



Department
for Environment
Food & Rural Affairs

Review of the Welfare of Animals at the Time of Killing (England) Regulations 2015

Post Implementation Review

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Review of the Welfare of Animals at the Time of Killing (England) Regulations 2015

Introduction

1. Society expects that all animals will be slaughtered and killed in a humane manner. Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing (PATOK) sets out the directly applicable main requirements for protecting the welfare of animals at the time of killing.
2. The Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK) implement and enforce PATOK and contain stricter national rules which provide greater protection of animals at the time of killing. WATOK is relevant to slaughter operations/killing of animals by slaughterhouses, on farms, knacker's yards, small-scale producers and private individuals.
3. Regulation 46 of WATOK requires a review to be carried out five years after the regulations came into force. The conclusions of the review should be published in a report by 5th November 2020. The review should consider if the objectives of the WATOK regulations have been achieved and whether they continue to be appropriate.
4. The review must in particular:
 - a. set out the objectives intended to be achieved by the Regulations;
 - b. assess the extent to which those objectives are achieved;
 - c. assess whether those objectives remain appropriate and, if so; the extent to which they could be achieved in a less burdensome way; and
 - d. so far as is reasonable, have regard to how the EU Regulation is enforced in member states.
5. The objectives of WATOK set out in the Impact Assessment for implementation of PATOK were to:
 - Ensure there is no overall reduction in existing welfare standards; and
 - Ensure the obligations and requirements that PATOK places on Member States are met

Scope of the review of WATOK

6. This review will assess whether implementation of WATOK has ensured no overall reduction in existing animal welfare standards; and how the obligations and requirements of PATOK were met. The review will also assess whether the objectives of WATOK are still appropriate and/or if they could be achieved in a less burdensome way.
7. The review will also broadly assess the effects on business and regulatory bodies in terms of process, impacts and costs. This will be based on the original Impact Assessment for consultation on implementation of Council Regulation 1099/2009 on the protection of animals at

the time of killing produced in 2012¹ and on data we have been able to obtain from stakeholders, regulators and policy experience over the last 5 years on actual impacts on industry.

8. Implementation of the Mandatory Use of Closed-Circuit Television in Slaughterhouses (England) Regulations 2018 is not covered by this review but there is evidence from the Food Standards Agency (FSA) that the presence of Closed-Circuit Television (CCTV) and the availability of CCTV evidence has enabled Official Veterinarians (OVs) of the Food Standards Agency to identify non-compliances and enforce animal welfare standards. The introduction of retrospective CCTV viewing could have contributed to the increase in the number of Certificates of Competence (CoCs) suspended in 2019.

Stakeholder engagement

9. In order to inform the evidence base for the review, it had been our intention to undertake detailed stakeholder engagement, in particular to understand impacts on industry, including costs. However, in the context of the Covid-19 emergency, we concluded that this detailed engagement could not take place as stakeholders would not have the capacity to respond to detailed questions to a timescale that would enable us to meet the November deadline. Delivery agencies (Animal and Plant Health Agency (APHA)/Food Standards Agency (FSA)) have also been impacted and resources to extract and review data in detail were limited.

10. It is not a legislative requirement that this review includes an analysis of cost data. The costs in the original Impact Appraisal for WATOK were small, with a net cost to business of £4.5M a year.

11. We have therefore conducted the review with less detailed cost information from industry. However, we were able to gather some data through informing stakeholders of the review via letter (Annex C) and posing a smaller number of broad questions regarding the impact of WATOK on industry, in particular:

- Whether costs associated with WATOK were as expected and, if not, how did they diverge significantly from original estimates?
- Whether there are specific areas of WATOK where the regulatory costs seem disproportionate to the welfare protections?
- Whether WATOK has delivered animal welfare protections as intended?

12. We received 17 written responses from industry, veterinary organisations and welfare NGOs and followed this up with a small number of meetings with key stakeholders.

13. In addition to this specific stakeholder engagement on the five-year review, Defra engages regularly with all parts of the slaughter industry. Defra participates in regular meetings with industry representative bodies such as British Poultry Council (BPC), British Meat Processors Association (BMPA) and Association of Independent Meat Inspectors (AIMS) to discuss general animal welfare at slaughter matters.

¹ <https://www.legislation.gov.uk/ukSI/2015/1782/impacts>

14. Since the introduction of the regulations, specific examples of engagement include workshops and individual meetings with industry on the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 which came into force on 4 May 2018 and on implementation of Annex II of Council Regulation 1099/2009 on the protection of animals at the time of killing that came into force on 8 December 2019. These were combined engagement efforts with the Food Standards Agency.

15. In addition to information from stakeholders and regulators, we have based our assessment on advice from the expert advisory body the Animal Welfare Committee as well as known impacts from policy, industry and regulator experience over the last 5 years and on the available science.

16. We engaged with the Regulatory Policy Committee Secretariat early in the review process to inform them of the approach we would be taking and worked with them to ensure that the outcome would be as robust and useful as possible and would satisfy their processes.

Legislative changes

17. Now that we have left the European Union (EU), this review also provides a significant opportunity to identify/signpost key themes for improvement in the regulations on welfare at slaughter in England which can be assessed further after the review. This will enable us to raise our animal welfare standards above the EU's level if we wish and will enable us to raise other domestic requirements where there is no related EU law. An EU Farm to Fork Strategy recently announced suggests that the EU may also be considering reform of its legislation on animal welfare².

18. To make amendments to the regulations on animal welfare at the time of killing (WATOK and PATOK) would require a combination of both primary legislation and/or secondary legislation.

Sector overview

19. An overview of the sector can be found in Annex E.

² https://ec.europa.eu/food/farm2fork_en

Objective 1. Ensure there is no overall reduction in existing welfare standards

Replacement of the Welfare of Animals (Slaughter or Killing) Regulations 1995

20. In England, European Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing (PATOK) was implemented and enforced through the Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK). Similar regulations were made in Scotland, Wales and Northern Ireland. WATOK replaced the existing Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK).

21. The following were revoked through WATOK in England:

- (a) The Welfare of Animals (Slaughter or Killing) Regulations 1995;
- (b) The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations 1999; and
- (c) regulation 10(3) of, and Part 3 of Schedule 8 to, the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000;

22. Options were considered in the Impact Assessment in respect of how the requirements of WASK would be replaced with the implementation of PATOK and the establishment of WATOK, which included:

- **Option 0** (Do nothing) – Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK remains in place; no changes to domestic legislation to enforce Regulation 1099/2009
- **Option 1** - Regulation 1099/2009 will be directly applicable on 1st January 2013. WASK is repealed in its entirety; no existing national rules retained. New domestic legislation introduced to ensure obligations in Regulation 1099/2009 complied with and enforced.
- **Option 2** - As Option 1 with WASK provisions to maintain welfare protection during religious slaughter retained through national rules with amendments where necessary, to align the national rules with Regulation 1099/2009.
- **Option 3** – As Option 2 with a limited number of current WASK provisions that provide more extensive welfare protection than Regulation 1099/2009 that cannot be maintained in other ways, retained through national rules.

23. **Option 3** was the preferred option most consistent with government policy on improving animal welfare. It imposed no costs on business (compared with option 0) beyond those in the EU Regulation and took account of government policy on regulatory burden.

24. A number of assumptions were made, including that slaughterhouse operators were fully compliant with WASK; and that we could rely on the overarching welfare requirements at Article 3 of PATOK to ensure there was no reduction in welfare standards when WASK was repealed.

25. Welfare at slaughter or killing requirements from WASK that were not included in PATOK were contained within the Schedules to WATOK as stricter national rules in the following areas:

- Schedule 1 in slaughterhouses;
- Schedule 2 outside of slaughterhouses;
- Schedule 3 for religious slaughter;
- Schedule 4 for animals not covered by PATOK; and
- Schedule 8 of WATOK set out requirements of WASK that were contained in Annex II of PATOK, but which were not due to come into force until 8 December 2019, at which point Schedule 8 would be repealed. **This ensured continuity of all domestic requirements for the welfare of animals at slaughter or killing when WATOK came into force.**

26. Some WASK requirements were not replicated exactly in PATOK. In some cases, wording of provisions changed slightly, for example definitions of ‘slaughter’, ‘stunning’ and ‘killing’ and between requirements in WATOK (Schedule 8) and PATOK (Annex II) which could have had an impact on their interpretation.

27. Where requirements of WASK were not carried forward there were evidence-based policy choices made for not doing so. For example, research in sheep³ and pigs⁴ showed that they are not affected by seeing the stunning of their own species and this led to the ‘stunning out of sight’ requirement being dropped for these species in WATOK.

28. By November 2015, domestic requirements for the welfare of animals at slaughter or killing were comprehensively carried across either into PATOK or WATOK unless there was good reason not to. WASK requirements were carried across into WATOK as stricter national rules except where they were covered by PATOK. This, aligned with the Article 3 requirement of PATOK that no animal be caused avoidable pain, distress or suffering, should make us confident that existing legislative provisions (WASK) were removed without reducing welfare standards.

29. We need to consider in this review “Is the objective still appropriate?” and “Could the regulations’ impacts be achieved in a less burdensome way?” Not only has recent government policy been to maintain animal welfare standards it has increasingly become an objective of government to actively seek animal welfare improvements and be a world leader in animal welfare standards, so the original objective is still relevant and has been augmented by aspiration for improvement.

30. Stakeholders generally felt that the impact of the legislation was positive for the welfare of animals. World Horse Welfare noted that WATOK had provided a good level of welfare protection for equines killed in slaughterhouses, in knackery yards or elsewhere, especially with the requirements for demonstrable competence in those doing the job. They did caveat their comments with the observation that WATOK and PATOK were not drafted specifically with equines in mind and some aspects might not be fit for purpose for these animals. Handling

³ Anil, M.H., McKinstry, J.L., Preston, J., and Rodway, R.G., 1996. An Assessment of Stress Caused in Sheep by Watching Slaughter of other Sheep. *Animal Welfare* 5(4):435-441

⁴ Anil, M.H., McKinstry, J.L., Field, M., and Rodway, R.G., 1997b. Lack of evidence for stress being caused to pigs by witnessing the slaughter of conspecifics. *Animal Welfare*, 6 (1): 3-8.

requirements for horses were highlighted but there was satisfaction with the current stunning methods employed; captive bolt or free bullet.

31. Some industry stakeholders saw little advance in animal welfare, rather increased administration and checking on slaughter processes and noted that real advances in animal welfare would require technological advances in stunning methods or political will to remove certain slaughter practices such as group stunning or slaughter without pre-stunning.

32. There have been some suggestions from stakeholders and regulators about where WATOK requirements for assessment of competence and certification could be made less burdensome and these are explored further in this review.

Welfare standards that have improved under WATOK through the implementation and enforcement of additional requirements under PATOK

33. As described above, WATOK has maintained welfare standards found in WASK (including through maintaining stricter national rules). WATOK has also led to animal welfare improvements by implementing and enforcing additional requirements found in PATOK. These are set out below.

Standard operating procedures

34. Under Article 6 of PATOK, business operators undertaking killing or related operations are required to develop Standard Operating Procedures (SOPs) for handling and care of animals, restraint, stunning, shackling or hoisting, bleeding and slaughter without stunning and implement them according to their individual situations. This applies to approved slaughterhouses and knackers yards but not small scale producers based on farm, although it would offer more assurance in their operation for the latter to have an Standard Operating Procedures.

35. Some operators already had Standard Operating Procedures in place before they were required, but for those who had not formalised the process, writing them down and making them available to the Food Standards Agencies Official Veterinarian's to assess their performance against will have necessitated strategic thinking about operations and many operators will have taken the opportunity to review their processes to the benefit of animal welfare in the slaughterhouse. Concern was expressed by some industry stakeholders about overreliance of regulators on Standard Operating Procedures requirements and inessential detail being mandated. Standard Operating Procedures issues were not one of the main non-compliances found in analysis making up only 5% of the score 3 non-compliance cases.

Certificate of competence and WATOK Licences

36. Another change that arose from Article 7 of PATOK is the introduction of certificates of competence (CoC). WASK slaughter licences were replaced by certificates of competence and WATOK licences. WATOK set out the conditions and process for application for certificates of

competence and established a system for WATOK licences for certain types of killing and related operations outside of a slaughterhouse. Formalised training materials were introduced.

37. There is more discussion about how WATOK has implemented these requirements in the section on WATOK Objective 2 (paragraphs 114-138).

38. People undertaking live animal handling activities in the slaughterhouse have to demonstrate competency and achieve certification. Establishment of the certificate of competence system included detailed training modules prepared by the provider of WATOK training modules Food and Drink Qualifications (FDQ) and these are now updated by Food and Drink Qualifications on a regular basis. There is more standardisation and transparency around the system now as there is clear curriculum for getting a certificate of competence.

Private domestic consumption

39. Article 10 of PATOK allows for the slaughter of animals outside of the slaughterhouse for private domestic consumption whereby limited requirements of PATOK will apply: animals shall be spared avoidable pain, distress or suffering; they shall be stunned in line with Annex I of PATOK; and killing and related operations shall only be carried out by a person with the correct level of competence.

40. PATOK also allowed that this slaughter could now be carried out by a person other than the animal's owner and WATOK required that this person hold a WATOK licence to demonstrate competency. This is an improvement in that there was nothing to ensure that the owner of the animal would be suitably competent to kill it and it provides for an alternative, demonstrably competent person to undertake this activity.

Guides to good practice

41. PATOK Article 13 requires Member States to encourage the development of guides to good practice to aid implementation of the Regulation. Two guides have been developed by the British Poultry Council (white meat) and the British Meat Processors Association (red meat) and were validated by the competent authority (Defra).

- [Red meat Guide to Good Practice](#)
- [White meat Guide to Good Practice](#)

42. The preparation of the two guides to good practice for red meat and white meat sectors have brought together guidance for the industry in a readily available format. This provides a resource for slaughterhouse operators to base their Standard Operating Procedures and monitoring processes on. It is also a resource to enable operators to resolve animal welfare problems they may encounter.

43. Stakeholders have commented on the lack of guidance for minor species like horses or for religious slaughter. We would argue that these are primarily for the industry to provide. There are also additional sources of guidance such as the Meat Industry Guide and Food Standards Agency guidance that could be brought together. Association of Independent Meat Suppliers, British Poultry Council, British Meat Processors Association proposed a review of these guides to good practice with perhaps a joint Defra/Food Standards Agency/industry committee to oversee the process.

Animal Welfare Officer

44. Article 17 of PATOK requires slaughterhouse operators that slaughter more than 1000 livestock units/year or 150,000 poultry to appoint an animal welfare officer to assist in the compliance with animal welfare rules. The UK already had the role of animal welfare officer in place on a voluntary basis and PATOK took on board the positive experience from those that had an animal welfare officer and formalised the requirement in law. This additional layer of supervision ensures that animal welfare is further protected in larger slaughterhouses where the animal welfare officer is present.

45. Animal welfare officers are required to hold a certificate of competence for each of the activities they are responsible for overseeing and some stakeholders have questioned whether this is necessary when specific animal welfare officer courses are available. The specific case of Shechita slaughter in which the Jewish slaughterer is the only person qualified to be the animal welfare officer for slaughter operation was raised.

46. An adult bovine or horse equals one livestock unit and there are conversion factors for other species and ages. There is a livestock conversion rate of 0.2 for large game (deer) in official controls regulations but not in the animal welfare legislation. The exemption in PATOK from the requirement to have an animal welfare officer in smaller slaughterhouses is intended for small businesses supplying mainly local markets. Most specific deer slaughterhouses are attached to deer farms and likely to be low throughput, killing only animals from their own farm or near neighbours. Only one slaughterhouse kills more than 5,000 deer a year and this already has an animal welfare officer.

Slaughter method changes

47. Further improvements to stunning and slaughter methods include requirements for back-up equipment to be immediately available at the point of stunning (this may be an alternative stunning method) and for both carotid arteries and the vessels from which they arise to be severed during bleeding. Business operators must also ensure that they introduce and implement suitable checking and monitoring procedures to assess the effectiveness of stunning and bleeding as well as other slaughterhouse operations.

48. PATOK brought in restrictions on killing birds by cervical (neck) dislocation. This is now not permitted as a routine method of stunning in a slaughterhouse, only to be used when no other method is available. Manual cervical dislocation is not allowed to be used on birds more than 3kg liveweight and mechanical cervical dislocation on birds not more than 5kg. One person may not kill more than 70 birds per day by manual cervical dislocation to prevent operator fatigue and preserve the welfare of birds by ensuring the operator is able to undertake manual neck dislocation efficiently and without causing unnecessary harm to the welfare of birds.

49. Some stakeholders (British Poultry Council, National Farmers Union) called for a full review of on-farm culling in emergencies or for management purposes, including some of the current limitations (e.g. 70 birds killed by manual cervical dislocation per person per day). The Farm Animal Welfare Committee (FAWC – now the Animal Welfare Committee (AWC))

published an Opinion on the welfare of animals killed on farm in 2018⁵ making a number of recommendations for improvements to on-farm culling methods, including a review of current limitations.

50. The use of non-penetrative captive bolt stunning is restricted to ruminants less than 10kg liveweight; a penetrative captive bolt (or another stunning method) is to be used for ruminants above this weight.

51. The available evidence base provided by researchers⁶⁷⁸⁹¹⁰ and collated/reviewed by the Animal Welfare Committee calls for a non-penetrative captive bolt device of sufficient power to be a permitted killing method for neonate piglets, lambs and kids in line with recent research findings (ref Annex A – Animal Welfare Committee recommendations for improvements to animal welfare at time of killing legislation, paragraph 1.).

Changes to layout, construction and equipment of slaughterhouses under PATOK, Annex II

52. New requirements as to layout, construction and equipment of slaughterhouses, over and above those national rules that already existed in Schedule 8 to WATOK, came into force with Annex II of PATOK on 8 December 2019. These included requirements for:

- alarms on permanent ventilation systems in lairages;
- breast comforters on live poultry shackle lines;
- birds not to be suspended conscious on the electrical waterbath shackle line for any longer than 60 seconds, or 120 seconds for ducks, geese and turkeys;
- recording of key parameters for electrical stunning, electrical waterbath stunning and gas stunning, which must be kept for a year.

53. Whilst some slaughterhouse operators were already implementing some or all of the above, in recognition of the potential costs involved in some of the requirements, PATOK allowed a ten-year transitional period which ended on 8 December 2019.

⁵ <https://www.gov.uk/government/publications/fawc-opinion-on-the-welfare-of-animals-killed-on-farm>

⁶ MA Sutherland, TJ Watson, CB Johnson and ST Millman. Evaluation of the efficacy of a non-penetrating captive bolt to euthanase neonatal goats up to 48 hours of age. *Animal Welfare* 2016, 25: 471-479

⁷ A. Grist, J. Murrell, J. McKinstry, T.G. Knowles and S.B. Wotton. 2017. Humane euthanasia of neonates I: Validation of the Effectiveness of the Zephyr EXL Non-Penetrating Captive Bolt Euthanasia System on Neonate Piglets up to 10.9 Kg Liveweight. *Animal Welfare*, 26: 111-120.

⁸ A Grist*, TG Knowles and SB Wotton Humane euthanasia of neonates II: field study of the effectiveness of

the Zephyr EXL non-penetrating captive-bolt system for euthanasia of newborn piglets. *Animal Welfare* 2018, 27: 319-326

⁹ Andrew Grist, Jeff A. Lines, Toby G. Knowles, Charles W. Mason and Stephen B. Wotton. Use of a Non-Penetrating Captive Bolt for Euthanasia of Neonate Goats. *Animals* **2018**, 8, 58

¹⁰ Andrew Grist, Jeff A. Lines, Toby G. Knowles, Charles W. Mason and Stephen B. Wotton. The Use of a Mechanical Non-Penetrating Captive Bolt Device for the Euthanasia of Neonate Lambs. *Animals* 2018 8(4):49

54. A year prior to the coming into force of PATOK Annex II requirements Defra began collaboration with Food Standards Agency on a communication and advisory campaign aimed at raising awareness among those within the industry that had not yet adopted Annex II requirements and ensuring effective implementation of the new rules. As well as meetings with industry representatives, Food Standards Agency arranged visits by a dedicated animal welfare team to all approved slaughterhouses to remind slaughterhouse operators about the Annex II requirements that would come into force. Food Standards Agency also published a Q&A document on the requirements of Annex II¹¹ and issued guidance on the changes to their staff and to the industry.

55. Correspondence and discussions with industry centred on concerns about recording of key electrical parameters, whether all approved slaughterhouses needed to comply, continuous monitoring of gas stunners, visible warnings, shackle line access and enforcement. Concerns were expressed by the Sustainable Farming Trust, National Craft Butchers and the public about the cost of capital equipment for small abattoirs. A recent report by the All-Party Parliamentary Group on Animal Welfare about small abattoirs¹² included evidence it had received that stunning equipment capable of recording key electrical data for one year would cost around £3000-5000.

56. Compliance by the industry has generally been good with any shortfall subject to enforcement action by Food Standards Agency. One issue with a particular manufacturer of stunning equipment has meant replacement stunners have had to be provided by the company to around 30 slaughterhouses (at May 2020) and the Covid-19 emergency has further delayed installation of these stunners in some cases. Electrical stunning equipment must display and record all key electrical parameters but the model of stunner supplied was not capable of doing so. The manufacturer was required by industry to replace these units. Stakeholders (Association of Meat Inspectors, British Meat Processors Association, National Farmers' Union) have noted that in red meat premises there is no variation in voltage supply, so recording this is unnecessary.

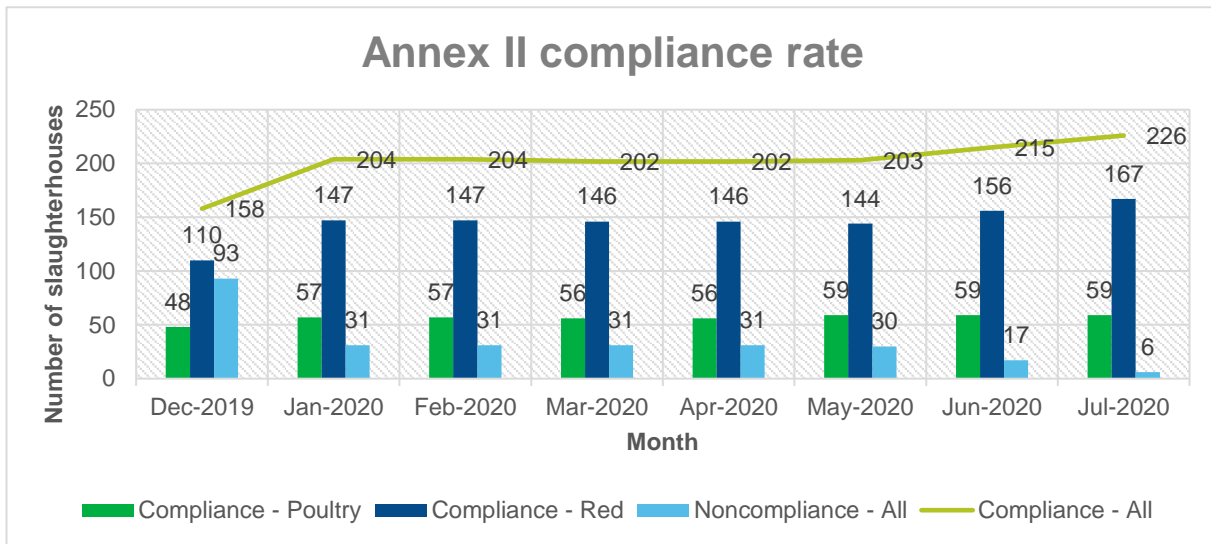
Annex II compliance rate

57. The Annex II non-compliance data from the Food Standards Agency shows the majority of slaughterhouses surveyed were compliant with the regulations and compliance continues to increase, as shown in figure 1.

