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**Final report**

**EFTA Surveillance Authority mission to Iceland**

**From 5 to 9 May 2014**

**regarding the application of EEA legislation related to**

**protection of animals at the time of killing**

Please note that comments from Iceland to the draft report and information on the corrective actions already taken and planned by Iceland are included in Annex 3 to the report.

### ***Executive summary***

*This report describes the outcome of a mission carried out by the EFTA Surveillance Authority (the Authority) in Iceland from 5 to 9 May 2014 regarding the application of EEA legislation related to protection of animals at the time of killing and in particular Regulation (EC) No 1099/2009. The main objective of the mission was to assess the application of this Regulation with particular focus on the general organisation of official controls at slaughterhouses and assurance of compliance with the Regulation requirements by competent authorities and food business operators to ensure that animals are spared any avoidable pain, distress or suffering during their killing and related operations.*

*This was the first mission by the Authority to Iceland related to animal welfare as the EEA acquis regarding animal welfare is not applicable to Iceland except rules concerning protection of animals at the time of killing.*

*The mission team found that the relevant EEA legislation has been transposed in the national legislation and legal powers were in place to enforce the legislation. The responsible competent authority was clearly designated and relevant training has been provided for district veterinary officer although not all control staff has received specific training related to the protection of animals at the time of killing and related operations.*

*The general situation observed at current is that the main focus has been placed on raising awareness of the scope and requirements of the Regulation, raising the capacity of involved parties and upgrading official control procedures. The mission team noted that, in general, killing of animals and related operations are according to requirements, however, the stunning of poultry was carried out without ensuring that all key parameters met minimum requirements. Furthermore official controls and own-control systems at business operator level are not yet fully in place. The mission team noted that there was limited follow up of non-compliances by MAST, and no deadline concerning enforcement of all Regulation requirements had been set.*

*The main concerns of the Authority is the lack of enforcement, and that the stunning of poultry was carried out without ensuring that all key parameters laid down in Regulation (EC) No 1099/2009 were met.*

*The report includes a number of recommendations addressed to the Icelandic competent authority aimed at rectifying the identified shortcomings and enhancing the control system in place.*

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## 1 Introduction

The mission took place in Iceland from 5 to 9 May 2014. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority) and an observer from the Food and Veterinary Office of the European Commission.

The opening meeting was held on 5 May with representatives of the Icelandic Food and Veterinary Authority (MAST) and the Ministry of Industries and Innovation (MoII). At the meeting the mission team confirmed the objectives and the itinerary of the mission and the Icelandic representatives provided additional information to that set out in the reply to the Authority's pre-mission document.

Throughout the mission, the mission team was accompanied by a representative of MAST head office and met with MAST district representatives in charge of official controls in the establishments visited.

The final meeting was held on 9 May 2014 with representatives of MAST and MoII during which the mission team presented its main findings and preliminary conclusions from the mission.

The abbreviations used in the report are listed in Annex 1.

## 2 Scope and objectives of the mission

The main scope of the mission was to evaluate the official controls in place at the time of killing of animals bred or kept for the production of food, wool, skin, fur or other products, as laid down in *Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing*, as amended and as adapted to the European Economic Area (EEA) Agreement.

The main objective of the mission was to assess the application in Iceland of the above mentioned EEA Act and other relevant EEA legislation, with particular focus on the general organisation of official controls, assurance of compliance with requirements by competent authorities and food business operators and effectiveness of controls ensuring that animals are spared any avoidable pain, distress or suffering during their killing and related operations.

This assessment was carried out based on, and related to, the above mentioned legal main act and other relevant EEA legislation referred to in Annex 2 to this report. The assessment was further based on the reply to the pre-mission document of the Authority and evaluation of relevant information, and appropriate verifications, by means of interviews, review of documents and records, and on-the-spot inspections, to demonstrate the normal control procedures adopted and measures in place to ensure that necessary corrective actions are taken when necessary.

**Table 1: Competent authorities and establishments/sites visited during the mission**

	Number	Comments
<b>Competent authorities</b>	2	An opening meeting and a final meeting between the mission team and representatives of MAST and MoII.
	4	Meetings with staff of three MAST district offices and a meeting with the official veterinarian for fish diseases.
<b>Establishments visited</b>	<b>Number</b>	<b>Comments</b>
Poultry slaughterhouses	2	Establishments approved for slaughtering poultry.
Pig slaughterhouse	1	An establishment approved for slaughtering

		pigs.
Slaughterhouses approved for several species	2	One establishment approved for slaughtering bovine and soliped animals. One establishment approved for slaughtering bovine, soliped and ovine animals.
Fishery product establishment	1	A company involved in fresh water farming of fish and processing of fishery products.
Fur farm	1	A mink farm.

### 3 The legal basis for the mission

- a) Article 1(e) of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice;
- b) Point 4 of the Introductory Part of Chapter I of Annex I to the EEA Agreement;
- c) The Act referred to at Point 1.2.74 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States*;
- d) Article 45 of *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*.

Other legislation relevant for the mission is listed in Annex 2.

### 4 Background - Previous missions

This was the first Authority mission to Iceland related to animal welfare. Further to a general exemption of provisions concerning live animals in Annex I to the EEA Agreement, laid out in the introductory part of the said Annex I, Iceland is not obliged to implement the EEA *acquis* regarding animal welfare except rules concerning protection of animals at the time of killing. Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, that entered into force 1 January 2013, lays down rules for the killing of animals bred or kept for the production of food, wool, skin, fur or other products as well as the killing of animals for the purpose of depopulation and for related operations.

