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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

GERMANY

FROM 10 TO 20 JUNE 2014

IN ORDER TO EVALUATE THE ANIMAL WELFARE CONTROLS IN PLACE AT  
SLAUGHTER AND DURING RELATED OPERATIONS

*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 audit took place in Germany from 10 to 20 June 2014 to evaluate the effectiveness of controls in ensuring animals are spared any avoidable pain, distress or suffering during their killing and related operations, as required by Regulation (EC) No 1099/2009.*

*The report concludes that the framework for controls that existed prior to the entry into force of Regulation (EC) No 1099/2009 already provided for many of the requirements subsequently introduced at EU level by this Regulation. As a result there was already good training in this sector and good synergies between the Competent Authorities, research institutes and industry, which allowed guides to good practice to be quickly developed, although this has not yet been achieved for the poultry sector.*

*All levels of the Competent Authorities are committed to achieving high standard animal welfare controls and there have been campaigns organised on this topic, and technical experts provide good on the spot support for the official veterinarians. The Competent Authorities also benefit from a Handbook which clarifies and helps standardise controls, but its implementation is at an early stage and the principle of checking the business operators checks has not yet been fully integrated into official controls. The Handbook does not address the slaughter of poultry and monitoring of footpad dermatitis in broilers is also not sufficiently standardised or co-ordinated.*

*There is good support from the Competent Authority for official veterinarians when they require business operators to take corrective actions. However, there is a weakness with sanctioning of cases where unfit animals are transported for slaughter, as the CA has not always been able to make their prosecuting officials sufficiently aware of the significance of the issue.*

*The report makes a number of recommendations to the German authorities to address the deficiencies noted.*

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## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

<b>Abbreviation</b>	<b>Explanation</b>
A	Ampere
AWO	Animal welfare officer
BO	Business operator
CA(s)	Competent Authority(ies)
CCA	Central Competent Authority
CoCo	Certificates of Competence
EU	European Union
HE	Hesse
OV	Official veterinarian
NW	Nord Rhine Westphalia
SOP	Standard operating procedure

## 1 INTRODUCTION

This audit took place in Germany from 10 to 20 June 2014 as part of the planned audit programme of the Food and Veterinary Office.

An opening meeting was held with the Competent Authorities (CAs) on 10 June. At this meeting, the objectives of, and itinerary for, the audit were confirmed by the mission team. The audit team comprised two auditors from the Food and Veterinary Office and one trainee and was accompanied throughout the audit by representatives from the Central Competent Authority (CCA).

## 2 OBJECTIVES

The main objective of the audit was to evaluate the effectiveness of official controls on business operators to ensure animals are spared any avoidable pain, distress, or suffering during their killing and related operations, in particular:

- The assurances given by official controls regarding the business operators' compliance with applicable requirements of Regulation (EC) No 1099/2009 and the business operators' level of compliance;
- Whether official controls on animal welfare at the time of killing, carried out in accordance with Regulation (EC) No 882/2004, are suitable to ensure the effective implementation of Regulation (EC) No 1099/2009; and
- The Member State's and Competent Authorities' compliance with specific requirements of Regulation (EC) No 1099/2009, such as guides to good practice, scientific support and certificates of competence and the effectiveness of the implementation of those requirements.

In addition to the main objective, and as the official controls in slaughterhouses contribute to controls on animal welfare on farms and welfare during transport, the audit also evaluated whether:

- Indications of poor welfare conditions of chickens kept for the production of meat are being detected at slaughterhouse level and subsequently reported and acted on as required by Article 3 and Annex III of Directive 2007/43/EC; and
- Only animals which are fit for transport are sent to slaughterhouses, as required by Article 3 and Chapter I of Annex I to Regulation (EC) No 1/2005, and whether this is supported by the implementation of procedures in Regulation (EC) No 853/2004 Annex III Section I Chapter VI, which facilitates the killing of "emergency slaughter" animals on farm and their carcasses sent to the slaughterhouse.

Furthermore the audit sought to identify good practices recognised by the Competent Authorities in relation to Regulation (EC) No 1099/2009.

In pursuit of the objectives, the following sites were visited in Hesse (HE) and Nord Rhine Westphalia (NW):

Meetings with Competent Authorities			Comments
Competent authority	Central	2	Opening and closing meetings
	Other	4	Two at Länder level and two at local level.
Site visits and other meetings			
Slaughterhouses		7	Two poultry (one large scale, one small scale) four red meat and one mobile slaughterhouse.
Equipment manufacturer		1	

### 3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation and, in particular Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

EU legal acts quoted in this report are provided in Annex I and refer, where applicable, to the last amended version.

### 4 BACKGROUND

Regulation (EC) No 1099/2009 applies from 1 January 2013 in all EU Member States and repeals the previous EU legislation Council Directive 93/119/EC, which was applicable in all Member States from 1995. The Regulation lays down rules for the killing of animals bred or kept for the production of food, wool, skin, fur or other products as well as the killing of animals for the purpose of depopulation and for related operations.