¹¹ <https://www.food.gov.uk/business-guidance/animal-welfare>

¹² <https://apgaw.org/2020/06/07/apgaw-publishes-report-on-small-abattoirs/>

Figure 1



Source: Unpublished FSA Annex II Post-Implementation Survey results

58. The reason for the relatively static compliance rate between January and May was that there was an EU wide issue with the supply of compliant electrical stunning equipment that created a backlog of equipment deliveries that delayed the full implementation of Annex II requirements. It was also worsened by Covid-19 which impacted upon supply chains and the availability of installation experts

59. The poultry compliance rate increased from 68% in December 2019 to 86% in July 2020, while the red meat compliance rate increased from 55% in December 2019 to 86% in July 2020¹³. Despite the overall increase in compliance being higher for red meat, by July 2020 there were still 7 non-compliant red meat slaughterhouses, but all open poultry slaughterhouses were compliant.

60. Food Standards Agency enforcement is based on the well understood and published Food Standards Agency hierarchy of enforcement¹⁴. Verbal and written warnings with deadlines for compliance can be followed by Welfare Enforcement Notices (later called WATOK Enforcement Notices by Food Standards Agency) also with dates by which compliance is required. Where evidence has been provided of genuine difficulties with compliance and dated

¹³ This is the compliance rate as a percentage of open and closed slaughterhouses. Establishments close for a number of reasons, such as commercial reasons, regulatory action or due to the perceived burden of regulation. In addition, some only open during peak seasons. Therefore, not every establishment marked as closed has done so as a direct result of the Annex II regulations.

¹⁴ <https://www.food.gov.uk/business-guidance/fsa-enforcement-policy-in-approved-meat-plants>

commitments for works to be undertaken to bring the slaughterhouse into compliance, slaughterhouse operators have been allowed to operate until the solution was delivered.

61. One issue raised by stakeholders (Veterinary Public Health Association, Humane Slaughter Association, National Farmers' Union), in relation to the implementation of Annex II and the repeal of WATOK Schedule 8, is an interpretation that there is now no maximum hang on time for poultry subject to non-stun religious slaughter. However, PATOK Article 9(3) applies that requires that animals are not placed in restraining equipment until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

62. The extra requirements of PATOK Annex II that came into force on 8 December 2019 are significant changes and will improve the welfare of animals undergoing killing and associated operations in slaughterhouses.

Objective 2: Ensure the obligations and requirements Regulation 1099/2009 places on Member States are met.

63. WATOK implements and enforces the requirements of PATOK, creates offences and penalties for failure to comply with the requirements of PATOK and WATOK and creates enforcement powers for competent authorities. Schedule 5 to WATOK (Annex B) lists what provisions of PATOK it makes it an offence to contravene, or to cause or permit a person to contravene.

64. WATOK makes detailed provision for implementation and enforcement of some provisions of PATOK while leaving other areas of PATOK to speak for themselves (Table 1). We will examine these detailed provisions below and the success with which they have been implemented. Where detailed mention is not made in WATOK of some sections of PATOK there may be relevant stricter national rules in the Schedules to WATOK.

Table 1.

Areas of PATOK implemented and enforced in detail in WATOK	Areas of PATOK not mentioned in detail in WATOK (although relevant stricter national rules in WATOK Schedules may apply)
<ul style="list-style-type: none"> - competent authorities; - certificates, temporary certificates and licences and their refusal suspension and revocation; - derogation; - offences and penalties; - enforcement 	<ul style="list-style-type: none"> - general requirements to prevent avoidable pain, distress and suffering; - stunning methods, checks and monitoring; - standard operating procedures; manufacturers' instructions; - use of restraining and stunning equipment; - private domestic consumption; - direct supply of small quantities of poultry, rabbits and hares; - imports from third countries; - guides to good practice; - layout, construction and equipment of slaughterhouses; - handling and restraining operations at slaughterhouses, - Animal Welfare Officer; - emergency killing; and - scientific support

65. PATOK is a directly applicable EU Regulation, continuing to have force in the UK until the end of the transition period. At the end of the transition period PATOK will become retained law under the European Union (Withdrawal) Act 2018. EU exit Statutory Instruments (SIs) make minor amendments to WATOK and PATOK to ensure they are operable when we are no longer subject to EU rules and that the necessary powers are transferred to the appropriate

competent authorities. There will be continued application of the EU Regulations in Northern Ireland for a period beyond the transition period under the Northern Ireland Protocol.

66. At the end of the transition period GB will no longer recognise slaughterer certificates of competence issued in EU Member States. GB will continue to recognise slaughterer certificates of competence issued in Northern Ireland. As a result, from 1st January 2021 slaughterers from EU Member States will need to be trained and examined in GB or NI to apply for a GB certificate of competence. The impact of this is expected to be low as when last checked in April 2019 there were no EU certificates of competence being used in England. We have ensured compliance with the Common Travel Area agreement with the Republic of Ireland by ensuring that those holding qualifications for a certificate of competence obtained in the Republic of Ireland are able to use these qualifications as evidence of competence in order to apply for a GB certificate of competence without retraining and examination.

Competent authorities

Food Standards Agency (FSA)

67. The Food Standards Agency (FSA) is the competent authority for certificates and licences; approving restraining pens for religious slaughter of bovines; and in relation to killing animals in slaughterhouses - receiving and assessing documents, records and information from slaughterhouse operators and taking enforcement action in the event of any non-compliance with PATOK and WATOK.

68. Business operators are primarily responsible for ensuring animal welfare is safeguarded in slaughterhouses. However, animal welfare is monitored and enforced in all approved slaughterhouses by official veterinarians of the Food Standards Agency supported by a regional and national supervisory and policy network. Official veterinarians will ensure that all animal welfare requirements are met to ensure that animals are spared avoidable pain, distress or suffering. Food Standards Agency undertakes these and other official controls in slaughterhouses in England and Wales on behalf of Defra and the Welsh Government. The arrangements for these activities are set out in a Service Level Agreement between Defra and the Food Standards Agency and detailed activities for their official veterinarians are set out in a Manual for Operational Controls¹⁵.

69. Food Standards Agency supplies Defra with monthly reports on welfare non-compliances identified in slaughterhouses and publishes these on a quarterly basis¹⁶ as well as in a paper to their Board¹⁷. Monthly meetings cover these detailed welfare issues and quarterly meetings discuss strategic issues to do with monitoring and enforcement of animal welfare in slaughterhouses.

¹⁵ <https://www.food.gov.uk/business-guidance/meat-industry-guide#manual-for-official-controls>

¹⁶ <https://www.food.gov.uk/business-guidance/animal-welfare#reports-of-our-checks>

¹⁷ <https://www.food.gov.uk/sites/default/files/media/document/fsa-19-09-20-annex-animal-welfare-final.pdf>

70. Some 80-85% of welfare issues identified in slaughterhouses actually originate on the farm (in terms of chronic conditions, production related problems, late stages of pregnancy or fitness to travel) or in transport (including fitness to travel, injuries, temperature related problems and animals found dead on arrival). These issues are referred to the Animal and Plant Health Agency for triage and are then referred to either the Animal and Plant Health Agency field operations for on farm issues or to local authorities and the Animal and Plant Health Agency Welfare in Transport team for transport issues to be considered for investigation and further action. Feedback on action taken should revert to the Food Standards Agency but this is inconsistent, either because there is a lack of action or because feedback mechanisms break down.

Non-compliance over time

71. With the non-compliance data, it is important to note that this only includes recorded data. Some of the changes shown by the analysis may be a result of changes in the approach to recording cases, rather than the number of cases itself, as outlined in the methodology section on data problems (Annex D). Moreover, as the introduction of WATOK brought in new regulations, it is possible that to some extent changes in the data represent changes in the regulatory environment. For example, if prior to 2015 there were risks to animal welfare not covered by the regulations, these cases would not have been recorded. If the introduction of WATOK then led to these being covered by the regulations, the data will show a change in the number of non-compliances, even though the number of incidents affecting animal welfare might not have changed.

72. In addition, 43% of the cases were recorded for statistical data recording purposes. The majority of these cases cover incidents where a precautionary second stun was administered, despite the first stun being effective. These instances would not have been enforced as no contravention of the regulation took place. Despite this, the cases are recorded in the non-compliance data under a severity level 2 rating. The majority of these cases are recorded in red meat slaughterhouses and are categorised as 'Double stun'. This category contains all cases of 'precautionary' double stuns recorded for statistical purposes, but any case where a second stun was administered due to the first one not being delivered properly, will be recorded under the 'Stunning Methods' category.

Number of non-compliances by severity

73. Overall, our analysis suggests that between 2010 and 2020 there were over 13,100 cases of non-compliance within slaughterhouses in England. However, an All-Party Parliamentary Group report¹⁸ ¹⁹uses Food Standards Agency data to show that 99.9% of animals passing through slaughterhouses do so without any animal welfare contravention.

¹⁸ <https://apgaw.org/2020/06/07/apgaw-publishes-report-on-small-abattoirs/>

¹⁹ <https://www.food.gov.uk/sites/default/files/media/document/fsa-19-09-20-annex-animal-welfare-final.pdf> Annex A Page 5

74. Figures 2 and 3 show the number of poultry and mammal non-compliances broken down by the level of severity.

Score 0 – CCTV non-compliances

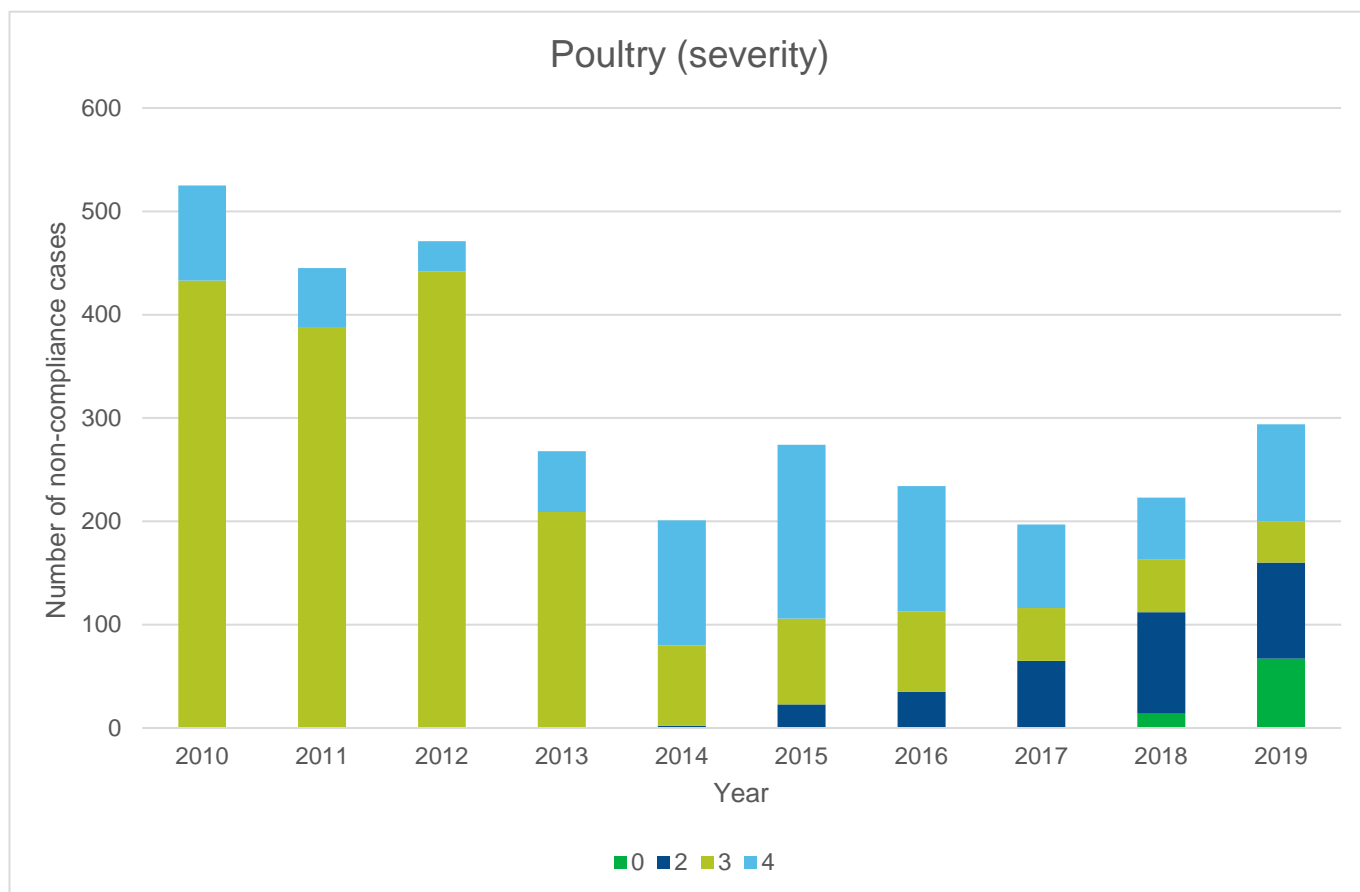
Score 2 – No immediate risk to welfare – Low risk of compromising welfare or an isolated low risk situation that poses no immediate risk to the welfare of animals.

Score 3 – Potential risk to welfare – Potential risk of significantly compromising animal welfare but where there is no immediate risk to animals. This may lead to a situation that causes a risk to animals, causing pain, distress or suffering.

Score 4 – Welfare critical – Poses a serious and imminent risk to animal welfare or one where avoidable pain, distress or suffering has been caused.

75. Score 2 cases cover technical breaches that pose no immediate risk to animal welfare. For example, if there is a structural non-compliance that doesn't create an immediate animal welfare problem, the non-compliance will be recorded with a severity score of 2, but there is potential for this non-compliance to lead to animal suffering.

Figure 2



Source: Unpublished FSA Exception Reports

76. From figure 2 we can infer that, overall, the number of poultry non-compliances has been decreasing since 2010. Although the number of cases increased again in 2015 by 73 cases, there was a falling trend in the years following until 2018 when the number of cases began to rise, due mainly to an increase in the number of severity level 2 cases.

77. There are a number of reasons for the decline in the number of poultry cases over this period. Primarily, this is because of a change in stunning methods since 2010; according to the 2011 slaughter survey, 61% of poultry were stunned by electrical stunning, but in 2018 70% were killed by gas stunning²⁰²¹. Waterbath stunning renders the bird unconscious and, in most cases, they are still alive and require immediate bleeding; a badly bled or uncut bird would result in a welfare breach. On the other hand, gas stunning must kill the birds. This would explain the significant decrease in the number of slaughter non-compliances in poultry slaughterhouses over time.

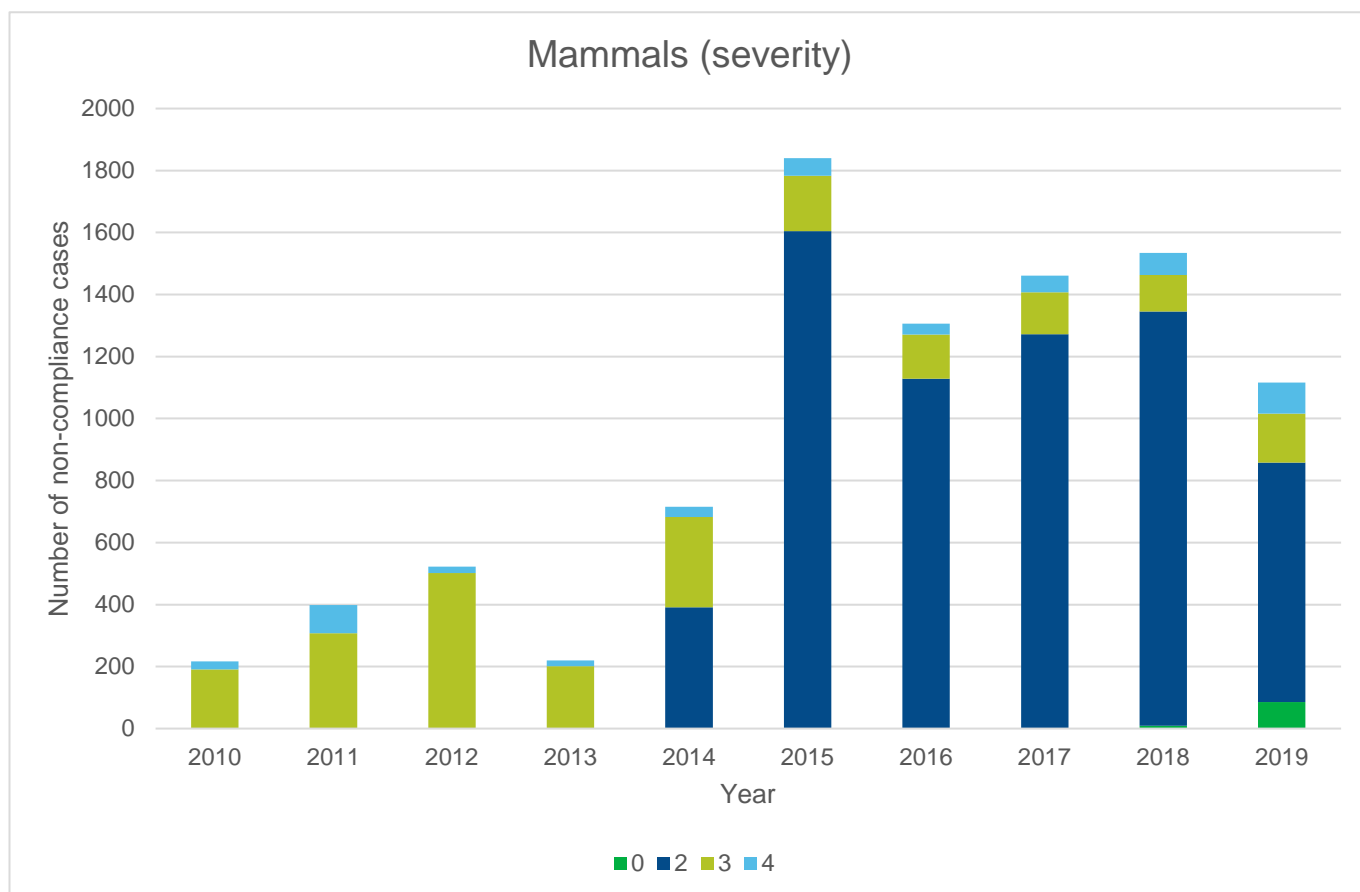
78. Secondly, the Food Standards Agency has seen a marked improvement in the approach by slaughterhouse operators to animal welfare, especially for some of the larger companies, where they have ownership of the farms and transport systems as well as the slaughterhouses. This naturally drives up compliance.

79. Thirdly, as the nature of the food industry changes over time, then so does the make-up of slaughterhouses. Over the years there has been a reduction in the number of slaughterhouses overall. A number of plants with poor welfare records and a history of general non-compliance would have closed.

²⁰ <https://www.food.gov.uk/business-guidance/animal-welfare#all-animal-welfare-survey-results>

²¹ <https://www.gov.uk/government/publications/farm-animals-survey-of-slaughter-methods-2018>

Figure 3



Source: Unpublished FSA Exception Reports

80. From figure 3 we can infer that the number of mammal non-compliances increased from 2010 to 2015, with the exception of a drop in 2013. However, it is possible that this is due to the introduction of recording of severity level 2 cases in 2013 rather than an increase in the number of non-compliances. From 2015 to 2019, level 2 severity cases made up nearly 85% of the total cases recorded. Despite this, there was an increasing trend prior to 2013 and the most significant increase is from 716 cases in 2014 to 1,840 cases in 2015. However, it is possible that this was merely due to a lag in the updating of the recording system. After 2015, the chart shows a significant drop in the number of cases in 2016, however it picks up again in the following years before dropping again in 2019 mainly as a result of a decrease of level 2 non-compliances, however, there seems to be an increase in level 3 and 4 non-compliances in the last year. This is of concern as these are the categories where the welfare of the animals is potentially or directly affected.

Non-compliances by category

81. Based on key word searches, we were able to categorise 94% (over 12,300) of these cases, as shown in Annex F. Please refer to Annex D for methodology.

82. For both poultry and mammals, we further analysed the most commonly occurring category, as shown in tables 1, 2 and 3 in Annex F. For poultry, the most common area was slaughter; table 1 shows the breakdown of Food Standards Agency categories (2017-2019) for

the poultry cases we identified as 'Slaughter'. It is important to note, however, that the number of cases are lower than previously expected based on assessments of the sector.

83. In 2019, the data for mammals shows a significant increase in the number of slaughter related cases, however, it is likely this is due to recording changes. Prior to 2019, the majority of slaughter non-compliances related to bleeding, but in the 2019-20 dataset stunning and bleeding were combined as a result of Food Standards Agency updates to the recording system. Table 2 shows the breakdown of Food Standards Agency categories (2017-2019) for the mammal cases we identified as 'Double stun' and table 3 shows the breakdown of Food Standards Agency categories (2017-2019) for the mammal cases we identified as 'Lairage', these being the most prevalent identified by key words. Concerns about provision of water are particularly reflected in Table 3. Other problems with Food Standards Agency data are contained in Annex D – Data methodology and might explain the unexpectedly low figures in the data. Further non-compliance and enforcement data are collected in Annex G.

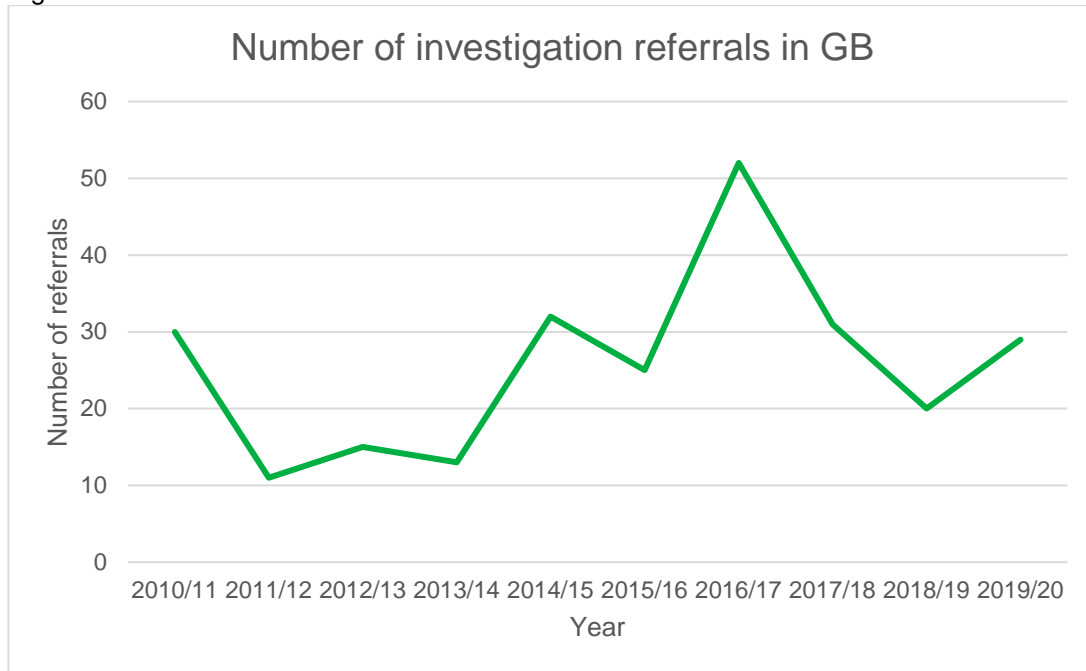
84. Enforcement of animal welfare non-compliances in slaughterhouses is based on the Food Standards Agency hierarchy of enforcement²². Verbal and written warnings with deadlines for compliance can be followed by WATOK Enforcement Notices also with dates by which compliance is required. However, for serious breaches Food Standards Agency may immediately issue a (Welfare) WATOK enforcement notice. Food Standards Agency can suspend or revoke a slaughterers certificate of competence or Temporary certificate of competence (TCoC). The Official Veterinarian may also refer contraventions to the Food Standards Agency investigations team for investigation and gathering of evidence that may result in a recommendation for prosecution by the Crown Prosecution Service.

FSA investigations

85. Data on the number of investigation referrals carried out by the Food Standards Agency, displayed in figure 4, shows an increasing trend from 2011/12 to 2016/17 and then a decreasing trend up to 2018/19. Following this, the number of investigation referrals increased in 2019/20. However, changes in the number of investigations must be interpreted in relation to changes in the number of non-compliance cases.

²² <https://www.food.gov.uk/business-guidance/fsa-enforcement-policy-in-approved-meat-plants>

Figure 4



Source: Unpublished FSA data

86. Key issues with investigation and prosecution of offences under WATOK include the current challenge to the strict liability nature of offences under WATOK and the argument that *mens rea* needs to be established in order to take a case against the Business Operator. If the challenge is successful it will have serious implications for the ability to pursue cases against the operators of slaughterhouses.

87. Article 15 of PATOK requires the slaughterhouse operator to ensure compliance with the requirements of Annex III, but this does create issues when Food Standards Agency wish to take formal enforcement action against individual plant staff. The requirement in Article 15 is on the slaughterhouse operator to ensure compliance with this requirement, so any action against the individual who committed the offence needs to fall back on the more general provisions in WATOK. Prosecution of alleged offences under more general provisions are less simple than it would be on an act that is prohibited, e.g. kicking a pig.

88. The Crown Prosecution Service (CPS) test whether the public interest threshold is met for a case to be progressed. There are cases where the evidential test is met but the crown prosecution service conclude that a prosecution will not be in the public interest. Cases where small numbers of animals are affected may not always be considered in the public interest to proceed but in animal welfare cases it is the welfare of the individual animal that is compromised.

89. As part of the service level agreement with Food Standards Agency there are also animal welfare themed audits conducted each year that improve our understanding of the impact of the legislation on industry and the regulator. Recent findings include that slaughterhouse operators' standards operating procedures and monitoring procedures should be improved. The latest audit found that 29% of plants audited had identified animal welfare breaches through review of CCTV evidence.

90. Defra commissioned a survey of slaughter methods from Food Standards Agency in 2018 to help us understand trends in slaughter of species and by particular methods that may

be of concern on animal welfare grounds, e.g. religious slaughter without prior stunning, high concentration carbon dioxide gas stunning of pigs.

91. Food Standards Agency handle the administration of issuing certificates of competence and WATOK licences. Food Standards Agency are also responsible for inspecting and approving restraining boxes to ensure that they are suitable to be used for non-stun religious slaughter of adult bovines prior to a plant being approved for religious slaughter of bovines. This is a national rule that was carried over into WATOK from earlier legislation.

92. Some stakeholders (Association of Independent Meat Suppliers, British Meat Processors Association) reiterated their long-standing views that they see the official veterinarian role as overly regulatory when a sharing of experience and advice would be welcomed. The All-Party Parliamentary Group on Animal Welfare report on small abattoirs²³ suggests there were few complaints against official veterinarians. British Meat Processors Association felt that double stuns where the operator was being conscientious and acting on the side of caution rather than being negligent should not be considered a non-compliance. They are normally scored 2 as a technical breach rather than an animal welfare risk. This however leaves a question mark as to whether there was an ineffective stun when the first shot was applied, which would constitute a welfare breach and would merit a score 3 or 4 non-compliance.

93. The British Veterinary Association/Animal and Plant Health Agency input emphasised the vital role of the official veterinarian in not only enforcing the rules on animal health, public health and animal welfare but also in sharing expertise and experience.

Animal and Plant Health Agency (APHA)

94. The Animal and Plant Health Agency is responsible for monitoring and enforcement of requirements for killing of animals outside of a slaughterhouse such as killing on farm or in a knacker's yard. Local authorities also undertake enforcement in these areas. In addition, the Animal and Plant Health Agency also employs the policy veterinary advisers which work embedded in Defra policy teams.

95. The Animal and Plant Health Agency's role includes:
- Assessing the competency of applicants for WATOK licences to kill animals outside of a slaughterhouse.
 - Making routine inspections of seasonal poultry slaughterers.
 - Inspecting poultry hatcheries annually at the Avian Influenza inspection.
 - Persons killing poultry on farm by containerised gassing have to notify the Animal and Plant Health Agency. The Animal and Plant Health Agency check that the individuals are licensed and generally supervise if the operator has not been supervised previously; but not necessarily if competent operations by the operator have already been seen.
 - Assessing and maintaining awareness when visiting farms and animal by-product premises as to evidence of non-compliance. Further enquiries would be made which would result in advice being given and possibly enforcement action.

²³ <https://apgaw.org/2020/06/07/apgaw-publishes-report-on-small-abattoirs/>

- Assist local authorities investigating illegal slaughter.
- Taking enforcement action, following the Animal and Plant Health Agency enforcement hierarchy. APHA have fed back that not all Local authorities are prepared to take formal action under WATOK.

96. A significant piece of work the Animal and Plant Health Agency conduct under WATOK is assessment of the competency of applicants for a WATOK licence (see paragraphs 135 to 138 for WATOK licence application system), such as for seasonal poultry slaughterers and knackermen. Applications for assessments are received via the Animal and Plant Health Agency Customer Service Centres, and then assigned to a local vet. Contact is made with the applicant and their experience ascertained. Advice is given in relation to preparatory training – such as through the Humane Slaughter Association website.

97. The Livestock Slaughterers and Salvage Association (LASSA) have expressed concern about the time and expenditure required in obtaining an assessment from Animal and Plant Health Agency vets. This includes multiple visits by APHA vets to see different species killed as they become available or even the purchase of animals specially for assessments.

98. In Scotland, where there is no WATOK licence system just certificates of competence to cover all killing scenarios, all applicants are assessed by qualified CoC assessors. The Assessment Strategy for Scotland allows for this type of arrangement, so long as the assessor is not the trainee's direct line manager and the assessor has a Qualification Certificate for the activities they will be assessing. Assessment for WATOK licences by suitably qualified certificate of competence assessors has also been suggested by other stakeholders.

99. Although LASSA have expressed concern about the time and expenditure required in obtaining an assessment for a WATOK licence from Animal and Plant Health Agency vets, it is important that the training and assessment of WATOK licence applicants ensures those killing animals on farms and in knacker yards are demonstrably competent. The assessors must be suitably competent and qualified to attest to this. The current WATOK requirement is that assessors must be authorised veterinary surgeons and this role is therefore carried out by APHA veterinarians.

100. There is a need for veterinary Continuing Professional Development (CPD) in this area. Methods of killing, including slaughter, are different outside slaughterhouses and the behaviour and needs of different animal species have to be taken into account.

101. The provisions for WATOK licences are not a large or particularly burdensome part of the overall regime. While there are around 200 farm-based slaughter premises (Annex H) for which these licences are required, they can each only process a maximum of 10,000 poultry a year (many significantly less but a maximum of 2,000,000 poultry in total) hence the lower numbers of WATOK licences required (410 from 2016 to 2019 – figure 6) than permanent Certificates of Competence required in a slaughterhouse (7904 from 2016 to 2018 – figure 5). Knackers yard and fallen stock staff and individual animal killing specialists are also included in the numbers from figure 6.

102. The fees set out in WATOK for assessment by an authorised veterinary surgeon are £76 for the first half hour and £21 per additional half hour plus travel and subsistence expenses. There were always anticipated to be increased costs to industry for certification and these were included in the original Impact Assessment, but these were considered to be justified by the animal welfare gains that would be achieved.

103. There have been a number of suggestions from stakeholders to make the process less burdensome. LASSA proposed that companies should be able to deliver in-house training and for assessment to be carried out by qualified non-veterinary assessors. If assessment by non-vets cannot be considered, LASSA suggest the use of suitably trained local vets for an assessment of applicants' competency to kill animals. Assessment for WATOK licences by suitably qualified Certificate of Competence assessors has also been suggested by other stakeholders. It has been suggested that multi-species approvals might be considered when not all species are present to improve efficiency of assessment. Not a blanket-approval for all poultry when one species is assessed but a reasoned, practical approach to approvals where completion of compulsory training in all similar size/weight species might mean that not all species need to be handled, stunned and slaughtered on the day of assessment.

104. We will consider these suggestions very carefully. Weighing up the stakeholder comments on costs and burdens against the animal welfare benefits of the regulatory requirements, on balance we believe there is currently sufficient justification to retain the WATOK licence elements of WATOK at present. This is because, in our judgement, the current requirements help to ensure that those killing animals on farms and in knacker yards are demonstrably competent. Thereby ensuring a high standard of animal welfare and minimising avoidable pain, distress and suffering. However, we will review possible amendments and improvements to the system in the course of policy development.

Slaughter of small numbers of poultry, rabbits and hares on farm

105. PATOK, Article 11 allows the killing of poultry, rabbits and hares on farm for the supply of small quantities of meat to local consumers provided the supply is below a certain production threshold. This threshold will need to be defined in domestic legislation after the end of the transition period. Limited requirements of PATOK apply: animals shall be spared avoidable pain, distress or suffering; they shall be stunned in line with Annex I of PATOK; and killing and related operations shall only be carried out by a person with the correct level of competence. This is usually a seasonal trade in poultry, such as turkey and geese but can be small scale production year-round.

106. The Animal and Plant Health Agency may visit a proportion of these premises pre-season but there is no established mechanism to notify the Animal and Plant Health Agency of killing dates/times and there is no legal requirement for official presence when killing takes place. This is seen in the legislation to be a proportionate approach but begs the questions are animal welfare issues going unseen and are detailed rules being observed. The Animal and Plant Health Agency, Defra and the Humane Slaughter Association (HSA) recognised problems were occurring with electrical stunning and bleeding of turkeys on farm and collaborated on specific advice on these issues²⁴. Improved oversight of on-farm slaughter would require an increase in monitoring and enforcement action with respect to seasonal slaughterhouses. To ensure the Animal and Plant Health Agency received notification of slaughter day/times or to require official presence when seasonal slaughter takes place changes in legal requirements would be necessary.

²⁴ <https://www.hsa.org.uk/shop/publications-1/product/advice-for-small-scale-poultry-processors>

107. The Animal and Plant Health Agency have informed us that the register of premises undertaking seasonal slaughter, currently estimated at 223 premises for last Christmas season, cannot be accurately maintained as some will drop out and others will start operations year on year. There is no legal requirement for premises undertaking slaughter of small numbers of poultry or rabbits to register with the Animal and Plant Health Agency and therefore their knowledge of sites undertaking on-farm seasonal slaughter can only be based on intelligence and yearly engagement with farmers. There is, however, a Poultry Register kept for animal health purposes on which every premises holding more than 50 poultry must be entered.

Number of premises slaughtering outside of slaughterhouses

108. Based on available data provided by the Animal and Plant Health Agency on seasonal slaughter, we were able to plot the trend in the number of premises over time (Annex H figure 1). In addition, we were able to analyse the number that had confirmed they would be slaughtering each year (Annex H figure 2). Figure 1 shows a declining trend in the number of premises, while figure 2 shows an increase in 2018 and then a sharp decrease in 2019. There are concerns about these data since the baseline, the number of premises carrying out seasonal slaughter is not currently complete. Other data problems are discussed in Annex D – Data methodology.

109. An internal audit of Defra's oversight of the Animal and Plant Health Agency's controls of killing and related operations outside of slaughterhouses, i.e. in knacker's yards, farms and other places, identified improvements that could be made. It noted that Defra policy's performance reporting required more information from the Animal and Plant Health Agency to allow informed decisions in relation to on-farm inspections and seasonal slaughter. It also recommended Defra should strengthen its process for monitoring the policy delivery risks and have a mechanism to ensure the Animal and Plant Health Agency Operations Manual continues to reflect the legal requirements in WATOK as well as policy expectations and good practices.

110. Review of the Animal and Plant Health Agency liaison process has now taken place. Quarterly meetings are part of the monitoring of the Animal and Plant Health Agency's performance and management of risk. Animal and Plant Health Agency vet advisors are embedded in the Defra animal welfare team who provide a link through to the delivery network. Defra animal welfare policy senior officials and relationship leads attend quarterly strategy meetings with the Animal and Plant Health Agency as well as bi-monthly meetings to discuss operational delivery. The Animal and Plant Health Agency provides a detailed report for these bi-monthly meetings on farm inspections and information on seasonal slaughter. There is a need for more and better information on seasonal slaughter and other on-farm killing incidents. There is liaison on any material changes to the Operations Manual.

111. During Covid-19 restrictions, at least one major poultry company required the use of on farm poultry killing services with containerised gas units to kill thousands of meat chickens humanely on farm. The Animal and Plant Health Agency are currently required to be informed 5 days in advance of the use of gas stunning equipment on farm to depopulate poultry in order to perform any checks on welfare at slaughter. Need to consider whether a full 5 days-notice is necessary where immediate animal welfare compromise is involved.

112. British Meat Processors Association and National Farmers' Union raised the issue of animal welfare non-compliances identified in slaughterhouses but which originate on the farm or during transport. They are concerned that these issues still practically have to be dealt with by the slaughterhouse operator. These issues are referred to the Animal Plant and Health Agency by the official veterinarian (and to local authorities) but there is a concern that enforcement levels for these non-compliances are low.

Secretary of State

113. For other purposes of PATOK and WATOK Defra's Secretary of State is the competent authority. Enforcement action is rarely taken by Defra directly, but letters were exchanged pointing out manufacturers obligations when it came to notice that a manufacturer of slaughterhouse equipment had not placed detailed instructions for their use for optimal animal welfare conditions on the Internet.

Training and certification

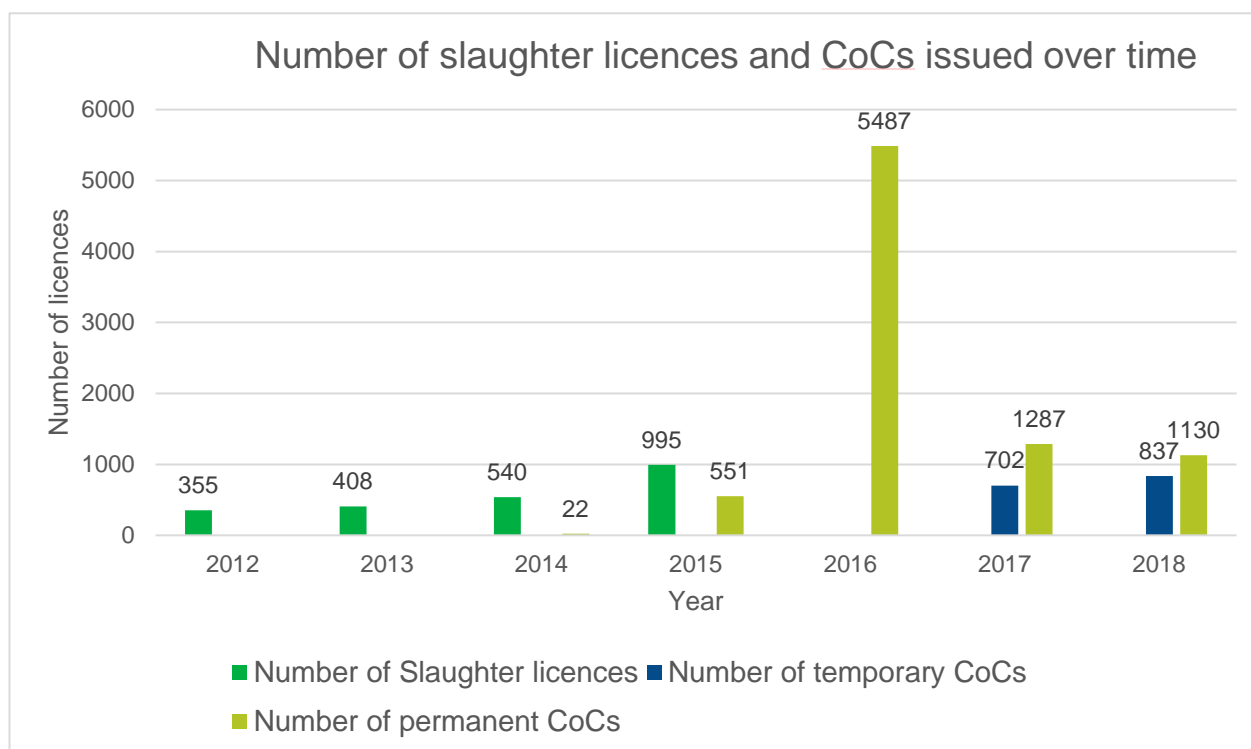
114. PATOK requires that any person involved in the handling or slaughter of animals in a slaughterhouse has a certificate of competence that authorises them for all the operations on each species they will carry out.

115. Those people with an existing WASK slaughterers' licence or animal handlers with proven working experience for more than three years were given grandfather rights to receive a CoC and did not need to retrain. These 'grandfather rights' were granted under Article 29(2) of PATOK and Schedule 7(2) of WATOK. People who qualified under these provisions had to apply for their CoC before 8 December 2015. Nearly 4,500 requests for certificate of competence's under 'grandfather rights' were processed by Food Standards Agency up to March 2016 (around 2,400 for animal handlers and 2,100 for WASK licence conversions) explaining the spike in figure 5.

Slaughter licences and Certificates of competence (CoCs)

116. The number of slaughter licences or certificates of competence issued annually has increased following the introduction of WATOK, as shown in figure 5.

Figure 5



*Prior to the end of March 2015, the data includes licences issued in Scotland, England and Wales. From the 31st of March 2015, the data covers licences issued in England and Wales.

Source: FSA data²⁵

117. Any animal handlers or slaughterers that did not meet the deadline for ‘grandfather rights’ and all new applicants for certificates of competence have to undertake the required training and obtain a qualification in order to apply for a certificate of competence under the new regime. This will ensure competence levels meet the standards in agreed FDQ training modules.

118. The range of activities for which a certificate of competence is required is broader than the previous slaughter licences issued under WASK. Staff involved in lairaging and restraining of animals (including hanging-on staff in poultry slaughterhouses) were required to have a certificate of competence from November 2015 in addition to staff involved in stunning, assessing stunning, slaughter or killing, pithing, shackling or hoisting, and bleeding. A

²⁵ <https://data.food.gov.uk/catalog/datasets?search=certificates+of+competence>

certificate of competence is now required to carry out any of the following in a Food Standards Agency-approved slaughterhouse:

- handle animals before they are restrained;
- restrain animals for stunning or killing;
- stun animals;
- check stunning has worked;
- shackle or hoist live animals;
- bleed live animals;
- religious slaughter;
- pithing of a stunned animal and check pithing has worked.

119. Prior to PATOK and WATOK, slaughter licence assessments were carried out by the premise's OV who would issue a provisional licence for 6 months and then monitor and assess the trainee slaughterer on an ongoing basis. There was no effective formal training process for many people, although larger companies would often have their own training provision done internally. When considered ready the OV would assess the trainee slaughterer and issue a certificate allowing them to apply for a full slaughter licence from the Meat Hygiene Service (MHS) and later from the Food Standards Agency. The WASK system for licensing was subject to criticisms. Stakeholders have welcomed the more independent system established under WATOK.

120. To qualify for a certificate of competence the applicant must be 18 years old (apart from handling animals prior to restraint and shackling live poultry before stunning); submit evidence of training and examination in the operations they are to undertake; provide written declaration that they have not infringed legislation relating to animal welfare in the last three years, and provide details if they have been convicted of an animal welfare offence, have previously been refused a licence to kill animals or had such a licence revoked or suspended. Similar conditions exist for a temporary certificate of competence apart from there must be evidence of registration on a training course rather than evidence of completing one successfully. Some stakeholders questioned the need for an operator to be 18 years-old but this is a general requirement for operating dangerous machinery.

121. The current system of certificates of competence has formalised the training system and now slaughterers must study a general animal welfare module and well as modules based on the species of animal that they handle/slaughter and the operations they undertake. These certificate of competence modules are produced by Food and Drink Qualifications²⁶ in line with OFQUAL standards and so are a more standardised approach. There are regular reviews of the modules to make sure they reflect current science and best practice, and Food Standards Agency has regular contact with the provider of WATOK training modules outside these reviews.

122. The provider of WATOK training modules (FDQ) has noted that those slaughterhouse operators with existing training cultures found costs involved with the new training regime for certificate of competence modules within their expectations while for those not previously actively involved with training it was more challenging. Registering multiple applicants onto all

²⁶ [http://www.fdq.org.uk/our-qualifications/technical/welfare-of-animals-\(watok\)/](http://www.fdq.org.uk/our-qualifications/technical/welfare-of-animals-(watok)/)

aspects of the 'day rate' training they require for their roles was more cost effective. The provider of WATOK training modules (FDQ) also described the certificate of competence qualification regime as part of a long-term change in culture in the industry around behaviours and knowledge of the importance of high standards of animal welfare.

123. The provider of WATOK training modules (FDQ) notes that the WATOK qualification is also a mandatory qualification outcome of the L2 Abattoir Worker Apprenticeship (approved Sept 2018), meaning England is the only country in the world to have a professionally accredited programme for those working in the red meat slaughter occupations. Therefore, within apprenticeships, the WATOK qualification receives government funding.

124. There are a number of training providers offering these 'animal welfare at the time of killing' modules through colleges or private training companies. There has been little comment from industry since the current system was established about these training providers but when contact was made by Defra with some of these bodies for information on training costs and numbers of courses and examinations delivered there were concerns about the standard of record keeping. Oversight of these providers might be improved. Stakeholders raised concern about provision of remote training which lacked the authenticity of the working environment. Practical Assessment was, however, generally undergone in the slaughterhouse.

125. Stakeholders (Association of Independent Meat Suppliers, British Poultry Council and British Meat Processors Association) have raised that through the increased scope of certificates of competence to animal handlers and the improved qualifications offered by the provider of WATOK training modules (FDQ) there has been an improvement in the quality of training for slaughterhouse staff but that this has come at a cost to business operators, where external assessment costs have risen and vary according to provider. Some call for an official veterinarian to be able to assess applicants for certificates of competence as in Scotland but there were also criticisms of the previous WASK licence system.

126. To ensure consistency, improve animal welfare standards and ensure independence of assessors, training is now compulsory for animal handlers and slaughterers to obtain certificates of competence and the training and assessment process has moved from the official veterinarian to accredited organisations. There were concerns prior to WATOK that official veterinarians were responsible for training and assessment of slaughterers but also for monitoring and enforcement of animal welfare standards and Food Standards Agency still feel that these roles are not compatible.

127. Some stakeholders have raised concerns that certificates of competence are costly to business operators and external assessment costs vary according to provider. The providers are private companies and colleges and there is therefore some variation in the cost of training and assessment offered. Slaughterhouses are able to choose which provider they use.

128. Increased costs for certification were anticipated in the original Impact Assessment but these were considered justified by the gains to be made in animal welfare protections and in the independence of assessors.

129. In a review of training and assessment providers in 2018 (related to EU Exit), it was ascertained that training and assessment of competence costs the individual (or slaughterhouse operator if they pay) around £200-400 dependent on provider and the number of modules to be assessed, (There is one compulsory general module plus separate modules for each species and operation the slaughterer or animal handler is engaged in). The cost of an application for a

certificate of competence with the Food Standards Agency (FSA) once the qualification is obtained is £25, based on cost recovery.

130. British Veterinary Association/Veterinary Public Health Association called for the current certificate of competence to be subject to revalidation at set intervals, e.g. three or five years. In their draft position statement on the welfare of animals at slaughter, British Veterinary Association say that this would ensure that certificate of competence holders are competent in the skills required for the relevant species and up-to-date with emerging evidence and best practice. They call for competent authorities to carry out an impact assessment in consultation with the provider of WATOK training modules (FDQ) to determine the appropriate revalidation period, e.g. three or five years.

131. A temporary certificate of competence can be obtained from the official veterinarian of the slaughterhouse for new staff or staff preparing to undertake additional duties and who are undergoing training. This enables them to work in the slaughterhouse for a period of three months under direct supervision until their full certificate of competence is obtained or additional operations and or species are added to their full certificate of competence.

132. All staff who work with live animals still have to be registered for training in order to receive a temporary certificate of competence. Turnover of staff in slaughterhouses and costs for registering for training have been raised by stakeholders. Some Stakeholders have suggested delaying the registration for new starters by a week would be welcomed to reduce costs.

133. The three month time limit for a temporary certificate of competence can be extended in exceptional circumstances but there have been calls by stakeholders (Association of Independent Meat Suppliers, British Poultry Council, British Meat Processors Association, National Farmers' Union, Humane Slaughter Association, Animal Welfare Committee) for this limit to be extended (perhaps to 6 months) or made more flexible where there are exceptional circumstances or in sectors where it is more difficult to obtain training and examination within three months.

134. Examples of these circumstances and sectors include: in small plants that only operate one or two days a week, three months may only represent 12 or so working days; or for minority species that might not be processed regularly three months may be too short for training and examination on several batches of animals. Plants that increase staff seasonally for only two or three weeks a year (e.g. turkeys at Christmas) may find training and examination in this time difficult. Slaughterers employed in all these circumstances must be demonstrably competent and so should complete their training and examination in order to apply for a full certificate of competence. This is particularly relevant for seasonal workers who may return the following year and try to get another temporary certificate of competence but cannot if they have not completed training and examination. Stakeholders have expressed the view (Association of Independent Meat Suppliers, British Poultry Council, British Meat Processors Association) that the effect should not be to exclude an individual for life if they were unable to complete training and examination.

WATOK licences

135. WATOK established a system of licences for people who kill animals outside of a slaughterhouse in certain circumstances; such as for private consumption by a person other than the owner; for direct supply of small quantities of poultry, rabbits and hares; and for killing other than for human consumption of solipeds, ruminants, pigs, rabbits, poultry or ratites:

- (i) the restraint of animals for the purpose of stunning;
- (ii) the stunning of animals;
- (iii) the assessment of effective stunning;

- (iv) the shackling or hoisting of stunned animals, other than poultry;

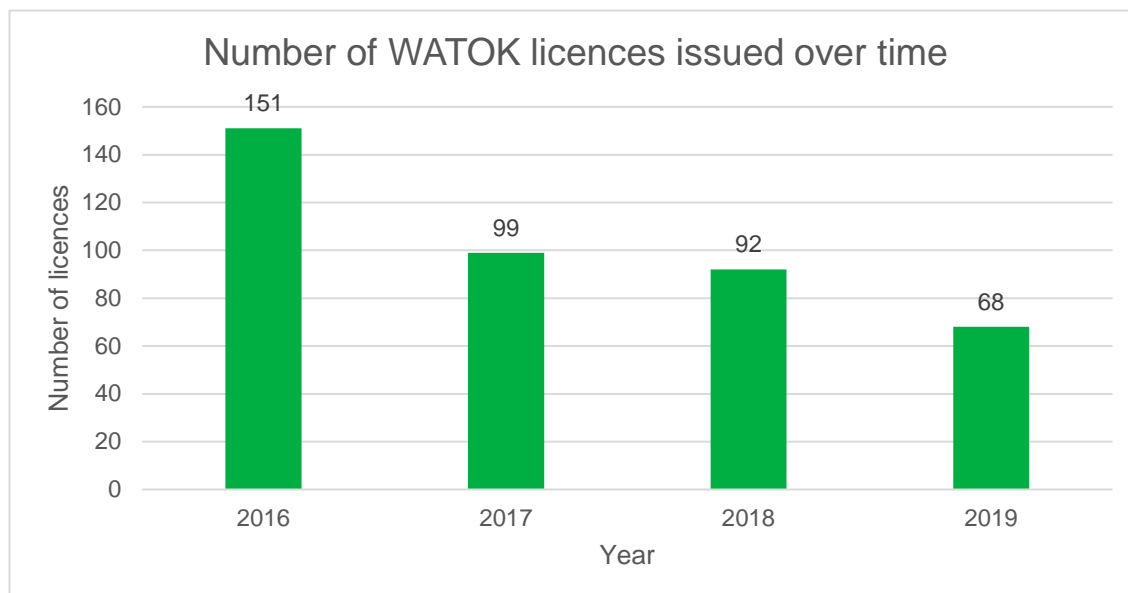
- (v) the bleeding of live animals; and

- (vi) the pithing of a stunned animal and assessment of effective pithing.

136. The conditions for a WATOK licence are similar to those for a certificate of competence other than that evidence must be provided of an assessment by an authorised veterinary surgeon that the applicant is competent and has sufficient knowledge to carry out the killing operations they wish to be licensed for. Assessments are currently carried out by field veterinarians from the Animal and Plant Health Agency. Stakeholders have raised some concerns about the WATOK licence assessment system (see paragraphs 94-98 above (APHA)).

137. Figure 6 shows the number of WATOK licences issued between 2016 and 2019. 2016 was the year with the highest number of licences issued (151). Since then, there has been a clear declining trend in the number of WATOK licences issued. The falling trend in WATOK licenses probably reflects new need in 2016 when many knackerman, farm stockmen and seasonal slaughterers needed to get WATOK licences to current levels reflecting turnover.

Figure 6



*Prior to the end of March 2015, the data includes licences issued in Scotland, England and Wales. From the 31st of March 2015, the data covers licences issued in England and Wales.

138. Regulation 14 of WATOK details a number of exceptions to the requirement for a licence to kill animals outside of a slaughterhouse.

Refusal, suspension or revocation of certificate of competence, temporary certificate of competence or WATOK licence

139. A certificate of competence, temporary certificate of competence or WATOK licence can be refused if the applicant has failed to meet the conditions required or is not a fit and proper person to hold a certificate or licence. A certificate of competence, temporary certificate of competence or WATOK licence can also be suspended or revoked if the holder has failed to comply with the welfare at killing regulations, is no longer a fit and proper person or is no longer competent to carry out the operations they were authorised to undertake; or has been convicted of an offence concerning the welfare of animals. Suspension may be used for lesser infringements by the individual, for example where retraining is considered necessary, while revocation would be considered for more serious infractions or where deliberate acts may have led to avoidable pain, distress and suffering.

140. There is a right of appeal to the First Tier Tribunal for those aggrieved at a decision to refuse, suspend or revoke a certificate of competence, temporary certificate of competence or licence. It is the choice of the individual, or the slaughterhouse operator on their behalf, to lodge an appeal at the First Tier Tribunal (General Regulatory Chamber) against the suspension or revocation of a certificate of competence. Figure 8 shows the number of appeals that have been made and the outcome of these.

141. Some stakeholders have expressed reservations about the use and meaning of the phrase 'fit and proper person'. Stakeholders (Association of Independent Meat Suppliers, British Meat Processors Association) have queried whether the decision to suspend or revoke a certificate of competency should be taken by an official veterinarian alone or whether there should be a referral to a senior manager or Food Standards Agency representative to confirm the decision. Food Standards Agency suggest a short case conference between official veterinarian and local management in these cases at the time of the decision and there is an ongoing review in Food Standards Agency around this.

142. British Meat Processors Association raised concern about the time taken to resolve appeals to the First Tier Tribunal, during which time slaughterers may not be able to work if their certificate of competence was suspended or revoked. They cited cases that had taken months, in one case over a year, to resolve.

143. Some First Tier Tribunal appeals have raised questions about policies and processes in Food Standards Agency implementing the regulations and changes have been made to tighten up processes. Examples include changes to letters suspending and revoking certificate of competence to make dates clearer. In contrast to the British Meat Processors Association point above, there is concern amongst regulators about Tribunals returning revoked licences pending the date of a tribunal despite the revocation being for a serious animal welfare offence.

144. Although some concerns have been expressed by stakeholders over the process of refusal, suspension or revocation of certificates of competence, temporary certificates of competence or WATOK licences, the incidence of this is low. Data from the Food Standards Agency suggests there have been no refusals to issue certificates of competence or WATOK

licences. However, there may be pre-application representations made to the Food Standards Agency by a representative body if a certificate of competence application is in doubt. The perceived problem may be resolved, in which case a successful certificate of competence application would be made, or the application may not be submitted.

145. Figure 7 of the post implementation review provides data on the number of certificates of competence that have been suspended and revoked in England and an explanation as to why a certificate of competence may be suspended or revoked and how the introduction of mandatory CCTV in May 2018 contributed to the increase seen in the chart. Data from Food Standards Agency suggests that no WATOK licences have been suspended or revoked.

146. In terms of the costs of any appeals, appellants can represent themselves in the application for an appeal and in hearings, in which case their costs will be low (for example for time spent and travel to hearings). Additional costs to appellants will largely be for legal representation if this is engaged, which will vary according to the provider and whether a hearing on the papers or in person is selected by the appellant. The cost to Defra of each appeal is £4,153.

National rules

147. Article 26 of PATOK permitted Member States to retain existing, or in some areas add new, stricter national rules which improved the welfare of animals²⁷. The rationale for this was to allow for domestic improvement in animal welfare and an acknowledgement of the regional differences of opinion on animal welfare. Part 3 of WATOK gives effect to Schedules 1-4, containing stricter national rules relating to slaughterhouses; killing animals other than in slaughterhouses; killing animals in accordance with religious rites; and killing animals other than those to which the EU regulation applies. All these additional requirements were in pre-existing legislation, so the industry was already complying with them. We have examined how these were retained under Objective one. Stricter national rules play an important role in maintaining the UK's high animal welfare standards at the time of killing.

Slaughterhouses

148. In Schedule 1 to WATOK there are detailed national rules carried over from previous domestic legislation for killing of animals in slaughterhouses. These are over and above any requirements found in PATOK.

149. Some of these national rules have been challenged by stakeholders (British Meat Processors Association) including the need for means of visually observing pigs in a gas stunner (now that CCTV is required) and the requirement to access pigs during machinery breakdowns. Arguments are that this is unnecessary since pigs will be dead in high concentration carbon dioxide in shorter time than it would take to extract them from pit type gas systems.

²⁷ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (PATOK), *Official Journal of the European Union* (24/09/2009) [<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1099&from=EN>]

150. The poultry processing industry recently raised an issue with the application of paragraph 30(3)(c) and (d) of Schedule 1 to WATOK whereby a means of flushing the gas stunner with atmospheric air with the minimum of delay is required as well as a means of access to the birds with the minimum of delay (also affects paragraph 40(3)(d) and (e) of Schedule 2). A failsafe device has been developed by industry so that, in the event of a breakdown, the gas system is flushed with high concentration carbon dioxide in order to kill all birds in the system. The system is then flushed with atmospheric air to enable access to the birds for removal (now all dead) and effect repairs to the gas system. The carbon dioxide flushing process takes about 10 minutes to ensure all birds are dead. It has been communicated to the industry that in order to protect bird welfare in the event of the breakdown of a gas stunning system for poultry 'the minimum of delay' could include the period required for flushing the system with high concentration CO₂ to ensure all birds are dead, before the means of flushing with atmospheric air is deployed.

Outside slaughterhouses

151. In Schedule 2 to WATOK there are detailed national rules carried over from previous domestic legislation for killing of animals outside of slaughterhouses, i.e. in knacker's yards, on farms and at other places. In contrast to the slaughterhouse sector, where Food Standards Agency have official veterinarians in place to monitor and enforce animal welfare at the time of killing, there is no regular presence in knacker's yards or on farms when killing is taking place.

152. Stakeholders have noted the high cost of captive bolt devices for poultry culling on farm (approx. £700 for one example). These also have limited use for smaller birds. Other, less expensive, devices are on the market but some stakeholders feel that they may not be as effective. Calls for an approval system for slaughter and killing equipment are relevant here in relation to equipment effectiveness (see paragraphs 217-220).

153. Stakeholders (British Meat Processors Association, National Farmers' Union) have called for a review of the emergency slaughter requirements to include allowing more animals that may be unfit to travel, but are fit for consumption, to be killed on farm subject to ante mortem/veterinary supervision. The carcass can then be transported to the slaughterhouse to enter the food chain, removing the temptation to transport unfit animals and realising value in the animal. This would require amendment to food hygiene legislation that restricts emergency slaughter on farm and transport of carcass to the abattoir to cases of recent injury only. This proposal comes with considerable risks as when emergency slaughter was easier under former legislation it resulted in large numbers of suspect animals entering the food chain. Better medicine records on farm may allow this to be better monitored now.

154. The All-Party Parliamentary Group for Animal Welfare has recently published a report on small abattoirs²⁸. This noted that small local abattoirs were more likely to take emergency slaughtered animals from farms, which need to be in the abattoir in 2 hours (unless refrigerated transport is used or ambient temperatures below 7°C prevail), making a local network of

²⁸ <https://apgaw.org/2020/06/07/apgaw-publishes-report-on-small-abattoirs/>

abattoirs more desirable. A concern was that illegal slaughter on farms and elsewhere would increase if local small abattoirs disappeared.

Religious Slaughter

155. PATOK permits slaughter by a religious method without prior stunning provided such slaughter takes place in a slaughterhouse (Article 4(4)). All animals killed in accordance with religious rites must be individually restrained and ruminants must be mechanically restrained (Article 15(2)). WATOK Schedule 3 details additional national rules for the killing of poultry, sheep, goat or bovine animals in accordance with religious rites. WATOK requirements were carried forward from WASK as national rules.

156. The Food Standards Agency survey reports from 2011, 2013 and 2018²⁹³⁰, show that the percentage of sheep not stunned prior to slaughter has increased, while the percentage of cattle not stunned has decreased. However, it is important to note that, despite the percentage of non-stun poultry initially decreasing in table 6, 10% of broiler chickens were slaughtered using non-stun methods (which included broiler chickens stunned with non-Annex I stun parameters) in 2018.

Table 2: Percentage of non-stun slaughter by species

	2011 (GB)	2013 (GB)	2018 (England and Wales)*
Sheep	10%	15%	25%
Cattle	3%	2%	1%
Poultry	4%	3%	10%

*All non-stun slaughter took place in England

Source: FSA Survey Reports

157. Under WATOK Schedule 3, only Jews and Muslims are authorised to carry out religious slaughter. Adult bovines must be killed within a specially constructed restraining pen with specified features, which has been approved by the Food Standards Agency. Bovines may not be inverted for slaughter in the UK, while this is still allowed in some EU Member States (ref. FAWC advice on cattle inversion for religious slaughter³¹ and EU Commission report on inversion of bovines³²). Under PATOK sheep, goats and calves must be individually and

²⁹ <https://www.food.gov.uk/business-guidance/animal-welfare#all-animal-welfare-survey-results>

³⁰ <https://www.gov.uk/government/publications/farm-animals-survey-of-slaughter-methods-2018>

³¹ <https://www.gov.uk/government/publications/fawc-advice-on-cattle-inversion-for-religious-slaughter>

³² https://ec.europa.eu/food/animals/welfare/practice/slaughter_en

mechanically restrained but inversion is not ruled out for these animals and some crates for sheep can be inverted.

158. Sheep are often restrained in v-restrainers but where this is for religious slaughter without prior stunning this must be individual restraint and the person who is to carry out the killing must be ready to make the incision immediately after the animal is placed in the equipment. Defra's policy is that it is not possible to place more than one sheep in a v-shaped restrainer at one time for non-stun slaughter otherwise there would be a delay before the animal was killed. This policy has been the subject of judicial review, with the High Court ruling in the Government's favour. One appeal against a WATOK enforcement notice on this issue is still under consideration.

159. Poultry may be restrained by being hand-held, placed in cones or shackled for religious slaughter without prior stunning. Inversion of live birds and shackling are recognised as welfare problems for all systems of slaughter. There is no maximum hang on time for a bird subject to slaughter without prior stunning but PATOK Article 9(3) requires that animals are not placed in restraining equipment until the person in charge of stunning or bleeding is ready to stun or bleed them as quickly as possible.

160. Sheep, goats and bovines must not be moved after the neck cut is made until they are unconscious and in any event not before the expiry of: for sheep and goats not less than 20 seconds and for bovines not less than 30 seconds (the standstill period). Where animals are killed without stunning by a religious method the persons responsible for slaughtering must carry out systematic checks to ensure that animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding (Article 5(2) PATOK). Birds must not be dressed or electrically stimulated after the cut if they show any signs of life and in any event for turkeys and geese for a period of not less than 2 minutes and for other birds not less than 90 seconds.

161. A number of stakeholders have reiterated to us long held views that slaughter without pre-stunning should be banned. But in the absence of such a ban have suggested actions such as requiring an immediate post-cut stun for cattle, sheep, goats and deer; ensuring supply is not in excess of local demand; ending the export of meat from non-stunned animals; ensuring greater transparency of data regarding animals slaughtered without stunning; introducing method of slaughter labelling; and introducing assurances for religious communities about recoverable stunning practices.

162. Stakeholders (including Bristol University, RSPCA, Compassion in World Farming, National Farmers' Union, British Veterinary Association, Humane Slaughter Association) have noted that WATOK in England provides that Annex I to PATOK is not applicable to stunning for religious slaughter. While very few (approx. 3) poultry plants are not using Annex I parameters to stun poultry for Halal production it is pointed out that the latest Food Standards Agency survey of slaughter methods (2018) indicated that around 1,000,000 birds were stunned with electrical parameters outside those required in Annex I during the week-long survey. Domestic legislation in Scotland, Wales and Northern Ireland require Annex I parameters to be used. The Animal Welfare Committee have also called for Annex I parameters to be applied to all religious slaughter with stunning.

163. A post-cut stun has been suggested as an alternative to non-stun by a number of stakeholders, and it would reduce the time of suffering, but not the risk of pain, suffering or distress caused by the neck cut in conscious animals. A post-cut stun results in

unconsciousness from the moment an effective stun is applied, and so pain and suffering are avoided from that point. Nevertheless, post-cut stunning does not address the pain, suffering and distress at the time of the cut itself, nor the period after the cut but before the post-cut stun is applied, so animal welfare is still reduced in comparison to pre-stunning. Sections of the religious communities involved are likely to have concerns over any moves towards compulsory post-cut stunning. Some stakeholders (Association of Independent Meat Suppliers, British Meat Processors Association) have called for the standstill period to be removed after post-cut stunning as this would allow them to increase the non-stun throughput.

164. There is also support from industry bodies for head only stunning of cattle, with electrical stimulation following the neck cut for halal slaughter. It has previously been confirmed to industry that this is not currently compatible with the requirements of WATOK (paragraph 31 of Schedule 1) for no electrical stimulation to be performed on the animal before bleeding has ended and in any event for cattle not for a period of 30 seconds. 165. The European Food

Safety Authority's (EFSA's) Opinion related to welfare aspects of the main systems of stunning and killing the main commercial species of animals (2004) reviewed available scientific evidence. EFSA stated that the available evidence demonstrates that non-penetrative captive bolt is unreliable in its present form with a short period of unconsciousness for larger animals. A number of stakeholders (Association of Independent Meat Suppliers, British Meat Processors Association, National Farmers' Union, Veterinary Public Health Association, Humane Slaughter Association) have noted that non-penetrative captive bolt devices are used in other countries for religious slaughter of bovines and called for their use to be clarified.

166. The Animal Welfare Committee have made a number of recommendations on future legislative amendments that could be made in relation to religious slaughter in their recent advice on improvements to the welfare of animals at the time of killing legislation (Annex A).

167. British Veterinary Association proposed that simple stunning by gas methods be considered for halal slaughter. This would require some gas mixtures to be redefined as simple stunning. Strengthening requirements in Schedule 3 for back up stunning equipment to be immediately accessible at the point of bleeding for religious slaughter has also been suggested.

168. There have been calls for government to tighten the intention that meat from non-stun religious slaughter be destined for religious markets and not the general consumer. Religious slaughter must be performed by a Jew or Muslim who holds a licence to slaughter animals by the Jewish or Muslim method for the food of Jews or Muslims respectively. The Government would expect the industry to provide consumers with information on which to make an informed choice about their food. It has been suggested by stakeholders that this will require compulsory labelling and supply and demand requirements for meat from non-stun slaughter.

169. Shechita UK have reported that the legislation in relation to their method of slaughter is broadly working. They did flag that there were costs associated with implementation of mechanical restraint for sheep and adaptations for bovine and poultry slaughter lines to meet the new legislative requirements (largely under PATOK) that were passed on to Shechita Boards and then on to the Jewish consumer.

Killing animals other than those to which the EU regulation applies

170. There are calls from welfare non-government bodies for decapods and cephalopods to be considered sentient creatures and thus subject to animal welfare rules. Sentience is beyond the scope of this review, however any animals which are kept for food production and which are

capable of feeling pain, distress or suffering are already protected under WATOK (see in particular paragraph 4 of Schedule 4).

Offences, Penalties and Enforcement

171. WATOK makes the Food Standards Agency the competent authority in slaughterhouses for taking enforcement action in the event of any non-compliance with PATOK and WATOK. WATOK provides a number of enforcement tools which the FSA uses in line with its enforcement hierarchy³³. More information about Food Standards Agencies role is at paragraphs 67-93.

172. The Animal and Plant Health Agency and local authorities undertake the enforcement role outside of slaughterhouses. More about their role at paragraphs 94-112.

173. PATOK provides that the competent authority has the ability to require slaughterhouse operators to amend their standard operating procedure or increase frequency of checks in response to non-compliances; the competent authority has the power to suspend or revoke certificates of competence from a person who no longer shows sufficient competence; the competent authority can require amendments to manufacturer's instructions; and requires that rules on penalties be laid down.

