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|--|---|--|---------------------------|
| Title: Consultation on the replacement of rules on welfare of animals at the time of slaughter and killing (Implementation of EU Regulation 1099/2009 in England) IA No: 1307 Lead department or agency: Defra Other departments or agencies: Food Standards Agency; Animal Health Veterinary Laboratory Agency | Impact Assessment (IA) | | |
| | Date: 16/07/12 | | |
| | Stage: Consultation | | |
| | Source of intervention: EU | | |
| | Type of measure: Secondary legislation | | |
| Contact for enquiries: Geoff Webdale geoff.r.webdale@defra.gsi.gov.uk Tel:02072385755 | | | |
| Summary: Intervention and Options | | | RPC Opinion: Amber |

| Cost of Preferred (or more likely) Option | | | |
|---|----------------------------|--|---|
| Total Net Present Value | Business Net Present Value | Net cost to business per year (EANCB on 2009 prices) | In scope of One-In, Measure qualifies as One-Out? |
| -£79.67m | -£79.67 | £8.32m | No |
| | | | NA |

What is the problem under consideration? Why is government intervention necessary?
 Society expects that all animals will be slaughtered and killed in a humane manner. Welfare at slaughter is currently protected by EU Directive 93/119 which has been implemented in England (and also Wales and Scotland) by the Welfare of Animals (Slaughter or Killing) Regulations 1995 (as amended) (WASK). Regulation 1099/2009, which comes into effect on 1 January 2013, repeals Directive 93/119. Although Regulation 1099/2009 is directly applicable in every Member State, Government intervention is required to implement the Regulation and to make provision for penalties and sanctions. Regulation 1099/2009 allows existing national rules to be maintained that provide more extensive welfare protection than the minimum standards set by the Regulation and to introduce higher welfare standards in relation to religious slaughter and slaughter outside a slaughterhouse.

What are the policy objectives and the intended effects?
 The Government is committed through the Coalition Structural Reform Plan to improving standards of welfare including at slaughter. In the context of Regulation 1099/2009 the policy objectives are to:

- Ensure there is no overall reduction in existing welfare standards;
- Remove existing legislative provisions where this can be done without reducing welfare standards;
- Ensure the obligations and requirements Regulation 1099/2009 places on Member States are met.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0 (Do nothing) – Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK remains in place; no changes to domestic legislation to enforce Regulation 1099/2009

Option 1 - Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK is repealed in its entirety; no existing national rules retained. New domestic legislation introduced to ensure obligations in Regulation 1099/2009 complied with and enforced. **The costs associated with option 1 are common to all options considered.**

Option 2 - As Option 1 with WASK provisions to maintain welfare protection during religious slaughter retained through national rules with amendments where necessary, to align the national rules with Regulation 1099/2009.

Option 3 – As Option 2 with a limited number of current WASK provisions that provide more extensive welfare protection than Regulation 1099/2009 that cannot be maintained in other ways, retained through national rules.

Option 3 is the preferred option. It is the option that is most consistent with Government policy on improving animal welfare, it imposes no costs on business (compared with option 0) beyond those in the EU Regulation and takes account of Government policy on regulatory burdens.

| | | | | | |
|--|--|---------------------|-----------------------|---------------------|---------------------------|
| Will the policy be reviewed? It will be reviewed. If applicable, set review date: By end December 2017 | | | | | |
| Does implementation go beyond minimum EU requirements? | | | Yes | | |
| Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base. | | Micro Yes | < 20 Yes | Small Yes | Medium Yes |
| | | | | Large No | |
| What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent) | | | Traded: N/A | | Non-traded: N/A |

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ **Jim Paice** _____ Date: **24 July 2012**

Summary: Analysis & Evidence

Option 1

Description: Regulation 1099/2009 becomes directly applicable, action taken to comply with obligations placed on Member States and WASK is repealed in its entirety

FULL ECONOMIC ASSESSMENT

| Price Base Year 2012 | PV Base Year 2012 | Time Period Years 10 | Net Benefit (Present Value (PV)) (£m) | | |
|-------------------------|----------------------|-------------------------|---------------------------------------|-------|------------------------|
| | | | Low: | High: | Best Estimate: -79.475 |

| COSTS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|--------------------------------------|---------------------|---|-------------------------------|
| Low | | 2012 and 2019 | | |
| High | | | | |
| Best Estimate | 13.569 | | 8.252 | 81.171 |

Description and scale of key monetised costs by 'main affected groups'

Costs are borne by the livestock (£4.9m one off and £1.7m ongoing per annum), poultry (£1.7 m one off and £0.5m ongoing per annum) and slaughter (£7.0m one off and £6.0m ongoing per annum) sectors (see tables p26 and 27 for detailed breakdown). These costs relate to the development and regular updating of standard operating and monitoring procedures, employing and training Animal Welfare Officers, new / modified equipment in slaughterhouses and production losses resulting from new electrical waterbath stunning requirements for poultry.

Other key non-monetised costs by 'main affected groups'

There is a cost to concerned members of the public, welfare organisations and their members as the reduction in prescription in Regulation 1099/2009 will erode confidence in the effectiveness of the regulatory framework and its capacity to ensure the welfare of animals is protected at the time of killing. There is a specific cost to the large number of people who have concerns about slaughter in accordance with religious rites who will expect the Government to ensure comprehensive measures to protect welfare are in place in the absence of detailed EU rules.

| BENEFITS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|--------------------------------------|-------|---|----------------------------------|
| Low | | 2012 | | |
| High | | | | |
| Best Estimate | 0.186 | | 0.181 | 1.696 |

Description and scale of key monetised benefits by 'main affected groups'

Cost saving (£180k ongoing per annum) to slaughterhouse sector as a result of increasing religious slaughter line speeds for sheep (see para 66). Cost saving (£187k one off and £1.5k ongoing per annum) to persons slaughtering animals for the owner's private consumption, knackermen and on farm gas chamber operators in relation to certificates of competence.

Other key non-monetised benefits by 'main affected groups'

Animal welfare at slaughter is a public good. Regulation 1099/2009 amplifies and extends the overarching welfare requirement at slaughter by identifying measures business operators must take to protect welfare in six specific areas. As a result Regulation 1099/2009 requires a slightly higher overarching standard of welfare to be achieved compared with WASK. This will be of benefit to members of the public, welfare organisations and their members but this will be tempered by concerns about reduced prescription elsewhere in Regulation 1099/2009. Businesses benefit from greater flexibility to determine how required welfare outcomes are delivered. We will be seeking further information at consultation to help monetise this benefit.

| | | |
|--|--------------------------|-----|
| Key assumptions/sensitivities/risks | Discount rate (%) | 3.5 |
| It is assumed: <ul style="list-style-type: none"> slaughterhouse operators are fully compliant with WASK; Guides to Good Practice are prepared by organisations of business operators; we can rely on the overarching welfare requirements at Article 3 of Regulation 1099/2009 to ensure there is no reduction in welfare standards when WASK is repealed; no measures beyond those in Regulation 1099/2009 are necessary to address public concerns about the welfare of animals slaughtered in accordance with religious rites. | | |

BUSINESS ASSESSMENT (Option 1)

| | | |
|--|--------------------------|-----------------------------|
| Direct impact on business (Equivalent Annual) £m: | In scope of OIOO? | Measure qualifies as |
| Costs: 9.42 | No | NA |
| Benefits: 0.20 | | |
| Net: 9.22 | | |

Summary: Analysis & Evidence

Option 2

Description: As Option 1 with WASK provisions to maintain welfare protection during religious slaughter retained through national rules with amendments where necessary, to align the national rules with Regulation 1099/2009.

FULL ECONOMIC ASSESSMENT

| Price Base Year 2012 | PV Base Year 2012 | Time Period Years 10 | Net Benefit (Present Value (PV)) (£m) | | |
|----------------------|-------------------|----------------------|---------------------------------------|----------------|------------------------|
| | | | Low: Optional | High: Optional | Best Estimate: -79.475 |

| COSTS (£m) | Total Transition (Constant Price) Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|---|--|----------------------------|
| Low | Optional | Optional | Optional |
| High | Optional | Optional | Optional |
| Best Estimate | 13.569 | 8.253 | 81.171 |

Description and scale of key monetised costs by 'main affected groups' The costs borne by the livestock, poultry and slaughter sectors (see tables p26 to 27 for detailed breakdown) are the same as Option 1. Where this option maintains previous WASK provisions in relation to religious slaughter it introduces no additional costs.

Other key non-monetised costs by 'main affected groups' This option does nothing to address the cost to concerned members of the public, welfare organisations and their members about the reduction in prescription in Regulation 1099/2009. This will erode confidence in the effectiveness of the regulatory framework and its capacity to ensure the welfare of animals is protected at the time of killing. Removing WASK requirements for specific equipment and facilities not replicated in Regulation 1099/2009 could compromise welfare in some situations e.g. slaughter of horses.

| BENEFITS (£m) | Total Transition (Constant Price) Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|---|--|-------------------------------|
| Low | Optional | Optional | Optional |
| High | Optional | Optional | Optional |
| Best Estimate | 0.186 | 0.181 | 1.696 |

Description and scale of key monetised benefits by 'main affected groups' The monetised benefits identified are the same as the savings identified for Option 1. Further cost savings could accrue to businesses undertaking slaughter in accordance with religious rites by integrating equipment and slaughterhouse approval. This will be significantly less disruptive to the businesses concerned than the current WASK arrangements.

Other key non-monetised benefits by 'main affected groups' The benefits identified under Option 1 apply to this Option. In addition, to reflect widespread public concern about religious slaughter practices, this option acknowledges:

- religious slaughter is permitted as an exemption to general welfare protection for a specific purpose;
- the limited range of measures in Regulation 1099/2009 to protect welfare where slaughter is undertaken in accordance with religious rites and the EU expectation that Member States will take action to protect the welfare of the animals involved, require specific national measures to protect the welfare of animals slaughtered in accordance with religious rites.

This option will provide assurances to those people concerned about the killing of 30 million poultry, 1 million sheep and 60,000 cattle slaughtered in accordance with religious rites annually.

| | | |
|--|--------------------------|-----|
| Key assumptions/sensitivities/risks | Discount rate (%) | 3.5 |
| In addition to the assumptions that apply to Option 1 it is assumed: | | |
| <ul style="list-style-type: none"> the measures proposed to protect animals slaughtered in accordance with religious rites will maintain the level of welfare provided by existing domestic legislation without eroding the flexibility Regulation 1099/2009 gives businesses to determine how required welfare outcomes are delivered (this assumption will be tested at consultation); there is no additional cost associated with the national rules on religious slaughter, compared with the Option 0 baseline; | | |

BUSINESS ASSESSMENT (Option 2)

| | | |
|--|--------------------------|-----------------------------|
| Direct impact on business (Equivalent Annual) £m: | In scope of OIOO? | Measure qualifies as |
| Costs: 9.42 | No | NA |
| Benefits: 0.20 | | |
| Net: 9.22 | | |

Summary: Analysis & Evidence

Policy Option 3

Description: As Option 2 with a limited number of current WASK provisions that provide more extensive welfare protection than Regulation 1099/2009 and which cannot be dealt with through guidance or standard operating procedures, retained through national rules.

FULL ECONOMIC ASSESSMENT

| Price Base Year | PV Base Year | Time Period Years | Net Benefit (Present Value (PV)) (£m) | | |
|-----------------|--------------|-------------------|---------------------------------------|----------------|------------------------|
| | | | Low: Optional | High: Optional | Best Estimate: -79.674 |

| COSTS (£m) | Total Transition (Constant Price) Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|---|--|----------------------------|
| Low | Optional | Optional | Optional |
| High | Optional | Optional | Optional |
| Best Estimate | 13.569 | 8.253 | 81.171 |

Description and scale of key monetised costs by 'main affected groups'

The costs borne by the livestock, poultry and slaughter sectors (see tables p37 for detailed breakdown) are the same as Option 1.

Where this option maintains previous WASK provisions it introduces no additional costs.

Other key non-monetised costs by 'main affected groups'

| BENEFITS (£m) | Total Transition (Constant Price) Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|---|--|-------------------------------|
| Low | Optional | Optional | Optional |
| High | Optional | Optional | Optional |
| Best Estimate | | 0.18 | 1.497 |

Description and scale of key monetised benefits by 'main affected groups'

The monetised benefits are incrementally lower than Option 1 as the savings associated with the narrower application of the certificate of competence arrangements in relation to persons slaughtering animals for the owner's private consumption, knackermen and on farm gas chamber do not apply (see p 36).

Other key non-monetised benefits by 'main affected groups'

The benefits identified under Options 1 & 2 apply to this Option.

This option provides an additional assurance to the public that the Government is acting to ensure welfare standards are maintained. It also provides an additional element of certainty for those businesses affected.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

In addition to the assumptions used under Options 1 & 2 it is assumed the WASK measures proposed for retention:

- Cannot be addressed through industry guidance or standard operating procedures
- Will provide additional certainty to businesses without eroding the flexibility Regulation 1099/2009 gives businesses to determine how required welfare outcomes are delivered.
- Will give assurances to concerned members of the public, welfare organisations and their members that the Government has appropriate measures in place to safeguard the welfare of animals at the time of killing

BUSINESS ASSESSMENT (Option 3)

| | | | | |
|---|----------------|-----------|-------------------|----------------------|
| Direct impact on business (Equivalent Annual) £m: | | | In scope of OIOO? | Measure qualifies as |
| Costs: 9.42 | Benefits: 0.17 | Net: 9.25 | No | NA |

Evidence Base

Problem under consideration

1. Implementation of EU Regulation 1099/2009 on the protection of animals at the time of killing (including slaughter which is defined as killing for human consumption under Regulation 1099/2009) and associated measures to ensure animals are treated humanely. This comes within the scope of one of the structural reform priorities of the coalition government for DEFRA:

“Support and develop British farming and encourage sustainable food production: Help to enhance the competitiveness and resilience of the whole food chain, including farms and the fish industry, to help ensure a secure, environmentally sustainable and healthy supply of food with improved standards of animal welfare”

While improved welfare can help enhance competitiveness this is not always the case and as a result there is a potential tension in this structural reform plan priority between enhanced competitiveness and improved welfare. Our proposals for implementing Regulation 1099/2009 seek to maintain an appropriate balance between these priorities.

2. Welfare at slaughter or killing is currently subject to the requirements of Directive 93/119 which has been implemented in England by The Welfare of Animals (Slaughter or Killing) Regulations 1995 as amended (WASK). In 2008 the Commission brought forward proposals to replace Directive 93/119 with a Regulation. The Commission highlighted the need to update Directive 93/119 which has never been amended. As its starting point the Commission took two scientific opinions from the European Food Safety Authority, which suggested revising the technical annexes of the Directive. In parallel, in 2005 the World Organisation for Animal Health adopted guidelines for terrestrial and aquatic animals which include chapters on the welfare of animals at slaughter and killing leading to similar conclusions. As a consequence, in 2006 the Commission mandated an external consultant to carry out a study on stunning/killing practices in slaughterhouses and their economic, social and environmental consequences. The study was finalised in 2007. At the same time the Commission consulted interested parties and Member States. In 2006 the Commission adopted the first Community Action Plan on the Protection and Welfare of Animals, introducing new concepts such as the welfare indicators and the need for further research programs and centres of reference on animal welfare. Specific problems were also identified with Directive 93/119 such as the lack of harmonised methodology for new stunning methods, the lack of clear responsibilities for operators on animal welfare, insufficient provision for competence of personnel handling animals and inadequate conditions for the welfare of animals during killing for disease control purposes.

3. In proposing a Regulation the Commission's general objectives were to improve the protection of animals at the time of slaughter or killing, while ensuring a level playing field for all business operators concerned, so that their competitiveness is not affected by discrepancies in their production costs or their market access. The Commission considered that this should contribute to better regulation/simplification of policy objectives at European level. The Commission's specific objectives are to encourage innovation for stunning animals humanely, to ensure better integration of animal welfare in the production process of slaughterhouses, to increase the level of knowledge of personnel concerned and to improve the protection of animals when large scale killing for disease control purposes occurs.

4. During negotiations a number of changes to the Commission's initial proposals were agreed. The text of the agreed Regulation maintained the overall approach set out in the original Commission proposal but incorporated many detailed changes. A number of the changes secured during this negotiation addressed UK concerns about maintaining good welfare standards whilst removing unnecessary additional burdens on business. The main changes agreed were as follows:

Scope and definitions

- Scope widened to include animals “bred” for production of food etc. in addition to animals “kept”
- Now applies to a veterinarian working in a veterinary practice
- Slaughterhouse definition linked to Regulation 853/2004 (laying down hygiene rules for food of animal origin)

General requirements

- Simple stunning concept introduced where stunning method used does not result in instantaneous death
- Member states can initiate consideration of new stunning methods
- Additional stunning checks introduced with derogation for reliable methods
- Instructions for use of restraining and stunning equipment to be published on the internet
- Instructions to cover maintenance of equipment and operators to maintain a record of maintenance
- Animal must not be restrained unless operator is ready to stun or bleed
- Certificate of competence not required where owner slaughters for private consumption or for small scale slaughter for direct supply
- Third countries required to provide attestation that Regulation 1099/2009 complied with
- New provisions on development and dissemination of guides to good practice

Additional requirements that apply to slaughterhouses

- Slaughterhouses to supply throughput data only when requested by Member State
- National rules permitted for mobile slaughterhouses
- Inversion permitted when restraining animals for religious slaughter subject to use of equipment which restricts the movement of the head and can be adjusted to the size of the animal
- Role of Animal Welfare officer redefined and must record action taken to improve welfare

Role of competent authority

- Derogation for depopulation reporting where welfare covered by Animal Disease Notification System
- National reference centre replaced by need to ensure independent scientific support is provided
- Provision for issuing temporary certificates of competence
- Non compliance provisions strengthened to allow competent authority to require changes to operations.
- If competent authority suspends a certificate of competence it must notify the issuing authority
- No time limit on validity of certificate of competence

National rules

- National rules can maintain existing levels of welfare protection
- National rules can be used to strengthen protection in relation to killing outside a slaughterhouse, slaughtering of farmed game and religious slaughter
- National rules must not act as a barrier to trade

Transitional measures and implementation

- When applying for a certificate of competence need to demonstrate relevant professional experience reduced to 3 years (from 10)
- Period during which simplified procedure for issuing certificate of competence applies increased to 6 years (from 3)
- Commission to report further on farmed fish, poultry stunning and restraint involving inversion
- Regulation applies from 1 January 2013 (previously 1 January 2011)

Stunning methods

- Cervical dislocation limit increased to 5kg where mechanical device used and to 70 birds per day
- Percussive blow included as a permitted stunning method
- Circumstances in which stunning methods can be used defined
- Use of biphasic CO₂ and CO₂ plus inert gases incorporated
- Gas stunning methodology amended to incorporate use of Containerised Gassing Units

Layout, construction and equipment of slaughterhouses

- Lairage facilities to minimise noise, to provide shade protection and water and provide lighting for inspections
- Lateral protection on ramps and bridges
- Requirement for a waiting pen removed

Operational rules for slaughterhouses

- Constant current only required for automatic equipment associated with restrainers (excluding poultry)
- Live shackling of chickens restricted to 1 minute
- Constant current requirement for waterbaths removed
- References to combined transport and lairaging time limits removed
- A steady supply of animals for stunning and killing should be maintained
- Pens in the lairage should have a sign showing time of arrival and maximum number of animals
- Electric stimulation can be performed once unconsciousness has been verified

5. Regulation 1099/2009 on the protection of animals at killing was agreed in September 2009 and comes into effect on 1 January 2013 (some measures in relation to layout, construction and equipment in slaughterhouses do not come into effect until December 2019 for existing slaughterhouses). The Regulation will be directly applicable in all Member States including the UK. In addition to its basic provisions, Regulation 1099/2009 acknowledges that some European countries have higher welfare standards than others and, for this reason it allows Member States to adopt national rules to maintain existing welfare protection where this offers a higher standard of protection than those required by Regulation 1099/2009. National rules maintaining current welfare protections must be notified to the Commission before Regulation 1099/2009 comes into effect on 1 January. Where WASK provisions are repealed we lose the opportunity to maintain the additional protection provided through national rules. This means Member States have no second chance to make national rules of this sort. While using national rules to maintain existing welfare protection imposes no additional cost on business compared with the Option 0 baseline.

