

Implementation in Scotland of EU Regulation 1099/2009 on the protection of animals at the time of killing

RESPONDENT INFORMATION FORM



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

OneKind

Title Mr Ms Mrs X Miss Dr *Please tick as appropriate*

Surname

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

Implementation in Scotland of EU Regulation 1099/2009 on the protection of animals at the time of killing



CONSULTATION QUESTIONNAIRE

Please ensure that you have read and understood the consultation document before completing this questionnaire. If you have any queries, please contact us; contact details are provided in the consultation document. When returning this questionnaire, please ensure that you have enclosed your completed Respondent Information Form to ensure that we handle publishing your response in the correct manner. Thank you for taking the time to respond to this consultation.

Sector

It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purpose of this consultation (please tick one):

Slaughter industry		Farming industry	
Slaughterhouse	<input type="checkbox"/>	Poultry	<input type="checkbox"/>
Seasonal slaughter	<input type="checkbox"/>	Hatchery	<input type="checkbox"/>
		Pig	<input type="checkbox"/>
Knackerman	<input type="checkbox"/>	Sheep	<input type="checkbox"/>
Equipment manufacturer	<input type="checkbox"/>	Cattle	<input type="checkbox"/>
Veterinarian	<input type="checkbox"/>	Mixed	<input type="checkbox"/>
Religious community	<input type="checkbox"/>	Other	<input type="checkbox"/>
Animal welfare	X		

Other (please specify)

Comments

Competent authority

Consultation question 1. Do you agree with the suggested allocation of competent authority and Member State responsibilities?

Yes X No Don't know

Comments

Derogations

Consultation question 2. Do you agree that derogations should be authorised in wording by Scottish Ministers should exceptional circumstances arise?

Yes No Don't know

We are generally opposed to derogation from the protections provided by the Regulation and in particular to the authorisation of killing methods that are not currently permitted under Annex 1 to Chapter 1 of Regulation 1099/2009.

We appreciate that Article 18 derogation can only be invoked as part of an established action plan for a depopulation operation, subject to animal health contingency plans which include previously established stunning and killing methods and the corresponding standard operation procedures for ensuring compliance with the rules laid down in the Regulation.

Assuming that the expression "authorised in wording" means simply "authorised in writing", we have no objection to the proposed process for introducing derogations, although we would welcome some further detail.

Further explanation and definition of likely circumstances would be helpful for a clear prior understanding of the types of health problems or diseases for which the power of derogation may be invoked.

We believe that the Scottish Government should clarify what is meant by "exceptional circumstances" and "significantly" slowing down the eradication of a disease. The definition of "disease" as "any disease of animals is very wide: derogation would be excessive in the case of minor health problems or diseases.

We assume that any emergency orders would be laid before the Scottish Parliament under the same procedure as emergency orders under s.9 of the Animal Health and Welfare (Scotland) Act 2006.

Certificates of Competence

Consultation question 3. Do you agree with the suggested approach to introduce the Regulation 1099/2009 Certificate of Competence arrangements?

Yes No Don't know

Broadly speaking we agree with the suggested approach but a number of issues require clarification.

Article 7(2) of the Regulation requires businesses to ensure that slaughter operations (i.e. killing for human consumption) are only carried out by persons holding the relevant certificates of competence in the areas listed in the consultation paper. We appreciate that the terms of the Regulation confine the requirement for CoCs to persons slaughtering animals for human consumption but this is of course narrower than in WASK, where

slaughter means causing the death of an animal by bleeding. In our view it is desirable to ensure the competence of all persons carrying out or involved with slaughter, regardless of the purpose.

It is unsatisfactory that aspects such as the creation of a training framework for Scotland and the accreditation of awarding organisations for CoCs remain to be established or set in train. Again, we understand that these may be outwith the purview of the Scottish Government, such as establishing what is meant by “small quantities” of poultry, rabbits and hares that may be slaughtered on farm for direct supply. We welcome the decision to require CoCs for persons slaughtering any number of these animals until the number is set by the Commission.

We agree that applicants for a Temporary CoC should have registered with the relevant awarding Organisation to undertake the accredited qualification, and we agree with the Scottish Government’s intention to retain the current national rule under WASK that all prior convictions of welfare offences under national or EU legislation will be taken into account when assessing whether a person is eligible for a CoC (we assume that this also covers the temporary CoC). We think it would be helpful to list the statutes and to ensure that the list includes all legislation with an animal welfare component, covering the protection of all domestic and wild animals, not simply farmed animals.

We assume that a TCoC may last up to three months, as provided by Article 21.

We note that the OV or other relevant person receiving the application for a TCoC will issue a receipt of application permitting the person to work under supervision prior to issue of the TCoC. We suggest that a time limit should be set for this period and that there should be provision for refusing the provisional permit. At present it appears that this permit will automatically be granted even though there is provision for refusal of a CoC or a TCoC.

As far as we can see the Article 18 exemption for culling and depopulation only applies once an action plan has already been established, and derogation from the Regulation is only to be granted in exceptional circumstances. The consultation document implies a rather broader application and we hope that this can be clarified when the Scottish Government responds to the consultation.

Falling out of scope

Consultation question 4. Do you agree that none, some, or all of the existing provisions in WASK relating to the specified situations that fall out of scope under Regulation 1099/2009 should be retained in legislation under the Animal Health and Welfare (Scotland) Act 2006? Which, if any, provisions do

you consider should be removed and why? What alternative arrangements could be put in place?

Do you agree that none, some or all of the existing provisions in WASK relating to the specified situations that fall out of scope under Regulation 1099/2009 should be retained in legislation under the Animal Health and Welfare (Scotland) Act 2006?

None Some All Don't know

Which, if any, provisions do you consider should be **removed**? (Please tick all that apply)

Slaughter outside slaughterhouse

Poultry

Rabbits

Hares

Slaughter for food

Reptiles

Amphibians

Invertebrates

Why?

We agree that it is important to prevent the falling out of scope of the above provisions.

Slaughter outside slaughterhouse – poultry, rabbits and hares

As a general principle, all animals that are slaughtered or killed on-farm should be subject to the same protections as animals slaughtered or killed in slaughterhouses or knackers' yards. Regardless of the purpose of the slaughter, the welfare needs of the animals are the same and are not affected by the intended destination of the carcass, whether it be for consumption on-farm, direct supply to the consumer or retail establishment, or disposal following culling.

Currently the law contains specific requirements to protect the welfare of animals slaughtered or killed outwith slaughterhouses. The Farm Animal Welfare Council (FAWC) listed the following circumstances in its 2009 report into slaughter of poultry and rabbits¹: "A slaughterman's licence is required for on-farm slaughter but not for routine culling of unwanted chicks; killing birds by dislocation of the neck or decapitation on the agricultural holding on which they were reared; slaughter or killing of an animal by its owner for private consumption; immediate killing of an animal for reason of its welfare (i.e. emergency slaughter); and slaughter or killing other than for commercial use."

FAWC recognised that on-farm slaughtering and killing activities were regulated by WASK but pointed out that, when compared with the same activities taking place in a licensed slaughterhouse or when red meat species are killed, these activities were less regulated, and might be unsupervised and subject to inadequate facilities and skills. The added

difficulty of enforcing legislation on the farm was also noted.

FAWC recommended that “Where on-farm slaughter or killing by exempted methods is undertaken by unlicensed persons, they should be demonstrably competent to carry out the task required and fully aware of the guidance available. Any equipment used must be appropriate for the task and well maintained.”

It seems to us that competence can best be demonstrated by requiring on-farm operators to hold a CoC for any operations conducted. The fees shown in the consultation paper do not appear excessive.

Slaughter of reptiles, amphibians and invertebrates for food

Reptiles and amphibians are undoubtedly sentient and have very specific welfare needs when under the control of man. While not traditionally consumed in Scotland, exotic meats such as crocodile and even snake do have a limited market. These animals would not be killed by bleeding but they should receive protection when slaughtered for human consumption.

Regrettably invertebrates, including crustaceans, are not protected under the Animal Health and Welfare (Scotland) Act 2006 and therefore we would welcome regulations to amend the definition of “animal” under the Act and provide for more humane killing methods. As we pointed out during the passage of the 2006 Act, killing crabs and lobsters by boiling them alive is extremely cruel and should be prohibited.

We would suggest that the relevant qualification certificates should include a module on humane slaughter of decapod crustaceans.

¹ Farm Animal Welfare Council *Report on the Welfare of Farmed Animals at Slaughter or Killing, Part 2: White Meat Animals* May 2009

What alternative arrangements could be put in place?

Comments

National rules

Consultation question 5. Do you consider that none, some or all of the WASK provisions identified at Annex 2 should be removed from legislation? Which, if any, provisions do you consider should be removed and why? What alternative arrangements could be put in place?

Do you consider that none, some or all of the WASK provisions identified at Annex 2 should be removed from legislation?

None X Some All Don't know

Which, if any, provisions do you consider should be **removed**? Please select the number of each policy aim that applies (as listed and numbered in Annex 2 in the main consultation paper)

1	<input type="checkbox"/>	26	<input type="checkbox"/>	51	<input type="checkbox"/>	76	<input type="checkbox"/>	101	<input type="checkbox"/>
2	<input type="checkbox"/>	27	<input type="checkbox"/>	52	<input type="checkbox"/>	77	<input type="checkbox"/>	102	<input type="checkbox"/>
3	<input type="checkbox"/>	28	<input type="checkbox"/>	53	<input type="checkbox"/>	78	<input type="checkbox"/>	103	<input type="checkbox"/>
4	<input type="checkbox"/>	29	<input type="checkbox"/>	54	<input type="checkbox"/>	79	<input type="checkbox"/>	104	<input type="checkbox"/>
5	<input type="checkbox"/>	30	<input type="checkbox"/>	55	<input type="checkbox"/>	80	<input type="checkbox"/>	105	<input type="checkbox"/>
6	<input type="checkbox"/>	31	<input type="checkbox"/>	56	<input type="checkbox"/>	81	<input type="checkbox"/>	106	<input type="checkbox"/>
7	<input type="checkbox"/>	32	<input type="checkbox"/>	57	<input type="checkbox"/>	82	<input type="checkbox"/>	107	<input type="checkbox"/>
8	<input type="checkbox"/>	33	<input type="checkbox"/>	58	<input type="checkbox"/>	83	<input type="checkbox"/>	108	<input type="checkbox"/>
9	<input type="checkbox"/>	34	<input type="checkbox"/>	59	<input type="checkbox"/>	84	<input type="checkbox"/>	109	<input type="checkbox"/>
10	<input type="checkbox"/>	35	<input type="checkbox"/>	60	<input type="checkbox"/>	85	<input type="checkbox"/>	110	<input type="checkbox"/>
11	<input type="checkbox"/>	36	<input type="checkbox"/>	61	<input type="checkbox"/>	86	<input type="checkbox"/>	111	<input type="checkbox"/>
12	<input type="checkbox"/>	37	<input type="checkbox"/>	62	<input type="checkbox"/>	87	<input type="checkbox"/>	112	<input type="checkbox"/>
13	<input type="checkbox"/>	38	<input type="checkbox"/>	63	<input type="checkbox"/>	88	<input type="checkbox"/>	113	<input type="checkbox"/>
14	<input type="checkbox"/>	39	<input type="checkbox"/>	64	<input type="checkbox"/>	89	<input type="checkbox"/>	114	<input type="checkbox"/>
15	<input type="checkbox"/>	40	<input type="checkbox"/>	65	<input type="checkbox"/>	90	<input type="checkbox"/>	115	<input type="checkbox"/>
16	<input type="checkbox"/>	41	<input type="checkbox"/>	66	<input type="checkbox"/>	91	<input type="checkbox"/>	116	<input type="checkbox"/>
17	<input type="checkbox"/>	42	<input type="checkbox"/>	67	<input type="checkbox"/>	92	<input type="checkbox"/>	117	<input type="checkbox"/>
18	<input type="checkbox"/>	43	<input type="checkbox"/>	68	<input type="checkbox"/>	93	<input type="checkbox"/>	118	<input type="checkbox"/>
19	<input type="checkbox"/>	44	<input type="checkbox"/>	69	<input type="checkbox"/>	94	<input type="checkbox"/>		
20	<input type="checkbox"/>	45	<input type="checkbox"/>	70	<input type="checkbox"/>	95	<input type="checkbox"/>		
21	<input type="checkbox"/>	46	<input type="checkbox"/>	71	<input type="checkbox"/>	96	<input type="checkbox"/>		
22	<input type="checkbox"/>	47	<input type="checkbox"/>	72	<input type="checkbox"/>	97	<input type="checkbox"/>		
23	<input type="checkbox"/>	48	<input type="checkbox"/>	73	<input type="checkbox"/>	98	<input type="checkbox"/>		
24	<input type="checkbox"/>	49	<input type="checkbox"/>	74	<input type="checkbox"/>	99	<input type="checkbox"/>		
25	<input type="checkbox"/>	50	<input type="checkbox"/>	75	<input type="checkbox"/>	100	<input type="checkbox"/>		

Why?

We welcome the starting principle that that existing national rules should be retained in legislation unless there are valid reasons not to do so. We note also that in-principle agreement has been reached among stakeholder groups that this should be the case.

Rule 87

While we support retention of the rule that unstunned sheep or goats must not be moved after bleeding until they are unconscious, or for at least 20 seconds, we note that the version of the rule in Annex 2 of the consultation does not mention sheep. Naturally we hope it is the Scottish Government's intention to retain the existing national rule for both sheep and goats as specified in WASK Schedule 12 Part 2, s 7(a).

Rules 108 and 113

Regarding poll stunning of water buffalo, in view of the continuing state of research we have not supported the removal of rules 108 or 113 at this stage, but we expect that the issue will be kept under review. Clearly water buffalo are uncommon in Scotland but they are kept and, like all minority farmed species, their physical and behavioural differences from traditional domestic livestock must be addressed if their welfare is to be protected.

Water buffalo differ in shape from the usual beef and dairy cattle found in the UK, with a much thicker frontal bone so captive-bolt stunning in the frontal position, as used on cattle, may not be as effective. We note that the Humane Slaughter Association (HSA) considers this may be the case¹.

We understand that recent research carried out by the HSA and others found that using a heavy-duty, trigger-activated, captive-bolt instrument in the poll position was consistently more effective. The shot should be directed rostrally, to direct the energy through the cerebellum towards the mid-brain.

As current legislation was written with domesticated cattle in mind this is not a permitted method under WASK, but we note that the HSA expects it to be permitted under the new legislation and we would urge the Scottish Government to keep this matter under review.

If the WASK rules should be changed, we would support the provision that this must be done in a slaughterhouse with a very short interval from stun to sticking is very short.

¹Humane Slaughter Association information sheet *Slaughter and Killing of Minority Farmed Species* June 2011

What alternative arrangements could be put in place?

Comments

Consultation question 6. Do you consider that we should retain existing provisions prohibiting any inversion of animals, or that we should allow inversion up to a maximum of 90 degrees for slaughter for religious purposes? Can you provide supporting evidence for your choice?

Do you consider that we should retain existing provisions prohibiting any inversion of animals, or that we should allow inversion up to a maximum of 90 degrees for slaughter for religious purposes?

Retain existing ban allow inversion up to 90° Don't know

Can you provide supporting evidence for your choice?

No inversion of animals must be allowed under any circumstances. There is clear evidence that rotation during the slaughter process has an adverse impact on cattle welfare. Grandin^{1*} cites the use of stressful restraint procedures, such as inversion and rotation, as the greatest welfare concern during ritual slaughter and recommends that animals should be restrained in a comfortable, upright position.

The use of a rotating box to restrain a bovine animal imposes unnecessary stress on the animal due to inversion, prolonged restraint and the stress of resisting restraint, and the inhalation of blood and ingesta.

We do not expect there to be any demand for inversion to be permitted in Scotland.

¹ Grandin T *Auditing animal welfare at slaughter plants*. Meat Science 86:56-65. (2010).

Consultation question 7. Do you consider that we should retain existing WASK provisions on bleed time for non stun slaughter, or that we should revoke existing provisions and replace with a more suitable provision as a new stricter rule? Why? If you consider that existing provisions should be replaced, what should the new provision entail?

Do you consider that we should retain existing WASK provisions on bleed time for non stun slaughter, or that we should revoke existing provisions and replace with a more suitable provision as a new stricter rule?

Retain existing bleed times Replace Don't know

Why?

While we are not qualified to recommend specific bleed times for non-stun slaughter – and in any case we entirely oppose non-stun slaughter taking place in Scotland - the research cited in the consultation¹ supports extension of the current periods.

¹Gregory N, et al. *Time to collapse following slaughter without stunning in cattle*. *Meat Science* 85:66-69. (2010).

If you consider that existing provisions should be replaced, what should the new provision entail?

The Scottish Government should continue to review its provisions according to the latest independent scientific research.

Consultation question 8. Do you consider that we should retain the existing WASK provision requiring the targeting of non stun meat to Jewish and Muslim communities? Why? How do you think it could be effectively enforced?

Do you consider that we should retain the existing WASK provision requiring the targeting of non stun meat to Jewish and Muslim communities?

Yes No Don't know

Why?

At present, poorly applied and enforced legislation allows consumers to be misled into buying meat without knowing whether animals have been slaughtered without pre-stunning.

The exemption for religious slaughter in Schedule 12 of The Welfare of Animals (Slaughter or Killing) Regulations 1995 (SI 731) 1995 makes clear that it relates to a method of slaughter for people of that religion, not for everybody.

It is a matter of considerable concern that national and local authorities have allowed non-target supply to persist despite the expressed concerns of consumers and animal welfare groups. The provisions of WASK are unequivocal and the historic failure to enforce them cannot be seen as a valid reason for revoking the existing national rule.

OneKind has no interest in discriminating against any Scottish, UK or European citizens on religious grounds. However, to disregard the wishes of consumers who, for their own ethical reasons, wish NOT to purchase meat from non-stunned animals may also be seen as discriminatory. Because they are not made aware of the origin of the product, they are misled and denied the opportunity to choose.

UK and EU law places a general prohibition on the slaughter of animals without pre-stunning because of the suffering that it causes: any exceptions

to the law that governs all citizens must be as narrow as possible, or else there is no point to having the law in the first place.

How do you think it could be effectively enforced?

If non-stun slaughter were to take place in Scotland, the resulting consignments of meat would have to be clearly identified at the slaughterhouse, under the supervision of the Food Standards Authority, and accounted for at the point of sale.

Traceability has been identified as an obstacle to enforcement but it could equally be seen as the key to facilitating consumer choice and better animal welfare.

Test purchases and tracing-back exercises could be carried out on a random basis by trading standards officers and the Food Standards Agency, with exemplary penalties for anyone proven to have broken the law.

In future we would hope to see enforcement underpinned by way of a robust labelling regime, so that consumers have the information they required to choose according to their own preferences and beliefs. MEPs considering the Paulsen report recently asked the European Commission to consider creating a "slaughter without stunning" label for meat to help consumers to make more informed choices. OneKind would support a more general EU-wide welfare label, taking into account the welfare of animals used in food production from birth to slaughter, including the production system, transport and method of slaughter.

Clearly such a move is beyond the scope of this consultation but we hope to see the Scottish Government supporting an EU welfare label in due course.

Consultation question 9. Do you agree that we should retain current WASK requirements for a slaughter licence for culling and disposal of animals for knackermen and all farmers? Are there any sectors that you think existing provisions should be revoked for? If so, why and how would animal welfare be protected?

Do you agree that we should retain current WASK requirements for a slaughter licence for culling and disposal of animals for knackermen and all farmers?

Yes No Don't know

All animals subject to slaughter or killing, regardless of the purpose, should receive the same level of protection under the law as their welfare needs are the same.

Are there any sectors that you think existing provisions should be **revoked** for? (Please tick all that apply.)

Knackermen	<input type="checkbox"/>
Poultry farmers	<input type="checkbox"/>
Hatcheries	<input type="checkbox"/>
Sheep farmers	<input type="checkbox"/>
Pig Farmers	<input type="checkbox"/>
Cattle farmers	<input type="checkbox"/>

If so, why and how would animal welfare be protected?

We assume that replacing the slaughter licence by a Certificate of Competence, or equivalent, is considered as retaining current requirements.

Consultation question 10. Do you agree that we should retain current WASK requirements for a slaughter licence for third party slaughter activities through national rules?

Yes No Don't know

The welfare requirements of animals at slaughter are the same, regardless of whether they are killed in a slaughterhouse or on-farm. We feel it is desirable to ensure that all personnel engaging in slaughter benefit from training and can demonstrate this by holding a CoC.

Consultation question 11. Do you consider that none, some or all of the new national rules suggested on slaughter outside a slaughterhouse are required to protect the welfare of animals? Which, if any, of the suggestions do you support? Please explain why and provide details of any suggestions.

Do you consider that none, some or all of the new national rules suggested on slaughter outside a slaughterhouse are required to protect the welfare of animals?

None Some All Don't know

Comments

Which, if any, of the suggestions do you support? (Please tick all that apply.)

Clearer definition of 'small throughput'	<input checked="" type="checkbox"/>
Clearer definition of emergency killing	<input checked="" type="checkbox"/>

Specification of head-only electrical stunning parameters for geese	X
Requirement for a Certificate of Competence for slaughter for own consumption by the owner	X
Provisions for the killing of backyard poultry (either for consumption or disposal).	X
Specific provisions for farmed fish.	X

Please explain why and provide details of any suggestions.

Requirement for a Certificate of Competence for slaughter for own consumption by the owner

Animal welfare concerns the state of the individual and ensuring a humane end to an animal's life is one of the most fundamental protections that the law can provide. We appreciate that there will be a view that the rules should not extend to very small operations, on economic grounds. However, from our point of view that cannot justify discriminating between animals that are all equally sentient and equally vulnerable to suffering at the time of death, purely on the basis of where the slaughter takes place or who carries it out.

Clearer definition of 'small throughput'

Until the Commission sets a figure we support the approach of assuming that all measures in Regulation 1099/2009 that apply to slaughterhouses will apply to all on-farm slaughter involving a direct supply.

Clearer definition of emergency killing

Regulation 1099/2009 defines emergency killing as "the killing of animals which are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering", and provides at Article 19 that the keeper of such an animal shall take all necessary measure to kill the animal as soon as possible. It is important to be clear that emergency killing is dependent on the welfare of the individual.

We think it would also useful to provide a clearer definition of "depopulation" and when it may give rise to an Article 18 derogation. The Regulation refers to depopulation associated with "parallel priorities, such as animal health, public health, environment or animal welfare." It may be necessary to ensure that this is differentiated from the other common meaning of depopulation within the industry, in the sense of end-of-life culling of laying hens or broiler birds.

Specification of head-only electrical stunning parameters for geese

Electrical parameters should include only those which have been established by scientific research as capable of achieving an effective stun. The EFSA Opinion of 2005¹ found that there was little information on the stunning and slaughter of geese at that time, and that percussive stunning was the only proven method for the effective stun/killing of geese. While it was thought likely that electrical waterbath stunning would be effective with geese, the minimum current to stun had not been demonstrated. The

Opinion stated that electrical waterbath stunning with at least 130 mA per bird at 50 HZ sinusoidal AC would result in 90% of birds being killed in the stunner, and concluded that more research was necessary.

¹ *The welfare aspects of the main systems of stunning and killing applied to commercially farmed deer, goats, rabbits, ostriches, ducks, geese and quail* EFSA Journal (2006) 326, 1-18

Specific provisions for farmed fish

Fish and other non-mammals lack the part of the neural mechanism that generates the subjective experience of suffering (the neocortex) but it is widely recognised by scientists that fish have the capacity for suffering, although it may be different in degree and kind from the human experience. Painful stimuli are strongly aversive to fish and they are also known to be stressed by many of the processes involved in fish farming. Slaughter and associated processes vary widely in fish farming, depending on the species of fish, the size of the farm, its location, and the techniques used. Arguably some methods such as percussive stunning of salmon at the cage are quite humane, while manual stunning cannot be guaranteed to be as accurate and suffocation in air is frankly cruel. There is therefore a need to define and enforce acceptable methods of slaughter for the many millions of fish that are farmed and slaughtered in Scotland each year.

Consultation question 12. Do you have any other suggestions for new national rules on slaughter outside a slaughterhouse? Please provide details.

Do you have any other suggestions for new national rules on slaughter outside a slaughterhouse?

Yes No

Please provide details.

Comments

Consultation Question 13. Can you provide supporting evidence for the likely success of any of the suggested new measures on slaughter outside a slaughterhouse? Please provide details.

Can you provide supporting evidence for the likely success of any of the suggested new measures on slaughter outside a slaughterhouse?

Yes No

Please provide details.

Comments

Consultation question 14. Do you consider any of the suggested new measures for slaughter outside a slaughterhouse unlikely to work in practice? If so, why?

Do you consider any of the suggested new measures for slaughter outside a slaughterhouse unlikely to work in practice?

Yes No Don't know

If so, why?

Consultation question 15. Do you consider that none, some or all of the new national rules suggested on non stun slaughter for religious purposes are required to protect the welfare of animals? Which, if any, of the suggestions do you support? Please explain why and provide details of any suggestions.

