

Appendix A

Post Implementation Review of Regulation exempting certain low throughput slaughterhouses from the requirement for detained meat facilities

Introduction

1. National legislation was introduced in England in 2010 to allow certain low throughput slaughterhouses to be given approval to operate which did not have the detained meat facilities required under EU food hygiene legislation, where there was no increased risk to public health. These small slaughterhouses had not previously been required to have detained meat facilities.
2. The Food Standards Agency is undertaking a routine non-statutory review of the exemption from the detained meat facilities requirement. This comes under the Government's commitment to review provisions in secondary legislation that regulate businesses.

Background

3. The EU food hygiene Regulation (EC) No 853/2004 came into force on 1 January 2006, and set down hygiene requirements for food businesses dealing with products of animal origin.
4. Annex III, Section I, Chapter II, point 5 of Regulation 853/2004 requires slaughterhouses slaughtering domestic ungulates to have "*lockable facilities for the refrigerated storage of detained meat, and separate lockable facilities for the storage of meat declared unfit for human consumption*". Annex III, Section II, Chapter II, point 5 provides for slaughterhouses slaughtering poultry and lagomorphs to have "*lockable facilities for the refrigerated storage of detained meat, and separate lockable facilities for the storage of meat declared unfit for human consumption*".
5. Some slaughterhouses that were licensed as low throughput¹ under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, which applied before Regulation 853/2004 came into force, had been exempted from having refrigerated detention facilities under the 1995 Regulations. Under Regulation 853/2004 they would have been required to have those facilities before they could be approved by the competent authority.

¹ The Fresh Meat (Hygiene and Inspection) Regulations 1995 (as amended) defined a low throughput slaughterhouse as: 'a throughput of animals whose meat is intended for sale for human consumption of not more than 1,000 livestock units each year at a rate not exceeding 20 each week'.

6. Initial discussions with the meat industry revealed that some slaughterhouses were unable to meet the (then) new requirement because of their locations, lack of physical space or because they occupied a building of historical significance. It was decided that a national measure should allow certain low throughput slaughterhouses not previously required to have detained meat facilities, to be given approval to continue to operate without such facilities where there was no increased risk to public health.
7. A national measure was adopted in England which in effect maintained the exemption that had been available to those businesses under the earlier 1995 Regulations from having refrigerated detention facilities in low throughput slaughterhouses. The exemption was implemented by the Food Hygiene (England) (Amendment) Regulations 2010 (SI 2010 No. 543). The provision is currently in regulation 19(5) and (6) and Schedule 7 (parts 1 and 2) of the Food Safety and Hygiene (England) Regulations 2013 (SI 2013 no. 2996).
8. Where certain conditions are met to ensure there is no increased risk to public health, the food business operator at such low throughput establishment is considered not to have contravened or failed to comply with the requirement in Regulation 853/2004; (that is, food business operators must ensure that slaughterhouses in which the animals are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).
9. The conditions include that:
 - (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the relevant 1995 Regulations;
 - (b) the condition of meat derived from the animals slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
 - (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse;
 - (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked 'detained meat' and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—
 - (i) name and address of slaughterhouse of origin;
 - (ii) name and address of alternative detention facility;
 - (iii) number of carcasses or cuts; and
 - (iv) species of animal; and
 - (e) no processing for human consumption of bovine animals that, in accordance with point 2 of Part I of Chapter A of Annex III to the EU transmissible spongiform encephalopathies Regulation (EC) No 999/2001 (as read with other relevant legislation),

require BSE testing at slaughter or of swine (domestic and farmed game), solipeds and other species susceptible to Trichinosis that, under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require that examination for Trichinosis takes place at the slaughterhouse.

