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FINAL REPORT OF AN AUDIT
CARRIED OUT IN
THE UNITED KINGDOM
FROM 29 APRIL TO 09 MAY 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 the United Kingdom from 29 April to 9 May 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 Regulation (EC) No 1099/2009 is not yet being implemented in the United Kingdom. Nevertheless, there are good official controls to ensure that in the main animals are spared any avoidable pain, distress or suffering during their killing and related operations, and Competent Authorities are developing tools and procedures to adapt the system of official controls to the requirements of the mentioned Regulation. Business operators, especially the large ones who are bound by industry standards, do ensure standards of animal welfare which are largely equivalent to the Regulation.

The main animal welfare problem is that poultry is slaughtered after passing through an electric waterbath stunner using parameters below those prescribed in the Regulation. This happened because new requirements were not yet enforced by competent authorities and because official veterinarians did not correctly understand how this equipment worked. In addition, this slaughter was as prescribed by a religious rite which could derogate from pre slaughter stunning. The Competent Authority indicated its intention to address this problem when implementing the Regulation and to enforce the minimum parameters also for slaughter prescribed by a religious rite.

The report makes a number of recommendations to the authorities of the United Kingdom to address the deficiencies noted.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
A	Ampere
AWO	Animal welfare officer
BO	Business operator
CA	Competent Authority
DEFRA	Department for Environment Food & Rural Affairs
EU	European Union
FAWC	Farm Animal Welfare Committee
FSA	Food Standards Agency
OV	Official veterinarian
SOP	Standard operating procedure

1 INTRODUCTION

This audit took place in United Kingdom from 29 April to 9 May 2014 as part of the planned audit programme of the Food and Veterinary Office.

An opening meeting was held with the competent authorities of the United Kingdom on 29 April 2014. At this meeting, the objectives and itinerary for the audit were confirmed by the audit team. The audit team comprised three auditors from the Food and Veterinary Office who were accompanied throughout the audit by representatives from the Central Competent Authority – the Department for Environment Food & Rural Affairs (DEFRA). The audit team was also accompanied by representatives of the Scottish Competent Authority – the Scottish Government – when in Scotland.

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' (CAs) 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:

- 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 853/2004 Annex III Section I Chapter VI, which facilitates the killing of "emergency slaughter" animals on farm and the transport of the slaughtered and bled animal to a slaughterhouse.

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

In pursuit of the objectives, the following sites were visited:

Meetings with Competent Authorities			Comments
Competent authority	Central	2	Opening and closing meetings

	Other	2	Food Standards Agency in York, Scottish Government Office in Edinburgh.
Slaughterhouses		7	One poultry and three red meat slaughterhouses in England. One poultry and two red meat slaughterhouses in Scotland.

3 LEGAL BASIS

The audit was carried out under the general provisions of European Union (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 1 and refer, where applicable, to the last amended version. Annex 2 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 European Union 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 an enhanced 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 (AWO) 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. 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

5.1 FRAMEWORK FOR CONTROLS

1. In Scotland, national implementing legislation for the Regulation entered into force on 1 January 2013. In England, Wales and Northern Ireland implementing legislation for the Regulation was not in force at the time of this audit.
2. This legislation came into force in Wales and Northern Ireland on 20 and 21 May 2014 respectively. The Central Competent Authority indicated that, in England, the implementing legislation was revoked in its entirety before coming into force. The previous national legislation, implementing the requirements of Directive 93/119/EC, as amended would

continue to apply in England until specific implementing regulations for Council Regulation 1099/2009 are brought into effect.

3. The Scottish CA decided not to enforce the requirements of the Regulation until this can also take place in the rest of the United Kingdom.

