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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

DENMARK

FROM 05 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 Denmark from 5 to 9 May 2014 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, taking into account the applicable requirements of Regulation (EC) No 1099/2009 and Regulation (EC) No 882/2004.

The report concludes that official control systems in place have not fully shifted yet into assessing the business operators' own control systems for compliance with Regulation (EC) No 1099/2009 requirements. This, together with insufficient awareness of all the requirements of that Regulation from business operators and from competent authorities, has resulted in a few gaps in the business operators own controls which go undetected by the competent authorities. Nevertheless good animal welfare at the time of slaughter was generally in place, with the exception of ritually slaughtered poultry for which there is no scientific evidence indicating that the parameters used will provide sufficient stunning, and the lack of checks for signs of life prior to scalding and dressing.

The stunning methods and parameters in Annex I of Regulation (EC) No 1099/2009 were respected in all slaughterhouses, except when performing slaughter under religious rites in which case national legislation parameters were applied.

The competent authorities have issued official guidelines, and validated industry guides to good practice, that include a few provisions not allowed by Regulation (EC) No 1099/2009.

The competent authorities have ensured that training courses for business operator personnel involved in killing and related operations are available and the corresponding certificates of competence issued.

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

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AWO	Animal welfare officer
CA	Competent Authority
DVFA	Danish Veterinary and Food Administration
EU	European Union
FVO	Food and Veterinary Office
Hz	Hertz
mA	Milliampere
OV	Official veterinarian
SHs	Slaughterhouses
SOP	Standard operating procedure
the Regulation	Regulation (EC) No 1099/2009

1 INTRODUCTION

The audit took place in Denmark from 5 to 9 May 2014 as part of the planned audit programme of the Food and Veterinary Office (FVO). An opening meeting was held with the Danish competent authorities the Danish Veterinary and Food Administration (DVFA) on 5 May 2014. At this meeting, the objectives of, and itinerary for, the audit were confirmed by the audit team and additional information required for the satisfactory completion of the audit was requested.

The audit team comprised two auditors from the FVO and a national expert from Poland and was accompanied throughout the audit by representatives from the central levels of the competent authority (CA).

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.

This audit is part of a series of audits to several Member States all with the same objective. However, since Denmark had been the subject of another recent, October 2013, FVO audit (report ref. DG(SANCO)/2013-6807) which already audited controls on chickens kept for meat production

and fur farming those areas have now only been touched upon very briefly. Therefore, even though still covered by the objective of this audit, the report does not include an individual section for either broilers or the killing of fur animals.

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

Meetings with Competent Authorities		Comments
Central Competent authority	2	Opening and closing meetings
Site visits		
Slaughterhouses	7	2 for cattle, 2 for pigs, 2 multi-species and 1 for broilers

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 CA is described in detail in FVO report DG SANCO 2013-6857-MR Final which reviewed the systems in place for the verification of effectiveness of official controls and which is accessible at: http://ec.europa.eu/food/fvo/country_profiles_en.cfm
2. DVFA is the CA for animal welfare at slaughter with implementation of those controls at slaughterhouses (SHs) by official veterinarians (OVs) under contract with the Meat Inspection Department of the DVFA.
3. The DVFA is also the CA for training of personnel involved in killing and related operations, respective examinations and issuing certificates of competence.
4. The DVFA has delegated some tasks concerning certificates of competence as envisaged by Article 21(2) of the Regulation (see also section 5.1.3). The rules with regard to the recognition of separate bodies concerning the issuance of certificate of competences with regard to:
 - slaughter operations, are to be found in Ministerial Order No. 902 of 4 September 2012;
 - fur animals, are to be found in Ministerial Order No. 1207 of 14 December 2012.
5. Evidence was seen of co-ordination between the DVFA and Police and within different departments of the DVFA when OVs at slaughterhouses detected poor animal welfare at slaughter or linked with conditions at the holdings of origin or during transport (see also section 5.4).

5.1.2 Scientific support and Guides to good practice

Legal requirements

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

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

Findings

6. The Danish Centre for Animal Welfare has been appointed as the network and contact point for scientific support required by Article 20 of the Regulation. It is responsible for sharing technical and scientific information and best practices regarding the implementation of this Regulation with its counterparts and the Commission.
7. Two industry guides to good practice (one for cattle another for pigs) have been validated by the CA. The CA informed that:

