 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	The Welfare of Animals at the Time of Killing Regulations 2013 (implementation of EU Regulation 1099/2009 in England)	
Lead Department/Agency	Department for Environment, Food and Rural Affairs	
Stage	Final	
IA number	Defra1307	
Origin	European	
Expected date of implementation (and SNR number)	SNR 7	
Date submitted to RPC	24 February 2014	
RPC Opinion date and reference	17 March 2014	RPC13-DEFRA-1424(4)
Overall Assessment	GREEN	
<p>RPC comments</p> <p>The IA is fit for purpose. Our previous opinions highlighted concerns regarding a number of key assumptions supporting the estimated equivalent annual net cost to business (EANCB). The revised IA submitted by the Department now provides additional information on a number of assumptions, including how "<i>estimates provided by a Departmental sector expert following conversations with industry</i>" have been tested.</p> <p>The majority of the proposed changes are of EU origin and do not go beyond minimum requirements. Where the proposal goes beyond EU minimum requirements ("gold-plating"), this occurs through maintaining existing UK standards. The RPC is able to validate the estimated EU-derived costs to business of £4.54 million each year, which are out of scope for One-in, Two-out purposes.</p>		
<p>Background (extracts from IA)</p> <p>What is the problem under consideration? Why is government intervention necessary?</p> <p><i>"Society expects that all animals will be slaughtered and killed in a humane manner. There are public good benefits associated with the protection of animal welfare at the time of slaughter which provide a rationale for the Government's involvement. EU Regulation 1099/2009, on the protection of animals at the time of killing, came into effect on 1 January 2013. Government intervention is required to fully implement the Regulation e.g. by making provision for penalties and sanctions. Regulation 1099/2009 also allows member states to maintain existing national rules that provide more extensive welfare protection than the minimum standards set by the Regulation. This extends to higher welfare standards in relation to religious slaughter and slaughter operations outside of a slaughterhouse."</i></p> <p>What are the policy objectives and the intended effects?</p>		

“The Government is committed, through the Coalition Structural Reform Plan, to improving standards of animal welfare including at slaughter. The policy objectives are to:

- Ensure there is no overall reduction in existing animal welfare standards;*
- Ensure the obligations and requirements Regulation 1099/2009 places on Member States are met.”*

Comments on the robustness of the OITO assessment

The preferred option in the IA *“retains UK higher pre-existing measures relating to additional safeguards for religious slaughter and the maintenance of current regulatory provisions that establish higher welfare standards than Regulation 1099/2009”*. In relation to the elements of the proposal that retain pre-existing UK standards, the IA does not consider the proposal to be gold-plating that has a new or additional impact for One-in, Two-out purposes. Accordingly, no costs are apportioned to the aspect of the proposal relating to the retention of UK pre-existing measures, relative to the baseline (as the measures also occur in the baseline - paragraph 68). This is in line with previous interpretations of the guidance. As such, the RPC is able to validate the estimated EU-derived costs to business of £4.54 million each year, which are out of scope for One-in, Two-out purposes.

Comments on the robustness of the Small & Micro Business Assessment (SaMBA)

The proposals increase the scope of regulation on business. However, they are European in origin. Therefore the SaMBA is not applicable.

Quality of the analysis and evidence presented in the IA

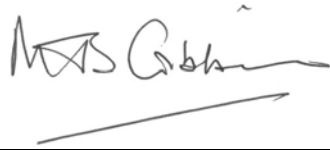
The proposal will introduce new requirements relating to the welfare of animals at the time of slaughter. The intention is to ensure the humane treatment of animals through placing requirements on slaughterhouses not to cause avoidable pain or suffering. This will be achieved through the introduction of requirements relating to methods of stunning and killing, with exceptions to these requirements made for slaughter carried out in accordance with religious rites (such as Halal). The costs of developing and maintaining standard operating procedures, and for new equipment and associated training, are estimated to have an equivalent annual net cost of £4.54 million for business.

Our opinions of 11 December 2013 and 10 February 2014, and discussions with the Department, highlighted our concerns about the evidence supporting a number of assumptions used in the IA. The resubmitted IA now provides greater detail on how these assumptions have been tested with businesses, and can now be considered sufficiently robust for the EANCB to be validated. While there are still some gaps in the evidence base, these relate to assumptions that have no material impact on the overall cost and the Department have demonstrated that there is nothing they could reasonably do to improve the estimates at this point.

It would have been preferable for these assumptions to have been tested explicitly

through the recent formal consultation, instead of initially assuming unchallenged estimates from previous consultations are robust. In addition, the Department should have kept a better audit trail of how assumptions had been made, to ensure that estimates are not used without clarity as to how they have been determined.

Signed

A handwritten signature in black ink, appearing to read "Michael Gibbons". The signature is written in a cursive style with a long horizontal stroke at the end. There is a small mark above the 'i' in "Gibbons".

Michael Gibbons, Chairman