

Detailed Implementation in Wales

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Discretionary and Directly applicable measures

1. Regulation 1099/2009 has adopted an outcome-led approach. It sets out a number of overarching welfare requirements that must be met to ensure the welfare of animals is protected when they are killed, but gives relatively little detail on how this should be achieved. It obliges any person, including business operators, to ensure that animals are spared any avoidable pain, distress or suffering during their killing and related operations and requires 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.
2. Regulation 1099/2009 goes on to establish a framework for business operators to work within to ensure that these requirements are met; these requirements are all directly applicable in every Member State. However, although there is an element of prescription, the Regulation 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).
3. Current provisions in Welfare of Animals (Slaughter and Killing) (WASK) Regulations also include a general welfare provision requiring persons to ensure that they do not cause or permit any animal to sustain any avoidable excitement, pain or suffering. WASK then goes on to prescribe detailed rules for many individual aspects of the slaughter process, leaving business operators very little discretion in those areas as to how they meet this overarching requirement. However, in some areas e.g. electrical water bath stunning parameters, Regulation 1099/2009 is more prescriptive.
4. There is little difference in the overarching welfare outcomes that business operators must achieve in relation to those activities where both Regulation 1099/2009 and WASK apply. However, Regulation 1099/2009 raises the standard of some of the existing welfare outcomes required and adds new overarching welfare outcomes. As a result the Regulation requires a slightly higher standard of welfare to be achieved overall than WASK but allows more flexibility in how that is achieved. Regulation 1099/2009 will introduce improved welfare protection in all Member States in a number of areas.

Regulation 1099/2009 introduces the following new, directly applicable obligations from 1st January 2013:

- Scope widened to include animals bred for production.
- Slaughterhouse definition altered and linked to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.

Certificates of Competence

- Two step approach introduced with a requirement to undergo training and assessment in specific areas related to the work being undertaken by a body free from any conflict of interest and to exchange the resulting qualification certificate for a Certificate of Competence.
- Provision for issuing Temporary Certificates of Competence to allow trainees to work under supervision.
- No time limit on validity of Certificate of Competence.
- Ensure bodies given delegated authority to issue a Certificate of Competence have the necessary expertise, staff and equipment.
- 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.

Guides to Good Practice

- Develop and disseminate Guides to Good Practice.

Animal Welfare Officer

- Designate an Animal Welfare Officer for every slaughterhouse above a minimum slaughter size of more than 1000 livestock units of mammals or 150000 birds or rabbits per year.
- Role of Animal Welfare Officer redefined and must record action taken to improve welfare.
- Ensure every Animal Welfare Officer holds a Certificate of Competence for every activity for which he/she is responsible.

Management practices

- Any business operator carrying out killing and related operations falling under the scope of 1099/2009 must draw up and implement Standard Operating Procedures (SOPs).

- Must ensure all persons working with live animals (including lairage staff and live poultry hangers) in a slaughterhouse hold a Regulation 1099/2009-compliant Certificate of Competence.
- Manufacturers must provide instructions for the use of restraining and stunning equipment.
- Introduce and implement monitoring procedures in slaughterhouses.
- Derogation for depopulation reporting where welfare covered by Animal Disease Notification System.

PLEASE RESPOND USING THE CONSULTATION QUESTIONNAIRE

Question 1. Will the flexibility that Regulation 1099/2009 provides to adapt to meet local circumstances through Standard Operating Procedures lead to cost savings? If so how and to what extent will costs be reduced?

Operational practices

- 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 (pass an electric current through the carcass once verified by Official Veterinary Inspector)
- Must ensure equipment is maintained in accordance with manufacturer's instructions and a record is maintained.
- Prohibit the use of cervical dislocation and concussion for the routine slaughter of poultry and restrict its use for slaughter under other situations.
- Cervical dislocation limit increased to 70 birds per day where mechanical device used.
- Lines used to shackle live poultry must incorporate breast comforters. *
- Ensure birds are not suspended live for more than: chickens, 1 minute; ducks, geese and turkeys, 2 minutes. *

Stunning

- Simple stunning concept introduced where the stunning method used does not result in instantaneous death.
- Additional stunning checks introduced with a derogation for reliable methods.
- Percussive blow included as a permitted stunning method.
- Restrict the use of non penetrative captive bolt to animals of 10 Kg.
- Prohibit the use of decapitation as a method of stunning
- Use of biphasic CO₂ and CO₂ plus inert gases incorporated.
- Gas stunning methodology amended to incorporate use of Containerised Gassing Units.
- Constant current only required for automatic equipment associated with restrainers (Excluding poultry).
- Constant current requirement for water baths removed.

- Use specific currents and frequencies to stun poultry in an electric water bath and head only stunning of specified animals.
- Ensure automatic stunning equipment deliver a constant current. *
- Ensure electrical and gas stunning equipment is fitted with a device to record key parameters and keep records for one year. *

Restraint

- Instructions for use of restraining and stunning equipment to be published on the internet.
- Instructions to cover maintenance and operators to maintain a record of maintenance.
- Animal must not be restrained unless operator is ready to stun or bleed.

Slaughter for religious purposes

- Ensure all animals slaughtered in accordance with religious rites are individually restrained.
- Ensure ruminants slaughtered in accordance with religious rites are mechanically restrained.

Scientific advice

- National reference centre replaced by the need to ensure independent scientific support is provided.

Enforcement

- Non compliance provisions strengthened to allow Competent Authority to require changes to Standard Operating Procedures.

Note: * applies to existing slaughterhouses from 8 December 2019

5. Member States have no discretion over the introduction of the directly applicable elements of Regulation 1099/2009 and this consultation will not address them. However, the discretion afforded to Member States under the EU legislation to maintain or, in specific areas, adopt stricter National Rules to ensure greater welfare protection to animals than that established under Regulation 1099/2009 will impact on the application of some aspects of the directly applicable elements of Regulation 1099/2009.
6. This consultation seeks views on these discretionary aspects of the implementation arrangements and stricter National Rules proposed in Wales.

PLEASE RESPOND USING THE CONSULTATION QUESTIONNAIRE

Question 2. Will the prohibition on the use of cervical dislocation of poultry as a routine slaughter method cause operational difficulties? If so what additional costs will be involved?

Domestic legislation

7. Subject to the outcome of this consultation, we are intending to introduce new domestic regulations in Wales, The Welfare of Animals at the Time of Killing (Wales) Regulations 2012 (WATOK) to:
 - implement and enforce the directly applicable obligations in Regulation 1099/2009;
 - maintain specific National Rules that were in force on 8 December 2009 where they afford greater welfare protection to animals;
 - maintain protection for animals slaughtered in accordance with religious rites (pursuant to Article 26(2) of Regulation 1099/2009); and consider new National Rules where there is evidence of a likely beneficial impact on welfare and where to do so does not prevent the production of meat according to religious beliefs.
 - repeal and replace the Welfare of Animals (Slaughter or Killing) Regulations (WASK) 1995 insofar as they apply to Wales (save for certain transitional provisions that must be retained in accordance with Article 28 and 29(1) of Regulation 1099/2009).
8. The introduction of a number of amendments to WASK were deferred earlier this year. These will now be introduced as part of the new domestic regulations in Wales, The Welfare of Animals at the Time of Killing (Wales) Regulations 2012 (WATOK) namely to:
 - permit the use of a biphasic CO² gas mixture to kill poultry in slaughterhouses;
 - extend the range of birds which may be killed on-farm by gas mixtures; and;
 - extend the time limit for bringing a prosecution under WATOK.
9. The Welfare of Animals at the Time of Killing (Wales) Regulations 2012 (WATOK) will be made under Section 2(2) of the European Communities Act 1972. Since it is intended that the policy proposals forming the subject of this consultation will be refined in the light of this consultation, draft regulations are not available for review. However, the Welsh Government's proposals regarding the application of the directly applicable EU obligations and what stricter National Rules the Department is seeking to maintain (or adopt where relevant) are described in full in these documents.

Competent Authority

10. The Welsh Ministers will be designated the Competent Authority for the purposes of:

- assessing guides to good practice drawn up by business operators in accordance with Article 13(3);
- developing and publishing guides to good practice in accordance with Article 13(4);
- establishing and implementing an action plan for any depopulation operation in accordance with Articles 18(1) and (2);
- granting derogations from compliance with Regulation 1099/2009 in accordance with Article 18(3);
- submitting a report to the European Commission on any depopulation operations carried out and publicising the report on the Internet in accordance with Article 18(4);
- ensuring the availability of training courses in accordance with Article 21(1)(a);
- approving training programmes and the content of the final examination in accordance with Article 21(1)(c);
- delegating the organisation of training courses and final examination to a separate body or entity in accordance with Article 21(2) of Regulation 1099/2009 and publishing details of any delegation on the Internet;
- publicising an up-to-date list of qualifications on the Internet which are recognised as equivalent to a Certificate of Competence in accordance with Article 21(7);
- notifying a suspension or withdrawal of a certificate of competence to the granting competent authority.
- assessing applications for stunning methods outside those listed in Regulation 1099/2009.

11. In addition, it is proposed that the Secretary of State will act as the Member State (on a UK- wide basis) for the purpose of:

- forwarding to the Commission all Guides to Good Practice validated by the competent authority. (Article 13(5)).
- establishing or maintaining National Rules for mobile slaughterhouses; adopting derogations from the rules set out in Annex II for mobile slaughterhouses; making amendments necessary to adapt Annex II to take account of scientific and technical progress. (Article 14(3)).
- ensuring that sufficient independent scientific support is available (Article 20).
- notifying penalty provisions to the Commission by 1 January 2013 and notifying of any subsequent amendment affecting them (Article 23).

Welsh Ministers (Animal Health and Veterinary Laboratories Agency)

12. It is proposed that the AHVLA on behalf of the Welsh Ministers (as regards the killing of animals elsewhere than in a slaughterhouse) will act as the Competent Authority for the purposes of:

- receiving documents or records in accordance with Articles 6(4), 9(1), 17(5);
- taking action in the event of non-compliance with the EU Regulation in accordance with Article 22(1), including (where appropriate) suspending or revoking Certificates of Competence, temporary Certificates of Competence or transitional Certificates of Competence.

Food Standards Agency

13. It is proposed that the Food Standards Agency will act as the Competent Authority for the purposes of:

- issuing and delivering Certificates of Competence
- issuing and delivering temporary Certificates of Competence
- issuing and delivering transitional Certificates of Competence
- suspending or revoking Certificates of Competence, temporary Certificates of Competence or transitional Certificates of Competence (where appropriate); and
- modifying Certificates of Competence.

14. In addition, it is proposed that the Food Standards Agency (as regards the killing of animals in a slaughterhouse) will act as the Competent Authority for the purposes of:

- receiving and assessing information on the layout, construction and equipment of slaughterhouses supplied by the business operator in accordance with Article 14(2);
- receiving documents or records in accordance with Articles 6(4), 9(1), 17(5);
- taking action in the event of non-compliance with the EU Regulation in accordance with Article 22(1).

Derogations for Depopulation Operations

15. Regulation 1099/2009 permits the Competent Authority to derogate from any provision of the Regulation in exceptional circumstances where the Competent Authority considers compliance is likely to affect human health or significantly slow down the process of eradication of a disease.

16. It is proposed that a measure should be included giving effect to this derogation and which would require Welsh Ministers to introduce derogations by means of a notice which:

- must be in writing;
- may be general or specific;

- may be subject to conditions;
- must be published in such manner as Welsh Ministers think fit; and
- may at any time be amended, suspended or revoked in writing.

17. For the purpose of this provision “disease” would be defined as comprising any disease of animals. This process could be used to authorise alternative killing methods not included at Annex 1 to Chapter 1 of Regulation 1099/2009.

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Question 3. Do you have any comments on the proposed allocation of Competent Authority and Member State responsibilities?

Question 4. Do you agree that derogations are to be authorised in writing by the Welsh Ministers in Wales should exceptional circumstances arise?

Certificates of Competence (CoC)

Terminology

18. **Qualification Certificate (QC)** – Certificate obtained on successful completion of the assessment process or by obtaining a licence from the Rabbinical Commission¹
19. **Transitional Certificate of Competence (Transitional CoC)** – A transitional certificate will be issued to persons that do not currently need to hold a WASK licence for certain operations at a slaughterhouse (e.g. care and handling of animals before restraint (lairage), hoisting and shackling) but will be required to obtain a CoC for such operations under Regulation 1099/2009 after 1 January 2013 (only applies to persons in employment before 1 January 2013).
20. **Temporary Certificate of Competence (TCoC)** – Similar to existing provisional licences issued under WASK. Issued by competent authority when applicant provides: proof of registration on an approved training programme; a declaration that he or she has not previously been issued with a temporary certificate for the same operation (unless he / she can demonstrate they were unable to take the final examination); and a declaration that he or she has committed no animal welfare offences under EU or national legislation in the last three years as well as further written details if the applicant has been convicted of any animal welfare offences at any point in the past. A Temporary certificate lasts a maximum of three months and permits work under supervision of a Certificate of Competence holder.
21. **Certificate of Competence (CoC)** – Similar to existing slaughter licences under WASK. Forms a Licence to Operate (LtO) and will be issued when Qualification Certificate has

¹ <http://www.shechita.co.uk>

been registered by the competent authority (currently FSA) (can be revoked or suspended).

22. Practical Assessment Certificate (PAC) – Certificate provided by authorised veterinarian in line with simplified procedure following practical assessment of persons meeting three years' relevant professional experience criterion

23. Who needs a Certificate of Competence?

- Persons undertaking the following operations:
 - (a) the handling and care of animals before they are restrained prior to stunning/slaughter;
 - (b) the restraint of animals for the purpose of stunning or killing;
 - (c) the stunning (including methods resulting in instantaneous death) of animals;
 - (d) the assessment of effective stunning;
 - (e) the shackling or hoisting of live animals;
 - (f) the bleeding of live animals;
 - (g) the slaughtering in accordance with Article 4(4) (slaughter in accordance with religious rites)
 - (h) the pithing of any stunned animal (subject to inclusion in National Rules)

- The person designated as the Animal Welfare Officer (the AWO will need to have a CoC that covers all activities he/she is responsible for)
- persons killing animals on behalf of the owner outside a slaughterhouse for private domestic consumption (subject to inclusion in National Rules)
- in the absence of a *de minimis* threshold set by the EU under Article 11 of Regulation 1099/2009, persons killing poultry, rabbits and hares on farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat
- persons killing animals in the field using a free bullet (e.g. farmed game)

24. Who does not need a Certificate of Competence?

A CoC **will not** be required by a person who:

- carries out emergency killing of animals (i.e. where animals are injured or have a disease associated with severe pain or suffering and there is no other practical possibility of alleviating the pain or suffering);
- kills any animal elsewhere than in a slaughterhouse or killing establishment/knackers yard, provided that he/she is the owner of the animal and the killing is for his/her private domestic consumption;

- for purposes other than human consumption, 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;
- kills any animal for the purpose of a depopulation operation ;
- kills surplus chicks or embryos in hatchery waste;
- is a veterinary surgeon acting in the exercise of his profession or a person acting under the direction of a veterinary surgeon so acting.

Legal obligations

25. Article 7(2) of Regulation 1009/2009 requires every person undertaking the following operations **for the purpose of killing animals for human consumption** to hold a Certificate of Competence (CoC):

- the handling and care of animals before they are restrained;
- the restraint of animals for the purpose of stunning or killing;
- the stunning of animals;
- the assessment of effective stunning;
- the shackling or hoisting of live animals;
- the bleeding of live animals;
- the slaughtering in accordance with Article 4(4) (Religious slaughter).

26. However, a person may obtain a Temporary Certificate of Competence (TCoC) allowing them to carry out any of the above operations before applying for a full CoC in accordance with Article 21(5) of Regulation 1099/2009. Before a TCoC can be issued, the Competent Authority must need to be satisfied that the person is registered on an approved training course and the applicant has not been issued a previous TCoC for the same operations unless he or she was unable to take the final assessment due to exceptional circumstances. A TCoC is valid for a maximum of three months and allows a person to work under the direct supervision of a person holding a CoC for the same operations.

27. Article 17(4) of Regulation 1099/2009 also requires all Animal Welfare Officers to hold a CoC. The scope of the CoC must cover all operations taking place in the slaughterhouse for which the Animal Welfare Officer is responsible.

28. Article 11 of Regulation 1099/2009 makes provision for an exemption from the requirement for a 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 formally agreed at EU level, and we are proceeding on the basis that all individuals carrying out small scale slaughter of poultry, rabbits and hares on-farm for direct supply will be required to hold a CoC and comply with the other measures set out in Chapters II and III of Regulation 1099/2009 insofar as they can apply to on-farm slaughter.

Stricter National Rules on Certificates of Competence

29. The Welsh Government considers that the killing of animals and related operations for commercial purposes, whether for human consumption or otherwise, should only be undertaken by individuals that have been trained, assessed and authorised as competent to undertake those operations. This reflects the current position under WASK.

30. It is proposed that stricter National Rules be retained in accordance with Article 26(1) of Regulation 1099/2009 to maintain the requirement for a CoC or TCoC for the full scope of slaughter or killing operations that currently require a licence or provisional licence under WASK. The additional killing operations which should continue to be carried out by persons holding a CoC or TCoC are:

- any of the following activities, where an animal is killed **for a purpose other than for human consumption**—
 - the restraint of animals for the purpose of stunning and killing;
 - the stunning of animals;
 - the assessment of effective stunning;
 - the bleeding of live animals;
- pithing of a stunned animal;
- the slaughter of an animal by a person under the responsibility and supervision of the owner for private domestic consumption (an owner who does not hold a CoC for the activities involved, would not be qualified to supervise a person working under a TCoC);

31. In addition to the above, the Welsh Government is proposing that any person involved in any of the following operations for a purpose other than killing for human consumption will also need a CoC or TCoC:

- handling and caring for animals before they are restrained for killing purposes; and
- shackling or hoisting live animals.
- Killing animals outside licensed premises using a free bullet, whether it is intended for human consumption or not.

32. WASK licences are not currently required for these activities but the Welsh Government considers that the obligation under Regulation 1099/2009 to hold a CoC or TCoC from 1 January 2013 for carrying out handling, hoisting and shackling operations for slaughter purposes (i.e. for human consumption) should also apply to the same operations where animals are being killed for commercial purposes other than for human consumption. It is proposed this new requirement will be adopted as a stricter National Rule in accordance with Article 26(2)(a) of Regulation 1099/2009.
33. The Welsh Government is also intending to keep the National Rule, currently applied under WASK (Schedule 1, paragraph 7(2) and 8) that **all** prior convictions of welfare offences under national or EU legislation will be taken into consideration when assessing whether a person can be given a CoC (previously a slaughter licence). This is stricter than the provision under Regulation 1099/2009 (Article 21(6)) which only requires applicants to declare offences committed in last 3 years.

Training and assessment

34. Individuals who require a CoC to carry out any of the killing and related operations listed in paragraph 23 must undergo a training course and an independent final assessment in accordance with Article 21 of Regulation 1099/2009.
35. An accredited Level 2 qualification in “Protecting the Welfare of Animals at Time of Killing” has been developed for this purpose. The unit structure is set out on pages 22 - 25 and does not form part of this consultation and is included for information only.
36. The organisation and administration of the training courses and final assessment have been delegated to and will be delivered through Awarding Organisations (bodies recognised and regulated by Ofqual as an Awarding Organisation) which will offer the Level 2 accredited qualification through their approved centres. At the time of this consultation Food and Drink Qualifications (FDQ) and Royal Society for Public Health (RSPH) have indicated an interest in offering this qualification.
37. Under this arrangement it will be possible for training and assessment to be undertaken in-house by business operators approved as centres or externally using third party training and assessment bodies approved as training centres by Awarding Organisations. These arrangements will be quality-assured by the Awarding Organisations. Assessment will be conducted by persons who have demonstrated to the Awarding Organisations that they are competent in carrying out the killing and related operations without causing animals avoidable pain, suffering or distress and can undertake assessments on that basis. In addition:

- assessors must hold a Level 2 Award or Certificate for Proficiency in Protecting the Welfare of Animals at Time of Killing crediting units which cover the specific activities to be assessed;
- assessors should have at least three years' relevant professional experience in a role involving the activities to be assessed;
- where an assessor cannot demonstrate that they are working directly and currently in roles protecting the welfare of animals they must demonstrate a minimum of 2 days of Continuing Professional Development (CPD) per year, relevant to the units they will assess. This will be agreed and monitored by the external quality assurer (appointed by the Awarding Organisation). In some cases the external quality assurer may decide that up to 5 days of CPD per year, are required.

38. It is proposed that licences to practice Shechita (slaughter in accordance with Jewish religious rites) currently issued by the Rabbinical Commission will continue to be recognised as an equivalent qualification to the Level 2 qualification for the purpose of obtaining a CoC.

Application for a Temporary Certificate of Competence

39. Before applying for a Temporary CoC (TCoC) the applicant must register with an Awarding Organisation to undertake the accredited qualification for Protecting the Welfare of Animals at the Time of Killing. When applying for a TCoC, applicants will be required to provide:-

- details of the categories of animal, operations and, if appropriate, the type of equipment for which a TCoC is sought;
- a passport size photograph of themselves;
- photo ID (e.g. passport or driving licence);
- confirmation of registration on a training course with an Awarding Organisation which covers the categories of animal, operations and, if appropriate, type of equipment, for which a TCoC is sought;
- the application fee;
- a written declaration confirming he/she has not:
 - committed any offences under EU or national law on the protection of animals in the three years preceding the date of application; and
 - has not held a previous TCoC for the same combination of species, operations and equipment
- further written details if the applicant has:-
 - been convicted of any offences under EU or national law on the protection of animals prior to the three years preceding the date of the application;

- been refused a licence to slaughter or kill animals under the Slaughter of Poultry Act 1967, the Slaughterhouses Act 1974, any regulations made under those Acts or WASK
 - had any such licence to slaughter or kill animals revoked or suspended.
40. The Welsh Government is proposing to keep the National Rule, currently applied under WASK (Schedule 1, paragraph 7(2) and 8) that all prior convictions of welfare offences under national or EU legislation will be taken into consideration when assessing whether a person can be given a CoC (previously a slaughter licence). This goes further than the provision under Regulation 1099/2009 (Article 21(6)) which only requires applicants to declare welfare offences committed in the last 3 years. The Competent Authority will take past welfare convictions into account when determining whether a person is fit and proper to hold a CoC or TCoC.
41. The person receiving the application (OV in approved slaughterhouses or AHVLA Veterinary Officer / FSA CoC processing team for other premises) will issue a receipt of application permitting the person to work under supervision while the application is processed by the FSA and the TCoC is issued.

Application for a Certificate of Competence

42. If the applicant is working under a TCoC, he or she may apply for it to be converted into a CoC. If a person wishes to continue working, this must be done before the TCoC expires. A second TCoC will not be issued unless exceptional circumstances (e.g. sudden illness) have prevented the applicant undertaking the final assessment.
43. At the application stage the applicant will have to provide the qualification certificate (either the Level 2 award or certificate) issued by the Awarding Organisation, or the licence to practice Shechita issued by the Rabbinical Commission. This will confirm that he / she has been assessed as competent and indicate the categories of animals, operations and, where appropriate, type of equipment for which the assessment has been undertaken. An application fee will be payable in order to convert the TCoC to a CoC.
44. When applying for a full CoC the applicant will be required to provide:
- the qualification certificate from an Awarding Organisation (Level 2 award or certificate) / Licence to practice Shochetim indicating the species, operation and equipment to which it relates;
 - the application fee;
 - a written declaration confirming he / she has not
 - committed any offences under EU or national law on the protection of animals in the three years preceding the date of application; and
 - has not held a previous TCoC for the same combination of species, operations and equipment;
 - further written details if the applicant has:-

- been convicted of any offences under EU or national law on the protection of animals prior to the three years preceding the date of the application;
- been refused a licence to slaughter or kill animals under the Slaughter of Poultry Act 1967, the Slaughterhouses Act 1974, any regulations made under those Acts or WASK;
- had any such licence to slaughter or kill animals revoked or suspended.

Refusal, amendment, suspension and withdrawal of Certificates of Competence

45. The Competent Authority may refuse to grant a TCoC or CoC if the applicant fails to provide any of the required information listed above or if the Competent Authority is satisfied the applicant is not a fit and proper person to hold a CoC or TCoC. Applicants will have the right to appeal any decision made by the Competent Authority to refuse to issue a TCoC or CoC.
46. Awarding Organisations have separate procedures in place to deal with appeals against assessment decisions. A decision to refuse a CoC or TCoC will be served by formal notice which will confirm the reasons for the refusal and provide details of the right to appeal.
47. The Competent Authority may also suspend or withdraw a CoC or TCoC if satisfied that any provision of the EU Regulation or the new domestic regulations have been contravened. A decision to suspend or withdraw a TCoC or CoC will be confirmed by formal notice which will:
- give reasons for the suspension or withdrawal;
 - state when the suspension or withdrawal comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect; and
 - give details of the right of appeal against the decision.

Transitional Certificate of Competence arrangements

48. It is proposed that specific arrangements should be introduced in relation to the issue of CoCs for people in employment before 1 January 2013 and for some WASK licence holders who can demonstrate that they have at least three years' relevant professional experience. Under these arrangements:
- anyone with a WASK licence issued before 1st January 2010 will have until 8th December 2015 to apply for a CoC;
 - anyone with a WASK licence issued after 1st January 2010 who **cannot** demonstrate they have **at least** 3 years' relevant professional experience will have until 1st July 2013 to apply for a CoC;

- anyone with a WASK licence issued after 1st January 2010 who **can** demonstrate they have **at least** 3 years' relevant professional experience will have until 8th December 2015 to apply for a CoC;
- anyone engaged in a lairage/handling operation before 1st January 2013 who can demonstrate **at least** 3 years' professional experience in that operation will have until 8th December 2015 to apply for a CoC, provided they obtain a transitional CoC before 30th January 2013;
- anyone engaged in a lairage/handling operation before 1st Jan 2013 who has **less than 3 years'** professional experience in that operation will have until 1st July 2013 to apply for a CoC, provided they obtain a transitional CoC before 30th January 2013.

49. Under this approach:

- current WASK licences will continue in force after 1st January 2013 on a time-limited basis
- all lairage workers / persons involved in live animal handling who do not currently require a WASK licence will need to apply for a transitional CoC by 30th January 2013, and provide:
 - evidence they were engaged in that operation before 1st January 2013;
 - a written declaration that they have not committed any welfare offences under EU or national legislation in the preceding 3 years;
 - written details that they have not been convicted of any welfare offences at any point in time or previously been refused a licence.

Simplified Procedure for persons with three years relevant professional experience

50. Where a person can demonstrate at least three years' relevant professional experience in an operation or operations for which they require a CoC, they will be entitled to apply for a CoC under a simplified procedure. Three years' professional experience is not defined in Regulation 1099/2009. For clarification, it is proposed that three years relevant professional experience be interpreted as follows:

- a person will be deemed to have three years' relevant professional experience if they have accrued at least 3 years' (720 days of work) experience in a relevant operation since 1st January 2008;
- professional experience in this context is interpreted to mean carrying out a relevant operation in the course of employment or in a professional capacity for financial reward, but should exclude any experience gained whilst working under the supervision of a veterinary surgeon in accordance with a provisional licence granted under the Welfare of Animals (Slaughter or Killing) Regulations 1995;

- when calculating experience accrued, a person must be able to demonstrate that the experience relates to the relevant operation, species of animal, and where relevant, categories of equipment for which a certificate of competence is sought.

51. For certain operations (i.e. the handling and care of live animals before restraint), it is proposed that appropriate experience gained in a general husbandry context should be considered relevant experience for that type of operation.
52. To comply with the simplified procedure it is proposed that three years' relevant professional experience must have accrued at the time Regulation 1099/2009 comes into effect on 1 January 2013. Applicants will be expected to sign a declaration at the application stage confirming that they had accrued at least three years' relevant professional experience on 1 January 2013. Applicants may be asked to provide supporting evidence if appropriate, when they apply for a CoC / Transitional CoC.
53. Under the simplified procedure, persons that can demonstrate they have at least three years' experience in an operation will not have to submit a qualification certificate at the application stage to show they have completed a training course and passed a practical assessment, provided they meet certain conditions. The conditions will vary depending on whether the applicant is an existing licence holder or is a person that has been employed in certain handling operations (e.g. lairaging, shackling, hoisting) which do not currently require a licence under WASK.

54. **For WASK licence holders** the following conditions will apply and applicants must provide:

- a passport size photograph and photo ID
- details of the species, operations and equipment to which their experience relates and for which a CoC is sought
- a written declaration that they have at least three years' professional experience in the relevant operations (and relating to the same species of animal and type of equipment)
- a written declaration they have not committed any welfare offences in the preceding three years
- written details confirming they have not been convicted of any welfare offences under EU or national legislation at any point in time or previously been refused a licence

55. **For persons not currently required to work under a WASK licence** the following conditions will apply and applicants must provide:

- evidence of practical assessment by an authorised veterinarian who confirms the person is competent to undertake the operations and has sufficient knowledge of all relevant legislation and guidance relating to that operation;

- written confirmation from the authorised veterinarian confirming a successful assessment in relation to the operations, species of animal and type of equipment for which a CoC is sought;
- a passport size photograph and photo ID;
- a written declaration that they have at least three years' professional experience in the relevant operation;
- a written declaration that they have not committed any welfare offences in the preceding three years;
- provide written details confirming they have not been convicted of any welfare offences under EU or national legislation at any point in time or previously been refused a licence.

56. It is proposed that all provisional WASK licences issued in the last three months of 2012 will cease to have effect on 1 January 2013. From that date persons will be expected to apply for a TCoC and undertake an assessment under the CoC arrangements.

Fees

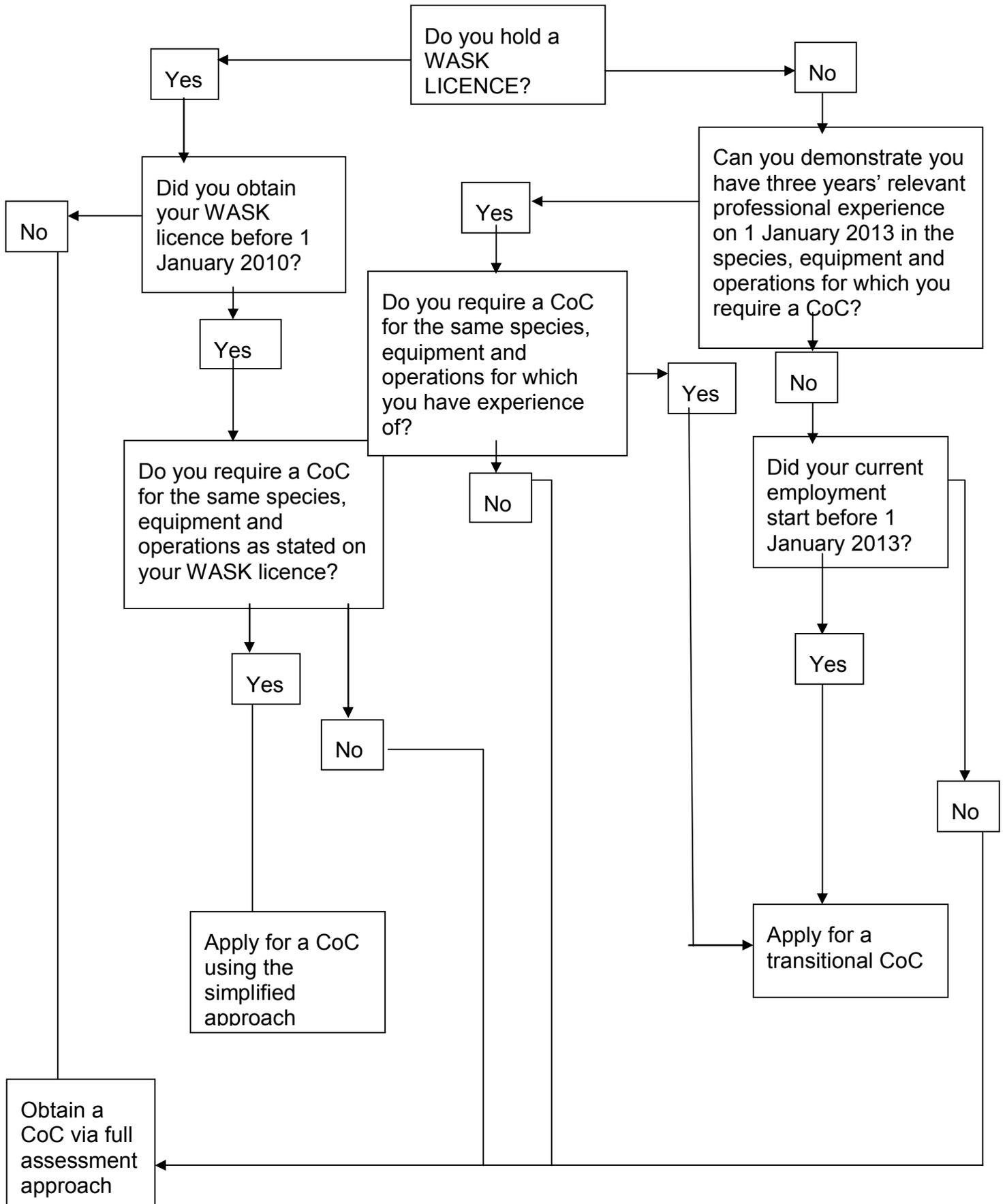
57. It is proposed that the following fees should apply for issuing activities:

Activity	Proposed Fee
Issuing a Temporary Certificate of Competence	£45
Converting a Temporary Certificate of Competence to a full Certificate of Competence	£15
Issuing a Certificate of Competence where there is no Temporary Certificate of Competence	£45
Issuing a Transitional Certificate of Competence	£45
Converting a Transitional Certificate of Competence to a full Certificate of Competence	£15
Modifying a Certificate of Competence	£15
Practical Assessment by an authorised veterinarian in an approved slaughterhouse under the simplified approach	£55
Practical Assessment by an authorised veterinarian outside an approved slaughterhouse under the simplified approach	
Veterinary fees	
• Up to 1 hour	
• For every additional hour or part of an hour	£100
Travel costs	(£100)
• Up to 1 hour	
• For every additional hour or part of an hour	£100 (£100)

	So as a minimum total cost will be £200.
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58. Charges will apply in relation to training and assessment for Certificate of Competence purposes. These charges will be set by the Awarding Organisations and Approved Training Centres involved. It is anticipated a slaughterman will require training and assessment in relation to 3 qualification units, and that most lairage / poultry hangers will require 2 units. Each unit will require an average of 6 training hours at an indicative cost of some £26 per hour where training is undertaken in a slaughterhouse approved for this purpose by an Awarding Organisation or £52 per hour where training is undertaken elsewhere. It is estimated that assessment by the Awarding Organisation/Training Provider will cost some £250 per day in a slaughterhouse approved by an Awarding Organisation as an approved centre and £400 per day elsewhere. On average 4 units can be assessed per day. Further information on costs is contained in the draft Impact Assessment accompanying this consultation.

CERTIFICATES OF COMPETENCE APPLICATION PROCESS



Certificate of Competence Unit Structure

Bird unit groups

Unit Title
Protect chicken welfare in lairage operations
Protect chicken welfare in manual handling and restraint operations
Protect chicken welfare in manual electrical stun/kill operations
Protect chicken welfare in captive bolt stunning operations
Protect chicken welfare in manual killing operations
Protect stunned chicken welfare in manual cutting operations
Protect conscious chicken welfare in manual cutting operations
Protect chicken welfare in manual bleeding operations
Protect chicken welfare in shackled restraint systems
Protect chicken welfare in automated electrical stun/kill systems
Protect chicken welfare in gas stun/kill systems
Protect chicken welfare in automated cutting and bleeding systems
Protect turkey welfare in lairage operations
Protect turkey welfare in manual handling and restraint operations
Protect turkey welfare in manual electrical stun/kill operations
Protect turkey welfare in captive bolt stunning operations
Protect turkey welfare in manual killing operations
Protect stunned turkey welfare in manual cutting operations
Protect conscious turkey welfare in manual cutting operations
Protect turkey welfare in manual bleeding operations
Protect turkey welfare in shackled restraint systems
Protect turkey welfare in automated electrical stun/kill systems
Protect turkey welfare in gas stun/kill systems
Protect turkey welfare in automated cutting and bleeding systems
Protect duck welfare in lairage operations
Protect duck welfare in manual handling and restraint operations
Protect duck welfare in manual electrical stun/kill operations
Protect duck welfare in captive bolt stunning operations
Protect duck welfare in manual killing operations
Protect stunned duck welfare in manual cutting operations
Protect conscious duck welfare in manual cutting operations
Protect duck welfare in manual bleeding operations
Protect duck welfare in shackled restraint systems

Unit Title
Protect duck welfare in automated electrical stun/kill systems
Protect duck welfare in gas stun/kill systems
Protect duck welfare in automated cutting and bleeding systems
Protect geese welfare in lairage operations
Protect geese welfare in manual handling and restraint operations
Protect geese welfare in manual electrical stun/kill operations
Protect geese welfare in captive bolt stunning operations
Protect geese welfare in manual killing operations
Protect stunned geese welfare in manual cutting operations
Protect conscious geese welfare in manual cutting operations
Protect geese welfare in manual bleeding operations
Protect geese welfare in shackled restraint systems
Protect geese welfare in automated electrical stun/kill systems
Protect geese welfare in gas stun/kill systems
Protect geese welfare in automated cutting and bleeding systems
Protect farmed game bird welfare in lairage operations
Protect farmed game bird welfare in manual handling and restraint operations
Protect farmed game bird welfare in manual electrical stun/kill operations
Protect farmed game bird welfare in captive bolt stunning operations
Protect farmed game bird welfare in manual killing operations
Protect stunned farmed game bird welfare in manual cutting operations
Protect conscious farmed game bird welfare in manual cutting operations
Protect farmed game bird welfare in manual bleeding operations
Protect farmed game bird welfare in shackled restraint systems
Protect farmed game bird welfare in automated electrical stun/kill systems
Protect farmed game bird welfare in gas stun/kill systems
Protect farmed game bird welfare in automated cutting and bleeding systems
Protect ratite welfare in lairage operations
Protect ratite welfare in movement to slaughter
Protect ratite welfare in restraint operations
Protect ratite welfare in electrical head-only stunning operations
Protect ratite welfare in captive bolt stunning operations
Protect ratite welfare in shackling and hoisting operations
Protect stunned ratite welfare in manual cutting operations
Protect conscious ratite welfare in manual cutting operations
Protect ratite welfare in manual bleeding operations

Mammal unit groups

Unit Title
Protect bovine welfare in lairage operations
Protect bovine welfare in pre-slaughter clipping /shearing operations
Protect bovine welfare in movement to slaughter
Protect bovine welfare in restraint operations
Protect bovine welfare in captive bolt stunning operations
Protect bovine welfare in electrical head-to-body stun/kill operations
Protect bovine welfare in free-bullet killing operations
Protect stunned bovine welfare in manual cutting operations
Protect conscious bovine welfare in manual cutting operations
Protect bovine welfare in shackling and hoisting operations
Protect bovine welfare in manual bleeding operations
Protect ovine/caprine welfare in lairage operations
Protect ovine/caprine welfare in pre-slaughter clipping /shearing operations
Protect ovine/caprine welfare in movement to slaughter
Protect ovine/caprine welfare in restraint operations
Protect ovine/caprine welfare in captive bolt stunning operations
Protect ovine/caprine welfare in electrical head-only stunning operations
Protect ovine/caprine welfare in electrical head-to-back stun/kill operations
Protect ovine/caprine welfare in free-bullet killing operations
Protect stunned ovine/caprine welfare in manual cutting operations
Protect conscious ovine/caprine welfare in manual cutting operations
Protect ovine/caprine welfare in shackling and hoisting operations
Protect ovine/caprine welfare in manual bleeding operations
Protect porcine welfare in lairage operations
Protect porcine welfare in movement to slaughter
Protect porcine welfare in restraint operations
Protect porcine welfare in captive bolt stunning operations
Protect porcine welfare in electrical head-only stunning operations
Protect porcine welfare in electrical head-to-body stun/kill operations
Protect porcine welfare in gas stun/kill operations
Protect porcine welfare in free-bullet killing operations
Protect stunned porcine welfare in manual cutting operations
Protect porcine welfare in shackling and hoisting operations
Protect porcine welfare in manual bleeding operations

Unit Title
Protect equine welfare in lairage operations
Protect equine welfare in restraint operations
Protect equine welfare in movement to slaughter
Protect equine welfare in captive bolt stunning operations
Protect equine welfare in free-bullet killing operations
Protect stunned equine welfare in manual cutting operations
Protect conscious equine welfare in manual cutting operations
Protect equine welfare in shackling and hoisting operations
Protect equine welfare in manual bleeding operations
Protect large game welfare in lairage operations
Protect large game welfare in restraint operations
Protect large game welfare in movement to slaughter
Protect large game welfare in captive bolt stunning operations
Protect large game welfare in free-bullet killing operations
Protect stunned large game welfare in manual cutting operations
Protect conscious large game welfare in manual cutting operations
Protect large game welfare in shackling and hoisting operations
Protect large game welfare in manual bleeding operations
Protect lagomorph welfare in lairage operations
Protect lagomorph welfare in manual handling and restraint operations
Protect lagomorph welfare in captive bolt stunning operations
Protect lagomorph welfare in manual electrical stun/kill operations
Protect lagomorph welfare in gas stun/kill operations
Protect lagomorph welfare in free-bullet killing operations
Protect lagomorph welfare in manual killing operations
Protect stunned lagomorph welfare in manual cutting operations
Protect conscious lagomorph welfare in manual cutting operations
Protect lagomorph welfare in manual bleeding operations

Offences, Penalties and Enforcement

59. Article 23 of Regulation 1099/2009 requires Member States to introduce penalties and sanctions that are effective, proportionate and dissuasive.

Offences and penalties

60. New domestic regulations will be passed to enforce the directly applicable obligations in Regulation 1099/2009 from 1 January 2013 and also any stricter National Rules that may be maintained or adopted to extend the protection of animals during killing in line with Article 26 of Regulation 1099/2009. Parallel legislation will be introduced in Scotland, England and Northern Ireland; as such a consistent enforcement approach will be sought where possible with the other administrations to include criminal offences similar to the existing slaughter regime under WASK.
61. We are also proposing that all directly applicable obligations in Regulation 1099/2009 and any stricter National Rules maintained or adopted in the domestic legislation continue to be underpinned by criminal sanctions with appropriate penalties – see table at paragraph 64 for further details. This is to ensure we meet our legal obligations as a Member State to implement effective, proportionate and dissuasive sanctions to enforce our EU obligations under Regulation 1099/2009, whilst ensuring the enforcement regime for the new regime is no less effective than the current regime.
62. 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 where the breach causes, or is likely to cause, pain, suffering or distress to an animal.
63. We are proposing that the majority of criminal offences for serious or persistent breaches of Regulation 1099/2009 should be punishable on summary conviction to a fine not exceeding the statutory maximum (£5000) or to imprisonment not exceeding three months or both in line with the European Communities Act 1972. This is intended to address the deliberate, reckless or negligent infliction of pain, suffering and distress to animals during killing operations which is significantly serious to warrant prosecution of an individual or business. This reflects the enforcement approach and offence provisions under existing legislation (WASK). We have no indictable offences in our current law on the protection of animals at the time of killing and are not intending to introduce indictable offences under the new legislation. The use of custodial sentences has been reviewed to remove onerous sentences where it is considered a financial penalty alone will provide sufficient deterrent to protect the welfare of animals.

64. 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; • immediately take the appropriate measures as set out in the Standard Operating Procedures (SOP) when checks show an animal is not properly stunned; • carry out systematic checks to ensure animals do 	Summary conviction – fine not exceeding level 5 on the standard scale

Relevant provision	Details of proposed offence	Mode of trial and Maximum penalty
	not present signs of consciousness/sensibility before being released from restraint and do not present any signs of life before undergoing dressing or scalding.	
Article 6	<p>Failure by business operator/person to:</p> <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; • make SOPs available to the competent authority upon request; • amend SOPs (as required under Article 22(a)). 	Summary conviction – fine not exceeding level 5 on the standard scale
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 manufacturing instructions concerning use.	Summary conviction – fine not exceeding level 5 on the standard scale
Article 9	Failure by business operator to:-	Summary conviction –

Relevant provision	Details of proposed offence	Mode of trial and Maximum penalty
	<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; • 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. 	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; • 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. 	Summary conviction – fine not exceeding level 5 on the standard scale
Article 15	<p>Failure by business operator to:-</p> <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; • comply with the prohibition on restraining methods in Article 15(3) 	Summary conviction – fine not exceeding 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 	Summary conviction – fine not exceeding level 5 on the standard scale

Relevant provision	Details of proposed offence	Mode of trial and Maximum penalty
	<p>each slaughter line;</p> <ul style="list-style-type: none"> 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. 	
Article 17	<p>Failure by business operator to:-</p> <ul style="list-style-type: none"> designate an Animal Welfare Officer 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:-</p> <ul style="list-style-type: none"> keep a record of any action taken to improve animal welfare 	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)		
<p>Sched 2, paras:</p> <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
<p>Sched 5, paras:</p> <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

Relevant provision	Details of proposed offence	Mode of trial and Maximum penalty
		term not exceeding 3 months or both.
<p>Sched 7, paras:</p> <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.
<p>WASK (Stricter National Rules) - Subject to formal consultation. However, the approach adopted should reflect the general enforcement approach outlined in this form.</p>		
<p>New domestic legislation (WATOK)</p>		
	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

Relevant provision	Details of proposed offence	Mode of trial and Maximum penalty
		months or both.

Enforcement

65. From 1 January 2013, we will have a greater range of enforcement options available to penalise infringements which may compromise the welfare of animals at the time of killing. Regulation 1099/2009 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.

66. We intend applying the administrative sanctions provided for in Regulation 1099/2009 and Regulation 882/2004 as widely as possible. Enforcement will be undertaken by persons authorised by the Welsh Ministers (this is expected to involve persons from the Food Standards Agency and Animal Health Veterinary Laboratories Agency).

67. It is also proposed that Local Authorities should be given powers to prosecute without placing any obligation on them to undertake such prosecutions. This will make it easier for those Local Authorities, choosing to take enforcement action in this area, to undertake such activities.

68. Authorised persons will be given powers to issue enforcement notices to either, require steps to be taken by the business operator or an individual in order to remedy a contravention or to slow down or prohibit an activity until any contravention is remedied (as per the examples provided above but not limited to those examples). Failure to comply with the instructions in an enforcement notice will be a separate criminal offence to the original contravention. Enforcement notices will be underpinned by an appropriate

appeals mechanism. Decisions to suspend or revoke certificates of competence will also be subject to an appropriate appeals mechanism.

69. 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 – 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 2 – 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 a certificate is suspended or after a 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

Powers of entry

70. As part of the new legislative proposals for enforcing Regulation 1099/2009 and any stricter National Rules maintained and adopted under Article 26 of the Regulation, some Acts of Parliament (or parts thereof) are likely to be repealed to remove redundant provisions on the killing of animals that have now been superseded by the EU legislation. New powers of entry will be incorporated in the domestic regulations that are replacing WASK, albeit with additional safeguards included.

71. It is proposed that an authorised officer (i.e. any person authorised by the Welsh Ministers for the purpose of enforcement) may, on giving reasonable notice, and on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for enforcement purposes. An authorised officer may be accompanied by such other persons as the authorised officer considers necessary, including any representative of the European Commission.

72. The requirement to give notice will not apply -

- where entry is pursuant to any provision of the EU Regulation which requires inspection without notice;
- where the requirement has been waived;
- where reasonable efforts to agree an appointment have failed; or

- where an authorised person has reasonable suspicion of a failure to comply with the European Regulation, the 1995 Regulation or these Regulations.

73. Admission to premises used wholly or mainly as a private dwelling house may not be demanded as a right unless the entry is in accordance with a warrant obtained from a Magistrate's Court. A warrant will only be issued if –

- there are reasonable grounds to enter those premises for the purpose of enforcing Regulation 1099/2009 and the stricter National Rules being retained;
- entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier,
- asking for admission to the premises, or giving such a notice, would defeat the object of the entry,
- entry is required urgently, or
- the premises are unoccupied or the occupier is temporarily absent.

74. An authorised officer who has entered premises for enforcement purposes may -

- carry out any examination, investigation or test;
- inspect and search the premises;
- take samples (and if necessary, send the samples for laboratory testing) from any animal, carcase or part of a carcase,
- take any carcase or part of a carcase (and, if necessary send it for laboratory testing);
- take any equipment or instrument for further examining, investigating or testing;
- require the production of any document or record and inspect and take a copy of or extract from such document or record; and
- require any person to provide such assistance, information, facilities or equipment as is reasonable.

Appeals

75. It will be necessary to provide for appeals in relation to:

- decisions to refuse to issue, suspend or revoke a certificate of competence
- stop or Welfare Improvement Notices (WIN) (stop – shut down operation)

76. It is proposed that all appeals will be dealt with by a person appointed for the purpose by the Welsh Government. Appeals must be made in writing within 21 days of receiving notification of the decision to refuse to issue, suspend, or revoke a certificate of competence or the issuing of Stop or Welfare Improvement Notices. The appointed person will consider the appeal and submit a written

report to the Welsh Government who will make the final decision. The appellant will be notified of the outcome and the reasons for the decision in writing.

PLEASE RESPOND USING THE CONSULTATION QUESTIONNAIRE

Question 5. Do you have any comments on the overall approach proposed in relation to the introduction of Certificates of Competence?

Question 6. Do you have any comments on the Certificate of Competence transitional arrangements?

Question 7. Do you consider that the approach to establishing three years relevant professional experience is proportionate? Can more be done to recognise wider experience where relevant particularly in relation to seasonal slaughter operations?

Question 8. Do you consider that the proposed penalties represent proportionate and effective sanctions?

Question 9. Do you consider that the proposed approach to enforcement will be effective in dealing with non compliance?

Question 10. Do you consider that the proposed powers of entry ensure appropriate enforcement action can be taken whilst protecting the rights of individuals?

Stricter National Rules

77. Article 26(1) of Regulation 1099/2009 allows Member States to maintain existing National Rules that were already in force on 8 December 2009, where these provide more extensive protection of animals at the time of killing than the minimum standards prescribed by Regulation 1099/2009.
78. The Welsh Government is committed to keeping regulatory burdens to a minimum and would not normally consider the use of National Rules to supplement provisions in an EU Regulation. However the Welsh Government is also committed to securing improved standards of animal welfare. The Welsh Government will therefore consider the case for the use of National Rules to maintain existing welfare protection as a legal requirement where the measure cannot be maintained in another way e.g. through industry Guides to Good Practice (GGPs) and associated standard operating procedures (SOPs) and where there is a compelling welfare case for retention of the WASK provision concerned. Where measures are dealt with through GGP/SOPs, a separate prescriptive legal requirement set out in the domestic legislation is not proportionate or justified.
79. The WASK provisions considered to provide more extensive protection than Regulation 1099/2009 are listed on pages 37 - 44. It is not considered necessary or appropriate to maintain every measure in WASK which might provide more extensive welfare protection and it is proposed that only the provisions described on pages 45 – 53 below should be retained through National Rules in legislation.

CURRENT 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.

<p>2. No person shall carry out any of the operations specified in paragraph 3 below except—</p> <p>(a) under and in accordance with the terms of a licence granted and registered under paragraph 5 below;</p> <p>(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</p> <p>(c) under and in accordance with the terms of a provisional licence granted under paragraph 7 below.</p>
<p>3. The operations mentioned in paragraph 2 above for which a licence is required are any of the following—</p> <p>(a) the restraint of any animal for the purpose of stunning, slaughtering or killing that animal;</p>
<p>(b) the stunning of any animal;</p>
<p>(c) the slaughter of any animal;</p>
<p>(d) the killing of any animal;</p>
<p>(e) the pithing of any stunned animal;</p>
<p>(f) (part) the assessment of effective stunning, of any animal by any person whose duty it is to make such an assessment;</p>
<p>(f) (part) the assessment of effective pithing or killing of any animal by any person whose duty it is to make such an assessment;</p>
<p>(g) the shackling or hoisting of any stunned animal; and</p>
<p>(h) the bleeding of any animal which is not dead.</p>
<p>4 (1). In this Schedule "certificate of competence" means—</p> <p>(a) a certificate issued under sub-paragraph (2) below by a veterinary surgeon authorised for the purpose by the Minister ("an authorised veterinary surgeon");</p> <p>(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</p> <p>(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.</p>
<p>4 (2). An authorised veterinary surgeon shall issue a certificate of competence if—</p> <p>(a) having assessed the applicant, the authorised veterinary surgeon is of the opinion that the applicant—</p> <p>(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</p> <p>(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;</p> <p>(b) the applicant is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a certificate; and</p> <p>(c) the applicant is not below the age of 18.</p>
<p>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—</p> <p>(a) in his opinion the applicant is a fit and proper person to hold a licence; and</p> <p>(b) the applicant provides any information required in sub-paragraph (2) below.</p>
<p>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.</p>
<p>7 (1). An authorised veterinary surgeon shall grant a provisional licence to any applicant who—</p> <p>(a) is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a provisional licence;</p> <p>(b) is not below the age of 18; and</p> <p>(c) provides any information required by sub-paragraph (2) below.</p>

<p>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—</p> <p>(a) has failed to comply with—</p> <p>(i) any condition of any licence previously granted to him under these Regulations; or</p> <p>(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</p> <p>(b) has been convicted of an offence under—</p> <p>(i) these Regulations;</p> <p>(ii) the 1967 Act or any regulations made under it;</p> <p>(iii) the 1974 Act or any regulations made under it;</p> <p>(iv) the 1980 Act or any regulations made under it;</p> <p>(v) the Protection of Animals Acts 1911 to 1964;</p> <p>(vi) the Protection of Animals (Scotland) Acts 1912 to 1964;</p> <p>(vii) any order made under the Animal Health Act 1981 regulating the transport of animals;</p> <p>(viii) Part I of the Agriculture (Miscellaneous Provisions) Act 1968 or any regulations or order made under it; or</p> <p>(ix) any other provision concerning the welfare of animals.</p>
<p>9 (2). An authorised veterinary surgeon may grant a provisional licence under paragraph 7(1) above to any person whose registered licence has been suspended or revoked.</p>
<p>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.</p>
<p>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—</p> <p>(a) the assessment of the competence of any person who applies for a certificate of competence;</p> <p>(b) any assessment of the competence of any person who applies for a modification of his licence; and</p> <p>(c) the issue and the registration of the licence.</p>
<p>11 (1). Where the Minister or the authorised veterinary surgeon (as the case may be)—</p> <p>(a) refuses to issue a certificate of competence;</p> <p>(b) refuses to grant a registered licence;</p> <p>(c) refuses to modify a registered licence;</p> <p>(d) refuses to grant a provisional licence;</p> <p>(e) suspends a registered licence;</p> <p>(f) revokes a provisional licence; or</p> <p>(g) revokes a registered licence,</p> <p>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").</p>
<p>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.</p>
<p>11 (3). The notice shall inform the person to whom it is given—</p> <p>(a) of his right to make representations in writing;</p> <p>(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;</p> <p>(c) of his right to be heard; and</p>

(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 knackery 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

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

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—

(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

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

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

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").

4, The occupier of a slaughterhouse at which a chamber is used shall ensure that—

(a) the chamber and the equipment used for conveying any pig through the gas mixture are designed, constructed and maintained—

(iii) so as to enable each pig to remain upright until it loses consciousness;

(iv) so as to enable the pigs to see each other as they are conveyed in the chamber; and

- (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;
- (c) adequate lighting is provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings;
- (d) the installation has an apparatus which maintains the required concentration by volume of carbon dioxide in the gas mixture in the chamber;
- (f) there is a means of flushing the chamber with atmospheric air with the minimum of delay; and
- (g) there is a means of access to any pig with the minimum of delay.

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—

- (a) No pig enters the chamber if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 70%; and
- (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.

8, a The occupier of a slaughterhouse at which a chamber is used shall ensure that—

- (a) the chamber and the equipment used for conveying any bird through the gas mixture are designed, constructed and maintained—
 - (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;
 - (b) the installation has an apparatus which maintains the required concentration by volume of oxygen or carbon dioxide, as appropriate, in the chamber;
 - (e) there is a means of flushing the chamber with atmospheric air with the minimum delay; and
 - (f) there is a means of access to any bird in any part of the chamber with the minimum of delay.
- 9,** The occupier of a slaughterhouse at which a chamber is used shall ensure that—

- (a) the birds are exposed to the gas mixture for long enough to ensure that they are killed;

10, (b) No bird enters the chamber if, as appropriate—

- (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
- (ii) the displayed concentration of carbon dioxide is above 30% by volume;
- (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
- (d) No bird is shackled before it is dead

Killing birds by gas outside a slaughterhouse

WASK SCHEDULE 7A

4(1) No person may operate a chamber unless he has been assessed competent to do so under Schedule 1 to these Regulations.

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—

- (a) designed, adapted, constructed, and maintained so as to avoid injury to the hen or bird;
- (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;
- (c) fitted with devices which—
 - (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

(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

(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

(d) fitted with a means of visually monitoring birds or hens in the chamber

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;

(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.

Killing in slaughterhouses

80. Slaughterhouses are defined in Regulation 1099/2009 as “any establishment used for slaughtering terrestrial animals which falls within the scope of Regulation 853/2004.” These will include:

- red meat slaughterhouses
- white meat slaughterhouses
- on-farm slaughter facilities where animals are killed at the place of origin for human consumption and do not come within any of the categories identified in paragraph 87 below. Includes on-farm killing of farmed game, e.g. deer, wild boar, ratites, buffalo and bison

81. Where an animal is killed in a slaughterhouse for human consumption the EU obligations in Chapters II and Chapters III of Regulation 1099/2009 including Annexes I, II and III will apply relating to, amongst other things:

- stunning methods and requirements (Article 4(1))
- checks on stunning (Article 5)
- standard operating procedures (Article 6)
- level and certificate of competence (Article 7)
- restraining and stunning equipment (Article 9)
- layout, construction and equipment (Article 14(1) and Annex II)
- handling and restraining operations (Article 15 and Annex III)
- monitoring procedures (Article 16)
- Animal Welfare Officers (Article 17)

82. In addition to the measures above, the following National Rules will apply:

- **stunning methods** - In addition to Article 4(1) and Annex I of Regulation 1099/2009, the National Rules on pages 49 - 50 will continue to apply.
- **use of restraining equipment** - In addition to Article 9 of Regulation 1099/2009, the National Rules on page 51 will continue to apply.
- **construction, layout and equipment** - In addition to Article 14(1) and Annex II of Regulation 1099/2009, the National Rules on page 51 will continue to apply.
- **handling operations** - In addition to Article 15(1), 15(3) and Annex III of Regulation 1099/2009, the National Rules on page 52 will apply.

Killing in other killing establishments

83. Other killing establishments include knackers' yards and collection centres where animals are killed for commercial purposes other than for human consumption. Where an animal is killed in such killing establishments, Regulation 1099/2009 provides a basic level of protection under Chapters II and Annex I of Regulation 1099/2009 which relate to:

- stunning methods and requirements (Article 4(1))
- checks on stunning (Article 5)
- standard operating procedures (Article 6)
- level and certificate of competence (Article 7)
- restraining and stunning equipment (Article 9)

84. The Welsh Government considers that the same EU and National Rules should apply to these establishments to ensure there is no reduction in welfare standards and to ensure a consistency in the application of the rules to all commercial premises killing animals (whether for human consumption or otherwise). This reflects the current position under WASK. As such, it is proposed the EU rules below should also apply to killing operations in these other commercial killing establishments.

- layout, construction and equipment (Article 14(1) and Annex II)
- handling and restraining operations (Article 15 and Annex III)
- monitoring procedures (Article 16)
- Animal Welfare Officer (Article 17)

85. To ensure a consistency of EU and national requirements between slaughterhouses and other commercial killing establishments and a streamlined regulatory regime, it is proposed the requirements of Article 14(1) and Annex II regarding layout, construction and equipment should not apply to existing killing establishments until 9 December 2019 (as is the case for existing slaughterhouses). During this period, existing killing establishments will be required to comply with the same transitional provisions in WASK on construction, layout and equipment that slaughterhouses must comply with as provided for under Article 28 of Regulation 1099/2009.

86. In addition to the measures above, the following National Rules will apply:

- **stunning methods** - In addition to Article 4(1) and Annex I of Regulation 1099/2009, the National Rules on pages 49 - 50 will continue to apply.
- **use of restraining equipment** - In addition to Article 9 of Regulation 1099/2009, the National Rules on page 51 will continue to apply.

- **construction, layout and equipment** - In addition to Article 14(1) and Annex II of Regulation 1099/2009, the National Rules on page 51 will continue to apply.
- **handling operations** - In addition to Article 15(1), 15(3) and Annex III of Regulation 1099/2009, the National Rules in page 52 will apply.

Killing elsewhere than in slaughterhouses or killing establishments for the purpose of human consumption

87. This category includes:

- On-farm slaughter of poultry and lagomorphs that constitute less than 10,000 animals per year.
- On-farm slaughter of poultry and lagomorphs where the number of animals slaughtered are over 10,000 but the farmer is a member of an appropriate assurance scheme and either dry plucks by hand or slaughters for less than 40 days per year, and the supply is local.

88. Where animals are killed under this category, the same EU obligations that apply to slaughterhouses apply. However, this may change if the Commission comes forward with a *de minimis* threshold as provided for in Article 11 of Regulation 1099/2009 to exempt small-scale operations in this category from having to comply with certain EU requirements in Chapters II and III.

Killing elsewhere than in slaughterhouses or killing establishments for purposes other than human consumption

89. This category includes:

- On-farm killing of animals for commercial purposes other than for human consumption e.g. killing animals that do not meet commercial requirements .
- Killing surplus chicks in hatchery waste.

90. As with the killing of animals in other killing establishments, Regulation 1099/2009 provides a basic level of protection for animals killed in this category under Chapters II and Annex I of Regulation 1099/2009 relating to:

- stunning methods and requirements (Article 4(1))
- checks on stunning (Article 5)
- standard operating procedures (Article 6)
- level and certificate of competence (Article 7)
- restraining and stunning equipment (Article 9)

91. In addition to the measures in paragraph 90, the following National Rules will apply:

- **stunning methods** - In addition to Article 4(1) and Annex I of Regulation 1099/2009, the National Rules on pages 49 - 50 should continue to apply.
- for the **killing of surplus chicks** by cervical dislocation, the requirement in paragraph 107 also applies.
- **use of restraining equipment** - In addition to Article 9 of Regulation 1099/2009, the National Rules in page 51 will continue to apply.

Killing for private domestic consumption

92. Where animals (except poultry, rabbits or hares) are killed by their owner for private domestic consumption, the following EU obligations in Chapter II of Regulation 1099/2009 apply:

- Article 3(1)
- Article 4(1)
- Article 7(1)

93. Contrary to the current position in WASK, Regulation 1099/2009 does not afford any welfare protection to the killing of poultry, rabbits or hare by owners for private domestic consumption. To ensure no reduction in welfare standards from 1 January 2013, it is proposed the level of protection provided for in WASK is maintained in accordance with Article 26(1) so that any owner killing their own poultry, rabbits or hares must ensure they comply with the general welfare requirement to carry out killing without avoidable pain, suffering and distress and with the appropriate level of competence (Articles 3(1) and 7(1) of Regulation 1099/2009 respectively). In addition, any poultry, rabbits or hares killed by bleeding will also have to be stunned prior to bleeding as is currently the requirement in WASK. To ensure a consistency in the application of stunning requirements under National Rules to those in Regulation 1099/2009 that apply to other species of animals killed for private domestic consumption, it is proposed the stunning requirements in Article 4(1) and Annex I of Regulation 1099/2009 should apply equally to poultry, rabbits and hares.

94. In addition, certain restraining/handling obligations in Articles 15(3) and Annex III, paragraphs 1.8 to 1.11, 3.1 and 3.2 (as regards simple stunning) will also apply to the killing of solipeds and ruminants (except pigs, goat and sheep) killed for private domestic consumption under this category. For the same reasons above, it is proposed that these restraining/handling obligations should continue to apply to the killing of pigs, goats and sheep for private domestic consumption where they are killed by bleeding as is currently the requirement in WASK.

Stricter National Rules – stunning methods

Captive bolt instruments

95. The following requirements will continue to apply to the use of penetrative captive bolt instruments:

- no person may use, or cause or permit to be used, a penetrative captive bolt instrument to stun any animal unless:
 - the instrument is positioned and applied so as to ensure that the projectile enters the cerebral cortex; and
 - the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions to produce an effective stun.
- no person may shoot, or cause or permit to be shot, any bovine animal in the back of the head;
- no person may shoot, or cause or permit to be shot, any sheep or goat in the back of its head, unless the presence of horns prevents use of the top of the front of its head, in which case it may be shot in the back of the head provided that:
 - the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
 - the sheep or goat is killed within 15 seconds of shooting
- any person who uses a penetrative or non-penetrative 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.

96. Research has been undertaken for the Scottish Government in relation to poll stunning of water buffalo. This indicates that it might be possible to effectively stun water buffalo in the poll position where this is undertaken in a slaughterhouse and where the interval between stunning and sticking is very short. We have not proposed any change to permit poll stunning of water buffalo. However we would welcome comments on this point and whether the Regulation 1099/2009 Annex 1 Chapter 1 key parameter requirements specified in Standard Operating Procedures, offer sufficient welfare protection in this context.

Water bath stunning

97. The following requirements will continue to apply to the use of water bath stunning:

- no person may use, or cause or permit to be used, a water bath stunner to stun a bird except in accordance with the EU Regulation and provided:
 - it is adequate in size and depth for the type of bird being slaughtered (head of the bird to contact the water); and

- the level of the water in the water bath has been adjusted in order to ensure that there is good contact with the bird's head.

Gas stunning of pigs

98. The following requirements will continue to apply to the use of gas stunning (for pigs):

- no person may stun, or cause or permit to be stunned, a pig by exposure to a carbon dioxide gas mixture except in accordance with the EU Regulation and provided:
 - the stunning takes place in a chamber provided for that purpose;
 - the chamber is designed, constructed and maintained so as to enable the pig to remain upright until it loses consciousness and enable each pig to see each other as it is conveyed into the chamber;
 - adequate lighting is provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings; and
 - the chamber has an apparatus which maintains the required concentration by volume of carbon dioxide in the gas mixture in the chamber.

99. In the case of stunning by exposure to gas mixture 1 in Table 3 of Annex 1 to Regulation 1099/2009 (“carbon dioxide at high concentrations”), once the pig enters the chamber it must be conveyed to the point in the chamber of maximum concentration of the carbon dioxide within a maximum period of 30 seconds.

Gas stunning of birds

100. The following requirements will continue to apply to the use of gas stunning (for birds):

- no person may stun, or cause or permit to be stunned, a bird by exposure to a gas mixture except in accordance with Regulation 1099/2009 and provided:
 - the stunning takes place in a chamber provided for that purpose;
 - the chamber is fitted with apparatus that can deliver the gas mixture in accordance with the requirements in Table 3 of Annex 1 to the EU Regulation;
 - the chamber is fitted with a means of visually monitoring the bird;
 - there is a means of flushing the chamber with atmospheric air with the minimum of delay; and
 - there is a means of access to the bird with minimum delay.

101. In the case of **direct** exposure to gas mixture 1 (“carbon dioxide at high concentrations”) or gas mixture 3 (“carbon dioxide associated with inert gases”) in Table 3 of Annex 1 to Regulation 1099/2009, once the bird enters the chamber it must be conveyed to the point of maximum concentration of the carbon dioxide within a maximum period of 10 seconds.

Stricter National Rules – use of restraining equipment

102. The following requirements will continue to apply to restraining animals before stunning or killing:

- no person may stun or kill, or cause or permit a person to stun or kill, a soliped, ruminant, pig, rabbit or bird in a slaughterhouse, knacker's yard or seasonal slaughter premises unless that animal is restrained in such a way as to spare the animal any avoidable pain, suffering or distress;
- in addition no person may:
 - in a 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 which is in good working order;
 - in a killing establishment (e.g. knackers yards'), stun or cause to permit to be stunned, any adult bovine animal, unless at the time it is stunned it is confined in a stunning pen which is in good working order or its head is securely fastened in such a position as to enable it to be stunned without infliction of avoidable excitement, pain or suffering.

Stricter National Rules – construction, layout and equipment

103. The following requirements will continue to apply to the construction and layout of, and equipment in, slaughterhouses and killing establishments (where applicable).

- all lairages (including field lairages) must:
 - where necessary, have suitable equipment for tethering animals; and
 - have racks, mangers or other equipment adequate in number and size for the feeding of all animals confined in the lairage, fixed where practicable and constructed and placed so that they are easily accessible to all the animal, can readily be filled and cannot readily be fouled.
- in addition, all field lairages must:
 - be maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard;
 - have adequate lighting (whether fixed or portable) available to enable the animals to be thoroughly inspected at any time;
- where a slaughterhouse or killing establishment is one in which horses are killed, business operators must:
 - provide a separate room or bay for the killing of horses and no person may kill or cause or permit a horse to be killed except in that separate room or bay provided for the killing of horses; and

- any lairage in which a horse is confined must contain at least one loose box which is constructed so as to minimise the danger of any horse injuring itself or any other animal confined in that lairage.

Stricter National Rules – handling operations

Requirements for animals awaiting killing

104. The following requirements will continue to apply to animals awaiting killing:

- every animal must be unloaded as soon as possible after its arrival and, if delay in unloading is unavoidable, it must be protected from adverse weather conditions and be provided with adequate ventilation;
- when unloaded, every animal must be protected from adverse weather conditions and be provided with adequate ventilation;
- if any animal has been subjected to high temperatures in humid weather, it must be cooled by appropriate means;
- any animals which might injure each other on account of their species, sex, age or origin or for any other reason must be kept and lairaged apart from each other;
- pending the killing of any sick or disabled animal in the slaughterhouse, knacker's yard or seasonal slaughter premises the animal must be kept apart from any animal which is not sick or disabled; and
- no person may drag any animal which has been stunned or killed over any other animal which has not been stunned or killed.

Lairaging of animals

105. The following requirements will continue to apply to lairaging animals:

- an adequate supply of suitable bedding material must be provided for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor;
- any animal which is kept in a lairage has drinking water available to it from appropriate facilities at all times;
- a sufficient quantity of wholesome food must be provided for an animal on its arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is killed;
- food must be provided in a way which will permit the animals to feed without unnecessary disturbance;
- any animal which is lairaged untethered must be able to lie down, stand up and turn round without difficulty; and

- any animal which is lairaged tethered must be able to lie down and stand up without difficulty.

Bleeding

106. The following requirements will continue to apply to the bleeding of animals:

- if an animal is bled after stunning, no person may 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—
 - in the case of a turkey or goose, a period of not less than 2 minutes;
 - in the case of any other bird, a period of not less than 90 seconds;
 - in the case of bovine animals, a period of not less than 30 seconds; and
 - in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.

Stricter National Rules – killing of surplus chicks

107. No person may kill, or cause or permit to be killed, any surplus chick less than 72 hours old by cervical dislocation unless the dislocation is accompanied by severance of the spinal cord and blood vessels in the chick's neck.

National Rules on Religious Slaughter

108. Article 26(2) of Regulation 1099/2009 allows Member States to adopt new stricter National Rules in relation to:

- killing animals and related operations outside a slaughterhouse
- slaughtering farmed game
- slaughter in accordance with religious rites

109. Slaughter without pre-stunning is permitted for religious purposes by Regulation 1099/2009, but the conditions laid down for welfare protection in this situation are far behind existing UK legislation. The regulation does allow Member States to impose further conditions through National Rules. Over the last few years, considerable concern has been expressed by welfare organisations and members of the public about the welfare of animals that are slaughtered without stunning in accordance with religious rites. The Welsh Government has confirmed that it would prefer to see all animals stunned before slaughter but also recognises the right of members of religious communities to eat meat prepared in accordance with their religious beliefs. The Welsh 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 project² 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. This consultation provides an opportunity for interested parties to provide comments and present evidence of how animal welfare can best be safeguarded.

110. In addition to retaining the existing National Rules below, the Welsh Government wants to consider what steps might be taken to improve the welfare of animals slaughtered in this way.

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 unconsciousness has been verified	Schedule 12 (3) (1)
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 (on the basis that Regulation 1099/2009 requires all animals killed in accordance with religious rites to be restrained by mechanical means).	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. This includes	Schedule 12 (8)

² See <http://www.dialrel.eu/images/recom-light.pdf>

poultry, rabbits and hares slaughtered for private consumption	
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)

111. In order to protect and improve the welfare of animals slaughtered in accordance with religious rites it is proposed that the following new measures should be introduced through National Rules:

- 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 would replace the current Ministerial approval process for bovine restraining pens).
- an immediate post-cut stun must be administered for all bovine animals.
- 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 size of the neck.
- a clearer definition is needed for mechanical restraint.
- manipulation of wounds should be specifically prohibited until the animal is dead.
- non stun slaughter must only be carried out in the presence of a vet.
- SOPs for non stun slaughter must be presented to competent authorities for approval.

Inversion

112. It is proposed that the current ban on the inversion of bovines slaughtered in accordance with religious rights should be maintained. Advice has been sought from the Farm Animal Welfare Committee (the body established to provide independent scientific advice under Article 20 of Regulation 1099/2009). Their advice³ indicates that there is consistent scientific evidence of the significant welfare disadvantages of inverting cattle for slaughter. They concluded that cattle inversion is a direct cause of avoidable pain, distress and suffering during the animal's killing and related operations. In their opinion reinstatement of inversion would represent a major step backwards in legislation to protect cattle and other animals during slaughter. The position on inversion will be reviewed further in 2013 following publication of the report on restraining bovines by inversion which Regulation 1099/2009 requires the Commission to submit by 8 December 2012.

³ See <http://www.defra.gov.uk/fawc/files/Cattle-inversion-for-religious-slaughter.pdf>

Bleed Time - 20 Second Rule

113. Proposals have been made by industry representatives for changes to the “20 second” rule in relation to religious slaughter of sheep. Under Schedule 12 of WASK any person engaged in the slaughter of an animal in accordance with religious rites must ensure that where the animal has not been stunned, or stunned and pithed, before bleeding it is not moved until it is unconscious and in any event not before the expiry of:

- in the case of any sheep or any goat, a period of not less than 20 seconds;
- in the case of any bovine animal, a period of not less than 30 seconds,
- in the case of a turkey or goose, a period of not less than 2 minutes; and
- in the case of any other bird, a period of not less than 90 seconds, after it has been slaughtered.

114. It has been proposed that the 20 second period for sheep should be reduced to 14 seconds on the grounds that research⁴ has indicated that it takes an average of 14 seconds to induce loss of brain responsiveness in sheep where both carotid arteries and jugular veins are severed.

115. We have reviewed the research published and have also considered the report on veterinary concerns⁵ published by Dialrel. We have concluded that there can be significant variation in time to unconsciousness (Dialrel reports between 10 – 48 seconds). In view of this we consider that there is a significant risk that if the time is reduced to 14 seconds some animals could still be conscious when they are moved. In view of this no change to the 20 second rule has been proposed.

Stunning undertaken in the context of slaughter in accordance with religious rites

116. Article 4(4) of Regulation 1099 provides a derogation from the use of the detailed stunning methods and specifications in Chapters I and II of Annex I to Regulation 1099/2009 where slaughter is undertaken in accordance with religious rites. While many religious authorities are of the view that no stunning is permitted when slaughter of animals is carried out in accordance with religious rites, some do permit the use of stunning in accordance with the Halal method of slaughter where the animal would regain consciousness post stun if no further intervention is made to cause the death of the animal. The FSA welfare survey undertaken over one week in September 2011 indicates between 80 and 90% of animals and birds slaughtered for Halal purposes are stunned before slaughter. The Welsh Government supports this approach from a welfare perspective and does not intend to restrict this approach when implementing Regulation 1099/2009.

⁴ “Sheep Slaughtering Procedures – Time to loss of responsiveness after exsanguinations or cardiac arrest” by Neville Gregory and Steve Wotton was published in the British Veterinary Journal in 1984.

⁵ See <http://www.dialrel.eu/images/veterinary-concerns.pdf>

117. If stunning is carried out during slaughter in accordance with religious rites, the Welsh Government is of the view that all stunning methods must comply with the Regulation 1099/2009 definition of stunning and lead to unconsciousness lasting until the animal's death without causing unnecessary pain, distress or suffering. However, as a consequence of Article 4(4) and, in the absence of National Rules, any stunning carried out during slaughter in accordance with religious rites would effectively be unregulated. In view of this it is proposed that a national rule be adopted under Article 26(2) of Regulation 1099/2009 to ensure that the methods specified in Chapter I of Annex 1 and the specific requirements at Chapter II to Annex 1 and the stricter National Rules on stunning should be applied to any stunning undertaken in conjunction with slaughter in accordance with religious rites.

Monitoring procedures and CCTV

118. Regulation 1099/2009 requires business operators to implement monitoring procedures in slaughterhouses to ensure animals do not present any signs of consciousness or sensibility in the period between the end of the stunning process and death. Article 16 requires business operators to have in place appropriate monitoring procedures to provide checks on the stunning process as described in Article 5. No further guidance has been provided on how these monitoring checks should be undertaken.
119. It is not possible to require installation of CCTV under the "stricter National Rules" provisions in Regulation 1099/2009 because it is not possible to adopt new National Rules unless they relate to one of the three distinct fields identified i.e. religious slaughter, on-farm slaughter and killing of farmed game. However, it would be possible to make regulations requiring compulsory installation of CCTV in slaughterhouses under section 12 of the Animal Health and Welfare Act 2006, "for the purpose of securing the welfare" of the animals at or immediately before the time of slaughter.
120. The FSA 2012 welfare survey report indicates that;
- for red meat slaughterhouses, 5 out of 23 establishments (22%) voluntarily use CCTV, with 4 of these using CCTV to monitor the stunning area, 4 the bleeding area and 5 the lairage and unloading areas
 - for poultry slaughterhouses, 1 out of 4 establishments (25%) voluntarily use CCTV to monitor the lairage and unloading areas
121. So far as other forms of monitoring are concerned the survey identified that in 12 (52%) red meat slaughterhouses and 2 (50%) poultry slaughterhouses it was not possible to observe the practice of slaughterers without the slaughterer being aware they were under observation. The lack of provision of either CCTV or unobserved monitoring of stunning and slaughter is something that Welsh Government is keen to address. We consider that business operators should have in place either through the installation of CCTV or other method for unobserved supervision, facilities to monitor procedures at the time of stunning and slaughter.

122. However CCTV, as other monitoring methods, does have limitations and relies on business operators to monitor operations appropriately. CCTV monitoring failed to pick up welfare abuses in at least one recent, well-publicised case in England brought to attention by a welfare organisation. Many slaughterhouses have, or are in the process of, installing CCTV on a voluntary basis and we do therefore need to look at the case for additional regulation in that context.
123. In order to fully appraise the proposal for compulsory CCTV the Welsh Government would also need to consider the burdens a regulatory approach would place on small and medium size businesses, as well as the overall impact that CCTV might have in reducing welfare abuses in slaughterhouses. Taking account of these considerations, the potential stimulus the new monitoring requirements in Regulation 1099/2009 will have in relation to voluntary uptake post-January 2013, and the time constraints for implementing Regulation 1099/2009, we do not plan to pursue proposals for compulsory CCTV further at this time. However, we may re-visit the matter in future should there be clear objective evidence that making CCTV compulsory would have a significant benefit to welfare monitoring beyond that of methods already available. We would welcome your views in that context.

Guides to Good Practice

124. Regulation 1099/2009 (Article 13) requires Member States to encourage the development and dissemination of Guides to Good Practice (GGPs) by “organisations of business operators”. If business operators fail to develop and submit Guides to Good Practice, the Competent Authority may develop and publish its own guidance in accordance with Article 13(4). We have no plans to develop guidance where organisations of business operators fail to do so. 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 Guides to Good Practice to ensure they are consistent with Community guidelines. Once validated by the Competent Authority, guidance must be forwarded to the European Commission.
125. The British Meat Processors Association and British Poultry Council are drafting GGPs for red and white meat slaughter activities respectively in liaison with DEFRA. These documents have been drafted under informal consultation with a stakeholder group including religious authority representatives, NGOs and industry representatives. They are not covered by this consultation. Further information on Guide to Good Practice in relation to red meat slaughter can be obtained from BMPA (contact Fiona Steiger – fs@bmpa.uk.com). Further information on the Guide to Good Practice in relation to white meat slaughter can be obtained from BPC (contact Richard Griffiths – RGriffiths@Britishpoultry.org.uk).

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Question 11. Do you consider that the proposed approach in relation to National Rules will be effective in maintaining existing welfare standards?

Question 12. Will the National Rules proposed reduce the flexibility Regulation 1099/2099 provides to adapt procedures to meet local circumstances through Standard Operating Procedures?

Question 13. Is there a welfare case for retaining other WASK measures through National Rules - which measures should be retained and what is the welfare justification for each?

Question 14. Do you agree with the National Rules proposed to maintain welfare protection for animals slaughter in accordance with religious rites? If not, can you provide supporting evidence?

Question 15. Do you consider that we should retain existing WASK provisions on bleed time for non stun slaughter, or that we should revoke existing provisions and replace with more suitable provision as a new stricter rule? If so why? Please provide evidence to support a suitable proposal.

Question 16. Do you consider the modified arrangements for approving equipment for use in relation to slaughter in accordance with religious rites will ensure appropriate welfare protection?

Question 17. Will any of the National Rules proposed impact on members of the Muslim and Jewish communities' ability to eat meat prepared in accordance with their religious beliefs?

Question 18. Do you have any other suggestions for new rules on non stun slaughter for religious purposes that can be used? Could you also provide details?

Question 19. Do you consider that business operators should be required to introduce appropriate measures to ensure unobserved observation of the stunning and slaughter process? What measure do you consider appropriate?

Transitional Measures

126. Regulation 1099/2009 repeals Directive 93/119/EEC however, until 8 December 2019 the provisions in Regulation 1099/ 2009 in relation to layout, construction and equipment in slaughterhouses only apply to new slaughterhouses and layout. For existing slaughterhouses the following provisions of Directive 93/119/EEC continue to apply until 8 December 2019:

- Annex A: paragraph 1 of Section I; paragraph 1 and the second sentence of paragraph 3 and paragraphs 6, 7, 8 and the first sentence of paragraph 9 of Section II;
- Annex C, paragraphs 3.A.2, the first subparagraph of 3.B.1, 3.B.2, 3.B.4 and paragraphs 4.2 and 4.3 of Section II.

127. The provisions in national legislation transposing the above requirements are set out in the table below and will remain in force until 8 December 2019. Those highlighted in bold are being retained as stricter National Rules and will continue to apply to all slaughterhouses or other killing establishments (such as knackery yards) after 8 December 2019.

WASK Provisions maintained until 8 December 2019

Schedule 2 Part 1 General requirements for all slaughterhouses and knackers' yards

1. The occupier of a slaughterhouse or knacker's yard shall ensure that--

(b) it has suitable equipment and facilities available for the purpose of unloading animals from means of transport, save that any occupier of a slaughterhouse or knacker's yard which was in operation before 1st July 1994 need not comply with this requirement until 1st January 1996;

Schedule 2 Part II Additional requirements for slaughterhouses or knackers' yards to which animals are delivered other than in containers

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--

(a) any equipment for unloading such animals is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;

(b) any bridge, ramp and gangway is fitted with sides, railings or some other means of protection to prevent animals falling off them;

(c) any exit and entry ramp has the minimum possible incline;

(d) all passageways are so constructed as to minimise the risk of injury to any animal and so arranged as to take account of the gregarious tendencies of the animals which use them; and

Schedule 2 Part II Additional requirements relating to lairages other than field lairages

3. The occupier of a slaughterhouse or knacker's yard to which animals are delivered other than in containers shall ensure that--

(a) the slaughterhouse or knacker's yard is equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather conditions;

(b) any lairage has--

(i) a floor which minimises the risk of slipping and which does not cause injury to any animal which is in contact with it;

(ii) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to any animal, taking into account the extremes of temperature and humidity which may be expected;

(iii) where such ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;

(iv) adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time;

(v) where necessary, suitable equipment for tethering animals; and

(vi) drinking facilities and racks, mangers or other equipment adequate in number and size for the watering and 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

Schedule 2 Part II Additional requirements relating to field lairages

4. The occupier of a slaughterhouse or knacker's yard shall ensure that any field lairage--

(a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it;

(b) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard; [To continue in force as stricter national rule post 8th December 2019]

(e) is provided with drinking facilities and, if necessary, with **racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the field lairage,**

<p>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. [The requirement to have appropriate feeding equipment in place will continue in force as a stricter national rule post 8th December 2019]</p>
<p>Schedule 3 Part III Lairaging of animals</p>
<p>13. The occupier of a slaughterhouse or knacker's yard and any person engaged in the lairaging of any animal shall ensure that--</p> <p>(a) an adequate supply of suitable bedding material is provided for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor;</p> <p>(b) any animal which is kept in a lairage has drinking water available to it from appropriate facilities at all times;</p>
<p>Schedule 5 Part II Stunning Specific requirements for stunning by electronarcosis--electrodes</p>
<p>9. No person shall use, or cause or permit to be used, electrodes to stun any animal individually unless the apparatus--</p> <p>(a) incorporates a device which--</p> <p>(i) measures the impedance of the load; and</p> <p>(ii) prevents operation of the apparatus unless a current can be passed which is sufficient to render an animal of the species being stunned unconscious until it is dead;</p> <p>(b) incorporates an audible or visible device indicating the length of time of its application to an animal; and</p> <p>(c) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.</p>
<p>Schedule 5 Part II Stunning Specific requirements for stunning by electronarcosis — waterbath stunners</p>
<p>10. No person shall use, or cause or permit to be used, a water bath stunner to stun any bird unless--</p> <p>(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; [To continue in force as stricter national rule post 8th December 2019]</p> <p>(b) the strength and duration of the current used is such that the bird is immediately rendered unconscious and remains so until it is dead;</p> <p>(c) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned is maintained;</p> <p>(d) appropriate measures are taken to ensure that the current passes efficiently, in particular that there are good electrical contacts and the shackle-to-leg contact is kept wet.</p>
<p>Schedule 5 Part II Stunning Specific requirements for stunning by electronarcosis—waterbath stunners</p>
<p>11. No person shall use, or cause or permit to be used, any waterbath stunner unless--</p> <p>(a) it is adequate in size and depth for the type of bird being slaughtered; [To continue in force as stricter national rule post 8th December 2019]</p> <p>(b) it does not overflow at the entrance, or, if an overflow is unavoidable, measures are taken to ensure that no bird receives an electrical shock before it is stunned; and</p> <p>(c) the electrode which is immersed in the water extends the length of the waterbath.</p>
<p>Schedule 7 Part II Construction of the chamber</p>
<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>(i) so as to avoid injury to any pig;</p>

- (ii) so as to avoid compression of the chest of any pig;
- (iii) so as to enable each pig to remain upright until it loses consciousness; [To continue in force as stricter national rule post 8th December 2019]
- (iv) so as to enable the pigs to see each other as they are conveyed in the chamber; [To continue in force as stricter national rule post 8th December 2019] and
- (c) adequate lighting is provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings; [To continue in force as stricter national rule post 8th December 2019]
- (e) the chamber is fitted with devices which -
 - (i) measure the concentration by volume of carbon dioxide in the gas mixture at the point of maximum exposure;
 - (ii) when the chamber is in operation, continuously display the concentration by volume of carbon dioxide as a percentage of the gas mixture at the point of maximum concentration in the chamber; and
 - (iii) give clearly visible and audible warning signals if the concentration by volume of carbon dioxide falls below 70%;

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Question 20. Do you have any comments on the proposed approach to transitional measures?

Summary of Regulation 1099/2009 provisions

Regulation 1099/2009 Article	Scope of Article
Article 1	Establishes subject matter and scope (see paragraph 12 above)
Article 2	Sets out the definitions that apply under Regulation 1099/2009
Article 3	<p>Prescribes the general requirements for killing and related operations. Business operators must ensure animals are spared any avoidable pain, distress or suffering when killed and must take measures to ensure animals:</p> <ul style="list-style-type: none"> • 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.
Article 4	Requires animals to be stunned using methods set out at Annex 1 to the regulation. It establishes the principle of simple stunning i.e. killing

	methods that do not result in instantaneous death. It also removes the need to use prescribed stunning methods and procedures where slaughter is undertaken in accordance with religious rites.
Article 5	Requires business operators to undertake checks on stunning and to take action specified in Standard Operating Procedures where checks indicate stunning is not effective.
Article 6	Requires business operators to plan all killing operations in advance and to carry them out in accordance with Standard Operating Procedures.
Article 7	Requires all persons undertaking killing operations to be competent. Persons undertaking slaughter operations must hold a Certificate of Competence for all operations involving live animals.
Article 8	Restraining and stunning equipment must not be sold unless it is accompanied by instructions for use including key parameters and maintenance instructions. Instructions must be posted on the internet.
Article 9	Sets out requirements in relation to the maintenance and use of restraining and stunning equipment.
Article 10	This confirms the (limited) provisions that apply to slaughter of animals other than rabbits and poultry for private domestic consumption.
Article 11	This makes provision for more limited provisions to apply to small scale slaughter of poultry and rabbits for direct supply. This requires the Commission to establish a threshold to trigger this provision. No threshold has been set and as a result all aspects of the regulation will continue to apply to these activities.
Article 12	Applies Chapters II and III of the Regulation to imports from third countries.
Article 13	Establishes the procedures for developing guides to good practice by industry organisations, competent authority validation and submission to the Commission.
Article 14	This article introduces measures in relation to the layout, construction and equipment in slaughterhouses. It also specifies information that must be submitted to the competent authority when approving a slaughterhouse.
Article 15	This article introduces measures in relation to handling and restraining operations in slaughterhouses.
Article 16	Slaughterhouse operators are required to put monitoring procedures in place to ensure effective stunning and to ensure animals slaughtered without a pre cut stun are unconscious before being released from restraint and dead before any further dressing.
Article 17	Requires all slaughterhouses above a minimum size to appoint an Animal Welfare Officer.
Article 18	Applies Regulation 1099/2009 requirements to depopulation activities undertaken by the competent authority unless a derogation applies. Establishes annual reporting requirements.

Article 19	Requires the keeper to kill animals as soon as possible in an emergency.
Article 20	Requires the Member State to establish a mechanism for obtaining independent scientific support.
Article 21	Establishes detailed rules for the introduction of Certificates of Competence, including provisions to ensure final assessment is independent and free from any conflict of interest.
Article 22	Establishes action the competent authority can take to address non compliance.
Article 23	Requires Member States to introduce penalties which are effective, proportionate and dissuasive.
Article 24	Allows the Commission to make implementing rules
Article 25	Established comitology procedures
Article 26	Allows Member States to introduce National Rules
Article 27	Establishes a timetable for reports to be made by the Commission in relation to fish slaughter, restraining bovine animals by inversion and stunning methods for poultry.
Article 28	Deals with repeals
Article 29	Establishes transitional provisions. For existing slaughterhouses layout construction and equipment requirements apply from 8 December 2019. Until 8 December 2015 Member States can issue certificates of competence by a simplified procedure to people with more than three years professional experience.
Annex 1	Lists permitted stunning methods at Chapter I and describes specific requirements for certain methods at Chapter II. Minimum currents and frequencies specified for head only electrical stunning and waterbath stunning. Cervical dislocation not permitted as a routine slaughter method and limited to birds of up to 5kg lw and a maximum of 70 birds per person per day.
Annex 2	Establishes detailed provisions for layout, construction and equipment in slaughterhouses. Electrical stunning equipment must display and record electrical parameters. Automatic stunning equipment must deliver a constant current. Birds must not be hung conscious for more than 1 minute, ducks, geese and turkeys 2 minutes. Breast comforters must be incorporated in shackle lines. Gas stunners must record gas concentration used and time of exposure. All records must be kept for at least one year.
Annex 3	Establishes detailed operational rules for slaughterhouses. This requires both carotid arteries to be severed. It also allows electrical stimulation of once unconsciousness has been verified. Automatic neck cutters can only be used where it is possible to verify both carotids have been cut.
Annex 4	This shows how Regulation 1099 requirements correspond to Certificate of Competence examination requirements.

PLEASE RESPOND USING THE CONSULTATION QUESTIONNAIRE

Question 21. Welsh Government has prepared a draft impact assessment that presents the current UK assumptions and Welsh data where possible. We invite comments and evidence on the assumptions used that can be used to prepare a final version to accompany the Regulations when presented to the National Assembly for approval.

Question 22. Do you have any other comments on the implementation of Regulation 1099/2009 in Wales?