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FINAL REPORT OF A MISSION

CARRIED OUT IN

SPAIN

FROM 01 TO 10 APRIL 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 report describes the outcome of a Food and Veterinary Office audit in Spain from 1<sup>st</sup> to 10<sup>th</sup> April 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. In particular: the assurances given by official controls regarding the business operators' compliance with applicable requirements of Regulation (EC) No 1099/2009; whether official controls are carried out in accordance with the relevant requirements of Regulation (EC) No 882/2004 and are suitable to ensure the effective implementation of Regulation (EC) No 1099/2009 and Member States' and Competent Authorities' compliance with requirements such as the effectiveness of 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; only animals which are fit for transport are sent to slaughterhouses, and whether this is supported by "emergency slaughter" on farm. Furthermore the audit sought to identify good practices recognised by the Competent Authorities in relation to Regulation (EC) No 1099/2009.*

*Overall the conclusions on the system of official controls to ensure business operators implement requirements effectively were positive in both Autonomous Communities visited for the red meat slaughterhouses visited, although there are some weaknesses around training and the issuing of certificates of competence for slaughterhouse staff and inadequate restraining boxes for bovine animals. Both Autonomous Communities have recently developed good reporting systems and are working actively on the implementation of animal welfare controls in slaughterhouses.*

*Competent Authority controls on the poultry slaughterhouse visited were insufficient to ensure business operator compliance with requirements of Regulation (EC) No 1099/2009 and acceptable bird welfare at stunning and slaughter.*

*The Central Competent Authority has provided some useful guidance to Autonomous Communities on the provision of training for certificates of competence and killing on fur farms.*

*The transport of unfit bovine animals to slaughterhouses is a major problem. Although enforcement measures are in place at Autonomous Community level, sanctions are not dissuasive and resolution of this chronic issue appears some way off.*

*Controls on the recording of specific welfare indicators post-mortem at poultry slaughterhouses, Competent Authority intervention levels, and procedures for follow up action are not in place in most Autonomous Communities or are just starting to be implemented four years after the relevant EU legislation entered into effect.*

*The report makes a number of recommendations to the Spanish 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
AC	Autonomous Community
AECOSAN	The Spanish Agency for Consumer Affairs, Food Safety and Nutrition - <i>Agencia Española de Consumo, Seguridad Alimentaria y Nutrición</i>
AWO	Animal welfare officer
CCA	Central Competent Authority
EU	European Union
FVO	Food and Veterinary Office
IT	Information Technology
IRTA	Institute of Agro-food Research and Technology
MAGRAMA	Ministry of Agriculture, Food and Environment - <i>Ministerio de Agricultura, Alimentación y Medio Ambiente</i>
MANCP	Multi Annual National Control Plan
OV	Official Veterinarian
PNCOCA	The Spanish Multi-annual National Control Plan (MANCP), known in Spain as the National Plan for Official Control of the Food-chain ( <i>Plan Nacional de Control Oficial de la Cadena Alimentaria</i> )
SOP	Standard operating procedure
VO	Veterinary Officer

## 1 INTRODUCTION

This audit took place in Spain from 1<sup>st</sup> to 10<sup>th</sup> April 2014 as part of the planned audit programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the competent authorities of Spain on 1<sup>st</sup> April 2014. 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 FVO and a national expert and was accompanied throughout the audit by a representative from the Central Competent Authority (CCA) belonging to AECOSAN (The Spanish Agency for Consumer Affairs, Food Safety and Nutrition - *Agencia Española de Consumo, Seguridad Alimentaria y Nutrición*) and representatives from the competent authorities of the two Autonomous Communities (ACs) visited. Representatives from the other CCA (MAGRAMA-Ministry of Agriculture, Food and Environment) were present at the opening and closing meetings.

## 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:

<b>MEETINGS WITH COMPETENT AUTHORITIES</b>			<b>COMMENTS</b>
Competent Authority	Central	2	Opening and closing meetings
	Other		Meetings with the Regional and Local Competent Authorities of the regions of Asturias and Galicia.
<b>SITE VISITS</b>			
Slaughterhouses		7	One poultry and six red meat slaughterhouses (one practising ritual slaughter with stunning).

### **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. Annex II provides details of the specific legislation quoted at the start of each section of the report.

### **4 BACKGROUND**

Regulation (EC) No 1099/2009 hereafter the Regulation, 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 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 Business Operator. The manufacturers and/or retailers of restraining and stunning equipment must provide operating and maintenance instructions with all equipment sold. Competent Authorities are required to ensure that appropriate courses leading to Certificates of Competence are available to relevant slaughterhouse staff and that guides to good practice are available to operators.

## 5 FINDINGS AND CONCLUSIONS

### 5.1 FRAMEWORK FOR CONTROLS

#### 5.1.1 *Competent authorities involved*

##### *Legal requirements*

Articles 4(1), 4(3) and 4(5) of Regulation (EC) No 882/2004.

Article 21 of Regulation (EC) No 1099/2009.

#### **Findings**

1. The organisation of the competent authorities 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)
2. There have been no changes in the roles of the different levels of the Spanish Authorities to that described in the country profile. ACs are responsible for the implementation of official controls. Royal Decree 37/2014, of 24 January 2014, regulates all aspects of animal protection at the time of slaughter and implements the Regulation nationally.
3. Communication between public and animal health services responsible for the processing of cases of bovines which were unfit for transport was not fully satisfactory in either AC which is not in compliance with Article 4(5) of Regulation (EC) No 882/2004. See section 5.3.2.1. for further details.