Regulation (EC) No 1099/2009 repeals Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing. According to transitional provisions laid down in Article 29 of Regulation (EC) No 1099/2009, requirements of Directive 93/119/EC, concerning layout, construction and equipment of slaughterhouses shall continue to apply until 8 December 2019, for establishments that were operating before 1 January 2013. As Council Directive 93/119/EC was not applicable to Iceland, no recommendations in this report are based on Annex II provisions of Regulation (EC) No 1099/2009 concerning layout, construction and equipment of slaughterhouses.

The final report from this mission can be found on the Authority's website ([www.eftasurv.int](http://www.eftasurv.int)).

## 5 Findings and conclusions

### 5.1 National legislation

#### Legal Requirements

Article 7(a) of the EEA Agreement states that, an act corresponding to an EEC regulation shall as such be made part of the internal legal order of the Contracting Parties.

Article 4(2)(e) of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have legal powers to carry out official controls and to take measures provided for.

Article 55(1) of Regulation (EC) No 822/2004 requires that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Article 23 of Regulation (EC) No 1099/2009 requires each Member State to lay down the rules on penalties applicable to infringements of this Regulation and take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Authority.

Article 26 of Regulation (EC) No 1099/2009 requires Member States to notify the Authority about national rules adopted aimed at ensuring more extensive protection of animals at the time of killing.

#### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, the Ministry of Industries and Innovation (MoII) is the responsible Ministry for transposition of EU legislation concerning issues related to food and feed safety, animal health and animal welfare and is responsible for implementation and application of regulations based on IS Act No 55/2013 on animal welfare which lays down rules on penalties applicable to infringement cases. Regulation (EC) No 1099/2009 has been transposed into the Icelandic legal framework by Regulation IS No 911/2012 which entered into force on 30 October 2012. The Icelandic Food and Veterinary Authority (MAST) is responsible for the enforcement of IS Act No 55/2013 and Regulation IS No 911/2012. Article 34 of IS Act No 55/2013 lays down rules on penalties applicable to infringements where MAST is given legal powers to intervene in cases of non-compliances with measures such as stopping activities, withdrawing establishment approvals or issuing fines. Iceland has not notified these provisions to the Authority but the mission team was informed that this would be done by MoII.

According to information provided by Iceland, stricter national rules than required by Regulation (EC) No 1099/2009, aimed at ensuring more extensive protection of animals at the time of killing, have been adopted in Iceland as Article 21 of IS Act No 55/2013 requires that animals shall be stunned without exceptions when killed and that engines used for the killing of fur animals shall be approved by MAST. Iceland has informed the Authority of these stricter national provisions although they have not been notified formally to the Authority.

#### Conclusions

The relevant EEA legislation included in the scope of this mission has been made part of the Icelandic internal legal order and legal powers are in place to enforce the legislation.

Iceland has not notified national infringement provisions to the Authority, as required by Article 23 of Regulation (EC) No 1099/2009. Iceland has not notified rules on penalties applicable to infringements and stricter national measures to the Authority, as required by Article 26 of the same Regulation.

## **5.2 Competent authorities**

### *5.2.1 Designation of competent authorities, coordination and cooperation.*

#### Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls.

Article 21 of Regulation (EC) No 1099/2009 requires Member States to designate the competent authority responsible for: (a) ensuring that training courses are available for personnel involved in killing and related operations; (b) delivering certificates of competence attesting the passing of an independent final examination; (c) approving training programmes of the courses.

Article 4(5) of Regulation (EC) No 882/2004 requires that when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

#### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, MAST has been designated as the competent authority for Regulation (EC) No 1099/2009. The organisation and structure of MAST is based on provisions of IS Act No 80/2005. MAST operates six district offices and there are several mechanisms in place to ensure in general effective coordination and cooperation between the different district offices and MAST central office (For further information, see the Country profile for Iceland available at [www.eftasurv.int](http://www.eftasurv.int)).

According to information provided by Iceland in its reply to the pre-mission document of the Authority, one staff member in MAST headquarter coordinates official controls in slaughterhouses and one staff member coordinates official controls on animal welfare. The mission team noted that to ensure coordination between district offices, central MAST did introduce, in the fall of 2013 and again in January 2014, a special promotional campaign regarding implementation of Regulation (EC) No 1099/2009, specially aimed at informing district offices but also business operators of the Regulation requirements. In relation to the campaign, central MAST official visited all MAST districts for the purpose of informing District veterinary officers and food business operators. The mission team visited three district offices and saw evidence of cooperation and coordination between districts and central MAST, although indication of different practices between districts was noted by the mission team e.g. concerning training and information provided to control staff, use of checklists and detection of non-compliances related to animal welfare requirements (See chapter 5.2.2, 5.3 and 5.4.1).

#### Conclusions

Iceland has designated a competent authority responsible for official controls in line with the requirements laid down in the Article 4(1) of Regulation (EC) No 882/2004 and Article 21 of Regulation (EC) No 1099/2009.

Efficient and effective coordination and cooperation between the different units of the designated competent authority is mostly ensured, as required by Article 4(5) of Regulation (EC) No 882/2004.

### 5.2.2 *Personnel and training of staff*

#### Legal Requirements

Article 4(2)(c) of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff.

Article 6 of Regulation (EC) No 882/2004 requires the competent authorities to ensure that staff receives appropriate training and are kept updated in their area of competence.

#### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, MAST has developed a general training programme for employees and has a plan for initial training in place as well as ongoing ad-hoc training. Copies of training material related to animal welfare at the time of killing was provided to the mission team. This material had been used to train district veterinary officers which were to make the training material available to district control staff and provide training as necessary. The mission team met with control staff in the districts that had not received training specific to the scope of Regulation (EC) No 1099/2009 although in one district visited, evidence of relevant training of control staff was provided. The mission team was informed that official veterinarians will be invited this year to participate in a specific training session related to animal welfare at the time of killing arranged by MAST. The mission team noted that there is no training in place for contracted private veterinary practitioners working in slaughterhouses.

#### Conclusions

The competent authority has, in general, access to qualified and experienced staff but it is not always ensured that relevant control staff has received appropriate training and are kept up to date in their area of competence as required by Article 6 of Regulation (EC) No 882/2004.

## **5.3 Official controls**

### 5.3.1 *Organisation of official controls*

#### Legal Requirements

Article 3 (1)(a) of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency taking account of identified risks that may influence animal welfare.

Article 4(9) of Regulation (EC) No 854/2004 requires that the nature and intensity of auditing tasks in respect of individual establishments shall depend upon the assessed risk. Furthermore, it states that in the case of slaughterhouses this assessment should include animal welfare aspects.

Article 10(2) (a) of Regulation (EC) No 882/2004 requires that official controls shall include the examination of any control systems that business operators have put in place and the results obtained.

Article 31(2) of Regulation (EC) No 882/2004 states that the competent authority shall establish procedures for business operators to follow when applying for approval of their establishments and Article 4(3) of Regulation (EC) No 853/2004 requires the competent authority to make an on-site visit as part of the procedure for approval of establishments.

Article 41 of Regulation (EC) No 882/2004 requires Member States to prepare a single integrated multi-annual national control plan (MANCP).



## Findings

According to information provided by Iceland, MAST has implemented a risk classification system for official controls of food business operators (FBOs) since July 2012. The performance evaluation of FBOs is based on inspection manuals that are part of the work procedures for official controls of food of animal origin and feed. Work procedures for approval of establishments, official controls as well as follow up and enforcement procedures are all established in the Quality Manual of MAST. All information regarding the official controls of food business operators are kept in an electronic database which contains a list of all approved establishments producing food of animal origin. (For further information, see the Country profile for Iceland available at [www.eftasurv.int](http://www.eftasurv.int))

The mission team noted that the general risk classification system does not take into account risks that may influence animal welfare at the time of killing and that the nature and intensity of auditing tasks in respect of individual establishments do not depend upon the assessed risk in individual slaughterhouses. The mission team was informed that the risk classification system regarding animal welfare in slaughterhouses, designed to form the base for appropriate control frequency, is ongoing.

The mission team noted, during establishment visits, that business operator own control systems did not take into consideration all of relevant requirements of Regulation (EC) 1099/2009 and that regular official controls did not always include the examination of own control systems related to animal welfare that business operators shall have in place (See chapter 5.4.1).

According to information provided by Iceland in its reply to the pre-mission document of the Authority, no slaughterhouses have applied for approval after Regulation (EC) No 1099/2009 entered into force and no changes have been made in the procedures for approval of slaughterhouses taking into consideration specific requirements related to animal welfare at the time of killing and business operator obligations. The mission team noted that there were no procedures established by MAST to ensure that already approved slaughterhouses comply with rules set out in Annex II of Regulation (EC) No 1099/2009, when introducing new equipment, changing layout or construction.

A MANCP including animal welfare requirements has not been prepared by Iceland.

## Conclusions

A system for risk classification and frequency of official controls in line with Article 3(1) of Regulation (EC) No 882/2004 is in place, however, currently the system does not take into account risks that may influence animal welfare at the time of killing.

It is not always ensured that official controls include examination of required own control systems that business operators have put in place and the results obtained according to Article 10(2)(a) of Regulation (EC) No 882/2004.

A MANCP is not yet in place in Iceland, which is not in line with Article 41 of Regulation (EC) No 882/2004.

### *5.3.2 Documented control procedures and reporting on official controls*

## Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of Regulation (EC) No 882/2004 requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

### Findings

According to information provided by Iceland a quality management system prepared by MAST has been in place since July 2012. The system contains extensive written working procedures and instructions for control staff (For further information, see the Country profile for Iceland available at [www.eftasurv.int](http://www.eftasurv.int)).

The mission team noted evidence of regular official controls in the form of inspection reports in the slaughterhouses visited although the inspection reports and checklist seen did not include all relevant requirements related to animal welfare at the time of killing or related operations. The mission team was informed that so far limited focus has been on issues related to animal welfare requirements during regular control visits to slaughterhouses and more emphasis has been on including animal welfare requirements in daily checks by official veterinarians (See also Chapter 5.4.1). The mission team noted that checklists to be used for daily controls in slaughterhouses had been updated taking into consideration requirements of Regulation (EC) No 1099/2009, although it was noted that the correct checklist for daily controls were not used in all establishments visited. This issue was immediately corrected by the competent authority.

### Conclusions

Official controls and reporting of official controls are mostly carried out in accordance with Article 8 and Article 9 of Regulation (EC) No 882/2004.

#### *5.3.3 Effectiveness of official controls and enforcement*

### Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the effectiveness and appropriateness of official controls and the impartiality, consistency and quality of official controls at all levels.

Article 8(3) of Regulation (EC) No 882/2004 states that the competent authority must have procedures in place to verify the effectiveness of official controls and to ensure that corrective action is taken when needed and that the documentation is updated as appropriate.

Article 54 of Regulation (EC) No 882/2004 requires that when the competent authority identifies non-compliance, it shall take action to ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non-compliance and operators past record with regard to non-compliance.

