of Regulation (EC) No 1099/2009 requires BOs to carry out regular checks on a sufficiently representative sample of animals, at a frequency established according to specified risk factors, to ensure that the animals do not present any sign of consciousness and sensibility between

the end of the stunning process and death.

Article 9 of Regulation (EC) No 1099/2009 requires BOs to ensure that equipment for restraining and stunning animals is maintained and checked according to manufacturers' instructions, by persons specifically trained for the purpose, that records of such maintenance are maintained for at least one year, that during stunning operations appropriate back-up equipment is immediately available on the spot and is used in case of failure and that animals are not placed under restraint before the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

Article 16 of Regulation (EC) No 1099/2009 requires BOs to put in place and implement appropriate monitoring procedures to perform the checks on stunning required under Article 5. Those procedures must include at least the name of the responsible person(s), specify consciousness and sensibility indicators, criteria to determine if results shown by the specified indicators are satisfactory, in which circumstances or at which time the monitoring must be performed, the number of animals to be checked and measures to ensure that if stunning is not effective the operations are reviewed in order to identify and address the causes of any shortcomings. These procedures must be put in place for each slaughter line and the frequency of the checks shall take into account identified main risk factors.

## **Findings**

At the SHs visited the audit team noted that:

- All of the SHs visited were equipped with stunning and backup stunning equipment adequate for the species slaughtered;
- The waterbath stunner at the poultry SH had a capacity for 20 birds at any one time. The current applied was between 1.36Amps to 1.47Amps at 50 Volts, with a frequency of not less than 300Hertz. This implied that an average current of between 68mA and 74mA was being applied to each bird at any one time. This is only half of the minimum current required in Annex I of Regulation (EC) No 1099/2009 (150mA when the frequency is between 200 and 400Hertz) and does not stun the birds but immobilises them;
- The CA and BO were aware of this non-compliance but were reluctant to implement the requirements of Regulation (EC) No 1099/2009. The BO informed the audit team that higher currents caused problems in meat quality including reddening of the skin, bruising of the meat and, occasionally, reddened wing tips;
- All BOs had implemented monitoring procedures, as required by Article 16 of Regulation (EC) No 1099/2009, to perform checks on stunning for the purposes of Article 5. These procedures included a reference to the person responsible, consciousness and sensibility indicators to check, the number of animals to be checked and under which circumstances, and measures to investigate causes of and correct any shortcomings. In each of the SHs visited the AWOs were carrying out these checks. In two of the SHs visited this had not been carried out from the date of entry into force of Regulation (EC) No 1099/2009 but only after the AWSs carried out an inspection and issued reports including requests for corrective measures;
- In all SHs visited bleeding was carried out by severing either the two carotid arteries, or the

vessels from which they arise, as is required by Point 3.2 to Annex III of Regulation (EC) No 1099/2009 when methods of simple stunning are used;

- In the poultry SH visited the stun to bleed interval was of 2 to 3 seconds. In the other SHs visited the stun to stick interval was less than 1 minute. These intervals are in compliance with the requirement of Article 4(1) of Regulation (EC) No 1099/2009 to carry out the bleeding of animals as quickly as possible;
- In the poultry SH visited an operator checked the efficiency of the neck cutter and took corrective measures when necessary, as required by Article 5 and Annex III of Regulation (EC) No 1099/2009;
- All operators seen carrying out stunning and bleeding operations took care to apply the stunning equipment (penetrative captive bolt guns and electric tongs) to the animals according to the manufacturers' specifications so as to ensure an effective stun.

## **Conclusion**

The layout, construction and equipment of SHs generally satisfied the requirements of Regulation (EC) No 1099/2009, or of Directive 93/119/EC where the transitional provision of the Regulation applied. BOs had taken, or were taking, corrective actions on the remaining areas needing improvement that had already been identified by the CA. Most of the electrical stunning equipment seen was compliant with the requirements of this Regulation under the transitional provision of Article 29(1) but BOs will have to replace or modify this equipment by December 2019.

Handling, restraining and bleeding operations are carried out in a satisfactory manner in all SHs. Stunning operations in four of the five SHs visited are also satisfactory. However in the poultry SH visited the parameters for electrical waterbath stunning are not being respected by the BO.

AWOs carried out monitoring activities on the stunning of animals, although not all had started these monitoring activities from the 1st January 2013. Since the AWOs had not detected any of the shortcomings concerning SOPs, slippery flooring or the provision of water to the animals they are not adequately assisting the BOs in ensuring full compliance with the rules laid down in Regulation (EC) No 1099/2009.

