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FINAL REPORT OF A MISSION
CARRIED OUT IN SPAIN FROM 5 TO 9 MARCH 2007
IN ORDER TO ASSESS THE SYSTEM OF CONTROLS
ON ANIMAL WELFARE AT SLAUGHTER

Please note that factual errors in the draft report have been corrected. Clarifications provided by the Spanish Competent Authorities are given as footnotes, in bold, italic, type, to the relevant part of the report.



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EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Spain, from 5 to 9 March 2007.

The objectives of the mission were to evaluate the measures taken to ensure the implementation of the requirements for animal welfare at the time of slaughter and killing in Council Directive 93/119/EC, certain aspects of animal welfare during transport in Council Regulation (EC) No 1/2005 and how checks of these requirements had been integrated with the requirements for control laid down in Regulation (EC) No 882/2004 of the European Parliament and Council. In addition, a follow-up of the recommendations made in report DG/(SANCO)/9215/2003 regarding animal welfare at slaughter was carried out.

Although some progress has been made since the last mission in 2003, the Spanish national or regional legislation still does not include legal provisions for sanctions on animal welfare infringements in some Autonomous Communities, contrary to the requirements of Art 18 of Directive 93/119/EC, Art 55 of Regulation (EC) No 882/2004 and Art 25 of Regulation (EC) No 1/2005. As official controls on animal welfare have not been organised following documented procedures and are carried out by inadequately trained and supervised official veterinarians, major deficiencies regarding the transport of poultry, the handling of animals, the restraint of sheep and the stunning of poultry and sheep were not detected or measures were not taken to ensure that they were corrected. Animal welfare conditions observed in most of the slaughterhouses visited, with suffering and injury being caused, did not comply with EU legislation.

The report makes a number of recommendations addressed to the competent authorities of Spain, aimed at rectifying the identified shortcomings and further enhancing the control measures in place.

1. INTRODUCTION

The mission took place in Spain from 5 to 9 March 2007. The mission team comprised two inspectors from the Food and Veterinary Office (FVO), and one national expert from The Netherlands. The inspection team was accompanied during the whole mission by representatives from the Central Competent Authorities, the Ministry of Agriculture, Fisheries and Food– *Ministerio de Agricultura, Pesca y Alimentación* and the Spanish Food Safety and Nutrition Agency – *Agencia Española de Seguridad Alimentaria y Nutricion* (hereafter: CCA) and by representatives of the Authorities in the two Autonomous Communities visited.

The mission was undertaken as part of the FVO's planned mission programme and is the sixth in a series of missions on animal welfare at the time of slaughter. An opening meeting was held on 5 March 2007 with the CCA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission requested.

2. OBJECTIVES OF THE MISSION

The objectives of the mission were to evaluate the measures taken to ensure the implementation of the requirements for animal welfare at the time of slaughter and killing in Council Directive 93/119/EC^{1,2}, certain aspects of animal welfare during transport in Council Regulation (EC) No 1/2005³ and how checks of these requirements had been integrated with the requirements for official controls laid down in Regulation (EC) No 882/2004 of the European Parliament and Council⁴. In addition, a follow-up of the recommendations regarding slaughter made in report 9215/2003 was carried out. This report is available under the reference DG/(SANCO)/9215/2003- MR- final on the DG Health and Consumer Protection website http://ec.europa.eu/food/fvo/index_en.htm.

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

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	2	Opening and final meetings at the CCA headquarters.
	Regional	3	The Regional offices of Leída and Barcelona in Catalonia, and Mérida in Extremadura.

¹ All legal references in this report refer, where applicable, to the latest amended version.

² Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, OJ L 340, 31.12.1993, p 21, (hereafter: Directive 93/119/EC).

³ 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, OJ L 3, 05.01.2005, p.1 (hereafter: Regulation (EC) No 1/2005).

⁴ 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, OJ L 165, 30.04.2004 corrected and republished in OJ L 191, 28.05.2004, p.1, (hereafter: Regulation (EC) No 882/2004)

Slaughterhouses	Catalonia	3	Two poultry slaughterhouses, one for small roosters and quails, and one for broilers; One rabbit slaughterhouse.
	Extremadura	2	One slaughterhouse for spent laying hens (poultry); One red meat slaughterhouse for cattle, sheep and pigs.

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular: Article 14 of Directive 93/119/EC and Article 45 of Regulation (EC) No 882/2004.

4. BACKGROUND

The last missions covering animal welfare at slaughter were carried out in 2003, mission DG (SANCO)/9215/2003 and in 2006, mission DG (SANCO)/8205/2006.

Report 9215/2003 concluded that there was a lack of legal provisions for imposing administrative sanctions following animal welfare infringements in the regions where local legislation providing sanctions for animal welfare infringements had not been passed, that official veterinarians lacked detailed guidance and support when performing checks at slaughter and that coordination of animal welfare tasks was not sufficient. Recommendations on these issues were made and the CA of Spain commented that the proposed national law on penalties will overcome the problem of lack of legal provisions for imposing penalties in the regions which had not yet passed a local legislation and committed to take measures to ensure through their coordination meetings that information and guidance are more readily available to inspectors working at local level.

