

Welfare of Animals at the Time of Killing (Wales) Regulations (WATOK) 2012 – Consultation response form

Please ensure that you have read and understood the consultation document and the attached document before completing this questionnaire. If you have any queries, please contact us. Thank you for taking the time to respond to this consultation.

Consultation Response Form

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Responses should be returned by **05/11/2012** to:

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or completed electronically and sent to:

LivestockWelfare@wales.gsi.gov.uk

Standard Operating Procedures

Question 1. Will the flexibility 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?

Yes No

Comments

We are not in a position to be able to comment on the impact on costs of adopting new procedures. We welcome initiatives which improve animal welfare and we consider Standard Operating Procedures should provide a useful means of regulating and raising welfare standards in slaughterhouses. We support the introduction of SOPs, which allow standards to be agreed and audited, as well as rightly placing responsibility for animal welfare with the FBO.

We would query if there will be a requirement for SOPs to be officially monitored or checked on a yearly basis or when new equipment or procedures are introduced, rather than simply reviewed periodically.

The obligation for large slaughterhouses to each have a competent Animal Welfare Officer with a clearly defined role, is to be welcomed.

Cervical Dislocation

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?

Yes No

Comments

We support all measures which will maintain or improve high levels of welfare at slaughter and avoid animals experiencing unnecessary suffering. We consider that all animals should be properly stunned before slaughter and so in principle would support the introduction of stricter rules which help to ensure animals are efficiently and effectively stunned.

We are not in a position to be able to comment on the costs of slaughter methods.

Competent Authority

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

Yes No

Comments

Depopulation

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

Yes No

Comments

We acknowledge the need for Ministers to have the power to authorise emergency derogations in particular circumstances, such as to control disease.

However, we would query whether derogations should be general, as we understand their usual purpose is to address a specific issue.

Certificates of Competence

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

Yes No

Comments

We are content in general with the proposed approach to the introduction of Certificates of Competence and the concept that those handling animals at slaughterhouses should be suitably qualified to help protect animal welfare.

We are pleased to note that work has been undertaken in conjunction with other UK Administrations on proposals for mechanisms to implement these changes in a consistent manner across the UK; including the CoC process and its associated training and licensing mechanisms. This means that the various dates for the phased introduction of CoCs match across the UK, avoiding any confusion.

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

Yes No

Comments

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?

Yes No

Comments

We note that under Article 11, there is the potential for the EC to set a threshold to allow an exemption for small producers, selling poultry, rabbit and hare meat produced on their premises directly to the local market, from having to hold Certificates of Competence. It is also noted that the Welsh Assembly Government is working on the assumption that in the absence of a threshold, all on-farm slaughter involving direct supply will require a CoC.

We recognise small scale or seasonal operators can represent a risk to animal welfare and food safety due to often having less experience than larger or full time operators. However, it may well be difficult for such small scale producers to meet the required level of experience to claim 'grandfather rights' or take on the costs of training courses, as well as the associated administrative burden.

Should a threshold be set in future and this exemption is adopted, a balance must be struck, to limit the potential risks to animal welfare and the food chain, presented by small scale operator's reduced experience and potential lighter regulation.

It is noted that the current exemption under Regulation 852/2004 which applies to small producers includes, among other things, the requirement to register the establishment with the local food authority, to maintain procedures based on HACCP principles and to comply with general hygiene and training requirements. The local authority Environmental Health Officer then visits the facilities for random checks.

For ease of approach, then the above existing arrangements could be retained as a basic standard, whether a threshold is set or not.

However, we remain concerned about the level of slaughter competence at these businesses. Therefore we consider that a proportionate approach needs to be taken, requiring either attendance at training courses for small

producers or putting in place a more regular onsite competence assessment. A means of demonstrating evidence of competence is essential, such as some form of certificate.

Penalties

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

Yes No

Comments

We note and support the proposal to make it an offence to not comply with an Improvement Notice or to make a false declaration for a CoC.

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

Yes No

Comments

We support the consistent staged approach to enforcement and providing the power to amend Standard Operating Procedures, increase checks and remove Certificates of Competence as well as to issue enforcement notices.

Powers of Entry

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

Yes No

Comments

We note that it is proposed to require a warrant for 'Admission to premises used wholly or mainly as a private dwelling house'.