## **5.3 OFFICIAL CONTROLS AND APPROVAL OF ESTABLISHMENTS**

### **Legal Requirements**

Article 31 of Regulation (EC) No 882/2004 requires CAs to approve an establishment for the activities concerned only if the BO has demonstrated compliance with the relevant requirements of food law. Assessment of compliance has to include an on-site visit of the CA.

Article 14 of Regulation (EC) No 1099/2009 requires CAs to assess the maximum number of animals per hour for each slaughter line, the categories of animals and weights for which the restraining or stunning equipment available may be used and the maximum capacity for each lairage area when approving SHs.

Article 4(2)(a) of Regulation (EC) No 882/2004 requires CAs to ensure that official controls on live animals at all stages of production are effective and appropriate.

## Findings

With regards to the approval of new or modified SHs the CCA informed the audit team that:

- During the quarterly meetings held with the AWSs, it had presented the new requirements for the approval of new or modified SHs;
- There are written instructions on the new procedure to follow. The modified procedure requires that prior to issuing an approval SHs are visited and compliance with food hygiene and animal welfare requirements are assessed by the CVC Food Hygiene Specialist and AWS respectively;
- There had not been any need to approve new SHs, or renew the approval of modified SHs since the introduction of the new requirements of Article 14 of Regulation (EC) No 1099/2009.

The audit team saw Inspection Worksheets for four of the five slaughterhouses (SHs) visited. All the fields in the Inspection Worksheets on legal requirements applicable to the SH had been filled in by the AWSs. All reports seen by the audit team had been filled in by the AWSs according to the reporting procedure.

With regards to the official controls on SOPs (see Section 5.2.1), the audit team noted that:-

- From the Inspection Worksheets and relevant reports seen the AWSs had not detected the absence in the SOPs of the scheduling of the arrival of animals and of a process to adopt when emergency killing at the SH is needed. The Inspection Worksheet does not have fields directly referring to the inclusion in the SOPs of these requirements;
- The same Inspection Worksheet instead has fields directly referring to other requirements of Article 6 of Regulation (EC) No 1099/2009 such as the requirements for stunning equipment. Compliance with these requirements had been verified by the AWSs.

With regards to the official controls on the layout, construction and equipment of slaughterhouses (see Section 5.2.2), the audit team noted that:-

- In one of the SHs visited the AWS had not detected the absence of provision of water at all times to animals kept inside the lairage;
- With regards to the SH visited that lacked a visible sign besides the lairage pens the AWS had previously noted the absence of this sign in the report and had requested the BO to take corrective measures. The BO had consequently installed a sign inside an office at the other end of the SH. The AWS had considered this location to be compliant with the requirements of Regulation (EC) No 1099/2009 although the requirement is to have the sign besides the lairage pens;
- Other structural deficiencies of some of the SHs, such as the slippery flooring, had been

detected by the AWSs. These were indicated in respective fields in the Inspection Worksheets seen. Reports had been issued requesting the BO to take corrective measures within stipulated deadlines. In the case of the slippery flooring the deadline was for the 1st September 2013;

- Where electrical stunning equipment that was in use before 1st January 2013 was assessed the AWSs indicated in relevant field in the Inspection Worksheet that this equipment was compliant with the transitional provision of Regulation (EC) No 1099/2009.

With regards to handling and restraining operations (see Section 5.2.3) the audit team noted that the AWSs had not reported irregularities in the handling and restraining of animals since the date of applicability of Regulation (EC) No 1099/2009. This corresponds to what was observed by the audit team during the visits to the SHs.

With regards to stunning methods, checks on stunning, use of restraining and stunning equipment and monitoring procedures (see Section 5.2.4) the audit team noted that the AWSs had checked all the relevant fields in the Inspection Worksheets seen. Where non-compliances had been detected reports, and follow-up reports indicating that corrective actions had been verified, were also seen.

With regards to Certificates of Competence (see Section 5.1.5) and activities of the AWOs, the audit team noted that:

- From the Inspection Worksheets seen the AWSs had checked that the AWOs and operators carrying out slaughter and related operations were in possession of a Certificate of Competence for their field of activity;
- Compliance of BOs with the requirements of Article 17 of Regulation (EC) No 1099/2009 had been assessed by the AWSs and recorded in the appropriate fields in the Inspection Worksheets. However when the AWSs had detected areas of non-compliance to some of the requirements to Regulation (EC) No 1099/2009, and requested these to be corrected (see Section 5.1.2.1), the AWOs' lack of interventions had not been noted by the AWSs. The Inspection Worksheet does not have a field directly referring to the assessment of the effectiveness of the AWOs' activities.

## **Conclusion**

There is a system in place to ensure that prior to approving new or modified SHs compliance with the animal welfare requirements of Regulation (EC) No 1099/2009 will be assessed by the CA.

Officials from the CA effectively use the Worksheets put in place to carry out official controls on the requirements of Regulation (EC) No 1099/2009. Controls carried out following these Worksheets verify that BOs are compliant with most of the requirements of Regulation (EC) No 1099/2009 in particular the protection of animals during stunning and bleeding. The Worksheets however do not fully cover all the requirements of the Regulation. Official controls are therefore not fully effective in verifying that overstocking of animals at lairages is avoided, that animals requiring emergency slaughter at SHs are killed following the requirements of the Regulation, and that AWOs are effectively assisting the BOs in ensuring compliance with Regulation (EC) No 1099/2009.

## 6 OVERALL CONCLUSIONS

The majority of the requirements of Regulation (EC) No 1099/2009 have been, or are being, implemented by BOs. Requirements which are not being implemented are parameters for the electrical waterbath stunning of poultry, which the BO is aware of, and some of the processes that have to be included in the SOPs. All operators carrying out slaughter and related operations and all AWOs were in possession of the required Certificate of Competence. AWOs are carrying out monitoring activities on the stunning of animals but are not detecting, and taking corrective actions on, the other requirements of the Regulation. BOs are therefore not adequately being assisted by the AWOs in ensuring compliance with all the requirements in the Regulation.

The CCA has designed a system to carry out official controls on the protection of animals at the time of slaughter. However, since verification of effectiveness has not started yet, the audit team could not evaluate if the system is fully operational. There is a system in place to ensure that prior to approving new or modified SHs compliance with the animal welfare requirements of Regulation (EC) No 1099/2009 will be assessed. Officials from the CA are effectively following the Worksheets put in place to carry out official controls on the requirements of Regulation (EC) No 1099/2009. However these Worksheets do not fully cover all the requirements of Regulation (EC) No 1099/2009 and therefore official controls are not fully effective in verifying that overstocking of animals at lairages is avoided, that animals requiring emergency slaughter at SHs are killed following the requirements of the Regulation, and that AWOs are effectively assisting the BOs in ensuring compliance with Regulation (EC) No 1099/2009.

Animal welfare of bovines and swine at the time of slaughter is generally satisfactory with the exception of some minor deficiencies. The application of insufficient currents for waterbath stunning of poultry is however a major animal welfare issue, which the CA has not sought to correct.

## 7 CLOSING MEETING

A closing meeting was held on the 7th June 2013 with representatives of the CCA. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. During this meeting, the CA acknowledged the findings and preliminary conclusions presented and provided a commitment to correct the deficiencies.

## 8 RECOMMENDATIONS

N°.	Recommendation
1.	To notify the Commission of the stricter national rules that have been adopted aiming at ensuring more extensive protection of animals at the time of killing, as required by Article 26(2) of Regulation (EC) No 1099/2009.
2.	To ensure that sufficient independent scientific support is available to assist the competent authorities, upon their request. In case scientific support is provided via a network, identify a single contact point and make this contact point publicly available

N°.	Recommendation
	via the Internet, as required by Article 20 of Regulation (EC) No 1099/2009.
3.	To enforce the stunning parameters specified in Annex I of Regulation (EC) No 1099/2009, particularly parameters for electrical waterbath stunners, so as to ensure the loss of consciousness and sensibility of the animals from the moment of stunning until the moment of death, as required by Article 4(1) of Regulation (EC) No 1099/2009.
4.	To review procedures so as to ensure that official controls cover all the requirements of Article 6 of Regulation (EC) No 1099/2009, in particular the scheduling of the arrival of animals at the slaughterhouse, and procedures to adopt when emergency killing at the slaughterhouse is needed.
5.	To review procedures so as to ensure that official controls are carried out to verify that animal welfare officers are effectively assisting the business operators in ensuring compliance with the rules laid down in Regulation (EC) No 1099/2009, as required by Article 17(1) of the same Regulation.

The competent authority's response to the recommendations can be found at:

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_inspection\\_ref=2013-6825](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2013-6825)

**ANNEX 1 - LEGAL REFERENCES**

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
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
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