Report 8205/2006 concluded that there were significant shortcomings in relation to animal welfare in the visited slaughterhouses and recommended to the Spanish CA to ensure that the animal welfare conditions at the time of slaughter or killing set out in Directive 93/119/EC are met.

5. MAIN FINDINGS

5.1. Competent authority

The organisation of the Competent Authorities (hereafter: CA) and how this generally applies to animal welfare controls is described in a report concerning the country profile of Spain on food and feed safety, animal health, animal welfare and plant health (ref. DG(SANCO)/7335/2005- MR – final which will be updated following mission DG(SANCO)/8286/2006) which is available under this reference on the DG Health and Consumer Protection website http://ec.europa.eu/food/fvo/country_profiles_en.cfm.

The following are some further details and related findings in relation to the organisation of the CA and tasks related to animal welfare at the time of slaughter and killing:

Cooperation between the Competent Authorities

Report 9215/2003 recommended to the CA to ensure a better coordination of the regional activities; this is now also a requirement of Article 4(3) of Regulation (EC) No 882/2004.

At central level, since 2001, the CCA and the 17 Autonomous Communities have met regularly through coordination meetings on animal welfare.

At autonomous level, each Autonomous Community organises the coordination between the different CA responsible for animal welfare controls at slaughter.

- In Catalonia, the CA responsible for animal welfare at slaughter is the Department of Agriculture, Food and Rural Action (*Departament d'Agricultura, Alimentació i Acció Rural*); it has delegated the controls of animal welfare in slaughterhouses to the Department of Health (*Departament de Salut*); the two departments coordinate their activities through a working group on animal welfare chaired by the Catalan Food Safety Agency (*Agència Catalana de Seguretat Alimentària*). Additionally, at local level, official veterinarians (hereafter: OVs) in slaughterhouses communicate serious infringements to the Department of Health which then passes these to the Department of Agriculture. However, in practice, the inspection team noted that coordination was not effective: the OVs performing the daily controls in slaughterhouses, who are under the department of Health, had received few instructions, which were incomplete regarding animal welfare controls at slaughter; issuing instructions on this topic is the responsibility of the Department of Agriculture which is not directly involved in the organisation of controls in slaughterhouses.
- In Extremadura, four meetings will be organised in 2007 between the CA of Public Health (*Servicio Seguridad Alimentaria y Salud Medioambiente, DG de Consumo y Salud Comunitarian, Consejera de Sanidad y Consumo*) and of Agriculture (*Servicio de Sanidad Animal, Dirección General de Explotaciones Agrarias, Consejera de Agricultura y Medio Ambiente*). At local level, as in Catalonia, cases of serious infringements are communicated to the Department of Agriculture.

Training of official veterinarians

Report 9215/2003 recommended that information should be made more available to inspectors at local level and Article 6 of Regulation (EC) No 882/2004 requires that staff performing official controls receive for their area of competence appropriate training.

It was noted that:

- At national level, the Ministry of Agriculture and Fisheries, provides training courses to the trainers from the Autonomous Communities in order to coordinate the training and instructions received by the OVs. Following the recommendation of report 9215/2003, the Ministry of Agriculture and Fisheries had organised two training courses on animal welfare at slaughter in 2004; no courses on this topic were organised in 2005 and 2006 but several are scheduled in 2007.

- At autonomous level, training of inspectors in slaughterhouses is organised independently by each Autonomous Community. In both Autonomous Communities visited, training courses for OV's had been organised in 2005, 2006 and were scheduled for 2007. However, both in Catalonia and in Extremadura, these training courses, when followed by the OV's, were mainly focused on food safety requirements, included a limited part on animal welfare at slaughter and were not always adapted to their daily tasks.
- In Catalonia, an OV in the rabbit slaughterhouse had not received any training on animal welfare; an OV in a poultry slaughterhouse had received training but the information contained in the handbook on animal welfare provided during the course followed was incomplete concerning the electrical stunning of poultry in waterbath stunners, as there were no electrical parameters defined to ensure an efficient stunning of small roosters and quails.
- In Extremadura, the OV of the slaughterhouse for spent laying hens had received training on animal welfare; however, he did not know how to assess the welfare of birds during transport and handling.

5.2. Legislation

The CCA declared that Directive 93/119/EC, except Article 18 regarding sanctions, has been transposed by a Royal Decree which applies in the 17 Autonomous Communities of Spain including Ceuta and Melilla. Each Autonomous Community can then adopt its own legislation provided that the requirements of the national legislation are fulfilled. For example, the Autonomous Community of Extremadura have adopted Laws and Decrees which authorise the slaughter of pigs outside slaughterhouses provided that the pigs are stunned and confer the responsibilities of supervision of these "*matanzas*" to the municipalities and the official veterinarians.

The Spanish national or autonomous legislation does not include legal provisions for sanctions on animal welfare infringements in some Autonomous Communities contrary to the requirements of Art 18 of Directive 93/119/EC, Art 55 of Regulation (EC) No 882/2004 and Art 25 of Regulation (EC) No 1/2005.

Lack of sanctions has been an issue since 2000 and the CCA had not fulfilled its commitments to address it:

- Following mission DG(SANCO)/1104/2000, the CCA stated that in some Autonomous Communities legal provisions for sanctions existed and that those which did not have their own specific legislation could use in case of transport infringements the social Law 50/1998.
- After mission DG(SANCO)/3344/2001, the CCA declared that they were studying the possibility for a law which will include provisions for penalties applicable throughout Spain.
- Following mission DG(SANCO)/8553/2002, the CCA wrote that a national law would be drafted and would include specific sanctions for animal welfare.
- In their answer to the recommendation of report 9215/2003 which asked the CCA to ensure that the legal provisions providing sanctions for animal welfare infringements exist throughout Spain, the CCA stated that a law will

be drafted and submitted to the Parliament and provided the Commission Services with a table of the Autonomous Communities which have adopted regional laws providing sanctions.

- At the initial meeting, the CCA stated that the draft of a law has been submitted to the Parliament at the beginning of 2007 but was not approved yet.

As a result, sanctions can only be imposed where infringements occur in the Autonomous Communities which had included such provisions in their regional law.

Regarding the two Autonomous Communities visited, Extremadura has legal provisions whereas the Autonomous Community of Catalonia has prepared a proposal for further legislation on this issue which should be adopted by the Regional Parliament before the end of 2007.

A Royal Decree provides a basis for the coordination, as required by Article 4(3) of Regulation (EC) No 882/2004, between the CCA and the Autonomous Communities, by creating the Spanish Committee on animal welfare and protection of production animals (*Comité español de bienestar y protección de los animales de producción*). In practice, this committee gives a legal status to the coordination meetings that are held between the central and the autonomous CA. Nevertheless, the decisions taken or documents adopted during these meetings are not binding for the Autonomous Communities and are only a guideline on the way legal requirements should be applied throughout the country.

5.3. Slaughterhouses

5.3.1 System of official controls in slaughterhouses

The system of official controls in slaughterhouses relies mainly on the daily inspections carried out by the OVs and is incomplete regarding risk analysis, frequency of inspections, documented procedures, sanctions and supervision.

The CCA has not yet formalised risk criteria or fixed a frequency for targeted animal welfare inspections in slaughterhouses, contrary to the requirements of Article 3(1) of Regulation (EC) No 882/2004.

- During the last animal welfare coordination meeting in February 2007, the CCA proposed, in the framework of the multi-annual control plan, a list of risk criteria to be taken into account and suggested that each slaughterhouse should be visited at a frequency of once a year. This proposal has not been approved yet by the 17 Autonomous Communities, which would then have to implement these national measures at their local level.
- In Catalonia, the CA indicated that a frequency of targeted checks would be fixed once a decision had been taken at national level.
- In Extremadura, an instruction issued in February 2007, 10 days before the mission, fixed a frequency of two targeted inspections a year per slaughterhouse using the national check list; these checks performed by the OVs will be complementary to their daily checks.

In response to a recommendation in report 9215/2003, the CCA produced a check list; however, this national check list was only approved in 2006 by the

Coordination Committee, and as the decisions taken in this committee are not binding, it is not used in all the 17 Autonomous Communities.

- In Catalonia, OVs who carry out animal welfare controls in the three slaughterhouses visited did not use this national check list and there were no regional documented procedures, contrary to the requirements of Article 8(1) of Regulation (EC) No 882/2004.
- In Extremadura, in the two slaughterhouses visited, OVs had used the national check list recently only once and it had helped them in detecting some of the deficiencies not identified during their daily checks. Apart from this list of legal requirements, there were no other documents or instruction regarding the way daily checks should be performed.

Neither the CCA at central level or the CA of Catalonia and Extremadura had given the OVs adequate instructions indicating which actions should be taken when deficiencies are detected and to ensure that corrective actions are taken when needed, contrary to the requirements of Article 8(3)(b) of Regulation (EC) No 882/2004. The OVs of both Autonomous Communities visited explained that depending on the level of gravity of the infringements, they either give oral warnings, write a report "*informe*" to inform the business operator or an order "*acta*" which informs the business operator and starts an administrative procedure for sanctions. OVs were not aware that giving only oral warning is no longer appropriate as Article 9(3) of Regulation (EC) No 882/2004 requires that at least in case of non compliance a copy of the report of the official control should be provided to the business operator. Moreover, the inspection team saw that even when orders had been written regarding serious infringements, corrective actions from the food business operators were not always explicitly required and no sanctions had been imposed in 2005 or 2006 either because there was no regional provisions for sanctions as in Catalonia or because there was no sanction requested as in Extremadura.

The CA at central and at autonomous levels in Catalonia and Extremadura have no procedures in place to verify the effectiveness of controls as there is not yet a system of supervision of the official veterinarians contrary to the requirements of Article 8(3)(a) of Regulation (EC) No 882/2004.

5.3.2 Poultry slaughterhouses

Regarding ante-mortem inspections it was noted that:

In the three poultry slaughterhouses visited, ante-mortem inspections were carried out at the holdings of origin; in two slaughterhouses, the OV did not check that the health certificates were not in compliance with the specimen of Chapter X Part A of Annex I of Regulation (EC) No 854/2004⁵, as required by Annex I, Section IV, Chapter V, Part A, point 1 (a) of Regulation (EC) No 854/2004: in the slaughterhouse for small roosters in Catalonia, the official veterinarian was

⁵ 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, OJ L 139, 30.04.2004, p.206 corrected and republished in OJ L 226, 25.06.2004 p.83 (hereafter: Regulation (EC) No 854/2004).

confusing transport documents with health certificates and in the slaughterhouse for spent laying hens in Extremadura, the OV accepted pre-signed and incomplete certificates.

Regarding checks of in the lairages it was noted that:

- In the slaughterhouse for spent laying hens in Extremadura, the transport crates were badly designed so legs, wings and heads of birds were being trapped causing them injuries, contrary to the requirements of Article 3, second paragraph, point(c) of Regulation (EC) No 1/2005; they did not adequately prevent the escape of birds and were of insufficient height as birds were unable to stand in their natural position, contrary to the respective requirements of Article 3, second paragraph, point (g) and Annex I, Chapter II, point 1.2 of Regulation (EC) No 1/2005. In the slaughterhouse for small roosters in Catalonia, although the OV had previously written an official order "acta" to inform the business operator on the lack of disinfection of the transport crates, they were very dirty contrary to the requirement of Annex I, Chapter II, point 1.1(c) of Regulation (EC) No 1/2005.
- In Catalonia, in the two poultry slaughterhouses visited, birds were left waiting too close to ventilators or to washing activities of crates and lorries, and this gave rise to unnecessary excitement, contrary to Article 3 of Directive 93/119/EC.
- In the slaughterhouse for spent laying hens in Extremadura, as the lairages were opened only on one side of the building and were not equipped with mechanical ventilators, birds could not be protected against heat contrary to Annex A, Section I (4) of Directive 93/119/EC. This deficiency was detected by the OV, 10 days before the mission, when he performed his controls using the national check list provided in the instruction of the CA of Extremadura. Additionally, some of the birds were not slaughtered on the day of arrival but the following day, without being watered or fed, contrary to Annex A, Section III (3) of Directive 93/119/EC, which requires that animals which have been transported in containers, be slaughtered as soon as possible if they are not watered or fed.
- In all the poultry slaughterhouses visited, the handling of the birds was rough and caused excitement or injury to the birds contrary to the requirements of Articles 3 and 7 of Directive 93/119/EC. In the slaughterhouse for broilers in Catalonia, many birds escaped from the cages and were moving freely in the unloading area. In the slaughterhouse for spent laying hens in Extremadura, the handling was so rough that during the visit one bird was decapitated by the handler when he removed it from the crate. In Catalonia, in the two poultry slaughterhouses visited, the training provided by the business operators to the handlers had not included animal welfare aspects but these will be included in 2007 according to the CA. In Extremadura, the handlers had been delivered a "training certificate for manipulating food".

Regarding the stunning of poultry, it was noted that:

- Neither the CCA or CA of the two Autonomous Communities visited had determined the strength and duration of the current required in waterbath stunners, contrary to the requirement of Annex C, Section II, point 3.B(1) of Directive 93/119/EC; the CA of Extremadura had recently issued a document

where a range of the currents that could be used was given but the duration of the current was not indicated.

- In the three poultry slaughterhouses visited, there was no system for wetting the shackle to leg contact on the waterbath stunners, contrary to the requirement of Annex C, Section II, point 3.B(3) of Directive 93/119/EC. This deficiency was detected only by one OV, in the spent laying hen slaughterhouse in Extremadura, 10 days before the mission when he performed his controls using the national check list provided in the instruction of the CA of Extremadura.
- In the slaughterhouse for small roosters in Catalonia, the animals were not adequately stunned, contrary to the requirements of Annex C, Section II, point 3.B of Directive 93/119/EC; the OV had not realized that the food business operator was using a lower voltage than the one written on the quality assurance document of the company. In the slaughterhouse for spent laying hens, some of the birds received pre-stun shocks but were subsequently adequately stunned.