174. WATOK creates offences and penalties for failure to comply with the requirements of PATOK and WATOK and creates enforcement powers for competent authorities. Schedule 5 to WATOK (Annex B) lists what provisions of PATOK it is an offence to contravene, or to cause or permit a person to contravene. WATOK also creates an offence of obstruction of a person acting in the execution of PATOK or WATOK.

175. A person found guilty of an offence under PATOK or WATOK is liable on summary conviction to an unlimited fine or for causing avoidable pain, distress or suffering in contravention of Article 3 of PATOK to an unlimited fine or to imprisonment for a term not exceeding three months. The Animal Welfare Committee has recommended that WATOK penalties for causing avoidable pain, distress or suffering should change in line with new Animal Welfare Act 2006 penalties, i.e. maximum custodial term of 5 years.

176. WATOK has given the competent authority or a local authority powers to appoint inspectors for the purpose of enforcing PATOK and WATOK. An inspector is given the power to enter premises (within reasonable hours and generally with notice), inspect and seize evidence and apply for warrants to enter premises in other circumstances.

177. An inspector may also issue a slaughterhouse operator with a WATOK enforcement notice (WEN) requiring specified steps to be taken to remedy a contravention; requiring the rate of operation to be reduced until steps have been taken to remedy a contravention or to prohibit an activity or operation or use of equipment until the contravention has been remedied. Data on repeat enforcement actions is enclosed in Annex G.

³³ <https://www.food.gov.uk/business-guidance/fsa-enforcement-policy-in-approved-meat-plants>

178. Some stakeholders have raised concerns about enforcement and overuse of tools such as suspension of certificates of competence for offences and have complained about the use of multiple enforcement tools for the same offence, e.g. suspension of a certificate of competence alongside a (Welfare) WATOK enforcement notice or alongside a recommendation for prosecution. These enforcement tools are provided for in the legislation and are not required to be used in isolation, indeed a suspension of a certificate of competence applies to the individual who may have committed an infringement while a (Welfare) WATOK enforcement notice applies to the slaughterhouse operator and requires them to take action in response to a non-compliance. A prosecution could be taken against an individual or the slaughterhouse operator for committing or allowing an offence.

179. A person who is aggrieved by the decision to serve an enforcement notice can appeal to the First Tier Tribunal (FTT).

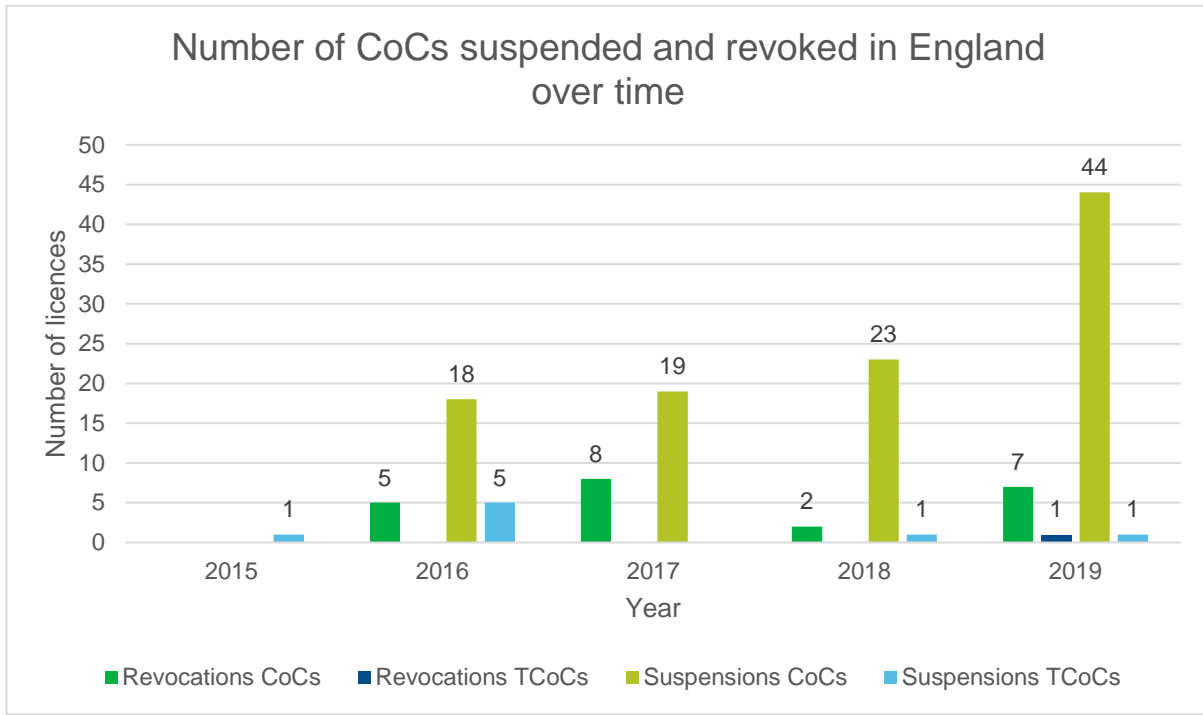
180. Stakeholders have raised that the move to first tier tribunal appeals has increased costs substantially. The Association of Independent Meat Suppliers estimate an appeal to cost £10,000 in total given legal fees alongside any expert witnesses deemed necessary.

Revocations and suspensions of licences over time

181. The data in figure 7 shows that suspensions of certificates of competence were more common than revocations over the period 2015-2019. This is due to revocations being reserved for extreme cases of non-compliance and a push to encourage suspensions at least for retraining purposes. Following the introduction of WATOK, the number of certificate of competence suspensions has consistently increased annually, but suspensions of temporary certificates of competency has remained constant, with the exception of 2016.

182. In May of 2018, regulations covering retrospective CCTV enforcement were introduced. There was a lag in the uptake and enforcement of the regulation, so OVs began reviewing old CCTV footage in November 2018. This inclusion of retrospective CCTV observation is likely to have led to the discovery of a higher number of non-compliance issues in slaughterhouses, which might go some way to explaining the spike in the number of certificates of competence suspended in 2019. This reflects improved monitoring and enforcement as a result of CCTV.

Figure 7

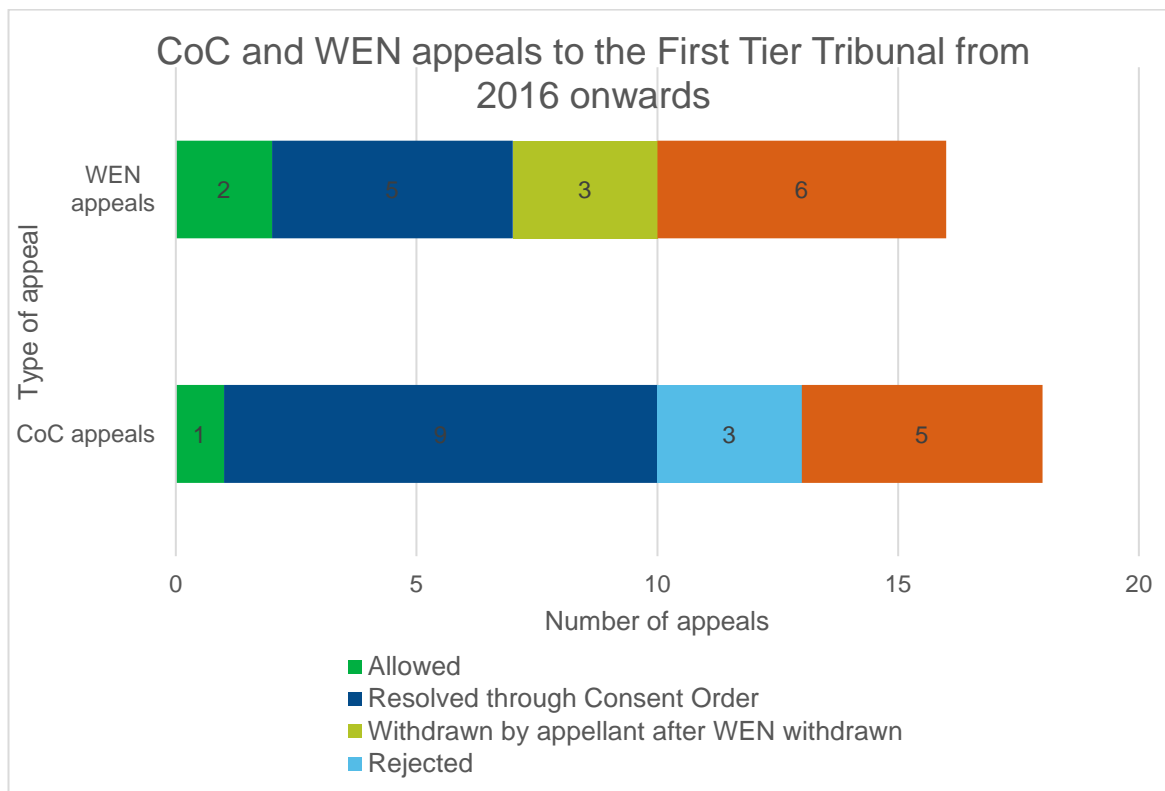


Source: Unpublished FSA data

Appeals against suspension and revocation of Certificates of Competence and WATOK Enforcement Notices

183. There were only 13 appeals out of 134 actions against certificates of competence. The majority of appeals are resolved through Consent Order (figure 8). From 2016 onwards there were no (Welfare) WATOK Enforcement Notice appeals that were rejected, but 3 certificate of competence appeals were rejected. Dark blue indicates ongoing cases at time of writing.

Figure 8



Source: Unpublished FSA data

How PATOK is enforced in EU Member States

184. In order to, so far as is reasonable, have regard to how the EU Regulation is enforced in Member States, National Contact Points (NCPs) for Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing in EU Member States were contacted and asked the questions:

- Does your domestic legislation implement and enforce Council Regulation (EC) No. 1099/2009, i.e. to provide enforcement powers, penalties and stricter national rules? and
- Have you reviewed the impacts of the legislation on enforcement of animal welfare requirements at the time of killing and on the slaughter industry? If so, what were the key outcomes?

185. Twelve of the 27 EU Member States responded (Belgium, Croatia, Denmark, Estonia, Germany, Italy, Latvia, Netherlands, Portugal, Slovakia, Slovenia and Sweden) along with Iceland and Norway (European Economic Area countries) and Switzerland (member of the Single Market). Responses were probably restricted by the impacts of the Covid-19 outbreak being felt across Europe at the time of consultation.

186. All of these confirmed that, while Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing was directly applicable, they did have specific or general legislation that enabled them to apply enforcement actions and penalties. Ten out of these fifteen countries had specific legislation setting out stricter national rules for their territories, including retaining all stricter national rules in Sweden, increased requirements

outside slaughterhouses in Denmark and Slovakia, training requirements and protections for fish in Slovakia and a ban on slaughter without pre-stunning in Belgium (partial), Denmark, Iceland, Norway, Slovenia and Switzerland.

187. None of the countries that responded had undertaken any review of the effectiveness of their legislation regulating animal welfare at the time of killing. A regular review is not a requirement of the European legislation as it is in our domestic legislation. No reviews of impacts of the European legislation on industry in EU Member States have therefore been conducted.

Conclusions

188. By November 2015, domestic requirements for the welfare of animals at slaughter or killing were comprehensively carried across either into PATOK or WATOK. WASK requirements were carried across into WATOK as stricter national rules except where they were covered by PATOK.

189. Not only has recent government policy been to maintain animal welfare standards it has increasingly become an objective of government to actively seek animal welfare improvements and be a world leader in animal welfare standards, so the original objective is still relevant and has been augmented by aspiration for improvement. There have been some suggestions from stakeholders and regulators about where WATOK requirements for assessment of competence and certification could be made less burdensome and these are explored in the body of this review.

190. PATOK has been fully implemented and is being enforced by WATOK, largely through the Food Standards Agency, the Animal and Plant Health Agency and local authorities.

191. A number of issues with the legislation have been identified for consideration during the course of this review. There have also been a number of suggestions from stakeholders submitted in the course of this review that might lead to future improvements in legislation on the welfare of animals at the time of killing (see also paragraphs 192-220). The post implementation review recommends the “retain” option for the WATOK regulations, but the Government will consider these issues and suggestions for improvements to the legislation in the course of its policy development.

Suggestions by stakeholders for additional improvements that could be made to WATOK and PATOK

192. The opportunity afforded by this review has been taken to invite stakeholders to identify improvements that could be made to legislation protecting the welfare of animals at the time of killing, although it must be acknowledged that there have been time and resource limitations for many. These are briefly discussed below. It is important to note that any suggested improvements to slaughter policy require further consideration by the Government, and that this is unlikely to be possible until after the transition period.

193. Stakeholders were keen that any proposals for improvement should be based on welfare science and outcomes. Industry bodies were particularly keen that equivalence should be maintained with the requirements of the EU legislation as required for third countries to export to the EU, the UK's largest market. This may need to take account of changes to the EU legislation over time.

194. Over the years since PATOK and then WATOK came into force in England there have been a number of questions relating to the legislation posed by industry and other stakeholders as well as regulators. These have largely been resolved at the time but may in some cases suggest amendments to the legislation in order to provide clarity and to improve animal welfare.

195. The Animal Welfare Committee has provided advice on where the welfare at killing legislation could be improved (Annex A).

Handling systems

196. The British Veterinary Association recommended that the slaughterhouse operator should stipulate limitations to the use of their handling facilities in terms of species, sizes, specific features (e.g. horns) in their Standard Operating Procedures. Further research is also required to set out lairage and handling minimum requirements, e.g. handling and lairaging of goats. Group stunning pens should be capable of reducing in size to maintain restraint.

Large, long horned and fractious bovines and bison; feral ponies

197. Stakeholders raised with us the difficulty of dealing with large bulls and long horned breeds at slaughterhouses and especially the difficulty of restraining such animals which do not fit in a standard stunning box. While slaughterhouse operators should have facilities for animals which they expect to deal with and not accept animals unsuited to their equipment, there are large (1000kg plus) and rare breed animals that need to enter the food chain. The Food Standards Agency have provided advice for slaughterhouse operators on dealing with large and

horned animals³⁴, but consideration of the restraint requirements for these types of animals has been requested by stakeholders and Animal Welfare Committee (Annex A).

198. Poll shooting of water buffalo (in line with legislation in Scotland) and other specialist species to improve stunning effectiveness has been suggested by stakeholders (British Meat Processors Association, Humane Slaughter Association).

199. The Animal Welfare Committee has recommended research into the stunning of horses within sight of each other (Annex A) with a view to consideration of a provision in the legislation to allow feral ponies to be shot in pairs to keep them calmer.

Electrical waterbath stunning of poultry

200. A number of scientific committees (e.g. the Farm Animal Welfare Committee, and the European Food Safety Authority), stakeholders (such as RSPCA, Compassion in World Farming, Bristol University, British Veterinary Association and National Farmers' Union) and research papers have pointed to the welfare problems inherent in the inversion and shackling of live birds for electrical waterbath stunning of poultry, as well as the issues of pre-stun shocks, missed stuns or poor quality stunning, and calls for bans on this method of stunning have been echoed by animal welfare groups. The lack of stunning or poor stunning is another welfare issue frequently raised by scientific committees. Defra is co-funding research with CIWF into upright head only stunning of poultry in the hope this may provide a workable alternative.

201. As an alternative to phasing out electrical waterbath stunners, some stakeholders (e.g. Compassion in World Farming, Animal Welfare Committee) have identified that the electrical waterbath parameters may be reviewed in the meantime. The UK asked the EU to amend them to cap the highest frequency to 800 Hz some years ago as there is evidence that anything above this does not stun effectively, there are also challenges with absence of wave form, etc. This partly triggered an European Food Safety Authority review and their recommendation to phase out electrical water baths across the EU. Economic impact has been cited by the European Commission as the reason this concern has not resulted in more action aimed at phasing out electrical waterbath stunners at a European level³⁵.

202. HSA have suggested that electrical waterbath stunning parameters be described in more detail in Annex 1 to PATOK. The Humane Slaughter Association also suggested that additional parameters such as waveform and current direction (i.e. alternating current, and increased currents for depopulation where bleeding may not occur) should be included in the legislation.

203. Stakeholders have also suggested setting out electrical stunning parameters for species not currently covered in the legislation but slaughtered in UK slaughterhouses and on farms (e.g. head only electrical stunning for geese and stunning of guinea fowl), and suggested

³⁴ <https://www.hsa.org.uk/downloads/fsa-tec-files-115---restraint-of-cattle-for-slaughter.pdf>

³⁵ <https://www.efsa.europa.eu/en/efsajournal/pub/5849>

clarification of electrical parameters and duration of exposure for head only electrical stunning of animals.

Gas stunning of pigs

204. The two main methods of slaughtering pigs are electrical stunning or gas stunning. The advantage of gas stunning over electrical stunning is that it allows for group handling, which is less stressful, and allows for a high rate of throughput. The latest Food Standards Agency survey of slaughter methods showed that 86% of pigs were stunned with high concentrations of CO₂ in 2018 in England and Wales³⁶. This has increased significantly since 2013 when it was just over 50%³⁷.

205. However, there are longstanding concerns about the negative welfare impacts of high concentration carbon dioxide (CO₂) stunning systems for pigs. In a 2003 report, FAWC recommended that high concentration CO₂ stunning for pigs be phased out within 5 years. A 2004 a European Food Safety Authority report also recommended that the gas used to induce unconsciousness should be non-aversive. Animal welfare organisations such as Compassion in World Farming and RSPCA have called for a ban on high concentration CO₂ stunning of pigs by 2024.

206. Defra co-sponsored (with the Humane Slaughter Association) a two-year project led by the University of Glasgow that has investigated whether low atmospheric pressure stunning (LAPS) could be a more humane form of stunning compared to high concentration CO₂. The results of the project show that LAPS does not offer a humane alternative to high concentrations of CO₂ in pigs. Indeed, the results of this project demonstrate that both low atmospheric pressure stunning and CO₂ stunning are associated with poor welfare in pigs and has heightened concern about the current use of high concentration CO₂ in stunning pigs. This is an area we need to consider further in terms of research into alternative systems for stunning pigs.

Stunning methods

207. The British Veterinary Association has called for research in connection of a number of novel stunning methods including captive bolt stunning of goats, captive bolt use for horses and rabbits, Single Pulse Ultra-High Current (SPUC) and electromagnetic (microwave) energy stunning, Constant current electrical stunning systems with low stress restraint, better electrical parameters/systems that avoid inversion and shackling, less aversive gas stunning methods with the aim of phasing out current aversive gas stunning methods for pigs.

208. A manual percussive blow to the head is permitted only for rabbits under WATOK (paragraph 26 of Schedule 1 and paragraph 36(2) of Schedule 2). Given the discussion and research for piglets/lambs/kids on non-penetrative captive bolts, this seems somewhat

³⁶ <https://www.gov.uk/government/publications/farm-animals-survey-of-slaughter-methods-2018>

³⁷ <https://www.food.gov.uk/business-guidance/animal-welfare#all-animal-welfare-survey-results>

inconsistent considering some meat rabbits can be fairly large. FAWC called for this method of stunning to be banned for rabbits in its Opinion on the welfare of animals killed on farm³⁸. The Humane Slaughter Association has called for a manual percussive blow to the head for rabbits to be a simple stun citing the European Food Safety Authority opinion from 2020 that it is not a reliable form of killing³⁹.

209. A manual percussive blow to the head is banned for all other animals by WATOK (paragraph 26(1) of Schedule 1 and paragraph 36(1) of Schedule 2). This includes for emergency slaughter since the stricter national rules in WATOK apply more extensive animal welfare protections to PATOK, as allowed in Article 26 of PATOK. In practice, a manual percussive blow to the head is widely used to dispatch neonate piglets, lambs and kids and there is a need to inform the industry that these practices must stop and for practical and effective alternatives to be adopted.

210. Alternative methods available for stunning young animals on the farm would be mechanical percussive stunning with a captive bolt device (either non-penetrating or penetrating), head only or head to body electrical stunning, firearm with free projectile or a lethal injection. Mechanical percussive stunning and electrical stunning are considered simple stuns and must currently be followed by a killing method (e.g. bleeding or pithing). Some stunning methods would be more practical on farm than others, e.g. mechanical percussive stunning. Indeed, there have been a number of recent studies on the effectiveness of non-penetrative captive bolt devices on neonate animals. As a result of these studies it has been recommended by the Animal Welfare Committee that non-penetrative captive bolt be a permitted killing method for neonate piglets, lambs and kids (paragraph 51).

Slaughter of farmed fish

211. PATOK introduced minimum provisions for the welfare of farmed fish at slaughter. They should be protected from any avoidable pain, distress and suffering during their killing or related operations. But PATOK and WATOK are silent on any further detailed protections.

212. FAWC in 2014 produced an Opinion on the welfare of farmed fish at the time of killing⁴⁰, which made several recommendations for their detailed protections, even drafting a table of recommended stunning and slaughter methods for different farmed fish species. The European Food Safety Authority have also produced a number of opinions on the welfare of farmed fish species at slaughter.

³⁸ <https://www.gov.uk/government/publications/fawc-opinion-on-the-welfare-of-animals-killed-on-farm>

³⁹ 2020 doi: 10.2903/j.efsa.2020.5927 & doi: 10.2903/j.efsa.2020.5943

⁴⁰ <https://www.gov.uk/government/publications/fawc-advice-on-farmed-fish-welfare>

213. The EU Commission has produced a report on the issues of stunning and slaughter in farmed fish⁴¹ but, despite noting animal welfare deficiencies in a number of the countries surveyed to inform the report, concluded that legislation was not required and that codes of practice would currently be sufficient to protect farmed fish welfare.

214. The Animal Welfare Committee and others, e.g. RSPCA, British Veterinary Association, have called for the FAWC recommendations to be accepted and for detailed provisions for the welfare of farmed fish at slaughter to be established.

Bleeding

215. The British Veterinary Association recommend that scientifically based maximum stun to stick times for simple stunning methods should be included in legislation.

Scientific support

216. It has been suggested that Article 20 of PATOK be simplified to align with the remit of the Animal Welfare Committee's (AWC) Welfare at Killing sub-committee, which provides scientific support to Defra (as well as Scottish, Welsh and Northern Ireland Governments) on a wide range of animal welfare at killing topics. The recently established Scottish Animal Welfare Commission is primarily focussed on companion animal welfare and the welfare of wild animal kept by people. Farm animal welfare issues will continue to be the province of the Animal Welfare Committee

Approval of novel technologies

217. Novel technologies for stunning and killing animals are regularly brought to the attention of Defra, the Animal and Plant Health Agency and the Food Standards Agency. At present there is no formal approval system for slaughterhouse or other killing equipment (other than restraining boxes for adult cattle subject to religious slaughter without stunning).

218. It should be for manufacturers to provide sufficient and persuasive scientific evidence that their equipment meets the legislative requirements and they could provide assessment results with equipment to reassure slaughterhouse operators and other users that the equipment they are purchasing meets the legal requirements.

219. The Farm Animal Welfare Committee/Animal Welfare Committee has in the past been asked to evaluate novel systems and advise Defra but has also recommended a formal approval system. This call is supported by stakeholders, including National Farmers' Union, British Veterinary Association, Humane Slaughter Association. Novel equipment can range from an entire new animal handling and gas stunning system for poultry, to new electrical

⁴¹ https://ec.europa.eu/food/animals/welfare/practice/slaughter_en

stunning systems, to on-farm mechanical cervical dislocation devices and percussive stunning devices. British Veterinary Association recommended that novel technologies that improve animal welfare should be incentivised by the Government.

220. A recent example of this novel equipment is emerging from the Netherlands intended for culling of piglets on farm with 99% nitrogen in foam in an enclosed box. It has been explained to the industry that it is currently illegal to stun pigs on farm with gas, even for emergency killing as the restriction is a stricter national rule (Article 26(1) of PATOK).

Annex A - Summary of Animal Welfare Committee recommended improvements to animal welfare at time of killing legislation.

The Animal Welfare Committee advises the Department for Environment, Food and Rural Affairs (Defra) as well as the Scottish and Welsh Governments on the welfare of animals. The Welfare at Killing committee is a sub-committee of the Animal Welfare Committee. The membership is drawn from the membership of the Animal Welfare Committee with a separate chair. Welfare at the time of Killing is commissioned by Defra and the devolved administrations on specific welfare questions relating to slaughter and killing and prepares advice that is checked with the wider Animal Welfare Committee membership to ensure consensus; the advice then comes from the Animal Welfare Committee as a whole. The Animal Welfare Committee (AWC) have made a number of recommendations on potential improvements to WATOK and slaughter policy more widely. This has not been published at the time of writing. In addition to the issues raised above, these recommendations provide a useful basis for considering future improvements to the legislation.

1. FAWC recommended in its Opinion on the welfare of animals killed on farm⁴² that the law be changed to allow the use of non-penetrative captive bolt devices of sufficient power and positioned appropriately as a killing method for neonates (kids, piglets, lambs), i.e. not a simple stunning method in these circumstances and not just for slaughter. This is supported by the science (Grist et al 2018) (1099/2009).
2. FAWC previously recommended a ban on carbon dioxide (CO₂) stunning of pigs⁴³. There has been no willingness on the part of abattoirs to explore inert gas mixture stunning commercially because of extended dwell time and therefore reduced throughput. New technologies may make this more practical and should be pursued (1099/2009).
3. Annex I of 1099/2009 should be reviewed with regard to the effectiveness of stunning methods, particularly high frequency electrical stunning of poultry. There is sufficient evidence that higher frequencies do not produce an effective stun (1099/2009).
4. The Animal Welfare Committee is aware of animal welfare (and health and safety) issues with fractious bovines and less domesticated species such as bison being taken to slaughterhouses for processing. The law should allow these animals to be shot on farm and transported dead to the slaughterhouse for processing. Records should be kept and monitored to ensure this derogation for animal welfare purposes is not abused.
5. It is a long-term concern with horse slaughter that difficult to handle horses, especially wild/feral ones, react better to entering the stunning room in pairs. It is, however, illegal to

⁴² Farm Animal Welfare Committee, [FAWC opinion on the welfare of animals killed on-farm](#), 2018

⁴³ Farm Animal Welfare Council. [FAWC report on the welfare of farmed animals at slaughter or killing](#), 2003

stun a horse in sight of a conspecific. They can react violently to handling singly or on a halter. Back in 2003 FAWC recommended in its red meat slaughter report⁴⁴ - 267. *Government should fund research into the welfare implications of difficult-to handle horses being accompanied by another, calmer animal during slaughter.* There is research on sheep and pigs to show that they are not affected by stunning in sight of conspecifics and this led to the 'stunning in sight' requirement being dropped for these species in WATOK.

6. Understandably religious slaughter is a sensitive issue so will need careful handling. However, we would recommend:
 - Applying parameters from Annex I of 1099/2009 for stunned Halal slaughter to avoid ineffective stunning (WATOK);
 - Tightening the intention that meat from non-stun religious slaughter be destined for religious markets and not the general consumer, which might also bring in labelling and supply and demand requirements for meat from non-stun slaughter;
 - Re-examining the standstill times before further movement/processing after the neck cut to reflect the science, particularly for bovines (WATOK);
 - Animals that do not become unconscious following a neck cut should be subject to a post cut intervention stun. This would preferably be immediately after the cut, but if this should not prove possible then a stun should be mandated if bleed out was not causing unconsciousness in a reasonable time (WATOK);

7. Farmed fish should have specific protections for them under welfare at slaughter legislation⁴⁵ (1099/2009). FAWC's report was submitted to the European Commission and while the Commission recognised that there were animal welfare problems with the slaughter and killing of farmed fish it concluded in a recent report that these could be dealt with through codes of practice⁴⁶

8. There is no formal testing or approval system in the UK to assess slaughter equipment and it is currently for companies' vets and lawyers to establish that the device meets the legal requirements. FAWC has previously recommended that an approval system should be implemented.

9. A Temporary Certificate of Competence (TCoC) is only valid for 3 months and the Food Standards Agency (FSA) get a number of requests for extensions. This 3 month period can only be extended for exceptional reasons outside the applicant's control. The current restriction places a deadline on the training and examination of competence for trainee slaughter-people but there are circumstances where this time scale may not be reasonable, e.g. part time working of the slaughterhouse or slaughter person. The time available to train

⁴⁴ Farm Animal Welfare Council. [FAWC report on the welfare of farmed animals at slaughter or killing, part 1, red meat animals.](#) 2003

⁴⁵ Farm Animal Welfare Committee. [Opinion on the welfare of farmed fish at the time of killing](#), 2014

⁴⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0087>

might be extended in such circumstances. On the other hand it would not be appropriate for slaughterhouse workers, especially in seasonal trades, to leave employment of their own volition before completing training or examination of competence only to return to this work and expect to receive a temporary certificate on numerous occasions without necessarily completing training or demonstrating competence. (WATOK).

10. WATOK penalties for causing avoidable pain, distress or suffering should change in line with new Animal Welfare Act 2006 penalties, i.e. maximum custodial term of 5 years (WATOK).
11. The Animal Welfare Committee would also like to see strengthened enforcement by the relevant enforcement bodies on existing welfare problems identified at slaughter and killing (e.g. animals unfit to travel; dead on arrival; injuries in catching, transport and at slaughterhouses; transported in the late stages of pregnancy; thermal stress in transport/lairage and overstocking; lack of water; handling issues in slaughterhouses; ineffective stunning/bleeding).
12. There have been calls for the assessment system for WATOK licences to be made more accessible, with difficulties cited engaging Animal and Plant Health Agency (APHA) veterinary assessors. Legislation in England currently only allows an authorised veterinary surgeon to make these assessments (currently APHA vets) whereas the Scottish system allows additional assessors to be trained and authorised (WATOK). We understand that those needing to kill animals on farm can also obtain a Certificate of Competence through training and examination in a slaughterhouse.

Annex B - Schedule 5 to the Welfare of Animals at the Time of Killing (England) Regulations 2015 – PROVISIONS OF THE EU REGULATION

Regulation 30(1)(g)

Provision of the EU Regulation containing welfare requirement	Subject matter
Article 3(1)	General requirement to spare an animal avoidable pain, distress or suffering.
Article 3(2)	Measures to protect animals from avoidable pain, distress or suffering.
Article 3(3)	Facilities for killing and related operations.
Article 4(1) and Annex I	Stunning methods.
Article 5(1)	Checks on stunning.
Article 5(2)	Checks on animals killed in accordance with religious rites.
Article 6(1) and (2)	Standard operating procedures.
Article 7(1)	Level of competence.
Article 7(3)	Killing of fur animals.
Article 8	Sale of restraining or stunning equipment.
Article 9(1)	Maintenance of restraining and stunning equipment.
Article 9(2)	Back-up stunning equipment.

Provision of the EU Regulation containing welfare requirement	Subject matter
Article 9(3)	Placing of animals in restraining equipment.
Article 12	Meat imported from third countries.
Article 14(1) and Annex II	Layout and construction of, and equipment in, slaughterhouses.
Article 15(1) and Annex III	Handling and restraining operations.
Article 15(2)	Restraint of animals killed in accordance with religious rites.
Article 15(3)	Prohibited methods of restraint.
Article 16(1) to (4)	Monitoring procedures.
Article 17(1) to (5)	Animal Welfare Officer.
Article 19	Emergency killing.

Annex C – Call for information to stakeholders



Department
for Environment
Food & Rural Affairs

Animal Welfare Team

Area 2D, Nobel House helpline@defra.gsi.gov.uk

17 Smith Square

www.gov.uk/defra

London

SW1P 3JR

Date: 17 May 2020

Dear Sir/Madam

We are writing to you as we understand your organisation has an interest in the welfare of animals at the time of slaughter, and want to invite your views to help inform our review of the Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK)⁴⁷

WATOK regulations

The WATOK regulations ensure implementation of rules on the protection of animal welfare at the time of killing as well as retaining stricter national rules from previous legislation, and came into effect on the 5th November 2015. WATOK implements and enforces Council Regulation (EC) No. 1099/2009⁴⁸.

As part of these regulations, the UK Government is required to review how they are implemented, with the conclusions published in a report no more than five years after the Regulations came into force, and so we are launching this review now.

Details of the review

This review will assess whether implementation of WATOK has ensured no overall reduction in existing animal welfare standards; how the obligations and requirements of Regulation 1099/2009 were met; and how existing legislative provision has been removed without reducing welfare.

⁴⁷ <http://www.legislation.gov.uk/ukxi/2015/1782/contents>

⁴⁸ <http://www.legislation.gov.uk/eur/2009/1099/contents>

The review will also broadly assess the effects on business in terms of process, impacts and costs⁴⁹. Finally, the review will help to identify improvements that might be made to WATOK and Regulation 1099/2009.

Areas of the legislation that the review will focus on are:

- General animal welfare protections
- Training and certification
- Offences, penalties and enforcement
- Guidance
- Slaughterhouse requirements
- Religious slaughter
- Killing outside of a slaughterhouse

How you can help

We are now inviting your views on the implementation of these rules as above to help inform this review. Using the contact details above, please provide any views and evidence you may have on the impact of WATOK by 7 June.

We are particularly interested to hear from you on:

- Whether costs associated with WATOK were as expected and if not how did they diverge significantly from original estimates?
- Whether there are specific areas of WATOK where the regulatory costs seem disproportionate to the welfare protections?
- Whether WATOK has delivered animal welfare protections as intended?

We fully recognise that the ongoing Covid-19 emergency may mean you have limited capacity to respond at this time so we are not looking for detailed analysis. We also want to reassure you that any future changes to WATOK and Regulation 1099/2009 suggested by the review would be subject to a formal public consultation at a later date, for you to comment on at that time.

Yours faithfully

Those who provided evidence

Association of Independent Meat Suppliers (AIMS)

Association of Meat Inspectors (AMI)

⁴⁹ <https://www.legislation.gov.uk/uksi/2015/1782/impacts>

British Meat Processors Association (BMPA)

British Poultry Council (BPC)

British Veterinary Association (BVA)

Compassion in World Farming (CIWF)

FDQ

F Drury and Sons Ltd

Food Standards Agency (FSA)

Humane Slaughter Association (HSA)

Livestock Slaughterers and Salvage Association (LASSA)

National Craft Butchers (NCB)

National Farmers Union (NFU)

Royal Society for the Prevention of Cruelty to Animals (RSPCA)

Shechita UK

University of Bristol

Veterinary Public Health Association (VPHA)

World Horse Welfare (WHW)

Annex D - Data Methodology

Data sources

- FSA (Food Standards Agency):
 1. Exception Reports – The data includes all cases of non-compliance recorded in slaughterhouses between April 2010 and March 2020 in England, Scotland and Wales. The reports record over 13,500 cases of non-compliance within slaughterhouses in England. Each non-compliance case is allocated a parent category and one or more sub-categories, a severity rating, a species category, and a description of the actions taken.
 2. Data on Annex II non-compliance – This data focuses on structural non-compliances in slaughterhouses following the introduction of new requirements in December 2019. The data analysed covers the period December 2019 to July 2020.
 3. Other data – This FSA data provides a more general overview of the sector between 2010 and 2020. The data includes the number of licences issued, the number of Official Veterinarians (OVs) and Animal Welfare Officers (AWOs) over time, and the number of investigation referrals. The data also covers suspensions and revocations of Certificates of Competence (CoCs), as well as appeals. In addition, we used surveys published by the FSA in 2011, 2013, and 2018 to look at changes in non-stun slaughter and slaughter methods over this period.
- APHA (Animal and Plant Health Agency):
 1. Number of premises – The data focuses on the number of premises carrying out seasonal slaughter between 2016 and 2019.

Methodology

FSA Exception Reports

1. In order to modify the Exception Reports to fit our review, we initially removed all cases in Scotland and Wales, and any cases of on-farm and transport issues. The data also contained repeat actions as new entries with the same reference number (2018-20), so we then removed reference number duplicates. However, we maintained a copy of these duplicates for the repeat enforcement actions analysis.

2. Using this methodology, we were able to identify over 13,500 cases of non-compliance in England over this period. The FSA provides a breakdown of these cases based on pre-determined categories. However, these categories were not detailed enough for our review and changed over time, thus making trend analysis impossible. Therefore, we categorised these cases between 2010 and 2020 based on the following categories:

- 1) Animal Welfare Officer (AWO)
- 2) Standard Operating Procedure (SOP)
- 3) Certificate of Competence (CoC)
- 4) Checks on stunning procedures
- 5) Manufacturer instructions
- 6) Stunning methods
- 7) Structural requirements (from 8th December)

- 8) Lairage
- 9) Handling and movement
- 10) Slaughter
- 11) Religious slaughter
- 12) Restraint

3. Our methodology focused on identifying key words in the descriptions of incidents and using this information to categorise each case. The key search terms included variations of words in order to pick up on the maximum number of cases. For example, we included the search term 'handl' to pick up on cases where the descriptions included 'handling', 'handled', or 'handle'. In addition, we accounted for some spelling variations in a few key word searches. For example, we included searches for 'backup', 'back-up' and 'back up' in the stunning methods category. However, we did identify cases with spelling errors, but could not account for this in our search terms. Using this methodology, over 12,600 cases (94% of the total cases) were identified under at least one of the broad categories.

4. If an incident was identified in more than one category, which category it belonged to was determined based on the categorisation level the key word was identified in within the FSA descriptions (with the lower categorisations prioritised). The categorisation levels were Area Parent, Area, Reason/Category, and Other Specification. Therefore, for example, if a case came up in both category 2 and category 10, and the key word under category 2 was identified in Area Parent and the key word under category 10 was identified in Reason/Category, the incident would be recorded under category 10.

5. We were then able to use these categories to provide more detailed breakdowns of the data over time and by species. In addition, we analysed the data based on severity level and action taken. We then identified the most frequently occurring category under mammals and poultry and provided a more detailed breakdown of these categories based on the categories provided by the FSA from 2017-2019.

FSA Exception Reports – repeated actions

6. For the analysis of repeated actions, only data entries with a reference number were used (post-implementation of Chronos; mid-2017 onwards). The data were filtered to only include whole calendar years (2018; 2019) and level 3 and level 4 severity non-compliances only (n=752). Additional columns were added to the data to describe the chronological number of the current action within each reference number (1-14), the total number of actions associated with that reference number and whether the current action was the final action or not (Yes/No).

7. The data were then used to determine the proportion of cases that required more than one enforcement action by species, type of non-compliance, first action taken and last action taken.

8. As there were only a small number of non-compliances with repeated actions (n=211), and to overcome existing data categorisation issues (see below), these cases were manually allocated a category and sub-category. The data were then used to determine the frequency of requiring more than one enforcement action per category in descending order, and to highlight the top three reasons for repeated enforcement per category.

FSA data on Annex II non-compliance

9. The Annex II non-compliance data provides information on the situation each month. However, as surveys were not carried out in February and June 2020, the data for these months was extrapolated from the previous month's survey based on the premises that were reported as expecting to be compliant in the following month.

10. The analysis focused on identifying the number of slaughterhouses that were compliant with the regulations each month as a percentage of the total number of slaughterhouses surveyed (including those that were closed).

Other Food Standard Agency data

11. For the analysis on the other Food Standards Agency data, we focused on collating the evidence and producing charts and tables to show the trend over time. This provided useful contextual information, as well as further detail on the impact of the regulation.

Animal and Plant Health Agency number of premises

12. The number of premises carrying out seasonal slaughter was based on the number of premises in the Animal and Plant Health Agency database. The data was initially filtered to only include non-compliances in England. We then plotted the data based on the number of premises in the Animal and Plant Health Agency database, and the number of premises that had told the Animal and Plant Health Agency, in their survey, they would be slaughtering that year.

Data problems

Food Standards Agency Exception Reports

13. The key issues we faced when analysing the Exception Reports were due to the reports being designed to record individual incidents, rather than for larger data analysis. For the majority of cases, official veterinarians use their judgement to decide how each case they witness is recorded. For example, the more in-depth look at repeated enforcement data highlighted many non-compliances recorded under the "General requirements" category, the "Other" sub-category and/or the "n/a" for the species, but from the given description they could have been categorised more specifically. Furthermore, the non-compliance descriptions are not consistent as they are free-flowing text, and so are difficult to categorise. Some descriptions are very broad explanations, while others are narrow and difficult to interpret. This also means that there is a large scope for data entry errors, and if a mistake has been made during data entry it will not be categorised with similar cases.

14. There are also issues to do with operational management changes over time. For example, prior to 2013 the Food Standards Agency did not record severity level 2 cases, which focus on technical breaches. Therefore, there are fewer incidents recorded over this period compared to other years and the data must therefore be interpreted with this caveat in mind. It is also possible that there may have been issues with recording in other years, which has led to the overall number of cases recorded being lower than expected.

15. In addition, in April 2017 the Food Standards Agency changed their data collection and record management system to the Chronos system. It is worth noting that between April 2017

and August 2017 the old and new system were both running in parallel. The datasets recorded under the old system and the datasets under the Chronos system may not necessarily be compatible. This restricted our analysis into repeat enforcement actions as an absence of reference numbers in the April 2010-August 2017 data meant we were unable to identify repeat enforcement actions over this period. Therefore, our analysis on repeat enforcement actions looks only at the years 2018 and 2019. These operational and technical changes therefore make it extremely difficult to produce any meaningful trend analysis over time, as it is difficult to disentangle real-world impacts from the impacts of these operational changes.

FSA data on Annex II non-compliance

16. As the surveys only cover one week each month, they provide only a snapshot at a given point.

17. As the data for February and June 2020 is based on extrapolated data, this data is only reasonably accurate.

Other Food Standards Agency and Animal and Plant Health Agency data

18. An issue we faced when collecting the data was that a lot of potentially useful information was not collated over this period. For example, we were unable to obtain data on the number of WATOK and WASK licences suspended and revoked as this data was not held by the Food Standards Agency or the Animal and Plant Health Agency. The Food Standards Agency have now informed us that to the best of their knowledge no WATOK licenses have been suspended or revoked. The data we were able to access on slaughter outside of slaughterhouses was very limited, which is why the review focuses mainly on the situation in slaughterhouses. Moreover, we were unable to get England only data covering the entire period 2010-2020 for all of the datasets analysed, which has made it difficult to compare some sets of data. However, throughout the review, the geographic area and time period covered is noted in all references to the data.

Animal and Plant Health Agency number of premises

19. When the Animal and Plant Health Agency seasonal slaughter database list was set up all the regions were asked at the time to submit the list of premises they had. Some premises have been added to that centralised list since, whenever the Animal and Plant Health Agency had knowledge of them in the field or through information exchanged with the Local Authorities when that has been possible. However, the Animal and Plant Health Agency note that the fact that there is no legal requirement for premises to register with the Animal and Plant Health Agency makes it impossible for a fully reliable list of the number of premises carrying out slaughter outside Food Standards Agency approved slaughterhouses to be held.

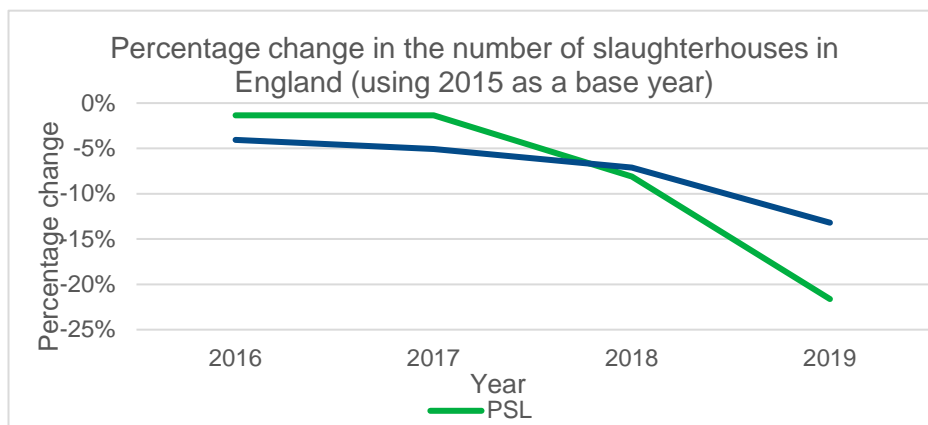
20. The Animal and Plant Health Agency survey the premises they are aware of each year to gather some information on which of those premises are still operating, when they kill and other details. However, the response rate is limited at around 50% each year, so the Animal and Plant Health Agency are unable to definitively determine if a premise is slaughtering, and if they do when that takes place in the year.

Annex E – Sector overview

Number of approved slaughterhouses

1. According to data provided by the Food Standards Agency, in 2019 there were 229 approved slaughterhouses operating in England. Of this, 171 were red meat slaughterhouses and 58 were poultry slaughterhouses. Since 2015, there has been a clear decrease in the number of slaughterhouses operating in England, for both poultry and red meat, as shown in figure 1.

Figure 1



Source: unpublished FSA data

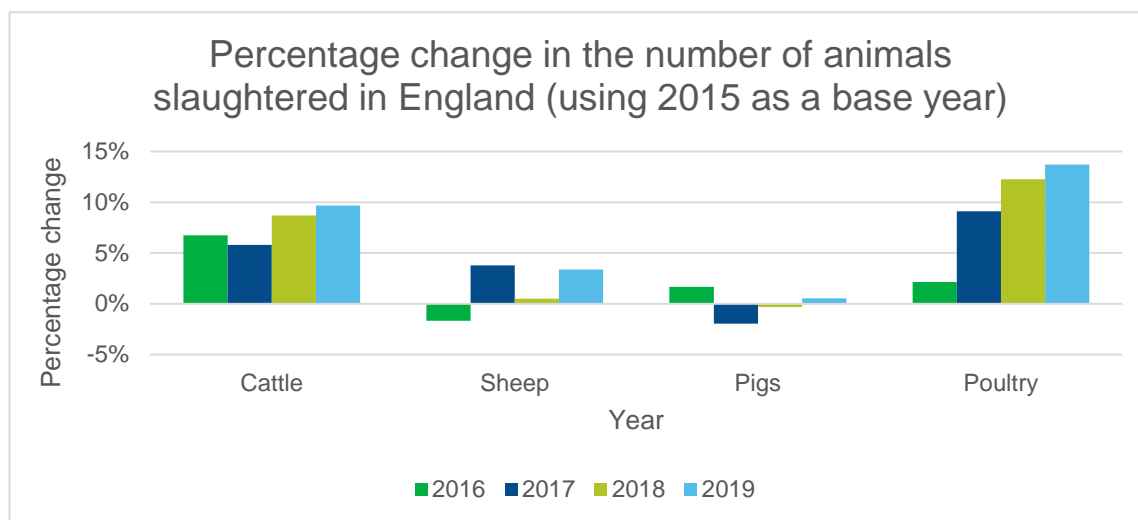
Number of animals slaughtered

2. Despite this, there has been a consistent increase in the number of cattle and poultry slaughtered in England over the same period. Although the number of sheep and pigs slaughtered has shown greater variability over the same period, the number of animals slaughtered in 2019 increased compared to 2015, as shown in figure 2.

3. This could reflect a trend for increased specialisation of the slaughter industry, with higher throughputs in larger and more specialist slaughterhouses with facilities and skills focused on single species, versus smaller multispecies ones.

4. The volume of poultry slaughtered is significantly higher than any other species. In 2019, 1.027 billion poultry were slaughtered, while 1.8 million cattle, 9.9 million sheep and 8.9 million pigs were slaughtered.

Figure 2



Source: internal Defra data

Stunning methods

5. The results in table 1 are based on data provided by the Food Standards Agency slaughter surveys in 2011, 2013 and 2018⁵⁰⁵¹. The data used for 2011 and 2013 focus only on stunning methods, therefore do not account for stunning methods that also result in the animal being killed. For example, for pigs, carbon dioxide (CO₂) gas is not considered as this is a slaughter method. Table 1 shows the changes in the most frequently used stunning method by species. The most common stunning method has remained the same for sheep and goats, as well as cattle and calves, but has changed for poultry and pigs.

Table 1: Most frequently used stunning method by species

	2011	2013	2018
Sheep and goats	Electronarcosis (head only) (97%)	Electronarcosis (head only) (88%)	Electrical head stunning (most of the 75% of sheep that were stunned prior to slaughter)
Poultry	Electrical stunning (61%)	Gas mixture (74%)	Gas stunned (70% of all broiler chickens)

⁵⁰ <https://www.food.gov.uk/business-guidance/animal-welfare#all-animal-welfare-survey-results>

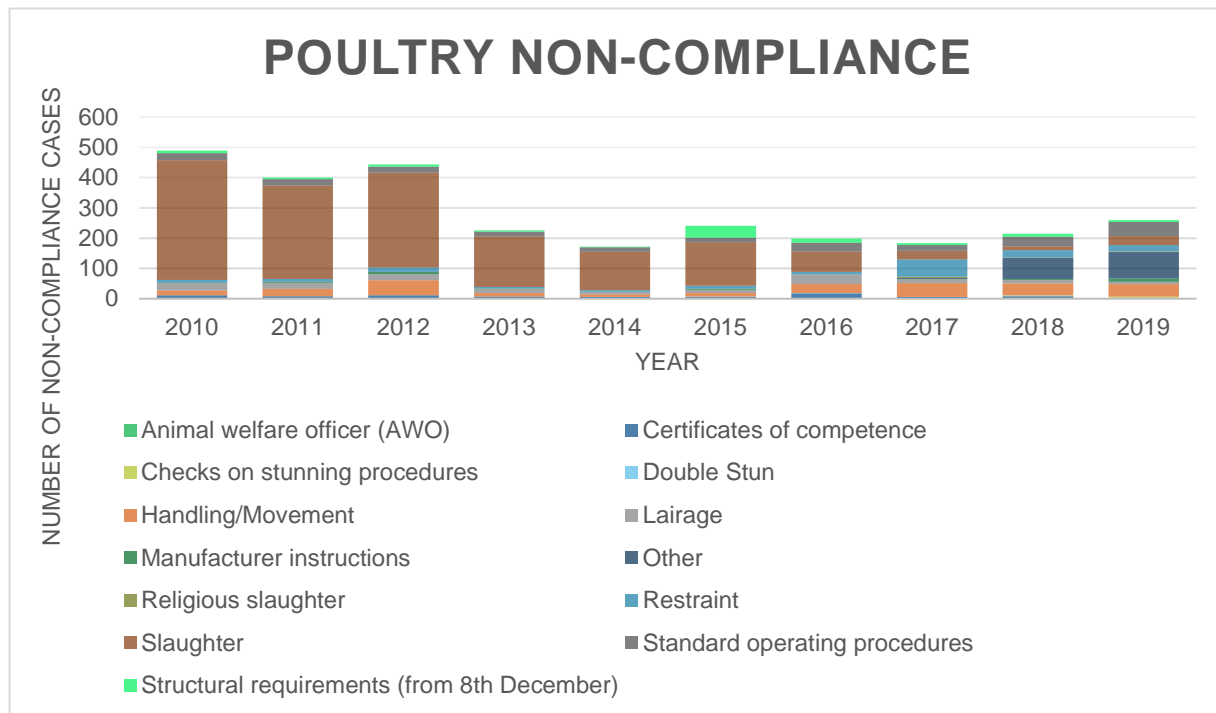
⁵¹ <https://www.gov.uk/government/publications/farm-animals-survey-of-slaughter-methods-2018>

			slaughtered) CO ₂ or other gas mixtures (92% of spent hens slaughtered)
Cattle	Captive bolt (77%)	Captive bolt (79%)	Captive bolt (80%)
Calves	Captive bolt (77%)		Captive bolt (89%)
Pigs	Electronarcosis (head only)(71%)	Electronarcosis (head only) (59%)	High concentration CO ₂ (86%)

Source: FSA Slaughter Surveys

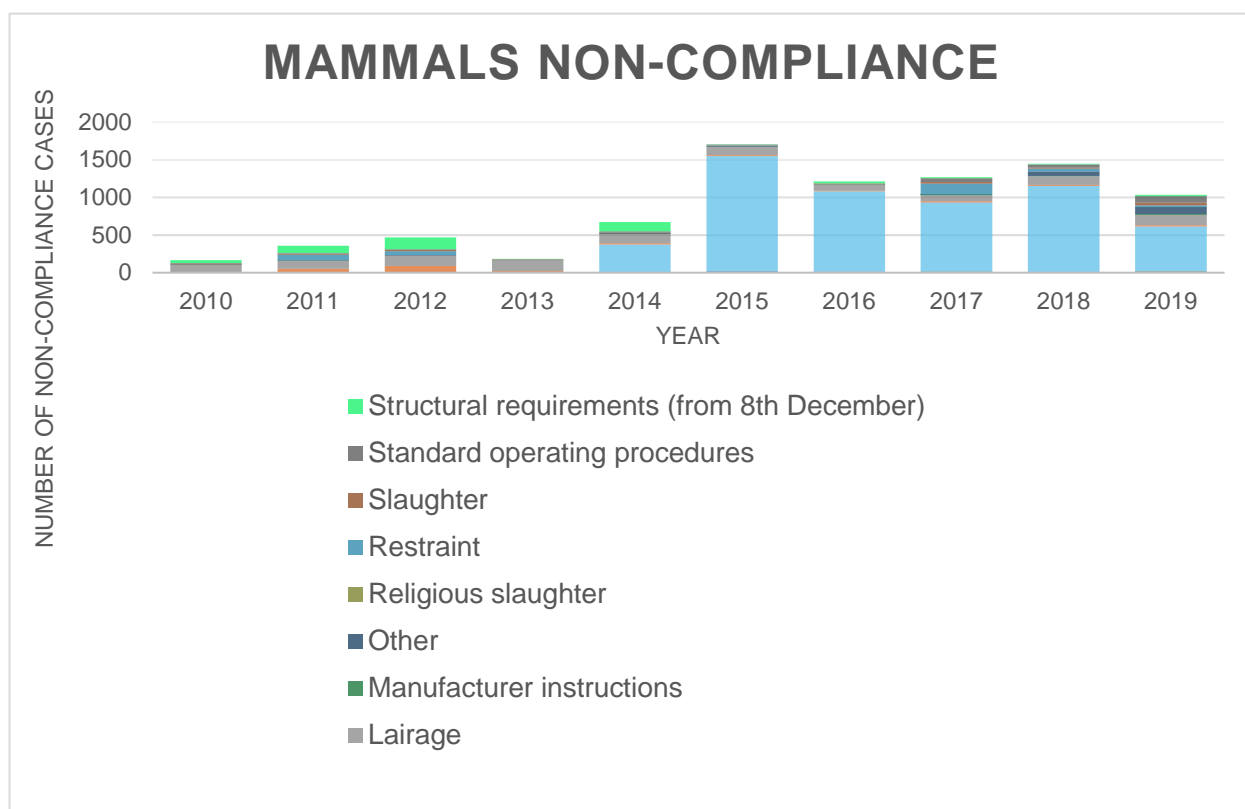
Annex F – Non-compliance by category

Figure 1 – Prior to 2016 prevalent animal welfare non-compliances recorded for poultry is the key word ‘slaughter’ but after that more specific offences are recorded under key words such as ‘Handling/Movement’, ‘Certificates of Competence’, ‘Restraint’, ‘Standard Operating Procedures’ and ‘Slaughter’.



Source: Unpublished FSA Exception Reports

Figure 2 – Prior to 2014 animal welfare non-compliances recorded for mammals were dominated by ‘lairage ‘ and ‘structural requirements’ but subsequently more recordings of ‘restraint’ are found.



Source: Unpublished FSA Exception Reports

Table 1: Poultry ‘Slaughter’ non-compliances by FSA categories

	2017	2018	2019
Animal stunned but not bled before further processing	1		
Birds dressed within 90 seconds	1		
Bleeding time less than 90 seconds	1		
Both carotid arteries not severed	3		2
Incompetent slaughterman-bleeding	1	2	1
Incompetent slaughterman-stunning and killing	1		
Injured bird was not slaughtered without undue delay	1		
One slaughterman instead two were found	1		
Poor bleeding	1	1	1

Unsuitable ventilation for birds awaiting slaughter	1		
Birds found on floor			1
Both carotid arteries and jugular veins not severed			3
Failure to follow SOP			1
Uncut birds			10
Voltmeter provided but not working			1
Other		10	10
(blank)	16		

Source: Unpublished FSA Exception Reports

Table 2: Mammals 'Double Stun' non-compliances by Food Standards Agency categories

	2017	2018	2019
Inaccurate stun	317	642	340
Ineffective stun	399	487	239
Other		17	11
(blank)	203		

Source: Unpublished FSA Exception Reports

Table 3: Mammals 'Lairage' non-compliances by Food Standards Agency categories

	2017	2018	2019
Not spared avoidable pain, distress and suffering	3		
Neglected by lairage staff	1		
Animals mixed together causing stress and injury	1		
Broken water dispenser	4	5	4
Crates/modules poorly maintained	1		

Dairy cows not milked at 12 hour intervals	1	1	1
Damaged pens causing injury	5	11	12
Dead in lairage	1		
Dirty pens	1		4
Dirty/wet bedding	7	2	4
Drinking water not provided	10	20	26
Failure to follow SOP not recorded elsewhere	3	1	5
Fork and wooden pallets found in the alley pens	1		
Inadequate bedding provided (if required)	2	4	5
Injured animals not dealt with promptly	1	2	1
Lighting not suitable for inspection	5	4	1
Loose hinge	2		
No access to water provided	1		
No food provided after 12 hours	1	3	5
Overcrowding pen	2	3	3
No proper signs	1		
Animals too young to take solid feed have been kept overnight in lairage		1	
Animals/birds not protected from adverse conditions		1	3
Condition of animals not assessed at unloading		1	
Damaged drains causing injury		1	2
Damaged race/corridors causing injury		1	3
Dirty water		6	3
No bedding, no shelter provided for overnight animals		1	
No prevention from avoidable interaction with other animals that could harm their welfare		1	
Pens flooded		1	1

Slippery floor		1	5
Water provided but not accessible		3	4
Animals left waiting in the race			1
Inadequate amount of food provided			1
Isolation pen not used			1
Ramps unavailable/not suitable for unloading			1
Stocking details not visibly displayed from the pen			3
Unloading causing injury			1
Other	8	42	36
(blank)	15		

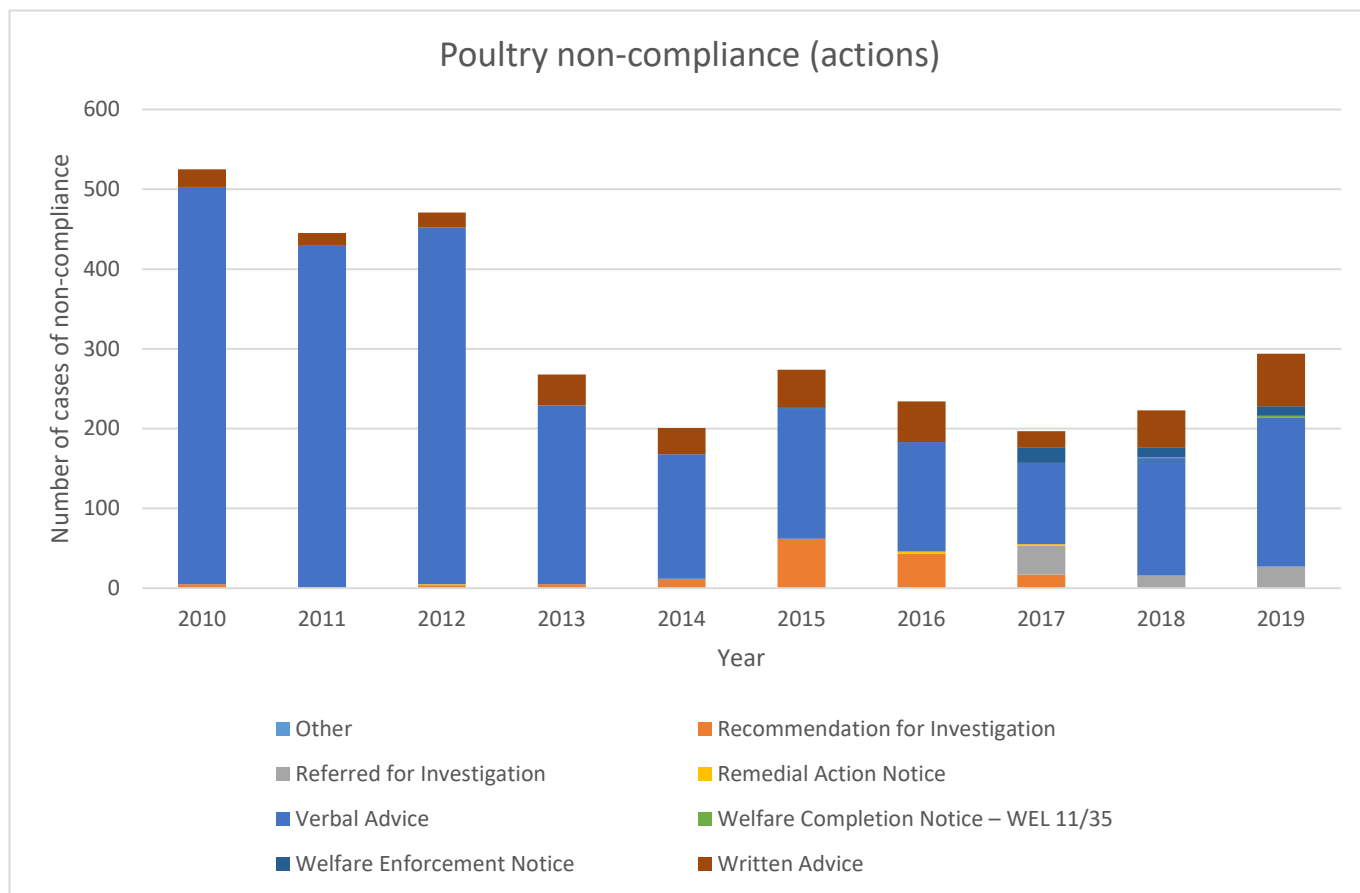
Source: Unpublished FSA Exception Reports

Annex G - Additional compliance and enforcement data

Non-compliance and actions

1. Using the Exception Reports, we provided a further breakdown of the non-compliance cases based on the actions taken (Figures 1 and 2).

Figure 1

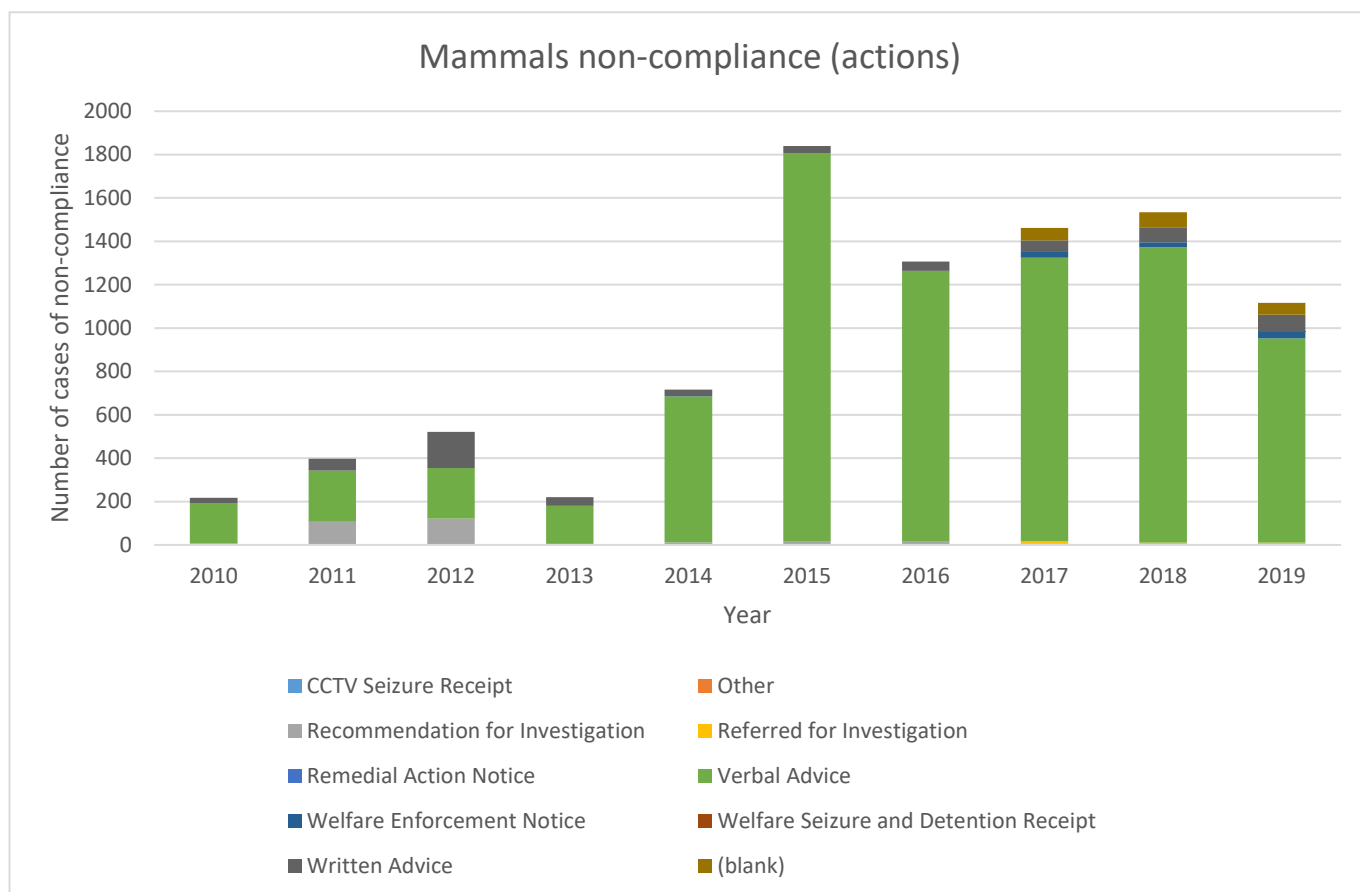


Source: Unpublished FSA Exception Reports

2. For poultry, in all years, verbal advice was the most commonly used enforcement action. Between 2015 and 2020, 60% of cases were handled with verbal advice, which is lower than the percentage of cases handled with verbal advice from 2010-2014 (92%).

3. In 2015, there was a significant increase in the number of cases recommended for investigation and given written advice, but this reduced in the following years. In 2015, 69% of the cases recommended for investigation were at one establishment and were recorded almost daily between July and September. This shows that there were multiple contraventions at this establishment that were used to build up evidence for a single prosecution case file. However, written advice remains a common enforcement action.

Figure 2



Source: Unpublished FSA Exception Reports

4. Similarly, for mammals, the most commonly used enforcement action was verbal advice. Between 2015 and 2019 over 90% of mammal non-compliances were handled by verbal advice. This shows an increase from 2010-2014, where 72% of cases were issued verbal advice. However, it is possible this increase is affected by the inclusion of ‘Double stun’ cases. Following on from 2015, there was an increase in the number of cases recommended for investigation and the use of written advice and (Welfare) WATOK Enforcement Notices.

5. In the Manual for Official Controls, it states that verbal advice should not be used for severity level 4 incidents. However, our analysis showed that 43% of severity level 4 cases were handled with verbal advice in the period 2010-2020. However, the percentage of cases where verbal advice was used was lower for severity level 4 cases than severity level 2 (96% of cases) and level 3 (81% of cases) cases. In addition, following the introduction of WATOK (2016-19), the number of level 4 severity cases where verbal advice was issued reduced to 23%.

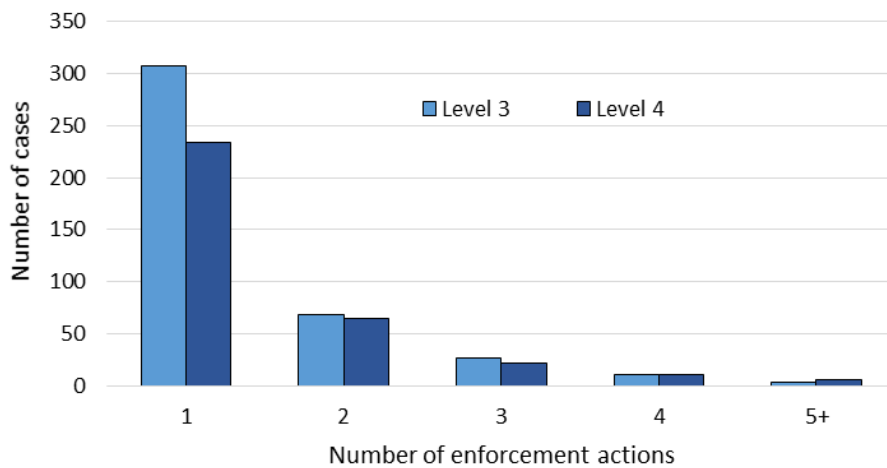
6. There are two potential causes of this. Firstly, it is possible that an infringement occurred, but was immediately rectified. For example, if an official veterinarian observes during ante-mortem checks that an animal has no access to water and at the same time the slaughterhouse operator provides a permanent water supply. The issue would be recorded with a severity rating of 4 as it is a direct contravention of WATOK, but as there is now no need for further enforcement and a rectification measure can no longer be specified, the incidence will be recorded with verbal advice. Secondly, some official veterinarians tend to commence enforcement from the lowest enforcement action, rather than immediately issuing written advice

or a (Welfare) WATOK enforcement notice. Therefore, if a slaughterhouse operator is proactive in rectifying the issue, the enforcement will not progress further and the incident will be recorded with verbal advice.

Repeated enforcement action

7. A number of records in the data were associated with the same incident reference number, with differing actions and action dates recorded. We explored these non-compliances in more depth to look at the prevalence of non-compliances requiring repeated enforcement action, and the proportion of cases by species, type of non-compliance and type of enforcement action used. Only records covering entire years with reference numbers (2018 and 2019) and the higher severity non-compliances (level 3 and 4) were used for these analyses. Of these non-compliances (n = 752), 26% of level 3 and 30% of level 4 cases required repeated enforcement action (Figure 3).

Figure 3. Bar chart for the number of cases by the total number of enforcement actions, separated for level 3 and level 4 severity non-compliances.

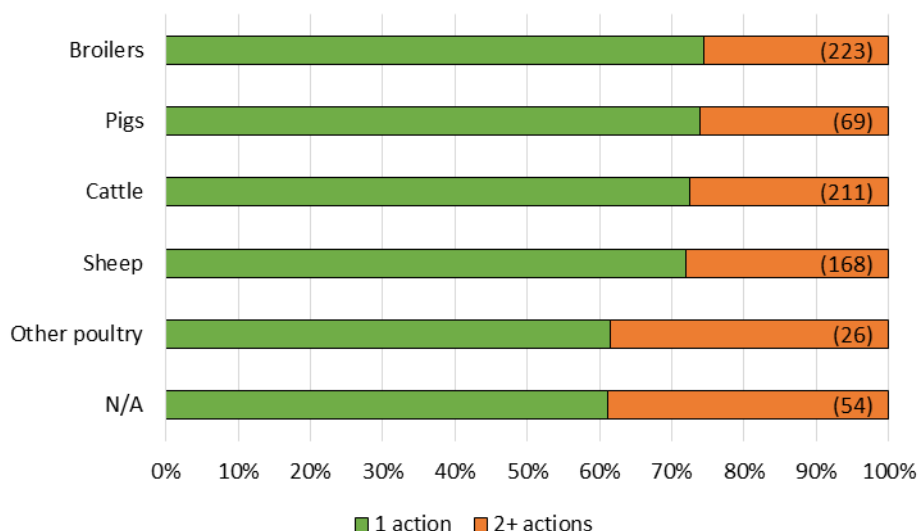


Source: Unpublished FSA Exception Reports

Repeated enforcement by species

8. The percentage of cases requiring repeated enforcement differed by species, being lowest for sheep and broilers and highest for other poultry and where species was not applicable (Figure 4).

Figure 4. Bar chart for the proportion of cases requiring repeated enforcement action by species. Other poultry includes turkeys, ducks, hens and poultry. Bracketed numbers indicate the case sample size for each species.



Source: Unpublished FSA Exception Reports

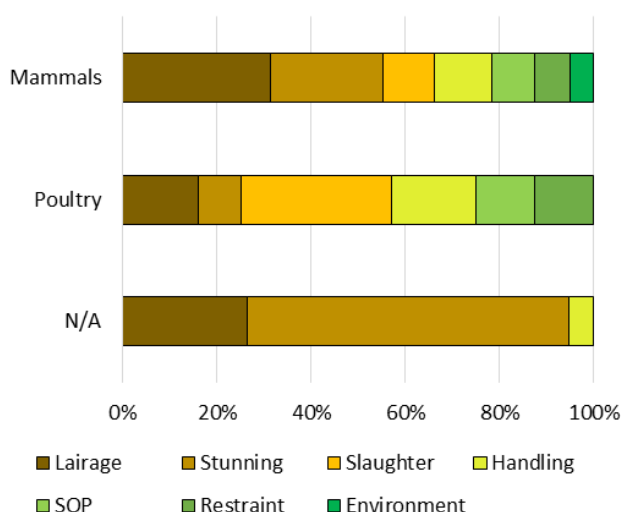
Most common non-compliances

9. Due to the relatively small number of cases with repeated enforcement action recorded (n = 211), these cases were manually put into non-compliance categories and sub-categories, which are listed in descending order in Figure 5. Between 2018 and 2019, there was a 75% increase in the number of cases with repeated enforcement action recorded, with increases in all categories apart from Lairage (Figure 5). The most prevalent non-compliance category differed between species, being most prevalent for Lairage, Slaughter and Stunning for mammals, poultry and species not applicable, respectively (Figure 6).

Figure 5 (left). Number of cases with repeated enforcement action by manual category (and year) and subcategory.

Figure 6 (right). The percentage of repeated enforcement cases by manual category and species group.

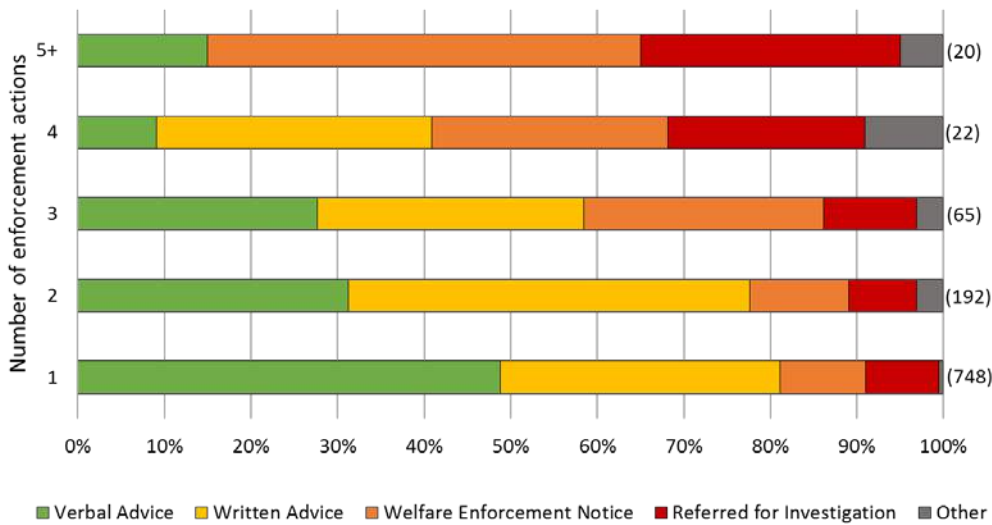
Main category	Subcategory
Lairage	No water (11);
2018 - 27	No feed (7);
2019 - 25	Unsafe flooring (6).
Stunning	Ineffective/Incompetent stun (13);
2018 - 13	No audible warning (10);
2019 - 34	Back-up stunner unavailable (9).
Slaughter	Animal badly bled (10);
2018 - 12	Dressing too soon after bleeding (6);
2019 - 19	Animal not bled (5).
Handling	Unnecessary pain and distress (12);
2018 - 10	Escaped animal (6);
2019 - 16	No valid CoC for activity (4).
SOPs	SOP not implemented correctly (7);
2018 - 1	SOP has information missing (6);
2019 - 17	SOP incorrect (4).
Restraint	Unsuitable restraint equipment (10);
2018 - 6	Hang time too long (4);
2019 - 10	Long wait in box/pen (2).



Types of enforcement action used

10. Within cases with repeated enforcement action, the type of enforcement used changed with repeated actions. Generally, as enforcement was repeated, the percentage of cases issued with a (Welfare) WATOK Enforcement Notice or referred for investigation increased, whilst the percentage of cases issued with verbal advice decreased (Figure 7). The percentage of cases issued with written advice remained similar up to four enforcement actions but was absent from five or more actions.

Figure 7. Bar chart for the proportion of cases given each type of enforcement action by the total number of enforcement actions. Other enforcement actions includes CCTV seizure receipt, reminder, detention notice and 'blank'. Bracketed numbers indicate the case sample size for each level.



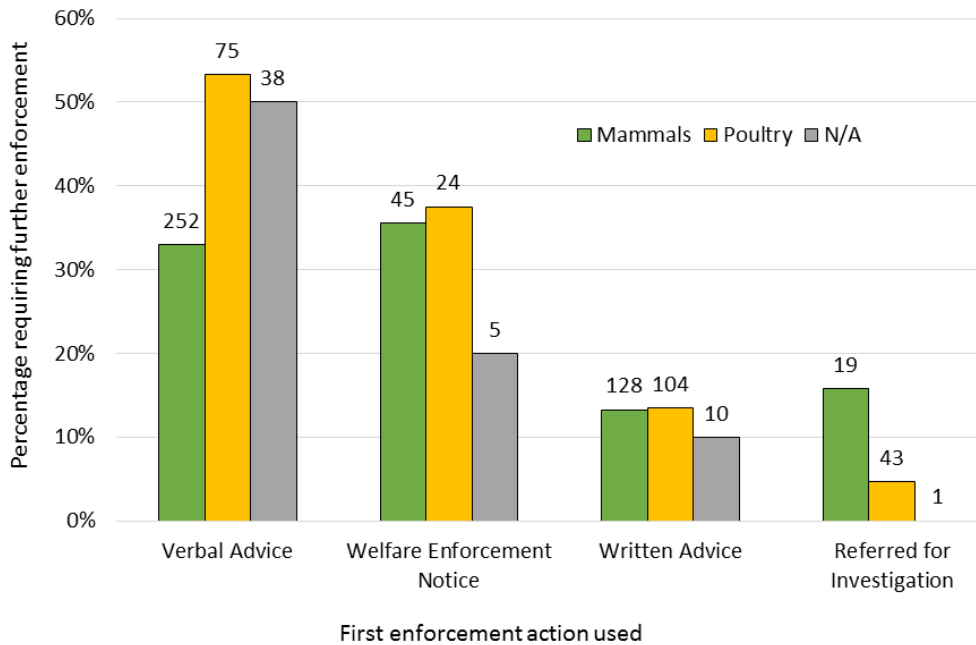
Source: Unpublished Food Standards Agency Exception Reports

11. The proportion of first enforcement actions that required additional enforcement action was determined. This shows that the first enforcement action most likely to have additional enforcement actions was verbal advice for poultry and species not applicable, whereas for mammals it was a welfare enforcement notice. The first enforcement action least likely to have additional enforcement actions was referral for investigation for poultry and species not applicable, whereas for mammals it was written advice (Figure 8).

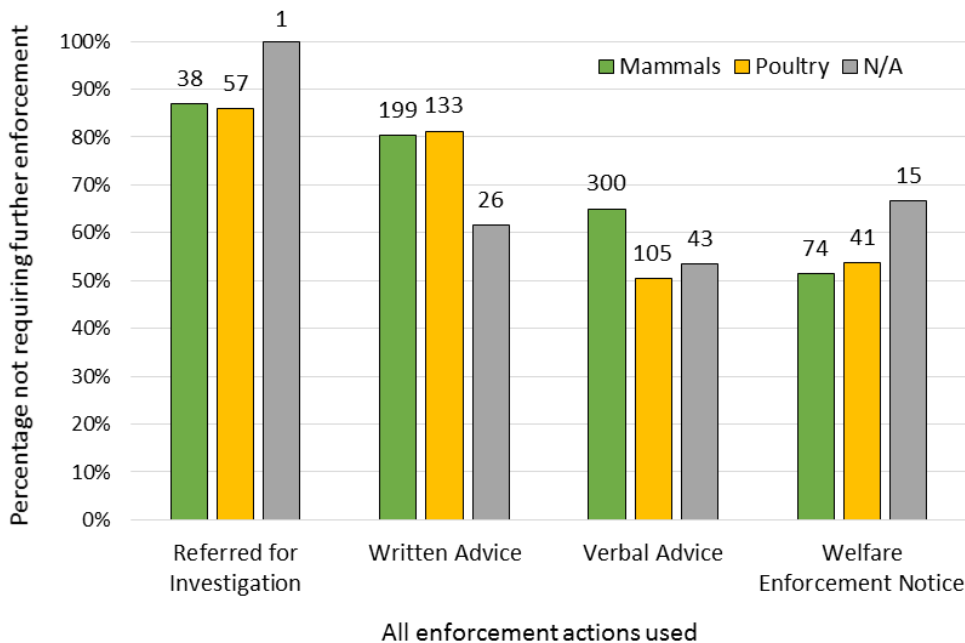
12. The proportion of all enforcement actions that were recorded as the final action on a case was determined. This shows that the most likely final enforcement action across all species types was referral for investigation. The least likely final enforcement action for poultry and species not applicable was verbal advice, whereas for mammals it was a welfare enforcement notice (Figure 9).

13. There are instances when verbal advice is given and is immediately followed by a secondary enforcement action, such as written advice, in order to explain the required rectification measures given verbally. A referral for investigation is the highest enforcement power available to an official veterinarian and is rarely followed by additional enforcement actions.

Figures 8 and 9. Bar charts for the percentage of actions with/without additional follow-up actions by different enforcement action types and species group. (Figure 8; top) The proportion of first enforcement actions where additional enforcement was required; and (Figure 9; bottom) the proportion of all enforcement actions where additional enforcement was not required. Numbers above bars refer to the total sample size according to each horizontal axis group



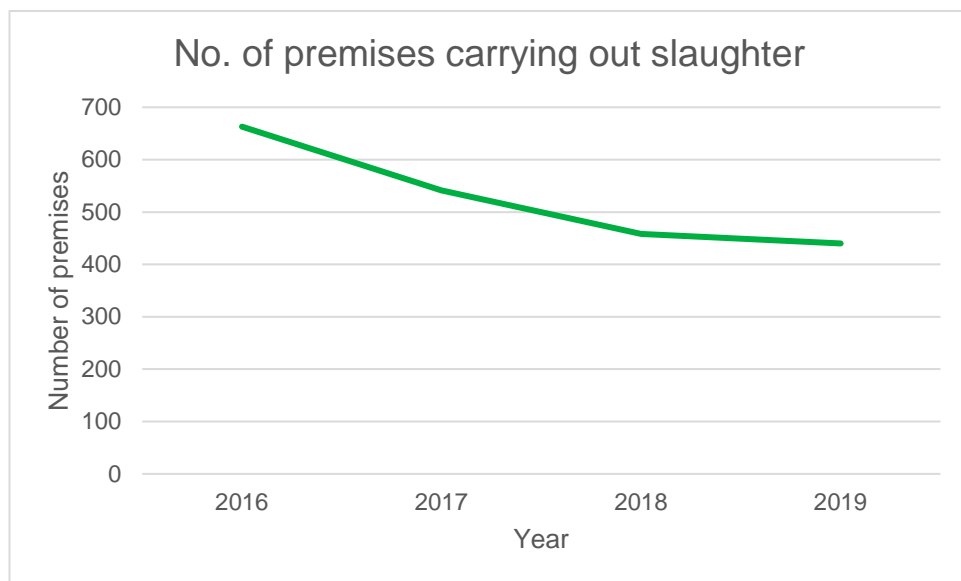
Source: Unpublished Food Standards Agency Exception Reports



Source: Unpublished Food Standards Agency Exception Reports

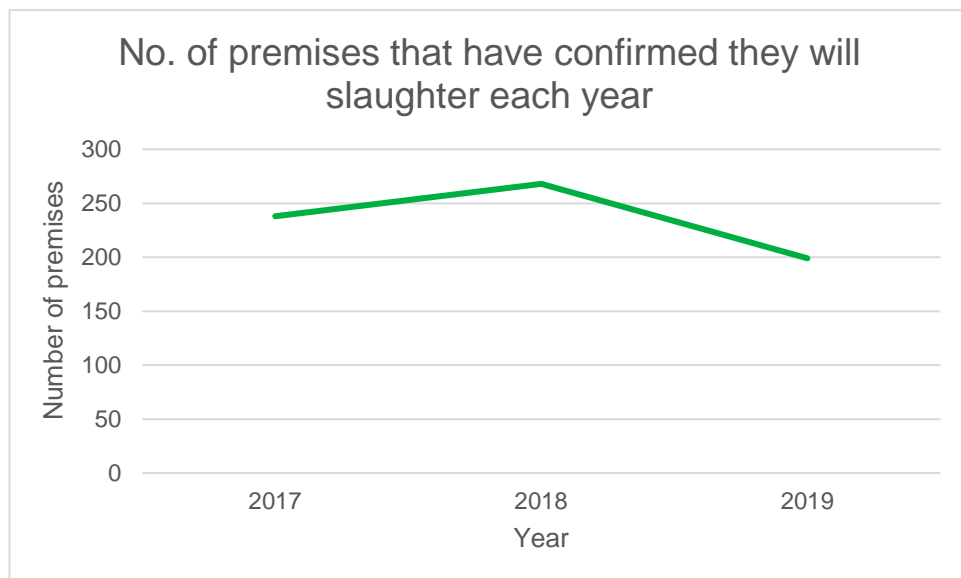
Annex H – Slaughter outside of slaughterhouses

Figure 1 – Number of premises carrying out slaughter outside of a slaughterhouse reduced from nearly 700 in 2016 to just over 400 in 2019



Source: Unpublished Animal and Plant Health Agency Seasonal Slaughter list

Figure 2 – Number of premises that confirmed to APHA that they would slaughter outside of a slaughterhouse was less than 250 in 2017, around 260 in 2018 and 200 in 2019.



Source: Unpublished Animal and Plant Health Agency Seasonal Slaughter list

Annex I – Acronyms used

AWC - Animal Welfare Committee (2019-)

AWO - Animal Welfare Officer

AIMS - Association of Independent Meat Suppliers

AMI - Association of Meat Inspectors

APHA – Animal and Plant Health Agency

BMPA - British Meat Processors Association

BPC - British Poultry Council

BVA - British Veterinary Association

CO₂ - carbon dioxide

CoC – Certificate of competence

CCTV - Closed-Circuit Television

CIWF - Compassion in World Farming

CPD - Continuing Professional Development

CPS - Crown Prosecution Service

Defra – Department for Environment, Food and Rural Affairs

EU – European Union

FAWC - Farm Animal Welfare Committee (2011-2019)

FDQ – Provider of WATOK training modules

FTT - First Tier Tribunal

FSA – Food Standards Agency

HSA - Humane Slaughter Association

IA - Impact Appraisal

LASSA - Livestock Slaughterers and Salvage Association

LAPS - low atmospheric pressure stunning

MHS - Meat Hygiene Service

NCPs - National Contact Points for Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing

NCB - National Craft Butchers

NFU - National Farmers Union

NGOs – Non-Governmental Bodies

OFQUAL - The Office of Qualifications and Examinations Regulation

OVs - Official Veterinarians

PATOK - Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing

Q&A – Question and Answer document

RSPCA - Royal Society for the Prevention of Cruelty to Animals

SPUC - Single Pulse Ultra-High Current

SOPs - Standard Operating Procedures

TCoC – Temporary certificate of competence

VPHA - Veterinary Public Health Association

WEN – (Welfare) WATOK Enforcement Notice

WASK - The Welfare of Animals (Slaughter or Killing) Regulations 1995

WATOK - The Welfare of Animals at the Time of Killing (England) Regulations 2015

WHW - World Horse Welfare

Annex J – Post Implementation Review

Title: Welfare of Animals at the Time of Killing (England) Regulations 2015	Post Implementation Review
PIR No: 5011	Date: 09/09/2020
Original IA/RPC No: 1307	Type of regulation: Domestic
Lead department or agency: Defra	Type of review: Statutory
Other departments or agencies: Food Standards Agency, Animal and Plant Health Agency	Date measure came into force: 05/11/2015
Contact for enquiries: Richard Aram 0208 0263936 richard.aram@defra.gov.uk	Recommendation: Keep
	RPC Opinion: Green

1. What were the policy objectives of the measure? (Maximum 5 lines)

The Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK) implement and enforce Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing (PATOK) and contain stricter national rules that provide greater protection for animals at the time of killing (maintaining existing domestic requirements). The objectives of WATOK were to:

- Ensure there is no overall reduction in existing welfare standards; and
- Ensure the obligations and requirements that PATOK places on Member States are met.

2. What evidence has informed the Post Implementation Review? (Maximum 5 lines)

Evidence used to inform this Post Implementation Review is mainly from the Food Standards Agency (FSA) and the Animal and Plant Health Agency (APHA) non-compliance and enforcement data. The review was further informed by stakeholder engagement via email and tele-conference meetings. The expert advisory body the Animal Welfare Committee was also commissioned to provide advice on where improvements might be made to the legislation. The review drew on the knowledge and expertise of the policy and veterinary advisory team in Defra that had dealt with the implementation and working of the legislation.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)

All previous domestic requirements for the welfare of animals at slaughter or killing were carried across into WATOK as stricter national rules, except where they were already covered by PATOK. We did not expect any change as a result of the regulation being carried over and we have not seen a reduction in welfare standards since the regulation was introduced. WATOK also implemented the various regulatory, training and qualification and enforcement requirements placed on the Member State by PATOK.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the Post Implementation Review and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: ***Priya Shah***

Date: 15/12/2020



Signed:

Date: 06/01/2021

THE RT HON THE LORD GOLDSMITH OF RICHMOND PARK

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions? (Maximum 5 lines)

In the original Impact Assessment we identified costs to the main affected groups relating to the development and regular updating of standard operating and monitoring procedures, employing and training Animal Welfare Officers, new / modified equipment in slaughterhouses (from 8 December 2019) and production losses resulting from new electrical waterbath stunning requirements for poultry.

It was assumed that retaining existing national rules, which were more constraining for business than EU regulation 1099/2009, but provided more extensive animal welfare protections, would impose no additional cost compared to the baseline. The largest cost associated with Regulation 1099/2009 were due to the expected downgrade of poultry meat as a result of new stunning requirements. This was caused by the new requirements to use 150ma to stun chickens at between 200 and 400hz and 200ma above 400hz for waterbath stunning. At the time poultry industry stakeholders expected this change in stunning processes to increase the downgrading of the quality of poultry meat by some 20 – 30%. This increase in downgraded meat was estimated in resulting in a cost of around £4.7m per annum (at 2012 prices). We have not tested this £4.7 per annum estimate, as we have only been only able to gather limited information on costs as stakeholder engagement has been light touch as a result of the Covid-19 outbreak.

5. Were there any unintended consequences? (Maximum 5 lines)

No. The majority of stakeholders did not report any unintended consequences. However, some expected costs (such as training costs to obtain a Certificate of Competence) were higher than expected, intensified by a high staff turnover. One stakeholder quoted a cost of £10,000 for multiple veterinary visits and the cost of livestock for competency assessments for a WATOK licence to kill animals outside of a slaughterhouse.

The enhanced enforcement capabilities and appeals processes have also increased regulator costs.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

The review has identified a small number of instances where burdens might be reduced on businesses, subject to prior assessment of any animal welfare risks, including possible extension of the period of a Temporary Certificate of Competence for training purposes, refining the procedure for competence assessment of people for WATOK licences for killing outside a slaughterhouse to make the process more efficient and revisiting the restraint

requirements in the law for large, long horned and fractious bovines and bison and feral ponies.

7. For EU measures, how does the UK's implementation compare with that in EU member states in terms of costs to business? (Maximum 5 lines)

WATOK is domestic English legislation implementing and enforcing an EU regulation (PATOK) that is soon to become retained domestic legislation under the European Union (Withdrawal) Act 2018. Fewer than half of EU countries responded to a request for information but indicated that most that responded did have domestic legislation similar to WATOK. No figures were provided for costs to business but if these countries discharged their responsibilities with similar implementation and enforcement regimes then costs should be comparable with those in England.

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We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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