#### 5.1.2 *Scientific support*

#### **Legal Requirements**

Article 20 of Regulation (EC) No 1099/2009.

#### **Findings**

4. AECOSAN has designated IRTA (Institute of Agro-food Research and Technology) to carry out the role of the independent scientific support body described in Article 20 of the Regulation and details of a single point of contact have been published on the Internet.
5. The Institutional Committee (the coordinating body with responsibility for food safety, comprising representatives of AECOSAN, MAGRAMA, the Ministry of Health, Social Services and Equality and the ACs) made an agreement with IRTA in 2013 on the procedures for sending information on slaughter to and from the scientific contact point in IRTA to AECOSAN and the ACs.
6. Representatives from the business operators and the two ACs visited had not been informed by AECOSAN of this channel, though they were actively interested in obtaining information to assist them in implementing the Regulation. In the absence of guides to good practice, or centrally or regionally issued information in 2013, one official veterinarian (OV) met found it necessary to inform himself on the Regulation through industry journals. Questions from business operators and the slaughter industry had been sent directly via AECOSAN to the

scientific contact point.

### *5.1.3 Guides to good practice*

#### **Legal requirements**

Article 13 of Regulation (EC) No 1099/2009.

#### **Findings**

7. There are two good practice guides that have been prepared for the killing of porcine, bovine, ovine, caprine, equine and avian species but they have not been validated by AECOSAN nor referred to the Institutional Commission. However, the Institutional Commission has approved two agreements:
  - In 2011 "Procedure for the study and development of national guides to good practice for the protection of animals at the time of slaughter";
  - "Common minimum criteria for ACs for carrying out training and awarding certificates of competence." These were referred to by both ACs in the development of training and setting of examinations. In addition, training providers have started to be listed on the Internet.
8. MAGRAMA has drafted good guidance on the implementation of killing requirements on fur farms.

### *5.1.4 Provision of certificates of competence*

#### **Legal requirements**

Articles 21 and 29(2) of Regulation (EC) No 1099/2009.

#### **Findings**

9. Royal Decree 37/2014 gives clarification to ACs on the requirements of the Regulation relating to training and the awarding of certificates of competence. Helpful additional guidance has also been provided by AECOSAN and MAGRAMA (in the case of certificates of competence for fur farming) to the ACs on this and this package was used by both ACs in their framework for training and the issuing of certificates of competence.
10. Delegated training providers authorised by the ACs are listed on AECOSAN's website. There was no list of equivalent qualifications for the issue of certificates of competence available on the AECOSAN website. Information from Castilla La Mancha indicated that they would accept a Veterinary or any other University degree with an equivalent training period of 50 hours of animal welfare as an equivalent qualification.
11. Both ACs issue certificates of competence themselves but delegate the training and examinations to other bodies, providing the questions to the training bodies in both cases. One of the two training bodies in Asturias runs a practical course and both ACs have theory examinations but no practical examinations. The number of examination questions set in both ACs were a pre-set number unrelated to the number of species and methods of slaughter for which the certificates were awarded: e.g. in Asturias: there were 35 questions in the examination to test proficiency for four species and six different operations, in Galicia there

were 10 questions set for all species on stunning and bleeding operations. In some cases there were no questions to cover all of the competencies required for the combination of species and slaughter operations.

12. The above combined with the lack of verification of effectiveness of the training undertaken when there was no practical examination to assess the trainee's skill in performing the relevant practical tasks i.e. animal management, stunning, hoisting, and bleeding and assessing the effectiveness of these operations, is not in line with the Regulation since in recital 28 it refers to 'Well trained and skilled personnel improve the conditions ... ' and Annex IV mentions in the subjects for examination of competence 'Practical aspects of ..' concerning several of the slaughter operations.
13. Most slaughterhouse staff have been certified on the basis of Article 29 (2) of the Regulation, i.e. professional experience of at least three years. Persons operating fur farms have been similarly certified so that killing of fur animals takes place according to Article 7 (3) of the Regulation.
14. There was no ritual slaughter without stunning performed in either AC. Training for ritual slaughter was not specifically included in the course for certificates of competence in either AC but there was provision for this to be delivered by an animal welfare officer in Galicia. In certain other ACs: Castilla y León, Castilla La Mancha, La Rioja and Murcia, certificates of competence for ritual slaughter are issued with specific implementing orders.
15. Training information provided by Castilla La Mancha on ritual slaughter was not sufficient to address the additional welfare risks related to slaughter without pre-stunning e.g. not all species included (only bovines), differences in species physiology not fully explained, critical signs for unconsciousness and death not clearly laid down and time to unconsciousness stated was unrealistic. Some of the questions were related to hygiene requirements rather than welfare e.g. using a two knife technique rather than, for example, asking how many carotids should be cut.

#### **Conclusions on framework for controls**

16. The lack of clear, easy channels of communication and feedback between public and animal health services in both ACs responsible for cases involving the transport of unfit animals hinders effective enforcement.
17. The CCA has recently complied with the specific requirements of the Regulation for the provision of scientific support. As this is at an early stage of implementation, ACs Communities were not aware of this, and had not utilised it to help them in carrying out their official controls.
18. Both CCAs have provided legislation and guidance for the training, examination and provision of certificates of competence giving a harmonised framework for training at AC level to operators from all sectors involved in the slaughter of animals and related operations. However, the lack of theoretical questions covering all species/slaughter operations and the absence of any practical examinations to verify physical competence with regards to the practical aspects indicated in Annex IV of the Regulation, creates a risk that animals could be slaughtered by personnel that are not competent for the task.  
  
