

Questions and Answers on Annex II of Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing

Introduction

This document has been produced to respond to industry questions regarding the implementation of Annex II of Council Regulation (EC) No 1099/2009 '**the EU regulation**'. We hope that it will assist Business Operators understand their obligations and Authorised Inspectors in England and Wales understand how to apply and enforce the new provisions.

The provisions of Annex II concern lairage facilities, restraining equipment and facilities, electrical stunning equipment (including waterbath stunners), shackle lines and gas stunning equipment for pigs and poultry.

Annex II should be read in conjunction with existing structural requirements set out in Schedule I of the Welfare of Animals at the Time of Killing (England) Regulations 2015 and the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 '**the domestic regulations**' and devolved equivalents.

This document is not exhaustive, the examples given should not be taken as authoritative statements of fact and reference should be made to [the relevant regulations](#).

In this document, Authorised Inspector means a person appointed under regulation 34 of the domestic regulations or a person appointed as an inspector under section 51 of the Animal Welfare Act 2006.

An FSA Authorised Inspector includes; Official Veterinarian (OV), Area Veterinary Manager (AVM), Meat Hygiene Inspector (MHI), Field Veterinarian, Veterinary Auditor, criminal investigator.

Scope of the Regulations

Who must comply with the regulations?

- All slaughterhouses in England and Wales must comply with the EU regulation and the domestic regulations.
- Slaughterhouses that began operating after 1 January 2013 or slaughterhouses that have made changes to their layout, construction or equipment are required to comply with Annex II.

- All other slaughterhouses are required to comply with the provisions of Annex II from 8 December 2019.
- The domestic regulations contain transitional provisions in Schedule 8 similar to certain requirements in Annex II so operations should be already compliant with some of the requirements of Annex II. Schedule 8 will cease having effect from 8th December 2019.
- It is the responsibility of the Business Operator to ensure that operations are compliant with the provisions of Annex II from 8th December 2019.

Will EU Exit affect the requirement to comply?

- No. The European Union (Withdrawal) Act 2018 allow for the requirements of the EU regulation to be incorporated into domestic law and they will continue to apply when the UK leaves the EU, subject to operability amendments made by domestic legislation to ensure there are no deficiencies in the retained version of the EU regulation.

Enforcement

What enforcement will be taken in relation to Business Operators whose premises are not fully compliant with Annex II on 8th December 2019?

- We have engaged with Industry and with Business Operators regarding the changes. The FSA has written to all approved slaughterhouses in England and Wales to remind Business Operators of the need to comply with Annex II. We intend to send a reminder letter to all approved slaughterhouses before 8th December 2019.
- We have advised the FSA's Authorised Inspector, most likely the OV, to communicate with Business Operators in the run up to 8th December 2019 and will be discussing any practicalities surrounding compliance. The Authorised Inspector should keep a written record of their discussion with the Business Operator in the daybook, the record should be kept for at least one year and made available to the FSA upon request.
- From 8th December 2019 the FSA's Authorised Inspector will take enforcement action should the Business Operator not be in compliance with any of the requirements of the legislation.
- Enforcement action will depend on the circumstances of the case but the Authorised Inspector will apply the FSA hierarchy of enforcement.

- This includes sending an advisory letter or enforcement notice. Business Operators should be aware that enforcement notices can require the Business Operator to stop using non-complaint equipment. As with WATOK Enforcement Notices there is a right of appeal.
- Business Operators should also be aware that in cases where the non-compliance will have an impact on animal welfare or risk to animal welfare Business Operators can be prosecuted by the FSA.

Slaughterhouse Approval

What is the policy for Business Operators seeking conditional approval between now and 8th December 2019?

- New slaughterhouses or existing slaughterhouses with new layouts, construction or equipment which came into operation on or after 1 January 2013 are already required to comply with Annex II.
- Article 31 of Regulation (EC) No. 882/2004 provides that the competent authority may grant conditional approval if it appears that the establishment meets all the infrastructure and equipment requirements. This is assessed by the FSA Field Veterinary Lead at the establishment's approval assessment.

How will seasonal establishments be assessed for compliance?

- In accordance with our usual procedures, an FSA official will conduct a pre-opening assessment before seasonal establishments are authorised to recommence operations. During the pre-opening assessment process, the requirements of the EU regulation and the domestic regulations (as applicable) will be discussed. Seasonal slaughterhouses will be required to comply with the requirements in Annex II within the same timeframe as others, while remaining operational.

Guidance

Will FSA's Manual for Official Controls (MOC) be amended?

- Yes, the Manual for Official Controls will be amended to coincide closely with the 8th December 2019 implementation date. In addition, FSA have produced Tec Files (issue 113) guidance to aid Business Operators and Authorised Inspectors in understanding the requirements of the regulations.

Layout, Construction and Equipment of Slaughterhouses

Q1: Point 1.2 of Annex II states: Where mechanical means of ventilation are required, provision shall be made for an alarm and emergency back-up facilities in the event of breakdown.

There are several scenarios, can you clarify?

- In a naturally ventilated lairage there is no requirement for an alarm. The Business Operator's Standard Operating Procedure (SOP) should detail their procedure for regular monitoring.
- In our view, where portable ventilation, such as fans, are used on a temporary basis an alarm would not be required.
- Where a mechanical ventilation system is installed and is used on an occasional or permanent basis, provision shall be made for an alarm and emergency back-up facilities in the event of breakdown.
- In a partial breakdown of a system, for example breakdown of one from multiple fans there may not be a requirement to use back up facilities if ventilation remains adequate to ensure the welfare of the animals. The Business Operator should take action to repair the broken equipment as soon as possible.
- The Business Operator's SOP should detail the type of emergency back-up facility and how it will be used in the event of a breakdown. The SOP should also detail what actions the Business Operator will take to ensure the welfare of the animals in abnormal temperatures, such as increasing ventilation or reducing stocking densities.

Q2: Point 2.1(a) states: Animals to move freely in the required direction using their behavioural characteristics and without distraction.

Does this mean that pens, passageways and races must be constructed with solid sides?

- No. However objects, animals and people that are likely to distract animals unnecessarily and prevent them from moving freely in the required direction should therefore not be present or should be shielded from view where this is practicable.

Q3: Point 2.2 states: Ramps and bridges shall be equipped with lateral protection to ensure that animals cannot fall off.

Do they need to be constructed with solid sides?

- No. The legislation requires that lateral protection is sufficient to prevent the animals from falling off.

Q4: Point 2.3 states: The water supply system in pens shall be designed, constructed and maintained so as to allow all animals at all times access to clean water without being injured or limited in their movements.

Does this mean that there must be a drinker for each individual animal?

- No. There does not need to be the same number of drinkers as animals. The number of drinkers must be sufficient for the number of animals in order to facilitate access to water without animals having to climb over each other.
- The water supply system shall be constructed in a way that is appropriate for the species of animal. Animals should not be lairaged in a way that prevents them from easily accessing it.
- Use of buckets would be considered acceptable if they are fixed or in a holder to prevent animals knocking them over and to ensure that they cannot be easily damaged. The use of a trough on the floor for very small animals such as weaner piglets would be acceptable if it is of a type of construction that prevents it being easily knocked over.
- A Business Operator's SOP should document a procedure for filling and cleaning to ensure access to clean water at all times.

Q5: Point 2.4 states: When a waiting pen is used, it shall be constructed with a level floor and solid sides.

What is meant by 'level'? and do the sides have to be solid to the floor?

- Level floor means that the surface is not damaged or excessively rutted. It is accepted that the floor may be on a slight incline to facilitate movement and designed to enable drainage without constituting a slip or trip hazard.
- Solid sides may be constructed from metal railings clad in rubber sheets for example. There may be a gap present between the solid side and the floor.
- A waiting pen would not require the provision of water provided that animals are only held there briefly prior to slaughter.

Q6: Point 2.5 states: Floors shall be built and maintained in such a way as to minimise the risk of animals slipping, falling or injuring their feet.

Does the provision accept that may be impossible to entirely prevent an animal from falling or slipping?