- this validation included, as required by Article 13 of the Regulation, consultation with representatives of two Danish non governmental organisations.
 - during the validation process the CA concluded that it was not necessary to use the possibility, given by Article 20(c) of the Regulation, to request a scientific opinion from the Danish Centre for Animal Welfare.
8. Both of these validated industry guides include the same provision made in the Regulation (point 1.2 of Annex III) that requires 'bedding or equivalent material which guarantees a level of comfort appropriate to the species' for animals that are not slaughtered within 12 hours of their arrival. However, both also continue by indicating that 'Alternatively, the animals are placed in pens with clean well drained floors' this alternative is not envisaged by the Regulation.
 9. The CA considered that this alternative to bedding was acceptable as EU animal welfare requirements for holdings do not make it mandatory to provide bedding for the animals at the holding. Therefore, the 'level of comfort appropriate to the species' mentioned in the Regulation could also be achieved by placing the animals in cleaned pens with proper drainage.
 10. The validated industry guide for pigs indicates that if the SH slaughters less than 1 000 livestock units there is no need to have the welfare conditions of each consignment of animals assessed upon arrival. This is contrary to the required by the Regulation (Article 15 and point 1.1 of Annex III).
 11. The CA expressed that in their opinion the wording in that point of the Regulation has linked this requirement directly to the animal welfare officer: 'The welfare conditions of each consignment of animals shall be systematically assessed by the animal welfare officer or a person reporting directly to the animal welfare officer ...'. Therefore they consider that there is insufficient legal basis to make the animal welfare assessment on arrivals mandatory in SHs slaughtering less than 1 000 livestock units – as they are not required (Article 17(6) of the Regulation) to have an animal welfare officer.
 12. The CA has identified the following as good practices in relation to the Regulation:
 - a industry code of good farm practice in mink farms, <http://www.kopenhagenfur.com/da/minkavl/offentlige-love-regler/branchekode>, that includes killing in Annex 13;
 - a guide to self-audit schemes in pig farms, where killing of pigs on farm is mentioned in page 18: http://www.vsp.lf.dk/~media/Files/PDF%20-%20Viden/Branchekode_UK.ashx;
 - a guide to good practice for cattle herds with killing mentioned in pages 18 and 19, https://www.landbrugsinfo.dk/Kvaeg/Sundhed-og-dyrevelfaerd/sundhedsraadgivning/Sider/Endelig_Branchekode_for_egenkontrol_kv_aeg_01072010.pdf.

5.1.3 *Provision of certificates of competence*

Legal requirements

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

Findings

13. The CA has made available on the internet all the relevant information on:
- how to apply for a certificate of competence either under the normal procedure of attending courses and undergoing an exam, or under the simplified procedure on the basis of Article 29 (2) of the Regulation, i.e. professional experience of at least three years;
 - which forms to complete when applying under the normal or simplified procedures, to declare not having committed serious infringements of the EU and/or national law on the protection of animals in the last three years, and to provide evidence of relevant professional experience (certified by an official veterinarian of the current or most recent job);
 - which institutions have been approved for providing training courses (including in Polish for one course), the final examination for each relevant species, and issue the corresponding certificates of competence and respective templates;
 - which institutions have been approved for issuing certificates of competence under the simplified procedure.
14. There are training courses for pigs, cattle, and poultry and for sheep plus goats. The courses can be organised as "main courses" or "additional courses". The "main courses" span 6 hours during which all the theoretical part of the training required by Annex IV of the Regulation is provided, together with discussion in plenum of information of a practical nature. At the end of one of these "main courses", and successful examination (consisting of 30 multiple choice questions changed periodically), the attendants are recognised as competent for all the slaughter operations for that species, and consequently also as animal welfare officers.
15. The "additional courses" span 3 hours and are organised to be a supplement to a "main course", e.g. someone who is already certified as competent for cattle can apply for an "additional course" on sheep plus goats and become qualified also for those.
16. There is no hands-on component included in the courses, the examination or at any other moment prior to issuing the certificate of competence.
17. All certificates seen by the audit team indicated for which animals and operations the certificate was valid, as required by the Regulation. However, the types of equipment (e.g. penetrative captive bolt, electrical stunning, gas stunning) are not indicated and that is also required by Article 21(3) of the Regulation.
18. The Ministerial Order 1207 includes the necessary provisions on training and certificate

of competence for individuals who directly supervise the killing of fur animals at fur farms, in line with the required by Article 7(3) of the Regulation. Additionally this order goes beyond the scope of the Regulation and includes specific provisions (e.g. subjects and minimum number of hours of training) on training requirements for mink farmers.

19. A representative from one of the approved training institutions informed the audit team that in addition to courses in Danish and Polish, at least one course had been provided also in English.
20. The CA has recognised, as envisaged by Article 21(7) of the Regulation, qualifications obtained for other purposes (those of veterinary surgeon) as equivalent to certificates of competence, and also made this information publically available via the Internet as required by the Regulation.

5.1.4 National rules

Legal requirements

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

Article 14 of Regulation (EC) No 1099/2009.

Findings

21. The CA had informed the Commission about the national rules in place with the adoption of the Ministerial Order 1302 of 17 December 2012. That Order was replaced by Ministerial Order 135 of 14 February 2014 which includes the following national rules aimed at ensuring more extensive protection of animals at the time of killing:
 - particular rules for killing or slaughtering cattle, equidae, pigs and ratites outside of slaughterhouses (see also section 5.3.2);
 - particular rules for slaughtering under religious rites (see also section 5.3.1.4);
 - particular rules for killing cats and dogs, which are outside the scope of the Regulation.
22. The CA informed the audit team that there is only one approved mobile SH in the country. Additionally the CA informed that, although allowed under Article 14(3) of the Regulation, there are no national rules applying to mobile SHs, and that this mobile poultry SH was approved in May 2012 without any derogation to the requirements of Annex II of the Regulation.

Conclusions on framework for controls

23. The Danish control system has clearly designated authorities with effective co-ordination between them.
24. The CA succeeded in encouraging organisations of business operators to develop

guides to good practice. However, the CA validated guides to good practice which include two provisions that are not in line with the Regulation.