The level of training information available for persons undertaking courses relating to ritual slaughter was insufficient to cover the additional welfare risks related to slaughter without stunning.

## 5.2 PLANNING OF OFFICIAL CONTROLS

### Legal requirements

Articles 3, 41 and 42 of Regulation (EC) No 882/2004.

Article 4(9) of Regulation (EC) No 854/2004.

### Findings

19. The Spanish Multi-annual National Control Plan, known in Spain as the National Plan for Official Control of the Food-chain (PNCOCA) designates that ACs are responsible for the planning and execution of risk based controls according to their established priorities.
20. Both ACs use integrated database reporting systems for programming the frequency of official controls at food producing premises. These are being modified to include the results of animal welfare controls at slaughterhouses and business operators' past performance. In this way, both ACs are inputting standardised data and developing risk rating systems for slaughterhouses which will inform future official control strategies as required in Article 3 of Regulation 882/2004 and Article 4(9) of Regulation (EC) No 854/2004. Asturias expects to implement this by the end of 2014, and Galicia somewhat later.
21. Slaughterhouses have been identified as high risk premises in both ACs visited and the inspection frequencies set accordingly. No specific additional risks for the welfare of animals during slaughter or related operations were identified in either AC or by the CCA.
22. The FVO team identified that the transport of unfit bovines to slaughter and the resources involved in processing these cases would merit targeted action and in particular slaughterhouses/geographical areas (see section 5.3.2.1. for more details).

### Conclusions on planning of official controls

23. The systems for risk categorisation of establishments are being modified in order to include animal welfare as one of their criteria. These updates have only recently been introduced and therefore the systems do not yet provide accurate risk categorisations, nor risk based frequency or intensity of programmed controls with regard to animal welfare.
24. The existing systems of risk categorisation did not identify the major animal welfare risk of unfit bovines being transported for slaughter.

## 5.3 OFFICIAL CONTROLS ON BUSINESS OPERATOR'S OBLIGATIONS

### Legal requirements

Articles 8, 9 and 10(2)(a) of Regulation (EC) No 882/2004.

Article 5(1)(c) and Section I, Annex I, to Regulation (EC) No 854/2004.

Article 6 and 17 of Regulation (EC) No 1099/2009.

## Findings

25. There is a permanent OV presence in slaughterhouses during slaughter operations. Official controls on animal welfare take place on all the slaughter and related operations as required in Article 5(1)(c) and Section I, Annex I, to Regulation (EC) No 854/2004. In addition programmed supervisory visits to slaughterhouses are carried out by the public health department of the competent authority in Asturias. In Galicia these checks are documentary or *ad-hoc* site visits.
26. Both ACs have provided satisfactory documented procedures as required in Article 8 of Regulation 882/2004 for staff carrying out official controls in slaughterhouses including internal audits and supervisory visits (in Asturias). These included guidance available to assist their staff in interpreting the requirements of the Regulation and checklists for carrying out the above tasks. The OV in the poultry slaughterhouse visited in Galicia made additional weekly reports on the results of his controls on stunning and bleeding as there is limited data requested on this in the competent authority weekly check list report.
27. Both ACs have recently put in place enhanced IT systems for their OVs to enter information electronically (the system in Galicia has the added benefit of utilising hand held technology) on daily checks and report specifically, amongst other things, on OV controls and verification of business operator controls on animal welfare during slaughter.
28. Both ACs have put in place computer database systems at central level which were very easy to interrogate and produced clear records and reports when required for the FVO team.
29. Reports seen in both ACs at slaughterhouses included a description of the purpose of official controls, the methods applied, the results obtained and written notices of actions to be taken by the business operator concerned to rectify non-compliances as is required in Article 9 of Regulation 882/2004.
30. Business operators' standard operating procedures (SOPs) were in place in all the slaughterhouses visited covering the slaughter of animals and related operations as required by Article 6 of the Regulation. In most cases much effort and time had gone into producing quite complicated, extensive SOPs, even for small, low throughput slaughterhouses. As there are no validated industry guides to good practice available to assist small businesses with this function, some of the smaller slaughterhouses had used the services of local consultants and had received fairly voluminous SOPs which by their size and level of detail were inappropriate for the task. Other slaughterhouses had worked closely with the OV on site in drawing up the SOPs.
31. In addition, as part of the audit requirements in place in both ACs, OVs were required to review the business operators' SOPs to ensure they were effective in addressing the requirements of the Regulation. This resulted in documented feedback from OVs to the business operators in four out of six slaughterhouses visited and amendments to procedures were introduced such as: requirements for equipment maintenance schedules, recording of checks on stunning, frequency of checks on stunning, instructions for using equipment etc.
32. Most of the SOPs reviewed were almost complete but some lacked important details on stunning parameters for low throughput species, maximum stun to stick times, types of cartridges for captive bolts and adequate details of maintenance schedules for stunning and

restraining equipment.

33. A number of issues had not been detected when the SOPs in the poultry slaughterhouse visited in Galicia had been reviewed. These included: insufficient stunning parameters used (due to a competent authority misunderstanding), no recording of checks on stunning or at scald tank, and no requirement for intervention by the animal welfare officer when stunning found to be ineffective. However, other requests for corrective action by the business operator on animal welfare had been sought by the OV, such as requiring the business operator to: start carrying out manual neck cutting back-up, checks on stunning, animal welfare controls in the lairage and a request for the the height of the water bath stunner to be modified to improve the effectiveness of stunning.
34. OVs and and business operators were looking for guidance in the verification of effectiveness of stunning, sampling frequencies for this, intervention levels on miss-stuns and what would constitute correct/incorrect use of prodders for cattle and pigs.
35. All of the slaughterhouses visited had designated an animal welfare officer as required in Article 17 of the Regulation. Most of the animal welfare officers had made recorded interventions to improve animal welfare such as: requiring malfunctioning stunning equipment to be repaired, decreasing the stun to stick interval in a pig slaughterhouse and requiring maintenance schedules to be put in place and repairs to be carried out.