We agree that a warrant should be required to enter private dwellings. However, for the purposes of consistency and effective enforcement – to secure evidence and avoid unnecessary delays - the powers of entry should be made consistent with other similar legislation.

This includes Animal Health Act or the Animal Welfare Act. For example, the Animal Welfare Act does 'not authorise entry to any part of premises which is used as a private dwelling'.

National Rules

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

Yes No

Comments

We consider the ideal starting principle for welfare standards should be to retain all existing provisions in legislation which would provide greater protection for animal welfare than adopting other measures.

We note the Welsh Government states it is committed to securing improved standards of animal welfare and 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. We would encourage the Welsh Government to uphold this position as a minimum.

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?

Yes No

Comments

Those proposed national rules which aim to help to maintain good animal welfare standards should be adopted. We do not regard them as a hindrance to the effective implementation and use of 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?

Yes No

Comments

Provisions should be included in national rules to cover farmed fish. It is noted that 1099/2009 removes the requirement for stunning farmed fish before slaughter or using an approved method that leads to instant death. We consider that the stunning provision for fish should remain and be made clear in the national rules, in order to protect the welfare of farmed fish.

Our view is that the measures which demand the highest welfare standards must be retained.

National Rules on Religious Slaughter

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?

Yes No

Comments

We consider that all animals should be stunned before slaughter, for welfare reasons and as a consequence of our position, we have difficulty answering this question. However, we recognise the need to be pragmatic on this issue and where non-stun slaughter is to be permitted, we consider the proposed national rules relating to welfare should be in place.

Therefore we believe that all animals should be stunned before slaughter but where the derogation from this is applied, an immediate post-cut stun (for bovine and all other animals) will help to prevent suffering from that moment. The definition of 'immediate' should also be clearly defined to ensure consistency. This should be a two person task so that the post-cut stun can be immediate.

The BVA's Ethics and Welfare Group discussed this issue of post-cut stunning at their recent meeting. The view was that providing the regulation is flexible enough to require SOPs to be changed to require a post cut stun, then if the religious rites exemption is allowed to continue, this procedure could be better than no stun at all.

Due to the welfare risks of slaughter without stunning all animals, where such slaughter is permitted it should only take place in slaughterhouses where facilities and operating procedures are regulated.

Where stunning is not carried out, all measures to refine the process of the neck cut for the animal's welfare are important. It should be made clear that the blade length is at least twice the width of the neck, in the case of ruminants.

In relation to poultry, a blade 2 – 3 inches long will not give a single uninterrupted cut in a chicken or turkey, yet would meet the above requirement. Therefore the blade needs to have a minimum length set rather than a parameter based on the dimensions of the neck, for example a minimum of 8 inches.

On the issue of the use of CCTV in slaughterhouses, we believe that Food Business Operators (FBOs) must have effective procedures in place either to constantly monitor stunning and slaughter operations, whether this is via CCTV or an aperture or window in the stunning pen. This is of particular concern in relation to non-stun slaughter as the animals remain conscious for a period after the neck cut.

A clearer definition for mechanical restraint would avoid any difficulties that might otherwise arise regarding what constitutes mechanical restraint. We also propose that an external approval process be put in place for the individual mechanical restraint of ruminants, to ensure consistency and high welfare standards.

We agree that manipulation of wounds should be prohibited until the animal is dead, since manipulation prior to loss of consciousness is likely to cause pain. We concur that non-stun slaughter must only be carried out in the presence of a vet, to help in dealing with situations where animals remain conscious after the neck cut.

SOPs must be presented to Competent Authorities for approval, in order to check that the challenges to welfare associated with slaughter without stunning are minimised.

We consider that existing provisions prohibiting inversion of animals for slaughter should be retained, in line with the recent FAWC report on this issue.

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?

Yes No

Please provide evidence to support a suitable proposal.

Comments

We consider that at the least, the existing bleed time provisions should be retained for non-stun slaughter. Though where post-cut stunning is used, a standstill period may not be so important.

Alternatively the period could be increased, to raise welfare standards by ensuring that no animals are moved before loss of consciousness is certain.

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?

Yes No

Comments

A clearer definition for mechanical restraint would avoid any difficulties that might otherwise arise regarding what constitutes mechanical restraint.

We also propose that an external approval process be put in place for the individual mechanical restraint of ruminants, to ensure consistency and high welfare standards. It is not appropriate for OVs to be responsible for the approval process.