- The wording of the provision accepts that it is not possible to prevent animals from slipping.
- A Business Operator should not use any materials that increase the risk of injury when wet or otherwise.
- The Business Operator should keep the floors adequately maintained and the Business Operator's SOP should detail a procedure for monitoring and maintenance.

Q7: Point 2.6 states: Where slaughterhouses have field lairages without natural shelter or shade, appropriate protection from adverse weather conditions shall be provided.

What is meant by 'adverse' and what would be considered 'appropriate protection'?

- 'Adverse' is weather that would be considered detrimental or hostile for the species of animal. Defra have published farming codes of recommendations for the care of animals for [pigs](#), [sheep](#) and [cattle](#).
- Trees, walls and hedgerows would be considered natural shelter or shade as long as they are sufficient in size and scale for the animals to be protected from adverse weather, including waterlogging.
- Where there is insufficient natural shelter or shade, appropriate protection in the form of a physical structure should be provided and be easily accessible to the animals.
- If the field lairage is not used in adverse weather conditions, there would be no non-compliance with the regulations.
- The Business Operator's SOP should detail the conditions when the field lairage should be used provided it is compliant with the legislation.

Q8: Point 3.1(d) states: Restraining equipment and facilities shall be designed, built and maintained to minimise the time of restraint.

What does this mean?

- Regulation 32 of the EU regulation recognises that restraining animals is necessary for the safety of operators and the proper application of some stunning techniques but is likely to create distress to animals and should therefore be applied for as short a period as possible and Annex II, Point 3.1 gives effect to this principle.
- V-restrainers should not be used for transporting animals from one part of the premises to another.
- The way in which the equipment is operated should always minimise the time of restraint.

Q9: Point 3.2 requires restraining boxes to be fitted with a device that restricts both the lateral and vertical movement of the head of the animal.

Does this apply to all restraining box designs?

- No. It applies only to restraining boxes for bovine animals used in conjunction with a pneumatic captive bolt.

Q10: Point 4.1 states: Electrical stunning equipment (except waterbath stunning equipment) shall be fitted with a device which displays and records the details of the electrical key parameters for each animal stunned.

What are the key parameters that must be recorded and retained?

- The key electrical parameters are minimum current (A or mA), minimum voltage (V), maximum frequency (Hz), minimum time of exposure to electrical current.
- Where the frequency is mains supplied and is therefore fixed at 50Hz it is considered acceptable for the device not to display and record the frequency. However, the Business Operator's records should state that the electrical stunning equipment is mains supplied and therefore fixed at 50Hz.
- The duration that the display (volt/amp meter) is showing current flow will be an acceptable method of showing time of exposure to electrical current. There must be a facility to record this.
- A fixed video camera will be considered as a fitted device for recording the display of electrical key parameters for each animal. The recording should be of sufficient quality and must be kept for at least one year.

- The Business Operator's SOP should detail the Business Operator's procedure for regular monitoring of the key parameters.

Q11: Point 4.1 states that for electrical stunning equipment (not waterbath): The electrical stunning device shall give a clearly visible and audible warning if the duration of exposure falls below the required level.

The domestic regulations, Schedule 8, section 5(a) states; the apparatus must incorporate an audible or visible device indicating the length of time of its application to an animal.

Will equipment that is compliant with the domestic regulations, Schedule 8 be considered compliant with Annex II of the EU regulation from 8th December 2019?

- The provisions contained in Schedule 8 of the domestic regulations will no longer apply from 8th December 2019.
- Compliance will be achieved if the apparatus incorporates a device that clearly displays and sounds:
 - if the duration of exposure falls below the required level, **or**
 - once the duration of exposure reaches the required level.
- The Business Operator's SOP should detail what action to take in the event of a stun failure.

Q12: Point 4.2 states: Automatic electrical stunning equipment associated to a restrainer shall deliver a constant current.

Does this apply to the Jarvis electrical bovine stun box?

- No. Jarvis boxes are operated manually and are therefore not automatic electrical stunning equipment.

Q13: Point 5.2 states: Shackle lines shall be designed in such a way that birds suspended on them will not remain hung conscious longer than one minute. However, ducks, geese and turkeys shall not remain hung conscious longer than two minutes.

Does this apply in the event of a breakdown?

- The time limitation refers to normal operating conditions.
- Our view is that a Business Operator should take the most appropriate action maintain the welfare of the birds.

- During short stoppages consideration should be given the most appropriate action to take to maintain the welfare of the birds for example marginally exceeding hang on times as opposed to removing and re-shackling the birds.
- For lengthy stoppages the Business Operator should have a procedure to deal with birds on the whole length of the line.
- The Business Operator's SOP should detail what actions will be taken to ensure the welfare of the birds in the event of a stoppage, including procedures for removal of the birds.

Q14: Point 5.3 (waterbath stunning equipment) states: The whole length of the shackle line up to the point of entry into the scald tank shall be easily accessible in case animals have to be removed from the slaughter line.

Are there any exceptions to this?

- This is already a requirement of Schedule 8 of the domestic regulations and is applicable to all approved poultry slaughterhouses using waterbath stunning equipment.
- The Business Operator should demonstrate how the whole length of the shackle line shall be easily accessed and act accordingly in the event of a breakdown.
- This requirement is also applicable in all approved poultry slaughterhouses at all times when waterbath is used as a backup method.

Q15: Point 5.5 states: Waterbath stunning equipment shall be equipped with an electrically insulated entry ramp and designed and maintained so as to prevent overflow of water at the entrance.

Are all systems that overflow at the entrance non-compliant?

- Stunners that are designed to allow the overflow to be removed through the front of the stunner via an overflow that is separated from the entry ramp by a solid structure are acceptable as long as they are sufficiently isolated from the entry ramp and the birds.
- If overflow is unavoidable, it should be ensured that birds do not receive an electric shock before they are stunned.

Q16: Point 5.9 states: Access to the waterbath stunning equipment shall be available to allow the bleeding of birds that have been stunned and remain in the waterbath as a result of a breakdown or delay in the line.

Does this mean that birds remaining in the waterbath must be cut and bled there?

- The requirement is not that you must bleed the birds within the waterbath but that the equipment is constructed in such a way that it is possible to gain access to them in order to remove them so that you may continue the slaughter process.
- Our view is that a Business Operator should take the most appropriate action to maintain the welfare of the birds.
- During short stoppages where the waterbath remains live and the birds remain in contact with the electrical current, taking action to access the birds may potentially delay a restart. It would be impractical to access the waterbath if this would cause further delay to the restart.
- For lengthy stoppages the Business Operator should have a procedure to deal with all birds remaining on the line.
- The Business Operator's SOP should detail what action will be taken to ensure the welfare of the birds in the event of a breakdown.

Q17: Point 5.10 states: Waterbath stunning equipment shall be fitted with a device which displays and records the details of the electrical key parameters used. These records shall be kept for at least one year.

What are the key parameters that must be recorded and retained?

- The electrical key parameters are minimum current (A or mA), minimum voltage (V) and maximum frequency (Hz). Duration of exposure for each animal is not required.

Q18: Point 6.2 states: The gas stunner shall be equipped to measure continuously, display and record the gas concentration and the time of exposure, and to give a clearly visible and audible warning if the concentration of gas falls below the required level. The device shall be placed so as to be clearly visible to the personnel. These records shall be kept for at least one year.

Would taking readings at intervals be an acceptable method to record time of exposure?

- No this would not be compliant. The requirement is to continuously display and record the gas concentration and the time of exposure. The gas stunner must therefore be equipped to measure time of exposure continuously. Taking readings at intermittent intervals would not be in compliance.

Q19: Point 6 sets out the requirements for gas stunning of pigs and poultry.

What happens if the gas stun system fails?

- In the event that a gas stun system fails, a Business Operator must take steps to improve the animal welfare of pigs and poultry in the equipment. These steps should be clearly set out in the Business Operator's SOP. Business Operators are required to have equipment that can be flushed with atmospheric air with minimum delay and that is constructed in such a way that animals can be accessed with the minimum of delay.
- Where waterbath stunning is used for poultry as a backup, the waterbath system must comply with all requirements of Annex II Section 5 relating to waterbath stunning equipment.