#### **Conclusions on official controls on business operator's obligations**

36. Official documented procedures and instructions for carrying out official controls on the protection of animals during slaughter and related operations were generally satisfactory, and, despite some deficiencies being noted in their implementation, support consistent and high quality controls in ensuring compliance with the Regulation.
37. Official controls on animal welfare during slaughter are generally being carried out according to the provisions of the Regulation. Competent authority controls are targeted at ensuring that business operators obligations are fulfilled through effective procedures and implementation of own controls as well as by inspections and audits on the spot.
38. Animal welfare officers' actions contributed to improving the protection of animals during slaughter and related operations.

#### *5.3.1 Killing animals in slaughterhouses*

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

#### **Legal requirements**

Articles 8, 14 and 29(1) of Regulation (EC) No 1099/2009.

Article 31(2) of Regulation (EC) No 882/2004.

Article 4(3) of Regulation (EC) No 853/2004.

#### **Findings**

39. ACs are responsible for following up and enforcing that suitable manufacturers' instructions

for stunning and slaughter equipment are available on the Internet. Not all ACs have manufacturers within their territory. Neither Asturias nor Galicia has equipment manufacturers in their territory. Catalonia, which has five listed, has recently started to take enforcement action on this issue since Royal Decree 37/2014 entered into effect, by writing to manufacturers' in their AC and setting deadlines for compliance. One out of five had complied as required by Article 8 of the Regulation.

40. The audit team noted that the standard of maintenance in all the bovine/porcine slaughterhouses visited was not fully satisfactory. Floors were not level in some, in others drainage covers were missing and indentations and bumps in the floors caused pooling of water which could have distracted livestock. These deficiencies did not cause serious problems in the movement of animals but they have not been noted by the OV and business operator and they were not rectified during routine maintenance.
41. A more serious issue concerned the design of all the bovine stunning boxes seen which had completely solid fronts. In general the stunning boxes could not be adapted to different sizes of animals and this caused difficulties to the stunning operators in properly applying the stunning method (Point 3.1 of Annex II to the Regulation). Despite these impediments the operators were highly skilled and able to effectively stun the animals.
42. Some stunning boxes were also too deep: one slaughter man had difficulties in reaching the animals' heads when preparing to stun them. This caused an extended waiting time in the stunning box and resulted in inaccurate placing of the captive bolt shots in the heads of the animals (off-mid-line) seen at *post-mortem* in one of the abattoirs. Nonetheless those animals subject to stunning during the audit visit were verified as being effectively stunned.
43. In two other slaughterhouses the design of the stunning box caused the animals to resist entry or putting their heads in the restraint. In another stunning box, the solid front design had led to the situation where a handler was required to enter the box and lead the animals in before escaping from a side exit. This had proven dangerous from a human health and safety perspective with one staff member previously having been injured.
44. In one slaughterhouse using a gondola system for the gas stunning of pigs it was noted that the design of the door was such that the last pig frequently refused to enter the chamber. The operator was regularly required to manually close the door.
45. Both ACs have procedures in place for business operators to follow when applying for approval of slaughterhouses as required in Article 31(2) of Regulation (EC) No 882/2004 and both require that the competent authority make an on-site visit as part of the procedure for approval of establishments as per Article 4(3) of Regulation (EC) No 853/2004. Since neither ACs has approved any new slaughterhouses since the introduction of the Regulation the specific requirements of Article 14(2) of the Regulation have not yet been included in the SOPs used in the approval procedures.

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

#### **Legal requirements**

Articles 9 and 15 of Regulation (EC) No 1099/2009.

#### **Findings**

46. Stunning equipment was generally subject to a prescribed maintenance schedule in line with

manufacturers' instructions (which were present and in an understandable language) as required in Article 9 of the Regulation. There were only generic instructions for pig restraining equipment and none for most of the bovine stunning boxes which were locally manufactured/fabricated on site years before. Basic instructions on use were available in the business operators' SOPs but there was nothing laid down regarding their use for different classes/sizes of animals.

47. In five out of the six red meat slaughterhouses visited handling within the lairages and from the lairages to the stunning pens was generally calm and conducted in line with the requirements of Annex III to the Regulation. However, it was noted that electric prods were regularly over-used for moving pigs in one premises where there was a problem with the design of the gondola doors which caused the animals to balk when entering it.
48. In the slaughterhouse that carried out slaughter of bovine animals as prescribed by religious rites individual mechanical restraint was used to restrain these animals as required by Article 15(2) of the Regulation. However, it did not function very effectively at the time of the visit and animals were subjected to short delays in the stunning box.
49. In the poultry slaughterhouse visited the handling of the birds within the lairage and during hanging on the line was satisfactory.

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

### **Legal requirements**

Articles 5, 9 and 16, and Annex I of Regulation (EC) No 1099/2009.