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?

Yes No

Comments

We consider that the law should be changed to require all animals to be stunned prior to slaughter. We recognise there are complex issues associated with this but our position remains that all animals should be stunned prior to slaughter, to help prevent suffering.

We do not envisage any of the new proposals impacting on the ability of members of the Muslim an/or Jewish communities to eat meat prepared in accordance with their religious beliefs.

The measures outlined by the Welsh Assembly Government would allow non-stun slaughter to continue but would play a part in reducing the associated welfare problems.

Our view is that in order to avoid unnecessary suffering, all animals should be stunned before slaughter and the law should be changed to ban the practice of not stunning animals prior to slaughter. If slaughter without stunning is still to be permitted then any meat or fish from this source must be clearly labelled, so consumers are fully informed.

Our concern is for the welfare of those animals that are not stunned. These concerns have nothing to do with the expression of religious beliefs but with the practice of killing without pre-stunning and the impact this has on animal welfare.

Should non-stun meat continue to be allowed to be produced for Jewish and Muslim communities, a system should be put in place to ensure better traceability of the meat. This would also help to minimise the numbers of animals slaughtered without being stunned. We propose that non-stun meat be clearly labelled to allow consumers to make informed choices in relation to animal welfare.

We note the concerns raised by the FVO in 2011 which found that a significant amount of meat produced using the Halal derogation was actually not sold as Halal and currently there are no real controls in place to ensure the meat is consumed by the intended market. Ideally, the number of animals slaughtered without pre-stunning should be in line with the market for the meat produced. This would help to ensure compliance with the requirement that the use of meat from non-stunned animals is restricted to those communities that require it for their religious beliefs, and therefore keeping non-stunning to a minimum.

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?

Yes No

Comments

If slaughter without stunning is still to be permitted then the establishment of a clear statutory traceability process (perhaps incorporating a specific meat stamp) to enable the labelling of non-stun meat would help to target the meat at the appropriate religious communities.

We understand that a number of farm assurance schemes require animals to be stunned prior to slaughter, so that is a potential means of providing consumer choice. However, it is noted that such schemes cover the whole life cycle of farm animals and we are not in the position to be able to endorse particular assurance schemes in their entirety.

We note that in Germany, religious slaughter without previous stunning is only allowed for religious communities whose rules require slaughter without stunning or prohibit consumption of meat of animals not slaughtered in this way. The concerned religious community or butcher has to make an application to the competent authority, citing the number of animals to be slaughtered, the indication of the religious community on whose behalf the slaughter is carried out as well as the way this is performed. The competent authority verifies whether such rules are compulsory, and whether the number of animals to be slaughtered is not bigger than it is actually needed to satisfy the needs of the concerned religious community, then grants a licence.

We note from the example of Sweden, that it is possible to implement a legal requirement for all animals to be stunned before slaughter. This provision also been made law in non EU countries such as Norway, Iceland and Switzerland.

Monitoring procedures and CCTV

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?

Yes No

Comments

We consider that Food Business Operators (FBOs) must have effective procedures in place either to constantly monitor stunning and slaughter operations, whether this is via CCTV or an aperture or window in the stunning pen – as appropriate.

Transitional Measures

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

Yes No

Comments

We broadly support the proposed approach to transitional measures, with the retention of WASK welfare provisions in the meantime.

We note that the transitional period allows producers a generous six year period to comply with the Regulation in terms of the layout and equipment of slaughterhouses and would query why such a long period is proposed.

However, assuming that Wales already has good welfare standards in slaughterhouses, then welfare at slaughter should not be compromised by a delay in the introduction of modifications to slaughterhouses.

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.

Yes No

Comments

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

Yes No

Comments

The Regulation requires that the Animal Welfare Officer (AWO) will report to the business operator and be able to require and record remedial actions to ensure compliance and improve welfare, as well as their responsibilities being

set out in the SOP. However, further clarification and guidance about how the AWO will interact with the OV, would be helpful.

The business operator should also be required to ensure sufficient staff are trained for the AWO role, to cover absence such as holidays.

It is understood that some slaughterhouses are intending to make the role of AWO equate to a small part of one employee's time. While some large companies are considering employing one AWO to cover several sites. We are concerned that this approach would risk diluting the job of the AWO and mean it is not carried out effectively or to the required standard.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: