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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

ROMANIA

FROM 21 TO 29 NOVEMBER 2012

IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL  
WELFARE ON FARMS AND DURING TRANSPORT

*In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.*

## ***Executive Summary***

*This report describes the outcome of a Food and Veterinary Office (FVO) audit which took place in Romania from 21 to 29 November 2012. The audit evaluated the implementation of national measures for the control of animal welfare on farms and during transport and followed up certain outstanding recommendations from a number of FVO reports: DG SANCO/2010-8389, DG SANCO/2009/8256 and DG SANCO/2009/8269 (hereafter: reports 2010-8389, 2009/8256 and 2009/8269 respectively) on the same issues.*

*In addition, certain issues within the scope of this audit, in particular: designation of responsibilities, cooperation and coordination between authorities or within authorities; verification of effectiveness of official controls, enforcement in case of non-compliance and implementation of effective independent audit systems were reviewed as part of a general approach being followed in several FVO audits in Romania during 2012.*

*It is concluded that significant progress has been made since the last FVO audit on animal welfare in 2010. The systems in place to implement controls on animal welfare during transport and on farms are generally satisfactory. Some problems remain relating to risk prioritisation and the organisation of controls, specific lack of resources in this sector, the lack of dissuasive sanctions for commercial transporters and overstocking in laying hen premises, and a lack of procedures on when to impose sanctions which leads to inconsistent enforcement. However, all except two of these issues had been correctly identified during recent CA audits and were being followed up by the CCA audit office through the County inspection Services (CIS).*

*Major results have been achieved with the effective implementation on the ban of the sale of eggs produced in non enriched cages in the laying hen sector and Romania is very well placed regarding future compliance with the requirements of group housing of sows and gilts (only two commercial farms remain non-compliant). Eight out of ten of the outstanding recommendations from the previous FVO audits can now be considered satisfactorily addressed with action initiated for the remaining two.*

*The guidance available for the approval of means of transport by road for long distance is insufficiently clear to enable inspecting staff to satisfactorily perform this function. This, together with the inability of staff to correctly approve the more technical aspects of the means of transport for long distances, despite the provision of recent training, raises concerns that the approval of these vehicles throughout the country has not been performed correctly or in conformity with the requirements of Article 18 of Regulation (EC) No 1/2005.*

*The CA has put in place and implemented a satisfactory system for the approval and supervision of Assembly Centres (ACs). Despite clear instructions to counties to verify the realism of journey logs these have not been fully adhered to at local level and therefore the CA does not effectively monitor transporters' adherence with journey and resting time requirements, as laid down in Regulation (EC) No 1/2005.*

*The report makes a number of recommendations to the Romanian competent authorities, aimed at rectifying the shortcomings identified and enhancing the implementing and control measures in place.*

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**ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT**

<b>Abbreviation</b>	<b>Explanation</b>
AC	Assembly Centre
AT	Audit Team
CA	Competent Authority
CCA	Central Competent Authority
CIS	County Inspection Service
DG(SANCO)	Health and Consumers Directorate-General
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
MANCP	Single Integrated Multi-Annual National Control Plan
MS	Member State
NSVFSA	National Sanitary Veterinary Food Safety Authority
OV	Official Veterinarian
TACD	Technical Audit Compartment Directorate (Central level)
TAO/C	Technical Audit Office (County Level)

## 1 INTRODUCTION

The audit took place in Romania from 21 to 29 November 2012 as part of the FVO's planned audit programme. The audit team (AT) comprised two FVO auditors and one expert from a European Union (EU) Member State (MS) and was accompanied throughout the audit by a representative of the Central Competent Authority, the National Sanitary Veterinary and Food Safety Authority; hereafter: CCA).

An opening meeting was held on 21 November 2012 with the CCA, where the AT confirmed the objectives of the audit as well as the audit itinerary, and information required for the successful completion of the audit was requested.

## 2 OBJECTIVES

The objective of the audit was to evaluate the measures taken to implement the requirements of EU legislation for animal welfare on farms and during transport. The audit also assessed how the recommendations from the European Convention for the Protection of Animals kept for Farming Purposes have been included in Romanian legislation and/or other administrative arrangements. Progress with the implementation of recommendations from previous FVO reports was also assessed.

In addition, certain issues within the scope of this audit, in particular: designation of responsibilities, cooperation and coordination between authorities or within authorities; verification of effectiveness of official controls, enforcement in case of non-compliance and implementation of effective independent audit systems were reviewed as part of a general approach being followed in several FVO audits in Romania during 2012.

The table below lists sites visited and meetings held in order to achieve that objective:

Visits			Comments
Competent authority (CA)	Central	2	Opening and final meetings
	Regional	2	County offices. Officials carrying out tasks at zonal level were also met in County offices.
	District		
Farms/ ACs/ slaughterhouses etc			2 broiler farms, 2 ACs (one bovine, one ovine), one long distance transporter. The sites were selected by the AT.

## 3 LEGAL BASIS

The audit was carried out under the general provisions of Community legislation, in particular Article 28 of Regulation (EC) No 1/2005 and Article 45 of Regulation (EC) 882/2004. A full list of the legal instruments referred to in this report is provided in the Annex and refer, where applicable, to the last amended version.

## 4 BACKGROUND

The previous audit concerning animal welfare took place from 26 to 30 April 2010 (ref: DG(SANCO)/2010-8389). The report of that audit, which was a follow up to the previous reports on animal welfare (ref: DG SANCO/8269/2009 and 8256/2009), concluded that the CA had satisfactorily addressed about half of the outstanding issues from previous FVO reports and had made sustained efforts to achieve better compliance principally by providing training and revising instructions to the County CAs.

Progress was being made to address the level of compliance in the laying hen sector in the run up to the ban on the use of unenriched cage from 1 January 2012. Likewise with animal welfare during transport there had been progress but this was limited.

This was the first mission to look at the welfare of pigs on farm and the situation regarding group housing of sows and gilts was seen as positive. The slaughter of backyard pigs without stunning was seen as a potential problem though the CA's publicity campaign and provisions for making stunning equipment more widely available were viewed as good initiatives to address this issue.

The multi-annual national control plan (MANCP) had not yet been sufficiently developed and audits had not been implemented for animal welfare controls.

Report 2010-8389 and the CA action plan addressing its recommendations are available on the DG SANCO web site: [http://ec.europa.eu/food/fvo/index\\_en.cfm](http://ec.europa.eu/food/fvo/index_en.cfm)

## 5 FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) NO 882/2004

### 5.1 COMPETENT AUTHORITIES

#### 5.1.1 Designation of Competent Authorities

### Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires MSs to designate the CAs responsible for the purposes and official controls set out in the Regulation. It also lays down operational criteria for the CAs.

### Findings

The organisation of the Competent Authorities (hereafter: CA) is described in the country profile of Romania on food and feed safety, animal health, animal welfare and plant health and is available at the following link: [http://ec.europa.eu/food/fvo/ir\\_search\\_en.cf](http://ec.europa.eu/food/fvo/ir_search_en.cf). The AT noted that:

- The organisation and functioning of the CA has been modified since the previous mission by the NSVFS (Order No. 1209 of 27 April 2011). This establishes a separate office of Animal Welfare and Nutrition at central level, a distinct Technical Audit and Control Directorate (TACD) responsible for the planning of internal audits at both County and central levels, and a Technical Audit Office (TAO/C) in each County which carries out the audits at County level;
- The role of the the CIS has been more clearly defined since the last audit and is now

primarily concerned with the verification of, amongst others, zonal level (municipal level veterinarians) and County animal welfare technical staffs' control activities and includes verifying if they are using the prescribed procedures. The CIS are also tasked with the follow up of TAO/C audit reports;

- In order to prevent duplication of controls, the responsibility for primary official control activities has been removed from the CIS at both central and County levels. CIS are still tasked with investigating complaints on animal welfare and participating in inspection activities when specifically directed by the CCA as part of a project or specific Service Note. This has become more important in the last quarter of 2012 when the shortage of staff performing animal welfare controls resulted in a reallocation of task to include the CIS in performing official controls relating to animal welfare.

### 5.1.2 Staffing provision and facilities

#### Legal Basis

Article 4 (2) (c) requires the CA to ensure that they have access to a sufficient number of suitably qualified and experienced staff.

#### Findings

The AT noted that:

- The County audit reports of 2011 and 2012 on the animal welfare sector have regularly reported that there is an inadequate number of staff carrying out official controls;
- The CA is aware of the under-staffing issue and held a conference in 2012 to discuss the shortfalls in the control programme. As a result CIS staff were recently reallocated in some Counties to assist in the completion of the animal welfare control programmes and this has helped to resolve the shortfall as an interim measure;
- There was one Official Veterinarian (OV) in each County dealing with official controls on animal welfare, and other tasks. In the first County visited certain animal welfare controls had been delegated to zonal veterinarians but this had not happened in the second County;

The distribution of staff and their tasks is given below:

Staffing levels	County “Monitoring Staff” (number of posts)		Staff carrying out Official Controls at County and local level (number of posts)
	CIS	TAC/O	
County 1	8 (9)	5 (6)	33 (42)
County 2	7 (10)	2 (2)	30 (41)
Romania	275	120	1688

- The situation for the country indicates that approximately one person monitors the performance of four staff members implementing official controls;
- The CIS staff met stated that there was a disproportionate amount of staff monitoring the activities of the technical and zonal staff in the two Counties visited which results in insufficient staff to perform the control activities.

## **Conclusions on designation of responsibilities and staffing provision**

Romania designated clear responsibilities in May 2011 in the revised organisation of official controls at the central and local levels of the CA. Actions were taken to prevent duplication of controls at County level.

Under-staffing has been a key issue identified in audits carried out by the CA on official controls in the animal welfare sector and the two counties visited were no exception. This has led to the clear distinction in roles becoming blurred as the CIS has recently been tasked with also performing official controls in the animal welfare sector. This interim action has resulted in effective delivery of the animal welfare inspection programme in the two counties visited which otherwise would not have been possible.

The CA concluded that more appropriate allocation of staff performing official controls and thus a better balance between those performing controls and those checking their performance could also help to address the issue of under-staffing.

### *5.1.3 Prioritisation of official controls*

#### **Legal requirements**

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning. Controls shall be applied with the same care to exports from the EU, imports into the EU and to product placed on the EU market.

#### **Findings**

The AT noted that:

- The recently developed CA guidance to County services on drafting annual control plans for animal welfare on farms and transport takes into account some of the criteria listed in Article 3 of Regulation 882/2004 and indicated that:
  - the primary risk to be taken into account in planning controls was the presence of non-compliances found and sanctions imposed in previous inspections;
  - all commercial farm premises are to be subject to 100% controls;
  - all loadings and unloadings at ACs are to be supervised;
  - controls on backyard farm premises should be 0.5% of all holdings and 50% of these must include pigs.
- There was no recording of previous contraventions indicated in the planning of official controls and there was no easy way to record this for future years' planning. The CA indicated that they will add a column on repeat offenders into the table used to plan annual controls of farm inspections to assist in prioritisation next year;
- There was evidence of risk prioritisation of inspections on broiler farms in one county where farms employing higher stocking densities were subjected to increased frequency of inspection;
- The CA were on schedule to reach their targets for controls on commercial farm premises in the two counties visited but not for backyard flocks.

## **Conclusion on Prioritisation of official controls**

The CA is using recently developed guidance on risk criteria to assist county levels in their annual planning of animal welfare controls. The CA has been able to implement a very high level of controls on commercial farm premises but is not yet able to comply with all their lower risk priorities or the planning of controls taking previous sanctions into account.

### *5.1.4 Co-operation within Competent Authorities*

#### **Legal Requirements**

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

#### **Findings**

The AT saw effective cooperation between Counties and the CCA in the preparation and monitoring of action plans to implement the ban on the production of eggs from unenriched cages on laying hen farms (see section 6.2.1. for further details).

Similarly, for the forthcoming requirements for group housing of sows and gilts in January 2013, the AT saw good coordination and communication in delivering the strategy to assess the readiness of farms throughout the country to comply with these requirements and report the results of controls to the CCA (see section 6.2.2. for further details).

#### **Conclusions on Co-operation within Competent Authorities**

The CA has demonstrated effective cooperation between County and central levels in the implementation of the strategies for the ban on the production of eggs from unenriched cages on laying hen farms and the forthcoming requirements for group housing of sows and gilts in January 2013.

### *5.1.5 Verification of effectiveness of official controls*

#### **Legal Requirements**

Article 8 of Regulation (EC) No 882/2004 states that CAs shall have procedures in place to verify the effectiveness of official controls and to ensure that corrective action is taken when needed.

#### **Findings**

In response to previous FVO recommendations to ensure that procedures for the verification of effectiveness of animal welfare checks on farm are effectively implemented the CCA has made the organisational changes detailed in section 5.1.1 of this report, designating and clarifying the role of the CIS as that of primarily verifying the official controls carried out by the County technical services, zonal (local level) veterinarians and approved veterinarians. The AT noted that:

- Service Note 1338 of 29 April 2011 lays down the annual inspection plan frequencies, scope of controls and inspection templates for the CIS to follow in performing their inspections;

- Inspections (verification of effectiveness) are carried out on the technical animal welfare service officials once per year, and twice per year for zonal and approved veterinarians. These inspections were carried out in the two Counties visited on a systematic basis during 2012;
- Quantitative results of these verification activities were communicated to the County Director and CCA on a monthly and quarterly basis, together with a compilation of non-conformities detected and any sanctioning action proposed. There was no analysis of the findings of these inspections feeding into the planning of future inspections though this was stated to occur via meetings and during training sessions;
- CIS verification reports in both Counties visited were completed using the standard reporting templates which are specific for each of the control targets inspected. The AT reviewed some verification reports from both Counties. Reporting fields were completed and recommendations for corrective action in certain cases and deadlines for implementation were included. In some cases sanctions had been taken against private practitioners for contraventions of their contracts with the County. CIS verification targets were not fully met in the two Counties visited due to staff shortages and reallocation of CIS staff to control functions such as official controls on animal welfare or complaints. Verification activities were not carried out by the line management of staff performing the control activities.

### **Conclusions on verification of effectiveness of controls**

The CA has taken satisfactory action to address a previous FVO recommendation by ensuring that national procedures for the verification of effectiveness of animal welfare controls have been put in place and that corrective actions are taken when deficiencies in the operation of OV controls are detected.

#### *5.1.6 Enforcement Measures and Sanctions*

### **Legal Requirements**

Article 54 of Regulation (EC) No 882/2004 requires a CA which identifies a non compliance to take appropriate action to ensure that the operator remedies the situation.

Article 55 of Regulation (EC) No 882/2004 states that MSs 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.

### **Findings**

#### Enforcement measures

The AT noted that:

- Enforcement action was imposed for farm and transport offences in the two Counties visited. The AT saw a number of rectification notices given for farm and transport offences, together with fines imposed, all of which were confirmed as having been paid;

- There was a high level of under reporting of enforcement action taken in the two Counties visited from the information given to the AT on the results of farm inspections sent from these Counties to the CCA. This was stated to be due to lack of staff to enter the data. The true picture of the active enforcement measures being taken by these County services is therefore not being communicated to the CCA. A few cases were noted on reports where OV's or zonal veterinarians had not imposed any enforcement action when deficiencies had been noted;
- The decision to impose sanctions for non-compliances detected during official controls rests with the individual staff member and their own judgement of the severity of a deficiency, or its repeated nature. There is no CA guidance to OV's and zonal veterinarians on whether to impose sanctions for these non-compliances or only give offenders a verbal warning. Article 8 of Regulation (EC) No 882/2004 requires CAs to have documentary procedures in place for official controls. In addition, Article 55 of Regulation (EC) No 882/2004 requires the CA to have all measures necessary to ensure that sanctions are implemented.

### *Laying hen farms*

The AT reviewed the enforcement action taken to achieve the ban on the use of unenriched cages (Article 5 of Directive 1999/74). This was verified as having been achieved by February 2012 through a combination of intensive monitoring, enforcement notices and good cooperation between Counties and the CCA (see section 6.2.1 for further details).

### Sanctions

The AT noted that:

- A number of previous FVO audits recommended the CA to take action to ensure that sanctions are effectively implemented and are dissuasive. These related mainly to the inadequate level of sanctions to ensure the phasing out of BP3 cages (now no longer an issue) tackling overstocking in laying hen farms and enforcing compliance with Regulation (EC) No 1/2005 in commercial transport;
- Currently, there is a NSVFSA proposal to amend and supplement the Law on Sanctions (HG.984/2005), which will include the sanctions mentioned in Article 23 of Regulation (EC) No 1099/2009 on the protection of animals at the time of slaughter, and Article 60 of Council Directive 2010/63/EC on the protection of animals used for scientific purposes. No information was available on whether levels of sanctions may increase in the revised text;
- Sanctions were imposed in both Counties visited for non-compliances on animal welfare during transport, on farm and at slaughterhouses. Sanctions for animal welfare offences had also been imposed in certain other Counties during 2011 and 2012. Sanctions varied in severity from 100 (€23) up to 1500 (€345) *Leu* per offence.
- The CIS are responsible for following up the sanctions imposed and stated that sanctions have been dissuasive for most types of non-compliances on farm but have not been effective in reducing the incidence of repeat offending for commercial long distance animal transport.

## **Conclusions on Enforcement Measures**

The enforcement of the ban on the production of eggs from unenriched cages was effectively carried out through a combination of central and County level inspections and monitoring and generally accomplished without the use of sanctions.

Suitable dissuasive sanctions for the laying hen sector and the commercial long distance animal transport industry sector are still important elements missing from the present enforcement regime and its ability to secure compliance with relevant animal welfare legislative standards.

There is no CA guidance to officials on when to impose sanctions which leads to inconsistent enforcement after detection of non-compliances.

### *5.1.7 Audit*

## **Legal Requirements**

Under Article 4 of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

## **Findings**

The previous FVO report 2010-8389 recommended the CA take action to ensure that audits are carried out whose scope includes controls of animal welfare on farms and during transport. The AT noted:

- As a result of the reorganisation of the CA mentioned in section 5.1.1 of this report, the CA has put in place independent audit offices at central and County levels;
- The County TAO/C draft audit plans on the basis of service notes issued by the central TADC. Audits were carried out by the relevant County TAO/C on official controls relating to animal welfare on pig and laying hen farms in all 42 Counties in 2011 and as a follow up to those audits and with additional scope on welfare on farm, in slaughterhouses and during transport in 42 Counties in 2012.
- Audits were carried out by the respective County TAO/C as planned in 2011 and 2012 in the two Counties visited. The scope of the audits included animal welfare controls carried out by the technical animal welfare department and the zonal veterinarians dealing with animal health and welfare and food safety. The audit reports make findings in relation to the official controls on animal welfare and issue recommendations for improvements.
- The central level TADC has compiled a synthesis of the audit report findings in 2012. This indicates the common deficiencies detected in official controls and will feed into the planning of and organisation of future controls on animal welfare.
- Recommendations arising from audit reports are followed up by the CIS in routine verification inspections following a timetable for the follow up of each particular audit. These instructions ask the CIS to check during a certain month on the actions taken to comply with action plans drawn up by the County technical services in response to the

County TAO/C audit reports.

- The AT reviewed a number of CIS reports following up the results of audits on animal welfare and other subjects. All were completed using the templates laid down in the relevant Service Note and followed up audit recommendations. One out of five reports reviewed gave clear reference to the particular issue from the audit report being followed up. Four out of five CIS reports only mentioned that “previously identified non-conformities have been rectified” but gave no details.
- CIS staff reported that they face a number of difficulties in following up on audit recommendations including: the time lag after the audit before formal instructions are issued from the central TADC to follow up: there may be a programmed verification of the activities of officials whose actions were the subject of audit recommendations before these instructions are received; the difficulty of the CIS to address the audit recommendations effectively through the medium of inspections on individuals' control activities when the recommendations relates to a system issue affecting many staff.

### **Conclusions on Audit**

The CA has satisfactorily addressed the recommendation of the previous FVO audit and have taken a great deal of action and performed comprehensive audits on the animal welfare sector to inform themselves on how their official controls on animal welfare are functioning. The audits undertaken for animal welfare have successfully identified a wide range of issues which have been analysed and are being followed up routinely during verification inspections by the CIS.

The follow up of audit recommendations by the CIS was, however, identified as being problematic as there were delays in carrying it out, corrective actions were not always clearly indicated in verification reports, and there were difficulties to effectively follow up the implementation of thematic recommendations during the verification activities carried out by the CIS on each individual's control activities.

#### *5.1.8 MANCP*

### **Legal Basis**

Article 41 of Regulation (EC) No 882/2004 requires that each MS prepares a single integrated MANCP. According to Article 42 it should be implemented for the first time no later than 1 January 2007 and be regularly updated in light of developments. Details on the type of general information on the structure and organisation of the systems of feed and food control and of animal health and welfare control in the MS concerned are provided.

### **Findings**

The previous FVO audit recommended the CA take action to ensure the MANCP reflects the organisation of the system of control for animal welfare and the strategic objectives relating to animal welfare. The CA has extensively revised section 4.3 of the plan to reflect the organisation of the system of control for animal welfare and the strategic objectives.

## **Conclusion on MANCPs**

The CA has taken action to ensure the MANCP reflects the organisation of the system of control for animal welfare and the strategic objectives thereof.

### **6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS**

#### **6.1 LEGISLATION**

A comprehensive check of national legislation was not carried out. However, during the evaluation of the control system for animal welfare. It was noted that there is a mistranslation of the original English language version of Directive 2007/43/EC. The Romanian translation does not use the word *rate* when referring to the requirement to send the records of daily mortality rate to the slaughterhouse as required in point 1(1) of Annex III to the Directive.

#### **6.2 ANIMAL WELFARE ON FARM**

##### *6.2.1 Laying Hens: Implementation of action plan to achieve compliance with Articles 3 and 5 of Directive 99/74*

### **Legal Requirements**

Articles 3 and 5 of Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens requires that MSs ensure the production of eggs from farms furnished with unenriched cages is prohibited from 1 January 2012.

### **Findings**

A number of previous FVO audits recommended the CA to take action to ensure that production systems for laying hens comply with the requirements of Directive 1999/74/EC. In response to these recommendations and the deadline for implementation of the ban on the production of eggs from farms furnished with unenriched cages from 1 January 2102, the CA took measures to ensure the legal requirements were met.

The AT reviewed documentation concerning the enforcement of the ban on conventional cages at central and County levels. This included:

- Copies of CCA visit reports to the nine Counties involved and all the premises therein and visit reports from five Counties;
- Documentation for hens sent to slaughter;
- Enforcement action consisted of: the service of de-stocking notices (in January or early February 2012) requiring compliance with requirements; enforcement notices to ensure eggs (laid after 1 January 2012 from unenriched cages) were sent to rendering plants; repeat on site visits by County levels to verify compliance on the spot;
- The CCA was heavily involved in ensuring compliance with the ban as experts from the Animal Welfare Office visited and carried out controls on all premises in all Counties with unenriched cages to verify compliance with requirements and regular documented contact

was maintained between Counties and CCA in the effort to expedite the implementation of the ban.

## **Conclusions on laying hens**

Romania has effectively implemented from 22 February 2012 the ban on the production of eggs from laying hen farms using unenriched cages and complies with Article five of Directive 1999/74/EC. Recommendations on this and related issues on laying hens from three previous FVO reports have been satisfactorily addressed.

### *6.2.2 Group Housing of Sows and Gilts*

#### **Legal Requirements**

Article 3(4) of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs provides that dry pregnant sows and gilts are kept in groups in all pig holdings keeping more than 10 sows by 1 January 2013.

#### **Findings**

The CA supplied information to the AT on their strategy to communicate the legal requirements to farmers and assess the level of compliance during 2012 with the forthcoming requirements for group housing:

- The CCA requested inspections of all relevant pig premises and reports thereof from the 42 Counties in a Service Note issued in April 2012;
- The CCA requested Counties to communicate a change in policy on the hitherto habitual acceptance by the CA of routine tooth and tail docking of piglets;
- The AT verified the inspection reports for five Counties and saw communication of the policy change in letters to producers or records of meetings held with them;
- According to CA data, there are 90 farms (out of a total of 92 where the legislation is applicable) already in compliance; two sites have plans for refurbishments and it is expected that they will be compliant by 1 January 2013.

## **Conclusions on group housing of sows**

Romania has been proactive in assessing the compliance of its commercial pig premises and is very well placed for the 2013 deadline for the group housing of dry and pregnant sows and gilts according to the requirement of Article 3(4) of Council Directive 2008/120/EC.

### *6.2.3 Broilers*

#### **Legal Requirements**

Article 7(1) of Council Directive 2007/43/EC requires the CA to carry out non-discriminatory inspections on an adequate proportion of animals within each MS to verify compliance with the requirements of this Directive.

## Findings

Six training sessions for keepers of chickens kept for meat production were organised by the Romanian Union of Poultry Breeders during 2011. Farm owners' attendance records concerning these training sessions and subsequent cascade training to staff were available at the broiler premises visited in both Counties. The CA intends to recognise this training officially through a Service Note. Article 4(3) of Directive 2007/43/EC requires MS to ensure that a system is established for control and approval of training courses.

Guidelines and procedures for the assessment of stocking density and a new check list for broiler farms were available in the CA website and were used in practice by the OV's met. There was one checklist for stocking densities up to 33kg/m<sup>2</sup> and further additional checklists for higher stocking densities. The checklist for the lower density omitted the requirement for alarm systems and back up power systems where premises were dependent upon automated or mechanical equipment.

The AT visited two broiler premises, one utilising a stocking density of up to 33kg/m<sup>2</sup> and one using up to 42kg/m<sup>2</sup>. Overall animal welfare conditions at the broiler farms visited were satisfactory and the AT noted:

- The premises using the higher stocking density had been subject to regular inspections (five in 2012) due to the higher level of perceived risk. The requirements of Annex II (stocking densities higher than 33 kg/m<sup>2</sup>) had been assessed and the OV's had correctly calculated the stocking density;
- The OV had not verified the cumulative daily mortality rate in seven consecutive flocks from a house as requested in Annex V point 1(c) of the Directive and in NSVFSA Order 30/2010 but had used seven different houses over two rearing cycles;
- The OV carrying out the original approval had not acted upon the checklist requirement for higher stocking densities that the company indicate the specification of the alarms as required in Point 2(d) of Annex II of the Directive prior to the farm receiving its approval;
- Both premises visited did have alarms and back up systems on site;
- Daily mortality rates had not been calculated or sent in the records accompanying birds to the slaughterhouse as required in point 1(1) of Annex III. This was stated to be due to a mistranslation of the original language version of Directive 2007/43: the Romanian translation did not use the word rate when referring to sending the records of daily mortality which should be sent to the slaughterhouse;
- The monitoring of environmental parameters in the premises utilising the higher stocking density foreseen in Annex II had been carried out on a daily basis by the owners through on site analyses using equipment calibrated on a yearly basis and records were available;
- Equipment to check these parameters was available at both County offices but had not been used during visits to either premises, had not been recently calibrated in one office and staff had not been trained in its use in either. The CA stated that there are many different types of equipment held in County offices. The CA is intends to issue instructions for the purchase and usage of suitable equipment for measuring parameters on various types of farms e.g.

broilers, pig farms, laying hen farms etc;

- The premises using the lower stocking density had been visited once in 2010 for approval and once in 2012 as part of programmed inspections. The visits to approve the premises in 2010 and inspect in 2012 had been carried out following the evaluation and inspection checklists. The OV had not noted that the contracted veterinarian and the owner had not satisfactorily completed the records for veterinary medicines administered on the farm;
- There is a system in place for the communication of post-mortem inspection results (such as abnormal levels of contact dermatitis, parasitism and systemic illness) to the owner or keeper of the animals and to the CA for appropriate action. However, it was noted that the comment field for the post-mortem notification of lesions such, as contact dermatitis, had never been completed;
- There are no specific guidelines to slaughterhouse OVs for the assessment of specific post-mortem lesions linked to animal welfare. The CCA stated that they were awaiting a Commission Decision in order to put in place a system that would be acceptable on a European level as there is much cross-border trade in the slaughter of broilers into and from Romania;
- Good Management Practice guidelines were not available for this sector in Romania.

### **Conclusions on broilers**

The CA has put in place a generally satisfactory system of controls on broiler farms and they were mainly carried out correctly with only some minor deficiencies in operation noted based upon a misinterpretation of one point of the Directive, an incorrect translation of another point and a missing reference in one of the CA checklists to alarms and back up systems for automatic or mechanical systems in premises operating below 33kg/m<sup>2</sup>. The CA has not put in place a system for welfare reporting from slaughterhouses as it is awaiting the outcome of a Commission decision on this subject.

OVs were unable to utilise the available equipment for measuring environmental parameters as they have not received training on its use and the many different types of devices held at County offices complicates this issue for the CCA.

#### ***6.2.4 Implementation of Council of Europe Recommendations for the welfare of farmed animals***

### **Legal Basis**

Council Decision 78/923/EEC concerning the conclusion of the European Convention for the protection of animals kept for farming purposes and Council Decision 92/583/EEC on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes have approved the Convention on behalf of the EU. The Convention and the recommendations must be considered in national legislation and/or other administrative arrangements.

## Findings

NSVFSA issued a Service note in October 2012 to County services regarding the implementation of additional rules on farm animal welfare derived from the Council of Europe (COE) Recommendations on bovine, ovine and caprine species and intends to put the requirements into legal effect through an NSVFSA Order. Recommendations on ducks and the production of *foie-gras* were already issued in a Service note in 2011. Recommendations on turkeys are included in NSVFSA Order 63/2012. Further work is being done to draft legislation to implement the recommendations on ducks, geese, ratites, fur farms and fish. The legislation on fur farms will include indications regarding housing. Each proposed legal text will be subject to discussion with the relevant industry.

The AT reviewed the Romanian legislation proposed for bovines and noted that certain requirements in the COE recommendations are not clearly indicated in the Romanian provisions such as: the limitations on the use of calving aids, approval of mechanical equipment, bans on fully slatted floors for dairy cows and heifers.

### **Conclusions on Implementation of Council of Europe Recommendations for the welfare of farmed animals**

The CA has drafted legislation for approval to implement the COE provisions on cattle, sheep and goats and plans to implement the remainder of the COE recommendations in the near future. The legislation drafted for cattle does not fully implement the provisions of the COE recommendations.

#### ***6.2.5 Supplementary National Measures on Animal Welfare***

NSVFSA Order 63/2012 entered into force in October 2011 and lays down supplementary additional minimum standards for the protection of poultry in farms and during transportation. It comprises four chapters: laying hens, turkeys, broilers, poultry breeding stock and is based upon Council of Europe Recommendations and industry best practice. It was drafted in agreement with the poultry industry and contains provisions on water, micro-climate etc.

### **6.3 ANIMAL WELFARE DURING TRANSPORT**

#### ***6.3.1 Authorisation of Transporters***

#### **Legal Requirements**

Article 10 of Regulation (EC) No 1/2005 lays down the requirements for authorising transporters carrying out journeys up to eight hours. In particular, the applicants must demonstrate that they have sufficient and appropriate staff, equipment and operational procedures to comply with this Regulation and that they do not have records of serious infringements of EU legislation and/or national legislation on the protection of animals in the three years preceding the date of the application.

#### **Findings**

In response to a previous FVO recommendation requiring that the records of transporters' previous

infringements of the legislation regarding protection of animals is assessed the CA sent a Service note to the Counties requiring that they input data on sanctions that have been imposed on transporters in Romania into the CA Intranet. Reports on sanctions imposed on Romanian transporters whilst operating outside Romania will be entered into the system by the CCA. To date the data entries have not been completed.

### **Conclusions on Authorisation of Transporters**

Satisfactory action has been initiated but not yet completed to record the records of transporters' previous infringements and therefore the action taken to address the recommendation from the previous FVO audit can be assessed as in progress.

#### *6.3.2 Approval of means of transport*

### **Legal Requirements**

Article 18 of Regulation (EC) No 1/2005 lays down the requirements for CAs to grant certificates of approval of means of transport by road for long journeys. The approval of vehicles should be recorded as required by Article 18(3) of Regulation (EC) No 1/2005 and Article 19 (4) for livestock vessels

### **Findings**

In response to a previous FVO recommendation requiring that the approved means of transport be recorded in an electronic database in a manner enabling them to be rapidly identified by the competent authorities in all MS, the CA has published a list of approved means of transport for long and short journeys (national requirements require the approval of means of transport for short journeys) and of ships authorised for live animal transportation on the CA website: <http://www.ansvsa.ro/?pag=29>

The AT verified that in one of the two Counties visited which had approved means of transport for long distance the Intranet entries corresponded to the records on file.

