EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health and food audits and analysis

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FINAL REPORT OF AN AUDIT
CARRIED OUT OF
SPAIN
FROM 18 JANUARY 2021 TO 29 JANUARY 2021
IN ORDER TO
EVALUATE THE FOOD SAFETY CONTROL SYSTEMS IN PLACE GOVERNING THE PRODUCTION AND PLACING ON THE MARKET OF BOVINE MEAT, INCLUDING TRACEABILITY

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 an audit of Spain from 18 to 29 January 2021 by the Directorate-General for Health and Food Safety in order to assess the official controls related to the production of bovine meat, including traceability. In addition, the audit gathered information on the ante- and post-mortem arrangements in place regarding the poultry sector.

The COVID-19 pandemic precluded on-site verifications and assessment of the performance of official controls. The audit outcome is therefore based on a review of documentation and control records pertinent to the audit scope, and interviews of/ discussions with representatives of the competent authorities at various levels, via videoconference.

The Central Competent Authorities (CCA) responsible for the activities being audited are the Ministry of Agriculture, Fisheries and Food (MAPA) and the Spanish Agency for Food Safety and Nutrition (AESAN). The implementation of the official controls is under the responsibility of the different Autonomous Communities.

The Competent Authorities (CAs) in the two Autonomous Communities audited showed a robust organisation of official controls that is fit for purpose.

The cooperation and coordination arrangements between the different departments involved in the delivery of official controls and enforcement of animal welfare non-compliances are satisfactory. The official veterinarians (OVs) have sufficient support and adequate knowledge of the procedures. However, the audit also found that in two out of six slaughterhouses reviewed, the OVs were not performing the post-mortem inspections in accordance with the European Union requirements, in particular regarding the inspection of offal.

There is evidence that OVs take timely and suitable action in cases where they identify animal welfare issues in the slaughterhouses under their responsibility.

The audit identified several issues in relation to the emergency slaughter of bovine animals on-farm. The veterinarians involved in the ante-mortem inspection are not classed as officials and furthermore, the CAs are not suitably monitoring their performance. In one of the two Autonomous Communities, there was a large number of emergency slaughtered animals with a certified cause which was not in line with legal requirements. In addition, there is currently no system to ensure that the slaughtermen that carry out the slaughter of those cattle on-farm have the required level of competence.

The procedures manual used by one of the CAs seems to allow the use of food business operators' staff to conduct post mortem inspection of red meat species, which is not in line with EU legislation.

Although both Authorities have a satisfactory arrangement to ensure the training and support for their full-time OVs, neither of them extend this system to include those veterinarians that carry out official controls sporadically.

There is no satisfactory mechanism to provide feedback to those OVs that had reported animal welfare non-compliances related to unfit-to-travel bovines, to give them information about the impact of the follow-up of their actions

The review of the approval of establishments is not always effective, while the process for newly approved establishments other than slaughterhouses does not ensure that first controls after approval are carried out without unnecessary delays.

The arrangements that the CCA and both CAs have in place for the delivery of official controls seem adequate to prevent bovine animals unfit for slaughter for human consumption from entering the food chain.

The report contains recommendations to the central competent authority to address the shortcomings identified and to further enhance the control system.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AC(s)	Autonomous Communities
AESAN	Spanish Agency for Food Safety and Nutrition
AMI	Ante mortem inspection
CA(s)	Competent Authority(ies)
CBD	Central Bovine Database
CCA	Central Competent Authority
Cull cow	Cows at the end of their production life
DG Health and Food Safety	Directorate-General for Health and Food Safety of the European Commission
ES	Emergency Slaughter
EU	European Union
FBO(s)	Food Business Operator(s)
MAPA	Ministry of Agriculture, Fisheries and Food
OA(s)	Official Auxiliary/ auxiliaries
OV(s)	Official Veterinarian(s)
PMI	Post mortem inspection

1 INTRODUCTION

The audit took place from 18 to 29 January 2021. The audit team comprised three auditors from Directorate-General for Health and Food Safety of the European Commission (DG Health and Food Safety) and included the participation of the representatives of the Central Competent Authority (CCA), AESAN. In addition, representatives from the Ministry of Agriculture, Fisheries and Food (MAPA) and from the different Autonomous Communities involved in the control systems participated in the relevant sessions of the audit.

An opening meeting was held by videoconference on 18 January 2021. At this meeting, the audit team confirmed the objectives of, and itinerary for, the audit, and requested some additional information required for the satisfactory completion of the audit.

NOTE: The COVID-19 pandemic precluded on-site verifications and assessment of the performance of official controls. The audit outcome is therefore based on a review of documentation and control records pertinent to the audit scope, and interviews of/discussions with representatives of the competent authorities at various levels, via videoconference.

2 OBJECTIVES AND SCOPE

The main objective of the audit was to evaluate the operation of official controls and the enforcement of the applicable European Union (EU) requirements over and along the production chain of bovine meat. In particular, the audit focused on the official controls exerted over cull cows (at the end of their production life).

In terms of scope, the audit covered bovine slaughter, and in particular:

- the organisation and competencies of the competent authorities (CAs), including oversight and enforcement, at all relevant levels, in particular the controls over production and traceability of bovine animals at the end of their production life, and certain aspects of animal welfare especially the evaluation of fitness for transport and slaughter;
- the CAs' performance in terms of the design and implementation of the official control systems covering the production, processing and distribution chains of beef, and products derived therefrom.
- the follow-up of a previous recommendations related to animal welfare during transport.

This included the gathering of relevant information and verification as appropriate, by means of interviews/discussions and review of documents and records.

In addition, the audit collected information on the *ante* and *post-mortem* arrangements in place in Spain regarding the poultry sector.

The table below lists the videoconference meetings held in order to achieve the above-mentioned objective:

COMPETENT AUTHORITY		
Central	2	Opening and closing meeting
Autonomous Communities (ACs)	2	With officials from the central offices in the health and agriculture departments of two separate ACs.
Central Bovine Database	1	
FOOD BUSINESS ESTABLISHMENTS		
Bovine slaughterhouses	6	Interviews with OVs responsible for the official controls in 4 large and 2 small to medium slaughterhouses and their direct line managers. 3 (one of them small-medium) in each of the two ACs visited.

3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation and, in particular Articles 116, 117 and 119 of Regulation (EU) 2017/625 of the European Parliament and of the Council (Official Controls Regulation).

A full list of the EU legal instruments relevant to the scope of this audit is provided in Annex 1 to this report. Legal acts quoted refer, where applicable, to the last amended version.

4 BACKGROUND

This audit took place as part of an audit series planned and initiated in 2019 in the Member States after media allegations of slaughter for human consumption, in several Member States, of unfit cows. Recent Commission audits ([1]) and those media reports pointed to gaps in the official control systems that could have an impact on the slaughter of cull cows.

Against this background, and in the context of the enactment of Regulation (EU) 2017/625, Commission Delegated Regulation (EU) 2019/624 and Commission Implementing Regulation (EU) 2019/627, DG Health and Food Safety initiated this audit series with the aim to assess the performance of the CAs in this area of official controls.

The table below indicates the total number of cattle of all ages and of adult cattle slaughtered in Spain during 2019.

TOTAL CATTLE	ADULT CATTLE
2,382,281	**395,934**

[1] Audit report DG(SANTE)/2019-6839, 2019-6843

5 FINDINGS AND CONCLUSIONS

5.1 LEGISLATION AND IMPLEMENTING MEASURES

Legal requirements

Article 291(1) of the Treaty on the Functioning of the European Union and Articles 1(3)(d) and (4) of Regulation (EC) No 853/2004 of the European Parliament and of the Council.

Article 5(1)(g) and (h) and Article 18(1) of Regulation (EU) 2017/625.

Findings

1. While the audit team did not carry out a thorough review of the national legislation, it established that there are legal instruments that cover aspects included in this audit, referring among others to approval of establishments, food chain information, bovine identification and traceability and beef labelling.
2. Royal Decree 1086/2020 provides some derogations for certain establishments from the requirements laid down in Annex III to Regulation (EC) No 853/2004.
3. The above legislation allows derogations from structural requirements for slaughterhouses processing no more than 40 livestock units per week and no more than 2,000 per year. This figure increases to 50 units per week and no more than 2,500 per year in slaughterhouses on any of the Spanish islands.
4. Some of the derogations for bovine slaughterhouses include:
    - Derogation from having a lairage, if the animals come directly from the holding of origin and are slaughtered immediately on arrival.
    - Derogation from having a separate room for emptying and cleaning stomachs and intestines.
    - Derogation from having lockable detention facilities for detained meat if it can be kept separated from other meat.
    - Derogation from having a chiller for the refrigeration of carcases, if those carcases are immediately dispatched by refrigerated vehicle to a cutting plant or butcher shop that has a suitable chiller and is no more than 30 minutes away.
5. The CCA notified these derogations to the Commission in line with the required procedures.

Conclusions on legislation and implementing measures

6. Spain has recently introduced national legislation which, among other things, allows the use of some derogations in small slaughterhouses.

5.2 COMPETENT AUTHORITIES

Legal requirements

Articles 4, 5, 6, 138 and 139 of Regulation (EU) 2017/625.

Article 13 of Regulation (EU) 2019/624.

Findings

5.2.1 Structure and organisation

7. The CAs relevant for this audit and the control systems organisation are described in the country profile for Spain, available at the following link: https://ec.europa.eu/food/audits-analysis/country_profiles/details.cfm?co_id=ES

8. Two Central Competent Authorities (CCA) are involved in aspects of this audit. The Ministry of Agriculture, Fisheries and Food (MAPA) covers the official controls on identification, registration and animal welfare on farm and during transport. The Bovine Central Database is also under its control. The Spanish Agency for Food Safety and Nutrition (AESAN) coordinates the planning of controls at slaughterhouses and cutting plants level.

9. In summary, the CAs comprise a 2 level structured system:

   - At central level, AESAN and MAPA are responsible to carry out coordination functions with the 17 ACs.
   - At Autonomous Community level, each AC is responsible for the planning and actual delivery of official controls in its territory.

10. The audit team found evidence of an adequate system of coordination and communication between the CCAs and the ACs and between the different ACs for most of the aspects subject to this audit.

11. In order to ensure a consistent application of the official controls across Spain, there are coordination groups, formed by representatives from CCA and from all the CAs. Although their output is not legally binding, these groups agree common procedures, control programmes and issue relevant guidance.

12. The procedures of communication regarding animal welfare issues between the Health and Agriculture departments in one of the ACs were not satisfactory, resulting in a lack of feedback from Agriculture of the impact of the actions taken by the OVs working for the Health department at slaughterhouse level. This does not allow the OVs to understand how effective their work is or, potentially, to learn from mistakes.

5.2.2 Impartiality, freedom from conflict of interest,

13. As part of their employment contract, both ACs ask their full and part-time employees to sign a document before taking up their new job, where they confirm they do not have any conflict of interest or carry out other activities that are not compatible with their official position.

14. Both ACs currently use private veterinarians to carry out *ante mortem inspection* (AMI) for animals subject to on-farm emergency slaughter (ES). They do not appoint these veterinarians as OVs, contrary to the requirements of EU legislation.

15. One of the ACs has recently approved legislation to bring its own procedures in line with European legislation governing on-farm AMI, and only those veterinarians appointed by the CA will be able to complete ES certification. This will also include similar safeguard measures regarding conflict of interest that they have for their employed veterinarians.

16. The other AC does not currently have a system to ensure that the private veterinarians carrying out AMI for ES on farms are free from conflict of interest.

17. In September 2020, MAPA issued a guidance document on the procedure to ensure that the veterinarians carrying out AMI in holdings can be considered as OVs. It sets out the duties and responsibilities of the veterinarians and the verification tasks that the CA needs to undertake to confirm that those performing AMI on farm (for both poultry and red meat species) do so correctly.

18. The above procedures have not been implemented by any of the two audited CAs.

5.2.3 Staffing and equipment.

19. OVs in both ACs have access to the information in the Central Bovine Database (CBD) in order to confirm animal identification queries in the slaughterhouse.

20. Both ACs provide OVs with computer equipment in order to carry out their work. Both CAs have developed their own intranet system, which can be used by OVs to record their daily checks, their enforcement activity and to access their on-line manuals, guidances and checklists. The audit team received demonstrations from both CAs on the systems and consider them to be fit for purpose and a very good tool to effectively document and review the performance of official controls.

21. In one of the ACs, the OVs use hand-held devices for real-time AMI and PMI data entry.

5.2.4 Training

22. Both CAs have procedures to train OVs delivering official controls on a regular basis. They offer yearly training on veterinary and legislative subjects and ensure as many of their OVs as possible take part.

23. Neither of the two CAs have a specific and structured training procedure for those veterinarians that work for them occasionally, covering absences of permanent OVs. The audit found evidence of some problems related to PMI in two out of six establishments, in both ACs, where the resident OV was not present and a locum one was in charge.

24. Equally, private veterinarians doing AMI on farm for ES are not included in these training activities. As mentioned in paragraph 15, one of the CAs has already taken steps to resolve this.

5.2.5 Supervision and audits

25. Both CAs have procedures to support and control the OVs delivering official controls on a regular basis.

26. The two ACs have a system of internal audits and checks to monitor the performance of their OVs and ensure they deliver official controls adequately.

27. Similarly to paragraph 23, neither of them have a specific and structured procedure for those veterinarians that work for them occasionally.

28. The planning of these audits is done on the basis of a risk assessment. In this regard, one of the ACs takes into account the results of previous supervisions, the establishments with fewer non-compliances identified by the OVs, or for instance, establishments that have newly employed full-time employed OVs.

29. The checks include on-the-spot supervisory visits by the OVs' line managers and controls on their knowledge of procedures and legislation, quality of their reports and official activities, such as the serving of notices or the timely escalation of enforcement.

30. The audit team was shown practical demonstrations of how the CAs databases can also be effectively used by managers, and at central level, to monitor and supervise the performance of slaughterhouse OVs.

5.2.6 Actions in case of non-compliance

31. Each of the two CAs have on-line guidance available to their OVs working in approved establishments in relation to the actions they can take if they identify a non-compliance. This includes hygiene non-conformities but also animal welfare ones.

32. There is evidence of actions taken by OVs in both ACs in relation to unfit-to-travel animals arriving in their slaughterhouses.

33. For on-farm non-compliances regarding identification and traceability of bovines, the audit team saw examples of some of the measures that the CA staff can take, which range from the restriction of movements of individual animals to the restriction of movements for the whole herd or even the destruction of animals. This is in line with EU legislation.

34. One of the CAs use a fee rate deduction system as an incentive for FBO compliance. Every three months and subject to a favourable report by the OVs, the establishments can get a discount of the amount they pay to the CA for the inspection services. The audit team was presented with examples where, depending on the application of suitable measures and compliance, the discounts applied ranged from 5% for the protection of animal welfare and up to 45%, linked to HACCP performance.

Conclusions on competent authorities

35. The cooperation and coordination arrangements between and within the CA(s) are satisfactory for the performance of official controls and enforcement, apart from the provision of feedback information to slaughterhouse OVs that report welfare-related

issues to the department dealing with farms and primary production, and which in one of the ACs was not in place.

36. The CAs have an adequate system of safeguard measures in relation to conflict of interest for their OVs. One of the ACs has not extended these measures to veterinarians undertaking on-farm AMI.

37. Both CAs have procedures to train, support and control the OVs delivering official controls on a regular basis, but neither have a specific and structured procedure for those veterinarians that work for them occasionally.

38. There are mechanisms in place to give the CA a reasonable level of assurance that OVs carry out official controls uniformly, correctly and consistently, and to allow it to take corrective actions if needed.

39. There is evidence that OVs take timely and suitable action in the case they identify animal welfare issues in the slaughterhouses under their responsibility.

5.3 APPROVAL OF ESTABLISHMENTS

Legal requirements

Article 6(3) of Regulation (EC) No 852/2004 of the European Parliament and of the Council.

Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council.

Articles 10(2), 138(2)(j) and 148 of Regulation (EU) 2017/625.

Findings

40. There is national legislation and guidance on the approval and registration of establishments. Some ACs have also issued and published their own regulations and instructions.

41. The ACs are responsible for administering and managing the approval process of establishments in their territory. Once it concludes satisfactorily, the CA informs the CCA who then issues the establishment's unique approval number and includes it in a nationwide general registry of food companies and food (*Registro general sanitario de empresas alimentarias y alimentos*). The inclusion in this registry is a requirement for all approved establishments in Spain.

42. Neither of the two CAs contemplate the use of conditional approval as part of their approval procedures. The approval officers carry out one or several visits to the establishment and produce a favourable report once they are satisfied that it complies with the structural, hygiene and (if required) animal welfare requirements and has a system of own checks suitable for the intended activities. Following from this report, the CA gives the establishment full approval and it can then start operations.

43. The OVs can only carry out checks on the actual ability of the food business operator (FBO) to operate in accordance with EU legislation after full approval is given and once operations start. In case of non-compliances, the OVs have to follow the hierarchy of enforcement to ensure the FBOs resolve them.

44. In one of the ACs, for establishments other than slaughterhouses, there is no set procedure to regulate when the first inspection or audit of the establishment has to take place after approval and once the activity has started. As a result, the CA might not inspect a new establishment for a long period of time and cannot assess compliance with legislation and FBO's own checks.

45. Both CAs have procedures to review the approval status of the establishments in their territory on a regular basis, in order to ensure that it reflects the activities that the FBO carries out. However, one of the slaughterhouses reviewed by the audit team was still approved to slaughter a species that had not been processed for the last five years. The controls did not review if this slaughterhouse still met the conditions for this species.

Conclusions on approval of establishments

46. The legislation and procedures necessary for the approval of establishments, are in place.

47. In one of the ACs, there are no arrangements to ensure that, following the approval process, a suitably short period of time for newly approved establishments other than slaughterhouses is established in which to carry out an FBO's audit or an operational inspection.

48. The system for review of approvals does not currently ensure, in one of the ACs, that the establishments maintain the approval for only those activities that are relevant or that the approval conditions for activities not carried out, continue to be met.

5.4 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.4.1 Official controls on cattle identification and movements of animals

Legal requirements

Articles 3, 5, 6, 7, and 9a of Regulation (EC) No 1760/2000 of the European Parliament and of the Council.

Findings

On farm/dealer control

49. Both ACs inspect every year at least 3% of the holdings (farms and dealers) that operate in their territory. This is in line with the minimum level of controls expected in EU legislation in relation to the identification and registration of bovine animals.

50. One of the ACs considers cattle dealers to be a greater risk in terms of identification and registration issues than other holdings and this is fed into the risk-based selection of holdings. This AC tend to control all dealers every year.

51. As required by legislation, both ACs decide the holdings they will visit based on a risk analysis. The analyses take into account the criteria determined by EU law.

52. The on-the-spot official controls of holdings are usually unannounced and include the verification of bovine identification and registration.

Central Bovine Database

53. Law 8/2003 of Animal Health establishes the obligation of the registration of farms, animals and movements of all species. This led to the creation of the integrated system of animal traceability SITRAN and the Central Bovine Database (CBD).

54. The databases from the 17 ACs plus the one from MAPA jointly form the CBD. MAPA's system acts as a communication hub to link databases, allowing them, for instance, to share information when animal movements occur between ACs.

55. Each AC has in its servers all the relevant information for the holdings in its territory. The central system only keeps basic holding information.

56. To ensure the quality of the data entered, the system uses a large number of plausibility checks. This seems to be working and as a result, the number of floating animals (those that have notified as having left a holding but that have not arrived at another one) is minimal.

57. Currently, the CBD is not able to ascertain the numbers of bovines subject to ES in a particular holding, as the database records all bovine deaths as the same, irrespectively of the final destination of the carcase (human consumption or disposal). It is therefore not possible, by interrogating the system, to determine if this type of slaughter concentrates in some holdings or not.

58. Both CAs have expressed an interest in amending their systems so they can better identify ES deaths.

5.4.2 Official controls at establishment level (slaughterhouses)

Legal requirements

Article 18(1) to (5) of Regulation (EU) 2017/625.

Articles 3, 4, 5, 6, 7 and 8 of Regulation (EU) 2019/624.

Articles 10 to 19, 29, 30, 33, 34 and 43 of Regulation (EU) 2019/627.

Findings

Ante-mortem inspection

59. The two audited ACs only use OVs to perform AMI and PMI. They do not employ official auxiliaries (OAs) in their slaughterhouse to support them.

60. There are national guidance documents and procedures, issued by AESAN, that cover the AMI requirements. Some ACs have also issued their own manuals of procedures for official controls in slaughterhouses.

61. The OVs interviewed by the audit team showed a good knowledge and understanding of the AMI requirements and the tasks of the OVs, including animal identification and animal welfare.

62. Both CAs showed evidence of OVs identifying cows in the lairage considered as unfit-to-travel, but transported alive to the slaughterhouse, and evidence of the OVs reporting

these non-compliances to the relevant agriculture department for follow-up actions in relation to the keepers or the haulier.

63. All the OVs interviewed were aware of the animal welfare related actions they would need to take when a cow or any other bovine was found in the lairage or on a lorry unable or unwilling to move.

64. In this regard, the written procedures for OVs working for one of the CAs in cases of animals in the lairage with serious injuries requires some clarification. The instructions seem to require that staff move those animals alive to the stunning and bleeding area and only consider the option of killing them where they lie as a last resort. This is not in line with point 1.11 in Annex III to Council Regulation (EC) No 1099/2009 which requires animals unable to walk to be killed where they lie

65. As explained in point 12, one of the ACs does not have a system to provide feedback from the agriculture department to the OVs when they identify a welfare problem originating on-farm or during transport.

66. One of the OVs interviewed explained that, at their slaughterhouse, the OV on AMI duties is required to assess the level of cleanliness of each of the bovines in the lairage prior to slaughter and to decide the action to take when they find a dirty animal. The FBO is not involved in this process, as is required in accordance with Section II of Annex II to Regulation (EC) 853/2004.

67. Both CAs require the OVs to verify the animal identification of a percentage of bovines before slaughter. For this purpose, the OVs have access to the CDB. The FBOs carry out 100% of identity checks.

68. One of the CAs provided the audit team with specific examples of bovine animals that had been declared as unfit for human consumption, and disposed of as animal by-products, due to unresolved identification issues. The other CA does not keep central records of these occurrences.

69. Both CAs have procedures for the recording of AMI findings. One of the ACs has in place a computer system that uses mobile devices and which allows the OVs carrying out PMI to have real-time information about the AMI findings relating to each of the carcases they examine.

Procedures for poultry

70. The majority of the 17 ACs have a system of on-farm AMI by private veterinarians.

71. The ACs agreed a protocol in September 2020 to authorise those veterinarians as officials to fall in line with the Official Controls Regulation. Some ACs, but not all, have already completed the process. One of the two CAs audited has just introduced legislation in this respect.

Post-mortem inspection

72. In both CAs, the OVs (one or more, depending on the slaughterhouse) conduct the PMI. Neither of the two CAs employs the figure of the OA.

73. One of the two CAs allows the use of some slaughterhouse staff to support the work of the OVs in a limited number of tasks. However, its procedures manual seems to authorise these members of the FBO staff to carry out wider tasks, including PMI, in red meat species.

74. The competent authority agreed that the wording of the procedure was potentially misleading and could be confusing for OVs.

75. According to the OVs' explanations and descriptions of the activities, in two of the six slaughterhouses audited (one in each AC), the PMI was not carried out in accordance with the legislation.

76. In one of them, the OV stated to have passed as fit for human consumption the carcase of an ES bovine without having inspected the lungs and green offal, as the FBO staff did not present them for inspection.

77. In the other slaughterhouse, where only one veterinarian is normally present, the OV explained that they would not be able to inspect the green offal (which would go directly to the gut room) of the carcases processed during the time they would spend in the lairage for AMI reasons as the slaughtering line would not stop. Nevertheless, those carcases would be health marked and passed as fit for human consumption. This is not in line with Article 19 of Regulation (EU) 2019/627.

78. In both cases, the OVs explained that, if any doubt, the slaughterhouse staff know what is fit and unfit for human consumption and would save for them any offal with signs of being unfit.

79. It has to be noted that, in the second AC and in order to address the fact that the PMI was not carried out in accordance with the EU requirements, management at central level took immediate action and arranged for a second and more experienced OV to be deployed to the slaughterhouse as a support mechanism.

80. Also in two of the six slaughterhouses, the FBO staff carried out the removal of the spinal cord, which is classed as a specified risk material, after the carcases had been inspected and health marked as fit for human consumption. This is not in line with Article 45 (q) to Regulation (EU) 2019/627.

Procedures for poultry

81. According to the information provided by the CCA, 11 of the 17 ACs make use of the derogation allowed under Article 25 (2) of Regulation (EU) 2019/627 and carry out the PMI of only a representative sample of animals from each flock.

82. In order to ensure consistency among ACs, AESAN requested a scientific opinion on the definition of a 'representative sample' on any batch of poultry and is in the process of developing a simple tool to calculate such sample.

83. The remaining ACs do not apply the Article 25 derogation. In those ACs, the PMI is carried out by the OV or by FBO's staff under the supervision of the OV.

Emergency slaughter at the holding of provenance

84. MAPA and AESAN have jointly coordinated, with the input of all the ACs, the development of some standard operating procedures in relation to the ES process to provide guidance and advice for farmers, private veterinarians and OVs at the slaughterhouse.

85. Some of the reasons allowed for ES under these standard operating procedures are wider than what the EU legislation currently permits. Furthermore, the model certificate for ES included in the procedures is not fully in line with the model prescribed in Annex V of Regulation (EU) 2019/628 as it does not require the following information:

- Slaughterhouse of destination
- Means of transports
- date and time of AMI
- treatments administered to the animal(s)

86. According to the data provided by the two ACs, the number of bovines subject to ES in their territories in 2019 was 185 and 265 animals respectively

87. In relation to the first AC, almost all the declared reasons for the ES were in accordance with the legislation requirement of an otherwise healthy animal that has suffered an accident and cannot be transported on welfare grounds, as required by Regulation (EC) 853/2004 point 1 of Annex III, Section I, Chapter VI

88. Regarding the second AC, almost 30% of the reasons given were doubtful or clearly not a result of an accident. Among the reasons given for ES, there is exhaustion, anorexia or ataxia.

89. Private veterinarians in both ACs currently carry out the required AMI of those bovine animals subject to ES.

90. Neither of the two CAs have a system to monitor the work of those private veterinarians involved in the certification of ES bovines.

91. As explained in point 15 one of the CAs has made recent changes that will bring their procedures in line with the Official Controls Regulation and only those veterinarians appointed by the CA will be able to complete ES certification.

92. However, many of the certificates issued by the certifying veterinarians in this AC lack clarity regarding the reason given for the ES as they use ambiguous terminology which does not clarify if these reasons comply with the relevant legal requirements.

93. There are differences in both ACs in relation to the people involved in the stunning and bleeding of ES animals. In one of the ACs, they are generally members of staff of one of the slaughterhouses that offer ES services to farmers. In the other AC, they are not employed by any of the slaughterhouses.

94. Neither of the CAs have a system in place to ensure that all the people involved in the stunning and bleeding of ES bovines in their territory have the appropriate level of competence to carry out these tasks as required by Article 7(1) of Regulation (EC) 1099/2009.
95. All the OVs that this audit team interviewed were aware of the requirements in relation to ES procedures at slaughterhouse level. One of them explained that in the previous days they had received three ES carcases. The OV rejected one of those carcases as unfit for human consumption due to cachexia, which was the reason given for the ES. However, there had been no subsequent communication with the agriculture department to inform them of the fact that the animal was not eligible for ES. There is no evidence of an established system to provide such feedback in cases of wrongly certified ES bovines in either of the two CAs. This linked to the lack of control of the agriculture department over the work of the certifying veterinarians, means that the system of ES is not robust enough to guarantee that only healthy animals that have suffered an accident are subject to this type of slaughter.
96. There is no evidence to suggest that animals unfit for human consumption enter the food chain through ES procedures. On the contrary, there is evidence that the OVs at slaughterhouses receiving ES carcases reject some of them when required, totally or partially (see above).

    NB.: It should be noted that the EU legislation concerning slaughter at the holding of provenance of animals, other than emergency slaughter, is currently under review, the outcome of which could impact on the legality or otherwise of elements of this national guideline.

Other official controls at slaughterhouse level

97. In both ACs, the health marking of carcases is done by FBO's staff working under OV supervision.
98. When not in use, at the end of the operations, the health mark equipment is returned to the OV for safekeeping until the following day.

5.4.3 Animal welfare at transport and the time of slaughter or killing

Legal requirements

Article 18(2)(d)(vi) of Regulation (EU) 2017/625.

Regulation (EC) No 1099/2009.

Articles 38 and 44 of Regulation (EU) 2019/627.

Findings

99. Both CAs have clear procedures about the actions that the OVs have to take in cases where they identify an animal welfare non-compliance at the slaughterhouse. Those procedures include how to deal with the affected animal or group of animals and about the reporting lines in case that enforcement is required.

100. To improve the coordination of the health and agriculture departments, one of the CAs has a protocol to organise regular joint working groups in the framework of the 'one health' strategy.

101. The OVs interviewed by the audit team had the knowledge and information about the steps to take when detecting an animal welfare issue originating on farm, during transport or even at the slaughterhouse.

102. The audit team saw a number of examples of actions taken, and reports produced, by a number of OVs working in both ACs following cases of unfit animals arriving in the slaughterhouses.

103. The OVs send the relevant animal welfare reports to their AC's health department offices for assessment and to forward to the agriculture department (in their own territory or from another AC) for follow up and to take action against the transporter or the farmer if required.

104. There is evidence of sharing of data between ACs in order to deal with animal welfare non-compliances, of some trend analysis to identify some frequent offenders and of 'lessons-learnt' to ensure that procedural mistakes that had prevented the conviction of perpetrators of animal welfare abuses in the past, are not repeated.

105. This audit team also saw evidence of communications and data sharing between a third CA from another AC and one of the two CAs audited, in relation to repeated issues originating from the same holding. The communication emphasised the fact that a pattern of behaviour had been established.

Conclusions on organisation and implementation of official controls

106. The organisation of the official controls on bovine identification and registration on holdings is in line with EU legislation.

107. The bovine database system plays an effective role in the official controls on bovine identification and traceability.

108. OVs are aware of the requirements regarding AMI related tasks, including animal identification and animal welfare checks, and the CAs have suitable procedures in place to ensure that all bovines receive AMI before the slaughter process takes place.

109. The implementation of the official controls does not ensure that PMI of all carcases and offal takes place in accordance with Article 19 of Regulation (EU) 2019/627.

110. The written procedures available in one CA regarding the involvement of FBO staff in PMI tasks are unclear as it could be read to imply that FBO staff can carry out PMI in red meat slaughterhouses. Equally, the instructions regarding the handling of seriously injured bovines in the lairage are not sufficiently clear in that they require the movement of those animals to the killing area rather than the slaughtering where they lie.

111. In relation to poultry, the AMI and PMI procedures as explained by the CCA are in line with the relevant EU regulations.

112. Contrary to Article 4 to Regulation (EU) 2019/624, the AMI of on-farm ES bovines is not currently carried out by OVs but by private veterinarians not designated as such. The model certificate to accompany the carcases of these animals does not include all the required information contained in the model certificate detailed in Annex V to Regulation (EU) 2019/628.

113. The CAs do not have a suitable system to supervise the private veterinarians who do the AMI of on-farm ES bovines to ensure that their task are carried out satisfactorily.

114. As a consequence, in one AC in particular, a large proportion of the reasons given for ES are doubtful or clearly not as a result of an accident in accordance with Chapter VI of Section I of Annex III to Regulation (EC) No 853/2004 which makes it difficult for the

OVs at the receiving slaughterhouse to use the information to reach a legally sound decision on the fitness for human consumption, or otherwise, of the carcases of those animals.

115. The CAs do not have procedures in place to verify that slaughtermen involved in on-farm ES have the level of competence required by Article 7(1) of Regulation (EC) No 1099/2009.

5.5 FOLLOW-UP OF PREVIOUS RECOMMENDATIONS

The table below summarizes the follow-up to the relevant recommendation made in report DG SANTE 2014/7079-MR Final

No	*Previous recommendation*	*Assessment*
2014-7079-9	Ensure that sanctions applicable to the enforcement of legislative requirements on the fitness of animals for transport in Annex I of Regulation (EC) No 1/2005 are effective, proportionate and dissuasive as required by Article 55 of Regulation (EC) No 882/2004	Action still required The current legal basis for sanctions (Law 32/2007) does not allow infringements due to the transport of unfit animals to be classed as severe, unless the injury has been caused directly by the transport. This does not address the issue of transport of animals injured on farm. The CCA explained that they are in the process of amending Law 32/2007. The proposal for the legal reform is to be part of the national strategic plan within the Common Agricultural Policy framework but it is not expected to be in place until January 2023.

6 OVERALL CONCLUSION

The CCAs responsible for managing the coordination of the controls for the activities being audited are the MAPA and AESAN. The implementation of the official controls is under the responsibility of the different ACs.

The CAs in the two ACs audited showed a robust organisation of official controls that is fit for purpose.

The cooperation and coordination arrangements between the different departments involved the delivery of official controls and enforcement of animal welfare non-compliances are satisfactory. The OVs have sufficient support and adequate knowledge of the procedures. However, the audit also found that in two out of six slaughterhouses reviewed, the OVs were not performing the post-mortem inspections in accordance with the European Union requirements, in particular regarding the inspection of offal.

There is evidence that OVs take timely and suitable action in the case they identify animal welfare issues in the slaughterhouses under their responsibility.

The audit identified several issues in relation to the emergency slaughter of bovine animals on-farm. The veterinarians involved in the ante-mortem inspection are not classed as officials and furthermore, the CAs are not suitably monitoring their performance. In one of the two ACs, there was a large number of emergency slaughtered animals with a certified cause which was not in line with legal requirements. In addition, there is currently no system to ensure that the slaughtermen that carry out the slaughter of those cattle on-farm have the required level of competence.

The procedures manual used by one of the CAs seems to allow the use of FBO staff to conduct post mortem inspection of red meat species, which is not in line with EU legislation.

Although both Authorities have a satisfactory arrangement to ensure the training and support for their full-time OVs, neither of them extend this system to include those veterinarians that carry out official controls sporadically.

There is no satisfactory mechanism to provide feedback to those OVs that had reported animal welfare non-compliances related to unfit-to-travel bovines, to give them information about the impact of the follow-up of their actions

The review of the approval of establishments is not always effective, while the process for newly approved establishments other than slaughterhouses does not ensure that first controls after approval are carried out without unnecessary delays.

The arrangements that the CCA and both CAs have in place for the delivery of official controls seem adequate to prevent bovine animals unfit for slaughter for human consumption from entering the food chain.

7 CLOSING MEETING

A closing meeting was held on 29 January 2021 with the CCA, representatives from the two audited ACs and from several other ACs. At this meeting, the audit team presented the main findings and preliminary conclusions of the audit and advised the CCA of the relevant time limits for the production of the report and their response.

The representatives of CCA acknowledged the findings and conclusions presented by the audit team.

8 RECOMMENDATIONS

The CCA should provide the Commission services with an action plan, including a timetable for its completion, within twenty-five working days of receipt of the translated draft report, intended to address the shortcomings identified and, in particular, the following recommendations:

No.	Recommendation
1.	To ensure that there is an effective and timely mechanism to provide feedback to OVs that had reported animal welfare non-compliances to give them information about the results of their actions as required by Article 4(2)(a) of Regulation (EU) 2017/625. *Recommendation based on conclusion: 35* *Associated findings: 12*
2.	To ensure that the CAs have a suitable system to train and support those veterinarians that deliver official controls only occasionally, as required by Article 5(4) of Regulation (EU) 2017/625. *Recommendation based on conclusion: 37* *Associated findings: 23, 24 and 26*
3.	To ensure that the system of review of approval verifies that the establishments maintain the approval for only those activities that are relevant and that the official controls on newly approved establishments are performed with the appropriate frequency, as required by Articles 148 (5) and 9(1) of Regulation (EU) 2017/625. *Recommendation based on conclusion: 47 and 48* *Associated findings: 44 and 45*
4.	To ensure that *post mortem* inspection of bovine carcases and offal is carried

No.	Recommendation
	out in accordance with Article 19 to Regulation (EU) 2019/627 at all times. *Recommendation based on conclusion: 109* *Associated findings: 75-80*
5.	To clarify the instructions in the relevant procedures regarding a) the role of FBO staff in respect of PMI tasks in red meat slaughterhouses, and b) about the actions to be taken regarding animals in the lairage with serious injuries, in order to ensure compliance with Article 18(3) of Regulation (EU) 2017/625 and point 1.11 in Annex III to Council Regulation (EC) No 1099/2009, respectively. *Recommendation based on conclusion: 110* *Associated findings: 64, 73 and 74*
6.	To ensure that only official veterinarians carry out the *ante mortem* inspection of bovines subject to emergency slaughter on farm, that they issue a certificate with the complete information and details as required by Article 4 of Regulation (EU) 2019/624 and that there is a system to supervise or audit the performance of those veterinarians involved in the process. *Recommendation based on conclusion: 112 and 113* *Associated findings: 14,16, 90 and 95*
7.	To ensure that the reason for on-farm emergency slaughter of bovine animals is clearly stated in the required certificate, to allow a decision on the fitness for human consumption or otherwise to be taken in compliance with Chapter VI of Section I of Annex III to Regulation (EC) No 853/2004. *Recommendation based on conclusion: 114* *Associated findings: 88 and 92*
8.	To ensure that there is a system in place to verify that only slaughtermen with the required level of competence perform on-farm emergency slaughtering as required by Article 7(1) of Regulation (EC) 1099/2009. *Recommendation based on conclusion: 115* *Associated findings: 94*

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/audits-analysis/rep_details_en.cfm?rep_inspection_ref=2021-7191

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Reg. 852/2004	OJ L 139, 30.4.2004, p. 1, Corrected and re-published in OJ L 226, 25.6.2004, p. 3	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs
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. 2017/625	OJ L 95, 7.4.2017, p. 1–142	Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)Text with EEA relevance.

Reg. 2019/624	OJ L 131, 17.5.2019, p. 1–17	Commission Delegated Regulation (EU) 2019/624 of 8 February 2019 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council
Reg. 2019/627	OJ L 131, 17.5.2019, p. 51–100	Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls
Reg. 931/2011	OJ L 242, 20.9.2011, p. 2-3	Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin
Reg. 1825/2000	OJ L 216, 26.8.2000, p. 8-12	Commission Regulation (EC) No 1825/2000 of 25 August 2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products
Reg. 1082/2003	OJ L 156, 25.6.2003, p. 9-12	Commission Regulation (EC) No 1082/2003 of 23 June 2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals
Dec. 2006/28/EC	OJ L 19, 24.1.2006, p. 32–33	Commission Decision of 18 January 2006 on extension of the maximum period for applying eartags to certain bovine animals (notified under document number C(2006) 43)

Reg. 911/2004	OJ L 163, 30.4.2004, p. 65-70	Commission Regulation (EC) No 911/2004 of 29 April 2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers
Reg. 2017/949	OJ L 143, 3.6.2017, p. 1–4	Commission Implementing Regulation (EU) 2017/949 of 2 June 2017 laying down rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council with regard to the configuration of the identification code for bovine animals and amending Commission Regulation (EC) No 911/2004
Reg. 1169/2011	OJ L 304, 22.11.2011, p. 18-63	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004
Reg. 2073/2005	OJ L 338, 22.12.2005, p. 1-26	Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs
Reg. 2074/2005	OJ L 338, 22.12.2005, p. 27-59	Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004

Dir. 98/83/EC	OJ L 330, 5.12.1998, p. 32-54	Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
Reg. 1099/2009	OJ L 303, 18.11.2009, p. 1-30	Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing
Reg. 1760/2000	OJ L 204, 11.8.2000, p. 1-10	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97