10. Extracts from the legislation are at the Annex to this document.

Aim and Purpose of the document

11. The Food Standards Agency is undertaking a routine non-statutory review of the exemption from the detained meat facilities requirement as part of the Government's commitment to review provisions in secondary legislation that regulate businesses. The conclusions will be set out in a report. This document:

- restates the objectives intended to be achieved by the detained meat facilities exemption when it was introduced in 2010 including the baseline costs identified in the associated Impact Assessment²;
- seeks information to enable an evidence-based evaluation of the extent to which those objectives are being achieved; and
- seeks information to assess whether the objectives remain appropriate and, if they are, the extent to which they may be achieved within a framework that imposes less regulation.

Objective of the exemption from the requirement for detained meat facilities

12. The objective of the measure in 2010 was to adapt the EU requirement in order to allow an exemption for certain low throughput (often rural) slaughterhouses without detained meat facilities, to enable them to continue to operate, subject to there not being an increased risk to public health. It was considered that, if certain conditions were met, such low throughput slaughterhouses without detained meat facilities should not pose an increased risk to public health.

13. A national measure to exempt them from the requirement to have detained meat facilities, would allow them to continue to operate. It would maintain the exemption for these slaughterhouses in place under the 1995 Regulations. Additionally, it would be permissible for meat to be detained if necessary at an alternative location in the locality. This would maintain jobs and a service that businesses provided to the local economy, while maintaining the level of public health protection.

² The Impact Assessment of 2010 is at the following link:
http://www.legislation.gov.uk/ukia/2010/80/pdfs/ukia_20100080_en.pdf

14. It would allow certain businesses an exemption from provisions which they could not otherwise comply, and non-compliance would lead to the withdrawal of approval to operate. In terms of environmental costs it would avoid the additional cost that could have arisen if it had been necessary to transport the meat to an alternative facility in the locality for detention. In terms of sustainability it would mean that detained meat which is subsequently passed as fit for human consumption would not have to be discarded as waste.

Original baseline costs/benefits for the exemption

15. It was estimated in 2007 that 40 of the 124 of slaughterhouses formerly classified as low throughput did not have detained meat facilities. It appears this may now apply for some 19 of such low throughput establishments

16. It was estimated that if a slaughterhouse was to install facilities for detained meat (such as, a new room with insulated walls, an overhead rail, lighting, drainage, weighing facilities, adequate ventilation, refrigeration, sterilisation equipment, temperature recording, easily cleaned surfaces and lockable), the cost for each of the 40 slaughterhouses could be in the region of £3,000 to £5,000, assuming the necessary space was available.

17. It was estimated that the monetised benefit from the exemption for the 40 low throughput slaughterhouses would be in the range £24,000 to £40,000 a year for 5 years. A total benefit in the range £120,000 to £200,000 over the 5 year period.

18. Lack of space was identified as one of the main obstacles for those slaughterhouses that did not have detained meat facilities. If the exemption had not been permitted, those slaughterhouses would have needed to rent or build another facility.

19. Discussion with the industry established that building a small slaughterhouse could cost between £1 – 2 million, and renting premises approximately £12,000 a year. However, the rental would relate only to the building itself, and not the initial investment the food business operator would have needed to make in order to convert the building into a slaughterhouse and to obtain approval.

20. It was considered that the financial implications and other constraints, such as planning permission, adequate location and possible resistance from local residents, made the option of renting or building new premises unlikely to be viable.

21. A public consultation in 2007/2008 showed most stakeholders supported the exemption, though some disagreed.

Request for information: review of the exemption

22. The questions listed below will be the focus of the review of the exemption for low throughput slaughterhouses from the requirement in Regulation 853/2004 to have detained meat facilities. **Stakeholder input and evidence are requested.**

23. To what extent is the existing exemption working?

- i. Has the exemption prevented the requirement to have detained meat facilities from being a burden on these low throughput slaughterhouses?
- ii. Has the exemption had any unintended effects?
- iii. What have been the actual costs and/or benefits to these low throughput slaughterhouses (as defined in the footnote to paragraph 5) of having the exemption? How do these compare with the estimated costs/benefits set out in paragraphs 15 to 20 above?
- iv. What has been the impact of the exemption on small slaughterhouses?
- v. Has there been any increased risk to public health due to the exemption?

24. Is the exemption still needed?

- i. What number of these low throughput slaughterhouses currently do not have detained meat facilities?
- ii. Is there still a need to maintain the exemption for low throughput establishments (that is, is the objective of the regulation still relevant)?
- iii. What would happen if the exemption was removed? Would its removal place a disproportionate burden on the low throughput slaughterhouses?

25. Is the current exemption from the detained meat facilities requirement still the most appropriate approach?

- i. Looking forward, what are the likely costs and benefits of continuing to maintain the exemption for these low throughput slaughterhouses?
- ii. Are there likely to be unintended effects in the future if the exemption continues?
- iii. Is the measure seen as giving these low throughput slaughterhouses an advantage over other slaughterhouses?
- iv. How effective is the means by which the exemption has been implemented / enforced?
- v. Does low throughput slaughterhouse compliance (or lack of compliance) with hygiene requirements indicate that the exemption is inappropriate?
- vi. Could the same benefits be achieved by non-statutory means?

26. If the exemption in the regulation is still needed, could it be improved?

Could the exemption be refined:

- i. To improve enforcement /compliance levels?
- ii. To simplify how the exemption is implemented to reduce burden on low throughput slaughterhouses and reduce costs?
- iii. To otherwise improve how the exemption is implemented?

27. If it is considered that the exemption is no longer needed, but some form of government intervention is needed, for example to avoid the requirement for a detained meat facility being a burden on these low throughput slaughterhouses, is there an alternative that would be appropriate?

28. A Post Implementation Review report will consider whether the exemption set out in the regulation has achieved its objective and whether it is still needed.

Annex

Legislation on: Requirement for detained meat facilities in low throughput slaughterhouses

Regulation (EC) No 853/2004

Article 3 (General obligations)

1. Food business operators shall comply with the relevant provisions of Annexes II and III.

Article 4 (Registration and approval of establishments)

1. Food business operators shall place products of animal origin manufactured in the Community on the market only if they have been prepared and handled exclusively in establishments:

(a) that meet the relevant requirements of Regulation (EC) No 852/2004, those of Annexes II and III of this Regulation and other relevant requirements of food law;

Annex III, Section I (domestic ungulates), Chapter II (requirements for slaughterhouses) point 5

There must be lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption.

Annex III, Section II (poultry and lagomorphs), Chapter II (requirements for slaughterhouses) point 5

There must be lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption.

Food Safety and Hygiene (England) Regulations 2013 (SI 2013/2996)

Regulation 19(5) and (6)

(5) Provided the requirements of Part 1 of Schedule 7 are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(6) Provided the requirements of Part 2 of Schedule 7 are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

SCHEDULE 7 Derogations relating to low throughput establishments

PART 1 Requirements referred to in regulation 19(5)

1. The requirements are that —

(a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995;

(b) the condition of meat derived from domestic ungulates slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;

(c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse;

(d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked 'detained meat' and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—

- (i) name and address of slaughterhouse of origin;
- (ii) name and address of alternative detention facility;
- (iii) number of carcasses or cuts; and
- (iv) species of animal; and

(e) no processing for human consumption of bovine animals that, in accordance with point 2 of Part I of Chapter A of Annex III to the EU TSE Regulation, require BSE testing at slaughter or of swine (domestic and farmed game), solipeds and other species susceptible to Trichinosis that, under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require that examination for Trichinosis takes place at the slaughterhouse.

2. For the purposes of this Part the "EU TSE Regulation" means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as read with —

(a) Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC,

(b) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk, and

(c) Commission Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes.

PART 2 Requirements referred to in regulation 19(6)

1. The requirements are that —

(a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;

(b) the condition of meat derived from poultry or lagomorphs slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;

(c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse; and

(d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked 'detained meat' and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information —

- (i) name and address of slaughterhouse of origin;
- (ii) name and address of alternative detention facility;
- (iii) number of carcasses or cuts; and
- (iv) species of animal.