Do you consider that none, some or all of the new national rules suggested on non stun slaughter for religious purposes are required to protect the welfare of animals?

None Some All Don't know

Which, if any, of the suggestions do you support? (Please tick all that apply.)

- | | |
|---|---|
| Slaughter without a pre-cut stun must only take place in a slaughterhouse using approved equipment | X |
| An immediate post-cut stun must be administered for all bovine animals | X |
| Before the neck cut the slaughterman must ensure the knife is surgically sharp, the blade is undamaged and the blade is at least twice the size of the neck | X |
| CCTV should be made mandatory in premises undertaking non stun slaughter for religious purposes | X |
| A clearer definition is needed for mechanical restraint | X |
| Manipulation of wounds should be specifically prohibited until the animal is dead | X |
| Non stun slaughter must only be carried out in the presence of a vet | X |
| Standard Operating Procedures for non stun slaughter must be presented to competent authorities for approval | X |

Please explain why and provide details of any suggestions.

Non-stun slaughter for religious purposes should not be permitted at all in Scotland: however in the absence of an outright ban we believe that the proposed new national rules would improve animal to some extent, and would facilitate monitoring of the practice.

Consultation question 16. Do you have any other suggestions for new national rules on non stun slaughter for religious purposes? Please provide details.

Yes X No

OneKind believes that non-stun slaughter for religious purposes should be banned outright in Scotland. There is overwhelming scientific evidence that this manner of slaughter causes suffering to animals. Whilst we respect the right to religious freedom, we do not believe this should extend to practices that inflict suffering on sentient animals.

Currently, all animals that are slaughtered in Scottish slaughterhouses are pre-stunned but there is a lobby for unstunned meat and as long as the derogation is invoked there would be no legal obstacle to a slaughterhouse that wanted to enter that market. In our view that would be a totally retrograde step. Recent advances in the electrical stunning of cattle now make reversible stunning a practical option for all. This overcomes one of the main obstacles preventing a full uptake of pre-slaughter stunning.

We are aware that proponents of slaughter without pre-stunning suggest that this operation can be humane, providing it is properly carried out. Unfortunately these views cannot be said to be independent. The OneKind position is informed by the authoritative independent advice given to governments by their scientific advisers: we cited these views in our response to the Scottish Government's consultation on the draft Regulation in 2009 and we think it is worth repeating them here:

The UK Farm Animal Welfare Council stated¹:

“When a very large transverse incision is made across the neck a number of vital tissues are transected including: skin, muscle, trachea, oesophagus, carotid arteries, jugular veins, major nerve trunks (e.g. vagus and phrenic nerves) plus numerous minor nerves. Such a drastic cut will inevitably trigger a barrage of sensory information to the brain in a sensible (conscious) animal... such a massive injury would result in very significant pain and distress in the period before insensibility supervenes.”

FAWC concluded:

“Council considers that slaughter without pre-stunning is unacceptable and that the Government should repeal the current exemption.”

The Scientific Panel on Animal Health and Welfare of the European Food Safety Authority stated²:

“Cuts which are used in order that rapid bleeding occurs involve substantial tissue damage in areas well-supplied with pain receptors. The rapid

decrease in blood pressure which follows the blood loss is readily detected by the conscious animal and elicits fear and panic. Poor welfare also results when conscious animals inhale blood because of bleeding into the trachea. Without stunning, the time between cutting through the major blood vessels and insensibility, as deduced from behavioural and brain response, is up to 20 seconds in sheep, up to 25 seconds in pigs, up to 2 minutes in cattle, up to 2½ or more minutes in poultry, and sometimes 15 minutes or more in fish”.

The AHAW Panel concluded:

“Due to the serious animal welfare concerns associated with slaughter without stunning, pre-cut stunning should always be performed.”

The Federation of Veterinarians of Europe is also strongly opposed to slaughter without pre-stunning. FVE stated³:

“FVE is of the opinion that the practice of slaughtering animals without prior stunning is unacceptable under any circumstances”.

As long as meat from animals slaughtered without pre-stunning is available in the Scotland, (whether slaughtered in Scotland or imported), we believe it should be clearly and accurately labelled as such.

¹ *Report on the Welfare of Farmed Animals at Slaughter or Killing, Part 1: Red Meat Animals*. Farm Animal Welfare Council, London, UK

²Opinion of the Scientific Panel on Animal Health and Welfare on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals. *The EFSA Journal*, 45: 1-29.

³*Slaughter of Animals without Prior Stunning*. FVE Position Paper 02/104. Federation of Veterinarians of Europe.

Consultation Question 17. Can you provide supporting evidence for the likely success of any of the suggested new measures on non stun slaughter for religious purposes? Please provide details.

Yes No

The complex and changing legislative landscape on non-stun slaughter in Europe and beyond indicates a high level of consumer, political and animal welfare concern, and a spread of religious perspectives, even within the two faiths that have traditionally required non-stun slaughter.

We believe that the public are increasingly persuaded on animal welfare grounds that non-stun slaughter is unacceptable, and while the issue is complicated by religious and cultural differences, the experience of some

other countries supports that view.

