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Defra Animal Welfare Team
Scottish Government Rural Directorate Animal Welfare Policy Team
Welsh Assembly, Office of the CVO Wales

20 April 2009

Dear Sir/Madam

**RESPONSE TO CONSULTATION ON THE COMMISSION PROPOSAL TO
REPLACE DIRECTIVE 93/119 WITH A REGULATION ON THE PROTECTION OF
ANIMALS AT THE TIME OF KILLING**

1. During the drafting of FAWC's imminent white meat slaughter report, Government colleagues were helpful in alerting us to the likely content of this proposal. The proposal is well thought out and logical, although there may be aspirations described in the preamble and description that have not been fully realised in the Regulation proper.

2. FAWC's red meat slaughter report of 2003, the white meat report and GB Governments' thinking appear to be largely in line with what is being proposed. Where FAWC's recommendations have translated into the proposed regulation FAWC welcomes this and encourages Government to ensure they stay in the final negotiated document. We may also call for recommendations not yet implemented to receive further consideration by Government.

3. The proposal for a Regulation directly applicable in the UK and other Member States may limit the scope to tailor domestic legislation further to reflect particular circumstances that apply in the UK, e.g. for inclusion of novel methods of on-farm or emergency killing. It is important that flexibility is retained for UK Governments to be able to enhance, where this becomes necessary, standards of welfare at slaughter or killing.

4. Of course, there should be no regressive steps back from the current domestic legislative requirements in the application of the proposed regulation. For example, an exclusion from welfare requirements for "religious rites, cultural traditions and regional heritage" seems to give a wider scope for derogation than is currently allowed under UK legislation.

5. Page 16, Para 18 of the proposed regulation specifically makes reference to the Charter of Fundamental Rights of the European Union which suggests that the

derogation for religious practices is non-negotiable, but Page 25 Article 4, para 2 then gives the opportunity that “..Member States may decide not to apply that derogation.” The European Parliament has also made its views known on this issue. The Regulation will need to bring clarity.

6. The setting of welfare outcomes as a means of protecting the welfare of animals killed in the full variety of circumstances covered by the new regulation does place the focus of the legislation on the animal and its needs. While this is welcomed, FAWC sees the need for continued guidance from government or others, e.g. the proposed reference centres, on what the technical requirements are that are needed so as to meet the welfare outcomes stipulated. If Government is not convinced that such guidance, or statutory code of practice, in addition to the requirements set out in the regulation (and its Annexes) is sufficient to provide evidence for a court should outcomes not be met, then secondary legislation may be required setting out detailed technical provisions.

7. FAWC has previously recommended that a design resource (e.g. for best practice in live animal handling systems and slaughter line set up) be made available to slaughterhouse operators based on the best available information from science and industry development. This may be one route to improving knowledge transfer from research and development to commercial practice, another deficiency noted in FAWC’s reports.

8. While the proposed regulation places a welcome onus on the slaughter equipment manufacturer to provide information about the use and maintenance of equipment they supply, and on the slaughterhouse operator to put in place Standard Operating Procedures, this does not in the FAWC’s eyes fully satisfy the requirement that equipment is fit for the purpose intended. FAWC has recommended that live animal handling and stunning and slaughter equipment should be subject to a system of approval. Government was to investigate the establishment of a voluntary system but the proposed regulation provides an opportunity to place this requirement into EU legislation.

9. The scope of the proposed regulation appears to maintain the basic protection of animals at slaughter and killing, i.e. that they are spared any avoidable, distress or suffering and that they must be killed by a method that leads to instant death or death after stunning. FAWC remains of the view that slaughter of animals without pre-stunning causes significant avoidable pain and distress.

10. The definitions (page 23) are helpful and will hopefully be reflected in domestic legislation. However, it is not clear whether the reference to “killing” in Annex I encompasses or excludes “emergency killing”? This is important in reference to further comments on cervical dislocation below.

11. Comments on key differences between existing legislation and the proposed regulation identified in the consultation:

- FAWC welcomes the formalised role of the Animal Welfare Officer (and remains convinced that guidance on the role and responsibilities of these officers should be provided and assisted access to training be available). A person with welfare responsibility should be present in all slaughterhouses.

- The end of the slaughterman's licence (certificate of competence) for life, replaced with a renewal every five years, and backed up by independent testing is consistent with FAWC's recommendations. Extension of the requirement to private slaughter is welcomed.
- The requirement for Standing Operating Procedures in slaughterhouses is welcomed in that it will ensure that adequate planning is undertaken on the welfare aspects of the animal handling, stunning and slaughter operations to be engaged in. But this planning will need to be backed up by adequate information, training and monitoring to make these meaningful and enforceable documents.
- The phasing out of variable current electrical stunning devices in favour of constant current is a major step forward in ensuring that all animals can receive the correct current to effect an instantaneous stun that will persist until the animal is dead. We would prefer to see a shorter timescale for this conversion.
- FAWC would like the legislation, approval systems and guidance to be flexible enough to allow, adequately tested, novel methods of handling, stunning and slaughter to be used that may improve the welfare of animals (Article 11).
- We feel that improvements to the slaughter line, such as breast comforters, should be able to be implemented by conscientious slaughterhouse operators well before the 2019 deadline. Page 31, Article 12, Para 3 of the proposal does not go as far as FAWC might like in that it continues to allow live inversion and shackling of all poultry. Live shackling may not be appropriate for large turkeys and geese.
- Training is key to maintaining and improving animal welfare in the slaughterhouse.
- Further development and use of equipment for monitoring and recording electrical stunning and gas systems are recommendations made by FAWC and FAWC supports the enhanced requirements proposed.
- The establishment of a national reference centre is a good opportunity to ensure the provision of independent information on the design and operation of slaughterhouses, assess novel stunning methods and, if as proposed, it can add an independent and accredited aspect to the issuing of certificates of competence then this would also be welcomed.
- FAWC has recommended the severing of both carotid arteries for bleeding, especially where a recoverable stun has been used. A thoracic stick is also recommended for larger livestock where practicable.

Chapter II

12. Assessment of stunning is recognised as key to welfare at slaughter (Article 5). Practical assessment of unconsciousness and insensibility to pain is not easy on the processing line. Effective training on recognising the signs of unconsciousness (and consciousness) is essential. This could be available to workers as a short checklist. Those monitoring the birds for signs of unconsciousness should have the power to act quickly if they believe that stunning is ineffective.

13. FAWC welcomes the extension of the requirement for training and certificates of competence to those caring for, handling and shackling live animals as well as those engaged in stunning and killing animals (Article 7).

14. FAWC recommended rigorous enforcement of the availability for use of back up stunning or killing equipment in the event of slaughter-line breakdown (Article 9).

Chapter IV

15. FAWC made detailed recommendations about mass slaughter for disease control in its Report on Foot and Mouth Disease 2001 and Animal Welfare: Lessons for the future and will include more detailed advice about mass killing of poultry in its impending report on white meat slaughter and killing. Government should take note of this advice in negotiating the section of the regulation on depopulation and emergency killing.

16. Page 35, Article 15, Para 3 of the proposed regulation – this clause may give too much leeway for using a technique or procedure that may be practical and expedient but may ignore animal welfare. Clear justification and/or high level Ministerial decision might be required (as per FAWC's advice on Ventilation Shutdown). The proposal does mention in the next paragraph (4)(e) the need to mention the derogation but without anything on justification.

Chapter VI

17. Government should include a system of formal improvement notices for structure, equipment and practices that are not compliant and have potential to cause animal welfare problems (Article 20).

Annex 1

18. There are two references to "All species" for the use of the penetrative captive bolt and free bullet, but these are not appropriate for poultry.

19. Maceration – welcome the maximum batch size and overloading measures to be introduced.

20. Cervical dislocation – FAWC calls for the use of concussive devices to kill poultry since these provide instant insensibility and usually death. However, until satisfactory methods have been developed for all birds then cervical dislocation should be allowed for small numbers of smaller birds.

21. There has been some concern expressed that restricting cervical dislocation to birds less than 3kg and to less than 50 birds a day may be too prescriptive in all cases. It can depend on the type of bird, e.g. large broilers, compared with a turkey, compared with a goose, compared with a broiler breeder cockerel all of which may be more than 3kg but require differing skills. Restriction to 3 Kg could mean that larger birds may not be killed as quickly as their welfare might require, if this annex does cover "emergency killing" as opposed to just "killing".

22. Whereas a restriction to killing 50 birds a day by cervical dislocation has an appeal in attempting to avoid exhaustion of the stockmen, the requirement may be better modified to "50 per day per stockman" or include a clause to indicate that

larger numbers might be killed in this way “under close veterinary supervision”. This of course, presupposes that this proposal applies to both “killing” for slaughter and “emergency killing” for welfare grounds for sick or injured birds.

23. Gas methods – FAWC has consistently called for the use of aversive gases to be phased out (i.e. >30% carbon dioxide) for the induction to unconsciousness of pigs, poultry and chicks.

24. Welcome the stating of minimum currents for head only electrical stunning.

Annex II

25. Floor surfaces are recommended that minimise the risk of slips and falls. FAWC also recommended a system of scoring slips and falls that can assess handling system design, standards of handling and floor conditions. Monitoring of vocalisation can also be used to assess problems in the handling system.

26. Detailed guidance should be included, either in the Annexes or the guidance, on limits for environmental conditions in the lairage, such as temperature, humidity and ammonia levels.

27. FAWC welcomes the detailed restrictions on the use of electric goads. These should only be used in exceptional circumstances.

28. Page 55, Para 7.1 of the proposed regulation – in saying that paragraphs 6.1 and 6.2 apply does this mean that para 6.3 does not, i.e. no longer a requirement for visualising birds in the controlled atmosphere system? FAWC would see this as a retrograde step.

29. Page 56, Para 1.2 of the proposed regulation retains the 12 hour travelling time for poultry and rabbits, excluding catching and loading. The paragraph at the end of this section suggests there is no latitude in coping with slaughter line breakdowns (which we explore in the White Meat report and is included in the current Defra guidance notes), which allow for birds to be retained in the lairage area without being unloaded, fed or watered. Emergency procedures for dealing with breakdowns should not be excluded from the Regulation.

30. FAWC Reports on the Welfare of Farmed Animals at Slaughter or Killing for both red and white meat species have made recommendations to improve the design and management of slaughter and killing operations including catching and transport of poultry, delivery, lairaging, animal handling, stunning and slaughter, many of which have been incorporated into the proposed regulation. Our recommendations should also be incorporated into future guidance and should also be considered by slaughterhouse operators preparing Standing Operating Procedures.

31. Areas these recommendations cover might include:

- Facilities for livestock to exit vehicles on the level and to have a competent person present at unloading. We also called for emergency contact details to

be readily available in the event that an animal in obvious pain or distress arrives at the slaughterhouse out of normal hours.

- Guidance on the effects of mixing unfamiliar groups of livestock in slaughterhouses.
- While livestock should be presented clean at the slaughterhouse, there should be guidance for when cleaning of livestock has to be undertaken at the slaughterhouse.
- Specific recommendations made for the improvement of the welfare of deer, wild boar, ratites, horses and other exotic species at slaughter should be considered in the Annexes to the regulation, in guidance and in the Standing Operating Procedures.

With kind regards,

Yours sincerely

Richard Aram
FAWC Secretary