### **Findings**

50. The poultry slaughterhouses visited used water bath stunning. The current and frequency combination provided approximately 33mA per bird which is far lower than the 120mA per bird prescribed in Annex 1 to the Regulation at the frequency of 350 Hz utilised.
51. The automatic neck cutter was ineffective in cutting both carotid arteries in about 20% of cases. The OV had noted this and requested additional staff to manually cut the carotid arteries. This was seen to be effective.
52. A range of clinical signs were seen in some of the birds at the time of and after the neck cut indicating that they had not been properly stunned i.e. vocalisation on neck cutting, gasping, gagging, eye reflexes present and some breathing post-cut. The animal welfare officer indicated that there were no problems with the effectiveness of stunning. The OV also carries out checks on the effectiveness of stunning on a 10% to 20% sample of birds stunned. He indicated that there were no problems with stunning.
53. Business operator checks on effectiveness of stunning and of death prior to the scalding tank were in place with an intervention level of 2% birds alive at the scald tank. Intervention was limited to verifying that the stunning parameters were as laid down in the SOP. There were no records kept nor a set frequency or sample size specified for these checks.

In the six red meat slaughterhouses visited:

54. In general the stunning of animals was effective and the the stun to stick intervals were short. No animals showed signs of recovery of consciousness.
55. The business operators' SOPs correctly described signs of consciousness to be evaluated, as required by Article 5 of the Regulation, and in most cases the requirements for a second stun to be applied in case of ineffective stunning, as envisaged by Article 6(2)(c) of the Regulation.
56. Satisfactory records of equipment maintenance were kept in all the slaughterhouses visited, as required by Article 9(1) of the Regulation.
57. Records of monitoring of the effectiveness of stunning, required by Article 16 of the Regulation, were seen in all of the red meat slaughterhouses visited. Sample sizes and frequency of checks were also described and varied between 100% in the smaller throughput slaughterhouses to percentage figures e.g. 10% to 15% in the larger establishments.
58. Backup stunning equipment was immediately available on the spot as required by Article 9(2) of the Regulation in all but one of the slaughterhouses. However, in the poultry slaughterhouse there was no indication on the back up equipment of the current displayed which would not enable the business operator of OV to ascertain that the applied electrical parameters comply with the requirements of Annex 1 to the Regulation.

#### 5.3.1.4 Slaughter without stunning

### Legal requirements

Article 4(4) of Regulation (EC) No 1099/2009

### Findings

59. Spain intends to deal with the issue of issuing derogations to perform slaughter without stunning in the Animal Welfare Coordinating Committee. There is no CCA guidance on this point yet.<sup>1</sup>
60. There were no slaughterhouses performing slaughter without stunning in the two ACs visited.
61. A non-penetrative captive bolt method of stunning was used for ritual slaughter in one slaughterhouse. This method of stunning is not listed in Annex I of the Regulation and no derogation has been laid down by the CCA or AC competent authority to permit it to be used during ritual slaughter which is not in accordance with Article 4(4) of the Regulation.

### Conclusions on killing animals in slaughterhouses

62. Competent authority controls and advice in the red meat slaughterhouses visited have helped business operators to effectively implement the requirements for slaughtering animals in both ACs although there are problems linked to inadequate restraining boxes for bovine animals. The design of stunning boxes for bovine animals seen in both ACs do not

<sup>1</sup> *In their response to the draft report the Competent Authorities noted that: "At present, there is no plan to deal with the issue of granting derogations to perform slaughter without stunning, and in any case, this is not considered to be a feasible legal requirement."*

optimise the likelihood of a minimal time between entry and stunning.

63. Competent Authority's controls on the poultry slaughterhouse visited were insufficient to ensure business operator compliance with requirements of the Regulation (e.g. parameters applied when using water bath stunning) and acceptable bird welfare at stunning and slaughter.
64. The lack of reference to the requirements of the Regulation for new slaughterhouses in the competent authority's approval procedures does not guarantee that these are verified before approval of any new establishment.
65. The CCA has not set up a system to apply the derogation to carry out slaughter without stunning envisaged by Article 4(4) of the Regulation which requires further guarantees from the business operator to better safeguard animal welfare.

### *5.3.2 Killing animals outside slaughterhouses*

#### **Legal requirements**

Articles 6 and 7 of Regulation (EC) No 1099/2009.

#### **Findings**

66. AECOSAN has not produced any guidance to farmers or veterinarians on the killing of animals on farm. MAGRAMA has prepared a document on killing day-old poultry and embryonated eggs and a handbook on killing of animals culled due to disease outbreaks, available on their website.
67. Neither AC has not issued guidance to farmers specifically on the requirements for them to carry out killing on farms in accordance with the requirements of Articles 6 and 7 of the Regulation, nor were they aware of any industry guidance on this issued to farmers.

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

#### **Legal requirements**

Article 3 and Chapter I of Annex I to Regulation (EC) No 1/2005.

Regulation (EC) No 853/2004 Annex III Section I Chapter VI.

#### **Findings**

68. There is no guidance issued from the CCA to ACs, Veterinary Associations, transporters or farmers on the provisions governing fitness of animals for transport and for sending to the slaughterhouse the carcasses of animals which have suffered an accident and have undergone emergency slaughter for welfare reasons. An NGO booklet on assessing the fitness of bovine animals for transport was available in both ACs.
69. Both ACs have drafted clear guidance on the implementation of on farm emergency slaughter and the fitness of animals for transport which they have sent, in Galicia in 2007

and Asturias in 2013, to both veterinary practitioners and transporters. These have been made available to farmers in local offices of the ACs.