A ban on Kosher slaughter was introduced in New Zealand last year and then overturned following judicial review, but pre-stunning remains a legal requirement for Halal slaughter, with the consent of the Muslim population. A proposed ban in the Netherlands was narrowly overturned earlier this year, again due to opposition from the Jewish, rather than the Muslim, community.

However, slaughter without prior stunning has been successfully banned in Norway, Iceland, Switzerland and Sweden, while Finland, Denmark and Austria require stunning immediately after the incision if the animal has not been stunned before.

In the UK, Food Standards Agency figures for 2012 show that more than 80% of animals are stunned before slaughter for Halal meat in the UK. The Halal Food Authority accepts recoverable stunning prior to bleeding although other Islamic authorities do not.

Shechita slaughter, necessary for orthodox Jews, always requires that the animal is not pre-stunned. However, it has been suggested in a Westminster briefing¹ that if the surplus meat that enters the market had to be labelled as coming from animals slaughtered without pre-stunning, consumers would not buy it and that in turn might undermine the economics of Kosher meat.

Barclay, C *House of Commons Library Standard Note SN/SC/1314 Religious Slaughter*, June 2012

Consultation question 18. Do you consider any of the suggested measures on non stun slaughter for religious purposes unlikely to work in practice? If so, why?

Yes No Don't know

If so, why?

Comments

Consultation question 19. Do you consider that none, some or all of the new national rules suggested on non stun slaughter for religious purposes will impact on members of the Muslim and/or Jewish communities' ability to eat meat prepared in accordance with their religious beliefs? If so, which and how?

Do you consider that none, some or all of the new national rules suggested on non stun slaughter for religious purposes will impact on members of the Muslim and/or Jewish communities' ability to eat meat prepared in accordance with their religious beliefs?

None X Some All Don't know

If so, which? (Please tick all that apply.)

- Slaughter without a pre-cut stun must only take place in a slaughterhouse using approved equipment
- An immediate post-cut stun must be administered for all bovine animals
- Before the neck cut the slaughterman must ensure the knife is surgically sharp, the blade is undamaged and the blade is at least twice the size of the neck
- CCTV should be made mandatory in premises undertaking non stun slaughter for religious purposes
- A clearer definition is needed for mechanical restraint
- Manipulation of wounds should be specifically prohibited until the animal is dead
- Non stun slaughter must only be carried out in the presence of a vet
- Standard Operating Procedures for non stun slaughter must be presented to competent authorities for approval

And how?

The consultation confirms that in Scotland, slaughter for supply of Halal meat currently involves recoverable stunning. Therefore there will be no impact on members of the Muslim community. We do not know what the situation is with regard to Schechita slaughter in Scotland. However we cannot see that any of the proposed new national rules would have any impact on the ability of members of the Jewish community to eat meat prepared in accordance with their religious beliefs: the rules all concern slaughterhouse processes and should not be difficult to observe. We welcome the proposal to require an immediate post-cut stun for bovine animals, if non-stun slaughter is to be permitted.

Consultation question 20. Do you agree that the Regulation 1099/2009 stunning requirements and procedures should apply where an animal is stunned where slaughter takes place in accordance with religious rites? Why? Do you have any suggestions for alternative stunning parameters, and can you support your suggestions with evidence of their effectiveness in inducing recoverable stunning?

Do you agree that the Regulation 1099/2009 stunning requirements and procedures should apply where an animal is stunned where slaughter takes place in accordance with religious rites?

Yes X No Don't know

Why?

Poorly executed or ineffective stunning can impose unnecessary suffering on animals at slaughter and must therefore be subject to consistent standards and monitoring regardless of the purpose of the stun. Given the prevalence of recoverable stunning for religious purposes this is all the more important. Poultry in particular are known to show signs of recovery on emerging from the water bath.

Do you have any suggestions for alternative stunning parameters, and can you support your suggestions with evidence of their effectiveness in inducing recoverable stunning?

Consultation question 21. Do you have any suggestions for new national rules on the slaughter of farmed game? Can you provide supporting evidence for the likely success of your suggestion(s)? Please provide details.

Do you have any suggestions for new national rules on the slaughter of farmed game?

Yes No

Can you provide supporting evidence for the likely success of your suggestion(s)?

Yes No

Please provide details.

Farmed game birds are as sentient as domestic poultry and as likely to suffer as a result of negligent or ineffective slaughter practices. Culling of diseased or injured farmed game should be subject to the same regulatory measures as other forms of on-farm slaughter, for example of poultry.

Consultation question 22. Do you consider that national rules in Scotland that differ from those in the rest of the UK would create problems for Scottish industry? Please explain why.

Do you consider that national rules in Scotland that differ from those in the rest of the UK would create problems for Scottish industry?

Yes No Don't know

Please explain why.

Comments

CCTV and monitoring

Consultation question 23. Do you consider that business operators should be free to adopt the most appropriate monitoring tools for their individual circumstances? Why?

Do you consider that business operators should be free to adopt the most appropriate monitoring tools for their individual circumstances?

Yes No Don't know

Why?