The Regulation requires a stronger system of business operator (BO) supervision than was previously the case, in particular regarding the layout, construction and equipment of slaughterhouses, handling and restraining of animals and stunning and slaughter. An animal welfare officer is required to supervise operations and report directly to the BO. The manufacturers and/or retailers of restraining and stunning equipment must provide operating and maintenance instructions with all equipment sold. CA are required to ensure that appropriate courses leading to certificates of competence (CoCo) are available to relevant slaughterhouse staff and that guides to good practice are available to operators.

### 5 FINDINGS AND CONCLUSIONS

Annex II to this report provides details of the specific legislation relevant to each of the sections below.

#### 5.1 FRAMEWORK FOR CONTROLS

##### 5.1.1 *Competent authorities involved*

1. The organisation of the CA is described in the country profile, which is available at: [http://ec.europa.eu/food/fvo/ir\\_search\\_en.cfm](http://ec.europa.eu/food/fvo/ir_search_en.cfm)

### 5.1.2 *Scientific support*

2. In order to ensure that sufficient independent scientific support is available to assist the CAs, as required by Article 20 of Regulation (EC) No 1099/2009, the CCA has designated the Friedrich-Loeffler-Institut (Institute of Animal Welfare and Animal Husbandry) for this purpose.

### 5.1.3 *Guides to good practice*

3. Currently there are three guides to good practice available:
  - Guidance of the German Butchers' Guild (Deutschen Fleischer-Verbandes).
  - Guidance of the Association of Meat Industry (Verband der Fleischwirtschaft eV) on best practices for animal welfare of pigs at slaughter.
  - Guidance of the Association of Meat Industry on best practices for animal welfare of cattle at slaughter.
4. These guides have been drawn up in consultation with representatives of non governmental organisations and CAs, as required by Article 13 of Regulation (EC) No 1099/2009.
5. Certain BOs met during the audit indicated that their standard operating procedures (SOPs) were based on the Association of Meat Industry guidance document.
6. Article 13 of Regulation (EC) No 1099/2009 requires each Member State to encourage the development of guides to good practice; however there are no guides to good practice concerning the poultry sector in Germany.

### 5.1.4 *Provision of certificates of competence*

7. The local CA is responsible for issuing CoCo and the training underpinning this has been largely delegated to a private institute, as allowed by Article 21 of Regulation (EC) No 1099/2009. The German Butchers' Guild had also encouraged its members to participate at the course provided by this institute. A second institute was being assessed as a suitable training body by the CA in NW. A Handbook "Animal welfare monitoring at slaughter and killing" (hereafter "the Handbook" see 19) provides some limited framework for the CAs on how such courses should be arranged.
8. The local level of the CA has provided training on care and handling of animals which was not part of previous training for the previous licensing of slaughterhouse workers carried out under national legislation prior to Regulation (EC) No 1099/2009. The local CA have also given some training e.g. where a slaughterman already had a CoCo for cattle, and wanted to extend it to pigs. The local CA did not cover the theory part as this would have already been included for the first CoCo.
9. The local CAs used a checklist from the Handbook as the basis for the examination. Local CAs stated that each applicant will receive individual assessment during the

practical examination. Annex IV of Regulation (EC) No 1099/2009 emphasises that it is the practical aspects of operations which must be assessed.

10. Many applicants are not proficient in German and training material had been translated into Turkish, Hungarian and Romanian in one of the larger slaughterhouses visited where training and examinations had taken place.
11. An Animal Welfare Officer (AWO) was already required by Article 16 paragraph 4a of the German Animal Welfare Law. Those undergoing assessment to become an AWO have usually been working in the area for several years and don't have to sit an examination. Some candidates for AWO recently started working in the industry and undertook an extended training course, where they had to demonstrate their ability to do the practical tasks, as required by Article 7 (2) of Regulation (EC) No 1099/2009, as well as the supervisory tasks required of an AWO required by Article 17 of this Regulation.

#### Conclusions on framework for controls

12. As training for slaughtermen and the position of AWO were already mandatory under previous German legislation the CA have only had to make minor amendments to their previous arrangements to deliver the required certificates of competence. The inclusion of a practical assessment in the examination gives a good assurance of operator competence.
13. The guides to good practice equally provide a useful framework for BOs in developing their procedures and checks, although the poultry sector lacks this support.

## 5.2 PLANNING OF OFFICIAL CONTROLS

14. The German single integrated multi-annual national control plan, required by Article 41 of Regulation (EC) No 882/2004, provides certain criteria by way of indication of risk: number of animals slaughtered, results of previous checks, complaints received, the structural and hygienic status of the slaughterhouses, past violations, the reliability of the BO as well as the method of slaughter as factors which may be followed, but indicates that the local CA is responsible for determining the frequency of checks.
15. The higher levels of the Land CA do not usually directly instruct the local CA, but where major welfare issues have occurred the Land have instructed the lower levels. Article 3 of Regulation (EC) No 882/2004 requires official controls to be carried out on a risk basis taking account of, amongst other criteria, any identified risks or information that might indicate non-compliance.
  - In 2010 as a result of media exposure of slaughterhouse conditions the CA in NW carried out a campaign of additional controls to those carried out by the local CA. 30 slaughterhouses were selected on the basis of the number of animals and stunning methods used. In all slaughterhouses problems were found, but in nine there were major deficiencies; some of which led to criminal prosecutions and, in one case, to withdrawal of the licence. This project highlighted a risk with slaughterhouses slaughtering more than 1000 pigs/week, and these continue to be more frequently visited as part of the joint controls by the Land Agency for Nature, Environment and Consumer Protection of NW (*Landesamt für Natur, Umwelt und Verbraucherschutz*

- LANUV) and the local CA.