25. Clear instructions, and information, concerning training courses and certificates of competence are publicly available on the Internet facilitating compliance with almost all requirements of the Regulation. However, the skill of the operators is not assessed by hands-on components before issuing the certificate, and certificates of competence do not sufficient clearly indicate the type of equipment for which the operator is competent.

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

26. On farm killing of pigs and cattle was identified as a particular subject of risk and special campaigns targeting it were carried out in 2008-2009, and in 2010 (see also section 5.3.2). After that the CA has not identified any particular risk (sector, killing method or period of the year) that could influence animal welfare (Article 3(a) of Reg. 882/2004) at slaughter to be targeted within its multi-annual national control plan for increased controls until 2016.
27. The CA informed the audit team that:
- at least four animal welfare inspections and one audit of the operator's animal welfare own checks per year must be scheduled for each SH and these checks must be done by veterinarians;
 - this minimum number of inspections and audits can be adjusted depending on the number and type of remarks made and sanctions applied to the SH;
 - inspections and audits are done unannounced.
28. The audit team noted that additional inspections had been performed in SHs to follow up on animal welfare non-compliances. However, the frequency of these inspections or audits for subsequent years had not been modified for any of those SHs. The CA informed that this was because on-site OV's had considered that measures taken by the operators to address the animal welfare non-compliances were effective and sufficient to prevent their recurrence.

Conclusion on planning of official controls

29. There is a risk-based inspection system in place which includes animal welfare as criteria and is in line with the requirement of Regulations (EC) No 882/2004 and 854/2004.

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

30. The larger SHs have OV's permanently based on site while in smaller SHs the OV's will come and go as needed during the week and/or during the day. During the four annual inspections on animal welfare (performed by the on-site OV's) the OV's are not required to verify the compliance of the operators' procedures with the Regulation requirements, they are instead a direct official verification of animal welfare. Almost all of the inspection reports seen during the visits reported full compliance concerning animal welfare.
31. It is during the annual animal welfare audits (performed either by an on-site OV in the larger SHs or by a visiting OV in the smaller SHs) that the auditors check the operators' procedures and documentation for compliance with the requirements of the Regulation. Official controls on standard operating procedures (SOP) had been performed during audits but in the three smaller SHs visited the audits focused more on SOP being present than on their compliance with the Regulation requirements. The overall documentation of some audits of the larger SHs visited provided evidence that these audits had checked the content of the SOP. As a consequence in the smaller SHs the audits performed did not detect a significant number of gaps, lacks or mistakes in the operators' SOP while in the bigger SHs the number of significant mistakes in the operators' SOP was lower:
- The three smaller SHs visited, were all using the same template SOP drafted by an industry association. The operators did not know some of the SOP well and could not explain others. In all three SHs the operators had been reluctant to adapt the template SOP to the specific procedures of their respective SHs because they were afraid to introduce mistakes. In all three of these SHs the SOP were for certain aspects incomplete or did not reflect the operations done e.g. re controls at arrival, signs of unconsciousness checked other than corneal reflex, lack of description of the monitoring procedure required by Article 16 for checks on stunning (see also section 5.3.1.3).
 - In the four larger SHs the SOP had been more adapted to the specific procedures of the SH and were more detailed. Nevertheless some were also incomplete for some identical aspects e.g. animal welfare assessment of each consignment upon arrival

and monitoring procedure for checks on stunning (see also section 5.3.1.3).

32. All SHs visited slaughtered more than 1 000 livestock units per year and, as required by Article 17 of the Regulation, had designated an animal welfare officer (AWO) that also had the necessary certificate of competence.
33. In all SHs the AWO had been identified by either name or position and their responsibilities (other than the welfare assessment of each consignment upon arrival) and authority had been correctly identified in the SOP, and effectively brought to the attention of staff as required by the Regulation. Additionally the AWO kept generally good records of their activities and could show these whenever requested by the audit team.
34. The DVFA issues the instructions, guidelines and checklists for the OV's performing the animal welfare controls at slaughter.
35. The existing guidelines for officials supervising the protection of animals at slaughter "Guide to Regulation No 1099" were issued in December 2012 and updated in 2 May 2014. The main updates concern a chapter on ritual slaughter, which includes the national requirements from the Min. Order 135, and the specific mention that the AWO officer must carry out an animal welfare assessment of each consignment upon arrival. However, it also includes the same possibility as in the industry guides to good practice of an alternative to bedding (see also section 5.1.2) that is not envisaged by the Regulation.
36. The current instructions, checklists and guidance do not place an emphasis on performing a control that the operators' procedures and own checks are in line with the Regulation requirements. Instead these direct the OV's more into performing a direct verification that the Regulation requirements are being respected, so systematically repeating tasks that the operator is required to do.
37. The reports of inspections and audits carried out were drawn up in line with the requirements of Article 9 of Reg. 882/2004 but, with one exception, contained almost no details on what was controlled by the OV's inspections/audits except if shortcomings were reported. Additional details were only possible to obtain if the OV had produced and attached inspection/audit working notes or checklists, which was frequently not done.
38. OV's performing the annual animal welfare audit had not used the animal welfare checklists in two of the SHs visited while in the other five SHs the OV's had either used the CA issued checklist or a self-developed one.
39. All OV's met that had performed annual animal welfare audits informed the audit team that they were aware of the CA guidelines but once again only some had used them during their audits. The CA informed the FVO audit team that the checklists and the guidelines had been made available to the OV's but it was not mandatory to use them.

Conclusions on official controls on business operator's obligations

40. Despite a recent update in 2014 the official controls in place are not properly targeted

into examining the control systems put in place by the business operators and the results obtained. This has facilitated the persistence of gaps in the business operator's control systems.

41. Official veterinarians are carrying out inspection task at slaughterhouses to verify compliance with relevant animal welfare rules.
42. Business operators have drafted standard operating procedures. However, all business operators also had some gaps or mistakes in their standard operating procedures and, in smaller slaughterhouses these did not always accurately reflect the operations performed.
43. All business operators had correctly designated qualified animal welfare officers and their presence contributed to improving the protection of animals at the time of killing. However, their effectiveness was affected by the non-detection of the shortcomings noted by the audit team in some cases or, in others, by the lack of action to address the mistakes known.

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

44. The CA has published procedures for operators to follow when applying for approval, as required by Article 31 of Reg. 882/2004, as well as guidance for officials on how to assess these applications. However, these procedures, and the corresponding guidance, have not been amended yet to add the requirements of Article 14 of the Regulation.
45. The audit team visited one new SH that was still within the 3 month conditional approval granted under Article 31 of Reg. 882/2004:
 - The operator could provide the information required by Art. 14(a) and (c) of the Regulation, maximum number of animals per hour for the slaughter line and maximum capacity for each lairage area respectively, but not the one required by Article 14(b), the categories of animals and weights for which the restraining or stunning equipment available may be used. Neither the AWO nor the CA had noted this yet¹.

¹ After the end of this audit, the CA informed that during the official control at the end of the conditional approval period, the CA had examined how this operator met the requirements of the Regulation and the operator provided

- Some layout shortcomings of the live animal arrival area that had not been detected with the analysis of the blueprints prior to construction had now been noted by the OVs, with the SH in operation during the conditional approval period, and had been discussed with the operator for correction.
46. The layout and construction of the SHs visited was generally compliant with the requirements of Annex II of the Regulation, other than the above mentioned layout shortcomings already detected by the CA. However, in two SHs (one pig and another cattle) the animals moved without reluctance along the races right up to entering the restraint box at which moment they showed severe reluctance (that resulted in inappropriate handling, see also section 5.3.1.2) to continue.
 47. In the pig SH the AWO was well aware of this severe reluctance and declared that it had been present for a long time but he had been unable to solve it, neither the inspection nor the audit reports had noted this. In the cattle SH the OV had noted the inappropriate handling at the entry to the restraint box and discussed it with the operator, requesting additional staff training, as ineffective training was thought to be the cause of the inappropriate handling.
 48. The CA has not set up a system to identify equipment that, in line with the required by Article 29 of the Regulation, will need to be modified or replaced by 8 December 2019 at the latest. Nevertheless in the SHs visited most of the equipment already complied with the new requirements of the Regulation, with the following exceptions: In the SHs performing electrical or gas stunning the equipment used complied with the Regulation design and display parameters but did not record the electrical and gas stunning parameters as required by points 4.1, 5.10 and 6.2 of Annex II.
 49. In both SHs where bovine animals were stunned with a pneumatic captive bolt pistol the restraining box complied with the specific requirement of the Regulation that it be fitted with a device restricting both the lateral and vertical movement of the head of the animal.
 50. The CA informed the audit team that it has contacted two manufacturers (Danish or with a Danish based department) of stunning and restraining equipment as they had not made publicly available on the Internet appropriate instructions concerning the use of such equipment in a manner ensuring optimal conditions for the welfare of the animals, contrary to the requirements of Article 8 of the Regulation. These manufacturers informed the CA that manuals accompany the equipment when sold but they have no intention of making the manual accessible on internet and stated that manufacturers in other EU countries have also not made their information available on internet.
 51. The CA has not evaluated the existing manufacturers' instructions at the SHs for compliance with the Regulation.
 52. The audit team verified the manufacturers' instructions in some of the SHs visited. Except for one Danish manufacturer's instructions, for gas stunning equipment, that complied with the Regulation requirements all other manufacturers' instructions seen

the information required by Article 14(b) as well.

had not been updated to include the specifications of Article 8 of the Regulation. The AWO in those SHs had not yet requested such an update from the manufacturers.

5.3.1.2 Handling and restraining operations at slaughterhouses

Legal requirements

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

Findings

53. In none of the SHs visited was the AWO, or person reporting directly to him, carrying out the animal welfare assessment of each consignment of animals upon arrival, contrary to the required by Article 15 and Annex III(1.1) of the Regulation. The CA informed the audit team that the OVs verified animal welfare as an important part of their ante-mortem inspection and that the operators knew this well. Therefore currently it was difficult for some operators to understand why they had to do their own animal welfare check when a veterinarian would also be doing it as part of the ante-mortem inspection. However, the OVs perform the ante-mortem inspection sometimes upon arrival of the animals and sometimes only several hours later. This is not in line with the Regulation requirement that it must be done upon arrival of each consignment of animals.
54. As required by the Regulation all mammal SHs visited provided feed to the animals when kept at the SH for more than 12h without being slaughtered and, with the exception of one pig SH, all provided bedding to these same animals. The poultry SH had made arrangements to ensure that the birds would not be transported to the SH too early, so as to avoid reaching that 12h limit.
55. The operators had made arrangements to prioritise the slaughtering of animals when necessary and, where relevant, had equipment in place for milking dairy animals at intervals of no more than 12h, as required by the Regulation.
56. As required by the the regulation there were signs displayed that indicated the maximum number of animals to be kept in each pen and the date at which they arrived in all SHs visited. However, contrary to the required by the Regulation, in two of the smaller SHs the time of arrival was not registered. This had not been noted by the AWO or the OV.
57. The poultry SH visited had a good detailed description of the killing method for birds too small to go through the water bath stunner and all relevant staff had undergone the required competence training. Nevertheless the killing method, seen used on one broiler during the visit, was not effectively applied.
58. All the mammal SHs' visited had established procedures to avoid dragging animals arriving unable to walk by stunning and killing them on the spot.
59. Handling of the animals at unloading, lairage and into the restraint and stunning box was done in line with the Regulation requirements except in two SHs (one for pigs another for cattle) at the entrance to the restraint box. At this point the animals, that

until then had moved along the races willingly enough, showed severe reluctance to continue into the restraint box and the operators applied measures prohibited by the Regulation:

- In the cattle SH the operator resorted to applying pressure to particularly sensitive parts of the animals;
- In the pig SH the operator used excessively the electric prod. In addition, he applied shocks for two seconds instead of the allowed one second maximum. The AWO was not aware of this one second maximum limit and the CA inspection and audit reports did not make any observation on this.

60. All SHs had adequate records of the monitoring done by the AWO of the welfare conditions at the lairage. In SHs supplying major corporations or retail chains these records were particularly detailed.
61. SOP seen by the audit team took into consideration manufacturers' instructions concerning maintenance of restraining equipment as required, and the operators kept comprehensive registers of both routine and in depth maintenance, as well as of pre-operational checks performed.

5.3.1.3 Stunning methods and checks on stunning

Legal requirements

Articles 4, 5, 9 and 16 of Regulation (EC) No 1099/2009.

Findings

62. In all mammal SHs visited the SOP on stunning with penetrative captive bolt (cattle), with head-only electrical stunning (sheep and pigs) and with head to body electrical stunning (pigs) correctly took into account the key parameters in Annex I of the Regulation.
63. In the poultry SH visited the SOP on electrical waterbath stunning also contained all the key parameters required by the Regulation but did not provide sufficient detail explaining how it could ensure achieving the desired average amperage values per animal. Nonetheless the operator could satisfactorily explain it and provide corresponding additional support documentation.
64. In a pig SH, stunning with carbon dioxide at high concentration, the SOP contained all key parameters required by the Regulation except for the temperature of the gas. This had not been noted by the AWO or the OV. During the closing meeting the CA provided the audit team with evidence that this shortcoming had been notified for attention of all relevant official staff and also that the operator of this SH had notified other SHs in the group.
65. The stunning methods and parameters prescribed in Annex I of the Regulation were respected in all mammal SHs at the date of the visits, and no signs of recovery of consciousness could be detected in the animals from the time of stunning until death.

66. In the poultry SH visited the stunning was 100% performed under national religious rites slaughter requirements and, as allowed by national legislation, with intensity lower than the one prescribed in the Regulation (120mA average per bird at 600Hz instead of the Regulation minimum of 200mA average at 600Hz). With the parameters used, there is no scientific evidence to guarantee that birds have been stunned and not just electrically immobilised, with therefore the electricity applied causing only additional pain.
67. Backup stunning equipment was immediately available on the spot in all mammal SHs, as required by Article 9(2) of the Regulation.
68. In the poultry SH visited the AWO informed the audit team that if the waterbath stunner was not effective the procedure was to stop operations completely until the problem was solved while killing birds already in the waterbath, with cervical dislocation, and unshackling birds earlier in the line. This is allowed by Chapter II(3) of Annex I to the Regulation.
69. In all SHs visited the SOP for checks on stunning identified, as required, the number of animals in each sample to be checked during the monitoring, and when to take it, and the limits per sample for which the result is considered satisfactory. However, in all SHs this SOP presented one or more of the following shortcomings:
- only one indicator, corneal reflex, was used systematically, independently of the stunning method, as the single sign to confirm unconsciousness by the stunning operator and, when that was included in the SOP, also for periodical verification by the AWO;
 - no check for signs of life (or identification of point in the slaughter line at which this check is to be done) prior to dressing or scalding;
 - no name of the persons responsible for this monitoring was included in the SOP.

Neither the AWO nor the CA have noted these and requested correction of operations and/or respective SOP.

70. Stun-to-stick intervals were short and the two carotid arteries or the vessels from which they arise were systematically severed, when relevant, as required by the Regulation. However, contrary to requirements, verification of absence of signs of life prior to scalding or dressing was not performed.
71. The operators, where requested by the audit team, could show records demonstrating that stunning equipment was checked and maintained in accordance with the manufacturers' instructions, as required by Article 9 of the Regulation.
72. Records of monitoring of the effectiveness of stunning, required by Article 16 of the Regulation, were also made available to the audit team on request.

5.3.1.4 Slaughter under religious rites

Legal requirements

Findings

73. In Denmark in line with Min. Order 135 slaughter according to religious rites of cattle, sheep, goats and broilers is allowed with prior stunning. Additionally Min. Order 135 states that:
- slaughter by religious rituals is defined as slaughter using a method that is not included in Annex I of the Regulation;
 - meat or other parts of the animal, in whole or in part, must be expected to be sold, or earmarked for resale, to populations who require animals slaughtered according to religious rites and proof of such sale, or expected sales, may be required;
 - prior to killing by bleeding the stunning of cattle, sheep and goats can be done with a non-penetrative captive bolt but it must not be used for animals under eight months of age or bulls of 24 months of age or older. If such stunning is not effective an immediate backup stunning, electrical or with penetrating captive bolt, must be performed;
 - killing of broilers with prior stunning in a waterbath shall meet the following requirements: no more than five seconds between the animal leaving the waterbath and the neck cut, maximum uniformity of broiler size within the flock to increase stunning efficiency, increased conductivity of the water bath, the frequency must not exceed 600Hz, average current per broiler must be at least 100mA;
 - SHs that wish to slaughter according to religious rites must fill in a notification form and send it to the DVFA.
74. The audit team visited one cattle SH that also performs some ritual slaughter but did not see that type of operations on the day. The OV on site informed that during recent ritual slaughter the stunning was not being effective in the case of older bulls and that, as required by Min. Order 135, immediate backup stunning with penetrative captive bolt frequently had to be used. To avoid this problem, and prevent avoidable suffering, the operator opted for not carrying out ritual slaughter of older bulls.
75. In the poultry SH performing 100% ritual slaughter the OV informed the audit team about the satisfactory results of checks done over the procedures implemented by the operator to stun the birds in line with the specific national requirements, and over the registers of such procedures. Additionally the OV informed that a specific check had also been done concerning compliance with the national requirement for marketing of broilers slaughtered under religious rites.

Conclusions on killing animals in slaughterhouses

76. The system does not ensure that operators provide the CA with all the information

required by Art. 14 of the Regulation prior to approval.

77. Layout, construction and equipment of slaughterhouses generally complied with Regulation requirements except for the device for recording stunning parameters, which is nonetheless not mandatory until 8 December 2019. However, in two slaughterhouses, unsolved and undetected problems resulted in systematic incorrect handling of animals at the entrance to the restraint box.
78. In general, at slaughterhouses the animals were handled with proper care to prevent avoidable pain, distress and suffering (except for the cases mentioned in 77).
79. The CA has not evaluated the existing manufacturers' instructions for compliance with the Regulation, and has not yet ensured the manufacturers make those instructions publicly available via the Internet as required by Article 8 of the Regulation.
80. Currently the animal welfare assessment of the animals is performed by the official veterinarians, as part of their ante-mortem inspection, which can be done when the animals arrive or several hours later. This is not in line with the requirement of Article 15 and point 1.1 of Annex III to the Regulation that the animal welfare assessment must be done upon arrival of each consignment of animals.
81. The stunning methods and parameters in Annex I of the Regulation were respected in all slaughterhouses, except when performing slaughter under religious rites in which case national legislation was applied.
82. In none of the slaughterhouses visited did the audit team detect signs of recovery of consciousness or sensibility in the period between the end of the stunning process and death. However, in the case of poultry stunned according to the national requirements for ritual slaughter there is no scientific evidence indicating that the parameters used will provide sufficient stunning.
83. Standard operating procedures for stunning generally complied with the requirements of Article 6 of the Regulation but in the few limited points where they did not, this had not been noted by the CA.
84. The monitoring of stunning and respective standard operating procedures complied with the majority of requirements of Article 16 of the Regulation. However, the points in which they were lacking (one single indicator of consciousness or sensibility and no checks for signs of life) without this being noted by AWO or CA are of particular relevance. This because using one single indicator to establish lack of consciousness can easily induce in error, and because not checking for signs of life can have very bad animal welfare consequences if animals are scalded or dressed while still sensitive. Operators kept good records of the monitoring performed.
85. Business operators kept good records of maintenance of equipment used for restraining or stunning animals, in line with the required by Article 9 of the Regulation.
86. National rules provide a stricter basis for religious slaughter than prescribed in the Regulation.

5.3.2 *Killing animals outside slaughterhouses*

Legal requirements

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

Findings

87. Article 6 of Ministerial Order 135 states that the slaughter or killing outside slaughterhouses of equidae, cattle and ratites may only be performed by veterinarians, butchers, people with a hunting license or other persons who have received training in slaughter or killing.
88. Article 7 of Ministerial Order 135 states that in pig farms that require minimum quarantine times between farm visits for incoming personnel, the pig keeper must be in possession of a captive bolt pistol and be instructed in its use. The pistol must be kept in the premises and always in working order so that it can be used in case of need, if there is no veterinarian available that could respect the minimum quarantine time.
89. Special campaigns by the CA targeted correct on farm killing of pigs and cattle in 2008-2009, and in 2010. The 2008-2009 campaign results noted that 42.6% of farmers that had killed pigs or cattle on farm did so incorrectly. The Danish Agriculture & Food Council, subsequently issued guidelines specifying the correct method of on farm killing of animals. The CA follow up campaign in 2010 noted a much improved result of 9.4% of farmers having incorrectly killed animals on farm.
90. The CA informed the audit team that procedures concerning killing on farm are also checked during the official animal welfare controls at the farm.

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

91. The CA informed the audit team that slaughtering outside the slaughterhouse will regularly occur only in two situations. When animals suffered an injury that renders them unfit to be transported or when they are dangerous to handle (e.g. bison, cattle reared with very limited handling).
92. In both situations they can be emergency slaughtered on the spot and then sent to the slaughterhouse for veterinary inspection and processing. The requirements of Article 6 of Min. Order 135 must still be respected and, in addition, the inspection at the slaughterhouse must be done by an official veterinarian and not by official auxiliaries

(Chapter 3 of Annex 9 to the DVFA "Circular on the provision of meat inspection" of December 16, 2011).

Conclusion on killing animals outside slaughterhouses

93. The system in place includes provisions for compliance with the relevant requirements of Regulations (EC) No 1099/2009 and 853/2004.

5.4 ACTIONS TAKEN IN CASE OF NON-COMPLIANCE

Legal requirements

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

Findings

94. The legislation in place laying down the rules on penalties applicable for infringements to the Regulation is the Ministerial Order No 135. In Article 13 it indicates that sanctions can be applied for infringements to the requirements specified in that Order (including for sanctioning manufacturers of stunning and restraining equipment if the instructions on their usage do not comply with the Regulation requirements and the manufacturers do not amend them), and to non-compliance with any orders issued in connection with Art. 22 of the Regulation.
95. In case of infringement actions can be either a warning (simple warning in the case of immediate correction or "Injunction order" when a deadline for correction is given) or a report to the police. A report to the police may result in the imposition of a fine or imprisonment for up to 4 months.
96. An infringement to the Regulation will typically at the same time be an infringement to the Danish Animal Welfare Act (Dyreværnsloven), No 252 of 8 March 2013². Guidelines for setting fines are in a communication from the Attorney General (Rigsadvokatens meddelelse RM 2-2008 - Dyreværn). According to the guidelines the possible amount of fines are (for commercial entities or persons) from 5.000 to 15.000 Danish kroner (approx. 670 to 2000 Euro).
97. Imposition of fines, or imprisonment, in case of animal welfare infringements are enforcement measures that can only be imposed by the Police. The CA is currently evaluating the possibility of taking over the responsibility for directly issuing administrative fines in this area as is already done for other areas under its responsibility.
98. The audit team reviewed some enforcement measures taken by CA to address animal welfare non-compliances at the time of slaughter. In three cases that resulted in reports to the police in 2013 and 2014, fines had been imposed by the Police. In all three cases the operators had put in place measures to prevent recurrence of the same non-

² *In their response to the draft report the Competent Authority noted that the reference to the Danish Animal Welfare Act as being no 252 of 8 March 2013 was correct at the time of the audit, but there is now an updated version, which has no 473 of 15 May 2014.*

compliances and had paid the fines. A less severe non-compliance (some blocked drinkers in the pens) resulted in a warning. Also in this case the operator had addressed the non-compliance.

99. Additional non-compliances in 2013 concerned warnings related to lack of certificate of competence, lack of or delayed bleeding, incorrect handling at the lairage, wrong use of non-penetrative captive bolt and one injunction order due to the operator not having a procedure for checks of stunning.
100. The audit team also saw notifications of animal welfare non-compliances related to transport or to the farm of origin, sent by the OV's at the SHs to relevant authorities for action.
101. The CA informed that with Min. Order 135, and in line with Article 19 of Min. Order 902, OV's can directly suspend or even withdraw a certificate of competence. However, if withdrawing it the OV's would have to involve the Meat Inspection Department of the DVFA.

Conclusion on actions taken in case of non-compliance

102. Legislation is in place with penalties for infringements of the Regulation. The system in place is effective in ensuring that business operators take corrective action when non-compliances are detected.

5.5 EVALUATION AND REVIEW OF OFFICIAL CONTROLS

Legal requirements

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

Findings

103. Supervisors review and monitor the inspection results and verify and evaluate the performance of inspection personnel using results of:
 - quality supervision controls, all inspection personnel at least once every three years;
 - spot check of daily inspection reports, at least 5 inspection reports per veterinary officer per year;
 - occasional participation in inspection and annual audits.

However, this monitoring did not detect that the audits on business operator's systems constantly failed to detect certain non-compliances in most slaughterhouses (see also sections 5.3, 5.3.1.2 and 5.3.1.3).

104. A Unit of the Meat Inspection Department of the DVFA performs quarterly quality checks of the veterinary reports.
105. In one smaller SH none of the four annual animal welfare inspections had resulted in a report. This absence of reporting was not noted by the supervisory levels, or the quarterly quality checks. The CA informed that the quarterly quality checks select inspection reports that have resulted in warnings or sanctions (for additional verification that those have been issued according to legal and administrative requirements) and that therefore they would not detect if planned inspection reports were produced or not. The CA informed that it was looking into possible means for detecting such lack of reporting and prevent it from reoccurring.
106. The audit system in place has not targeted specifically animal welfare at slaughter in recent years. The CA informed that it has a 3-year plan of internal audits, 2014 to 2016, based on a risk assessment established with the involvement of professional and control units, combined with particular regards to resources, experiences from 2013, as well as with the results and plans from the FVO. The current 3-year internal audit plan does not include audits on animal welfare at slaughter.