The relevant issue is whether CCTV is a monitoring tool that can offer protection for animals at slaughter which is not otherwise provided by conventional monitoring methods (such as the presence of the official veterinarian on the premises). Investigations in England by Animal Aid showed a high level of brutality towards animals in a number of slaughterhouses, which could only be observed by camera surveillance. It is also arguable that CCTV monitoring encourages the maintenance of standards and compliance with good practice by staff who know that their behaviour can be inspected at any time

Business operators should be encouraged to use the monitoring tools that are most effective in protecting animal welfare. If operators are free to adopt the most appropriate monitoring tools for their individual circumstances, they may prioritise other factors such as reducing costs over animal welfare. We therefore believe that the Scottish Government must be involved in setting standards for the use of CCTV and ensuring uptake by all slaughterhouses. This could be done either by legislation or by guidance issued by the Scottish Government in consultation with the industry.

Research carried out by the Food Standards Agency¹ in 2011 found that out of 28 red meat slaughterhouses in Scotland, six had CCTV monitoring of the stunning and bleeding areas, and nine had CCTV monitoring of lairage and unloading. Of four poultry slaughterhouses, only one had CCTV monitoring of stunning and bleeding areas and two had CCTV monitoring of lairage and unloading. In our view there needs to be significantly greater uptake than this, particularly as the stunning and bleeding areas have been identified as areas where it is difficult for the official veterinarian to gain a good view of the operation, or to observe without his presence being known.

Discussion of the animal welfare survey at the FSA Board included a comment that the number of establishments where veterinarians could watch slaughter without being seen was “disappointing”.

¹2011 FSA animal welfare survey in GB (FSA 12/05/08)

Consultation question 24. Can you provide objective evidence of a likely significant beneficial impact that compulsory CCTV would have on welfare monitoring beyond that of methods already available? Please provide details.

Can you provide objective evidence of a likely significant beneficial impact that compulsory CCTV would have on welfare monitoring beyond that of methods already available?

Yes No

Please provide details.

CCTV can be used across the industry to monitor animal welfare standards and, where necessary, to provide evidence in prosecutions. The benefit of making CCTV compulsory would be that the legislation would specify the areas to be monitored, including unloading, lairage, stunning, bleeding and shackling. Rules could also specify image resolution, frequency of inspection and the length of time that images should be stored. This would ensure that footage covered all relevant areas and met the technical requirements for evidential purposes.

At present it is not possible to say whether workers in Scottish slaughterhouses have committed acts of cruelty similar to those filmed by Animal Aid in England, and which led to a number of successful prosecutions. However the installation of CCTV would make staff aware that they risked being observed and charged as a consequence of any cruelty towards the animals in their charge. Ultimately, it may be necessary to make CCTV compulsory to ensure that all animals in all slaughterhouses benefit from this level of protection.

We are aware that there are other drivers towards greater uptake of CCTV, the main one being the influence of supermarket and other assurance schemes. However these are unlikely to encompass all the slaughterhouses in Scotland. At present we recommend that the Scottish Government should focus on the provision of guidance and standards for use, and set an ambitious target for uptake, to be reviewed by the end of 2014. If movement in the industry towards CCTV slows down or reverses, legislation will be required.

Transitional Measures

Consultation question 25. Do you agree with the suggested approach to transitional measures?

Yes No Don't know

Enforcement

Consultation question 26. Do you consider that the suggested approach to enforcement will provide effective and proportionate sanctions against non compliance?

Yes No Don't know

Normally we would expect to see persons accused of cruelty to animals charged and dealt with in the criminal system. However we can see that administrative penalties may be more efficacious and more likely to be applied across the board. In particular, the withdrawal of a CoC would have the effect of preventing further breaches by the individual concerned.

With regard to Welfare Improvement Notices, these should be of short duration. We welcome the fact that failure to comply with a Welfare improvement Notice or a Stop Notice will be a criminal offence. This approach has proven to work well in the context of Care Notices issued under the Animal Health and Welfare (Scotland) Act 2006. We support the principle of providing that all directly applicable obligations under the Regulation and any stricter national rules will be underpinned by criminal sanctions.

Offences and Penalties

Consultation question 27. Do you consider that the suggested penalties will provide proportionate and effective sanctions?

Yes No Don't know

Offences under Part 2 of the 2006 Act attract a prison sentence not exceeding 6 months in addition to the level 5 fine and we feel that this is more appropriate based on the level of suffering that can be caused to animals that are in the charge of the responsible person.

Powers of Entry

Consultation question 28. Do you consider that the suggested powers of entry ensure appropriate enforcement action can be taken whilst protecting the rights of individuals?

Yes No Don't know

Comments

Fees

Consultation question 29. Do you consider the fees currently suggested fair and proportionate?

Yes No Don't know

Comments

Any other comments

Consultation Question 30. Do you have any other comments on the implementation of Regulation 1099/2009 in Scotland?

Yes No

Comments

Consultation Question 31. Do you consider that the consultation paper explained the key issues sufficiently for you to properly consider your responses?

Yes No

Comments

Consultation Question 32. Do you consider that you had sufficient time to respond to the consultation?

Yes No

Comments

Consultation Question 33. Do you have any other comments on the way this consultation has been conducted?

Yes No

We appreciated the opportunity to meet officials and other animal welfare stakeholders prior to the written consultation being issued.