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

4. The organisation of the CA is described in the Country Profile which is available at:
http://ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=GB
5. In Great Britain, the Food Standards Agency (FSA) has contracts with two service delivery partners who are responsible for delivering official controls in approved slaughterhouses. Lead veterinarians employed by the FSA ensure that Official Veterinarians (OVs) deliver official controls correctly and they in turn are supervised by veterinary field managers (England) or Heads of Division (Scotland and Wales). In Northern Ireland, DARD is the named CA for Council Regulation 1099/2009.
6. The FSA has responsibility for assessing and recommending the approval of slaughterhouses including the requirements of the Regulation.
7. In England and Wales:
 - the CA responsible for issuing certificates of competence, as envisaged by Article 21(1)(b) of the Regulation, is the FSA;
 - the Central Competent Authority – DEFRA- has designated a separate body to ensure that training courses are available for personnel involved in killing and related operations and approve the training programmes, as envisaged by Article 21(1) of the Regulation;
 - the Central Competent Authority has delegated the responsibility to provide the training and examination for slaughter by the Shechita method to the Rabbinical Commission.
8. In Scotland:
 - the CA responsible for issuing certificates of competence, as envisaged by Article 21(1)(b) of the Regulation, is the FSA;
 - the Scottish CA is responsible for ensuring that training courses are available, as envisaged by Article 21(1)(a) of the Regulation;

- the Scottish CA has delegated the responsibility to approve training courses for personnel involved in killing and related operations to a separate body, as envisaged by Article 21(1) of the Regulation.

In Northern Ireland:

- the CA responsible for issuing certificates of competence, as envisaged by Article 21(1) (b) of the Regulation, is DARD.
- Training arrangements are as for England and Wales.

5.1.2 Scientific support and Guides to good practice

Legal requirements

Articles 13 and 20 of Regulation (EC) No 1099/2009.

Findings

9. The Central Competent Authority has appointed the Farm Animal Welfare Committee (FAWC), in particular the Welfare at Killing Standing Committee, as the independent scientific support body envisaged by Article 20 of the Regulation.
10. The FAWC is actively involved in assisting the Central Competent Authority in the areas envisaged by Article 20(1) of the Regulation.
11. Red meat and poultry BO organisations have each drafted guides to good practice. The FAWC and CAs have been consulted and their comments are being taken into account before validation, as required by Article 13(2) of the Regulation.

5.1.3 Provision of certificates of competence

Legal requirements

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

Findings

12. The Central Competent Authority has recognised two qualifications obtained for other purposes as being equivalent to a certificate of competence, as envisaged by Article 21(7) of the Regulation and provided guidance on this via the Internet. One of these is a slaughterman's licence granted under the Welfare of Animals (Slaughter or Killing) Regulations.
13. Certificate of competence can be issued by way of a simplified procedure, as envisaged by Article 29(2) of the Regulation, to persons demonstrating relevant professional experience of at least three years.
14. Temporary certificates of competence are issued to applicants under the conditions envisaged by Article 21(5) of the Regulation. These operators may only work under the

direct supervision of another operator holding a certificate of competence until trained and have passed the final exam.

15. In England and Wales two training bodies had been approved to carry out training courses. These training courses are organised in units for the different animal species and stunning methods and include a specific module for slaughter without stunning, as envisaged by Article 7(2)(g) of the Regulation.
16. In Scotland, training courses are not available. The Scottish CA stated that, as a consequence, a number of operators were working with temporary certificates of competence for more than the three-month limit envisaged by Article 21(5) of the Regulation.
17. The training courses are composed of a theoretical part and a practical part.
18. The template for the certificates of competence indicates for which categories of animals, type of equipment and for which of the operations the certificate is valid, as required by Article 21(3) of the Regulation. This template does not however include a field to indicate competence in the slaughtering of animals without stunning as envisaged by Article 7(2)(g) of the Regulation. At the closing meeting the FSA informed the audit team that the necessary corrective action was already being carried out.

5.1.4 Stricter national rules

Legal requirements

Article 26 of Regulation (EC) No 1099/2009.

Findings

19. Following public consultation, all existing national rules going beyond the requirements of the Regulation have been maintained in the United Kingdom:
 - the requirement to respect the minimum parameters indicated in Annex I of the Regulation when animals are stunned before slaughter according to religious rites;
 - the requirement to approve individual restraining boxes when slaughtering adult bovine animals without prior stunning;
 - the prohibition of restraining systems using inversion or unnatural positions;
 - specific requirements for knives used for the slaughter of animals without prior stunning and how the knives are to be used.

Conclusions on framework for controls

20. The certificate of competence requirements of the Regulations could not be enforced in England, Wales and Northern Ireland at the time of the audit, as national implementing legislation was not in place. The Scottish CA decided not to enforce the new requirements

of the Regulation that were not already imposed by previous legislation until this can also take place in the rest of the United Kingdom.

21. BO organisations are preparing guides for good practice and the CAs and the scientific support body have been consulted as required.
22. The system for the provision of certificates of competence complies in the main with the requirements of the Regulation but is not yet implemented. The absence of training courses in Scotland could lead to animals being slaughtered by personnel that are not competent for the task.¹

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

23. The annual control plan on animal welfare during slaughter is based on an overall risk categorisation of slaughterhouses. This system takes into account:
 - the results of the latest audit report, including non-compliances detected in relation to animal welfare during slaughter. OVs in slaughterhouses carry out daily animal welfare checks, which are then used to produce their audit reports. The template for the audit report has however not been modified to cover all aspects of the Regulation, such as AWOs, SOPs and the reliability of BOs' own checks with regards to animal welfare;
 - risk factors linked to the type of activity (potential hazards, vulnerable consumers and throughput). The Central Competent Authority also identified a particular risk for animal welfare in connection with the currents used in waterbath stunners in poultry slaughterhouses potentially not meeting the parameters laid down in Table 2 of Annex I of the Regulation.

As a result of this risk the CA has already put arrangements in place for the purchase of waterbath electrical stunning parameters monitoring devices which can be used by enforcement officers in the field.

24. When problems are detected with the fitness of animals transported to the slaughterhouse, the OVs at the slaughterhouse notify the local CAs responsible for the transporter and/or the holding of origin (see also Sections 5.3.2.1 and 5.4).

¹ In their comments to the draft report, the CA indicated that the FSA will commence the issue of Certificates of Competence from the end of October when the Manual for Official Controls amendment that implements the Wales and Scotland WATOK regulations in full comes into force.

Conclusions on planing of official controls

25. The frequency of official controls of slaughterhouses is based on risk assessment and it takes into considerations animal welfare aspects; As the current template for audit reports and the checks performed by OV's do not cover all requirements of the Regulation, the current system will not be suitable to ensure that official controls are planned taking into account all risks.²

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

26. OV's use check-lists and instructions for daily welfare checks and audits in slaughterhouses which are based on the requirements of Directive 93/119/EC and do not include all the requirements of the Regulation. The FSA prepared new check-lists and guidelines which include these requirements and the OV's have received instructions to use them after implementing rules are in force in all of the UK.
27. OV's in England had produced specific letters addressed to each BO indicating, their areas of non-compliance. The letters will be send once implementing rules for the Regulation are adopted. In Scotland these letters were generic.
28. All slaughterhouses visited had designated AWO's, as required by Article 17 of the Regulation. All AWO's met by the audit team were not in possession of a certificate of competence, although this is a requirement of Article 17 of the Regulation, but had a slaughterman's licence and an attestation indicating previous experience in the handling of animals.
29. In general, in all slaughterhouses visited by the audit team, the AWO's kept basic records of actions taken regarding unfit animals for transport or bearing lesions compatible with possible problems in the farm of origin. Records of any other actions taken to improve animal welfare conditions in the slaughterhouse were poor.
30. In most establishments visited, AWO's were monitoring the effectiveness of stun and absence of signs of life when stunning is not carried out.
31. In some slaughterhouses the AWO's had not noted deficiencies which had been detected by

² In their comments to the draft report, the CA indicated that the FSA has now introduced (from mid-August 2014) a new audit process that fully covers all the requirements of 1099/2009 and domestic legislation.

the OVs (e.g. the ineffectiveness of waterbath stunning in one poultry slaughterhouse and the misuse of electric prods in one red meat slaughterhouse).

32. Most slaughterhouses visited by the audit team had developed SOPs as required by Article 6 of the Regulation. In general the SOPs seen by the audit team were incomplete, but in slaughterhouses supplying large retailers they were generally more complete. Many SOPs were not clear on who was responsible for particular tasks and the most frequent omissions, which had not been detected by the OVs or AWOs, were:

- the monitoring procedures for stunning required by Article 16 of the Regulation;
- a procedure for emergency slaughter of animals inside the slaughterhouse;
- signs of the absence of life to be checked prior to further dressing or scalding (Point 3.2 of Annex III to the Regulation);
- how the minimum amperage required by Annex I of the Regulation would be obtained in a waterbath for stunning poultry. In one poultry slaughterhouse visited the SOP had recently been updated to provide instructions on the use of a waterbath stunner which the BO had not yet installed. The number of birds which would be inside the stunner at any one time was not taken into consideration when determining the electrical parameters to apply when using this waterbath stunner and the electrical parameters to apply to the waterbath stunner currently being used were not included in the SOP.

33. A few of the SOPs seen by the audit team took into consideration manufacturers' instructions, as required by Article 6(2)(a) of the Regulation. These instructions had however not been evaluated by the OVs and did not include all the specifications required by Article 8 of the Regulation.

34. The CA informed the audit team that it was working with BO organisations to provide small-medium sized slaughterhouses a tool to produce their own SOPs.

Conclusions on official controls on BO's obligations

35. The documented procedures for official controls still refer to Directive 93/119/EC and are insufficient to cover all areas of the Regulation. But as new check-lists and guidance for checks at slaughterhouses are ready to use and BO's non-compliances have been identified, the system of official controls is prepared to cope with the new requirements. The fact that BO's SOPs are generally incomplete and that AWOs and OVs fail to detect the shortcomings will make it difficult for the system to ensure compliance with this area of the Regulation.³

³ In their comments to the draft report, the CA indicated that since August 2014, the new FSA audit process has been examining Standard Operating Procedures in more detail during audits. In Scotland and Wales, from October 2014 the FSA will start to enforce fully the requirements for Standard Operating Procedures and Animal Welfare Officers including that for Certificates of Competence. In England, though domestic WATOK legislation is not yet in place, frontline staff are working with FBOs to ensure that suitable SOPs are in place and are being followed. Formal action will be pursued where there are instances of animal suffering, though this is unlikely to be the case in this instance.

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

36. Manufacturers' instructions have been made publicly available as required by Article 8 of the Regulation.
37. The CA instructions for BOs on how to apply for approval, required by Article 31(2) of Regulation (EC) No 882/2004, have been modified to require the BO to indicate the maximum capacity of the lairages. These instructions however do not include the requirement to provide the maximum line speed and the categories and species of animals for which the stunning and restraining equipment may be used as required by Article 14(2) of the Regulation.
38. A check-list and guidance for approval of new slaughterhouses is available to the CAs and included the requirements of the Regulation.
39. The audit team visited two poultry slaughterhouses:
 - The layout in one made it difficult to see the birds entering the waterbath stunner and to detect eventual problems at this point related to animal welfare, such as the occurrence of pre-stun shocks.
 - The second poultry slaughterhouse visited was structurally compliant with the requirements of the Regulation.
 - Breast comforters, running from the point of shackling to the point of entry to the waterbath stunnings, were already installed in both poultry slaughterhouses as required by Point 5.8 of Annex II of the Regulation which requires this from 8 December 2019.
40. Regarding the five red meat slaughterhouses visited by the audit team:
 - All slaughterhouses were structurally compliant with the requirements of the Regulation.
 - A visible sign for each pen was in place; however, the date and time of arrival of the animals held in the pens or the maximum number of animals to be kept in each pen were not always indicated although this is required by Point 2.3 of Annex III of the Regulation.

5.3.1.2 Handling and restraining operations at slaughterhouses

Legal requirements

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

Findings

41. Handling in all slaughterhouses visited was carried out without causing unnecessary pain, distress or suffering to the animals.
42. Restraining operations were also adequate except for the sheep slaughterhouse where slaughter without stunning was carried out. Here individual mechanical restraint was not used to restrain the animals, although this is required by Article 15(2) of the Regulation.

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

43. In the two poultry slaughterhouses:
 - Birds passed through a waterbath stunner and a manual bleeding cut was then performed as prescribed by religious rites.
 - Both poultry slaughterhouses utilised an amperage for the waterbath below the minimum current required by Annex I of the Regulation.
 - In one slaughterhouse the BO, the AWO, the OV and FSA supervisor did not know how to correctly calculate the electrical current being delivered per bird. All had concluded incorrectly that the current indicated in the display of the waterbath stunner was the average value per animal. 417 mA was being applied to the entire waterbath and as a result each chicken received less than half of the minimum current laid down in Table 2 of Chapter II Annex I of the Regulation.
 - In the other slaughterhouse the waterbath stunner provided a minimum current per chicken that was half of the minimum current laid down in Table 2 of Chapter II Annex I of the Regulation.
 - Operators cut both carotids, as required by Point 3.2 of Annex II of the Regulation.
44. In the four red meat slaughterhouses where stunning prior to slaughter was carried out:
 - The stunning of animals was effective. Minimum electrical parameters for both sheep and cattle were applied as required by the Regulation. However, in one slaughterhouse the minimum electric parameters required by the Regulation were not included in the SOPs.

- Checks on effectiveness of stunning were carried out. The SOPs correctly described the signs of consciousness to be evaluated, however in one SOP the signs of effective stunning were not listed, contrary to Article 6(b) of the Regulation.
- Records of the monitoring of the effectiveness of the stun were seen in all slaughterhouses visited, as required by Article 9(1) of the Regulation. In the slaughterhouses using a penetrative captive bolt device these records included the cases where repeated shots had been applied due ineffective stunning, as envisaged by Article 6(2)(c) of the Regulation.

45. Backup stunning equipment was immediately available on the spot in all slaughterhouses, as required by Article 9(2) of the Regulation.

5.3.1.4 Slaughter without stunning

Legal requirements

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

Findings

46. The CA indicated that since there were no implementing rules it had not taken action regarding the sheep slaughterhouse which carried out slaughter without stunning but without the required mechanical restraint.
47. Current provisions do not require the amperage in Annex I of the Regulation for poultry slaughterhouses. This will be required – including for slaughter as prescribed by religious rites- once national implementing legislation for the Regulation is adopted.

Conclusions on killing animals in slaughterhouses

48. Slaughter operations in general comply with the requirement of the Regulation in ensuring animals are spared any avoidable pain, distress or suffering. However, the lack of implementing rules together with the lack of understanding by operators and OVs on how to calculate the electrical current applied per bird led to the use of waterbath stunning for poultry using parameters below those required in the Regulation. This was compounded by the lack of understanding. The FSA are purchasing measuring devices to record the electrical parameters in water bath stunners and training employed Veterinary staff to use the equipment. This equipment will also be available for APHA officials where enforcement of waterbath parameters on farm is necessary. This work should be completed by the end of the year.
49. Despite the lack of implementing rules, procedures for slaughterhouse approval have been updated to include the Regulation requirements with the exception of the speed of the slaughter line.⁴

⁴ In their comments to the draft report, the CA indicated that the FSA has amended the checklist for approvals to include a question on line speed.

5.3.2 *Killing animals outside slaughterhouses*

Legal requirements

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

Findings

50. A non governmental organisation has published guidelines on killing animals outside slaughterhouses, including the killing of unproductive animals. These guides indicate who, where, how and by what method persons involved in killing animals on farms on welfare grounds can do so, as required by Articles 6 and 7 of the Regulation. These guidelines are publicly available on the Internet.
51. CA operational instructions regarding the killing of animals outside an approved slaughterhouse had been updated to take into consideration the requirements of the Regulation but were yet to be published at the time of the audit.

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

52. Comprehensive guidance from CAs and other sources is available to stakeholders and official staff to help to prevent the transport of weaker and possibly unfit animals for slaughter.
53. The CAs have instructions on how to decide which animals can undergo emergency slaughter outside the slaughterhouse, in line with Section I Chapter VI of Annex III of Regulation (EC) No 853/2004.
54. The conditions of the animals arriving at slaughterhouses, including their fitness for transport, are assessed by BOs on arrival and OV's during the ante-mortem inspection.

In approximately half of the cases reviewed by the audit team the notifying OV did not receive feedback from the notified local CA on the outcome of any enforcement action (see also Section 5.4).

Conclusion on killing animals outside slaughterhouses

55. The guidance available from various sources facilitates a high degree of awareness on the related issues of killing sick or injured animals on farm and the fitness of animals for transport. In addition there is a system in place for controls on the fitness of animals

arriving at slaughterhouses.

5.4 ACTIONS TAKEN IN CASE OF NON-COMPLIANCE

Legal requirements

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

Findings

56. In the event of any non-compliance with the regulation at slaughterhouses, the FSA is the CA in England and Wales. In Scotland the CA is FSA and Scottish ministers. Enforcement of the Regulation outside slaughterhouses falls to the Local Authorities. APHA (formerly AHVLA) has a role to support investigations at on farm level.
57. The FSA has information via a centralised database on both the verbal and written advice issued by the OV's to the BO's where non-compliances have been detected. At the time of the audit the OV's in England, Wales and Northern Ireland could issue verbal advice and written advice when non-compliances with the requirements of the Regulation are detected. In addition, OV's could suspend or revoke licences and refer cases for investigation where pain, suffering or distress had been caused to an animal under domestic animal welfare legislation.
58. Flow charts are available to guide the OV's' decisions on suspect breaches on animal welfare, including the verification of the conditions of the animal, the collection of evidence and reporting to the appropriate CA.
59. In Scotland a maximum fine of 5000 Sterling and three months imprisonment can be imposed. Rules also include actions envisaged by Article 22(1)(c) of the Regulation with the possibility to suspend or withdraw certificates of competence. In Scotland enforcement notices against non-compliances to the requirements of the Regulation could be issued but the Scottish CA had issued instructions to OV's to do so only in evident cases of pain and suffering.
60. Similar sanctions are included in the proposed regulations for England, Wales and Northern Ireland but at the time of the audit these penalties had not been laid down, although Article 23 of the Regulation requires the rules on penalties to be laid down and all measures necessary taken to ensure that they are implemented.
61. Between April 2013 and February 2014 there were 317 recorded cases across England, Scotland and Wales concerning the welfare of animals during transport to slaughterhouses:
 - two of the OV reports on animals that were unfit for transport seen by the audit team in one of the slaughterhouses were not in the list provided by the FSA;
 - frequently reported cases of birds trapped between crates and unloading modules in the two poultry slaughterhouses visited had not been followed-up.

62. When unfit animals are transported to slaughterhouses the OV's inform the CAs responsible for investigating transporters and farms of origin. Regarding OV reporting of non-compliances in general the OV's carried out good collection of evidence.⁵ Examples of such reports were:

- bovines with in-growing horns. Evidence included laboratory results dating the lesions received by the reporting OV. The relevant CA prosecuted the farmer, and as a result a fine of £225 Sterling was imposed;
- several cases of late pregnancy. All these cases were investigated and dismissed;
- Two cows unfit for transport (one cow with an extensive eye tumour and one that had recently calved). In these two cases, the OV had not received feedback from the local CA although these had been reported according to the procedures. The Central Competent Authority indicated that the CA decided not to prosecute after interviewing the farmers.

Conclusions

63. The system of OV reporting and the centralised database for enforcement enables the FSA to have a good overview of actions taken to address non-compliance.

5.5 EVALUATION AND REVIEW OF OFFICIAL CONTROLS

Legal requirements

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

Findings

64. The results and details of all OV reports are compiled into a single exception report and assessed each month by the FSA.
65. The FSA checks the consistency of the OV's reports and provide this review to the relevant CAs. Data from the OV reports is also collected to inform the CAs of trends in animal welfare non-compliances detected throughout Great Britain.
66. The last internal audit carried out by the FSA Internal Audit Team on animal welfare in slaughterhouses was in November 2011.

Conclusions

⁵ In their comments to the draft report, the CA indicated that since the FVO audit, APHA, FSA and representatives of the Local Authorities have been working closely together to establish better communication routes, especially in relation to providing feedback to FSA OV's. A system has been agreed, pending the development of a specific data sharing agreement between APHA and FSA, and changes to APHA operational instructions have been drafted in preparation for this. APHA field officers have been reminded of the current instruction to liaise with Local Authorities whenever welfare complaints are received from abattoirs.

67. The system in place for supervision and auditing of official controls allows controls of animal welfare at individual slaughterhouses to be monitored as well as overall trends.

6 OVERALL CONCLUSIONS

Regulation (EC) No 1099/2009 is not yet being implemented in the United Kingdom. Nevertheless, there are good official controls to ensure that in the main animals are spared any avoidable pain, distress or suffering during their killing and related operations, and Competent Authorities are developing tools and procedures to adapt the system of official controls to the requirements of the mentioned Regulation. Business operators, especially the large ones who are bound by industry standards, do ensure standards of animal welfare which are largely equivalent to the Regulation.

The main animal welfare problem is that poultry is slaughtered after passing through an electric waterbath stunner using parameters below those prescribed in the Regulation. This happened because new requirements were not yet enforced by competent authorities and because official veterinarians did not correctly understand how this equipment worked. In addition, this slaughter was as prescribed by a religious rite which could derogate from pre slaughter stunning. The CA indicated its intention to address this problem when implementing the Regulation and to enforce the minimum parameters also for slaughter prescribed by a religious rite.

7 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.	To put in place, and make operational, the necessary implementing measures so that the requirements of Regulation (EC) No 1099/2009 can be enforced. Conclusions upon which this recommendation is based: 20, 25, 35, 48 and 49
2.	To ensure that training courses are available throughout the UK for all personnel involved in the slaughter of animals and related operations, as required by Article 21(1)(a) of Regulation (EC) No 1099/2009 and that persons carrying out slaughter and related operations, including slaughter prescribed by religious rites, hold a certificate of competence in accordance with Article 7(2) of Regulation (EC) No 1099/2009. Conclusions (and findings) upon which this recommendation is based: 22 (18)

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=2014-7080

ANNEX 1 - LEGAL REFERENCES

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

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 and Guides to good practice

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.

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.

5.1.3. 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.

5.1.4. Stricter national rules

Article 26 of Regulation (EC) No 1099/2009 requires Member States to inform the Commission about national rules aimed at ensuring more extensive protection of animals at the time of killing in force at the time of entry into force of this Regulation. Member States may adopt national rules aimed at ensuring more extensive protection of animals at the time of killing than those contained in this Regulation in relation to the following fields: (a) the killing and related operations of animals outside of a slaughterhouse (b) the slaughtering and related operations of farmed game (c) the slaughtering and related operations of animals in accordance with Article 4(4).

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.

5.3.2.2. 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 BOs of fur farms shall notify the competent authority in advance when animals are to be killed.

5.4. 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.