70. The level of on farm emergency slaughter in both ACs is quite low, less than 10 per year in each AC. In contrast the numbers of animals subject to an OV notification from the slaughterhouse for follow up action due to reasons of unfitness for transport runs to many hundreds in total for both ACs.
71. The audit team saw reports in slaughterhouses in both ACs of animals which had suffered fractures and other injuries and conditions being transported on a regular basis. The transport of these animals is not in compliance with the requirements of Article 3 and Chapter I of Annex I to Regulation (EC) No 1/2005.
72. Both ACs' OVs regularly detect, and report cases where unfit animals have been transported to slaughterhouses. OVs report that there has been limited progress in reducing the incidence or recidivism concerning this issue. The OV reports are sent to the central services of the AC where they are recorded before being processed by the agricultural (farm and transport) and legal administrative services. Communication between public health departments reporting cases and animal health departments processing them did not seem optimal in either AC, with strict competence barriers in place to the free discussion and progression of these cases and a lack of feedback to OVs in slaughterhouses on the results of their controls.
73. Figures from Galicia indicate that in 2012 there were 120 notifications with 36 files sent for sanctioning. Figures for notifications for 2013 and 2014 were not available but sanctions taken dropped to 15 and two respectively. However, this was stated to be due to staff shortage to process the notifications.
74. Figures from Asturias indicate that in 2013 and first two months of 2014 there were 378 cases of animals which presented lesions, physiological weaknesses or pathological processes and which were unable to move by themselves. A further 39 animals were able to move on their own, but had injury problems, physiological or pathological processes that could have involved breaches of animal welfare legislation outside the slaughterhouse. There had been an improvement in the number of cases where the certification accompanying animals had been incorrectly completed between 2013 and 2014. Asturias also had problems in processing the large number of cases.
75. Many of these unfit animals were accompanied by veterinary certificates issued by private practitioners attesting to the animals' fitness for transport. To date one private practitioner has been subject to sanction in Asturias and none in Galicia. There have been no meetings with veterinary authorities to progress this issue either centrally or in the ACs.
76. Neither AECOSAN nor MAGRAMA has any formal working arrangement with the professional veterinary association(s) in Spain at central level to follow up the certification issue relating to unfit animals being certified by private practitioners as fit to travel.
77. Contributory factors to the high incidence of these cases were primarily economic:

It was stated that despite the availability of emergency slaughter processing capabilities in some slaughterhouses, farmers are unwilling to have animals slaughtered on farm due to the additional costs this incurs through: the presence of a veterinarian to certify the animal, the possible use of a slaughter man to slaughter the animal on farm, transportation of the carcase, and the limited local market for the meat;

cases taken by the legal departments of the ACs can impose a maximum fine of €600 as this offence is graded in the annex to the Law on Sanctions as a *light offence*. In practice sanctions for farmers or transporters were usually €150-200 after appeal which are not

proving to be effective at addressing this issue.

78. It was also noted that there were examples of transporters who frequently re-offended where the option of rescinding their transport authorisation or increasing the levels of transport checks had not been put in place by the ACs despite repeated sanctioning.

#### 5.3.2.2 *Killing of fur animals*

### **Legal requirements**

Article 7(3) of Regulation (EC) No 1099/2009.

### **Findings**

79. Royal Decree 37/2014 regulates the training and issuing of certificates of competence for staff on fur farms. MAGRAMA has developed a good guidance document on the killing of fur animals on farm and has distributed it to all ACs. Of the two AC visited, only Galicia had fur farms. The fur industry in Galicia is developing a best practice guideline which will include guidance on the killing of animals on farm.
80. The competent authority is notified of intended killing as required in Article 7(3) of the Regulation. Specific inspection visits are carried out when killing takes place in November and December each year, with a minimum of one visit per year. In the last three years all 32 fur farms in Galicia were visited by a Veterinary Officer (VO).
81. No major deficiencies were detected by VOs in the operation of the farms or the killing of animals. VOs use a detailed check list which covers the requirements of the Regulation with the exception of the temperature of exhaust gasses and the concentration of carbon monoxide in the killing chamber. It was stated that there is a requirement for the maximum temperature of exhaust gasses from killing boxes of 40°C, but this cannot be measured by the competent authority as there are no devices available to measure this or gas concentrations. The authorities stated that they rely on operator equipment, but there is no record of these observations taken. The gas and temperature requirements from the Regulation are listed together with other critical control points in a one page SOP issued by the fur industry in Galicia on killing using carbon monoxide.
82. Certificates of competence were issued to most business operators in January 2013 after a training event. Another course is scheduled in October 2014 before the killing season starts. The certificates do not indicate which operations the operator has been approved for.

### **Conclusion on killing animals outside slaughterhouses**

83. The ACs can not ensure the welfare of animals killed on farm as they are not aware if persons involved in killing non-productive animals on farm do so in accordance with SOPs and have the appropriate competence and there has been no industry guidance distributed to assist farmers in this regard.
84. MAGRAMA has provided useful guidance to ACs on the provision of training for certificates of competence and the killing of animals on fur farms. Official controls are carried out on fur farms but their effect is compromised as there is no record of any observations or measurements on two of the critical control points from the Regulation being made when the animals are being killed.

85. The competent authorities have implemented procedures to facilitate “emergency slaughter” on farms as permitted by Regulation (EC) No 853/2004 but this is being rarely utilised due to economic reasons. Consequently many bovine animals unfit for transport are sent to slaughterhouses accompanied by certificates ascertaining their for transport which are at best misleading and at worst false. Although there are enforcement actions, this are ineffective to improve the situation as no measures are taken against veterinarians issuing transport certificates for unfit animals and fines imposed to farmers and transporters are not effective nor dissuasive.

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

##### Legal requirements

Article 3(1)(b) and Point 3 of Annex III of Directive 2007/43/EC.

##### Findings

86. This is at an early stage of development in Spain. From the information sent to the audit team, one AC (Catalonia) has put in place specific animal welfare indicators for reporting on *post-mortem* conditions of broilers in slaughterhouses, and set intervention levels and a system of communication to livestock authorities for investigation and possible enforcement.
87. Findings from the one poultry slaughterhouse visited in Galicia indicated that there are major welfare issues to be addressed as footpad dermatitis (FPD) is continuously present in the birds presented for slaughter at a rate of approximately 60-80% of birds affected with a varying severity of lesions.
88. The AC in Galicia are developing procedures for communicating the results of *post-mortem* inspections to the relevant authorities for follow up action. They have set the following animal welfare indicators as intervention levels for follow up action: Daily Mortality Rate (DMR) over 0.5%, Cumulative Daily Mortality Rate (CDMR) over 5%. A new definition of FPD using a three stage scale for lesions is being drawn up in Galicia but no intervention level has been laid down. There is no intervention level laid down in the national guidelines for agreed sanctions at AC level though the offence of “*repeated findings of the arrival of birds with FPD or plantar or breast wounds*” is categorised as a serious offence.
89. No information on DMR or CDMR as required in point 1.1 of Annex III to Directive 2007/43 was available at the slaughterhouse. A letter was sent from the AC to all poultry producers on 3 April 2014 asking them to provide DMR and CDMR information when submitting food chain information to business operators.

##### Conclusions on monitoring of broiler welfare at the slaughterhouse and follow up

90. Controls on the recording of specific welfare indicators *post-mortem* at poultry slaughterhouses, Competent Authority intervention levels, and procedures for follow up action are not in place in most ACs or are just starting to be implemented four years after the relevant EU legislation entered into effect.

## 5.5 ACTIONS TAKEN IN CASE OF NON-COMPLIANCE

### Legal requirements

Articles 22 and 23 of Regulation (EC) No 1099/2009.

### Findings

91. The ACs have effectively worked with business operators in slaughterhouses to require them to review, update and amend SOPs when problems are detected as required in Article 22 of the Regulation, to improve their level of compliance. See section 5.3 for further details.
92. Sanctions (fines) following the law on Sanctions of 2007 were levied in both ACs as required under Article 23 of the Regulation in relation to non-compliances detected in slaughterhouses (relating to training, handling of animals, equipment and facilities) and the transport of bovine animals which were unfit. In the former they are effective in ensuring compliance but not for the transport of unfit animals.
93. Sanctions imposed on transporters and farmers for the transport of unfit animals are not fully effective or dissuasive as required in Article 23 of the the Regulation. See section 5.3.2.1. for more details.

### Conclusions on actions taken in case of non-compliance

94. The competent authorities have taken generally effective remedial actions to improve the level of compliance with the Regulation in slaughterhouses with the exception of the continuing problem of the transport of unfit bovine animals.

## 5.6 EVALUATION AND REVIEW OF OFFICIAL CONTROLS

### Legal requirements

Articles 4 and 8(3) of Regulation (EC) No 882/2004.

### Findings

95. Both ACs have recently developed new computerised systems for the reporting and supervision of official controls which rely on the input of control data, details of sanctions etc. by OVs in slaughterhouses into central databases and periodic review by the central or local offices of this data. The local and central level offices in both ACs have full access to monitor the results, make queries and extract reports.
96. Asturias carries out annual supervisory visits to slaughterhouses to assess the work of OVs and verify documentation, facilities and equipment on the spot. This had been generally effective at assisting OVs to raise levels of compliance within premises. Galicia does not carry out regular programmed supervisory visits but may visit upon request or if required. It was notable that the poultry slaughterhouse visited in Galicia was assessed by the supervisory level of the ACs on documentary evidence alone to have a high standard of animal welfare whereas the situation on the spot was not in line with this.
97. Audits on animal welfare have recently been introduced in both ACs. Using standard

checklists OVAs in Asturias carry out partial or full audits on animal welfare related issues once or twice per year: for Galicia the frequency was bi-annual.

98. Audit reports in both ACs had identified deficiencies in operation of equipment and business operator procedures or implementation of animal welfare controls and had in most cases been effective in obtaining effective corrective actions.

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

99. Results of official controls are evaluated and reviewed which contributes to continuous improvement. The on-the-spot component of the supervision has a positive impact in ensuring the accuracy of the information.

## **6 OVERALL CONCLUSIONS**

Overall the conclusions on the system of official controls to ensure business operators implement requirements effectively were positive in both ACs for the red meat slaughterhouses visited, although there are some weaknesses around training and the issuing of certificates of competence for slaughterhouse staff and inadequate restraining boxes for bovine animals. Both ACs have recently developed good reporting systems and are working actively on the implementation of animal welfare controls in slaughterhouses.

Competent Authority controls on the poultry slaughterhouse visited were insufficient to ensure business operator compliance with requirements of the Regulation and acceptable bird welfare at stunning and slaughter.

The Central Competent Authority has provided some useful guidance to ACs on the provision of training for certificates of competence and killing on fur farms.

The transport of unfit bovine animals to slaughterhouses is a major problem. Although enforcement measures are in place at Autonomous Community level sanctions are not dissuasive and resolution of this chronic issue appears some way off.

Controls on the recording of specific welfare indicators *post-mortem* at poultry slaughterhouses, Competent Authority intervention levels, and procedures for follow up action are not in place in most ACs or are just starting to be implemented four years after the relevant EU legislation entered into effect.

## **7 CLOSING MEETING**

A closing meeting was held on 10<sup>th</sup> April 2014 with representatives of the CCAs and the ACs, at which the main findings and preliminary conclusions of the audit were presented by the audit team. A number of clarifications were made by the ACs and noted 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:

Nº.	Recommendation
1.	Ensure that actions are taken in all Autonomous Communities to guarantee good coordination and cooperation between public and animal health departments as required by Article 4(3) and 4(5) of Regulation (EC) No 882/2004, in carrying out follow-up actions relating to the fitness of animals for transport and where signs of poor animal welfare are detected at post-mortem in poultry slaughterhouses. Conclusions and findings upon which this recommendation is based: 3, 16, 68, 72-76, 78, 85 and 90.
2.	Ensure that certificates of competence are only issued to personnel that have demonstrated their skill in performing the operations listed in Article 7(2) of Regulation (EC) No 1099/2009, in particular slaughtering in accordance with Article (4)4, and as indicated and required by Recital 28, Article 7(2) and Annex IV of that Regulation. Conclusions and findings upon which this recommendation is based: 11, 12 and 18.
3.	Ensure that the stunning parameters specified in Annex I of Regulation (EC) No 1099/2009 for electrical water bath stunners are applied as required by Article 4(1) of Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 33, 50, 52, 53 and 63.
4.	Ensure that the design and operation of stunning boxes for bovine and other animals are reviewed with a view to verifying that, as appropriate, they comply or are able to comply with the requirements of Point 3(1) of Annex II to the Regulation and that, where appropriate, Autonomous Communities take the necessary corrective actions. Conclusions and findings upon which this recommendation is based: 41, 42, 43, and 62.
5.	Ensure that the instructions for approval of new slaughterhouses have been updated so that the requirements set out in Article 14(2) of Regulation (EC) No 1099/2009 are included in their instructions and implemented as required in Article 31(2) of Regulation (EC) No 882/2004. Conclusions and findings upon which this recommendation is based: 45 and 64.
6.	Given the non-existence of guidelines for industry, procedures to facilitate the on-farm killing of animals should be developed and implemented, thereby, as far as practically possible, alleviating pain or suffering, as required in Article 2(d) of Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 66, 67 and 83.
7.	Ensure that in all Autonomous Communities, strong action is taken to: • assess the level of compliance with Annex I of Regulation (EC) No 1/2005 when animals, particularly bovines, arrive at slaughterhouses; • ensure effective enforcement action is taken as required at slaughterhouses and effective follow up actions are instigated on farms and with transporters as required by Article 54 of Regulation (EC) No 882/2004.

N°.	Recommendation
	Conclusions and findings upon which this recommendation is based: 71, 72, 73, 74, 77 and 85.
8.	Ensure that Veterinary Associations at National and Autonomous Community level: are made aware of their members' obligations under Regulation 1/2005 relating to the fitness of animals for transport laid down in Article 3 and Annex I of the same Regulation; and take action over the high number of certificates issued ascertaining to the fitness of bovine animals for transport which subsequently prove to be, at best misleading, and at worst false. Conclusions and findings upon which this recommendation is based: 73-76 and 85.
9.	Ensure that sanctions applicable to the enforcement of legislative requirements on the fitness of animals for transport in Annex I of Regulation (EC) No 1/2005 are effective, proportionate and dissuasive as required by Article 55 of Regulation (EC) No 882/2004. Conclusions and findings upon which this recommendation is based: 77, 78, 85, 92 and 93.
10.	Ensure that for those Competent Authorities carrying out official controls on fur farms, records of measurements on critical control points from the Regulation laid down in Annex I, Chapter II point 9.4 are kept when the animals are being killed. Conclusions and findings upon which this recommendation is based: 81 and 84.
11.	Ensure that OVs in slaughterhouses are provided with the correct instructions and necessary information, in particular the stocking density of the holding of origin, the daily mortality rate and, where applicable, the cumulative daily mortality rate as required by Point 1.1 of Annex III of Directive 2007/43/EC, in order to carry out effective monitoring of indicators of animal welfare as required by Point 2 of Annex III of Directive 2007/43/EC; and field veterinarians take appropriate actions to follow up on the information provided from slaughterhouses on indications of poor animal welfare as required by Point 3 of Annex III to Directive 2007/43/EC. Conclusions and findings upon which this recommendation is based: 86, 87, 88, 89 and 90.

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=2014-7079](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2014-7079)

**ANNEX 1 - LEGAL REFERENCES**

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
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. 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
Dir. 2007/43/EC	OJ L 182, 12.7.2007, p. 19-28	Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production
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

## 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 business operators: (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 business operators 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 business operators 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 OVs 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 business operators 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 business operators 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 business operators 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 business operators 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 business operators 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 business operators 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 business operators 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 business operators 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 business operators to ensure that equipment for stunning animals is maintained and checked according to manufacturers' instructions.

Article 16 of Regulation (EC) No 1099/2009 requires business operators 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 business operators 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.

##### *5.3.2.2. Killing of fur animals*

Article 7(3) of Regulation (EC) No 1099/2009 requires the killing of fur animals to be carried out in the presence and under the direct supervision of a person holding a certificate of competence issued for all the operations carried out under his supervision and that business operators of fur farms shall notify the competent authority in advance when animals are to be killed.

#### **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 OV 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 business operators 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.