In response to a previous FVO recommendation requiring that procedures are provided to OVs for the approval of livestock vessels and for checks at exit points. The procedure for approval of livestock vessels is included in the NSVFSA Order 16/2010. The procedure regarding the control of animal welfare at exit points was issued by the Border Inspection Point Control Department on 3 October 2012.

The AT observed the inspection of a means of transport to ascertain its compliance with the requirements of Annex I, Chapters II and VI applicable to the design, the construction and maintenance of means of transport by road used for long journeys. The OV performing the assessment had attended a theoretical and practical training session on this subject.

The OV performing the check had effectively verified compliance with the basic requirements of the Regulation. However, many of the important additional requirements for means of transport for long distances in relation to assessment of ventilation parameters (airflow of nominal capacity of 60 m<sup>3</sup>/h/KN of payload) as required by Regulation (EC) No 1/2005, Annex I, Chapter VI (point 3.2.), functioning of the SNS (point 4.1), and sufficient capacity of the water tanks (point 2.3) had been recorded as satisfactory by the OV when the actual requirements were not clearly known or

effectively assessed.

The CA checklist on the assessment of means of transport for long distance gives minimal guidance on the additional technical requirements for this class of vehicle. In addition, there were a number of typographical or errors of omission in the CA checklist: the CCA undertook to amend the checklist as soon as possible. There is a guidance document produced by the NSVFSA which gives more detailed information on aspects relating to the approval of vehicles and was available at the County but it had not been used at the local level.

### **Conclusions on Approval of means of transport by road**

The guidance available for the approval of means of transport by road is insufficiently clear to enable inspecting staff to satisfactorily perform this function. This, together with the inability of staff to correctly approve the more technical aspects of the means of transport for long distances, despite the provision of recent training, raises concerns that the approval of these vehicles throughout the country has not been performed correctly or in conformity with the requirements of Article 18 of Regulation (EC) No 1/2005.

#### *6.3.3 Checks on Journey logs*

### **Legal requirements**

Article 14 of Regulation (EC) No 1/2005 requires the CA at places of departure to check, prior to long journeys, the validity of the transporters' authorisation, the approval of the means of transport and the validity of the certificates of competence for drivers and attendants. The CA shall check that journey logs submitted are realistic and indicate compliance with this Regulation and, where the outcome of the checks is satisfactory, stamp the journey log.

Point 8 of Annex II to Regulation (EC) No 1/2005 requires a copy of the completed journey log to be returned to the CA of the place of departure within one month of completion of the journey, unless the systems referred to in Art. 6(9) of the Regulation were used, which allows the CA to check if the journey times described in point 1 Chapter V of the Annex I of the same Regulation are respected.

Article 27 (1) of Regulation (EC) No 1/2005 requires that inspections of animals, means of transport and accompanying documents are carried out on an adequate proportion of the animals transported each year. Article 15 of Regulation (EC) No 1/2005 requires the CA to carry out appropriate checks on a random or targeted basis at any stage of long distance transport to verify that declared journey times are realistic and that the journey complies with Regulation (EC) No 1/2005, in particular regarding travel times and rest periods.

### **Findings**

In response to a previous FVO recommendation requiring that the use of journey logs meets the requirements of Annex II of Regulation (EC) No 1/2005, the CA sent a Service Note (21955 of 5 September 2011) to the County services, which gave instructions on how to verify that the details entered in section one of the journey log are realistic. Further information on completing journey logs were also presented during training (both theoretical and practical) which took place on October 2011 and 2012. In addition a further Service Note (26032 of 9 May 2012) gave instructions for using satellite navigation systems and tachographs to verify the veracity of journey logs during

road side checks. The AT noted that:

- Checks at the entrance to fairs and markets had taken place in both Counties visited but these did not involve checks of means of transport approved for long distance;
- Traffic checks programmed in the annual control plan which are intended to be carried out with the assistance of the Police (and involve checks on the veracity of journey logs using SNS data and/or tachographs) in both Counties had not taken place;
- Staff at both Counties had attended training given on the verification of the realism of journey logs using tachographs and SNS data but neither OV met was able to do this using SNS;
- The company whose vehicle approval was reviewed had never been asked to submit any information on records of SNS to the CA.

The AT visited two ACs, one for bovines and one for ovines and noted that:

- Both ACs had been re-approved in 2010. The approval files were satisfactorily completed and only minimal deficiencies in maintenance were detected in the one AC visited by the AT.
- Training given by industry training bodies with courses tailored to the requirements in Regulation 1/2005 had been undertaken by the owners of both ACs. Training certificates and proof of cascade training for other staff members were present in both Counties. In addition the OV from the second County also trained the AC staff in 2012.
- Checks on the realism of journey logs were stated to take place in one of the ACs visited using proprietary route planning software and Internet access was available in both AC: the zonal vet in the other AC was not aware that these tools could be used to verify the realism of journey logs and had not used such tools to do this though he did refer to the use of tachographs for this purpose. No documentation of these checks was available and the AT did not verify further if such verification took place;
- Both OVs certifying consignments for IU trade kept records of the authorisations of transporters, drivers' certificates of competence and approval certificates of means of transport for transporters operating out of the ACs;
- The OV in one AC had not asked the company to write to foreign transporters requesting the return of completed journey logs as laid down in the CA instructions. The CA stated that many of the journey logs from foreign transport companies were not returned;
- The AT reviewed a number of completed journey logs (selected from 2012) in one of the AC visited and found that in all cases (5) section III of the journey logs was incomplete: no results of checks at the destinations. For three out of five journey logs, dates and times of arrival had not been completed in section IV of the journey logs by the driver. These deficiencies had not been detected by the OVs in the AC.