Conclusion on evaluation and review of official controls

107. The system to review official controls does not identify systematic failures in the controls. Consequently, it does not contribute to avoid their recurrence and it has limited effect in ensuring the effectiveness and appropriateness of the official controls carried out.

6 OVERALL CONCLUSIONS

Official control systems in place have not fully shifted yet into assessing the business operators own control systems for compliance with Regulation (EC) No 1099/2009 requirements. This, together with still insufficient awareness of all of the requirements of that Regulation, from business operators and from competent authorities, has resulted in gaps in the business operators own controls going undetected by the competent authorities. Nevertheless good animal welfare at the time of slaughter is generally ensured, with the exception of ritually slaughtered poultry for which there is no scientific evidence indicating that the parameters used will provide sufficient stunning and the lack of checks for signs of life prior to scalding and dressing.

7 CLOSING MEETING

A closing meeting was held on 9 May 2014 with representatives of the CA, at which the main findings and conclusions of the audit were presented by the audit team.

8 RECOMMENDATIONS

The competent authorities are invited to provide, within 25 working days of receipt of the report, an action plan containing details of the actions taken and planned, including deadlines for their completion, aimed at addressing the recommendations set out below:

N°.	Recommendation
1.	The CA should ensure that industry guidelines and official guidelines do not include provisions that go against the requirements of Regulation (EC) No 1099/2009. Namely an exemption from performing an animal welfare assessment of each consignment of animals upon arrival (Annex III (1.1)) if the slaughterhouse slaughters less than 1 000 livestock units per year. Conclusions and findings upon which this recommendation is based: 10 and 24.
2.	Recommendation removed subsequent to comments from CA.
3.	The CA should ensure that certificates of competence issued indicate for which type of equipment the certificate is valid, as required by Article 21(3) of the Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 17 and 25.
4.	The CA should ensure that official controls include, as required by Article 10 (2) (a) of Regulation (EC) No 882/2004, particularly with regards to smaller slaughterhouses, an examination of business operator control systems, specifically in relation to the SOPs and monitoring procedures required by Article 6 and 16 of Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 31, 36, 40, 42, 56, 69, 83 and 84.
5.	The CA should further develop documented procedures, as required by Article 8 of Regulation (EC) No 882/2004, for official controls to improve the awareness and capacity of officials to effectively detect non-compliances with Regulation (EC) No 1099/2009, as required by Article 4(2)(a) of Regulation (EC) 882/2004. Conclusions and findings upon which this recommendation is based: 36, 38, 39, 40, 46, 52, 59, 69, 70, 77, 84.
6.	The CA should take measures to improve the awareness of business operators/animal welfare officers of the relevant requirements of Regulation (EC) No 1099/2009 in order to improve their capacity to: develop standard operating procedures that correctly reflect their operations; and detect and address gaps or mistakes in their operations and corresponding standard operating procedures, as required by Article 6(2) of that Regulation. Conclusions and findings upon which this recommendation is based: 31, 42, 43, 46, 52, 53, 56, 59, 69, 70, 77, 80 and 84.
7.	The CA should take measures to update the instructions for approval of slaughterhouses so that the requirements of Article 14(2) of Regulation (EC) No 1099/2009 are included in these instructions as required by Article 31(2) of Regulation (EC) No 882/2004. Conclusions and findings upon which this recommendation is based: 44 and 76.
8.	The CA should take measures to ensure that, as required by Article 8 of Regulation (EC) No 1099/2009, appropriate instructions for restraining and stunning equipment

N°.	Recommendation
	accompany that equipment when sold, and that those instructions are also made publicly available by the manufacturers via the Internet. Conclusions and findings upon which this recommendation is based: 50, 51, 52 and 79.
9.	The CA should take measures to ensure that an animal welfare assessment is performed upon arrival of each consignment of animals to the slaughterhouse, as required by Article 15 and Annex III(1.1) of Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 31, 53 and 80.
10.	The CA should take measures to improve the system of evaluation and review of official controls system, to ensure that it will identify when non-compliances are systematically going unnoticed by official controls, and ensure that in such cases corrective action is taken as needed, as required by Article 8(3)(b) of Regulation (EC) No 882/2004. Conclusions and findings upon which this recommendation is based: 103 and 107.

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=2014-7061

ANNEX 1 - LEGAL REFERENCES

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

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. 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).

Article 14(3) of Regulation (EC) No 1099/2009 allows Member States to establish or maintain national rules applying to mobile slaughterhouses.

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

Article 4(1) of Regulation (EC) No 1099/2009 states that animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I. The loss of consciousness and sensibility shall be maintained until the death of the animal.

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

Article 4(4) of Regulation (EC) No 1099/2009 indicates that in the case of animals subject to particular methods of slaughter prescribed by religious rites, the requirements for stunning methods

do not apply provided that the slaughter takes place in a slaughterhouse.

5.3.2. Killing animals outside slaughterhouses

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

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

5.3.2.1. Emergency slaughter outside the slaughterhouse

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

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

5.4. 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.