- In HE the Ministry had indicated that slaughter without stunning was a priority for controls and indicated that a permanent CA presence is required where this is carried out.
16. Technical experts, based at LANUV in NW and at the intermediate level of the CA in HE, carry out risk based inspections in slaughterhouses in addition to those by the local CA.
  17. When deciding control frequencies at local level, the CAs use meat hygiene as the basis for risk assessment, but increased checks on animal welfare took place when new equipment, refurbishment, or other ad hoc issues occurred. Article 4(9) of Regulation (EC) No 854/2004 requires the nature and intensity of auditing tasks in respect of individual establishments to depend upon the assessed risk, including animal welfare.

#### Conclusions on planning of official controls

18. The campaigns on animal welfare organised by the Land level, and joint controls by technicians from the higher level of CA together with the local CA provide a useful addition to the routine checks by the official veterinarians (OVs) and designated veterinarians, which on its own would provide a basic coverage of welfare requirements .

### 5.3 OFFICIAL CONTROLS ON BUSINESS OPERATORS' OBLIGATIONS

19. The Handbook produced by the Länder Consumer Protection working group ( *Die Länderarbeitsgemeinschaft Verbraucherschutz*), provides comprehensive information for carrying out checks in red meat slaughterhouses and includes checklists for the CA/OVs to assess BOs' own checks, which supports the requirements of Article 10(2)(a) of Regulation (EC) No 882/2004.
20. The Handbook does not include controls at poultry slaughterhouses, whereas Article 8 of Regulation (EC) No 882/2004 requires that CAs carry out their official controls in accordance with documented procedures. In the large poultry slaughterhouse the OVs carried out direct inspections but were not verifying/auditing the results of BO's checks.
21. The CA in NW sent the Handbook to the local CA and recently had meetings with the local CA on implementation. The CA explained that the local level will be obliged to use the Handbook and the local CA must inform the LANUV of any adaptations on their use. The Handbook is also available via FIS VL, which is a database operated by The Federal Office of Consumer Protection and Food Safety ( *Das Bundesamt für Verbraucherschutz und Lebensmittelsicherheit* ) and is accessible to all Länder official vets. Although not all slaughterhouse designated vets can access it, these vets had paper versions of the Handbook.
22. The CA in HE issued a decree requiring all OVs to take note of the Handbook, use the checklists when auditing the establishments and inform the official veterinarians and official auxiliaries accordingly.

23. BOs had SOPs in place, as required by Article 6 of Regulation (EC) No 1099/2009, but these were not always complete. In most cases these had been reviewed by the OVs. CA supervision of the subsequent BO checks varied:

- In one slaughterhouse the OV checked own checks when he had identified a problem, whereas Article 3 c of Regulation (EC) No 882/2004 requires official controls to be carried out on a risk basis taking account of, amongst other criteria, the reliability of any own checks.
- In another slaughterhouse the OV did direct inspections whereas the AWO, carrying out the BO checks, recorded staff performance. The OV was not complying with Article 10(2)(a) of Regulation (EC) No 882/2004 which requires an official examination of any control systems that BOs have put in place and had not detected that certain SOPs were missing and that BO monitoring was not carried out as required by Article 16 of Regulation (EC) No 1099/2009.

#### Conclusions on official controls of business operators' obligations

24. The Handbook is a good basis for carrying out checks although it is not sufficient for dealing with the poultry sector. The Land CAs require the local CAs to use the Handbook and this is encouraging the local CA/OVs to assess BOs' own checks. However, as implementation is at an early stage official controls do not yet uniformly include an evaluation of BO own checks and several gaps in BO implementation of Regulation (EC) No 1099/2009 have not been detected.

### 5.3.1 *Killing animals in slaughterhouses*

#### 5.3.1.1 *Layout, construction, equipment and approval of slaughterhouses*

25. Equipment manufacturers have developed instructions in accordance with Article 8 of Regulation (EC) No 1099/2009 and these had been developed in consultation with research institutes, BOs (and Association of Meat Industry) and CA working groups. This has led to multidisciplinary discussions on not clearly defined topics and led to better definitions and what is considered appropriate under different conditions.
26. The manufacturer representative indicated that these instructions are too much to download directly from the web-site and they provided a contact point on the website to request information, to meet the requirements of Article 8 of Regulation (EC) No 1099/2009. 85 % of the equipment manufactured by this company is exported outside the EU and the same instructions are provided for such sales.
27. In NW the CA's slaughterhouse approval procedure didn't directly reference the requirements of Article 14 of Regulation (EC) No 1099/2009, but indirectly addressed the issues, e.g. the procedure included a check of manufacturer's instructions rather than asking the BO to provide details of categories for which the equipment was appropriate.
28. In HE the slaughterhouse approval procedure focused on meat hygiene including Hazard Analysis and Critical Control Points, in which aspects of animal welfare were integrated,

but did not include the requirements of Article 14 of Regulation (EC) No 1099/2009.

29. In many cases the daily presence of OV's is not picking up certain deficiencies with equipment. e.g. in three slaughterhouses visited, stunning devices which should have had both visual/audible signals to indicate a failure was equipped with only either visual or audible signals. Also new electrical stunning equipment installed in one slaughterhouse did not provide an individual record of the stun for each animal. Article 5(1)(c) and Section I, Annex I, to Regulation (EC) No 854/2004 requires OV inspections to verify compliance with rules on animal welfare at the time of slaughter and Article 4(3) of Regulation (EC) No 853/2004 requires the CA to make an on-site visit as part of the procedure for approval of establishments.

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

30. During the visits, handling of the animals at unloading, lairage and restraint was done in line with the Regulation requirements.
31. Previous actions by the CA had dealt with deficiencies detected and the technician in NW had been active in improving compliance with requirements, for example by testing the electric prod which, in one slaughterhouse visited, was found to apply shocks for two seconds instead of the allowed one second maximum. Subsequently the CA had ensured goats were calibrated so that they comply with requirements.

#### *5.3.1.3 Stunning methods and checks on stunning*

32. In all cattle slaughterhouses visited the SOP on stunning with penetrative captive bolt correctly took into account the key parameters in Annex I of Regulation (EC) No 1099/2009. This was also true of pig slaughterhouses using electrical stunning, with the exception of one low throughput slaughterline for killing piglets. In the pig slaughterhouses using CO<sub>2</sub> stunning for pigs all key parameters required by the Regulation, except for the temperature of the gas, were included in the SOP.
33. There was considerable variation in the level and type of checks made by AWOs. Article 5 of Regulation (EC) No 1099/2009 requires BOs to carry out regular checks on a sufficiently representative sample of animals and Article 16 requires BOs to put in place and implement appropriate monitoring procedures. In most slaughterhouses visited the SOP for checks on stunning identified, as required, the number of animals in each sample to be checked during the monitoring, and when to take it, but did not always provide sufficient details for monitoring (criteria to be checked and how to record the results).
- In a medium sized slaughterhouse the AWO checked 10% of animals/day (at least 20 animals) and restuns were recorded.
  - In a larger slaughterhouse the AWO supervised staff performance including monitoring of stunning but the results of this monitoring were not recorded.
34. Regarding official controls, OV's made direct assessments of the effectiveness of stunning and the higher levels of the CA made additional checks, for example:
- In NW a joint control had taken place at one of the slaughterhouses visited where the

technical expert from LANUV had improved several aspects of the slaughter procedures (reduced stun to stick time by getting the BO to take out the electro-immobilisation prior to bleeding)

- In HE part of the controls by the technical expert included a check of current characteristics which provided more details than displayed on the equipment in slaughterhouses.

#### 5.3.1.4 Slaughter without stunning

35. In HE the CA have been involved in a protracted administrative dispute with a slaughterhouse where slaughter without stunning is carried out. This has involved not just the practicalities of slaughter, as allowed by Article 4(4) of Regulation (EC) No 1099/2009 and which still required corrections as necessary, but also restrictions on sales so that the meat is only sold to individual customers (end users) belonging to the same religious group as the slaughterhouse operators. The need for customer registers has been challenged on the basis of data protection.
36. The CA issued an Order that for every stunning without slaughter there must be 100% supervision by an OV. The BO has challenged this in court as an additional and unnecessary cost. As the CA were subsequently satisfied with the further procedures developed by the BO and their implementation they now supervise a sample of animals slaughtered.

#### Conclusions on killing animals in slaughterhouses

37. Equipment manufacturers have cooperated with CAs and BOs when developing instructions, and this multidisciplinary process has helped them to clarify best methods and procedures.
38. Although CAs did consider animal welfare at the time of slaughterhouse approval, Article 14 of Regulation (EC) No 1099/2009 was not fully integrated in this procedure and as a result the necessary data is not always provided to the CA as required.
39. OVs and designated veterinarians focus on animal based indicators and tended to leave technical assessment of equipment to technical experts from the higher levels of the CA. So while controls are strengthened by joint checks, and these are prioritised where animal welfare problems are identified, but some of the warning systems on equipment are missing as technical experts generally deal with the major problems identified.
40. Regarding slaughter without stunning, the CAs have shown a determination to reduce and refine welfare issues arising from slaughter without stunning, while balancing the many interests and issues involved.

#### 5.3.2 Killing animals outside slaughterhouses

41. The CA explained that farmers must have competency to kill animals and are trained. Article 7 of Regulation (EC) No 1099/2009 requires such killing only to be carried out by persons with the appropriate level of competence to do so. For mammals usually captive bolt stunning, pithing and bleeding are used. Technical guidance for killing species in such situations is available in documents produced by several different

institutes.

#### *5.3.2.1 Emergency slaughter outside the slaughterhouse*

42. There was a marked difference in the number of cases of transport of unfit cattle to slaughterhouses, contrary to Article 3 and Chapter I of Annex I to Regulation (EC) No 1/2005, in the Länder visited:
  - In NW 103 enforcement actions were taken in the last three years 11 of which were by one of the local CAs visited.
  - In HE seven enforcement actions were taken in the last three years.
  - The CA explained that HE has both smaller scale slaughterhouses and animal populations than NW which may explain the difference in the figures.
43. In NW fines of €250 to €500 had been imposed in such cases, and the CA indicated that their prosecuting officials would be reluctant to consider proposing a higher level of sanction for such cases, as local courts have reduced fines for such cases down to €100 on occasion and certain cases have been thrown out on appeal. The CA indicated the approximate value of a slaughter bull may be €1500 and agreed that the €250 fine imposed when such an animal was transported with a broken leg may not be a sufficient disincentive. The CA indicated that the General Penalties Act (amended 1/5/2014) sets general sanctions with a range between €5 and €1000, and a possibility of going beyond that.
44. There is a specific process for deciding the level of sanction with the local CA reviewing the case and depending upon findings there would be further analysis to decide if suffering was involved. OVs have been trained on drawing up reports on such cases and the CA has made procedural changes as a result of one case where there was insufficient evidence, so that samples are taken and sent to an official laboratory and photos are routinely taken as evidence.
45. As a preventive action to deal with such transport infringements, the CA had visited 150 dealers recently and advised them also in relation to the fitness of animals for transport.
46. In NW 560 cattle underwent on farm emergency slaughter in 2013 and in HE six cattle underwent on farm emergency slaughter during the same time. Regulation (EC) No 853/2004 Annex III Section I Chapter VI provides for on farm emergency slaughter.
47. On farm emergency slaughter is considered an increased hygiene risk and one private veterinarian is facing possible criminal action for issuing certificates for animals that were ill and should not have been considered for on farm emergency slaughter. The CA had also set up a system so that such on farm emergency slaughter certificates must be submitted to the Head of Meat Hygiene in the local CA who then asks the OV for an opinion on the plausibility of the diagnosis.
48. The mobile slaughterhouse visited was not extensively used to deal with such cases. The local CA indicated that many emergency slaughter animals would be killed on farm and the meat kept by the farmer.

49. In NW one local CA had also produced a booklet for assessing fitness of pigs for transport, other local CAs were making use of this for their transport checks at slaughterhouses.

Conclusion on killing animals outside slaughterhouses

50. The CA have taken enforcement action to deter the transport of unfit animals and as a result proportionately more of this category of animals are dealt with through on farm emergency slaughter rather than being illegally transported for slaughter. However, the level of fines, proposed by the CA's prosecuting officials, is not proportionate to dissuade the most recalcitrant of offenders.

#### 5.4 MONITORING OF BROILER WELFARE AT THE SLAUGHTERHOUSE AND FOLLOW UP

51. A working group of Länder Consumer Protection published a Handbook ( *Handbuch – Tierschutzüberwachung in Nutztierhaltungen*) including guidance on monitoring of footpad dermatitis in slaughterhouses. Article 3(1)(b) of Directive 2007/43/EC requires monitoring at slaughterhouses. The Handbook describes a scoring system for footpad dermatitis (a 3 level scoring system) and sets an intervention level (> 20% feet with score 2 or > 40 % feet with score 1). The Handbook also contains checklists for registration of other *post mortem* findings regarding broiler welfare.
52. The Handbook does not contain specific guidance on a system for recording results of monitoring and follow up of problem flocks over time. Directive 2007/43/EC Annex III 3 indicates that if the results of the *post mortem* inspection are consistent with poor animal welfare conditions, the OV shall communicate the data to the owner or keeper of the animals and to the CA. This had been partly done at the slaughterhouses visited, as there was only identification of the farms involved but not the individual buildings/flocks which would allow problem buildings/flocks to be followed up. There was also no procedure prescribed for the OV in the slaughterhouse to communicate to the local CA responsible for the farm on the overall results of monitoring.
53. In NW the OVs used the Handbook scoring system and checklists, but did not evaluate the results in the way recommended. The intervention level was set at >20% with score 2, and disregarded feet with score 1 for follow up action.
54. There was no evidence of farmers being requested to draw up an action plan, as described in the Handbook, as there was no system to co-ordinate the information between the local CA of the farms and the slaughterhouse OVs so that follow-up, including action plans, and the results of enforcement action were recorded.
55. In one case dealt with by the local CA of the slaughterhouse visited >33% of broilers had score 2 and the local CA had taken the case to court. The case was dismissed as the Court ruled that the farmer had not deliberately caused the problem.
56. In HE the Handbook scoring system and checklists were not used. One high throughput slaughterhouse used a four level scoring system (instead of the three in the Handbook) and the intervention level was also different; four consecutive flocks with average score three.

57. There has been some industry support to improve footpad dermatitis: incentive for certain category of broilers, if at least 30% are in category 0, an additional 1c/kg, 2c/kg for 40%. For conventional production there are not yet these incentives.

Conclusions on monitoring broiler welfare

58. The Handbook is a good basis to start monitoring footpad dermatitis, but it does not indicate how controls should be organised to help reduce the level of footpad dermatitis. The CAs did not adequately identify problem flocks or have an integrated recording system which would allow co-ordination of actions between slaughterhouse and farm CAs. In addition as certain Länder use a different scoring system to that indicated in the Handbook, it is difficult for CAs to interpret and follow-up data from different Länder.

## 5.5 ACTIONS TAKEN IN CASE OF NON-COMPLIANCE

59. In most slaughterhouses corrections were made, or where major investment was needed actions were planned, in response to requests from the CA, as required by Articles 22 and 23 of Regulation (EC) No 1099/2009.
60. In NW the campaign which had involved the higher levels of the CA carrying out checks had resulted in prohibitions on several slaughterhouses from operating for days at a time and one approval had been withdrawn. Several cases were also seen where the support of the local CA and the higher levels of the CA within the Land were needed to resolve repeated BO management problems. In both Länder the Land CA were notified of any administrative or criminal proceedings, and were involved directly in certain cases.
61. The CA indicated that certain cases, which subsequently were referred to Court, were unsuccessful because the CA's prosecuting officials did not understand the gravity of the offence (see paragraph 43). There are discussions ongoing about creating a focussed prosecution office, which is likely to happen for food related cases and which may be extended to cases concerning animal welfare, and which the CA considers could help their prosecuting officials understand the impact on animal welfare of such offences and assist in presenting the case in Court.

Conclusions on actions taken in case of non-compliance

62. As a direct result of the participation of the higher levels of the CA in carrying out additional checks, poor BO performance has been improved or production stopped and OV's do need this support to ensure corrective actions are taken.
63. The CAs have shown themselves willing to escalate enforcement action as needed and the proposal for a more focused procedure for the CA in its role when taking prosecutions, if implemented, is likely to improve the success rate when court proceedings are necessary.

## 5.6 EVALUATION AND REVIEW OF OFFICIAL CONTROLS

64. Article 8(3) of Regulation (EC) No 882/2004 requires CAs to have procedures to verify

the effectiveness of official controls . In NRW the Land CA carries out checks of slaughterhouses approximately every two years and as circumstances require. The system of technical expert visits provides a level of verification of the performance of OVs.

65. In HE an audit according to Article 4 of Regulation (EC) No 882/2004 of OVs in slaughterhouses was planned for 2014 but has been postponed to 2015. A previous audit in 2011 had focused on the HE Quality Management (QM) system and found that certain local CAs were not using procedures or QM documents.
66. In one of the slaughterhouses visited the local CA had not put in place any procedures for the OV to carry out animal welfare checks, contrary to Article 8(3) of Regulation (EC) No 882/2004, and not in line with instruction from the Land CA to implement the Handbook.

**Conclusions on evaluation and review of official controls**

67. There are effective systems for reviewing the performance of OVs and local CAs which, if utilised, should enhance controls of animal welfare at slaughter. Audits, including this one, have found that a small number of local CAs do not implement instructions.

## **6 OVERALL CONCLUSIONS**

The framework for controls that existed prior to the entry into force of Regulation (EC) No 1099/2009 already provided for many of the requirements subsequently introduced at EU level by this Regulation. As a result there was already good training in this sector and good synergies between the CA, research institutes and industry, which allowed guides to good practice to be quickly developed, although this has not yet been achieved for the poultry sector.

All levels of the Competent Authorities are committed to achieving high standard animal welfare controls and there have been campaigns organised on this topic, and technical experts provide good on the spot support for the official veterinarians. The Competent authorities also benefit from a Handbook which clarifies and helps standardise controls, but its implementation is at an early stage and the principle of checking the Business Operators checks has not yet been fully integrated into official controls. The Handbook does not address the slaughter of poultry and monitoring of footpad dermatitis in broilers is also not sufficiently standardised or co-ordinated.

There is good support from the CA for Official Veterinarians when they require Business Operators to take corrective actions. However, there is a weakness with sanctioning of cases where unfit animals are transported for slaughter, as the CA has not always been able to make their prosecuting officials sufficiently aware of the significance of the issue.

## **7 CLOSING MEETING**

A closing meeting was held on 20 June 2014 with representatives of the CA, at which the main findings and conclusions of the audit were presented by the audit team.

## **8 RECOMMENDATIONS**

The Competent Authorities are invited to provide, within 25 working days of receipt of the report,

an action plan containing details of the actions taken and planned, including deadlines for their completion, aimed at addressing the recommendations set out below:

N°.	Recommendation
1.	To encourage the development of guides to good practice for the poultry sector, as required by Article 13 of Regulation (EC) No 1099/2009 and where organisations of BOs fail to submit guides to good practice, the Competent Authority may develop and publish its own guides to good practice. Conclusions and findings upon which this recommendation is based: 6 and 13
2.	To further develop the Handbook so that it is complete for controls of the poultry sector, as required by Article 8 of Regulation (EC) No 882/2004. Conclusions and findings upon which this recommendation is based: 20 and 24
3.	To promote and support further OV's and designated veterinarians in assessing the requirements of Regulation (EC) No 1099/2009, as required by Article 5(1)(c) and Section I, Annex I, to Regulation (EC) No 854/2004, in particular equipment specifications and BO obligations to implement their SOPs and carry out their own checks. Conclusions and findings upon which this recommendation is based: 23, 24, 29 and 39
4.	To implement a coordinated control system for footpad dermatitis, so that scoring and evaluation of results are uniform between Länder and that cases are appropriately followed up as required by Art. 3(1)(b) and Annex III, points 2 and 3 of Directive 2007/43/EC. Conclusions and findings upon which this recommendation is based: 52, 53, 54, 56 and 58
5.	To take measures so that when sanctions are imposed the CA makes their prosecuting officials sufficiently aware of the impact of the case on animal welfare, so that sanctions are implemented as required by Article 25 of Regulation (EC) No 1/2005 or Article 23 of Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 43, 44, 50, 61 and 63
6.	To carry out audits, according to Articles 4 of Regulation (EC) No 882/2004, or other measures to evaluate and review official controls, so that controls of animal welfare at slaughter are effectively implemented. Conclusions and findings upon which this recommendation is based: 65, 66 and 67

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=2014-7073](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2014-7073)

## ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
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. 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
Reg. 854/2004	OJ L 139, 30.4.2004, p. 206, Corrected and re-published in OJ L 226, 25.6.2004, p. 83	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
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

## ANNEX 2 - SPECIFIC LEGAL REQUIREMENTS

### 5.1. Framework for controls

#### 5.1.1. Competent authorities involved

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls.

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination between competent authorities.

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective co-ordination and co-operation shall be ensured between the different units.

Article 21 of Regulation (EC) No 1099/2009 requires Member States to designate the competent authority responsible for (a) ensuring that training courses are available for personnel involved in killing and related operations (b) delivering certificates of competence attesting the passing of an independent final examination; (c) approving training programmes of the courses.

#### 5.1.2. Scientific support

Article 20 of Regulation (EC) No 1099/2009 requires each Member State to ensure that sufficient independent scientific support is available to assist the competent authorities, upon their request, by providing: (a) scientific and technical expertise relating to the approval of slaughterhouses and the development of new stunning methods (b) scientific opinions on the instructions provided by manufacturers on the use and maintenance of restraining and stunning equipment (c) scientific opinions on guides to good practice (d) recommendations for the purposes of this Regulation, in particular in relation to inspections and audits (e) opinions on the capacity and suitability of separate bodies and entities to fulfil the requirements regarding certificates of competence.

#### 5.1.3. Guides to good practice

Article 13 of Regulation (EC) No 1099/2009 requires each Member State to encourage the development and dissemination of guides to good practice to facilitate the implementation of this Regulation. When such guides to good practice are drawn up, they shall be developed and disseminated by organisations of BOs: (a) in consultation with representatives of non-governmental organisations, competent authorities and other interested parties (b) having regard to scientific opinions as referred to in Article 20(1)(c).

The competent authority shall assess guides to good practice in order to ensure that they have been developed in accordance with the above paragraph and that they are consistent with existing EU guidelines.

Where organisations of BOs fail to submit guides to good practice, the competent authority may develop and publish its own guides to good practice.

#### *5.1.4. Provision of certificates of competence*

Article 21 contains stipulations concerning the issuance of certificates of competence required by Article 7 of Regulation (EC) No 1099/2009.

Article 29(2) 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.

#### **5.2. Planning of official controls**

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency taking account of (a) identified risks that may influence animal welfare (b) business operators' past record (c) the reliability of any own checks (d) any information that might indicate non-compliance.

Article 41 of Regulation (EC) No 882/2004 requires each Member State to have a single integrated multi-annual national control plan and Article 42 requires the plan to contain information on the strategic objectives of the plan and on how the prioritisation of controls and allocation of resources reflect these objectives. Amendments may be made in the light of, or in order to take account of, factors including new legislation.

Article 4(9) of Regulation (EC) No 854/2004 requires the nature and intensity of auditing tasks in respect of individual establishments to depend upon the assessed risk. It further states that in the case of slaughterhouses this assessment should include animal welfare aspects.

#### **5.3. Official controls on business operator's obligations**

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Article 10(2)(a) of Regulation (EC) No 882/2004 requires that official controls shall include the examination of any control systems that BOs have put in place and the results obtained.

Article 5(1)(c) and Section I, Annex I, to Regulation (EC) No 854/2004 requires that official veterinarians carry out inspection tasks at slaughterhouses to verify compliance with relevant Community and national rules on animal welfare at the time of slaughter and during transport.

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).

Article 17 of Regulation (EC) No 1099/2009 requires BOs to designate an AWO for each slaughterhouse to assist them in ensuring compliance with the rules laid down in the regulation.

### *5.3.1. Killing animals in slaughterhouses*

#### *5.3.1.1. Layout, construction, equipment and approval of slaughterhouses*

Article 8 of Regulation (EC) No 1099/2009 requires that products marketed or advertised as restraining or stunning equipment shall only be sold when accompanied by appropriate instructions concerning their use. It also requires that these instructions shall be made publicly available by the manufacturers via the Internet.

Article 14 of Regulation (EC) No 1099/2009 requires BOs to ensure that the layout and construction of slaughterhouses and the equipment used therein comply with the rules set out in Annex II to the Regulation. Article 29(1) includes a transitional provision so that certain provisions of Directive 93/119/EC continue to apply until 8 December 2019 to layouts and equipment in operation before 1 January 2013.

Article 31(2) of Regulation (EC) No 882/2004 states that the CA shall establish procedures for BOs to follow when applying for approval of their establishments and Article 4(3) of Regulation (EC) No 853/2004 requires the CA to make an on-site visit as part of the procedure for approval of establishments. Article 14(2) of Regulation (EC) No 1099/2009 requires BOs when requested, to submit to the CA for each slaughterhouse at least the following: (a) the maximum number of animals per hour for each slaughter line (b) the categories of animals and weights for which the restraining or stunning equipment available may be used (c) the maximum capacity for each lairage area. The CA shall assess the information submitted when approving the slaughterhouse.

#### *5.3.1.2. Handling and restraining operations at slaughterhouses*

Article 9 of Regulation (EC) No 1099/2009 requires BOs to ensure that equipment used for restraining animals is maintained and checked according to manufacturers' instructions, by persons specifically trained for that purpose.

Article 15 of Regulation (EC) No 1099/2009 requires BOs to ensure that the operational rules for slaughterhouses set out in Annex III are complied with. 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.

#### *5.3.1.3. Stunning methods and checks on stunning*

Stunning methods and respective requirements are specified in Annex I of Regulation (EC) No 1099/2009. 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 or 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 stunning animals is maintained and checked according to manufacturers' instructions.

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.

#### *5.3.1.4. Slaughter without stunning*

Article 4(4) of Regulation (EC) No 1099/2009 indicates that in the case of animals subject to particular methods of slaughter prescribed by religious rites, the requirements for stunning methods do not apply provided that the slaughter takes place in a slaughterhouse.

#### *5.3.2. Killing animals outside slaughterhouses*

Article 6 of Regulation (EC) No 1099/2009 requires BOs to plan in advance the killing of animals and related activities and shall carry them out in accordance with standard operating procedures (SOPs).

Article 7 of Regulation (EC) No 1099/2009 requires that killing and related operations shall only be carried out by persons with the appropriate level of competence to do so without causing the animals any avoidable pain, distress or suffering.

##### *5.3.2.1. Emergency slaughter outside the slaughterhouse*

Article 3 and Chapter I of Annex I to Regulation (EC) No 1/2005 requires that only animals which are fit for the journey are transported.

Regulation (EC) No 853/2004 Annex III Section I Chapter VI allows sending to the slaughterhouse the carcasses of animals which have suffered an accident and have undergone emergency slaughter for welfare reasons.

#### **5.4. Monitoring of broiler welfare at the slaughterhouse and follow up**

Article 3(1)(b) of Directive 2007/43/EC states that the required inspections, monitoring and follow-up at slaughterhouses, including those provided for in its Annex III, are carried out by the CA or OV.

Point 3 of Annex III to Directive 2007/43/EC states that if the mortality rate or the results of the post mortem inspection are consistent with poor animal welfare conditions, the official veterinarian shall communicate the data to the owner or keeper of the animals and to the competent authority. Appropriate actions are taken by the owner or keeper of the animals and by the CA.

#### **5.5. Actions taken in case of non-compliance**

Article 22 of Regulation (EC) No 1099/2009 indicates the CA may (a) require BOs to amend their standard operating procedures and, in particular, slow down or stop production (b) require business operators to increase the frequency of the checks and amend the monitoring procedures (c) suspend or withdraw certificates of competence (d) suspend or withdraw the delegation of power regarding certificates of competence (e) require the amendment of manufacturers' instructions.

Article 23 of Regulation (EC) No 1099/2009 requires each Member State to lay down the rules on penalties applicable to infringements of this Regulation and take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and

dissuasive.

#### **5.6. Evaluation and review of official controls**

Article 4 of Regulation (EC) No 882/2004 requires the CAs to ensure the effectiveness and appropriateness of official controls and the impartiality, consistency and quality of official controls at all levels. Article 4(6) of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

Article 8(3) of Regulation (EC) No 882/2004 states that the CA must have procedures in place to verify the effectiveness of official controls and to ensure that corrective action is taken when needed and that the documentation is updated as appropriate.