6. Regulation 1099/2009 also allows national rules to be used to introduce new welfare protection in relation to religious slaughter, farmed game and killing outside a slaughterhouse. There is no time limit on introduction of national rules of this nature. Directive 93/119 will be repealed when Regulation 1099/2009 comes into effect on 1 January 2013. This Impact Assessment considers measures to implement Regulation 1099/2009 (including the use of national rules) in England. Separate implementing measures will be required in Scotland, Wales and Northern Ireland.

7. Regulation 1099/2009 provides a framework for ensuring overarching welfare outcomes are achieved. This outcome driven process differs in some aspects to the current UK regulatory framework which establishes overarching welfare requirements but, also establishes detailed technical standards for all key aspects of the slaughter process on the assumption that if these standards are met, the required welfare outcomes will result. Regulation 1099/2009 will apply to all animals killed for the production of meat or other products in a slaughterhouse or on-farm as well as for disease control purposes. It will ensure that animals (including poultry and fish, but

excluding reptiles and amphibians) are spared any avoidable pain, distress or suffering at the time of killing. Animals (other than fish) must be killed by a method that leads to instant death or death after stunning. The only exception to this is emergency killing and where slaughter is carried out in accordance with religious rites (e.g. Halal or Schechita) subject to national rules introduced by individual Member States.

Consultation

8. Formal consultation was undertaken at the negotiation stage and views obtained were used to inform the UK negotiating line. A number of changes were made to the original Commission proposal as a result. More recently a stakeholder workshop was held on 9 August 2011 to discuss implementation of Regulation 1099/2009. Informal consultation with key stakeholders has continued since in relation to key aspects of the implementation arrangements including guides to good practice, national rules and religious slaughter. Ministers also discussed implementation with Jewish and Muslim religious groups in April 2011 and met with slaughterhouse operators in January 2012. Defra has also been working closely with the British Meat Processors Association, the British Poultry Council and other stakeholders, including NGOs, religious authorities and representatives of small and medium abattoir operators to develop implementation proposals. This Impact Assessment will inform formal consultation on the implementing regulations.

Rationale for intervention

9. There are public good benefits and ethical considerations associated with the conduct of animal slaughter which provide a rationale for the Government's involvement. Regulation 1099 / 2009 requires Member States to lay down rules on penalties and to take all measures to ensure they are implemented. Penalties must be effective, proportionate and dissuasive. Under Article 26(1) of Regulation 1099/2009, Member States can maintain existing national rules ensuring more extensive welfare protection than the minimum standards provided under Regulation 1099/2009. Maintaining existing standards that do not place any new burdens on business does not fall within the scope of the 'One-In, One-Out' methodology and this approach does not lead to any increase in costs compared with the Option 0 baseline. Article 26(2) allows Member States to adopt new national rules in relation to religious slaughter, slaughter outside a slaughterhouse and slaughter of farmed game. To avoid duplication of statutory requirements, redundant elements of the current legislative framework must be repealed where superseded by Regulation 1099/2009. These measures require Government intervention.

Policy objective

10. The Government is committed through the Coalition Structural Reform Plan to improving welfare standards including at slaughter. In the context of Regulation 1099/2009 the policy objectives are to:

- Ensure there is no overall reduction in existing welfare standards;
- Remove existing legislative provisions where this can be done without reducing welfare standards;
- Ensure the obligations and requirements Regulation 1099/2009 places on Member States are met.

Sectors and groups affected

11. Regulation 1099/2009 will impact on the welfare of some (FSA data):

- 740 million poultry
- 9 million sheep
- 8 million pigs
- 2 million cattle

- 5,272 farmed game
- 10,500 horses

slaughtered or killed annually in England.

12. Regulation 1099/2009 will affect all Food Business Operators (FBOs) in England involved in slaughtering pigs, poultry, cattle, sheep and other species. In addition Regulation 1099/2009 will impact on on-farm slaughter operations licensed to undertake seasonal slaughter of poultry. It will also impact on livestock, poultry and egg producers, premises killing other than for Human Consumption (including animal collection centres and knackers yards) and others involved in killing animals outside a slaughterhouse. There will be an impact on companies manufacturing equipment for use in slaughterhouses. Government agencies e.g. Food Standards Agency (FSA) and Animal Health Veterinary Laboratory Agency (AHVLA) responsible for approving facilities, verification and enforcement activities and supervision of depopulation operations will also be affected. Society generally expects the Government to ensure animals are treated humanely at the time of slaughter or killing. Many members of the public are concerned about the welfare of animals slaughtered in accordance with religious rites and would as a minimum expect the Government to ensure measures are put in place to protect welfare where such slaughter methods are practised. The potential improvements in some aspects of animal welfare as a result of Regulation 1099/2009 and national rules will have an impact on the satisfaction and well being of the general public, based on the value the public places on animal welfare.

Table 1 - Summary of businesses affected:

| Business type | Number |
|--|---------------|
| Approved slaughterhouse: | |
| Poultry | 75 |
| Cattle/Sheep/Pigs | 208 |
| Farmed Game | 24 |
| On farm operators registered to slaughter poultry on a seasonal basis. | 359 |
| Holdings with livestock* | 73,043 |
| Holdings with poultry* | 20,085 |
| Hatcheries* | 40 |
| Premises Killing other than for Human Consumptions | 171 |
| Equipment manufacturers based in England | 5 – 10 |

Note: * Excludes holdings not considered to be operating on a commercial basis i.e. holdings with less than 10 cattle, 20 sheep, 50 pigs, 10 breeding pigs or 1000 poultry.

Sources: FSA; Defra; Local Authorities

13. For the purposes of this Impact Assessment it is assumed all livestock holdings, poultry holdings, Premises Killing other than for Human Consumptions, farmed game and seasonal slaughter operators will be micro businesses. This affects some 94,000 businesses. Regulation 1099/2009 is directly applicable to all businesses in scope including micro businesses although, smaller businesses are exempt from the Animal Welfare Officer requirements (those killing less than 1000 livestock units of mammals or 150,000 birds each year i.e. some 480 of the 660 slaughter businesses in England). The Government moratorium on new legislation affecting micro businesses does not include directly applicable EU legislation. Further, it does not apply to

the retention of existing measures through national rules made under Regulation 1099/2009 as they will not introduce new burdens on micro businesses.

Compliance

14. The Food Standards Agency undertook a survey in all approved slaughterhouses (Food Business Operators) covering a one week period in September 2011. This indicated that:

- 324 of the 328 (99%) Food Business Operators (FBOs) included in the survey were fully compliant or demonstrated only minor deficiencies in compliance with the requirements of WASK (99% of FBOs in England, 97% of FBOs in Scotland and 100% of FBOs in Wales).
- Only 4 of the 328 (1%) FBOs demonstrated major deficiencies in compliance with WASK (1% of FBOs in England, 3% of FBOs in Scotland and none in Wales).

The minor deficiencies identified included: no back up stunner available on the day of the survey; the food business operator being reminded to provide water for pigs; sheep being held in pens allocated for cattle; stocking densities being temporarily exceeded; maintenance records not available; some poorly maintained poultry crates, and an audible warning device needed on a poultry gas killing apparatus. Major deficiencies identified included a horned bovine trapped in a pen; an instance of pigs held in the lairage overnight without water; a breach of the specific rules for religious slaughter, and isolated incidents of birds not being bled properly. On the basis of this information it has been assumed for the purposes of this Impact Assessment that all slaughterhouses in England are currently operating in a manner that is compliant with WASK.

Options considered

15. This impact assessment considers the following options:

Option 0 (Do nothing) – Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK remains in place; no changes to domestic legislation to enforce Regulation 1099/2009

Option 1 - Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK is repealed in its entirety; no existing national rules retained or guides to good practice developed. New domestic legislation introduced to ensure obligations in Regulation 1099/2009 complied with and enforced. The costs associated with Option 1 are common to all options considered.

Option 2 – As Option 1 with WASK provisions to maintain welfare protection during religious slaughter retained through national rules with amendments where necessary, to align the national rules with Regulation 1099/2009.

Option 3 – As Option 2 with a limited number of current WASK provisions that provide more extensive welfare protection than Regulation 1099/2009 and which cannot be dealt with through guidance or standard operating procedures, retained through national rules.

16. The key aspects of each option are summarised below:

| | Option 1 | Option 2 | Option 3 |
|--|--|---|---|
| General welfare protection | Overarching welfare standard slightly higher than WASK. All slaughterhouses above minimum size must appoint an Animal Welfare Officer. | As Option 1 | As Option 1 |
| Overall approach to welfare protection | Outcome led with detailed prescription in some areas (less prescription than WASK). | As Option 1 | More prescriptive WASK approach maintained primarily in relation to provision of facilities and equipment in those areas where use of Guides to Good Practice and Standard Operating Procedures is not appropriate. |
| Training and certification | Where slaughter is for human consumption all persons undertaking activities involving live animals must be certified as competent (scope narrower than WASK slaughter licence requirements). | As Option 1 | Scope of WASK slaughter licensing scheme maintained in relation to killing for private consumption, killing other than for human consumption (including knackermen) and use of gas on farms. |
| Impact on business | More flexibility than WASK for businesses to determine how outcomes will be achieved through Standard Operating Procedures. | National rules impose some constraints on flexibility but provide more certainty for businesses. | As Option 2 |
| Guidance | Provides for development of industry led guidance to inform development of SoPs. Guides under development preserve much of WASK as good practice guidance. | As Option 1 | As Option 1 |
| Religious slaughter | Few rules – those specified concentrate on restraint – inversion of bovines permitted – assumes detailed rules will be introduced through national rules. | National rules maintain much of current WASK protection – inversion of bovines prohibited (no change). Equipment approval linked to slaughterhouse approval. Regulation 1099 stunning methods and procedures apply if a recoverable stun is used. | As Option 2 |

17. For the purposes of this Impact assessment the cost associated with maintaining existing welfare standards have been compared with Option 0. The costs reflect the additional cost of each option over and above the Option 0 cost. Further it has been assumed that the industry is fully compliant with WASK. On this basis maintaining current WASK provisions will not add to industry costs. Maintaining the current WASK approach to licensing for Certificate of Competence purposes under Option 3 will not increase costs compared with Option 0 but, will negate cost savings associated with Options 1 & 2. This is the only material cost difference between the three options. We have no information on the extent to which the increased flexibility Regulation 1099 provides will reduce costs or the extent to which the use of national rules will reduce these cost savings. This will be tested during consultation. A summary of the costs and savings identified for each option is as follows:

| | Option 1 | Option 2 | Option 3 |
|------------------------|-----------------|-----------------|-----------------|
| Total One off Costs | £13,569,139 | £13,569,139 | £13,569,139 |
| Total Recurring Costs | £8,252,742 | £8,252,742 | £8,252,742 |
| One off Cost Savings | -£186,469 | -£186,469 | £0 |
| Recurring Cost Savings | -£181,457 | -£181,457 | -£180,000 |

18. **Option 3 is the preferred option.** The Option 3 approach is the option that is most consistent with stated Government policy on animal welfare, it imposes no costs on business beyond those in the EU Regulation and takes account of Government policy on regulatory burdens.

Option 0 (Do nothing)

Regulation 1099/2009 will be directly applicable on 1st January 2013.

Introduction

19. For comparative purposes this option assumes that WASK remains in place and there are no infraction proceedings. This assumption is artificial to the extent that Regulation 1099/2009 is directly applicable and its provisions automatically come into effect on 1 January 2013 even in the absence of domestic enforcing measures.

Risks

20. While Regulation 1099/2009 would be directly applicable in England from 1 January 2013 there would, under the assumptions used for this option, be no mechanism for enforcing the Regulation in England and no penalties for breaches of Regulation 1099/2009. As a result the UK would not fully comply with Article 23 of Regulation 1099/2009 and infraction proceedings could be expected. Infraction could lead to a lump sum fine of at least £11m per infraction plus a daily fine for each day the infraction continues. However it is usual to give Member States a deadline by which they have to put their affairs in order and it is only if we miss that deadline that we will face legal proceedings and a fine.

21. If WASK remains in place in England this would lead to duplication and overlap with Regulation 1099/2009 which would be confusing for Food Business Operators and would make enforcement of any welfare provisions in slaughterhouses very difficult. Maintaining inconsistent domestic legislation and allowing the consequences described above to arise would lead to reputational damage to Defra, the Food Standards Agency and the Government.

Conclusion

22. For these reasons this option is not desirable or recommended but, it is used here to provide the 'do nothing' baseline against which other options are assessed.

Option 1

Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK is repealed in its entirety and no existing national rules retained. New domestic legislation introduced to ensure obligations in Regulation 1099/2009 complied with and enforced.

Directly applicable measures

23. Measured against Option 0 Regulation 1099/2009 introduces the following additional directly applicable obligations (all measures apply from 1 January 2013 unless stated) involving the need to:

General requirements

- Draw up and implement Standard Operating Procedures (SOPs) – *Article 6*
- Ensure all persons working with live animals (including lairage staff and poultry live hangers) in a slaughterhouse hold a Regulation 1099 compliant certificate of competence – *Article 7*
- Provide instructions for the use of restraining and stunning equipment – *Article 8*
- Ensure equipment is maintained in accordance with manufacturer's instructions and a record is maintained – *Article 9*
- Develop and disseminate guides to good practice – *Article 13*

Additional requirements applicable to slaughterhouses

- Ensure all animals slaughtered in accordance with religious rites are individually restrained – *Article 15*
- Ensure ruminants slaughtered in accordance with religious rites are mechanically restrained – *Article 15*
- Permit inversion of cattle when slaughtered in accordance with religious rites – *Article 15*
- Introduce and implement monitoring procedures in slaughterhouses – *Article 16*
- Designate an Animal Welfare Officer for every slaughterhouse above a minimum size – *Article 17*
- Ensure every Animal Welfare Officer holds a certificate of competence for every activity for which he / she is responsible – *Article 17*

Role of the Competent Authority

- Ensure certificate of competence examination is free from any conflict of interest – *Article 21*
- Ensure bodies given delegated authority to issue a certificate of competence has the necessary expertise, staff and equipment – *Article 21*
- Establish a simplified approach to issue of Certificates of Competence, over the period to 8 December 2015, to staff with three or more years relevant professional experience – *Article 29*

Stunning methods

- Use specific currents and frequencies to stun poultry in an electric waterbath – *Annex I*
- Restrict use of cervical dislocation to slaughter poultry – *Annex I*

Layout, construction and equipment in slaughterhouses

- Ensure automatic stunning equipment deliver a constant current - *Annex II **
- Ensure lines used to shackle live poultry must incorporate breast comforters – *Annex II **
- Ensure birds are not be suspended live for more than 1 minute (ducks, geese and turkeys 2 minutes) – *Annex II **
- Ensure electrical and gas stunning equipment is fitted with a device to record key parameters and records must be kept for one year – *Annex II **

Note: * applies to existing slaughterhouses from 8 December 2019

24. As there are some differences in scope between Regulation 1099/2009 and WASK repealing WASK will:

- Allow a third party to slaughter an animal outside a slaughterhouse for the owners private consumption, allow a person to operate a gas chamber outside a slaughterhouse and permit killing of casualty animals by a knackerman, without a certificate of competence
- Allow persons under 18 to apply for a certificate of competence
- Restrict consideration of previous offences for certificate of competence purposes to last three years
- Leave most aspects of religious slaughter unregulated removing the prohibition on inversion of cattle, the minimum period between neck cut and subsequent movement, the requirements relating to the condition of the knife and the role of the Rabbinical Commission
- Remove the requirement that slaughter without stunning must be undertaken by a Jew or Muslim for the food of Jews or Muslims
- Allow religious slaughter of poultry, rabbits and hares outside a slaughterhouse by their owner for private domestic consumption

25. Regulation 1099/2009 makes provision for an exemption from the CoC and many other requirements for persons undertaking small scale slaughter of poultry, rabbits and hares on farm for the purpose of directly supplying meat by the producer to the final consumer or to local retail outlets. This exemption applies where slaughter volumes are below a threshold to be specified by the Commission through comitology procedures. No threshold has been specified to date, nor has the Commission come forward with any proposals to agree a threshold before the Regulation comes into force on 1 January 2013. The direct supply exemption cannot be triggered until a threshold has been agreed at EU level. As a result, it has been assumed the requirement to hold a CoC will apply to all on-farm slaughter involving a direct supply.

26. Since Regulation 1099/2009 is directly applicable in UK law, to ensure business operators comply with the obligations of Regulation 1099/2009 it is necessary for Member States to make domestic regulations to establish an effective enforcement regime with proportionate, dissuasive and effective penalties and sanctions (see **Annex 4**). As part of this process the type and level of penalties and sanctions will require clearance through the MoJ Gateway process (which is in hand). It is also necessary to establish an appeals mechanism where administrative sanctions apply, to establish the relevant competent authority in relation to the requirements set out in Regulation 1099/2009 (see **Annex 5**), establish how derogations provided for will apply and repeal redundant elements of the current WASK legislative framework as it applies in England. In addition it will be necessary to ensure arrangements are in place to implement those aspects of Regulation 1099/2009 which require Member State or Competent Authority input. These are:

- Member States must encourage development of, and assess, guides to Good Practice – *Article 13*
- Develop an action plan to ensure compliance with Regulation 1099/2009 during depopulation (i.e. disease control) activities – *Article 18*
- Ensure sufficient independent scientific support is available – *Article 20*
- Establish arrangements for issuing Certificates of Competence – *Article 21*

There is a risk of infraction proceedings by the European Commission if the UK fails to meet these requirements. The approach set out under this option (Option 1) represents the minimum government intervention necessary to avoid the risk of infraction. This approach has no implications for Defra, AHVLA or FSA expenditure on inspection and enforcement costs.

28. Comparing WASK and Regulation 1099/2009, there is very little difference in the overarching welfare requirements business operators must achieve in relation to those activities

where both Regulation 1099/2009 and WASK apply. WASK requires persons engaged in the movement, lairaging, restraint, stunning, slaughter or killing of animals to ensure they do not:

- cause any avoidable excitement, pain or suffering to any animal; or
- permit any animal to sustain any avoidable excitement, pain or suffering.

WASK goes on to prescribe operational and structural rules for almost every aspect of the slaughter process, leaving business operators very little discretion as to how they meet this overarching requirement.

29. Regulation 1099/2009 adopts an outcome led approach and amplifies and extends the overarching welfare requirement. It states that animals must be spared any avoidable pain, distress or suffering during their killing and related operations. However it goes on to amplify this requirement as follows requiring business operators to take measures to ensure that animals:

- are provided with physical comfort and protection, in particular by being kept clean in adequate thermal conditions and prevented from falling or slipping;
- are protected from injury;
- are handled and housed taking into consideration their normal behaviour;
- do not show signs of avoidable pain or fear or exhibit abnormal behaviour;
- do not suffer from prolonged withdrawal of feed or water;
- are prevented from avoidable interaction with other animals that could harm their welfare.

30. Regulation 1099/2009 goes on to establish a framework for business operators to work within to ensure these requirements are met but, although there is an element of prescription, Regulation 1099 provides a measure of flexibility for business operators to determine how these requirements are met at an individual business level through Standard Operating Procedures (SOPs). These requirements are all directly applicable in every Member State. As a result Regulation 1099/2009 requires a slightly higher overarching standard of welfare to be achieved than WASK but allows more flexibility in how that is achieved. In view of this it has been assumed that, where both Regulation 1099/2009 and WASK apply, repealing WASK will not reduce regulatory burdens on business or lead to any cost savings compared with Option 0.

31. Regulation 1099/2009 does confer a notional benefit to business, by allowing more flexibility to develop a business level approach to ensuring the required welfare outcomes are achieved. However business representatives have indicated they would find some element of prescription or best practice guidance helpful as it will provide clarity on the action necessary to protect welfare and help to maintain consistency across England.

Cost

32. The following paragraphs assess the costs associated with the new measures required by Regulation 1099/2009 as set out at paragraph 23 above. The assumptions used (See **Annex 1**) take account of comments received following preliminary consultation on the proposed EU Regulation in 2009.

Religious slaughter (Articles 4(4) and 15(2))

33. Regulation 1099/2009 introduces few specific measures to protect the welfare of animals slaughtered in accordance with religious rites. However, Regulation 1099/2009 does recognise that this is a matter of concern and enables Member States to introduce stricter national rules. The Food Standards Agency welfare survey conducted in 2011 indicated that during the survey period:

- 7% of cattle, 50% of sheep and goats and 30% of poultry were slaughtered by a religious method

- Some 84% of cattle, 81% of sheep and 88% of poultry slaughtered by the Halal method were stunned before slaughter
- Overall the number of animals not stunned prior to slaughter in the UK is relatively low, accounting for some 3% of cattle, 10% of sheep and goats, and 4% of poultry.

34. In this context our primary concern is the welfare of animals slaughtered without a pre cut stun. On the basis of the figures quoted above this impacts on:

30 million poultry
1 million sheep
60,000 cattle

slaughtered annually in England.

35. Regulation 1099/2009 requires all animals slaughtered in accordance with religious rites to be individually restrained. In addition all ruminants slaughtered in accordance with religious rites must be mechanically restrained. WASK requires mechanical restraint of bovines and many slaughterhouses undertaking religious slaughter of sheep already use mechanical restraint in the form of a V-restrainer. This means the only additional costs associated with these measures relates to the slaughter of non bovine ruminants (sheep and goats) in slaughterhouses not currently using mechanical restraining methods. It is estimated that mechanical restraint for sheep will cost £15,000 per plant to install. As slaughterhouses generally use mechanical restraint now for Halal slaughter of sheep this is expected to impact on slaughterhouses undertaking Schechita slaughter of sheep (4) and the costs associated with this are estimated to be as follows:

Table 2 - Religious slaughter mechanical restraint

| Proposed Change | One Off Cost | Recurring Cost Per Year | Annual Cost Per Business |
|--|--------------|-------------------------|--------------------------|
| Installation of mechanical restraint for Shechita slaughter of sheep | £60,000 | £0 | £0 |
| | | | |
| Total cost to business | £60,000 | £0 | £0 |

Source: Defra

36. While the general protections provided for at Article 3 will apply, Regulation 1099/2009 includes no other specific measures to protect the welfare of animals slaughtered in accordance with religious rites. Further, where slaughter is undertaken in accordance with religious rites and the animal is stunned as part of that process, the protections Regulation 1099/2009 offers to all other animals in relation to stunning methods and procedures do not apply.

Standard Operating Procedures (Article 6)

37. Regulation 1099/2009 will require every business involved in any form of killing or “related operation” (e.g. stunning, restraining etc) to prepare Standard Operating Procedures (SOPs). It is assumed that the cost of implementing SOPs will include the cost of checks on stunning and familiarisation with the requirements of Regulation 1099/2009. The one-off and recurring costs associated with developing Standard Operating Procedures and retraining staff are shown below. It is assumed the availability of Guides to Good Practice will reduce the cost of preparing Standard Operating Procedures and the comparative costs with, and without Guides to Good Practice are shown at Tables 3 & 4 below.

Table 3 - Preparation / update of Standard Operating Procedures & Checks on Stunning with no Guides to Good Practice

| Business Type | One Off Cost | Recurring Cost Per Year | Annual Cost Per Business |
|---|--------------|-------------------------|--------------------------|
| Approved Poultry Slaughterhouse | £56,456 | £132,600 | £1,768 |
| Licensed Poultry Slaughterhouse | £238,169 | £634,712 | £1,768 |
| Red Meat Slaughterhouse | £156,572 | £367,744 | £1,768 |
| Farmed Game Slaughterhouse | £62,162 | £229,840 | £1,768 |
| Premises Killing other than for Human Consumption | £21,681 | £11,560 | £68 |
| Livestock Holding | £7,508,820 | £3,456,395 | £47 |
| Poultry Unit | £2,466,438 | £950,422 | £47 |
| Total cost to business | £10,510,298 | £5,783,273 | |

Table 4 - Preparation / update of Standard Operating Procedures & Checks on Stunning with Guides to Good Practice

| Business Type | One Off Cost | Recurring Cost Per Year | Annual Cost Per Business |
|---|--------------|-------------------------|--------------------------|
| Approved Poultry Slaughterhouse | £40,856 | £66,300 | £884 |
| Licensed Poultry Slaughterhouse | £163,497 | £317,356 | £884 |
| Red Meat Slaughterhouse | £113,308 | £183,872 | £884 |
| Farmed Game Slaughterhouse | £35,122 | £114,920 | £884 |
| Premises Killing other than for Human Consumption | £12,789 | £5,780 | £68 |
| Livestock Holding | £4,850,055 | £1,728,197 | £47 |
| Poultry Unit | £1,735,344 | £475,211 | £47 |
| Total cost to business | £6,950,971 | £2,891,636 | |

Sources: FSA; Defra; Information provided by industry (See Annex 1)

Regulation 1099/2009 is broadly equivalent to existing requirements in most operational aspects. It is assumed that business operators will familiarise themselves with any requirements different to those in existence at the moment as they prepare Standard Operating Procedures and that as a result there will be no additional cost (beyond those identified at Tables 3 & 4 above) involved with establishing what is required of them. For the purposes of calculating the overall cost of this option it is assumed Guides to Good Practice are prepared as at Table 4.

Certificate of Competence (Articles 7, 21 & 29)

38. Under the current WASK regulatory framework people involved in the restraint, stunning, slaughter or killing, pithing, shackling or hoisting and bleeding of an animal must be licensed. To obtain a licence a person must be certified as competent by an Official Veterinary surgeon. Once issued, a licence lasts for life, unless revoked or suspended. Under Regulation 1099/2009 a certificate of competence will be required for every person undertaking slaughter (killing for human consumption) operations including the handling and care of animals before they are restrained. This extends the scope of the previous WASK slaughter licence requirements to include staff in the lairage and poultry live hangers-on. A certificate of competence will not be required where the owner is killing animals on farm for personal consumption. There is no requirement in Regulation 1099/2009 for a certificate of competence for persons slaughtering animals for private consumption on behalf of their owner. As with WASK slaughter licences there will be no time-limit on the validity of a certificate of competence. During the period to 8 December 2015, the Regulation allows a simplified procedure to apply to the issue of a certificate of competence to someone who has at least 3 years previous professional

experience. New entrants must obtain a temporary certificate of competence permitting them to work for up to three months under the supervision of a person holding a full certificate of competence for that activity. Before obtaining a temporary certificate of competence the person must register on a training course approved for the purposes of Regulation 1099/2009.

39. Current WASK slaughter licence-holders, will be required to obtain a certificate of competence under Regulation 1099/2009. Those who have at least three years' prior experience will have until 8th December 2015 to take advantage of a simplified procedure to exchange their current WASK Licence for a Regulation 1099 compliant certificate of competence. Lairage staff and poultry live hangers-on who are required to have a certificate of competence under Regulation 1099/2009 must apply for a Transitional Certificate before 31st January 2013. Those who have at least three years prior experience will then have until 8th December 2015 to undergo a practical assessment by an Official Veterinarian in a slaughterhouse or by an AHVLA veterinary officer. Successful completion of the practical assessment will trigger issue of a Certificate of Competence. As an alternative any person who has at least three years experience can opt to undergo training and assessment under the new CoC procedures. It has been assumed everyone with more than three years experience will chose to use the simplified procedure.

40. Any person with less than three years relevant professional experience will be required to undergo full training and assessment by one of the organisations approved to the issue Certificates of Competence, by 30 June 2013. Table 5 shows the additional costs to industry involved in introducing the Regulation 1099/2009 certificate of competence arrangements (excluding AWO Certificate of Competence costs – see Table 7 below) on a full cost-recovery basis (current charges made for WASK slaughter licence assessments and registration do not recover full costs). The costs at table 5 represent the difference between the current costs associated with obtaining a WASK licence (as is the case at Option 0) and the full cost of obtaining a Certificate of Competence. These costs are estimated to be:

Table 5 - Introduction of Certificates of Competence

| Business Type | One Off Cost | Recurring Cost Per Year | Annual Cost Per Business |
|---------------------------------|--------------|-------------------------|--------------------------|
| Approved Poultry Slaughterhouse | £188,041 | £4,509 | £60 |
| Licensed Poultry Slaughterhouse | £662,907 | £10,802 | £30 |
| Red Meat Slaughterhouse | £354,199 | £12,505 | £60 |
| Farmed Game Slaughterhouse | £62,663 | £983 | £41 |
| Total cost to business | £1,267,810 | £28,800 | |

Sources: FSA; Defra; Information provided by industry (See Annex 1)

41. Although not explicitly required under the agreed Regulation it will be necessary, to ensure compliance with Article 6 of the ECHR, to set up a mechanism to deal with appeals where Certificates of Competence are refused, withdrawn or suspended. Historically there have been few, if any, appeals associated with the initial issuing of WASK slaughter licences and an average of 1 – 2 appeals per year in relation to suspension or revocation of WASK licences (no charge is made for this currently and appeals are dealt with by senior Defra staff). This situation is not expected to change materially with the introduction of Regulation 1099/2009 Certificates of Competence. In line with wider Defra policy on appeals it is proposed that appeals under the new arrangements should be dealt with by the First Tier Tribunal. One-off work to extend the scope of the current environmental jurisdiction can be expected to cost some £50,000. It is anticipated ongoing operation of the appeals process will be contained within the existing funding envelope assuming appeals are at low levels as is currently the case with the slaughterman licensing arrangements. These costs will fall on the Government. Regulation 1099/2009 requires the UK Competent Authority to notify the issuing Competent Authority in

another Member State if a Certificate of Competence is withdrawn or suspended. The number of Certificates withdrawn in this way is expected to be very small and the cost associated with this requirement will therefore be minimal.

Instructions on maintenance and use of equipment (Article 8)

42. It is assumed that there will be no additional costs associated with the requirement to provide instructions on the maintenance and use of equipment and to place those instructions on the internet. It is assumed such instructions are already available from all reputable manufacturers.

Maintain equipment in accordance with manufacturer's instructions (Article 9)

43. WASK currently obliges business operators to rectify problems with equipment. It is therefore assumed there will be no additional cost arising from this requirement.

Guides to Good Practice (Article 13)

44. Regulation 1099/2009 requires Member States to encourage the development and dissemination of guides to good practice by "organisations of business operators". If business operators fail to develop guidance the competent authority may develop and publish its own guidance. Where Guides to Good Practice are prepared Regulation 1099/2009 requires them to be developed, in consultation with NGOs, the competent authority and other interested parties. The competent authority is required to assess guidance to ensure it is consistent with Community guidelines. Once validated by the competent authority, guidance must be forwarded to the Commission.

45. The British Meat Processors Association (BMPA) and the British Poultry Council (BPC) are currently preparing guides to good practice. They estimate the industry costs associated with developing guidance for the slaughter of major species (cattle, sheep, pigs and poultry) will be some £50,000. The BMPA and BPC have indicated that it is their intention that the guides under preparation will cover both the requirements of Regulation 1099 and any provisions introduced through national rules. This cost will increase if other organisations decide to develop guidance e.g. for livestock and poultry producers or slaughter of minor species.

46. Guides to Good Practice will play a key role in the preparation of Standard Operating Procedures. It has been assumed that the cost to industry in relation to familiarisation with the content of Guides to Good Practice, and associated staff training is built into the cost of developing SOPs. Further, where Guides to Good Practice are available it has been assumed that the staff time associated with the preparation and update of SOPs will be halved. The figures at Tables 3 & 4 above provide estimates of the costs associated with the preparation of SOPs with, and without, Guides to Good Practice.

Monitoring procedures (Article 16)

47. We have reviewed the case for compulsory CCTV to help meet the Regulation 1099/2009 monitoring requirements. The 2011 FSA welfare survey data indicates that

- For red meat slaughterhouses, 96 out of 253 establishments (38%) voluntarily use CCTV, with 59 of these using CCTV to monitor the stunning area, 49 the bleeding area and 85 the lairage and unloading areas
- For poultry slaughterhouses, 42 out of 75 establishments (56%) voluntarily use CCTV, with 21 of these using CCTV to monitor the stunning area, 18 the bleeding area and 39 the lairage and unloading areas

Results show there was no significant variation in WASK compliance levels in premises with or without CCTV. So far as other forms of monitoring are concerned the survey identified that in 134 (53%) of red meat slaughterhouses and 33 (44%) of poultry slaughterhouses it was not possible to observe the practice of slaughterers without the slaughterer being aware they were under observation. In such situations, CCTV could have a role to play in facilitating inconspicuous monitoring.

48. Those slaughterhouses where CCTV has not been installed are typically small to medium-sized plants. CCTV installation costs can vary from £100 – 200 for a webcam system to many thousands for a very sophisticated system. An average system with a hard disc recorder will typically cost about £2,000. On this basis the one-off cost to industry associated with compulsory installation of CCTV would be some £0.5m.

49. For CCTV monitoring to have a positive impact on welfare, plant operators and/or officials would have to allocate time to view at least a sample of recorded footage. If 1 hour of footage is viewed per plant per day the staff cost associated with this would be (328 plants x 1 hour x 240 days @ £20 / hour) £1.6m per annum. If in addition to this the OV is required to view 30 minutes per plant per day, the cost would be an additional £1.6m per annum (assuming OV costs of £40 per hour). Under current arrangements this would be charged back to FBOs leading to an overall cost increase of some £3.2m per annum assuming CCTV monitoring activities are all additional to current surveillance and enforcement activities. At these monitoring levels there is a high risk that non-compliances would not be picked up. Some slaughterhouses work 12 or more hour shifts and the amount of CCTV footage recorded but not viewed would be considerable.

50. CCTV does have limitations and failed to pick up welfare abuses in at least one recent, well publicised, case brought to our attention by a welfare organisation. In view of these limitations and the increased level of voluntary uptake over a relatively short period, the potential stimulus the new monitoring requirements in Regulation 1099/2009 will have in relation to voluntary uptake post-January 2013 and the alternative options for installing other methods for inconspicuous monitoring of welfare at slaughter available to business operators we do not plan to pursue proposals for compulsory CCTV further. Under this approach we anticipate Regulation 1099/2009 will stimulate voluntary uptake (see Table 5) compared with what would have happened under WASK but there will be no compulsion.

51. All slaughterhouse operators will need to review existing monitoring arrangements and ensure they meet the requirements of Regulation 1099/2009. CCTV could be used to provide inconspicuous monitoring in this context but should be considered by operators alongside other methods of inconspicuous monitoring in determining the optimum solution for their individual business. The costs associated with the introduction and conduct of additional monitoring requirements (excluding any costs associated with voluntary installation of additional CCTV equipment) required by Regulation 1099/2009 are expected to be:

Table 6 - Introduction of new monitoring procedures in slaughterhouses

| Business Type | One Off Cost | Recurring Cost Per Year | Annual Cost Per Business |
|---------------------------------|---------------------|--------------------------------|---------------------------------|
| Approved Poultry Slaughterhouse | £7,800 | £62,400 | £832 |
| Licensed Poultry Slaughterhouse | £37,336 | £298,688 | £832 |
| Red Meat Slaughterhouse | £21,632 | £173,056 | £832 |
| Farmed Game Slaughterhouse | £13,520 | £108,160 | £4,507 |
| Total cost to business | £80,288 | £642,304 | |

Sources: FSA; Defra; Information provided by industry (See Annex 1)

Animal Welfare Officer (Article 17)

52. Regulation 1099/2009 will require operators to designate an Animal Welfare Officer (AWO) for every slaughterhouse (above a minimum size) and will require the AWO to record details of action taken to improve welfare. Many slaughterhouses in England already employ an AWO where this is required for assurance scheme or contractual purposes. Every AWO will need to obtain a Certificate of Competence that covers every activity which in itself requires a certificate of competence, for which he / she is responsible. Most existing Animal / Poultry Welfare Officers will have received training in this role but will not be obliged to hold a WASK slaughter licence for every activity they oversee. The costs associated with the introduction of AWOs and the need for them to obtain a Certificate of Competence for every activity for which they are responsible (these costs are additional to the costs associated with Certificates of Competence at Table 5) are estimated to be:

Table 7 - Animal Welfare Officer requirements

| Business Type | One Off Cost | Recurring Cost Per Year | Annual Cost Per Business |
|---------------------------------|---------------------|--------------------------------|---------------------------------|
| Approved Poultry Slaughterhouse | £109,138 | £138,878 | £1,852 |
| Red Meat Slaughterhouse | £275,933 | £351,125 | £1,688 |
| Total cost to business | £385,070 | £490,002 | |

Sources: FSA; Defra; Information provided by industry (See Annex 1)

Changes to permitted stunning / killing methods (Annex 1 to Regulation 1099/2009)

53. Regulation 1099/2009 permits the ongoing use of all stunning and killing methods currently in common use in England. However Regulation 1099/2009 introduces specific stunning currents and frequencies for waterbath stunning of poultry as described at paragraphs 53 - 55 below. It also prohibits decapitation of poultry and neck dislocation where currently used as a routine slaughter method. This is expected to impact primarily on those seasonal poultry slaughter operations who have no alternative stunning facilities available. No information is available on the number of businesses affected and this will be addressed through consultation. Provision of electrical stunning equipment is not expected to cost more than £1,500 per business.

Poultry stunning frequencies and currents (Annex 1, Chapter II para 6.3)

54. Regulation 1099/2009 includes a requirement to use 150ma to stun chickens at between 200 and 400hz and 200ma above 400hz. Poultry industry representatives have noted that in England, most existing waterbath stunning systems work on pulsed DC stunning currents operating at 40ma and 600hz. They have suggested that at the higher currents proposed by the Commission, carcass damage will increase. As a result downgrading of breast fillet and deboned products is expected to increase by some 20 – 30%. They have also suggested that increasing stunning currents to between 150ma and 200ma per bird would lead to a significant increase in the level of downgrading where birds are sold as deboned products. They estimated that the additional costs through carcass damage would be between £26m and £80m per annum. However, following discussion with industry representatives they have acknowledged that their estimates make no allowance for the approximately 45% of poultry meat currently produced using non electric waterbath stunning in England. Further the industry figures assume some 80% of poultry is sold deboned. National Statistics suggest the actual proportion is nearer 60%. Making adjustments for these factors and taking account of plants known to be considering switching from electric waterbath stunning to gas stunning, increased production losses could be some £4.2m per annum (see **Annex 3**).

55. A case put forward by the UK for changes to the Regulation 1099/2009 waterbath currents and frequencies was forwarded by the Commission to EFSA for consideration. It is estimated that the UK revisions would reduce the downgrading losses above to £1.5m per

annum. However EFSA has recently published an opinion (see <http://www.efsa.europa.eu/en/efsajournal/pub/2757.htm>) which acknowledges some of the concerns raised by the UK, and suggests changes to Regulation 1099/2009 to clarify the waterbath current and frequency requirements. A Commission response is awaited

Recording devices (Annex II paras 4, 5.10 & 6.2) - Note: These measures take effect from 9 December 2014 for existing businesses.

56. All electrical equipment (other than waterbath stunning equipment) will need to be fitted with a device to record key electrical parameters for each animal stunned. Most static electrical stunning equipment e.g. Jarvis box stunners for cattle will include a device to display key electrical parameters. With more modern equipment it should be possible to record electrical parameters although this might not be possible on an animal by animal basis. Recording of electrical parameters for hand held devices is very unlikely to be in routine use at present. To provide this capability all equipment would need to be fitted with a system to record electrical stunning parameters. The Commission estimate that this equipment would cost about £3200 per device in addition to tongs and a transformer. For red meat species this could be expected to involve one off costs in 2019 / 2020 of about £4.23million at present values.

57. Where poultry are stunned electrically using a waterbath stunning system it will be necessary to record the electrical parameters for each waterbath. It has been assumed that all slaughterhouses using such systems in England will need modifications to record electrical parameters. Installing recording equipment is expected to cost some £3,500 per waterbath. It is assumed that some 37 slaughterhouses use waterbath stunning in England and that there are on average 2 waterbaths per slaughterhouse in half the sites and 1 in the remainder. On this basis the cost of installing the recording equipment would be some £350,000.

Constant current stunning (Annex II para 4.2) - Note: These measures take effect from 9 December 2014 for existing businesses.

58. This is likely to affect slaughterhouses using the Jarvis box for cattle and the Midas / Valhalla systems for pigs. It has been assumed that 7 (AW Survey) redmeat slaughterhouses will be affected by this requirement and that the cost of modifications to deliver constant current stunning will be £10,000 per plant i.e. a cost of £70,000 to the sector.

Live shackling (Annex II para 5.2) - Note: These measures take effect from 9 December 2014 for existing businesses.

59. Regulation 1099/2009 requires live shackling of chickens to be limited to a maximum of 1 minute from 2019. It has been assumed that 9 (25% of the 37) slaughterhouses using waterbath stunning in England will need to be modified to achieve this requirement at a cost of some £25,000 per plant i.e. a total cost of £175,000.

Breast comforters (Annex II para 5.8) - Note: These measures take effect from 9 December 2014 for existing businesses.

60. It is assumed that the majority of poultry shackle lines currently in use in the UK already incorporate breast comforters. On this basis no additional costs will arise from this provision.

Construction and layout of slaughterhouses (Annex II)

61. It is assumed all existing slaughterhouses will comply with the remaining construction and layout provisions from 8 December 2019 as the Regulation 1099/2009 provisions are broadly equivalent to current WASK requirements.

Operational rules for slaughterhouses (Annex III)

62. The operational rules proposed are broadly equivalent to current legislative requirements. It has been assumed therefore that there will be no additional costs associated with the proposed measures.

Scope

63. In some areas the scope of Regulation 1099/2009 is more limited than WASK. Regulation 1099 / restricts consideration of previous offences for certificate of competence purposes to the last three years. This could allow some persons to obtain a certificate of competence who would not otherwise have been considered a fit and proper person to hold a WASK slaughter licence which may impact negatively on welfare but is not expected to have any measurable financial impact. Regulation 1099/2009 removes the current WASK prohibition on inversion of cattle, the requirements relating to the condition of the knife and the role of the Rabbinical Commission which could all impact negatively on the welfare of the animals involved but are unlikely to lead to any measurable cost savings. By allowing religious slaughter of poultry, rabbits and hares outside a slaughterhouse by their owner for private domestic consumption Regulation 1099/2009 would have a further negative impact on welfare. These measures reduce welfare protection and can be considered as a welfare “cost” as a result.

Benefits

64. The following benefits have been identified for this option:

- Higher overarching standard of welfare
- Reduction in scope of regulatory requirements
- Some reductions in costs where controls on religious slaughter are relaxed

Savings

65. Under this option it has been assumed that, where both Regulation 1099/2009 and WASK apply, no cost savings will accrue as a result of repealing WASK as the overarching welfare requirements established under WASK and Regulation 1099/2009 are broadly equivalent and the high level of compliance with WASK (see paragraph 14 above). The cost savings resulting from the more limited scope of Regulation 1099/2009 compared with WASK are assessed in the following paragraphs.

Certificates of Competence

66. Permitting persons under 18 to hold a certificate of competence could lead to some cost savings as pay rates for younger workers relative to older slaughterhouse workers tend to be lower. However the number of young workers employed in abattoirs is thought to be very small. This means any cost savings will be minimal. Restricting consideration of previous offences for certificate of competence purposes to the last three years could allow some persons to obtain a certificate of competence who would not otherwise have been considered a fit and proper person to hold a WASK slaughter licence. This is not expected to have any measurable financial impact.

67. The certificate of competence requirements in Regulation 1099/2009 are narrower than the current WASK requirements. Under this option the current WASK requirements are not maintained. As a consequence the following groups required to hold a WASK licence will not be required to hold a certificate of competence under Regulation 1099/2009:

- Persons slaughtering an animal outside a slaughterhouse for the owner’s private consumption;
- Knackermen killing animals other than with a free bullet;
- Persons operating a gas chamber outside a slaughterhouse.

The costs savings associated with not maintaining the current scope of certificates of competence is estimated to be as follows:

Table 8 – Savings from not maintaining current scope of WASK licence arrangements

| Business Type | One Off Saving | Recurring Saving Per Year | Annual Saving Per Business |
|---|----------------|---------------------------|----------------------------|
| Third party slaughtering for private consumption | £58,175 | £454 | £9 |
| Premises Killing other than for Human Consumption | £121,313 | £948 | £26 |
| On farm gas chamber operator | £6,981 | £55 | £55 |
| Total saving to business | £186,469 | £1,457 | |

Sources: FSA; Defra; Information provided by industry (See annex 1)

Religious slaughter

68. So far as religious slaughter is concerned removing the prohibition on inversion of cattle, the requirements relating to the condition of the knife and the role of the Rabbinical Commission are unlikely to lead to any measurable cost savings. Removing the current WASK requirement imposing a minimum period between neck cut and subsequent movement (the “20 second rule”) where slaughter is undertaken with a post cut stun would allow immediate cost savings as religious slaughter line speeds could increase. This is expected to have most impact in relation to Halal slaughter of sheep. Assuming half the plants currently undertaking Halal slaughter of sheep without stunning (6) introduce an immediate post cut stun on a voluntary basis in order to reduce the time taken for animals to become unconscious, and fixed operating costs of £60,000 per plant per year, increasing line speeds from 120 to 240 sheep per hour would lead to savings of £180,000 per annum. Allowing religious slaughter of poultry, rabbits and hares outside a slaughterhouse by their owner for private domestic consumption would not lead to any cost savings. Removing the requirement that religious slaughter must be undertaken by a Jew or Muslim for the food of Jews or Muslims is not expected to have any specific cost implications as it has proven to be very difficult to enforce this requirement under WASK.

Table 9 – Savings from immediate post cut stun for sheep

| Business Type | One Off Saving | Recurring Saving Per Year | Annual Saving Per Business |
|--------------------------|----------------|---------------------------|----------------------------|
| Approved Slaughterhouse | £0 | £180,000 | £30,000 |
| Total saving to business | £0 | £180,000 | |

Sources: FSA; Defra.

Gas stunning

69. Savings of £1.8m have already been realised by introducing interim changes to WASK removing restrictions on gas mixtures used to slaughter and kill poultry and so are not included in this IA.

Risks

70. The following risks have been identified for this option:

- Fails to meet Government policy objective in relation to achieving improved standards of animal welfare

- Removal of protection for animals subject to religious slaughter could lower welfare standards causing public concern
- More animals may be slaughtered using a religious method
- Reduction in the scope of the slaughterman licensing / certificate of competence arrangements could lower welfare standards
- Enforcement of welfare requirements becomes more difficult and subjective where the prescriptive elements of the current WASK approach are removed – this will attract criticism from welfare organisations who are already concerned about what they see as an ineffective approach to enforcement currently and industry if outcome based approach legislation (which leaves more scope for individual interpretation) is enforced in a different manner in different parts of the country

Micro businesses

71. This option involves direct application of the Regulation 1099/2009 requirements with no additional national measures or provisions. This approach has no implications for the Government moratorium on new regulations affecting micro businesses.

Option 1 – Summary of Costs and benefits

72. The following tables summarise the costs and benefits associated with this option.

Option 1- Summary of one off costs and savings

| Costs from 1 January 2013 | Approved Poultry Slaughterhouse | Licensed Poultry Slaughterhouse (a) | Red Meat Slaughterhouse | Farmed game Slaughterhouse (a) | Premises Killing other than for Human Consumption (a) | Livestock Holding (a) | Poultry Unit (a) | Total |
|------------------------------------|---------------------------------|-------------------------------------|-------------------------|--------------------------------|---|-----------------------|------------------|-------------|
| Religious Slaughter Restraint | | | £60,000 | | | | | £60,000 |
| SOP/ Checks on Stunning | £40,856 | £163,497 | £113,308 | £35,122 | £12,789 | £4,850,055 | £1,735,344 | £6,950,971 |
| Certificates of Competence | £188,041 | £662,907 | £354,199 | £62,663 | | | | £1,267,810 |
| Monitoring Procedures | £7,800 | £37,336 | £21,632 | £13,520 | | | | £80,288 |
| Animal Welfare Officer | £109,138 | | £275,933 | | | | | £385,070 |
| Waterbath Currents and Frequencies | | | | | | | | £0 |
| Costs from 9 December 2014 | | | | | | | | |
| Recording Devices | £350,000 | | £4,230,000 | | | | | £4,580,000 |
| Constant Current Stunning | | | £70,000 | | | | | £70,000 |
| Live Shackling Time | £175,000 | | | | | | | £175,000 |
| Breast Comforters | £0 | | | | | | | £0 |
| Construction and layout | £0 | £0 | £0 | £0 | | | | £0 |
| Total | £870,835 | £863,740 | £5,125,071 | £111,305 | £12,789 | £4,850,055 | £1,735,344 | £13,569,139 |
| Savings from 1 January 2013 | Approved Poultry Slaughterhouse | Licensed Poultry Slaughterhouse (a) | Red Meat Slaughterhouse | Farmed game Slaughterhouse (a) | Premises Killing other than for Human Consumption (a) | Livestock Holding (a) | Poultry Unit (a) | Total |
| Certificates of Competence | | | | | -£121,313 | -£65,156 | | -£186,469 |

(a) Mainly micro-businesses

Option 1 - Summary of recurring costs and savings

| Costs from 1 January 2013 | Approved Poultry Slaughterhouse | Licensed Poultry Slaughterhouse (a) | Red Meat Slaughterhouse | Farmed game Slaughterhouse (a) | Premises Killing other than for Human Consumption (a) | Livestock Holding (a) | Poultry Unit (a) | Total |
|---------------------------------------|---------------------------------|-------------------------------------|-------------------------|--------------------------------|---|-----------------------|------------------|-------------------|
| Religious Slaughter Restraint | | | | | | | | |
| SOP/ Checks on Stunning | £66,300 | £317,356 | £183,872 | £114,920 | £5,780 | £1,728,197 | £475,211 | £2,891,636 |
| Certificates of Competence | £4,509 | £10,802 | £12,505 | £983 | | | | £28,800 |
| Monitoring Procedures | £62,400 | £298,688 | £173,056 | £108,160 | | | | £642,304 |
| Animal Welfare Officer | £138,878 | | £351,125 | | | | | £490,002 |
| Waterbath Currents and Frequencies | £4,200,000 | | | | | | | £4,200,000 |
| Costs from 9 December 2014 | | | | | | | | |
| Recording Devices | | | | | | | | £0 |
| Constant Current Stunning | | | | | | | | £0 |
| Live Shackling Time | | | | | | | | £0 |
| Breast Comforters | | | | | | | | £0 |
| Construction and layout | | | | | | | | £0 |
| Total | £4,472,087 | £626,846 | £720,558 | £224,063 | £5,780 | £1,728,197 | £475,211 | £8,252,742 |
| Cost per Business | £59,628 | £1,746 | £3,464 | £9,336 | £34 | £24 | £24 | |
| Savings from 1 January 2013 | | | | | | | | |
| Religious Slaughter Line Speed saving | | | £-180,000 | | | | | £-180,000 |
| Certificates of Competence | | | | | £-948 | £-509 | | £-1,457 |

(a) Micro-businesses.

Option 1: Summary of Total Costs and Benefits (£'000)

Total Costs (£'000)

| | Tn(1) | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Tn(1) | 2019 | 2020 | 2021 | 2022 | Total |
|-------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Constant Prices | 8,744 | 8,253 | 8,253 | 8,253 | 8,253 | 8,253 | 8,253 | 4,825 | 8,253 | 8,253 | 8,253 | 8,253 | 96,097 |
| Present Value (2) | 8,744 | 7,974 | 7,704 | 7,444 | 7,192 | 6,949 | 6,714 | 3,792 | 6,487 | 6,267 | 6,055 | 5,850 | 81,171 |

Total Benefits (£'000)

| | Tn (1) | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
|-------------------|--------|------|------|------|------|------|------|------|------|------|------|-------|
| Constant prices | 186 | 181 | 181 | 181 | 181 | 181 | 181 | 181 | 181 | 181 | 181 | 2,001 |
| Present value (2) | 186 | 175 | 169 | 164 | 158 | 153 | 148 | 143 | 138 | 133 | 129 | 1696 |

1) 'One-off' transition costs

(2) Discounted at 3.5% pa

Option 2

As Option 1 with WASK provisions to maintain welfare protection during religious slaughter retained through national rules with amendments where necessary, to align the national rules with Regulation 1099/2009.

Introduction

73. This option attempts to strike a balance between the Government policy objectives in relation to improving standards of animal welfare, providing welfare protection for animals subject to religious slaughter and seeking to ensure regulatory burdens are reduced. In doing so it seeks to address a key area of public concern in relation to the welfare of animals slaughtered in accordance with religious rites. As with Option 1 this option involves introducing all the directly applicable obligations in Regulation 1099/2009 as set out at paragraph 23 above. As explained below, Option 2 introduces no additional costs and the one off and recurring costs will be the same as Option 1.

National rules on Religious Slaughter

74. Article 26(2) of Regulation 1099/2009 allows Member States to introduce stricter national rules in relation to:

- Killing animals outside a slaughterhouse
- Slaughtering farmed game
- Slaughter in accordance with religious rites

75. Over the last few years, considerable concern has been expressed by welfare organisations and members of the public about the welfare of animals slaughtered without stunning in accordance with religious rites. The Government has confirmed that it would prefer to see all animals stunned before slaughter but recognises the right of members of religious communities to eat meat prepared in accordance with their religious beliefs. The Government has therefore confirmed that it does not intend to ban religious slaughter without stunning. However the Government has confirmed it wishes to protect the welfare of animals slaughtered in this way. In preparing its proposals in relation to religious slaughter the Government has considered and noted the recommendations made by the EU Dialrel project¹ in relation to improving animal welfare during religious slaughter. It intends to continue discussions on possible further improvements in animal welfare with members of the Jewish and Muslim communities post implementation of Regulation 1099/2009.

76. To maintain welfare protection for animals slaughtered in accordance with religious rites it is proposed that the following existing WASK provisions should continue apply through national rules:

| Existing WASK Measure to be retained | WASK References |
|--|-----------------------------|
| Definition of animal, bovine animal and bird should remain unchanged. | Schedule 12 (1) (a – c) |
| Slaughter in accordance with religious rites must only be undertaken by a Jew licensed by the Rabbinical Commission or a Muslim (both must also hold a CoC) using the Jewish or Muslim method for the food of a Muslim or Jew. | Schedule 12 (2) (a) and (b) |
| Bovines must remain upright at all times until | Schedule 12 (3) (1) |

¹ See <http://www.dialrel.eu/images/recom-light.pdf>

| | |
|--|--|
| unconsciousness has been verified | |
| Bovine restraining pens must be designed and operated to protect the animal from avoidable pain, suffering agitation, injuries or contusions while entering or confined in it and provide effective restraint, a means of head restraint and support | Schedule 12 (3) (2) (a) & (b) |
| Current provisions for handling animals should be retained with the exception of provisions relating to restraint of sheep, goats and calves on a cradle or table. | Schedule 12 (5) (a, b and d) retained Schedule 12 (5)(c) deleted |
| The cut should be rapid and uninterrupted | Schedule 12 (6)(b) and (9)(a) |
| Animals must not be moved post cut until unconsciousness has been verified and in any event not before the period specified | Schedule 12 (7) &(10) |
| Religious slaughter of all animals and birds outside a slaughterhouse (as defined under Regulation 1099/2009) should be prohibited | Schedule 12 (8) |
| Licences issued by the Rabbinical Commission should be recognised as an equivalent qualification under Regulation 1099/2009 Article 21 (7) and be given the same status as a Qualification Certificate for Certificate of Competence purposes. | Schedule 1 (4)(c) |
| The Rabbinical Commission should be defined for CoC purposes | Schedule 12 (11 – 15) |

77. It is also proposed that the following amended / new measures should be introduced through national rules:

| New / modified Measure | WASK References |
|---|---|
| Slaughter without a pre-cut stun must only take place in a slaughterhouse (including poultry and rabbits slaughtered for private consumption), using equipment and operating procedures explicitly approved for that purpose as part of the official controls process in slaughterhouses under EU Regulation 854/2004 | This replaces the current Ministerial approval process for bovine restraining pens at Schedule 12 (3) (1) and elements of (2) |
| Where equipment used for religious slaughter is modified the modifications must be approved through the official controls process in slaughterhouses under EU Regulation 854/2004 before it is used for non stun slaughter | Schedule 12 (4) (c) modified as necessary to fit new approval procedures |
| Before the neck cut the slaughterman must ensure the knife is surgically sharp, the blade is undamaged and the blade is at least twice the width of the neck | Schedule 12 (6)(a) as modified |
| Knife will be defined to preclude the use of mechanical blades for non stunned slaughter of poultry. | New provision |
| Where any animal or bird is stunned where slaughter takes place in accordance with religious rites the requirements of Regulation 1099/2009 and any relevant national rules should apply | New provision / Schedule 12 (3)(3) |
| Where an immediate post cut stun is used the standstill periods will cease to apply. | Schedule 12 (7) &(10) as revised |

Costs

78. There are few provisions in Regulation 1099/2009 that afford protection to animals slaughtered without stunning in accordance with religious rites. However Regulation 1099/2009 does give powers to Member States to adopt comprehensive national rules for this purpose. The

following paragraphs consider the costs associated with the measures to protect welfare during religious slaughter.

Maintaining current WASK provisions

79. The key Regulation 1099/2009 requirements are at Article 15 and require animals slaughtered in accordance with religious rites to be individually restrained, with ruminants mechanically restrained. Inversion of bovines is also permitted. Inversion has been prohibited in England for many years on welfare grounds. However inversion is used for some husbandry procedures on farm. In view of this the Farm Animal Welfare Committee was asked to review the welfare case for a ban on inversion. They have concluded there are significant welfare concerns about full inversion for slaughter purposes and in the light of that advice this option maintains the current ban on inversion. This position will be re-examined in the light of the Commission report on bovine restraint and inversion required under Regulation 1099/2009 by 8 December 2012. Maintaining the current ban on inversion imposes **no new or additional costs** on business operators.

80. The remaining current WASK provisions proposed for retention at paragraph 76 above are all currently in force. They are seen by animal welfare organisations and members of the public as an essential element in protecting the welfare of animals during religious slaughter. In the absence of such controls there will be renewed pressure for a complete ban on religious slaughter. This would interfere with the Human Rights of Jews and Muslims to practice their religion. Maintaining the current WASK protections will address some of the concerns of welfare organisations and the public. As noted at paragraph 14 above compliance with current WASK requirements is currently very high (99% of businesses fully compliant). In view of this maintaining the current WASK provisions will **not lead to any new or additional cost to business**.

Approval procedures

81. Under WASK restraining pens (and any modifications to them) used for restraining bovines slaughtered in accordance with religious rites must be explicitly approved by the Secretary of State for that purpose. This process is intended to ensure the pen will operate efficiently and that it will protect the bovine animal from any avoidable pain, suffering, agitation, injuries or contusions while confined in, or entering it. No charge is made for such approvals although the process can be lengthy and cause considerable disruption for the businesses concerned. This has impacted on the 10 or so slaughterhouses using, or seeking to use bovine restraining pens for religious slaughter.

82. It is proposed that the existing approval process should be abolished and replaced with a requirement that all slaughter without a pre-cut stun must only take place in a slaughterhouse (including poultry and rabbits slaughtered for private consumption), using equipment and operating procedures explicitly approved for that purpose as part of the official controls process in slaughterhouses under EU Regulation 854/2004. This will ensure that approval of equipment used for religious slaughter will be brought within the "business as usual" official control arrangements.. Official controls are charged for. However, the **additional cost** of including equipment used for religious slaughter within the official control process **will be negligible**. Further there will be a benefit to business in that religious slaughter equipment approvals will be dealt with seamlessly as part of the official control process. A transitional provision will be introduced delaying introduction of the approval requirements in relation to goats, sheep and calves until 1 July 2013, where the equipment concerned was in operation before 1 January 2013.

The knife

83. The current WASK requirements will be modified slightly. Before the neck cut the slaughterman must ensure the knife is surgically sharp, the blade is undamaged and the blade is at least twice the width of the neck. These requirements reflect Dialrel best practice recommendations and will help ensure the neck cut is performed in a way that minimises the

adverse welfare impact on the animal. Some knives may need to be replaced to comply with this provision but the replacement **cost is expected to be minimal**.

84. A definition of knife will be included for the first time. This will ensure slaughter in accordance with religious rites can only be undertaken using a hand held blade. This will preclude the use of automatic neck cutters for un-stunned poultry.

Post cut standstill

85. As a minimum animals slaughtered without a pre cut stun must not be moved for 20 seconds for a sheep or goat, 30 seconds for a bovine animal, 2 minutes for a turkey or goose and 90 seconds for other birds. The current WASK requirements will be retained. As above, maintaining this WASK provision will **not lead to any new or additional cost to business**.

National rules on restraint and stunning in relation to religious slaughter

86. Schedule 12 of WASK sets out a number of detailed requirements to protect the welfare of animals slaughtered in accordance with religious rites. These go beyond the basic Regulation 1099/2009 requirements. Maintaining current WASK requirements as set out at paragraph 76 above will impose no new or additional costs on business operators. Bringing religious slaughter equipment approval within the scope of the “business as usual” official controls inspection procedure will minimise cost to business and the disruption associated with the restraining pen approval process.

87. Applying the Regulation 1099/2009 Annex 1 stunning parameters and requirements is not expected to have any impact on red meat slaughter for religious purposes. Scientific evidence suggests recoverable stunning of poultry should be possible using the waterbath currents and frequencies specified in Annex 1 to Regulation 1099/2009. However there could be increased carcass damage as described and costed under Option 1.

88. Article 4(4) of Regulation 1099/2009 removes the need to stun where slaughter is in accordance with religious rites. However, it also, disapples all the controls Regulation 1099/2009 introduces in relation to stunning methods, Accordingly, there is nothing in the EU legislation to regulate the methods and parameters stunning where stunning is carried out during religious slaughter (as noted above over 80% of animals slaughtered for Halal purposes are currently stunned before slaughter).

89. In the absence of specific provisions Business Operators would be required to ensure they are spared any avoidable pain, suffering or distress and any stun administered would need to comply with the overarching definition of stunning, which requires the method used to induce loss of consciousness and sensibility without pain. However, there would be no specific provisions to control stunning methods used or to ensure their efficacy as is the case for all other slaughter activities. Under this option national rules will be used to apply the provisions of Annex 1 to Regulation 1099/2009, where stunning occurs during religious slaughter. This approach is broadly consistent with the current approach under WASK and **will not lead to any cost increases** compared with Option 0.

Benefits

90. As with Option 1, where religious slaughter of sheep and goats is undertaken through choice with an immediate post cut stun, the current WASK requirement imposing a minimum period between neck cut and subsequent movement (the “20 second rule”) will be removed. As with Option 1 this would lead to **savings of £180,000 per annum**.

91. The following benefits have been identified for this option:

- Higher overarching standard of welfare

- Public good benefits from maintaining current welfare standards and enhanced welfare protection for animals slaughtered in accordance with religious rites.

The benefits above have not been monetised however assuming the time to unconsciousness averages 2 minutes per bovine animal and 60,000 are affected annually (see para 31), an immediate post cut stun in cattle will reduce suffering whilst conscious by a total of 2,000 hours per year.

Risks

92. The risks associated with this option are:

- Scope of domestic regulations wider than required to meet minimum Regulation 1099 requirements
- Removing minimum standstill times for religious slaughter where an immediate post-cut stun is applied could increase the number of animals slaughtered without a pre-cut stun

Micro businesses

93. Religious slaughter must be undertaken at an approved slaughterhouse. None of these are considered to be micro businesses and consequently the national rules proposed in relation to religious slaughter fall outside the scope of the Government moratorium on new regulations affecting micro businesses.

Option 2 – Summary of Costs and Benefits

94. Compared with Option 1 this option introduces no additional one off or recurring costs. The cost savings identified under Option 1 also accrue in full under this option. As a result **the costs and benefits taht apply to Option 2 are identical to** the costs and benefits identified for **Option 1** at paragraph 74.

Option 3

As Option 2 with a limited number of current WASK provisions that provide more extensive welfare protection than Regulation 1099/2009 and which cannot be dealt with through guidance or standard operating procedures, retained through national rules.

Introduction

95. The impact of this option will be the cumulative effect of the measures described under Options 1 & 2 above, together with the additional measures described below. As noted above Regulation 1099/2009 permits national rules that were in force at the time the Regulation was made (September 2009) to be retained where they provide more extensive welfare protection, than the measures in Regulation 1099/2009 itself. Although a direct comparison is not straightforward, some 50 WASK provisions are considered to provide more extensive protection than regulation 1099/2009. These are set out at **Annex 2**.

96. As noted above, maintaining existing national rules to supplement the provisions in Regulation 1099/2009 that do not place any new burdens on business do not fall within the scope of the 'One-In, One-Out' methodology. However to ensure regulatory provisions are kept to a minimum, we have considered whether the welfare protection afforded by WASK can be maintained in other ways. We have concluded that many of the existing WASK provisions not explicitly catered for under Regulation 1099/2009 will necessarily be maintained through industry Guides to Good Practice and Standard Operating Procedures to ensure the overarching welfare requirements in Regulation 1099/2009 (see paragraphs 27 & 28) are met.

Existing National Rules Retained

97. In a number of areas relying on Guides to Good Practice and Standard Operating Procedures would not ensure current welfare standards are maintained and is not consistent with the Government's commitment to improve animal welfare. In the absence of national rules the Government will be criticised for allowing welfare standards to fall. For these reasons the following provisions that provide more extensive welfare protection than Regulation 1099/2009 will be retained through national rules under this option:

| Existing WASK Measure to be retained | WASK References |
|---|---|
| Requirement to hold a slaughter licence when slaughtering animals for the owner's private consumption and killing by knackermen other than with a free bullet | Maintain current approach to exclusions at Schedule 1 (1) |
| All prior welfare offences taken into consideration when assessing whether a person can be given a slaughter licence / certificate of competence rather than offences committed in last 3 years | Schedule 1 (7)(2) and (8) |
| Provision of a loose box in lairage and a separate bay for killing horses and requirement to use them | Schedule 2 (3)(c) Schedule 8 (1) and (2)(a) |
| Requirement for lairage / field lairage to have appropriate tethering, lighting and feeding equipment and not to pose a physical, chemical or health hazard | Schedule 2 4(b), (c), (d) and (e) |
| Requirement that a gas chamber must be designed to allow each pig to remain upright until it loses consciousness and to see each other | Schedule 7 (4)(a) |
| Requirement that a gas chamber must be designed to | Schedule 7 (4)(a) (v) |

| | |
|---|--|
| ensure exposure to maximum concentration of gas within 30 seconds for pigs | |
| Requirement that a gas chamber must maintain required gas concentrations, provide a means of flushing with air and allow access with a minimum of delay | Schedule 7 (4) (f) and (g); (8) (e) and (f) |
| The need to ensure a gas chamber used to kill birds on farm (other than for human consumption) must display gas mixture volumes | Schedule 7A (5) (c) (i – iii) with references to gas mixture % removed |
| Use of equipment | Schedule 5 (2) |
| Requirement to use restraining equipment | Paragraphs 9(b) and 10 (b) and Schedule 4 (2) and (3) |
| The need to lairage an animal on arrival at the slaughterhouse, to protect animals from adverse weather in lairage and to provide adequate ventilation | Schedule 3(2) (a - f) |
| Provisions dealing with movement, handling and feeding of animals in the lairage | Schedule 3 (13) (a - f) |
| Measures relating to the presentation of animals for stunning and the need to bleed or pith without delay following stunning | Schedule 6 (3) (2) and (4) (1 and 2) |
| Measures relating to captive bolt use | Schedule 5(5) and (6) |
| Measures relating to the use of waterbaths | Schedule 5(10) (a) and (11) (a) |
| Procedures that apply in relation to the use of gas in a slaughterhouse and on-farm | Schedule 7 (9) and (10) (a), (c) and (d) Schedule 7A (6) (a), (b)(i), (b)(ii) with specific times removed, (c) and (d). |

Costs

98. The following paragraphs consider the costs associated with national rules to maintain existing WASK protection in the areas identified at paragraph 97 above. As explained below, Option 3 introduces no additional costs and the one off and recurring costs will be the same as Option 1.

National Rules on Certificates of Competence

99. As noted under Option 1 the certificate of competence requirements in Regulation 1099/2009 are narrower than the current WASK requirements. Under this option the current WASK requirements are maintained. As a consequence the following groups will be required to hold a certificate of competence in addition to the core Regulation 1099/2009 requirements:

- Persons slaughtering an animal outside a slaughterhouse for the owner's private consumption;
- Knackermen killing animals other than with a free bullet;
- Persons operating a gas chamber outside a slaughterhouse.

This option also overrides the Regulation 1099/2009 provision requiring only welfare offences committed in the preceding 3 years to be declared on an application for a certificate of competence so that all welfare offences must be declared regardless of when they were committed. There are **no additional costs** associated with this approach compared with Option 0. However, **the cost savings associated with Option 1 will not be achieved.**

National Rules on Lairage facilities

100. Regulation 1099/2009 requires all animals to be handled and housed according to their natural behaviour. The Regulation then goes on to make provision for the main livestock species but makes no specific reference to horses. WASK requires the provision of a loose box in the

lairage and a separate bay for killing horses and a requirement to use them. These provisions are maintained under this option.

101. Regulation 1099/2009 requires business operators to ensure animals do not suffer prolonged withdrawal from feed or water but fails to require appropriate feeding equipment in a lairage or field lairage. This option maintains the current WASK provisions in relation to provision of suitable and easily accessible feeding equipment. Regulation 1099/2009 requires all animals to be unloaded immediately after arrival but makes no provision for their care thereafter. WASK requires animals to be placed in the lairage on arrival at the slaughterhouse, and requires action to be taken to protect animals from adverse weather in the lairage, to provide adequate ventilation and to ensure a field lairage does not pose a physical, chemical or health hazard. These provisions are maintained under this option. As all business operators have been shown to be compliant with current WASK provisions, maintaining these WASK requirements will impose **no additional cost burden** on existing operators.

National Rules on Gas chambers

102. Regulation 1099/2009 requires Standard Operating Procedures to specify the key parameters for use of gas stunning / killing equipment. It also requires equipment manufacturers to provide details of key parameters in their operating instructions. WASK goes beyond this requirement by imposing specific design criteria for gas stunning equipment including the need to ensure:

- each pig can remain upright until it loses consciousness and to see each other
- exposure to the maximum concentration of gas within 30 seconds for pigs / 10 seconds for poultry
- the gas chamber will maintain required gas concentrations, provide a means of flushing with air and allow access with a minimum of delay
- on-farm gas chambers display gas mixture volumes

The existing WASK requirements in each of these areas are maintained under this option. As these measures are already in place and being observed **the cost will be negligible**.

103. Equipment is already built to this specification therefore we do not envisage a need for changes and the resulting cost impact on manufacturers and users of this equipment would be negligible. Where equipment is replaced the additional cost is expected to be minimal as these features can be incorporated from the outset at **little or no additional cost**.

National rules on restraint and stunning

104. Regulation 1099/2009 makes extensive reference to the provision and maintenance of restraining equipment but places business operators under no obligation to use that equipment beyond a requirement to restrain animals slaughtered in accordance with religious rites. Restraint plays an important role in maintaining good welfare standards during slaughter. WASK currently prohibits stunning, slaughter or killing of an animal unless it is restrained in an appropriate manner. This requirement is maintained under this option.

105. Regulation 1099/2009 leaves most aspects of captive bolt use to be determined in the key parameter element of Standard Operating Procedures and manufacturer instructions. WASK includes a number of key requirements to ensure good welfare where a captive bolt is used, including the need to ensure the bolt is fully retracted before it is used on another animal. This is of key importance to ensuring a high standard of welfare and these WASK provisions are retained under this option. In addition WASK specifies minimum post-stick bleed out times. These are intended to ensure no further dressing or electrical stimulation of the carcase until the animal is dead (rather than unconscious). This confers an important additional measure of welfare protection and is maintained under this option.

106. The use of electrical waterbaths to stun poultry is known to give rise to welfare concerns if the equipment is not adequate for the size and type of bird involved. Regulation 1099/2009 sets out a number of provisions about the use and operation of waterbaths but fails to address basic design criteria. This option maintains the WASK requirement that a waterbath must be of adequate size and depth for birds being slaughtered.

107. All costs associated with restraining equipment relate primarily to the initial provision of this equipment. This is required under Regulation 1099/2009. Requiring use of the restraining equipment already installed will have no significant impact on operator costs. Requirements relating to the use of captive bolts will add little if anything to operating costs. Minimum bleed out times could have an impact on line speed but, if the line is designed to accommodate these requirements there will be no adverse cost impact. If the waterbath requirements are built into equipment at the design stage, there will be little if any cost impact on manufacturers and users of this equipment. As these measures are all included in WASK there is **no additional cost compared with the baseline**.

Benefits

108. The following benefits have been identified for this option:

- Current welfare standards maintained
- Use of national rules limited to welfare protection that cannot be maintained in any other way
- Approach to enforcement more clear cut and effective.
- Public good benefits from maintaining current welfare standards and enhanced welfare protection for animals slaughtered in accordance with religious rites.

The benefits above have not been monetised.

Savings

109. The cost savings associated with this option are lower than those associated with Options 1 and 2 as explained at paragraph 99 above. Under this option the following **savings** identified under Options 1 & 2 **will not be achieved**:

Table 10 – Savings identified under Options 1 & 2 that will not be achieved if scope of WASK licence arrangements maintained

| Business Type | One Off Saving foregone | Recurring Saving Per Year foregone | Annual Saving Per Business foregone |
|---|-------------------------|------------------------------------|-------------------------------------|
| Third party slaughtering for private consumption | £58,175 | £454 | £9 |
| Premises Killing other than for Human Consumption | £121,313 | £948 | £26 |
| On farm gas chamber operator | £6,981 | £55 | £55 |
| Total saving to business foregone | £186,469 | £1,457 | |

Sources: FSA; Defra; Information provided by industry (See annex 1)

Risks

110. The risks associated with this option are:

- Scope of domestic regulations wider than required to meet minimum Regulation 1099 requirements

- Industry guides to good practice are not legally binding, nor can they be a substitute for legislation. As such, provisions and recommendations in the guidance cannot be enforced in the same way a legislative provision can.

Micro businesses

111. The national rules proposed for retention at paragraph 97 will not introduce new burdens on micro businesses.

Option 3 – Summary of Costs and Benefits

112. The following tables set out the costs and benefits associated with this option.

Option 3- Summary of one off costs and savings

| Costs as at Options 1 & 2 | Approved Poultry Slaughterhouse | Licensed Poultry Slaughterhouse (a) | Red Meat Slaughterhouse | Farmed game Slaughterhouse (a) | Premises Killing other than for Human Consumption (a) | Livestock Holding (a) | Poultry Unit (a) | Total |
|---------------------------|---------------------------------|-------------------------------------|-------------------------|--------------------------------|---|-----------------------|------------------|-------------|
| Total | £870,835 | £863,740 | £5,125,071 | £111,305 | £12,789 | £4,850,055 | £1,735,344 | £13,569,139 |

(a) Mainly micro-businesses

Option 3 - Summary of recurring costs and savings

| Costs as at Options 1 & 2 | Approved Poultry Slaughterhouse | Licensed Poultry Slaughterhouse (a) | Red Meat Slaughterhouse | Farmed game Slaughterhouse (a) | Premises Killing other than for Human Consumption (a) | Livestock Holding (a) | Poultry Unit (a) | Total |
|---------------------------|---------------------------------|-------------------------------------|-------------------------|--------------------------------|---|-----------------------|------------------|------------|
| Total | £4,472,087 | £626,846 | £720,558 | £224,063 | £5,780 | £1,728,197 | £475,211 | £8,252,742 |
| Cost per Business | £59,628 | £1,746 | £3,464 | £9,336 | £34 | £24 | £24 | |

(a) Micro-businesses

Option 3: Summary of Total Costs and Benefits (£'000)

Total Costs (£'000) – (No change compared with Options 1 & 2)

| | Tn(1) | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Tn(1) | 2019 | 2020 | 2021 | 2022 | Total |
|-------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Constant Prices | 8,744 | 8,253 | 8,253 | 8,253 | 8,253 | 8,253 | 8,253 | 4,825 | 8,253 | 8,253 | 8,253 | 8,253 | 96,097 |
| Present Value (2) | 8,744 | 7,974 | 7,704 | 7,444 | 7,192 | 6,949 | 6,714 | 3,792 | 6,487 | 6,267 | 6,055 | 5,850 | 81,171 |

Total Benefits (£'000) – (Lower than under Options 1 & 2)

| | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
|-------------------|------|------|------|------|------|------|------|------|------|------|-------|
| Constant prices | 180 | 180 | 180 | 180 | 180 | 180 | 180 | 180 | 180 | 180 | 1,800 |
| Present value (2) | 174 | 168 | 162 | 157 | 152 | 146 | 142 | 137 | 132 | 128 | 1,497 |

1) 'One-off' transition costs

(2) Discounted at 3.5% pa

Level of Analysis and Evidence used in the IA

113. Regulation 1099/2009 introduces changes that have a significant impact on slaughterhouse operators and livestock producers and the welfare of over some 800 million animals slaughtered annually in England. A preliminary Impact Assessment was prepared at the negotiation stage and the feedback provided following consultation has been incorporated in this Impact Assessment. Key stakeholders, NGOs and welfare organisations have been involved in developing key elements of the implementation package including the certificate of competence arrangements, guides to good practice and the approach to the use of national rules. Members of the Jewish and Muslim religious communities have been consulted informally about measures to protect welfare during religious slaughter. These inputs are reflected in this Impact Assessment.

114. The general public expect farm animals to be treated humanely during their lives and at the time of slaughter. In terms of benefits the welfare of animals at slaughter is a public good. The public do not however have a good understanding of the practices that take place during this process and it is felt that a stated preference study to elicit benefit values arising from the detailed changes described above would not be appropriate. The value of this benefit has not therefore been monetised.

One in One Out and Moratorium on micro-business regulation

115. Under OIOO methodology EU regulations are out of scope. This applies to both options. For option 3 however (the preferred option) there are additional measures which go beyond Regulation 1099/2009. These measures relate to additional safeguards for religious slaughter and the maintenance of current WASK provisions that establish higher welfare standards than Regulation 1099/2009 and which cannot be dealt with through business level guidance or standard operating procedures. There are however no costs associated with these relative to the baseline option 0 and therefore no 'ins' associated with option 3.

116. There are impacts on micro-businesses (the livestock farming sector, farmed game slaughterhouses, seasonal slaughter operators and collections centres) but these arise from the EU Regulation and are therefore out of scope of the moratorium on regulation.

Wider impacts

117. It is not expected that any of the options under consideration would have wider impact beyond those considered here.

Post implementation review

118. A review of the overall implementation package must be undertaken 5 years after implementation of the Regulation (i.e. by 1st January 2018)

Summary, preferred option and implementation plan

119. The preferred option is to implement Regulation 1099 /2009, maintain welfare protection associated with religious slaughter and maintain selected elements of WASK as national rules as proposed at Option 3. This option ensures that Government policy objectives in relation to improving standards of animal welfare and maintaining current welfare protection for animals subject to religious slaughter are met whilst delivering some reduction in regulatory burdens by repealing much of WASK. This option implements the directly applicable obligations in Regulation 1099/2009 and minimises infraction risks.

120. A full consultation will be undertaken between July and September 2012. The approach to implementation will be finalised post consultation. WATOK will be laid before Parliament with a final

Impact assessment in November with a view to it coming into effect on 1 January 2013. Guidance on the new regulations will be prepared and published before the end of 2012. The Secretary of State will be required to review and report on the application of WATOK within a period of five years from 1 January 2013.

Statutory equality duties

121. The preferred option for implementing Regulation 1099/2009 will have no impact on age, race, disability or gender. Similarly the preferred option does not impose any restriction or requirement which a person of a particular age, racial background, disability or gender would find difficult to comply with. Save for the provisions on religious slaughter, these conditions apply equally to all individuals and businesses involved in the activities covered.

122. The preferred option makes specific provision for slaughter of animals in accordance with religious rites and will have an impact on the Jewish and Muslim communities. Regulation 1099/2009 requires all animals to be killed instantaneously following stunning. However animals slaughtered in accordance with the Jewish and Muslim faiths may be killed by bleeding without prior stunning. This exemption allows people of the Jewish and Muslim faiths to eat meat slaughtered in accordance with their religious beliefs.

Economic impacts

123. The preferred option has no impact on domestic competition issues and does not have a disproportionate impact on small businesses. The preferred option will improve competitiveness in relation to similar businesses in other parts of Europe. The preferred option will impose new regulatory burdens on micro businesses although this impact cannot be avoided without infraction risk as Regulation 1099/2009 is directly applicable.

Environmental impacts

124. The preferred option has no specific environmental impact

Social Impacts

125. The preferred option is consistent with the Human Rights Act 1988.

126. There will be an impact on Rural Communities as it is anticipated that the majority of activities associated with Regulation 1099/2009 will be carried out in Rural Communities. However the Regulation is not expected to have any impact on the scope of current activities undertaken by meat plants or other businesses affected by it. The regulation is not expected to affect employment in Rural Communities.

127. The impact on the justice system is considered to be neutral as the number of prosecutions is not expected to rise under the new arrangements. It is anticipated that the introduction of enforcement notices will ensure only the most serious offences involving actual harm to animals will come before the courts.

Sustainable Development

128. The preferred option is not expected to lead to any significant changes in the way the industry currently works or have any material impact on its sustainability.

Competition

129. The preferred option has no impact on domestic competition. The use of national rules under Option 3 is not expected to make the industry in the UK less competitive with their counterparts in Europe as the overarching welfare requirements meet or exceed current welfare obligations and apply equally to all member states.

Small firms

130. Some slaughterhouses will be small businesses particularly seasonal poultry slaughterhouse operators. Many livestock producers will be small businesses and some will be micro businesses. The preferred option will impact on small businesses. However there is a specific exemption from the Animal Welfare Officer requirement for slaughterhouses with low throughput levels. The views of small businesses will be obtained through the consultation process and the final version of the Impact Assessment will be modified to reflect the views expressed. The Government moratorium on new legislation affecting micro businesses does not include directly applicable EU legislation. Further, it does not apply to the retention of existing measures through national rules made under Regulation 1099/2009 as they will not introduce new burdens on micro businesses.

ASSUMPTIONS AND DATA**Businesses affected**

| Slaughterhouses | Approved | | Number requiring AWO | Seasonal / Licensed | |
|--|---------------|-------------------------------|----------------------|---------------------|-------------------------------|
| | Total Number: | Of which below AWO threshold* | | Total | Of which below AWO threshold* |
| Poultry | 75 | 22 | 53 | 359 | 359 |
| Red meat | 208 | 74 | 134 | | |
| Cattle | 181 | | | | |
| Sheep | 179 | | | | |
| Pigs | 130 | | | | |
| Farmed game (Mainly deer) | 24 | 24 | 0 | | |
| Total | 307 | 120 | 187 | 359 | 359 |
| Premises Killing other than for Human Consumption* | | | | 171 | N/A |

Sources: FSA except *Defra

Slaughterhouse working hours / pay rates

| | |
|--|-----|
| Lairage / line worker | 10 |
| Supervisor | 15 |
| Middle / production manager | 20 |
| Senior Manager | 25 |
| % Uplift to cover administrative and accommodation costs | 30 |
| Days worked per year | 240 |
| Hours worked per day | 8 |

Source: Industry information validated through consultation on Regulation 1099 proposals

Standard Operating Procedures

Time required to prepare, review and monitor SOPs and associated staff training assuming national rules and Guides to good practice are in place:

| | Slaughter house | Premises Killing other than for Human Consumption | Livestock holding | Poultry unit |
|--|-----------------|---|-------------------|--------------|
| | | | | |

| | | | | |
|--------------------------------|------|-------|-------|-------|
| Initial preparation (days) | 1 | 0.5 | 0.5 | 0.5 |
| Checks on stunning (Hrs / day) | 0.25 | 0.005 | 0.005 | 0.005 |
| Staff training (Hours) | 4 | 2 | 1 | 1 |
| Update and review (Days) | 0.5 | 0.25 | 0.25 | 0.25 |
| % of businesses affected | 100 | 50 | 35 | 35 |

Source: Industry information validated through consultation on Regulation 1099 proposals

Time required to prepare, review and monitor SOPs and associated staff training in **the absence of** national rules and Guides to good practice are in place:

| | Slaughter house | Premises Killing other than for Human Consumption | Livestock holding | Poultry unit |
|--------------------------------|-----------------|---|-------------------|--------------|
| Initial preparation (days) | 2 | 1 | 1 | 1 |
| Checks on stunning (Hrs / day) | 0.5 | 0.01 | 0.01 | 0.01 |
| Staff training (Hours) | 4 | 2 | 1 | 1 |
| Update and review (Days) | 1 | 0.5 | 0.5 | 0.5 |
| % of businesses affected | 100 | 50 | 35 | 35 |

Source: Assumed times drawing on industry information validated through consultation on Regulation 1099 proposals

Hourly rates (£ per Hour):

| | Slaughter house | Premises Killing other than for Human Consumption | Livestock holding | Poultry unit |
|---------------------|-----------------|---|-------------------|--------------|
| Initial preparation | 26 | 26 | 26 | 26 |
| Checks on stunning | 13 | 13 | 13 | 13 |
| Update and review | 26 | 26 | 26 | 26 |

Source: Industry information validated through consultation on Regulation 1099 proposals

Monitoring procedures

| | Slaughter house | Premises Killing other than for Human Consumption | Livestock holding | Poultry unit |
|--------------------------------------|-----------------|---|-------------------|--------------|
| Initial preparation (days) | 0.5 | 0.25 | 0.25 | 0.25 |
| Monitoring and recording (Hrs / day) | 0.25 | 0.005 | 0.005 | 0.005 |
| Update and review (Days) | 0.25 | 0.12 | 0.12 | 0.12 |
| Monitoring £/Hour | 13 | 13 | 13 | 13 |

Source: Assumed times drawing on industry information validated through consultation on Regulation 1099 proposals

Animal Welfare Officer

Number of businesses affected:

- Slaughterhouses not exempted by low throughput exemption – 187
- Proportion of slaughterhouses required to have an AWO with no AWO at present 33% (187 x 33%) - 62
- Licensed slaughterhouses – none Farms / poultry units – none
- Premises Killing other than for Human Consumptions - none

Hourly rates:

- £26 per hour

Additional time required to undertake AWO role:

- 12.5% of a full time post

Source: Industry information validated through consultation on Regulation 1099 proposals

AWO Certificate of Competence

- Number of people requiring a Certificate of Competence – 187
- Number of units required – Poultry (2 species) 12 – Redmeat (2 species) 17
- Training hours per unit – 6
- Training cost per hour – 26
- Assessment cost / day £250
- Units assessed / day – 6

Source: Conversations with Awarding Organisations, Training Organisations and Industry

Certificates of Competence

- Number of active WASK slaughterman licence holders 5000

- Number of active WASK slaughterman licence holders with **more** than 3 years professional experience – 4379
- Number of active WASK slaughterman licence holders with **less** than 3 years professional experience – 621
- Number of people requiring a CoC who were not required to hold a WASK licence – 3300
- Number of people requiring a CoC who were not required to hold a WASK licence with **more** than 3 years professional experience – 2890
- Number of people requiring a CoC who were not required to hold a WASK licence with **less** than 3 years professional experience – 410
- Number of new CoCs issued each year - 207
- Number of units required – Slaughterman 3 – Lairage worker 2 – Poultry hanger on 2
- Training hours per unit – 6
- Training cost per hour – Awarding Organisation approved slaughterhouse £26 – Other premises £52
- Assessment cost / day Awarding Organisation approved slaughterhouse £250 – Other premises £400
- Centre approval £350
- Number of slaughterhouses approved as training / assessment centres 150
- Units assessed / day – 4

Source: Conversations with Awarding Organisations, Training Organisations and Industry

- Practical Assessment cost - Approved slaughterhouse £55 – Licensed premises £500

Certification costs

- Temporary CoC £45
- CoC £45
- CoC amendment £15

Source: Based on information provided by FSA and AHVLA

WASK PROVISIONS CONSIDERED TO PROVIDE MORE EXTENSIVE WELFARE PROTECTION THAN REGULATION 1099/2009

General provisions

PART II REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES AND KNACKERS YARDS

10 Where any soliped, ruminant, pig, rabbit or bird is brought into a slaughterhouse or knacker's yard for killing, that animal shall be — (b) restrained in accordance with Schedule 4

PART III SLAUGHTER OR KILLING ELSEWHERE THAN IN SLAUGHTERHOUSES OR KNACKERS YARDS

14 Subject to regulations 16 and 17, where any soliped, ruminant, pig, rabbit or bird is slaughtered elsewhere than in a slaughterhouse or knacker's yard, that animal shall be — (a) restrained in accordance with Schedule 4;

20 The occupier or person in charge of any premises at which birds are offered or exposed for sale prior to being slaughtered there shall ensure that, on arrival at the premises, the birds are forthwith —

(a) placed in accommodation in which they are able, without difficulty, to stand upright, turn around and stretch their wings; and

(b) provided with a sufficient supply of wholesome food and clean drinking water.

Licensing of Slaughtermen

WASK SCHEDULE 1

Regulation 1099/2009 requires a Certificate of Competence for "slaughter operations" i.e. killing for human consumption. Slaughter for the direct supply of small quantities of poultry rabbits and hares does not require a CoC. Further a CoC is not required where a third party slaughter an animal for domestic consumption by the owner. WASK does not limit the scope of the licensing scheme in this way and the current WASK scope should be maintained.

Where Regulation 1099/2009 applies the provisions of Article 7(2) determines the operations for which a CoC is required.

Where the scope the CoC is extended by national rules the WASK Schedule 1 para (1) exclusions should apply.

1. The requirements of this Schedule shall not apply to any person who—

(a) for emergency reasons relating to the welfare of any animal has to slaughter or kill that animal immediately;

(b) slaughters or kills any animal elsewhere than in a slaughterhouse or knacker's yard, provided that he is the owner of the animal and the slaughter or killing is for his private consumption;

(c) slaughters or kills any animal other than for a commercial purpose;

(d) kills by means of a free bullet any animal in the field;

(e) kills a bird by means of dislocation of the neck or decapitation on premises forming part of an agricultural holding on which the bird was reared;

(f) kills any animal for the purpose of disease control in accordance with Schedule 9;

(g) kills any fox or mink in accordance with Schedule 10;

(h) kills surplus chicks or embryos in hatchery waste in accordance with Schedule 11;

(i) operates any automatic equipment used to stun, slaughter or kill any animal without performing any of the operations specified in paragraph 3 below;

(j) shackles birds before stunning or killing; or

(k) is a veterinary surgeon acting in the exercise of his profession or a person acting under the direction of a veterinary surgeon so acting.

2. No person shall carry out any of the operations specified in paragraph 3 below except—

(a) under and in accordance with the terms of a licence granted and registered under paragraph 5 below;

(b) under and in accordance with the terms of a licence issued by a local authority under the Slaughter of Poultry Act 1967 ("the 1967 Act"), the Slaughterhouses Act 1974 ("the 1974 Act"), the Slaughter of Animals (Scotland) Act 1980 ("the 1980 Act") or any regulations made under any of those Acts; or

(c) under and in accordance with the terms of a provisional licence granted under paragraph 7 below.

3. The operations mentioned in paragraph 2 above for which a licence is required are any of the following—

| |
|--|
| (a) the restraint of any animal for the purpose of stunning, slaughtering or killing that animal; |
| (b) the stunning of any animal; |
| (c) the slaughter of any animal; |
| (d) the killing of any animal; |
| (e) the pithing of any stunned animal; |
| (f) (part) the assessment of effective stunning, of any animal by any person whose duty it is to make such an assessment; |
| (f) (part) the assessment of effective pithing or killing of any animal by any person whose duty it is to make such an assessment; |
| (g) the shackling or hoisting of any stunned animal; and |
| (h) the bleeding of any animal which is not dead. |
| 4 (1). In this Schedule "certificate of competence" means— (a) a certificate issued under sub-paragraph (2) below by a veterinary surgeon authorised for the purpose by the Minister ("an authorised veterinary surgeon"); (b) a certificate issued by a veterinary surgeon which accompanied an application for a licence under the Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991 ("the 1991 Regulations") in accordance with Regulation 5(1)(a)(i) and Schedule 1 thereto; or (c) a licence granted to the applicant for the purpose of slaughtering animals by the Jewish method by the Rabbinical Commission (referred to in Part IV of Schedule 12) in England and Wales or by the Chief Rabbi in Scotland. |
| 4 (2). An authorised veterinary surgeon shall issue a certificate of competence if— (a) having assessed the applicant, the authorised veterinary surgeon is of the opinion that the applicant— (i) is competent to carry out all the operations mentioned in paragraph 3 above in respect of which he is applying for a certificate without causing avoidable pain, excitement or suffering to any animal; and (ii) has sufficient knowledge of the provisions of all the relevant legislation and of any relevant current code issued under regulation 7 relating to the operations in respect of which he is applying for a certificate; (b) the applicant is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a certificate; and (c) the applicant is not below the age of 18. |
| 5 (1). Where the Minister receives a certificate of competence for registration, together with the appropriate fees, he shall grant and register a licence (hereinafter referred to as "a registered licence") if— (a) in his opinion the applicant is a fit and proper person to hold a licence; and (b) the applicant provides any information required in sub-paragraph (2) below. |
| 6 (2). A certificate of competence in respect of any modifications shall be obtained in accordance with paragraph 4 above and sent to the Minister in accordance with paragraph 5 above before a registered licence to cover those modifications can be granted. |
| 7 (1). An authorised veterinary surgeon shall grant a provisional licence to any applicant who— (a) is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a provisional licence; (b) is not below the age of 18; and (c) provides any information required by sub-paragraph (2) below. |
| 8. An authorised veterinary surgeon may refuse to issue a certificate of competence or refuse to grant a provisional licence and the Minister may refuse to grant a registered licence if the applicant— (a) has failed to comply with— (i) any condition of any licence previously granted to him under these Regulations; or (ii) any condition of any licence to slaughter animals previously granted to him by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts; or (b) has been convicted of an offence under— (i) these Regulations; (ii) the 1967 Act or any regulations made under it; (iii) the 1974 Act or any regulations made under it; (iv) the 1980 Act or any regulations made under it; (v) the Protection of Animals Acts 1911 to 1964; (vi) the Protection of Animals (Scotland) Acts 1912 to 1964; (vii) any order made under the Animal Health Act 1981 regulating the transport of animals; (viii) Part I of the Agriculture (Miscellaneous Provisions) Act 1968 or any regulations or order made under it; or (ix) any other provision concerning the welfare of animals. |
| 9 (2). An authorised veterinary surgeon may grant a provisional licence under paragraph 7(1) above to |

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|--|
| any person whose registered licence has been suspended or revoked. |
| 9 (3). Any person whose licence has been suspended or revoked under sub-paragraph (1) above shall, whether or not that suspension or revocation is the subject of an appeal pursuant to paragraph 11 below, surrender it to the Agency within 14 days of receipt of a notice informing him of the suspension or revocation. |
| 10. The Minister may charge an applicant for, or a holder of, a certificate of competence or a licence (as the case may be) such reasonable fees as he may determine in respect of— (a) the assessment of the competence of any person who applies for a certificate of competence; (b) any assessment of the competence of any person who applies for a modification of his licence; and (c) the issue and the registration of the licence. |
| 11 (1). Where the Minister or the authorised veterinary surgeon (as the case may be)— (a) refuses to issue a certificate of competence; (b) refuses to grant a registered licence; (c) refuses to modify a registered licence; (d) refuses to grant a provisional licence; (e) suspends a registered licence; (f) revokes a provisional licence; or (g) revokes a registered licence, he shall, as soon as reasonably practicable, give to the applicant or holder of the licence (as the case may be) a notice in writing of the reasons for the refusal, suspension or revocation (hereinafter referred to as "a notice"). |
| 11 (2). Any person to whom a notice is given shall have a right to make written representations to the Minister or to the authorised veterinary surgeon and to be heard by an independent person appointed by the Minister. |
| 11 (3). The notice shall inform the person to whom it is given— (a) of his right to make representations in writing; (b) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made; (c) of his right to be heard; and (d) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard. |
| 11 (4). In the event of any person to whom the notice is given making any representations (whether orally or in writing) to the Minister or to the authorised veterinary surgeon (as the case may be), the Minister or the authorised veterinary surgeon shall reconsider his decision to refuse, suspend or revoke in the light of those representations. |
| 11 (5). In the event of any person to whom the notice is given being heard by the independent person, the Minister or the authorised veterinary surgeon shall reconsider his decision to refuse, suspend or revoke in the light of the findings of the independent person. |

Construction, equipment and maintenance of slaughterhouses and knackers yards

| WASK SCHEDULE 2 |
|--|
| 1. The occupier of a slaughterhouse or knacker's yard shall ensure that— (e) (part) any instrument, restraining equipment, other equipment or installation which is used for stunning, slaughter or killing is designed and constructed , so as to facilitate rapid and effective stunning, slaughter or killing in accordance with these Regulations; and (f) for emergency use, suitable spare equipment and instruments for stunning, slaughter or killing are kept at the site within the slaughterhouse or knacker's yard where stunning, slaughter or killing takes place and (ii) any defect found at any time in such equipment or instruments is rectified forthwith. |
| 2. In addition to requirements of paragraph 1 above, the occupier of a slaughterhouse or knacker's yard to which animals are delivered other than in containers shall ensure that— (e) where the slaughterhouse or knacker's yard is one in which horses are slaughtered or killed, a separate room or bay is provided there for use for the slaughter or killing of horses. |
| 3. The occupier of a slaughterhouse or knacker's yard to which animals are delivered other than in containers shall ensure that— (b) any lairage has (vi) (part) racks, mangers or other equipment adequate in number and size for the feeding of all animals confined in the lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled; and |

| |
|--|
| (c) where the lairage is one in which any horses are confined, the lairage contains at least one loose box which is so constructed as to minimise the danger of any horse injuring itself or any other animal confined in that lairage. |
| 4. The occupier of a slaughterhouse or knacker's yard shall ensure that any field lairage— (b) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard; (c) where necessary, has suitable equipment for tethering animals; (e) (part) is provided if necessary, with racks, mangers or other equipment adequate in number and size for the feeding of all animals confined in the field lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled. |

Animals awaiting slaughter

| WASK SCHEDULE 3 |
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| 2 The occupier of a slaughterhouse or knacker's yard and any person engaged in the movement of lairaging of animals shall ensure that— (b) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation; |
| (c) if any animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means; |
| (f) No person drags any animal which has been stunned or killed over any other animal which has not been stunned or killed. |
| 5. The occupier of a slaughterhouse or knacker's yard and any person engaged in the movement of lairaging of any animal shall ensure that any animal which is unable to walk is not dragged to its place of slaughter or killing but-- (a) is slaughtered or killed where it lies; or (b) if it is possible and to do so would not cause any unnecessary pain or suffering, is transported on a trolley or movable platform to a place of emergency slaughter or killing where it is then immediately |
| 6 In addition to the requirements of Part II above, the occupier of a slaughterhouse or knacker's yard and any person engaged in the movement of animals which are delivered other than in a container shall ensure that— (a) care is taken not to frighten, excite or mistreat any animal; (b) No animal is overturned; (c) if any animal is not slaughtered or killed immediately on arrival at the slaughterhouse or knacker's yard, it is lairaged; and |
| 8 No person shall, in any slaughterhouse, knacker's yard or lairage, lead or drive, or cause or permit to be led or driven, any animal over any ground or floor the nature or condition of which is likely to cause the animal to slip or fall |
| 9 The occupier of a slaughterhouse or knacker's yard and any person engaged in the movement of any animals shall ensure that every animal is moved with care and, when necessary, that animals are led individually. |
| 13 The occupier of a slaughterhouse or knacker's yard and any person engaged in the lairaging of any animal shall ensure that— (d) food is provided in a way which will permit the animals to feed without unnecessary disturbance; |
| 14 In addition to the requirements in Part II above, the occupier of a slaughterhouse and any person engaged in the movement of any animal delivered in any container shall ensure that— (c) any animal delivered in a container with a perforated or flexible bottom is unloaded with particular care in order to avoid injury; and |
| 16 The occupier or person in charge of any premises at which birds are offered or exposed for sale prior to being slaughtered or killed there shall ensure that, on arrival at the premises, the birds are forthwith— (a) placed in accommodation in which they are able, without difficulty, to stand upright, turn around and stretch their wings; and (b) provided with a sufficient supply of wholesome food and clean drinking water. |

Restraint before slaughter

| WASK SCHEDULE 4 |
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| 2 No person shall stun, slaughter or kill, or cause or permit to be stunned, slaughtered or killed, any animal without restraining it in an appropriate manner in such a way as to spare it any avoidable pain, suffering, agitation, injury or contusions. |
| 3 Without prejudice to the generality of paragraph 2 above, no person shall— |

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| (a) in any slaughterhouse, stun, or cause or permit to be stunned, any adult bovine animal, unless at the time it is stunned it is confined in a stunning pen or in a restraining pen which (in either case) is in good working order; |
| 3 Without prejudice to the generality of paragraph 2 above, no person shall— (c) slaughter, or cause or permit to be slaughtered, by a religious method any bovine animal, as defined in paragraph 1(b)(ii) of Schedule 12, which is not stunned, or stunned and pithed, before slaughter unless that animal is restrained in accordance with paragraph 3 of Schedule 12. |
| 7 The occupier of a slaughterhouse or knacker's yard and any person engaged in the stunning or killing of any animal shall ensure that any animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. |
| 9(1) No person shall operate, or cause or permit to be operated, any shackle line unless— (a) each bird suspended from it is kept clear of any object which may cause it avoidable excitement, pain or suffering, including when its wings are outstretched, until it is stunned; (b) it is possible to relieve any avoidable excitement, pain or suffering which a bird suspended from a shackle appears to be suffering or to remove such a bird from the shackle; and (c) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, any bird suspended from it can be performed without undue haste and with proper regard for the welfare of the bird. |

Stunning or killing

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| WASK SCHEDULE 5 |
| 3 No person shall stun, or cause or permit to be stunned, any animal unless it is possible to— (a) bleed or pith it without delay and in accordance with Schedule 6; or (b) kill it without delay and in accordance with Part III of this Schedule. |
| 6 Any person who uses a captive bolt instrument shall check that the bolt is retracted to its full extent after each shot and if it is not so retracted shall ensure that the instrument is not used again until it has been repaired. |
| 10, a No person shall use, or cause or permit to be used, a water bath stunner to stun any bird unless— (a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with the bird's head; |
| 11, a No person shall use, or cause or permit to be used, any waterbath stunner unless— (a) it is adequate in size and depth for the type of bird being slaughtered; |
| 12 No person shall use, or cause or permit to be used, any waterbath stunner unless a person is available to ascertain whether it has been effective in stunning the birds and who, where it has not been effective, will either stun and slaughter or kill any bird without delay. |

Bleeding or pithing

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| WASK SCHEDULE 6 |
| 2(1) The occupier of a slaughterhouse or knacker's yard shall ensure that any animal that has been stunned before bleeding or pithing is bled or pithed without delay after it has been stunned. |
| 2(2) Any person engaged in the bleeding or pithing of any animal which has been stunned shall ensure that the animal is bled or pithed without delay after it has been stunned. |
| 3(2) Subject to sub-paragraph (3) below, after severance of at least one of the carotid arteries or the vessels from which they arise of any animal that has been stunned before bleeding, no person shall cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of— (a) in the case of a turkey or goose, a period of not less than 2 minutes; (b) in the case of any other bird, a period of not less than 90 seconds; (c) in the case of bovine animals, a period of not less than 30 seconds; and (d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds. |
| 3(3) Sub-paragraphs (1) and (2) above shall not apply to any animal which has been pithed. |

Killing pigs and birds by gas

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| WASK SCHEDULE 7 |
| 3(1) Subject to paragraphs 4 to 6 below, pigs may be killed at a slaughterhouse by exposure to carbon dioxide gas mixture in a chamber provided for the purpose (hereinafter referred to as "a chamber"). |

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| <p>4, The occupier of a slaughterhouse at which a chamber is used shall ensure that—</p> <p>(a) the chamber and the equipment used for conveying any pig through the gas mixture are designed, constructed and maintained—</p> <p>(iii) so as to enable each pig to remain upright until it loses consciousness;</p> <p>(iv) so as to enable the pigs to see each other as they are conveyed in the chamber; and</p> <p>(v) so that once a pig enters the chamber, it is conveyed to the point in the chamber of maximum concentration of the gas mixture within a maximum period of 30 seconds;</p> <p>(c) adequate lighting is provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings;</p> <p>(d) the installation has an apparatus which maintains the required concentration by volume of carbon dioxide in the gas mixture in the chamber;</p> <p>(f) there is a means of flushing the chamber with atmospheric air with the minimum of delay; and</p> <p>(g) there is a means of access to any pig with the minimum of delay.</p> |
| <p>6 The occupier of a slaughterhouse at which a chamber is used and any person engaged in the killing of pigs by exposure to carbon dioxide shall ensure that—</p> <p>(a) No pig enters the chamber if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 70%; and</p> <p>(b) No pig is passed through or allowed to remain in the chamber at any time when the visible and audible warning signals provided for in paragraph 4(e)(iii) above have been activated or when there is any defect in the operation of the chamber.</p> |
| <p>8, a The occupier of a slaughterhouse at which a chamber is used shall ensure that—</p> <p>(a) the chamber and the equipment used for conveying any bird through the gas mixture are designed, constructed and maintained—</p> <p>(ii) so that once a bird enters into the chamber it is conveyed to the point in the chamber of maximum concentration of the gas mixture within a maximum period of 10 seconds;</p> <p>(b) the installation has an apparatus which maintains the required concentration by volume of oxygen or carbon dioxide, as appropriate, in the chamber;</p> <p>(e) there is a means of flushing the chamber with atmospheric air with the minimum delay; and</p> <p>(f) there is a means of access to any bird in any part of the chamber with the minimum of delay.</p> <p>9, The occupier of a slaughterhouse at which a chamber is used shall ensure that—</p> <p>(a) the birds are exposed to the gas mixture for long enough to ensure that they are killed;</p> |
| <p>10, (b) No bird enters the chamber if, as appropriate—</p> <p>(i) the displayed concentration of oxygen is above 2% by volume, except that the concentration of oxygen may occasionally rise to a concentration of not more than 5% by volume for not more than 30 seconds; or</p> <p>(ii) the displayed concentration of carbon dioxide is above 30% by volume;</p> <p>(c) No bird is passed through or allowed to remain in the chamber at any time when the visible and audible warning signals provided for in paragraph 8(c)(iii) above have been activated or when there is any defect in the operation of the chamber; and</p> <p>(d) No bird is shackled before it is dead</p> |

Killing birds by gas outside a slaughterhouse

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| <p>WASK SCHEDULE 7A</p> |
| <p>4(1) No person may operate a chamber unless he has been assessed competent to do so under Schedule 1 to these Regulations.</p> |
| <p>5The operator of a chamber used to kill end of lay hens, end of life breeder hens or birds must ensure that the chamber is—</p> <p>(a) designed, adapted, constructed, and maintained so as to avoid injury to the hen or bird;</p> <p>(b) fitted with an apparatus that can deliver gas mixtures to the chamber in accordance with the combinations listed in the table in Part V of this Schedule;</p> <p>(c) fitted with devices which—</p> <p>(i) measure and display the maximum concentration by volume of oxygen in the gas mixture mentioned in combination 3 in that table or the minimum concentration by volume of carbon dioxide mentioned in combination 1 or 2 of that table as a percentage at the point of minimum concentration in the chamber</p> <p>(ii) where combination 3 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of oxygen rises above 5% for more than 30 seconds; and</p> <p>(iii) where combination 1 or 2 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of carbon dioxide falls below 45% for more than 30 seconds; and</p> <p>(d) fitted with a means of visually monitoring birds or hens in the chamber</p> |
| <p>6 The operator of the chamber must ensure that— (a) every person engaged in the killing is instructed as to the method of operation of the chamber;</p> |

(b) end of lay hens, end of life breeder hens and birds are—
(i) rapidly rendered insensible to pain or distress; and
(ii) exposed to the gas mixtures mentioned in the second column of the table in Part V long enough to ensure they are killed and in any event for a period of—
(aa) where combination 1 in that table is used, not less than 5 minutes
(bb) where combination 2 in that table is used, not less than 2 minutes;
(cc) where combination 3 in that table is used, not less than 90 seconds;
(c) should the visible or audible warning signals provided for in paragraph 5(c)(ii) be activated, more of the gas mixture is immediately supplied to the chamber until the required concentrations are achieved; and
6 (d) after exposure to a gas mixture nothing more is done to an end of lay hen, an end of life breeder hen or bird until it is ascertained that it is dead.

Killing horses

WASK SCHEDULE 8

1 Subject to paragraph 3 below, no person shall slaughter or kill, or cause or permit to be slaughtered or killed, any horse in a slaughterhouse or knacker's yard except in a room or a bay which has been provided for the slaughter or killing of horses by the occupier of the slaughterhouse or knacker's yard in accordance with paragraph 2(e) of Schedule 2 (which relates to additional provisions for horses).

Disease control

WASK SCHEDULE 9

5 Any person who uses a captive bolt instrument shall check that the bolt is retracted to its full extent after each shot and if it is not so retracted shall ensure that the instrument is not used again until it has been repaired.

Killing surplus chicks and embryos

WASK SCHEDULE 11

4 No person shall kill, or cause or permit to be killed, any surplus chick by dislocation of the neck unless the dislocation is accompanied by the severance of the spinal cord and blood vessels in the chick's neck.

Electric waterbath production losses

Production losses using existing industry standards for waterbath stunning currents and frequencies – assumed to be negligible

Production losses using regulation 1099/2009 standards for waterbath stunning currents and frequencies (see calculation below):

Number of birds slaughtered annually in England = 735m

Number stunned electrically 55.3% of total (FSA survey) = 406m

Number stunned electrically for Halal 13.5% of total (FSA) = 99m

Proportion of bird sold deboned² = 60%

Number stunned electrically and sold deboned (406 x 60%) = 244m

Data taken from “Effect of Waterbath Stunning Current, Frequency and Waveform on Carcase and Meat Quality in Broilers” Rob Barker – September 2006

Table 1

| Percentage and Number of Birds Requiring Trimming or Subject to Downgrading | | | | | | | |
|---|-----------------------|------------------------|--|-----------------------|-------------------------------------|----------|--|
| | Percent | | | | Number (Million birds) ³ | | |
| | DC 600 Hz 80 ma | AC 600 Hz 150 ma | | DC 600 Hz 80 ma | AC 600 Hz 150 ma | Increase | |
| Medial Breast Muscle | 4.25 | 12.25 | | 10.4 | 29.9 | 19.5 | |
| Ventral Breast Muscle | 1.5 | 2.0 | | 3.7 | 4.9 | 1.2 | |
| Minor Breast Muscle | 7.25 | 16.75 | | 17.6 | 40.9 | 23.3 | |
| Average | 4.3 | 10.3 | | | | | |

Conclusion:

If it is assumed that Medial, Ventral and Minor breast muscle damage affects the same birds rather than different birds, between 19.5m and 23.3m birds would be affected by downgrading if currents and frequencies increase from DC 600 hz and 80 ma to AC 600hz and 150ma

Downgrading costs

It is assumed the value of breast trim is one third the value of breast fillet (Source Steve Moore).

Assuming breast fillet is worth £4.00 / kg the value of the trim will be £1.32 / kg. This represents a loss of £2.68 / Kg.

Downgrading levels / cost

Assume average breast meat weight is 300 grams per bird.

Assume current trim levels are commercially insignificant

If trim level increases to 10% downgrade is 30 grams per bird i.e. a loss of £0.08 per bird (@ £2.68 / Kg)

If trim level increases to 20% downgrade is 60 grams per bird i.e. a loss of £0.16 per bird (@ £2.68 / Kg)

If trim level increases to 30% downgrade is 90 grams per bird i.e. a loss of £0.24 per bird (@ £2.68 / Kg)

Estimated downgrading loss to industry if frequency / current changed from DC 600 hz / 80 ma to AC 600hz / 150 ma based on Rob Barker’s paper

Table 2 ⁴

| Downgrade % | Loss £/Bird | Loss £m per year | |
|-------------|-------------|-------------------------------------|-------------------------------------|
| | | If 20 ⁵ m Birds Affected | If 24 ⁵ m Birds Affected |
| 10 | 0.08 | 1.6 | 1.9 |
| 20 | 0.16 | 3.2 | 3.8 |
| 30 | 0.24 | 4.8 | 5.7 |

Conclusion

If currents and frequencies increase from DC 600 hz and 80 ma to AC 600hz and 150ma industry downgrading losses could increase by between £1.6m and £5.7m per annum.

Assume additional downgrading losses of at least £10m if UK does not succeed in negotiating revision of regulation to increase maximum frequency at 150ma from 400hz to 600hz.

Assume additional downgrading losses of £3.6m (midpoint of range) if UK is successful in negotiating increase in maximum frequency at 150ma from 400hz to 600hz.

Some 406m birds / year are currently slaughtered using a waterbath. Based on the BPC survey it is assumed 11 plants accounting for some 236m birds are planning to switch from waterbath to gas stunning. This will reduce the £10m downgrading losses by £5.81m if no change to stunning currents and frequencies is negotiated. If the UK is successful the downgrading loss of £3.6m would be reduced by £2.1m.

Halal production could switch to non stun as recoverable stunning will become impossible at the values prescribed by Regulation 1099/2009. This will reduce production losses by about 25% to £3.2m if no change to stunning frequencies is negotiated or £1.1m if the UK is successful in amending Regulation 1099/2009.

Footnotes:

1. Source - CIVIC consulting study on the stunning / killing practices in slaughterhouses and their economic, social and environmental consequences - Final Report - Part II poultry 25 June 2007 page 44.
2. Source Product Sales and Trade (National Statistics)
3. Based on 244m birds stunned electrically and deboned
4. Table 2 assumes that at DC 600 hz / 80 ma current trim levels will be commercially insignificant.
5. Figures taken from table 1 – 19.5m rounded to 20m and 23.3m rounded to 24m

APPROACH TO ENFORCEMENT

1. An overarching criminal offence - causing an animal avoidable pain, distress or suffering at the time of killing or failing to take action to ensure an animal is not caused avoidable pain, distress or suffering at the time of killing – is required. This will be used to deal with the deliberate, reckless or negligent infliction of pain, suffering and distress on animals during slaughter operations which is significantly serious to warrant enforcement by a criminal offence. Administrative penalties alone would not offer the same level of deterrent that criminal sanctions offer.

2. For the majority of cases our preferred approach involves the use of administrative sanctions (i.e. enforcement notices) underpinned in every case by criminal penalties. In addition we require an overarching criminal offence of causing avoidable pain, distress or suffering to animals at the time of slaughter or killing.

3. The existing regulatory framework is prescriptive. The Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK) set out detailed requirements that must be followed on the assumption that the application of these provisions will ensure a good standard of welfare as a result. While there are still some prescriptive obligations in Regulation 1099/2009, the majority of the provisions in the Regulation describe welfare outcomes that must be achieved leaving it to individual businesses to specify how these outcomes will be achieved through Standard Operating Procedures. Our proposed approach to enforcement reflects this new approach.

4. Regulation 1099/2009 already gives the competent authority powers to address non-compliances using enforcement measures set out in Article 54 of Regulation 882/2004 on official controls performed to ensure compliance with, amongst other things animal welfare rules. In particular, Article 22 of Regulation 1099/2009 empowers the competent authority to:

- require business operators to amend their standard operating procedures and, in particular, slow down or stop production;
- require business operators to increase the frequency of the checks referred to in Article 5 [Checks on Stunning] and amend the monitoring procedures referred to in Article 16;
- suspend or withdraw certificates of competence issued under this Regulation from a person who no longer shows sufficient competence, knowledge or awareness of his/her tasks to carry out the operations for which the certificate was issued;
- suspend or withdraw the delegation of power in relation to final examination and issue of certificates of competence;
- require the amendment of the instructions referred to in Article 8 [Instructions for use of stunning and restraining equipment] with due regard to the scientific opinions provided by the designated independent scientific support body.

In addition, the competent authority has additional powers under separate EU legislation on food hygiene to deal with animal welfare offences – Regulation (EC) 854/2004, Annex I, Section I, Chapter IV, Paras 1 and 2 and Regulation 9 of the Food Hygiene (England) Regulations 2006.

5. We intend to apply the “administrative” sanctions provided for in Regulation 1099/2009 and Regulation 882/2004 as widely as possible and to extend the scope of these to cover aspects of Regulation not explicitly mentioned under Article 22 and provisions introduced under the national rules arrangements provided for at Article 26 of Regulation 1099/2009. This will involve the use of improvement and stop notices underpinned by an appropriate appeals mechanism. Decisions to suspend or revoke certificates of competence will also be subject to an appropriate appeals mechanism. We will wish to ensure notices have statutory force and, in common with all other existing welfare legislation we request a criminal offence for every breach

of the regulations that has caused or is likely to cause pain or suffering to an animal or failure to comply with a stop notice. Our approach to enforcement will reflect the seriousness and immediacy of the welfare threat and it is anticipated criminal sanctions will be used as a last resort and only in the most serious and wilful cases.

6. The following examples will help clarify our proposed approach to enforcement:

Example 1

- **Where there is no immediate or serious threat to welfare, enforcement action should commence at Stage 1**
- **Where there is an immediate and serious threat to welfare causing, or likely to cause, actual harm or suffering, enforcement action should commence at Stage 2**

Stage 1 – Issue enforcement notice in line with Article 22 of Reg 1099/2009. This will require the business operator to take any necessary action to ensure compliance with the Regulation and domestic regulations. It will set a time limit within which action must be taken. An enforcement notice may in particular require business operators to

- amend their standard operating procedures and implement these changes immediately;
- increase the frequency of checks and amend monitoring procedures;
- slow down production;
- halt activities until an appropriate CoC holder is present.

Failure to comply with an enforcement notice will be a criminal offence.

Stage 2 – Issue an enforcement notice prohibiting the business operator from carrying out certain activities with immediate effect. The enforcement notice will not allow the business operator to re-start those activities until all infringements have been remedied and required action taken.

Failure to comply with an enforcement notice will be a criminal offence.

Penalty on summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both.

Note: The original offence might also be prosecuted where this involves deliberate, reckless or negligent infliction of pain, suffering and distress to animals

Example 2

Non compliance by holder of a Certificate of Competence

Stage 1 – Apply conditions to Certificate of Competence – This will require the certificate holder to undergo a period of re-training / work under supervision of another person holding a certificate for the same activity for a specified period.

Stage 2 – Suspend Certificate of Competence pending completion of specified activities e.g. retraining. Once required action has been completed and knowledge has been assessed as satisfactory, re-instate certificate of competence with conditions including a requirement for the person to be re-assessed before certificate is re-instated without conditions.

Stage 3 – If the person continues to demonstrate insufficient competence, knowledge or awareness of his / her tasks to carry out the operations for which the certificate was issued the certificate should be withdrawn.

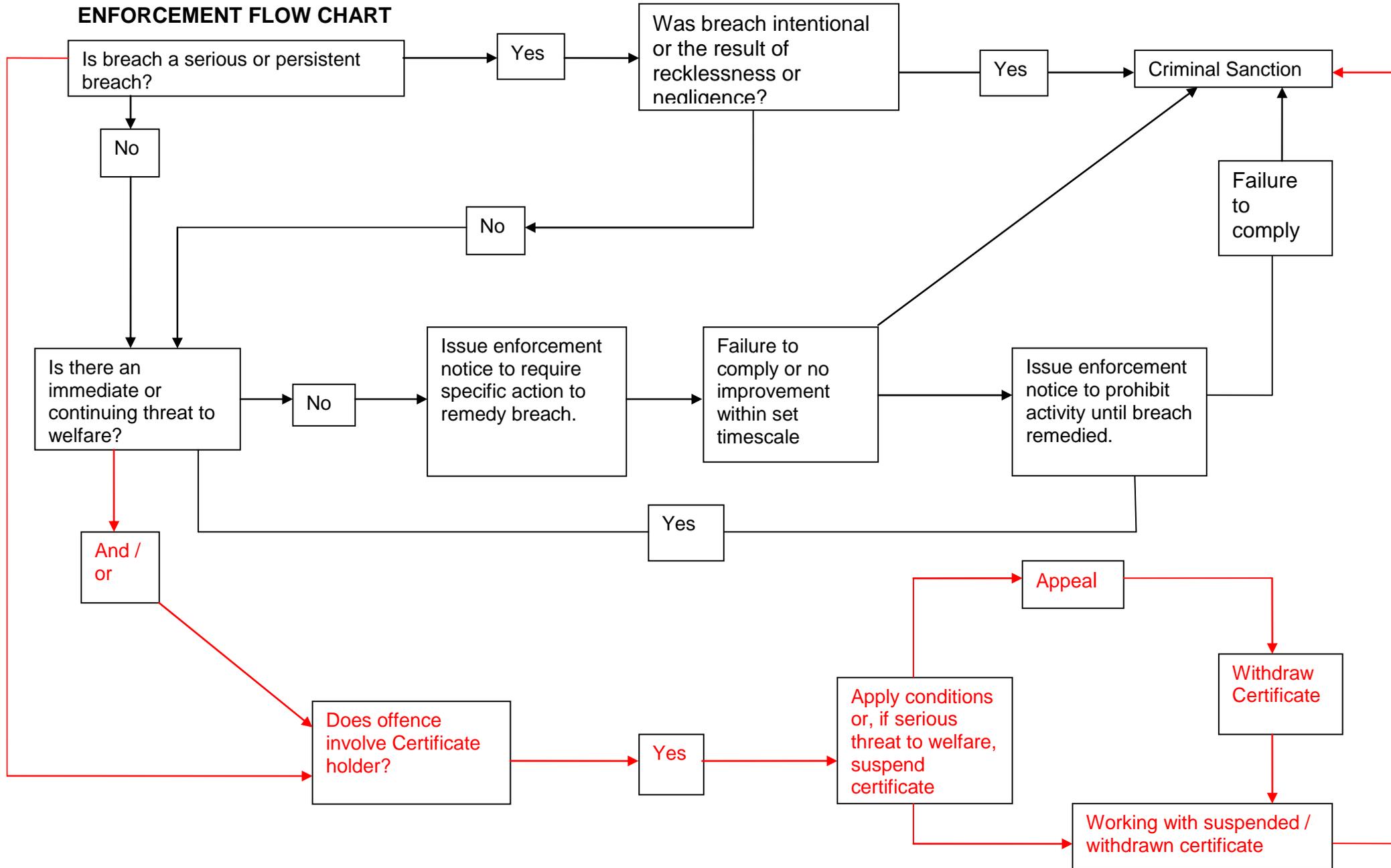
Note: This amounts to a lifetime ban in relation to the specific activities identified on the certificate of competence, subject to any appeals mechanism, as the prohibition in Regulation 1099/2009 on issuing repeat temporary certificates for the same activity means there is no route back unless the person applies for a temporary certificate for a completely different activity.

Working while certificate is suspended or after certificate has been withdrawn or has ceased to be valid would be a criminal offence. Penalty on summary conviction – fine not exceeding level 3 on the standard scale (reflects current penalty in WASK).

Note: The original offence might also be prosecuted where this involves deliberate, reckless or negligent infliction of pain, suffering and distress to animals

The Flow Chart below illustrates the approach set out in the examples above.

ENFORCEMENT FLOW CHART



6. The following criminal offences and penalties are proposed:

| Relevant provision | Details of proposed offence | Mode of trial and Maximum penalty |
|-----------------------------|---|--|
| REGULATION 1099/2009 | | |
| Article 3 | Causing an animal avoidable pain, distress or suffering during killing or related operations; failing to take action to ensure an animal is not caused avoidable pain, distress or suffering during killing or related operations. | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. Replicates current penalty in WASK for this offence. |
| Article 4 | Failure to: <ul style="list-style-type: none"> • stun animals before killing in accordance with methods and requirements in Annex 1; • maintain loss of consciousness/sensibility until death of animals; • follow simple stunning methods (i.e. those which do not result in instantaneous death), as quickly as possible by a procedure ensuring death such as bleeding, pithing, electrocution or prolonged exposure to anoxia. | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| Article 5 | Failure by business operator/person to: <ul style="list-style-type: none"> • ensure persons responsible for stunning carry out regular checks to ensure animals do not present signs of consciousness/ sensibility between the end of the stunning process and death; • carry out checks on a sufficiently representative sample of animals; to take account of previous checks and any factors which may affect efficiency of the stunning process when determining the frequency of checks; <ul style="list-style-type: none"> • immediately take the appropriate measures as set out in the SOPs when checks show an animal is not properly stunned; • carry out systematic checks to ensure animals do not present signs of consciousness/sensibility before being released from restraint and do not present any signs of life before undergoing dressing or scalding. | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 6 | Failure by business operator/person to: <ul style="list-style-type: none"> • plan the killing of animals and related operations in advance; • carry out killing or related operations in accordance with SOPs; • draw up and implement SOPs to ensure killing and related operations meet Article 3(1) requirements; • take account of the points listed in Article 6(2)(a)-(c) when drawing up SOPs; | Summary conviction – fine not exceeding level 5 on the standard scale |

| Relevant provision | Details of proposed offence | Mode of trial and Maximum penalty |
|--------------------|---|---|
| | <ul style="list-style-type: none"> make SOPs available to the competent authority upon request; amend SOPs (as required under Article 22(a)). | |
| Article 7 | <ul style="list-style-type: none"> Killing or carrying out related operations by a person who doesn't have the appropriate level of competence. Carrying out slaughter operations listed in Article 7(2) without a valid Certificate of Competence (or while a certificate of competence is suspended or after it has been withdrawn) Failing to comply with conditions attached to a certificate of competence <p>Failure by business operator to:</p> <ul style="list-style-type: none"> ensure the slaughter operations listed in Article 7(2) are carried out by persons holding a certificate of competence for such operations; ensure the killing of fur animals is carried out in the presence and under the supervision of a person holding a certificate of competence. notify the CA in advance when fur animals are to be killed. | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 8 | Selling restraining or stunning equipment without appropriate manufacturer's instructions concerning use | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 9 | <p>Failure by business operator to:-</p> <ul style="list-style-type: none"> ensure all equipment used for restraining and stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose; draw up a record of maintenance and to keep those records for at least one year; make the maintenance records available to CA on request; ensure that during stunning operations, appropriate back-up equipment is immediately available on the spot and is used in the case of failure of the stunning equipment initially used; <p>ensure that animals are not placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.</p> | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 14 | <p>Failure by business operator to:-</p> <ul style="list-style-type: none"> ensure the layout and construction of slaughterhouses and equipment used therein comply with Annex II; <p>submit to the CA referred to in Article 4 of Regulation 853/2004 when requested, the certain information for each slaughterhouse listed in that provision.</p> | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 15 | Failure by business operator to:- | Summary conviction – fine not exceeding |

| Relevant provision | Details of proposed offence | Mode of trial and Maximum penalty |
|---|--|--|
| | <ul style="list-style-type: none"> comply with operational rules for slaughterhouses in Annex III; ensure that all animals killed in accordance with Article 4(4) without prior stunning are individually restrained and if a ruminant, mechanically restrained; <p>comply with the prohibition on restraining methods in Article 15(3)</p> | level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| Article 16 | <p>Failure by business operator to:-</p> <ul style="list-style-type: none"> put in place and implement appropriate monitoring procedures in slaughterhouses; include in their monitoring procedures the way checks have to be carried out and to include the information listed in Article 16(2) put in place a specific monitoring procedure for each slaughter line <p>take into account when considering frequency of checks the main risk factors such as changes regarding the types or the size of animals slaughtered or personnel working patterns so as to ensure results with a high level of confidence.</p> | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 17 | <p>Failure by business operator to:-</p> <ul style="list-style-type: none"> designate an AWO for each slaughterhouse to assist them in ensuring compliance with the Regulation ensure the AWO holds a certificate of competence for all the operations taking place in the slaughterhouses for which he or she is responsible. ensure the AWO keeps a record of any action taken to improve animal welfare; keep such records for a year and to make that information available to the CA on request. <p>Failure by the AWO to:- keep a record of any action taken to improve animal welfare</p> | Summary conviction – fine not exceeding level 5 on the standard scale |
| Article 19 | In the case of emergency killing, failure by the keeper of the animal concerned to take all necessary measures to kill the animal as soon as possible. | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| WASK (Transitional provisions that must be preserved until 8 December 2019) | | |
| Sched 2, paras: <ul style="list-style-type: none"> 1(b) 2(a) to (d) 3(a) and (b) 4(a) and (b) 13(a) | Failure to meet obligations as regards layout, construction and equipment of slaughterhouses | Summary conviction – fine not exceeding level 5 on the standard scale |

| Relevant provision | Details of proposed offence | Mode of trial and Maximum penalty |
|--|---|--|
| Sched 5, paras: <ul style="list-style-type: none"> • 9(a) to (c) • 10(a) and (c) • 11 | Failure to meet obligations as regards the stunning of animals by electronarcosis (electrodes) or the stunning of birds by electronarcosis (waterbath stunning) | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| Sched 7, paras: <ul style="list-style-type: none"> • 4(a)(i) to (iv) • 4(c) • 4(e)(i) and (iii) | Failure to meet obligations as regards the killing of pigs by exposure to gas mixtures | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| WASK (Stricter national rules) - Subject to formal consultation. However, the approach adopted should reflect the general enforcement approach outlined in this form. | | |
| WATOK | | |
| | Stricter national rules as regards Certificates of Competence | Summary conviction – fine not exceeding level 5 on the standard scale. |
| | Stricter national rules as regards religious slaughter | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| | Failure to comply with an enforcement notice | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| | Making a false declaration to obtain a certificate of competence | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |
| | Obstructing or providing false or misleading information to a person authorised to enforce these regulations | Summary conviction – fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both. |

Powers of entry etc.

7. Enforcement should be undertaken by any person authorised by the Secretary of State for that purpose. Authorised persons should be able to, subject to certain safeguards:

- enter any slaughterhouse, land or premises, other than premises used wholly or mainly as a dwelling, where he reasonably suspects that any activity which is governed by these Regulations is, or has been, carried on, to establish whether there is or has been any contravention of the Regulations.
- carry out all checks and examinations necessary for the enforcement of these Regulations.
- take samples (and, if necessary, send the samples for laboratory testing) from any animal, carcase or part of a carcase;
- require the production of any equipment or instruments (and, if necessary, seize the equipment or instrument for further examination, investigation or testing)

- take away any carcase or part of a carcase (and, if necessary, send it for laboratory testing);
- require the production of any relevant record or document;
- inspect any relevant record or document;
- take copies of any relevant record or document
- take away any relevant record or document
- take photographs.
- have access to, and remove, documents, records and computers.
- require assistance from computer operators (e.g. the provision of passwords) and require computer records to be produced in a form in which they can be taken away.

8. An authorised person should be able to take other persons as he considers necessary, including a representative of the European Commission, with him when enforcing the regulations.

PROPOSED APPROACH TO COMPETENT AUTHORITY REQUIREMENTS

Article 2(q) of Regulation 1099/2009 defines the competent authority as:

“the central authority of a Member State competent to ensure compliance with the requirements of this Regulation or any other authority to which that central authority has delegated that competence”

In this context it is assumed the “central authority of a Member State” is the UK government. Where the function is fulfilled by an “arm of government”, that can still be considered part of the central authority and no further delegation is required. This would include an executive agency such as AHVLA exercising functions on behalf of the Secretary of State and a non-ministerial department (NMD) such as the FSA.

| Regulation 1099 / 2009 Requirement | Proposed Competent Authority |
|---|---|
| <p><i>Article 1 Subject matter and scope</i> 3. This Regulation shall not apply: (a) where animals are killed: (i) during scientific experiments carried out under the supervision of a competent authority;</p> | <p>Home Office</p> |
| <p><i>Article 2 Definitions</i> (n) "depopulation" means the process of killing animals for public health, animal health, animal welfare or environmental reasons under the supervision of the competent authority;</p> | <p>Health Protection Agency, Environment Agency, AHVLA</p> |
| <p><i>Article 6 Standard Operating procedures</i> 4. Business operators shall make available to the competent authority their standard operating procedures upon request</p> | <p>FSA, AHVLA or any person authorised by the Secretary of State to enforce</p> |
| <p><i>Article 7 – Level and certificate of competence</i> 3. Without prejudice to the obligation set out in paragraph 1 of this Article, the killing of fur animals shall be carried out in the presence and under the direct supervision of a person holding a certificate of competence as referred to in Article 21 issued for all the operations carried out under his supervision. Business operators of fur farms shall notify the competent authority in advance when animals are to be killed.</p> | <p>FSA, AHVLA or any person authorised by the Secretary of State to enforce [Not relevant as fur farming has been banned in the UK]</p> |
| <p><i>Article 9 – Use of restraining and stunning equipment</i> 1. Business operators shall ensure that all equipment used for restraining or stunning animals is maintained and checked in accordance with the manufacturers' instructions by persons specifically trained for that purpose. Business operators shall draw up a record of maintenance. They shall keep those records for at least one year and shall make them available to the competent authority upon request.</p> | <p>FSA, AHVLA or any person authorised by the Secretary of State to enforce</p> |
| <p><i>Article 13 – Development and dissemination of guides to good practice</i></p> | <p>Defra</p> |

| Regulation 1099 / 2009 Requirement | Proposed Competent Authority |
|---|--|
| 1. Member States shall encourage the development and dissemination of guides to good practice to facilitate the implementation of this Regulation. | |
| 2. When such guides to good practice are drawn up, they shall be developed and disseminated by organisations of business operators: (a) in consultation with representatives of non governmental organisations, competent authorities and other interested parties; (b) having regard to scientific opinions as referred to in Article 20(1)(c). | Defra |
| 3. The competent authority shall assess guides to good practice in order to ensure that they have been developed in accordance with paragraph 2 and that they are consistent with existing Community guidelines. | Defra |
| 4. Where organisations of business operators fail to submit guides to good practice, the competent authority may develop and publish its own guides to good practice. | Defra |
| 5. Member States shall forward to the Commission all guides to good practice validated by the competent authority . The Commission shall set up and run a registration system for such guides and make it available to Member States. | Defra |
| <p><i>Article 14 Layout, construction and equipment of slaughterhouses</i></p> <p>2. For the purposes of this Regulation, business operators shall, when requested, submit to the competent authority referred to in Article 4 of Regulation (EC) No 853/2004 for each slaughterhouse at least the following:</p> <p>(a) the maximum number of animals per hour for each slaughter line;</p> <p>(b) the categories of animals and weights for which the restraining or stunning equipment available may be used;</p> <p>(c) the maximum capacity for each lairage area.</p> <p>The competent authority shall assess the information submitted by the operator in accordance with the first subparagraph when approving the slaughterhouse</p> | FSA as the competent authority which has registered or approved the premises in question under Regulation 853/2004 |
| <p>3. The following may be adopted in accordance with the procedure referred to in Article 25(2):</p> <p>(a) derogations from the rules set out in Annex II for mobile slaughterhouses;</p> <p>(b) amendments necessary to adapt Annex II to take account of scientific and technical progress.</p> <p>Pending the adoption of derogations referred to in point (a) of the first subparagraph, the Member States may establish or maintain national rules applying to mobile slaughterhouses.</p> | Defra |
| <p><i>Article 17 Animal Welfare Officer</i></p> <p>5. The animal welfare officer shall keep a record of the action taken to improve animal welfare in the slaughterhouse in which he/she carries out his/her tasks. This record shall be kept for at least one year and shall be made available to the competent authority upon request.</p> | FSA, AHVLA or any person authorised by the Secretary of State to enforce |
| <i>Article 18 – Depopulation</i> | AHVLA |

| Regulation 1099 / 2009 Requirement | Proposed Competent Authority |
|--|------------------------------|
| <p>1. The competent authority responsible for a depopulation operation shall establish an action plan to ensure compliance with the rules laid down in this Regulation, before the commencement of the operation.</p> <p>In particular, the stunning and killing methods planned and the corresponding standard operating procedures for ensuring compliance with the rules laid down in this Regulation, shall be included in the contingency plans required under Community law on animal health, on the basis of the hypothesis established in the contingency plan concerning the size and the location of suspected outbreaks</p> | |
| <p>2. The competent authority shall:</p> <p>(a) ensure that such operations are carried out in accordance with the action plan referred to in paragraph 1;</p> <p>(b) take any appropriate action to safeguard the welfare of the animals in the best available conditions.</p> | AHVLA |
| <p>3. For the purposes of this Article and in exceptional circumstances, the competent authority may grant derogations from one or more of the provisions of this Regulation where it considers that compliance is likely to affect human health or significantly slow down the process of eradication of a disease.</p> | Defra |
| <p>4. By 30 June each year, the competent authority referred to in paragraph 1 shall transmit to the Commission a report on the depopulation operations carried out during the previous year and make it publicly available via the internet.</p> <p>With regards to each depopulation operation, that report shall include, in particular:</p> <p>(a) the reasons for the depopulation;</p> <p>(b) the number and the species of animals killed;</p> <p>(c) the stunning and killing methods used;</p> <p>(d) a description of the difficulties encountered and, where appropriate, solutions found to alleviate or minimise the suffering of the animals concerned;</p> <p>(e) any derogation granted in accordance with paragraph 3.</p> | AHVLA |
| <p><i>Article 20 Scientific Support</i></p> <p>1. Each Member State shall ensure that sufficient independent scientific support is available to assist the competent authorities, upon their request, by providing:</p> | Defra |
| <p><i>Article 21 Certificate of competence</i></p> <p>1. For the purposes of Article 7, Member States shall designate the competent authority responsible for:</p> <p>(a) ensuring that training courses are available for personnel involved in killing and related operations;</p> <p>(b) delivering certificates of competence attesting the passing of an independent final</p> | Defra |

| Regulation 1099 / 2009 Requirement | Proposed Competent Authority |
|--|--|
| <p>examination; the subjects of this examination shall be relevant for the categories of animals concerned and correspond to the operations referred to in Article 7(2) and (3), and to the subjects set out in Annex IV;</p> <p>(c) approving training programmes of the courses referred to in point (a) and the content and modalities of the examination referred in point (b)</p> | |
| <p>2. The competent authority may delegate the final examination and the issuance of the certificate of competence to a separate body or entity which:</p> <p>(a) has the expertise, staff and equipment necessary to do so;</p> <p>(b) is independent and free from any conflict of interest as regards the final examination and the issuance of the certificates of competence.</p> <p>The competent authority may also delegate the organisation of the training courses to a separate body or entity which has the expertise, staff and equipment necessary to do so.</p> <p>The details of bodies and entities to which such tasks have been delegated shall be made publicly available by the competent authority via the internet.</p> | Defra |
| <p>4. Member States shall recognise certificates of competence issued in another Member State.</p> | Defra |
| <p>5. The competent authority may issue temporary certificates of competence provided that:</p> <p>(a) the applicant is registered in one of the training courses referred to in paragraph 1(a);</p> <p>(b) the applicant is to work in the presence and under the direct supervision of another person who holds a certificate of competence issued for the specific activity to be undertaken;</p> <p>(c) the validity of the temporary certificate does not exceed three months; and</p> <p>(d) the applicant provides a written declaration stating that he/she has not previously been issued another temporary certificate of competence of the same scope or demonstrates to the satisfaction of the competent authority that he/she was unable to take the final examination.</p> | Defra subject to delegation of responsibility to FSA |
| <p>6. Without prejudice to a decision by a judicial authority or by a competent authority prohibiting the handling of animals, certificates of competence, including a temporary certificate of competence, shall only be issued if the applicant provides a written declaration stating that he/she has committed no serious infringement of Community law and/or national law on the protection of animals in the three years preceding the date of application for such a certificate.</p> | Defra subject to delegation of responsibility to FSA |
| <p>7. Member States may recognise qualifications obtained for other purposes as equivalent to certificates of competence for the purposes of this Regulation provided that they have been obtained under conditions equivalent to those laid down in this Article. The competent authority shall make publicly available and keep up-to-date, via the internet, a list of qualifications recognised as equivalent to the certificate of competence.</p> | Defra |
| <p><i>Article 22 Non Compliance</i></p> <p>1. For the purpose of Article 54 of Regulation (EC) No 882/2004, the competent authority may in particular:</p> | FSA, AHVLA or any person authorised by the Secretary of State to enforce |

| Regulation 1099 / 2009 Requirement | Proposed Competent Authority |
|--|---|
| <p>(a) require business operators to amend their standard operating procedures and, in particular, slow down or stop production;</p> <p>(b) require business operators to increase the frequency of the checks referred to in Article 5 and amend the monitoring procedures referred to in Article 16;</p> <p>(c) suspend or withdraw certificates of competence issued under this Regulation from a person who no longer shows sufficient competence, knowledge or awareness of his/her tasks to carry out the operations for which the certificate was issued;</p> <p>(d) suspend or withdraw the delegation of power referred to in Article 21(2);</p> <p>e) require the amendment of the instructions referred to in Article 8 with due regard to the scientific opinions provided pursuant to Article 20(1)(b).</p> | |
| <p>2. When a competent authority suspends or withdraws a certificate of competence, it shall inform the granting competent authority of its decision.</p> | <p>Defra subject to delegation of responsibility to FSA</p> |