Regarding bleeding procedures it was noted that:

- Automatic neck-cutters were used in all three poultry slaughterhouses and manual back up was available in all cases. Overall, the bleeding process was compliant with the exception of the fact that in the slaughterhouse for small roosters in Catalonia, the worker doing the manual back-up was using a blunt knife contrary to Article 6(1) of Directive 93/119/EC.

Most of the above deficiencies were not detected by OVs either because they were not adequately trained or did not have adequate instructions on how to perform the controls. The level of detection increased when OVs, as in Extremadura, used the national check list but was still inadequate due to the lack of guidelines on how to check specific points. Moreover, even in the few cases where deficiencies had been detected and notified by an official order "acta", as in the case of the dirtiness of cages in the small roosters slaughterhouse in Catalonia or the lack of ventilation or of system to wet the shackle in the spent laying hen slaughterhouse in Extremadura, no efficient corrective actions had been taken and no sanctions had been imposed to the food business operators.

5.3.3 Red meat slaughterhouse

Regarding checks in the lairages of the cattle slaughterhouse visited in Extremadura it was noted that:

- The lairages of the cattle were dirty and had not been cleaned since the last slaughter three days before the visit.

Regarding checks of restraint and handling of the animals it was noted that:

- Sheep were restrained in an inappropriate way as they were tied by one leg and then suspended before stunning. This system of restraint is forbidden by Annex B, Section 2 of Directive 93/119/EC. Although the OV had been working for several years in this slaughterhouse performing his daily inspections, this major deficiency had only been detected when he conducted an inspection using the check list provided by the CA of Extremadura 10 days before the inspection team's visit. The OV had written an "acta" on 2 March 2007 requesting the business operator to propose corrective actions within one month.

Regarding stunning procedures it was noted that:

- The stunning of sheep was not compliant due to the lack of proper restraint. The operator could not place the electrical tongs properly contrary to the requirement of Annex C, Section II, point 3.A (1) of Directive 93/119/EC and as a consequence most sheep received pre-stun shocks, and some of the sheep were inadequately stunned and regained consciousness during bleeding.
- There were no devices indicating the length of time during which the current was applied or display of the voltage and the current, contrary to the requirements of Annex C, Section II, point 3.A (2) (b) and (c) of Directive 93/119/EC. This deficiency was noted by the official veterinarian during the inspection carried out 10 days earlier and the business operator was notified in the official order "*acta*" of 2 March 2007.
- Spare equipment was not present at the place of slaughter contrary to the requirements of Article 6 (2) of Directive 93/119/EC. It took about 15 minutes for the operator to get a second pair of electrical tongs. Also, the spare captive bolt pistol used for cattle was kept in the office. This deficiency was not detected by the OV as the necessity to have the spare equipment at the place of slaughter is not specified in the national check list.
- The captive bolt pistol used for cattle was rusty and not appropriately maintained contrary to the requirement of Article 6 (1) of Directive 93/119/EC. The specific point regarding the maintenance of stunning equipment listed in the check list was marked as compliant by the OV as he did not know how to assess the maintenance of a captive bolt pistol or that he had to check the food business operator's own checks on the maintenance of equipment, contrary to the requirements of Article 10(2) of Regulation (EC) No 882/2004.

Regarding bleeding procedures it was noted that:

- The same worker was responsible for the restraining, shackling, stunning hoisting and bleeding of two sheep at a time which does not comply with Annex D point 3 of Directive 93/119/EC which requires these operations to be carried out consecutively on one animal before carrying them out on another one.

5.3.4 Rabbit slaughterhouse

One rabbit slaughterhouse using gas stunning with carbon dioxide was visited in Catalonia.

Regarding handling and stunning procedures it was noted that:

- Excitement due to handling before stunning was minimized or reduced to the minimum which complies with Article 3 of Directive 93/119/EC, as the rabbits were stunned in the crates in which they had been transported.
- Exposure to carbon dioxide is cited as a permitted stunning method in Annex C of Directive 93/119/EC; neither the national or regional CA have issued specific legal or administrative provisions regarding this stunning method contrary to the requirements of Article 13 (d) of Directive 93/119/EC.

- Rabbits were stunned in a gas chamber using carbon dioxide at a concentration of 91% and a time of exposure of 96 seconds. These parameters had been set up by the food business operator and varied according to the number and category of rabbits placed in each crate and their origin (farms located at higher altitude). The parameters were adjusted by the food business operator according to the stunning effect obtained on the rabbits. The gas chamber was fitted with a device to measure the gas concentration (which was displayed continuously together with time of exposure) but not with a warning system if the concentration dioxide level falls below 91%; During the visit, the inspection team noticed that the food business operator was using a slightly higher time of exposure than in the document giving the parameters usually used, that some rabbits displayed some aversive reactions when the crate reached the bottom of the chamber such as vocalization or agitation, and that at the exit of the chamber, the rabbits did not exhibit any reflex responses and were in lateral recumbency. The CA had not provided the OV any technical information on gas stunning of rabbits and the OV used the lack of corneal reflex as a sign that the rabbits were stunned adequately.
- Spare equipment for stunning (electrodes) was available at the place of slaughter.

