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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

THE CZECH REPUBLIC

FROM 16 TO 20 JUNE 2014

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

*In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.*

### ***Executive Summary***

*This report describes the outcome of a Food and Veterinary Office audit in the Czech Republic from 16 to 20 June 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.*

*Welfare of the animals upon arrival, their handling, moving and restraining was largely in line with requirements.*

*In mammal slaughterhouses, animal welfare was also adequate at the moment of stunning and bleeding; stunning methods and requirements were in line with the provision of the Regulation.*

*In poultry slaughterhouses animal welfare at stunning and bleeding was inadequate, as the stunning was systematically done with electric current intensities well below the minimum required by the Regulation and this was accepted by the CA. With the parameters used, there is no scientific evidence to guarantee that birds are stunned instead of electrically immobilised, and at least 6% of the broilers showed signs of clear recovery of consciousness before dying from bleeding out.*

*Official controls cover killing, related operations and business operators' own control systems, as required. However, they do not prevent recurrence of several non-compliances in the operations and own control systems, as they are not detected or identified during checks. As the system of verification of the official controls also failed in detecting these same non-compliances, the CA do not fully ensure the quality and consistency of official controls.*

*Animal welfare officers did not detect significant gaps and mistakes in BOs control systems and procedures. This weakened those own controls systems and, consequently, the reliability of those systems in providing good animal welfare guarantees to the official supervisors.*

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

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## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

| <b>Abbreviation</b> | <b>Explanation</b>   |
|---------------------|--|
| AWO                 | Animal welfare officer   |
| BO                  | Business operator  |
| CA(s)               | Competent Authority(ies)   |
| EU                  | European Union   |
| FVO                 | Food and Veterinary Office   |
| Hz                  | Hertz  |
| mA                  | Milliampere  |
| MoA                 | Ministry of Agriculture  |
| OV                  | Official veterinarian  |
| RVA                 | Regional Veterinary Administration                                   |
| SH                  | Slaughterhouse   |
| SOP                 | Standard operating procedure   |
| SVA                 | State Veterinary Administration ( <i>Statni veterinární správa</i> ) |
| the Regulation      | Regulation (EC) No 1099/2009   |

## 1 INTRODUCTION

This audit took place in the Czech Republic from 16 to 20 June 2014 as part of the planned audit programme of the Food and Veterinary Office (FVO). An opening meeting was held with the competent authorities of the Czech Republic, the Ministry of Agriculture (MoA) and within it the State Veterinary Administration (SVA, *Statní veterinární správa*), on 16 June 2014. At this meeting the audit team confirmed the objectives of, and itinerary for, the audit. Additional information required for the satisfactory completion of the audit was also requested.

The audit team comprised two auditors from the FVO and a national expert from France 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 sending their carcasses to the slaughterhouse.

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

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

| Meetings with Competent Authorities |         |   | Comments  |
|-------------------------------------|---------|---|---|
| Competent authority                 | Central | 2 | Opening and closing meetings  |
|                                     | Other   | 4 | The regional veterinary administrations of Hradec Kralove, Pardubice, Central Bohemia and Plzen, and some of their inspectorates, during the slaughterhouse visits. |
| Site visits                         |         |   |   |
| Slaughterhouses                     |         | 6 | Slaughter operations were observed for: pigs at 2, rabbits at 1, cattle at 1, turkeys at 1, broilers at 1.  |

### 3 LEGAL BASIS

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

EU legal acts quoted in this report are provided in Annex I and refer, where applicable, to the last amended version. 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 must be designated 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 and respective control systems is described in the country profile, which is available at: [http://ec.europa.eu/food/fvo/country\\_profiles\\_en.cfm](http://ec.europa.eu/food/fvo/country_profiles_en.cfm)
2. The SVA is the CA for animal welfare at slaughter with implementation of those controls at slaughterhouses (SHs) by official veterinarians (OVs), under the supervision of animal welfare inspectors from the Regional Veterinary Administration (RVA).
3. OVs at SHs also performed regular animal welfare controls at arrival of transport and evidence was shown to the audit team of coordination between the RVA and SVA concerning non-compliances detected and sanctions applied to transporters.
4. The MoA delegated the organisation of training courses (see also section 5.1.3) to obtain the Certificate of Competence for persons involved in operations related to slaughter of animals, to the Association of Meat Processors and to the Association of Poultry Enterprises, for red meat and for poultry and rabbits respectively. The provisions are set by articles 20 and 26a of the Act No 246/1992 and Article 2 of Decree No. 22/2013 and this information is publicly available via the Internet as required by the Regulation.

#### *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**

5. The Research Institute of Animal Science is the designated contact point for scientific support in the Czech Republic. This designation was notified in the Journal of Agriculture No. 3/2013 published by the Ministry of Agriculture.
6. The SVA, the Ministry of Agriculture and the Meat Processors association in cooperation have drafted a generic Guide to Good Practice. This is not a detailed guide, but a framework document to help the slaughterhouse operators with the development of their own standard operating procedures.
7. The Association of Poultry Enterprises developed a specific poultry guide by itself and this guide has not yet been validated by the CA.
8. The audit team could not fully evaluate either of the guides. However:
  - contrary to the Regulation, the generic guide indicates that animals unable to walk may, in some cases, be lifted and placed in trolleys for transfer to the slaughter hall. Article 5(b) (3) of Act 246/1992 states that animals unable to move shall not be further transported or 'dragged to the place of slaughter' but killed where they are

lying, similarly to the requirement of Annex III (1.11) of the Regulation. However, it then continues by saying that 'if it does not cause any unnecessary suffering, they can be moved on a trolley or mobile platform to the place of slaughter'. This article in Act 246/1992 has not been properly updated, as this last provision of point 6 of Annex A to Directive 93/119/EC was removed from Annex III (1.11) of the Regulation, resulting in negative consequences for animal welfare (see also paragraph 26 );

- the guide to good practice for poultry includes the correct current intensities for broiler stunning (as well as geese and ducks) at frequencies of up to 400Hz but has mistakenly doubled the intensity required by the Regulation for frequencies between 400 to 1500Hz (400mA instead of 200mA).

9. The CA did not consider it necessary to consult the Research Institute of Animal Science to develop or evaluate the two guides to good practice.

### *5.1.3 Provision of certificates of competence and national rules*

#### **Legal requirements**

Articles 21, 26 and 29(2) of Regulation (EC) No 1099/2009.

#### **Findings**

10. The Decree No. 418/2012 includes specific provisions, additional to those in Act 246/1992, for provision of certificates of competence for persons carrying out killing and related operations, including for slaughter under religious rites and of fur animals (see also paragraphs 57 and 72).
11. There are stricter national rules for minimum qualifications of persons performing stunning and bleeding of animals, set by Article 5a of Act 246/1992. The minimum qualification required is as follows: secondary education with a certificate in the field of butcher, secondary education in veterinary medicine or food technology or a university degree in veterinary medicine or food technology.
12. Such qualification is demonstrated by official documentation of successful completion of studies and, as envisaged by Article 21(7) of the Regulation, it is considered equivalent to certificates of competence for the purposes of Article 7 of the Regulation so a certificate is not issued. This information is publicly available via the Internet as required by the Regulation.
13. The training courses provided by the Association of Meat Processors (4 hours, red meat) and the Association of Poultry Enterprises (3 hours, poultry and rabbits) do not replace the requirements of the stricter national rules for stunning and bleeding animals. Persons attending these courses cannot perform stunning and bleeding itself but only the other related operations described in Article 7 of the Regulation.
14. The MoA also issues certificates of competence to persons certified on the basis of Article 29 (2) of the Regulation, i.e. professional experience of at least three years, for persons handling and restraining animals who can provide evidence of at least three years of relevant professional experience, usually in the form of an employer

declaration.

15. The MoA has also taken measures to officially recognise certificates of competence issued by other Member States.

16. The CAs have identified the following as good practices in relation to the Regulation:

- the stricter national rules for qualification to perform stunning and bleeding of animals;
- that slaughter of farmed game may be done (under certain circumstances) by shooting on the farm;
- that slaughter of healthy pregnant cows is not allowed at slaughterhouses;
- that transport time for slaughter animals is limited within the territory of the Czech Republic to 8 hours.

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

17. The control system in place has clearly designated authorities with effective co-ordination. However, the presence of an outdated point in the national legislation resulted in a inadequate procedure for handling pigs being accepted by the official controls (see also paragraph 26).

18. The CA has taken the necessary provisions to make training courses available so that personnel involved in killing and related operations can obtain the required level, and certificate, of competence.

## **5.2 PLANNING OF OFFICIAL CONTROLS**

### **Legal requirements**

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

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

### **Findings**

19. In the multi annual national control plan for 2013, the controls in animal welfare at the time of killing were prioritised for the following areas:

- annual inspection of animal welfare at the slaughterhouses – focused on the new provisions of the Regulation;
- inspections of animals at the seasonal sale of live fish;

- inspections of animals at the seasonal killing of fur animals;
  - inspections of killing of animals outside slaughterhouses (killing of cattle for private consumption – domestic slaughter, killing of farmed game on the farm).
20. The Methodical Instruction 7/2013 prescribes specific minimum frequencies for animal welfare controls by OV's at SHs, for supervisory controls by RVA animal welfare inspectors over the SHs and over the OV's directly supervising those SHs. The frequencies prescribed for the OV's' controls range from daily for certain tasks (e.g. welfare at transport and at slaughter) to half-yearly for others (e.g. staff qualifications, operator's records).
21. The multi annual national control plan also prescribes specific RVA animal welfare control frequencies at SHs based on risk. For 2014 it prescribed the same frequencies as those indicated in the Methodical Instruction 7/2013, of one full inspection per year.
22. The prescribed frequencies for OV and RVA controls were respected in all SHs visited. Non-compliances, when reported, resulted in follow up checks with good registration of actions taken (see also section 5.3).
23. Nevertheless, the half-yearly evaluation by the OV's of findings in the inspection of meat and organs (required by Article 3(2)(c) of Methodical Instruction 7/2013) that can indicate animal welfare problems does not result in a report. The audit team was informed that in practice this evaluation was done daily and that therefore no half-yearly report was drafted, contrary to what happens with the other inspections mentioned in Article 3(2) of that Methodical Instruction.

#### **Conclusions on planning of official controls**

24. There is a risk-based control system in place which includes animal welfare in its criteria. It took into account that the Regulation became applicable in January 2013 and made its verification a priority, providing assurances that the major risks for animal welfare at the time of killing are being targeted.

### **5.3 OFFICIAL CONTROLS ON BUSINESS OPERATOR'S OBLIGATIONS**

#### **Legal requirements**

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

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

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

#### **Findings**

25. There is at least one OV responsible for veterinary controls over animal welfare at slaughter at each SH, and these controls also correctly include animal welfare at arrival, as

required.

26. As required by Regulation (EC) No 882/2004, there are instructions and procedures in place for performing official controls, and both OV's and RVA inspectors examine the operations and own control systems of the business operators (BOs). However,
- A few non-compliances with the Regulation are not being detected (see also paragraph 28);
  - Since Article 5(b) (3) of Act 246/1992 has not been properly updated, OV's and RVAs accept as compliant BO procedures for pig SHs under which pigs unable to walk could be moved, or placed onto trolleys, by placing straps under their belly and taking them to the slaughter area. The CA had accepted this procedure for pig SHs in general;
  - In two SHs visited the OV's had noted in previous reports (2013 and 2014) that the animal welfare officer (AWO) had not been formally designated nor his responsibilities properly described in the relevant standard operating procedures (SOPs), but the AWO had indicated "No non-compliances present" in the reports' conclusions. The RVA inspectors of both SHs did not consider those conclusions to be incorrect in their annual inspection reports. In both SHs this had been addressed recently, in May 2014.
27. Other than the above, the reports of official controls were generally in line with Article 9 of Regulation (EC) No 882/2004 and they were very complete and detailed.
28. All BOs had SOPs for animal welfare and they planned in advance the killing of animals, as required. However the audit team noted mistakes or gaps in those SOPs in more than one SH (see details in paragraphs 42 and 51). This had not been noted or detected by the AWO or any level of the official supervision.
29. AWOs had been designated in all SHs visited for which this is mandatory according to Article 17 of the Regulation, and the AWOs had direct access to management as required.
30. All AWOs had the qualifications required nationally and, in general, registered their activities in line with the Regulation.

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

31. The system of official controls in place examines BO's own control systems as required. However, the documented procedures and instructions in place did not detect certain non-compliances of the BO control systems, and other shortcomings were not reported, facilitating the persistence of gaps and mistakes in the business operator's own control systems.
32. BOs drafted standard operating procedures and designated qualified animal welfare officers, which contributes to improve animal welfare. However, those standard operating procedures still presented significant gaps and mistakes that went undetected by the animal welfare officers. This weakens the systems of own controls and, consequently, their reliability to ensure good animal welfare to the official supervisors.

### 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**

33. The CA has published instructions for slaughterhouse operators to follow when applying for approval as required by Article 31 of Regulation (EC) No 882/2004. The CA has also issued guidance for officials on how to carry out the inspection for approval in the Methodical Instruction 2/2010 last amended in 8 November 2012. However, the published instructions, and the Methodical Instruction 2/2012 have not been updated yet to include the requirements of Article 14 of the Regulation.
34. The CA has not set up a system to ensure restraining and stunning equipments are only sold accompanied by appropriate manufacturers' instructions - regarding their use in order to ensure optimal conditions for the welfare of animals - and that such instructions are publicly available on the Internet, as required by Article 8 of the Regulation.
35. Neither OV's nor RVA inspectors had evaluated the restraining and stunning equipment manufacturers' instructions for compliance with the Regulation.
36. The audit team verified the manufacturers' instructions in some of the SHs visited. None of those instructions had been updated to include all the specifications required by Article 8 of the Regulation and the AWO in those SHs had not requested such an update from the manufacturers.
37. Layout, construction and equipment generally complied with requirements, with only limited exceptions. Namely:
  - in the broiler SH the automatic neck cutter was not set so as to cut both carotid arteries, although this is a requirement of Annex III(3.2) of the Regulation;
  - requirements of Annex II of the Regulation that, in line with its Article 29(1), can have a transitional period until 8 December 2019:- no system in contact with the breast of the birds from shackling until the waterbath stunner, - layout of the race between the cattle lairage and the entry into the restraint box with a tight 90° bend, - poultry electrical stunning equipment which cannot register the key electric parameters used.
38. In one pig SH visited the operator had recently replaced the electrical stunning equipment. This equipment was in line with the relevant Regulation requirements, namely the new additional requirement to record the key electrical parameters for

each animal stunned.

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

#### **Legal requirements**

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

#### **Findings**

39. The AWO, or a person reporting directly to him, carried out the animal welfare assessment of each consignment of animals upon arrival, as required by the Regulation.
40. As required by the Regulation, mammal SHs had signs displayed that indicated the maximum number of animals to be kept in each pen, and the date and time at which they arrived.
41. SH operators had made arrangements to, when relevant, prioritise slaughter, feed the animals, and milk dairy animals, as required by the Regulation.
42. In two SHs the provision of bedding to the animals when kept at the SH for more than 12 hours without being slaughtered was not guaranteed, contrary to the requirement of Annex III (1.2) of the Regulation. One operator justified this by explaining that the pigs were reared in holdings at which no bedding was provided. As the specific provisions of the Regulation take precedence over the general provisions of Directive 98/58/EC concerning the protection of animals kept for farming purposes and Directive 2008/120/EC on the protection of pigs, bedding or equivalent material must be provided at SHs in this situation.
43. Handling at arrival and moving of the animals was generally done in compliance with the Regulation requirements, with the exception of moving pigs that are unable to walk (see also paragraph 26). In one pig SH handling at the lairage was inadequate, and the AWO was unaware of it:
  - animals here were being systematically electrically prodded in the race towards the stunning equipment. The OV commanded the workers to use the plastic barrier or paddle instead of the electrical prod but it was immediately obvious that the workers were not used to driving the animals with those as they could not do so skilfully and effectively, and stopped using them again within a minute. Neither OV nor RVA had identified this non-compliance in any recent report.
44. Restraining operations were generally done in compliance with the Regulation requirements with one exception. In the broiler SH the birds vocalised excessively after being shackled, and did not relax sufficiently before the waterbath stunner, resulting in many animals touching the water first with their wing tips or neck and receiving painful electric shocks prior to stunning.
45. SOPs reviewed by the audit team took into consideration manufacturers' instructions concerning maintenance of restraining equipment as required, and the BOs kept

registers of both routine and in depth maintenance 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**

46. In the cattle and pig SHs visited, the SOPs on stunning with penetrative captive bolt (cattle), with head-only electrical stunning (pigs) and with carbon dioxide at high concentration (pigs) correctly took into account the key parameters in Annex I of the Regulation. The stunning methods and prescribed parameters were respected.
47. In the rabbit SH visited the stunning method used was head-only electrical stunning. The Regulation does not specify minimum currents to be applied to rabbits but the existing requirements for rabbits in the Regulation were being respected. The operator applied a current of 110 volts and 300mA to each animal for 1 to 3 seconds and no signs of recovery of consciousness could be detected in the animals from the time of stunning until death.
48. The SVA informed the audit team that due to complaints of meat quality problems from the poultry industry, claimed to be caused by using the current intensities required by the Regulation, it had told the RVA and OVs that operators could use stunning intensities lower than those prescribed in the Regulation, 'as long as stunning was effective'. The audit team pointed out that, for the parameters used, there is no scientific evidence to guarantee that birds have been stunned instead of electrically immobilised, and that it is visually not possible to distinguish between birds stunned or immobilised (see also paragraph 7).
49. In both poultry SHs visited, the minimum currents prescribed by the Regulation for stunning methods used were not respected, either in the SOPs or in practice. The AWOs, OVs or RVA have not made any reports about it:
  - The turkey SH used head-only electrical stunning and applied 150mA to each bird instead of the required 400mA; the broiler SH used waterbath stunning with a current of 150mA average per bird (at 600Hz) instead of the required 200mA.
  - 6% of the broilers showed signs of clear recovery of consciousness (rhythmic breathing) before dying from bleeding out.
50. Backup stunning equipment was immediately available on the spot in all SHs, and was used whenever the operator noted that the initial method had not been effective as required.
51. SOPs for checks on stunning did not always indicate all necessary details. For example, the following were missing: number of animals to be checked during the monitoring in each sample, the name of the person responsible, when to take the sample and the limits per sample for which the result is considered satisfactory.

Additionally:

- monitoring of stunning was totally absent in the SOP in one SH while in another it was incomplete. In this second SH, the operator also indicated that a critical requirement to consider stunning to be satisfactory was 'recovery of consciousness within 90 seconds after stunning for no less than 3 broilers in 5', even though recovery of consciousness is not a desired outcome and it was not performing slaughter under religious rites;
  - in two SHs the SOP did not include checks for signs of life prior to dressing or scalding (Annex III(3.2) of the Regulation).
52. The Regulation requires, as does Article 5g (2) of Act 246/1992, bleeding to be done by severing both carotid arteries (or the vessels from which they arise) and five of the six SHs visited did this correctly.
53. In the broiler SH, the automatic neck cutter performed a lateral cut that severed only one carotid and the jugular on that side, and this was not considered a non-compliance by the AWO, the OVs on site, the RVA supervision or the SVA. The CA had interpreted severing of 'both blood vessels' in Annex III 3(3) of the Regulation to mean that the jugular and carotid on one side was sufficient. However, the preceding point 3(2) in the Regulation refers to two carotid arteries and point 3(3) must be read as a continuation of this point and therefore both carotid arteries need to be severed.
54. In all SHs stunning was quickly followed by bleeding as required.
55. BOs could show records demonstrating that stunning equipment was checked and maintained in accordance with the manufacturers' instructions, as required by the Regulation.

#### *5.3.1.4 Slaughter under religious rites*

##### **Legal requirements**

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

##### **Findings**

56. In the Czech Republic the derogations for slaughter without stunning, under Article 4(4) of the Regulation, are granted through a decision of the Ministry of Agriculture to a religious community and not to slaughterhouse operators.
57. An applicant must comply with specific provisions, for which the legal basis is Article 5f of Act. 246/1992, in order to be granted such a derogation. Two approved applications demonstrated that:
- the applicants must provide a declaration from a SH operator that it has accepted to perform ritual slaughter;
  - the applicants indicate the slaughter methodology that will be used, the

maximum number of animals planned to be slaughtered per day and/or during one year, the name and qualifications of the religious slaughter men (including the minimal qualifications required by the national legislation for anyone slaughtering animals), the religious population for which the meat from these animals is intended;

- the derogations are limited to a one year period.

### **Conclusions on killing animals in slaughterhouses**

58. Layout, construction and equipment and respective maintenance generally complied with requirements. Own-checks and official controls in this area effectively contribute to the objective of sparing animals from avoidable pain, distress or suffering, except that animal welfare concerns are not sufficiently integrated in the slaughterhouse approval procedure, automatic neck cutters did not cut both carotid arteries in poultry, and as the CA has not ensured that manufacturers' instructions include all the specifications required by the Regulation, which means it is more difficult for operators to ensure they are used under optimal conditions.
59. Animal welfare assessment of the animals upon arrival, and their handling, moving and restraining was largely done in line with requirements. There was one systematic exception, a procedure for moving pigs unable to walk was accepted by the CA, and there were also instances of excessive electric prodding of pigs and problems arising from the shackling of broilers.
60. The standard operating procedures for stunning, respective stunning methods and requirements of the Regulation were respected in the mammal slaughterhouses.
61. In poultry slaughterhouses, the intensity of the electric currents applied was well below the minimum required by the Regulation and this has been accepted by the CA. With the parameters used, there is no scientific evidence to guarantee that all birds have been stunned instead of electrically immobilised, and at least 6% of the broilers showed signs of clear recovery of consciousness before dying from bleeding out.
62. Standard operating procedures for monitoring of stunning were not always present or complete. In two particular cases, although present, they did not include checks for signs of life prior to scalding, which could have very bad animal welfare consequences, without this being noted by the AWO or the CA.
63. National rules provide a stricter basis for slaughter under religious rites than the Regulation.

#### *5.3.2 Killing animals outside slaughterhouses*

##### **Legal requirements**

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

## **Findings**

64. The CA informed the audit team that non-productive:

- larger animals such as cattle and deer must be killed by a veterinarian;
- chickens are killed usually by cervical dislocation and that this method is discussed in training events organised for poultry producers;
- piglets may be killed by concussion and that this is currently not covered in the training events for pig producers;
- cattle and pigs will mostly be killed at SHs that in general have one day, or half-day, per week set aside for dealing with these animals.

### *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**

65. The SVA informed the audit team that no specific approval is needed for SHs to process animals “emergency slaughtered” on farm according to Regulation (EC) No 853/2004.
66. The national requirement for on-farm killing is that a veterinarian must perform an ante-mortem inspection of the animal and issue a declaration that the animal was inspected, which will accompany the animal to the SH.
67. OV's routinely performed checks on animal welfare during transport upon arrival at SHs and have detected, and notified, non-compliances with the requirements of Regulation (EC) No 1/2005 that, in some cases, resulted in fines (see also paragraph 80).

### *5.3.2.2 Killing of fur animals*

#### **Legal requirements**

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

#### **Findings**

68. The CA informed the audit team that there are 14 fur farms in the Czech Republic. Additionally the CA informed that, as required by the multi annual national control plan, all fur farms are checked twice a year at the time of killing.

69. Training for fur farmers - required by Article 7 of the Regulation - in order to provide them with certificates of competence, was organised on two separate occasions in 2013. At the end of those, fur farmers received a certificate of competence.

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

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

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

#### **Legal requirements**

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

#### **Findings**

71. There is a “trigger” for animal welfare inbuilt into the SVA information system of SH poultry ante and post-mortem findings. The information system flags to the OVs that threshold values are exceeded and they need to take a decision. The triggers include daily and cumulative daily mortality rate, mortality during transport, dead or injured birds detected at ante-mortem, and pathological findings (singly and in combination) from post-mortem.
72. No system is in place for scoring footpad dermatitis.
73. In the SH visited, there had been no notifications of poor animal welfare to broiler holdings except in relation to transport during 2013 and 2014.

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

74. The CA has included a animal welfare “trigger” in the SVA information system of slaughterhouse poultry ante and post-mortem findings, that helps to point attention to possible animal welfare problems at the holdings. However, the system implemented does not appear to be effective as it has not resulted in a single slaughterhouse notification for animal welfare of broilers at holding in two years.

### **5.5 ACTIONS TAKEN IN CASE OF NON-COMPLIANCE**

#### **Legal requirements**

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

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

#### **Findings**

75. The legislation in place laying down the rules on penalties applicable for infringements to the Regulation is the Act 246/1992.
76. There is a very low number of animal welfare non-compliances related to the activities at slaughter indicated in the 2013 annual report (data for 2012) submitted by the Czech authorities, as required by Article 44 of Regulation (EC) No 882/2004, and in the additional information provided to the audit team (data for 2013).
77. In 2014 no non-compliances to the Regulation had been reported in the SHs visited.
78. Two animal welfare non-compliances detected at SHs in 2014 and one in 2013 indicated:
- Animals not fit for transport (according to Regulation (EC) No 1/2005) were detected at slaughterhouses and actions were taken concerning the affected animals and sanctions against the transporters, including fines;
  - The other indicated possible poor animal welfare at the holding of origin. This was a very recent case and possible sanctioning actions were still at an initial stage.

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

79. Legislation is in place with penalties for infringements of the Regulation but up to the date of the audit, no such penalties had been applied. Nevertheless infringements against the transport of unfit animals are being detected and enforcement applied.

## **5.6 EVALUATION AND REVIEW OF OFFICIAL CONTROLS**

### **Legal requirements**

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

### **Findings**

80. The internal audit unit of the SVA carried out audits including animal welfare at slaughter in two regions in 2011. For 2014 it has planned audits to seven regions that include welfare at slaughterhouses, both on the OV's activities and the RVA annual inspections, as well as home slaughter for own consumption.
81. A 2014 audit report of one region visited by the audit team indicated that no non-compliances had been detected with this region's performance in this area.
82. The annual professional inspection over OV's at the SHs (required by Article 7 (1) of the Meth. Inst. 7/2013) does not result in a report with conclusions on the performance of the OV's. The audit team was informed that the feedback from such annual professional inspections was given directly and verbally to the OV.
83. A few non-compliances of the BO control systems with the Regulation are not being

detected by the OV's, and another non compliance is reported without being considered as such (see also paragraphs 26 and 28). The RVA supervision also did not detect the BO non-compliances, or remark on the OV's incorrect reporting.

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

84. The verification system in place is not effective to detect that officials in slaughterhouses miss or do not recognise some BO non-compliances, and that similar failures happen at next official level (supervision). Consequently, the CA cannot ensure the effectiveness and appropriateness of official controls.

## **6 OVERALL CONCLUSIONS**

Welfare of the animals upon arrival, their handling, moving and restraining was largely in line with requirements.

In mammal slaughterhouses, animal welfare was adequate including at the moment of stunning and bleeding, with the stunning methods and requirements of the Regulation respected.

In poultry slaughterhouses, animal welfare at stunning and bleeding was inadequate, as the stunning was systematically done with electric current intensities well below the minimum required by the Regulation, and this was accepted by the CA. With the parameters used there is no scientific evidence to guarantee that birds are stunned instead of electrically immobilised, and at least 6% of the broilers showed signs of clear recovery of consciousness before dying from bleeding out.

Official controls cover killing, related operations and business operators' own control systems, as required. However, they do not prevent recurrence of several non-compliances in the operations and own control systems, as they are not detected or identified during checks. As the system of verification of the official controls also failed at detecting these same non-compliances, the CA do not fully ensure the quality and consistency of official controls.

Animal welfare officers did not detect significant gaps and mistakes in BOs control systems and procedures. This weakened those own controls systems and, consequently, the reliability of those systems in providing good animal welfare guarantees to the official supervisors.

The system implemented to carry out monitoring of welfare indicators in poultry at slaughterhouses is not detecting possible animal welfare problems originating at the holdings.

The CA allows emergency slaughter (as defined in Regulation (EC) No 853/2004) on farm and sending the carcasses of those animals to slaughterhouses for processing. The CA also carries out regular checks on arrival of the animals' fitness for transport and applies enforcement action when unfit animals are detected.

## **7 CLOSING MEETING**

A closing meeting was held on 20 June 2014 with representatives of the CA, at which the main findings and preliminary conclusions of the audit were presented by the audit team. The CA indicated some of the actions planned to start addressing immediately the findings presented by the

audit team. The CA also informed that it would collect information concerning the electrical parameters used for waterbath stunning of poultry at national level in order to assess them centrally.

## 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 national legislation does not include old provisions from Directive 93/119/EC which open the possibility to bad practices of lifting and moving animals in pain, Annex III (1.11) of that Regulation. Conclusions and findings upon which this recommendation is based: 8, 17, 26.   |
| 2.  | 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: 26, 28, 31, 43, 51, 53, 60.  |
| 3.  | 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 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: 28, 32, 42, 43, 44, 51, 53, 60, 61, 64. |
| 4.  | The CA should update the instructions and guidance 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: 33, 58.   |
| 5.  | The CA should ensure that appropriate instructions for restraining and stunning equipment accompany that equipment when sold and that those instructions are also made publicly available by the manufacturers via the Internet, as required by Article 8 of Regulation (EC) No 1099/2009. Conclusions and findings upon which this recommendation is based: 34, 35, 58.   |
| 6.  | The CA should ensure that following waterbath stunning, the two carotid arteries are systematically severed and that where automatic neck cutters are used following this method of stunning, the two carotid arteries are also systematically severed, as required by Regulation (EC) No 1099/2009 Annex III 3 (2) and (3) respectively. Conclusions and findings upon which this recommendation is based: 37, 53, 58.  |
| 7.  | The CA should ensure that the stunning parameters specified in Annex I of Regulation   |

| N°. | Recommendation   |
|-----|--|
|     | (EC) No 1099/2009 for electrical stunning of poultry are applied, as required by Article 4(1) of that Regulation. Conclusions and findings upon which this recommendation is based: 48, 49, 61.  |
| 8.  | The CA should review the system for analysing the results from post-mortem monitoring in poultry slaughterhouses, required by Article 3(1) and Annex III of Directive 2007/43/EC, so that adequate attention is paid to levels of contact dermatitis such as footpad dermatitis, and it leads to the identification of possible indications of poor welfare conditions in the holding of origin. Conclusions and findings upon which this recommendation is based: 72, 73, 74. |
| 9.  | The CA should improve the system of evaluation and review of official controls to ensure that it will identify non-compliances which are systematically going unnoticed or unreported during official checks, and ensure that in such cases corrective action is taken as needed, as required by Article 8(3) of Regulation (EC) No 882/2004. Conclusions and findings upon which this recommendation is based: 26, 28, 83, 84.  |

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=2014-7060](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2014-7060)

## 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   |
| 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  |
| Dir. 2007/43/EC | OJ L 182, 12.7.2007, p. 19-28   | Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production  |
| Reg. 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                        |
| Dir. 98/58/EC   | OJ L 221, 8.8.1998, p. 23-27  | Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes   |

| <b>Legal Reference</b> | <b>Official Journal</b>     | <b>Title</b>   |
|------------------------|-----------------------------|--|
| Dir. 2008/120/EC       | OJ L 47, 18.2.2009, p. 5-13 | Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs |

## 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 and national rules

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

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 29(2) of Regulation (EC) No 1099/2009 includes a transitional provision until 8th December 2015 allowing these certificates of competence to be issued by way of a simplified procedure to persons demonstrating relevant professional experience of at least three years.

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

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

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

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

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

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

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

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

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

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

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

### *5.3.1. Killing animals in slaughterhouses*

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

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

Article 14 of Regulation (EC) No 1099/2009 requires BOs to ensure that the layout and

construction of slaughterhouses and the equipment used therein comply with the rules set out in Annex II to the Regulation. Article 29(1) includes a transitional provision so that certain provisions of Directive 93/119/EC continue to apply until 8 December 2019 to layouts and equipment in operation before 1 January 2013.

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

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

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

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

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

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.

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

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

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

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

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

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

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.

### **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.