

**DRAFT EXPLANATORY MEMORANDUM TO**  
**THE WELFARE OF ANIMALS AT THE TIME OF KILLING REGULATIONS**  
**(NORTHERN IRELAND) 2013**

**S.R. No. 107**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the above-named Regulations which were laid under the negative resolution process before the Northern Ireland Assembly.
- 1.2 Council Regulation (E.C.) No.1099/2009 (“the Council Regulation”) replaces Council Directive 93/119/EC which has been implemented in Northern Ireland by the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (“WASK”).
- 1.3 These Regulations revoke and replace, WASK with certain amendments in order to comply with the requirements of the Council Regulation.

**2. Purpose**

- 2.1 The Council Regulation applies to all animals killed for the production of meat or other products in a slaughterhouse or on-farm as well as for disease control purposes and requires business operators to maintain certain minimum standards in relation to the welfare of animals during slaughter.
- 2.2 The Council Regulation acknowledges that some European countries have higher welfare standards than others and, for this reason allows Member States to maintain existing welfare protection where this offers a higher standard of protection than those required by the Council Regulation.
- 2.3 The Council Regulation also allows higher standards to be introduced, than those currently applicable, to ensure more extensive welfare protection in relation to religious slaughter, farmed game and killing outside a slaughterhouse.

**3. Background**

- 3.1 Welfare at slaughter is currently provided for by Council Directive 93/119/EC, implemented in Northern Ireland by WASK. Council Directive 93/119/EC is repealed and replaced on 1 January 2013 by the Council Regulation. Certain measures in relation to layout, construction and equipment in slaughterhouses do not come into effect until December 2019 for existing slaughterhouses. Although the Council Regulation is directly applicable in every Member State action is required to implement the Regulation and to make provision for penalties and sanctions.
- 3.2 In proposing a Regulation the Commission’s general objectives were to improve the protection of animals at the time of slaughter or killing, while ensuring equal

opportunities for all business operators concerned, so that competitiveness is not affected by differences in production costs or market access.

- 3.3 The Commission's specific objectives are to encourage innovation for stunning animals humanely, to ensure better integration of animal welfare in the production process of slaughterhouses, to increase the level of knowledge of personnel concerned and to improve the protection of animals when large scale killing for disease control purposes occurs.
- 3.4 The Council Regulation provides a framework for ensuring overarching welfare outcomes are achieved. This outcome driven process differs in some aspects to the current regulatory framework which establishes overarching welfare requirements but, also provides detailed technical standards for all key aspects of the slaughter process.
- 3.5 The Council Regulation applies to all animals killed in a slaughterhouse, on-farm or for disease control purposes. It ensures that animals (including poultry and fish, but excluding reptiles and amphibians) are spared any avoidable pain, distress or suffering. Animals (other than fish) must be killed by a method that leads to instant death or death after stunning.
- 3.6 Exceptions to the rules are provided for in instances of emergency killing and where slaughter is carried out in accordance with religious rites, (e.g. Halal or Schechita) subject to existing standards by individual Member States.

#### **4. Consultation**

- 4.1 A 12 week consultation was undertaken for these Regulations from 10th July 2012 to 3rd September 2012.
- 4.2 Stakeholders and interested parties were consulted and a number of responses were received. Overall the changes were welcomed by stakeholders and there was significant support for the proposals.

#### **5. Equality Impact**

- 5.1 Under Section 75 of the Northern Ireland Act 1998 DARD has considered and assessed the Regulations for any equality implications. An equality impact assessment was not required as the policy has been screened out. No equality differentials are foreseen on Section 75 groups. A copy of the equality and screening out template has been placed on the DARD website.

#### **6. Regulatory Impact**

- 6.1 A Partial Regulatory Impact Assessment has been prepared for The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2013. Copies can be obtained from Animal Health and Welfare Policy Division, Department of Agriculture and Rural Development for Northern Ireland or from the Department's website ([www.dardni.gov.uk](http://www.dardni.gov.uk)).

- 6.2 The Department has considered how the Regulations meet with the requirement for Better Regulation and has concluded that they will not impose any significant additional burden on owners or keepers of animals.

## **7. Financial Implications**

- 7.1 As all business operators have been shown to be compliant with current WASK provisions, maintaining these WASK requirements will impose little or no additional cost burden on existing operators.
- 7.2 The existing WASK requirements are maintained. Where equipment is replaced the additional cost is expected to be minimal as the necessary features can be incorporated from the outset at little or no additional cost.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Regulations deals with animal welfare and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1 The regulations implement for Northern Ireland the requirements of Council Regulation (E.C.) No.1099/2009 on the protection of animals at the time of killing.

## **10. Parity or Replicatory Measure**

- 10.1 Prior to consultation and based on discussions with officials in England, Scotland and Wales, the intention is to maintain the higher welfare standards already provided for in WASK. The ROI are committed to implementing the provisions of the Council Regulation.

## **11. Additional Information**

- 11.1 Not applicable.

## **12. Contact**

- 12.1 Jim McBrien at the Department of Agriculture and Rural Development.  
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