Regarding bleeding procedures it was noted that:

- Bleeding was performed manually within a few seconds after exiting the stunner by cutting both carotid arteries. In conformity with Annex D to Directive 93/119/EC, no rabbits regained consciousness during bleeding.

5.3.5 Ritual slaughter

The CCA declared that in Spain religious slaughter is performed either according to an Islamic or to a Jewish ritual and that no legal or administrative provisions additional to the requirements of Directive 93/119/EC had been taken at central level on this issue. However, both of the autonomous communities visited had set up specific measures to control religious slaughter.

In Catalonia, the General Direction of Religious Affairs participates in the relevant meetings of the working group on animal welfare chaired by the Food Safety Agency of Catalonia and meetings are organised with religious associations; organisation of the "*Aid el kébir*", an Islamic feast during which large numbers of lambs are slaughtered, had been discussed at these meetings and documents regarding the process of Islamic or Jewish slaughter had been produced. However, the CA of Catalonia highlighted the fact that it was difficult to identify a unique religious authority regarding the Islamic rite, which could be considered as "the religious authority on whose behalf slaughter is carried out" as mentioned in Art 2 (8) of Directive 93/119/EC. They also mentioned that, on occasion, ritual slaughter becomes the main type of slaughter in an establishment and what should be an exception becomes a rule and that there is no compulsory labelling of meat slaughtered according to a religious rite.

In Extremadura, the CA addressed the issue of ritual slaughter in their instruction on slaughter sent to the OVs 10 days before the mission. According to this document, slaughterhouses performing ritual slaughter will have to be specifically authorized for this activity, the religious slaughtermen will have to present a "training

certificate for manipulating food" and the meat obtained according to a religious rite will be labelled as "meat obtained according to a Jewish/Islamic rite without prior stunning before slaughter of the animal". The implementation of this instruction could not be checked in the slaughterhouses visited since it was too recent.

At least three of the slaughterhouses visited performed Islamic slaughter, two slaughterhouses (broilers and rabbits) in Catalonia and one slaughterhouse (cattle) in Extremadura.

In these slaughterhouses, a private institute, recognised by the Spanish Office of Patents and Trademarks and which has registered a specific label for meat slaughtered according to an Islamic rite ("*halal*" meat), had issued authorisations for the workers performing Islamic slaughter and consequently, the food business operators could label part or all the meat produced with a "*halal*" label. The OV had not checked the conditions under which these authorisations had been granted in any of these slaughterhouses.

5.4. Slaughter outside slaughterhouses: "*matanza*"

Slaughter of pigs outside slaughterhouses is practiced in some Autonomous Communities and is called "*matanza*".

Matanza is performed under the provisions of Article 9 of the national Spanish legislation on slaughter (Royal Decree 54/1995) which clearly states that pigs can be slaughtered by their owner for their own consumption outside slaughterhouses provided they are stunned beforehand.

Both Autonomous Communities visited organised its own system of controls for pigs slaughtered outside slaughterhouses:

- In Catalonia, the Competent Authorities declared that no additional legal or administrative measures have been taken regarding *matanza* since most farmers have their pigs slaughtered in a slaughterhouse including when it is for their own consumption which is confirmed by the checks made by inspectors on farm registers. This applies also for the slaughter for own consumption outside slaughterhouses of sheep and goats.
- In Extremadura, *matanza* is a usual practice which had given rise to complaints from animal welfare organisations when it occurred without prior stunning of the pigs. Extremadura adopted a specific legislation which was recently amended in 2006 and states that stunning before the slaughter of pigs outside slaughterhouses for own consumption is compulsory; it also describes the system of controls to be put in place requiring municipalities to deliver an authorisation to the person organising the *matanza*, that officials from the municipalities should supervise the killing and that official veterinarians from the department of health should supervise the slaughter in relation to food safety; finally, it provides the possibility to impose sanctions in case of infringements. Slaughter of sheep and goats for own consumption is legally forbidden in Extremadura.

5.5. Killing of fur animals

The CCA indicated that 127 fur farms are registered in Spain. These establishments can be inspected by the Competent Authorities of the Autonomous Communities

based on the national legislation on animal welfare on farms transposing Council Directive 98/58/EC⁶.

Regarding killing, the CCA declared that Annex F of Directive 93/119/EC has been transposed by Royal Decree 54/1995, that no additional legal or administrative measures have been adopted at national or regional level and that no specific system of controls regarding the welfare of fur animals at the time of killing is in place. According to them, the main killing methods used are exposure to carbon monoxide or carbon dioxide.

In Catalonia, only one fur farm was registered; no inspection report was available for this farm.

In Extremadura, no fur farms were registered.

5.6. Killing animals for disease control purposes

The CCA prepare National Contingency Plans and each Autonomous Community can adopt, if they judge necessary, additional regional provisions.

The CCA have developed National Contingency Plans for several contagious diseases such as Foot and Mouth Disease, Classical Swine Fever, Avian Influenza and Newcastle Disease. The practical manuals of operations of these national contingency plans can be consulted on the website of the MAPA at <http://rasve.mapa.es/Publica/Informaciongeneral/Manuales/manuales.asp>; It was noted that:

- They contained basic information regarding the welfare of animals during killing, such as the necessity to avoid suffering of the animals and the killing methods which can be used; technical guidance is provided for each method cited. For example, for killing poultry, strength and duration of the current used for electrocution or gas concentration and time of exposure to carbon dioxide are defined, as required by Annex C, Section III, point 3 of Directive 93/119/EC.
- The manual for Avian Influenza does not contain enough detailed information regarding access to equipment, materials and personnel in case of an outbreak so that killings can be performed while sparing animals any avoidable excitement, pain or suffering as required by Article 3 of Directive 93/119/EC.

Catalonia has adopted a regional contingency plan only for Avian Influenza; this plan contains a more detailed protocol regarding the killing of birds in case of Avian Influenza. However, a decision has still not been taken on who will be responsible for conducting massive gas killings and whether killings will be carried out by staff of the CA or staff employed by an external company. Quantification of the number of animals which could really be killed in a fixed amount of time using the methods prescribed in the plan has been done only in the case of electrocution of the birds but not for gas stunning. No simulation exercises have been organised yet but, according to the CA, one should be organised in 2007.

⁶ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 08.08.1998, p.23.

Extremadura has produced a document in order to adapt the National Contingency Plans to the local situation. The document is general and for example does not provide any practical details on materials and equipment available for the killing of animals or any procedure to be followed by the technical assistants during the killings.

6. CONCLUSIONS

6.1. Competent authority

- (1) The Competent Authorities have tried to address the recommendations made in report 9215/2003 regarding coordination between the different authorities, organisation of training and guidelines for local inspectors. However, progress has been slow and insufficient: training provided to official veterinarians on animal welfare at slaughter and transport does not comply with the requirements of Article 6 of Regulation (EC) No 882/2004 and the national check list on animal welfare at slaughter elaborated during the coordination meetings on animal welfare is not used in some Autonomous Communities.

6.2. Legislation

- (1) Despite commitments from the CCA following previous missions dating back to 2000, the Spanish legislation does not provide legal provisions for sanctions regarding animal welfare infringements in some Autonomous Communities, contrary to the requirements of Art 18 of Directive 93/119/EC, Art 55 of Regulation (EC) No 882/2004 and Art 25 of Regulation (EC) No 1/2005. A drafted national law has been submitted to the Parliament only at the beginning of 2007.⁷
- (2) The Committee on animal welfare and protection of production animals recently established by Royal Decree, gives a legal status to the coordination meetings on animal welfare and provides a mechanism for coordination, as required by Article 4(3) of Regulation (EC) No 882/2004, between the Central Competent Authorities and the Autonomous Communities. However, as the decisions taken and documents adopted by this Committee are not binding and are only a guideline on the way legal requirements should be applied by the Autonomous Communities, this undermines its capacity to ensure efficient and effective coordination.⁸

⁷ *In their comments to the draft report, the Spanish CA pointed out that attempts to negotiate a law in this regard have been going on since 2000, and that the presentation of a bill to parliament is the achievement of a long preliminary work, which included obtaining the approval of the Council of Ministers on the preliminary draft. A bill reaching the parliament in 2007 is therefore the result of many years of work on this issue.*

⁸ *In their comments to the draft report, the Spanish CA stated that the Constitutional Court of Spain has ruled in numerous judgements that coordination is "the determination of means and reporting systems to enable reciprocal information between the authorities of the State and Autonomous Communities" and that, in Spain, due to the political and administrative structure of the Spanish State, coordination is pursued jointly by the two competent authorities (the State and the Autonomous Communities), without this needing one to depend legally on the other.*

6.3. Slaughterhouses

- (1) Animal welfare conditions observed in most of the slaughterhouses visited, with suffering and injury being caused, did not comply with EU legislation.
- (2) Official controls performed were incomplete as the system relies mainly on inspections performed by inadequately trained official veterinarians (contrary to Article 6 of Regulation (EC) No 882/2004), with no precise instructions (contrary to Article 8(1) of Regulation (EC) No 882/2004), and with no measures to verify their effectiveness (contrary to Article 8(3)(a) of Regulation (EC) No 882/2004).
- (3) As a result, major deficiencies in relation to the requirements of Directive 93/119/EC and of Regulation (EC) No 854/2004 regarding the transport and ante mortem inspections of poultry, the handling and lairaging of animals, the restraint of sheep and the stunning of poultry and sheep were not detected.
- (4) Moreover when deficiencies were detected, food business operators were not always notified by a written report (contrary to Article 9(3) of Regulation (EC) No 882/2004), corrective actions were not systematically requested (contrary to Article 8(3)(b) of Regulation (EC) No 882/2004) and sanctions were not imposed on food business operators even where legal provisions for sanctions exist.

6.4. Slaughter outside slaughterhouses

- (1) Autonomous communities set their own system of controls to verify that pigs, sheep and goats are stunned, as required by Article 9 of Directive 93/119/EC, when they are slaughtered outside slaughterhouse by their owners for their own consumption. In particular, in Extremadura where "*matanzas*" or the slaughter of pigs are common and had previously been the subject of complaints, the system had been recently strengthened by additional specific legislative measures to ensure that pigs are stunned before slaughter.

6.5. Killing of fur animals

- (1) No system of control is in place to ensure that killing of animals in registered fur farms is performed in compliance with the requirements of Annex F of Directive 93/119/EC.

6.6. Killing for disease control purposes

- (1) Although there are instructions on the methods of killing which should be used in case of epizootic diseases, these do not ensure that the necessary equipment, material and trained personnel will be readily available and therefore that large scale killings of animals would be performed using humane methods of killing and sparing them any avoidable excitement, pain or suffering, as required by Article 3 of Directive 93/119/EC.

6.7. Overall conclusion

Although some progress has been made since the last mission in 2003, the Spanish national or regional legislation still does not include legal provisions for sanctions on animal welfare infringements in some Autonomous Communities, contrary to the requirements of Art 18 of Directive 93/119/EC, Art 55 of Regulation (EC) No 882/2004 and Art 25 of Regulation (EC) No 1/2005. As official controls on animal welfare have not been organised following documented procedures and are carried out by inadequately trained and supervised official veterinarians, major deficiencies regarding the transport of poultry, the handling of animals, the restraint of sheep and the stunning of poultry and sheep were not detected or measures were not taken to ensure that they were corrected. Animal welfare conditions observed in most of the slaughterhouses visited, with suffering and injury being caused, did not comply with EU legislation.

7. CLOSING MEETING

A closing meeting was held on 9 March 2007 with representatives of the Central Competent Authority and of the two Autonomous Communities visited. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. In their reaction to these findings, a representative of Extremadura emphasised that certain corrective measures will be taken in relation in the slaughterhouses visited.

8. RECOMMENDATIONS

8.1. To the competent authorities of Spain

Within 25 working days of receipt of the report, the Competent Authorities are requested to present a plan of actions, including a timetable for their completion, to address the following recommendations.

The Central Competent Authority and the Autonomous Communities should take measures to ensure that:

- (1) Legal provisions for sanctions regarding animal welfare infringements at slaughter and transport apply in all Autonomous Communities as required by Article 18 of Directive 93/119/EC, Article 55 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005.
- (2) Efficient and effective coordination exist between the authorities responsible for animal welfare at central and local levels, as required by Article 4(3) of Regulation (EC) No 882/2004.
- (3) Adequate training on animal welfare requirements at slaughter and transport is provided to inspectors in slaughterhouses as required by Article 6 of Regulation (EC) No 882/2004.
- (4) Official controls implementing Directive 93/119/EC are carried out following documented procedures, as required by Article 8(1) of Regulation (EC) No 882/2004. In particular, Competent Authorities should define the strength and duration of current required in waterbath stunners and the national rules

applicable to gas stunning of rabbits as required, respectively, by Annex C, Section II, point 3.B (1) and Article 13(d) of Directive 93/119/EC.

- (5) Effectiveness of inspections carried out is verified, as required by Article 8(3)(a) of Regulation (EC) No 882/2004.
- (6) The results of inspections are notified to food business operators as required by Article 9(3) of Regulation (EC) No 882/2004.
- (7) Ante-mortem inspections of poultry are carried out in compliance with Annex I, Section IV, Chapter V, Part A, point 1 (a) of Regulation (EC) No 854/2004.
- (8) Conditions of transport of poultry comply with Article 3, second paragraph (c) and (g) and Annex I, Chapter II, point 1.1 (c) and point 1.2 of Regulation (EC) No 1/2005.
- (9) Corrective actions are taken in case of infringements to requirements of Directive 93/119/EC and Regulation (EC) No 1/2005 as required by Article 8(3)(b) of Regulation (EC) No 882/2004.
- (10) A system of controls is set up to ensure that killing of fur animals is carried out in compliance with the requirements of Annex F of Directive 93/119/EC.
- (11) Adequate arrangements are in place to ensure that killing of animals for disease controls do not cause any avoidable excitement, pain or suffering, as required by Article 3 of Directive 93/119/EC.

9. COMPETENT AUTHORITY RESPONSE TO THE RECOMMENDATIONS

Once the report has been published, the competent authority response to the recommendations can be found at the following link:

http://ec.europa.eu/food/fvo/ap/ap_spain_7328_2007.pdf