### Findings

According to information provided by Iceland, MAST has several mechanisms in place to verify the effectiveness and appropriateness of official controls (For further information, see the Country profile for Iceland available at [www.eftasurv.int](http://www.eftasurv.int)).

Inspection results are collected and monitored through the MAST official control database. The mission team noted that not all requirements of Regulation (EC) No 1099/2009 are included in MAST control manuals and regular inspection checklists for slaughterhouses.

In case of non-compliances the legal basis for actions to impose sanctions is IS Act No 55/2013 on animal welfare which entered into force in January 2014. The mission team was informed that MAST is working on updating procedures for enforcement based on the new Act. The mission team noted limited active enforcement of non-compliances detected related to animal welfare although some evidence of enforcement could be provided. Control reports were seen, where non-compliances were outlined although follow-up of the shortcomings identified was not always sufficiently documented. The mission team noted several non-compliances in the slaughterhouses visited, that had not been detected or where active enforcement in case of non-compliances was not in place (See further chapter 5.4.1). Furthermore no deadline could be provided by MAST concerning when all Regulation requirements will be enforced.

### Conclusions

Procedures in place to verify the effectiveness of official controls, as required by Article 8(3) of Regulation (EC) No 882/2004, do not take into consideration all requirements of Regulation (EC) No 1099/2009. The competent authority does not always take action in case of non-compliances to ensure that the operator remedies the situation as required by Article 54 of Regulation (EC) No 882/2004.

## **5.4 Killing of animals in slaughterhouses**

### *5.4.1 Official controls and business operator obligations*

#### Legal Requirements

Article 6(2) of Regulation (EC) No 1099/2009 requires business operators to draw up and implement standard operating procedures (SOPs) to ensure that killing and related operations are carried out sparing animals any avoidable pain, distress or suffering and that business operator SOPs define for each stunning method the key parameters set out in Chapter I of Annex 1 and specify the measures to be taken when the checks referred to in Article 5 of the same Regulation indicate that an animal is not properly stunned.

Article 16(1) of Regulation (EC) No 1099/2009 requires business operators to put in place and implement appropriate monitoring procedures to perform the checks on stunning required under Article 5 of Regulation (EC) No 1099/2009.

Article 4(1) of Regulation (EC) No 1099/2009 requires that animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I.

Article 15(1) Regulation (EC) No 1099/2009 requires that business operators ensure that the operational rules for slaughterhouses set out in Annex III are complied with.

Article 5(1)(c) of Regulation (EC) No 854/2004 requires that the official veterinarian shall carry out inspection tasks in slaughterhouses regarding animal welfare in accordance with Section I of Annex I. Point c of Chapter II of Section I of Annex I requires that the official veterinarian is to verify compliance with relevant Community and national rules on animal welfare, such as rules concerning the protection of animals at the time of slaughter and during transport.

Article 5(3)(d) of Regulation (EC) No 854/2004 requires that after carrying out controls the official veterinarian shall take appropriate measures as set out in Annex I, Section II as

regards decisions concerning animal welfare. Point 1 of Chapter IV of section II of Annex I of the same regulation requires that when the rules concerning the protection of animals at the time of slaughter or killing are not respected, the official veterinarian is to verify that the food business operator immediately takes necessary corrective measures and prevents recurrence.

Article 9 of Regulation (EC) No 1099/2009 requires business operators to ensure that equipment used for stunning and restraining animals is maintained and checked according to manufacturer's instructions.

### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, MAST has, through meetings and visits to slaughterhouses, informed business operators of their responsibilities with regards to the specific requirements of Regulation (EC) No 1099/2009.

The mission team visited five slaughterhouses and noted that own control system updates in these establishments, taking into consideration specific requirements of Regulation (EC) No 1099/2009, are at an early stage. In some establishments visited, the mission team noted that there were no SOPs in place and in others the available SOPs did not take into consideration all relevant requirements such as defining key parameters for stunning and appropriate monitoring procedures concerning check of proper stunning. In the poultry slaughterhouses visited a good handling during receiving and shackling of animals was seen and proper bleeding performed with cutting of both carotid arteries. However clear signs of consciousness (corneal reflex, breathing, neck tonus) were observed for high number of animals in one of the poultry slaughterhouses and electrical shocks before stunning was not prevented in one of the poultry slaughterhouses. The current, per bird, in the electric water baths used for stunning in both visited poultry slaughterhouses was not according to minimum requirements.

For the slaughterhouses visited approved for slaughtering pigs, bovines, ovines and solipeds the mission team noted that no systematic assessment of welfare conditions at arrival was in place and no marking of individual pens indicating time of arrival was in place. In general the mission team noted that the time of receiving animals is not registered and bedding or feeding is not provided to animals that stay for more than 12 hours in the lairage from arrival to slaughter. Although mostly good handling of animals were observed in the visited slaughterhouses, incorrect use of instrument which administers electric shock was seen in one slaughterhouse.

The mission team noted that official veterinarians in the slaughterhouses visited had not detected or taken appropriate measures concerning the non-compliances described above.

According to information provided by Iceland in its reply to the pre mission document of the Authority, official control routines in slaughterhouses include regular checking of maintenance logs for equipment, as well as SOPs availability of manufacturer's instructions. Availability, regularly maintenance and testing of back-up equipment is also regularly checked. The mission team noted that equipment seen used for killing was correctly used, in good conditions and well maintained. Back up equipment was seen available.

### Conclusions

Not all slaughterhouses have drawn up and implemented SOPs as required by Article 6(2) of the same Regulation and it is not ensured by business operators that all operational rules

for slaughterhouses set out in Annex III are complied with as required by Article 15 (1) Regulation (EC) No 1099/2009.

It is not ensured that poultry is always stunned in accordance with the methods and specific requirements related to the application of those methods set out in Annex I, as required by Article 4 (1) of Regulation (EC) No 1099/2009.

It is not ensured that official controls in slaughterhouses take place in accordance with Annex I of Regulation (EC) No 854/2004, regarding verification of compliance with relevant rules on animal welfare at the time of slaughter, as required by Article 5 of Regulation (EC) No 854/2004.

#### *5.4.2 Animal welfare officers and certificate of competence*

##### Legal Requirements

Article 17 of Regulation (EC) No 1099/2009 requires business operators to designate an Animal Welfare Officer for each slaughterhouse to assist them in ensuring compliance with the rules laid down in the regulation.

Article 7(2) of Regulation (EC) No 1099/2009 requires that business operators shall ensure that certain slaughter operations are only carried out by persons holding a certificate of competence as provided for in Article 21 of the same Regulation.

Article 21(1)(a) and (b) of Regulation (EC) No 1099/2009 requires that for the purpose of Article 7 of the same regulation the responsible designated competent authority shall deliver certificates of competence attesting the passing of an examination and ensure availability of training courses.

##### Findings

According to information provided by Iceland in its reply to the pre-mission document of the Authority, Animal Welfare Officers have been designated for slaughterhouses and this was confirmed in the establishments visited by the mission team. In summer 2014 MAST has planned a training session for the designated Animal Welfare Officers focusing on the scope of Regulation (EC) No 1099/2009, standard operating procedures, and requirements concerning monitoring of relevant animal welfare indicators.

According to information provided by Iceland in its reply to the pre-mission document of the Authority, MAST is responsible for delivering certificates of competence to business operator personnel involved in killing animals and related operations, attesting the passing of an examination and ensuring that training courses are available. The mission team noted that theoretical training courses have been held for personnel involved in handling of live animals, stunning and killing at slaughterhouses, except for personnel slaughtering poultry, although practical training and examination has not yet taken place. MAST is currently in negotiations to buy/license an e-based online learning system for slaughterhouse personnel developed by a Norwegian company.

The mission team noted that no business operator employees in Iceland have at current documented appropriate level of competence, however the mission team was informed by MAST that this should be in place at latest before September 2014.

##### Conclusions

Animal Welfare Officers have been designated by business operators in Iceland as required by Article 17 of Regulation (EC) No 1099/2009. The competent authority has not delivered certificates of competence, attesting passing of an examination, as required by Article 21(1)(a) of Regulation (EC) No 1099/2009 and not ensured that training courses

are available for all personnel involved in killing and related operations as required by Article 21(1)(b) of Regulation (EC) No 1099/2009.

## **5.5 Killing of animals outside slaughterhouses**

### *5.5.1 Killing of animals for private domestic consumption*

#### Legal Requirements

According to Article 10 of Regulation (EC) No 1099/2009, the requirements of Articles 3(1) and 7(1) shall apply to the slaughtering of animals, other than poultry, rabbits and hares, and the related operations outside of a slaughterhouse by their owner or by a person under the responsibility and supervision of the owner, for private domestic consumption.

Article 3(1) of Regulation (EC) No 1099/2009 requires that animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.

Article 7(1) of Regulation (EC) No 1099/2009 requires that killing and related operations shall only be carried out by persons with the appropriate level of competence to do so without causing the animals any avoidable pain, distress or suffering.

#### Findings

According to information provided by Iceland at the opening meeting, requirements and official control arrangements concerning killing of animals outside slaughterhouses and for private consumption are planned to be incorporated into species specific national regulations that have already been drafted and are expected to be finalized this year. The mission team noted that at current official controls have limited focus on the issue of animal welfare at the time of killing on farms.

#### Conclusions

In Iceland arrangements are not in place to ensure that animals killed for private domestic consumption are spared any avoidable pain, distress or suffering during their killing and related operations, as required by Article 3(1) of Regulation (EC) No 1099/2009 and by persons with appropriate level of competence as required by Article 7(1) of Regulation (EC) No 1099/2009.

### *5.5.2 Killing of fur animals*

#### Legal Requirements

Article 7(1) of Regulation (EC) No 1099/2009 requires that killing and related operations shall only be carried out by persons with the appropriate level of competence to do so without causing the animals any avoidable pain, distress or suffering.

Article 7(3) of Regulation (EC) No 1099/2009 requires the killing of fur animals to be carried out in the presence and under the direct supervision of a person holding a certificate of competence issued for all the operations carried out under his supervision and that business operators of fur farms shall notify the competent authority in advance when animals are to be killed.

#### Findings

The mission team visited a mink farm. Equipment for killing mink was seen and fulfilled the requirements of Regulation (EC) No 1099/2009. The mission team noted that the farm owner was well aware of these requirements and handling of animals of good standards was seen.

According to information provided by Iceland in its reply to the pre-mission document of the Authority, fur farmers have been made aware of their responsibilities to only perform

killing of fur animals under direct supervision of a person holding certificate of competence and the requirement to notify the competent authority when killing is planned.

The mission team noted that a training course for persons killing fur animals in Iceland has been held, but so far no certificates of competence have been issued for killing of fur animals.

### Conclusions

In Iceland the killing of fur animals is not carried out in the presence and under the direct supervision of a person holding a certificate of competence as required by Article 7(3) of Regulation (EC) No 1099/2009.

#### *5.5.3 Killing of aquaculture animals*

### Legal Requirements

Article 3(1) of Regulation (EC) No 1099/2009 requires that animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.

### Findings

The mission team visited an establishment killing fish using an automatic stunner consisting of four parallel stunning lines equipped with a penetrative bolt and a bleeding knife. The mission team noted several shortcomings related to the operation of the equipment indicating negative effects on fish welfare. Standard operating procedures and recordings related to fish welfare at the time of killing or related operations were not available and the mission team was informed that official controls of establishments killing fish did not include specific issues related to animal welfare at the time of killing and related operations.

### Conclusions

In Iceland limited focus is on fish welfare at the time of killing and related operations during official controls.

## **5.6 Scientific support and guides to good practice**

### Legal Requirements

Article 20 of Regulation (EC) No 1099/2009 requires each Member State to ensure that sufficient independent scientific support is available to assist the competent authorities, upon their request.

Article 20 of Regulation (EC) No 1099/2009 requires each Member State to identify a single contact point and make it publicly available via the internet.

Article 13 of Regulation (EC) No 1099/2009 requires each Member State to encourage the development and dissemination of guides to good practice to facilitate the implementation of this Regulation. When such guides to good practice are drawn up, they shall be developed and disseminated by organisations of business operators: (a) in consultation with representatives of non-governmental organisations, competent authorities and other interested parties (b) having regard to scientific opinions as referred to in Article 20(1)(c).

### Findings

According to information provided by Iceland, independent scientific support is available to assist the competent authority as Article 5 of IS Act No 55/2013 on animal welfare

defines a Board of experts on animal welfare that shall provide MAST with assistance in policy development and on specific animal welfare related issues. The Board is expected to observe the development of animal welfare requirements in general and inform MAST of important issues in relevant fields. According to IS Act No 55/2013 the board shall be comprised of five members chaired by the Icelandic Chief Veterinary Officer and the other four members shall be nominated as follows: one by the Farmers Association, one by the Icelandic Veterinary Association, one by the Icelandic association of Animal Welfare and one by the Department of Ethics at the University of Iceland. The members of the Board shall be experts in veterinary science, zoology, animal behavioural science, scientific use of animals, animal science and ethics. In cases where the Board is lacking expertise on issues under discussion it is required to seek the necessary external expert assistance.

According to information provided by Iceland in its reply to the pre-mission document of the Authority the Veterinary Officer of animal welfare and pet diseases has been identified as a national contact point for Iceland.

According to information provided by Iceland in its reply to the pre-mission document of the Authority, no guides of good practice have been validated nor established by the competent authority in Iceland. The mission team was not informed of any guides of good practices being developed and disseminated by the organisations of business operators except for the killing of fur animals.

### Conclusions

In Iceland sufficient independent scientific support is available and a single contact point has been appointed according Article 20 of Regulation (EC) No 1099/2009.

In Iceland guides to good practices to facilitate the implementation of Regulation (EC) No 1099/2009 have not been developed by organisations of business operators for all species.

## **6 Final meeting**

A final meeting was held on 9 May 2014 at the MAST district office in Reykjavik with representatives from MAST and the MoII. At the meeting, the mission team presented its main findings and preliminary conclusions with reference to the relevant EEA legislation.

## **7 Recommendations**

Iceland should notify the Authority, within two months of receiving the final report, by way of written evidence, of the corrective actions taken and a plan for corrective measures and actions, including a timetable for completion of measures still outstanding, relevant to all the recommendations hereunder. The Authority should also be kept informed of the completion of the measures included in the timetable.

No	Recommendation
1	Iceland should notify national infringement provisions to the Authority, as required by Article 23 of Regulation (EC) No 1099/2009 and notify rules on penalties applicable to infringements and stricter national measures to the Authority, as required by Article 26 of the same Regulation.



2	The competent authority should ensure that all staff performing official controls related to animal welfare at the time of killing receive appropriate training and are kept up-to-date in their area of competence, as required by Article 6 of Regulation (EC) No 882/2004.
3	The competent authority should ensure that the official controls are carried out on a risk basis taking into account identified risks that may influence animal welfare at the time of killing and related operations, as required by Article 3(1)(a) of Regulation (EC) No 882/2004.
4	The competent authority should ensure that official controls include examination of required own control systems that business operators shall put in place and the results obtained, as required by Article 10(2)(a) of Regulation (EC) No 882/2004.
5	Iceland should prepare a MANCP, as required by Article 41 of Regulation (EC) No 882/2004.
6	The competent authority should ensure that the procedures in place to verify the effectiveness of official controls, as required by Article 8(3) of Regulation (EC) No 882/2004, include verifying effectiveness of official controls related to requirements of Regulation (EC) No 1099/2009.
7	The competent authority should ensure that in case of detected non-compliances, related to requirements of Regulation (EC) No 1099/2009, actions are taken for enforcement in line with the requirements of Article 54 of Regulation (EC) No 882/2004.
8	Iceland should ensure that official controls in slaughterhouses take place in accordance with Annex I of Regulation (EC) No 854/2004, regarding verification of compliance with requirements of Regulation (EC) No 1099/2009, as required by Article 5 of Regulation (EC) No 854/2004, and in particular regarding obligations of business operators as laid out in Article 4, 5, 6, 15, 16, Annex I and Annex III of Regulation (EC) No 1099/2009.
9	The competent authority should ensure that certificates of competence, attesting the passing of an examination, as required Article 21(1)(a) of Regulation (EC) No 1099/2009 are delivered and ensure that training courses are available for all personnel involved in killing and related operations, as required by Article 21(1)(b) of Regulation (EC) No 1099/2009.
10	Iceland should ensure that arrangements are in place to ensure that killing of animals for private domestic consumption is done according to requirements of Article 3(1) of Regulation (EC) No 1099/2009 and by persons with appropriate level of competence, as required by Article 7(1) of Regulation (EC) No 1099/2009.
11	Iceland should ensure that the killing of fur animals is carried out in the presence and under the direct supervision of a person holding a certificate of competence, as required by Article 7(3) of Regulation (EC) No 1099/2009.
12	Iceland should encourage the development and dissemination of guides to good practice to facilitate the implementation of Regulation (EC) No 1099/2009, as required by Article 13 of Regulation (EC) No 1099/2009.

**Annex 1 - List of abbreviations and terms used in the report**

Authority	EFTA Surveillance Authority
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
FBO	Food business operator
MANCP	Single integrated multi annual national control plan
MAST	Icelandic Food and Veterinary Authority
MoI	Ministry of Industry and Innovation
SOP	Standard operating procedure


## Annex 2 - Other relevant legislation




The following EEA legislation was also taken into account in the context of this mission:

- a) The Act referred to at Point 1.2.74 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States*; as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.
- b) *The Act referred to at Point 7.1.13 of Chapter I of Annex I to the EEA Agreement, Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.
- c) The Act referred to at Point 11 in Part 1.1 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as amended, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- d) The Act referred to at Point 6.1.17 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin*, as amended and as adapted to the EEA Agreement by sectoral adaptations as referred to in Annex I to that Agreement;
- e) The Act referred to at Point 12 of Subchapter 1.1 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption*, as amended and as adapted to the EEA Agreement;
- f) The Act referred to at Point 9.1.2a of Chapter I of Annex I to the EEA Agreement, *Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing*, as amended and as adapted to the EEA Agreement.

**Annex 3 - Reply from Iceland to the draft report**

<b>No</b>	<b>Recommendation</b>	<b>Reaction of Icelandic authorities</b>	<b>Date of Compliance</b>	<b>Comment/attachment</b>
<b>1</b>	Iceland should notify national infringement provisions to the Authority, as required by Article 23 of Regulation (EC) No 1099/2009 and notify rules on penalties applicable to infringements and stricter national measures to the Authority, as required by Article 26 of the same Regulation.	* See text below the table.  The Ministry of Industries and Innovation will furthermore notify formally to the Authority the national provisions required by Articles 23 and 26.	01.10.14	
<b>2</b>	The competent authority should ensure that all staff performing official controls related to animal welfare at the time of killing receive appropriate training and are kept up-to-date in their area of competence, as required by Article 6 of Regulation (EC) No 882/2004.	Appropriate training will be made available to all veterinarians (official and contracted) performing official control in slaughterhouses.	31.12.14	
<b>3</b>	The competent authority should ensure that the official controls are carried out on a risk basis taking into account identified risks that may influence animal welfare at the time of killing and related operations, as required by Article 3(1)(a) of Regulation (EC) No 882/2004.	MAST, in general, carries out risk based official controls. MAST will set more focus on making a risk based assessment of the need of official controls regarding <b>animal welfare</b> in individual slaughterhouses and other related operations.	30.06.15	

4	The competent authority should ensure that official controls include examination of required own control systems that business operators shall put in place and the results obtained, as required by Article 10(2)(a) of Regulation (EC) No 882/2004.	Official veterinarians shall regularly check the own control of the FBOs regarding stunning of animals and actions in case of non-compliance. See attached document: <i>Control Handbook on Daily control in slaughterhouses</i> . Provisions regarding audits of the FBO's procedures concerning control of animal welfare at the time of killing and related operations will furthermore be added to the <i>Control Handbook of food establishments</i> .	30.06.15	 LBE-046 Handbook_daily contr
5	Iceland should prepare a MANCP, as required by Article 41 of Regulation (EC) No 882/2004.	MAST has control plans for the various control systems and is in the process of developing a three-year MANCP. The first edition will be published and implemented in 2015. The development of the MANCP will be an on-going process and it will be revised and improved as new control procedures are officially implemented.  Each year MAST publishes an Annual Report which provides information on the work done in the previous year and results of controls and control findings.		
6	The competent authority should ensure that the procedures in place to verify the effectiveness of official controls, as required by Article 8(3) of Regulation (EC) No 882/2004, include verifying effectiveness of	Please see chapter 1.5. in the Country Profile for Iceland regarding verification and review of official controls.  The same plans and procedures will be applied to the animal welfare control system		

	official controls related to requirements of Regulation (EC) No 1099/2009.	when that is fully in place based on new regulations and updated work procedures.		
7	The competent authority should ensure that in case of detected non-compliances, related to requirements of Regulation (EC) No 1099/2009, actions are taken for enforcement in line with the requirements of Article 54 of Regulation (EC) No 882/2004.	MAST will in case of detected non-compliances ensure that actions are taken according to the legislation and MAST's Quality Manual (VLY-052). The work procedure is currently under revision in relation to the new act on animal welfare and the derived regulations that have been drafted. When they will be published the procedure will be issued again.	30.06.15	 VLY-052 AW follow-up.pdf
8	Iceland should ensure that official controls in slaughterhouses take place in accordance with Annex I of Regulation (EC) No 854/2004, regarding verification of compliance with requirements of Regulation (EC) No 1099/2009, as required by Article 5 of Regulation (EC) No 854/2004, and in particular regarding obligations of business operators as laid out in Article 4, 5, 6, 15, 16, Annex I and Annex III of Regulation (EC) No 1099/2009.	MAST will revise procedures regarding verification of compliance of Regulation (EC) No 854/2004 to the <i>Control Handbook of food establishments</i> in addition to what is listed in point 4.  Follow-up letters have also been sent to slaughterhouses and DVOs in order to ensure corrective actions, put remedies in place and to prevent non-compliances. See attachments. This applies to the results of the mission in general.	30.06.15	 Follow-up letter to DVOs.pdf   Follow-up letter to SH.pdf
9	The competent authority should ensure that certificates of competence, attesting the passing of an examination, as required Article 21(1)(a) of Regulation (EC) No 1099/2009 are delivered and ensure that training courses are available for all	Competent authority (MAST) will ensure to regularly make available training courses for personnel involved in killing of slaughter animals and related operations in Iceland (all involved personnel was invited to a training course in spring 2014). MAST	30.06.15	

	personnel involved in killing and related operations, as required by Article 21(1)(b) of Regulation (EC) No 1099/2009.	will further organise examination and attest the passing of such examination with a Certificate of Competence. MAST will ensure that official controls, performing inspections at fur animal farms in Iceland, supervises that procedures regarding killing of fur animals will be conducted in accordance to Regulation (EC) No 1099/2009.		
10	Iceland should ensure that arrangements are in place to ensure that killing of animals for private domestic consumption is done according to requirements of Article 3(1) of Regulation (EC) No 1099/2009 and by persons with appropriate level of competence, as required by Article 7(1) of Regulation (EC) No 1099/2009.	New regulations regarding welfare of all animal species included in the Animal Welfare Act No 55/2013 are being prepared and will soon be issued by the MoII where requirements of Regulation (EC) 1099/2009 are incorporated.	30.06.15	
11	Iceland should ensure that the killing of fur animals is carried out in the presence and under the direct supervision of a person holding a certificate of competence, as required by Article 7(3) of Regulation (EC) No 1099/2009.	See comment under recommendation No 9. The same will apply to killing of fur animals.	31.12.14	
12	Iceland should encourage the development and dissemination of guides to good practice to facilitate the implementation of Regulation (EC) No 1099/2009, as required by Article 13 of Regulation (EC) No 1099/2009.	MAST has already, in a meeting in June 2014, encouraged the <i>Association of slaughterhouses</i> to develop and disseminate guides to good practice.	01.07.14	

**\* Infringement provisions:**

Regulation 911/2012 is set in accordance with Act No 103/2002 on Livestock. This act has been repealed so the current legal basis for the regulation is the Animal Welfare Act, No 55/2013.

Infringement provisions are found in Chapter X of the Act. Article 34 contains provisions on inspections of MAST and removal of animals by the police in instances of serious violations. Article 35 authorizes MAST to stop operations in instances of serious or repeated violations. Article 35 provides for daily fines and demands for rectifications. Article 37 covers the removal of animals. Article 38 covers instances when a situation demands instant action. Article 39 allows for temporary ban on keeping animals. Article 39 provides for fines, Article 40 for loss of license, Article 44 is on loss of right to keep animals by court ruling and finally Article 45 covers criminal sanctions.

**National rules:**

Article 2 of Regulation 911/2012 on the protection of animals at the time of killing, contains national rules.

*A Treatment of animals in slaughter houses.*

Slaughterhouses shall have sufficient facilities and equipment to remove animals from vehicles. Floors shall be slip-resistant and it shall contain divisions where necessary. Ramps, tunnels and bridges shall have whole sides or fences that prevent animals from falling off. The decline of ramps at entries and exits shall be as little as possible.

Passageways shall be designed so that animals are not injured and that their gregarious tendencies are best utilized in herding.

Electronic stunners shall only be used in slaughterhouses when it is necessary. In those instances where it is necessary, it shall be used on fully grown cattle and pigs that do not move and only when there is space in front of the animals to move to. The shock may not last longer than one second and shall be delivered to the rump/buttock. It is prohibited to use the stunner repeatedly when an animal does not respond by moving.

The reception area for animals shall be roofed and have enough areas to keep the animals, in accordance with the regulation on the slaughter and treatment of slaughter products. The following also applies:

- a. Floors shall be slip-resistant and not have steps or barriers.



- b. Air conditioning shall be sufficient and take into account maximum heat and humidity.
- c. Lighting shall suit the species and shall ensure that the animals can be observed.
- d. Equipment shall be present to tie to an animal, when applicable.

Animals that are not slaughtered immediately after arrival shall have access to good drinking water.

*B. Anaesthesia and killing of other animals than fur animals*

*1. Stunning.*

Equipment for stunning shall have built in parts that automatically measures the resistance and does not turn on electricity unless it is certain that the minimum current will stun the animals. The equipment shall have a meter and light that indicates that it operates as intended and for the necessary amount of time. It shall also be connected to equipment that shows the voltage when in use.

*2. Water pools.*

When a water pool is used for poultry, the level of the water shall be controllable to secure good conductivity to the head of the birds.

When a large amount of poultry is being stunned at once, the current must be sufficient to stun all of the birds.

Water pools for poultry shall be large and deep enough for the type of bird being slaughtered. Water may not flow over the entry into the pool. The electrode in the water shall reach across the whole pool.

*3. Gassing*

A gas chamber for pigs, and the equipment that controls the access to the chamber, shall be designed, built and maintained so that the pigs are not injured, that their chests are not pressurized and that the animals can stand until they lose conscience. Lighting shall be sufficient so that the animals can see each other and the environment.

The chamber shall have equipment to measure the strength of the gas and give warning when levels go below what is necessary.