## **Conclusions on Checks on Journey Logs**

The CA has put in place and implemented a satisfactory system for the approval and supervision of ACs. The CCA has also taken measures to address the previous FVO recommendation on checks on journey logs by issuing clear instructions to counties requesting they verify the realism of journey logs at times of departure, during traffic controls and on a periodic basis, and to request return of missing journey logs. Although efforts have been made to do this, the instructions have not been fully adhered to at local level. Therefore, the local CA does not effectively monitor transporter adherence with the journey time requirements which are laid down in point 1, Chapter V of Annex I of Regulation (EC) No 1/2005 and the previous FVO recommendation has not been fully addressed.

### **7 OVERALL CONCLUSION**

Significant progress has been made since the last FVO audit in 2010. The systems in place to implement controls on animal welfare during transport and on farms are generally satisfactory. Some problems remain relating to risk prioritisation and the organisation of controls, specific lack of resources in this sector, the lack of dissuasive sanctions for: commercial transporters and overstocking in laying hen premises, and a lack of procedures on when to impose sanctions which leads to inconsistent enforcement. However, all except two of these issues had been correctly identified during recent CA audits and were being followed up by the CCA audit office through the CISs.

Major results have been achieved with the effective implementation on the ban of the sale of eggs produced in non enriched cages in the laying hen sector and Romania is very well placed regarding future compliance with the requirements of group housing of sows and gilts (only two commercial farms remain non-compliant). Eight out of ten of the outstanding recommendations from the previous FVO audits can now be considered satisfactorily addressed with action initiated for the remaining two.

The guidance available for the approval of means of transport by road for long distance is insufficiently clear to enable inspecting staff to satisfactorily perform this function. This, together with the inability of staff to correctly approve the more technical aspects of the means of transport for long distances, despite the provision of recent training, raises concerns that the approval of these vehicles throughout the country has not been performed correctly or in conformity with the requirements of Article 18 of Regulation (EC) No 1/2005.

The CA has put in place and implemented a satisfactory system for the approval and supervision of ACs. Despite clear instructions to counties to verify the realism of journey logs these have not been fully adhered to at local level and therefore the CA does not effectively monitor transporters' adherence to the journey and resting time requirements laid down in Chapter V of Annex I of Regulation (EC) No 1/2005.

### **8 CLOSING MEETING**

A closing meeting was held on 29 November 2012 with representatives of the CCA. At this meeting, the AT presented the main findings and preliminary conclusions of the audit. The authorities did not express disagreement and stated that they were pleased that improvements had been noted and would take what ever actions were necessary in order to rectify deficiencies.

## 9 RECOMMENDATIONS

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this specific audit report.

N°.	Recommendation
1.	The CA should ensure that staff resources are effectively distributed and organised at County level in order that there are sufficient personnel to carry out official controls on animal welfare as required by Article 4 (2) (c) of Council Regulation (EC) No 882/2004.
2.	The CA should ensure that the planning and implementation of official controls on animal welfare is carried out on a risk basis and complies with the requirements of Article 3 (1) of Regulation (EC) No 882/2004.
3.	The CA should ensure that, as previously recommended in FVO reports (2009/8269 and 2010-8389), sanctions for non-compliance with Council Directive 1999/74/EC and Council Regulation (EC) No 1/2005 are amended to meet the requirements of Article 55 of Regulation (EC) No 882/2004 to be effective, dissuasive and proportionate.
4.	The CA should ensure that documentary procedures are provided to staff, as required by Article 8 of Regulation (EC) No 882/2004, to assist them in taking suitable effective, dissuasive and proportionate enforcement action in a consistent manner in accordance with the requirements of Article 55 of Regulation (EC) No 882/2004.
5.	The CA should ensure that, as required in Article 4 (6) of Regulation (EC) No 882/2004, appropriate measures are taken in the light of their results to ensure that audits are effective.
6.	The CA should ensure that the minor deficiencies noted in the application of official controls laid down in Council Directive 2007/43/EC are rectified
7.	The CA should continue with their measures to achieve full implementation of the recommendations concerning farming of additional relevant species as laid down in the European Convention for the Protection of Animals kept for Farming Purposes.
8.	The CAs should ensure that staff performing approvals and official controls on means of transport approved for long distance receive suitable instructions and guidance as required in Article 8 (1) of Council Regulation (EC) No 882/2004/EC to enable them to effectively assess that all the relevant requirements of Chapters II and VI of Annex I to Regulation (EC) No 1/2005 have been adequately assessed as fully in compliance,

N°.	Recommendation
	as required by Article 18 of the same Regulation.
9.	The CAs should take the necessary measures to ensure that certificates of approval issued for means of transport approved for long distance are reviewed and, if necessary, the vehicles are reinspected to ensure that only those complying fully with the requirements of Chapter II and VI of Annex I to Council Regulation (EC) No 1/2005 continue to hold such certificates.
10.	The CAs should take the necessary measures to ensure that verification activities at County level include local level adherence to instructions on carrying out checks on journey logs and satellite navigation systems and any resulting enforcement activity in their scope in order that the CA can effectively monitor transporter compliance with the journey and resting time requirements laid down in point 1, Chapter V of Annex I of Regulation (EC) No 1/2005 and which have been the focus of a previous FVO recommendation which has not been fully addressed.

The competent authority's response to the recommendations can be found at:

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_inspection\\_ref=2012-6374](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6374)

**ANNEX 1 - LEGAL REFERENCES**

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Dir. 1999/74/EC	OJ L 203, 3.8.1999, p. 53-57	Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	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
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
Dir. 2007/43/EC	OJ L 182, 12.7.2007, p. 19-28	Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production
Dir. 2008/120/EC	OJ L 47, 18.2.2009, p. 5-13	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs