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Llywodraeth Cymru
Welsh Government

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Consultation Document

Welfare of Animals at the Time of Killing (Wales) Regulations
(WATOK) 2012 – Implementing EU Regulation 1099/2009

Date of issue: **24 September 2012**

Action required: Responses by **5 November 2012**

Overview

This consultation seeks views on proposals to implement Council Regulation (EC) 1099/2009 on the protection of animals at the time of killing, in Wales, with effect from 1 January 2013.

How to respond

Anyone may reply to this consultation. The Welsh Government would like to hear from anyone with an interest including food business operators, livestock and poultry keepers, animal welfare organisations, veterinary interests, animal welfare organisations, faith groups and members of the public.

Please respond by completing the response form either electronically or in hard copy.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Please read the following documents before responding to the consultation:

*Detailed Implementation in Wales
Council Regulation (EC) No 1099/2009 on the
protection of animals at the time of killing
Draft Regulatory Impact Assessment*

Contact details

For further information:

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for his or her name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

What are the main issues?

The Welsh Government is seeking views on proposed measures to implement:

- the legal obligations in Regulation 1099/2009;
- stricter National Rules to maintain existing welfare standards where these are higher than those in Regulation 1099/2009;
- National Rules in relation to religious slaughter;
- transitional measures; and
- criminal and administrative sanctions and penalties for breaches of Regulation 1099/2009 and stricter National Rules.

Where are we now?

The welfare of livestock is considered within a framework, defined by the Farm Animal Welfare Committee and known as the 'Five Freedoms'. These form a logical basis for the assessment of welfare within any system together with the actions necessary to safeguard welfare within the constraints of an efficient livestock industry.

The Five Freedoms are:-

1. **FREEDOM FROM HUNGER AND THIRST**

by ready access to fresh water and a diet to maintain full health and vigour.

2. **FREEDOM FROM DISCOMFORT**

by providing an appropriate environment including shelter and a comfortable resting area.

3. **FREEDOM FROM PAIN, INJURY OR DISEASE**

by prevention or rapid diagnosis and treatment.

4. **FREEDOM TO EXPRESS NORMAL BEHAVIOUR**

by providing sufficient space, proper facilities and company of the animals' own kind.

5. **FREEDOM FROM FEAR AND DISTRESS**

by ensuring conditions and treatment to avoid mental suffering.

In acknowledging these freedoms, those who have care of livestock should practise:-

- caring and responsible planning and management;
- skilled, knowledgeable and conscientious stockmanship;
- appropriate environmental design (e.g. of the husbandry system);
- considerate handling and transport; and
- humane slaughter.

Welfare of animals at slaughter and killing is currently subject to the requirements of Council Directive 93/119/EC which has been implemented in Great Britain by The Welfare of Animals (Slaughter or Killing) Regulations 1995, as amended (WASK). In 2008 the Commission brought forward proposals to replace Council Directive 93/119/EC with a new EU Regulation which, unlike the EU Directive, contains legal obligations that are directly applicable and binding in their entirety in Member States. 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.

Regulation 1099/2009 on the welfare of animals at killing was agreed by the European Council in September 2009 and comes into effect on 1 January 2013 (although 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. Directive 93/119 will be repealed when Regulation 1099/2009 comes into effect, except for specific articles subject to transitional provisions as listed in the Regulation.

Regulation 1099/2009 provides a legal framework to ensure that overarching welfare outcomes are achieved, namely that the best possible welfare standards are achieved when killing animals in specific situations. The detail of how this will be achieved is often left to business operators to dictate according to their local situation. This approach differs slightly to the current WASK regulation, which although it also establishes overarching welfare requirements, gives additional detailed technical standards required for key aspects of the slaughter process on the assumption that if these standards are met, the required welfare outcomes will be achieved.

Regulation 1099/2009 will apply to the killing of all animals bred and kept for the production of food, wool, skin, fur and other products in slaughterhouses and on farms, as well as to depopulation for disease control and to related operations. It will ensure that vertebrate 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 an approved method that leads to instant death or death after stunning. The only exceptions to this are where slaughter is carried out in accordance with religious rites (e.g. Halal or Shechita), subject to any

National Rules in place in individual Member States, or where animals are killed in an emergency.

Regulation 1099/2009 does not apply to animals killed during scientific experiments, hunting, recreational fishing, cultural or sporting events or to rabbits and poultry slaughtered outside a slaughterhouse by their owner for his/her private domestic consumption. Some aspects of Regulation 1099/2009 only apply to slaughter activities. In this context it is important to note that Regulation 1099/2009 defines slaughter as killing for human consumption, not causing the death of an animal by bleeding as is currently the case under WASK.

In Wales, Regulation 1099/2009 will impact on the welfare of a significant number of animals slaughtered or killed annually:

- 49.3 million poultry;
- 3.8 million sheep;
- 36 thousand pigs;
- 139 thousand cattle;
- 18 thousand calves;
- 226 deer; and
- 258 goats.

(FSA Wales, 2011)

Regulation 1099/2009 will affect all Food Business Operators (FBOs) in Wales involved in slaughtering vertebrate animals (other than fish). In addition Regulation 1099/2009 will impact on the seasonal on-farm slaughter of poultry. It will also impact on livestock and poultry producers, animal collection centres, 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 Laboratories Agency (AHVLA) responsible for approving facilities, verification and enforcement activities and supervision of depopulation operations will also be affected. In addition there is a wider impact on society as members of the public generally expect the Welsh Government to ensure animals are treated humanely at the time of slaughter or killing.

A copy of Regulation 1099/2009 can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:303:0001:0030:EN:PDF>.

A copy of WASK can be found at:

<http://www.legislation.gov.uk/ukxi/1995/731/contents/made>.

Summary of businesses affected:

Business Type	Number
Approved slaughterhouse:	
Poultry	4
Cattle/Sheep/Pigs	24
Farmed Game	2
On farm operators licensed to slaughter poultry on a seasonal basis.	92
Holdings with livestock*	22,140
Holdings with poultry*	511
Hatcheries*	2
Collection centres & knackermen	7

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.

(Welsh Government FSA Wales & AHVLA, 2011)

Previous consultation

The Welsh Government ran a consultation on the European Commission's proposals to introduce an EU Regulation to protect the welfare of animals at the time of killing in 2009:-

<http://wales.gov.uk/consultations/environmentandcountryside/090216conprotectinganimals/?lang=en&status=closed>.

Four options were considered:-

- Option 1 – Do nothing.
- Option 2 - Implement the Commission's proposal as it stands.
- Option 3 – Implement an amended proposal that maintains existing welfare protection in current EU/UK legislation and introduces improvements where welfare benefits are proportionate to the costs involved.
- Option 4 – Implement an amended proposal as at Option 3 based on a Directive rather than a Regulation.

The Welsh Government favoured option 3.

Welsh Government received comments from 10 respondents. The general opinion was that welfare standards were high in Wales and although aspects of the Regulation may introduce some improvement to the industry as a whole significant improvements would not be seen.

The Regulation was seen by a number of the respondents as a good way of ensuring common rules and standards to be applied throughout the European Union and third countries exporting into the EU. Respondents commented that it would welcome enforcement of the Regulation to be applied equally throughout Member States and third countries.

There was an acknowledgement that there would be a need to increase the knowledge of personnel working in the industry and that training would be a key element to improving and maintaining welfare in the slaughterhouse. The introduction of an Animal Welfare Officer (AWO) and Certificates of Competence are a way of ensuring welfare standards are met however costs associated with training and certifying should not be passed onto the industry.

The main concerns were the increased costs through introducing new working practices such as the AWO, through to the costs of purchasing new equipment.

The majority of respondents agreed that the UK should ensure that current welfare standards are maintained with the introduction of the proposed Regulation.

A number of respondents thought that slaughter without pre-stunning causes significant avoidable pain and distress.

Objectives for intervention

There are public good benefits and ethical considerations associated with the conduct of animal slaughter which provide a rationale for the Welsh Government's involvement.

Regulation 1099/2009 will introduce improved welfare protection in all Member States in a number of areas. These include the requirement for an Animal Welfare Officer in every slaughterhouse over a minimum size, training and the need for all involved in handling and slaughtering animals to hold a Certificate of Competence.

Where the Regulation sets lower standards than those currently applying in some member states, National Rules can be used to maintain existing national levels of protection. In addition stricter National Rules can be used to improve protection given to animals killed outside a slaughterhouse, farmed game and animals killed without prior stunning.