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FINAL REPORT OF A FACT-FINDING MISSION
CARRIED OUT IN
TURKEY
FROM 05 SEPTEMBER 2017 TO 08 SEPTEMBER 2017
ON ANIMAL WELFARE DURING TRANSPORT TO NON-EU COUNTRIES

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 fact-finding mission took place in Turkey from 5 to 8 September 2017, as part of the published DG Health and Food Safety audit programme. The objective was to collect information on causes of delays in the import of EU animals into Turkey at the Kapitan Andreevo-Kapikule border point in order to identify actions that allow the transport of live animals to Turkey to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned.

The report concludes that there is a high risk of causing unnecessary pain and distress to animals transported on this route during hot days.

At the Kapikule control point there are no facilities or provisions to facilitate the welfare of the animals. This, together with the lengthy administrative procedure in place to clear consignments implies that animals are likely to stay at least six hours in the vehicles just to cross the border.

The Turkish authorities focus their checks on animal health, identification and technical requirements. If Turkish authorities identify shortcomings with such requirements, the animals' unnecessary suffering will be exacerbated by the significant additional time required for these to be addressed.

Due to the inability of the livestock vehicles' ventilation system to lower the temperatures in the animal compartment below the external environmental temperature and the limited opening hours of the veterinary control point, it is very difficult for transporters to ensure that animals inside the lorry are kept below 35°C when ambient temperatures are over 30°C. This is made worse by the lengthy administrative procedure.

The use of the new harmonised templates for veterinary certificates prepared by Turkish authorities and the preparation of a realistic journey plan that takes account of the findings in this report should reduce the risks to animal welfare on this route.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
EU	European Union
TRACES	the Commission's Trade Control and Expert System

1 INTRODUCTION

This fact-finding mission took place in Turkey from 5 to 8 September 2017 as part of the planned audit programme of DG Health and Food Safety. An opening meeting was held with the Turkish competent authorities on 5 September 2017. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the mission team and additional information required for the satisfactory completion of the mission was requested.

The mission team comprised two auditors from DG Health and Food Safety and one national expert from a Member State and was accompanied throughout the mission by representatives from the central competent authority, the General Directorate of Food and Control within the Ministry of Food, Agriculture and Livestock.

2 OBJECTIVES AND SCOPE

The objective of the fact-finding mission was to collect information on causes of delays in the import of EU animals into Turkey at the Kapitan Andreevo-Kapikule border point by focusing on:

- the official controls performed over live animals at mentioned border point;
- the problems, detected by those official controls, and the reasons why such issues result in extended waiting times in "no-man's land";
- administrative and commercial requirements that livestock vehicles entering into Turkey have to satisfy.

In order to identify actions that would allow the transport of live animals to Turkey to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned.

The scope of the fact-finding mission included:

- Controls on live animals (cattle, sheep and goats), including their welfare, at entry into Turkey via land from Bulgaria, and their outcomes;
- Other activities having an influence on the welfare of animals (cattle, sheep and goats) at entry into Turkey via land from Bulgaria;
- Facilities available for animals;
- Procedures available (for veterinary checks, handling animals, communicating results of controls).

The main legal requirements are included in:

- Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations.

In pursuit of the objectives, the following meetings were held:

Meetings with Competent Authorities			Comments
Competent authority	Central	2	Opening and closing meetings.
	Other	1	Meeting with the two public bodies involved in the import of live cattle to Turkey.
Site visits			
Border Inspection Post		2	Visits to Customs and the veterinary border control point at Kapikule.

3 LEGAL BASIS

The fact-finding mission was carried out in agreement with the Turkish competent authorities.

EU legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.

4 BACKGROUND

Enforcement of animal welfare requirements during transport remains a challenge. The Commission received several reports and complaints from non-governmental organisations on long delays of live animal transports at the EU land border with Turkey. These complaints also describe difficulties with obtaining feed, the presence of one single water source available for all vehicles, and the lack of shade while waiting and of facilities to unload the animals in case of need.

After a sudden drop in exports to Turkey between 2012 and 2013 this trade has been increasing significantly in recent years. The number of live ruminants exported to Turkey in 2016 (more than 290,000) has surpassed the numbers for 2011 (more than 280,000) and is expected to reach similar numbers in 2017.

DG Health and Food Safety planned a series of audits for 2017 and 2018 to identify activities that are suitable and effective in improving animal welfare during long distance transport to non-EU countries. This fact-finding mission to Turkey is an integral part of this project.

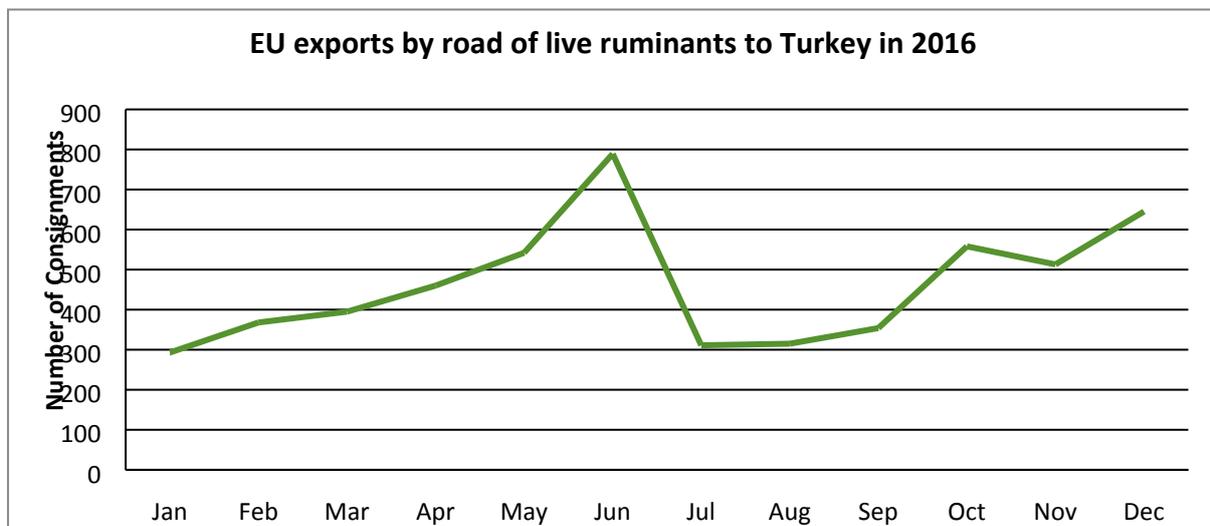
The Zuchtvieh judgement¹ concludes that for long journeys to be authorised by the competent authority of the place of departure, the organiser of the journey must submit a journey log which, in the light of the arrangements for the journey as planned, is realistic and indicates that the provisions of Regulation (EC) No 1/2005 will be complied with, including for the stages of the journey which are to take place in the territory of non-EU countries. Journey plans must therefore comply with maximum permitted travelling times and subsequent

¹ Judgement of the European Court of Justice (Fifth Chamber) of 23 April 2015 – Case C-424/13.

resting times to unload the animals to be fed, watered and rested throughout the journey. Arrangements in Turkey will thus impact on the ability of EU transporters to comply with the ruling of this judgement.

Furthermore, means of transport selected for such journeys shall protect the animals from extreme temperatures. Ventilation systems on these means of transport shall be capable of maintaining temperatures within the vehicle between 5°C and 30°C, with a 5°C tolerance.

According to data recorded in the Commission's Trade Control and Expert System (TRACES), nearly 45% of all EU exports of live ruminants by road exit the EU from Bulgaria to Turkey. In 2016 there were more than 5,600 consignments of live ruminants – the majority being cattle – which passed through this exit point:



Data provided by the Turkish Authorities at the Kapikule border crossing showed that numbers of ruminants imported into Turkey via this point of entry in 2016 stands at 279,383 cattle for fattening (70.9%), slaughter (4%) and breeding (25.1%) and 3,145 sheep for breeding.

5 FINDINGS AND CONCLUSIONS

5.1 ACTORS INVOLVED

Findings

1. There are two authorities performing official checks at the Kapikule border: Customs and the veterinary authority:
 - Customs operates on a 24/7 service and carries out controls on all vehicles entering or leaving Turkey at this border.
 - The veterinary border control point is manned by 23 staff (17 official veterinarians and 6 supporting personnel). Staff work on eight-hour shifts, five days a week (see also Paragraph 11); only skeleton staff is present on Saturday and Sunday. This

authority carries out official controls on vehicles transporting live animals and goods of animal and plant origin².

- The central competent authority indicated that national guidance points towards not performing official veterinary controls at the border during the night as there is limited visibility to perform an appropriate inspection.
2. Two bodies of the Ministry of Food, Agriculture and Livestock are the main purchasers of animals that are to be imported into Turkey (pregnant heifers are imported primarily by private parties). They pay the exporter for the animal when the consignments have successfully passed official controls (customs and veterinary) at the border and their own controls against technical specifications. :
 - The Meat and Milk Marketing Board which primarily imports young cattle from meat breeds for fattening and slaughter. The main technical specifications for cattle concern age, sex and live-weight;
 - The Directorate General of Agricultural Enterprises which primarily imports breeding animals as part of projects to improve the national herds. The main technical specifications for cattle concern phenotype, age and live-weight.
 3. Import agents present at this border collect all documentation accompanying the consignments of live animals from the drivers, present them to Customs and to the veterinary authority and follow these documents throughout the control processes.

5.2 CONDITIONS AT THE VETERINARY BORDER CONTROL POINT

Findings

4. The central competent authority indicated that, if necessary, there was the possibility for drivers to purchase feed from Turkey and bring it into the veterinary border control point.
5. There is a dedicated lane for livestock vehicles waiting to undergo veterinary controls. This lane has one single water source available for vehicles; on the day of the visit there were six trucks present here.
6. Shade is not available for vehicles waiting to undergo veterinary controls³.
7. There are no facilities at the border inspection post to unload any animals. If the animals are detained due to shortcomings detected during controls, they have to remain in the vehicle.

² In their response to the draft report the Competent Authority noted that "*Official controls on goods of plant origin are carried out according to Regulation on Live Animals and Products of Animal Origin Subject to Veterinary Controls Upon Entry Into the Country (dated 21.12.2011 and numbered 28149) prepared in line with Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC*".

³ In their response to the draft report the Competent Authority noted that "*Necessary measures will be taken to address this deficiency at the veterinary border inspection post that is planned to be constructed*".

8. The central competent authority indicated that it had identified a site to allow for unloading detained animals in the future, if necessary. This site is however located outside the Customs territory. Customs authorities in Kapikule were not aware of such plans⁴.

Conclusions on conditions at the veterinary border control point

9. The scarce availability of facilities to address the needs of the animals and the lack of facilities to unload them is a high risk to the welfare of the animals transiting this border, in particular during the hotter periods of the year and/or when they have to be detained. This makes it difficult for transporters to comply with EU rules when travelling along this route⁵.

5.3 CONTROLS AT THE BORDER AND JOURNEY PLANNING

Findings

10. The veterinary border control point opens for the veterinary checks at 8:30 and closes at 17:30. During this time, controls stop between 12:00 and 13:00 (lunch break). These working times need to be taken into account when preparing realistic journey plans along this route to comply with the requirement of Article 14(1)(a)(ii) of Regulation (EC) No 1/2005.
11. The mission team met one of the drivers waiting to clear the border. He indicated that he normally arrives at the veterinary border control point before 8:30 to be sure that he clears the border within the day. He also indicated that he did not expect to leave before 15:00.
12. The mission team met an import agent who indicated being present at the border from 7:00 until 18:00. During this period he promptly collects the documents from the livestock vehicles and provides one copy to Customs and one to the veterinary authorities so as to initiate both controls.
13. Vehicles with goods not requiring veterinary checks only undergo Customs controls and clear the border in 30 minutes.
14. The administrative process for veterinary controls involves a sequential chain of people with different tasks. The mission team noted that the administrative process takes approximately 1 hour until a veterinary inspection team to perform the relevant official

⁴ In their response to the draft report the Competent Authority noted that "*Since the site in question is located outside the Customs territory, the customs authority will be consulted to enable the use of this site for unloading animals in the future*".

⁵ In their response to the draft report the Competent Authority noted that "*Necessary measures will be taken to address this deficiency at the veterinary border inspection post that is planned to be constructed*".

controls is assigned. For each single consignment, the process also goes through the veterinary Director.

15. Two inspection teams were working on the day of the visit. A member of one of the teams indicated that each official veterinarian would process and inspect 15 vehicles on a normal working day. :
 - The time necessary to inspect one vehicle (i.e. the animals and accompanying documents) is approximately 30 minutes;
 - The inspections are carried out sequentially. This means that, for example, an official veterinarian would start inspecting his/her fifth vehicle after a minimum of two hours;
 - These documentary and physical checks are highly focused on animal health and identification requirements.
16. The mission team checked one of the vehicles. From the Customs weighbridge receipt and the journey log, this vehicle had arrived in the early hours of the morning. According to the veterinary authority's IT system, the documents for this vehicle were received at 9:00. The vehicle left the veterinary border control point between 14:00 and 14:30, i.e. the time it spent to clear veterinary controls was between five and five hours and a half. This information confirms the minimum waiting times collected previously by the Commission services from transporters and Member State authorities. This waiting time needs to be taken into account when preparing realistic journey plans along this route to comply with the requirement of Article 14(1)(a)(ii) of Regulation (EC) No 1/2005⁶.
17. The competent authority indicated that this lengthy waiting time is because drivers are sleeping in the vehicle after working hours instead of submitting the documents or import agents are not present at the veterinary border control point to collect the documents when the vehicles arrive.
18. The mission team checked several livestock vehicles which were waiting at the veterinary border control point. :
 - The animals in the vehicles were calm and clean, and bedding was adequate;
 - Drinkers were turned off;

⁶ In their response to the draft report the Competent Authority noted that "*Necessary measures will be taken to address this deficiency at the veterinary border inspection post that is planned to be constructed*".

- The vehicles' ventilation systems (fans) were not capable of maintaining the internal temperature below the external environmental temperature. On the day the mission team visited the border, the maximum temperature was 28°C. Temperatures at Kapikule⁷ had risen above 30°C on 80 and 96 days in 2015 and 2016 respectively, of which 33 and 34 days were above 35°C⁸.

19. Regulation (EC) No 1/2005 has been transposed into Turkish veterinary legislation (Regulation on Animal Welfare and Protection during Transport published in the Official Gazette No 28512 on 24 December 2011). :

- Parts of this legislation, mainly concerning additional provisions for long distance journeys, will enter into force in 2018.
- The requirement for vehicles' ventilation systems to be able to maintain internal temperatures between 5 and 30°C is already in force, but official veterinarians at the border inspection post do not check against this requirement. The central competent authority indicated that since the parts of this legislation concerning additional provisions for long distance journeys will be applicable as from 2018, this requirement should also only apply as from 2018.

Conclusions on waiting times at the border

20. The long and sequential administrative process, from receipt of the documents until release of the consignment, significantly lengthens the time that is necessary for veterinary controls and extends waiting times at the Kapikule border. This can be detrimental to the animals' welfare, particularly if the journey plan does not include the waiting times at the border.
21. Transporters have to accurately plan journeys passing through the Kapikule border by taking into consideration the limited opening times and the minimum six-hour stop at this border as otherwise they risk not complying with the requirements of Regulation (EC) No 1/2005.
22. The limitations of the ventilation systems on the vehicles, combined with the lengthy waiting time and the working hours of the veterinary border control point would make it impossible for EU transporters using such vehicles to comply with EU requirements on days when temperatures are above 30°C (with a 5°C tolerance).

5.4 DELAYS AT THE BORDER

Findings

23. The veterinary authority at the veterinary border control point did not have a detailed analysis on the main reasons and number of consignments of live animals detected with

⁷ Data collected from World Weather Online: <http://www.worldweatheronline.com/>

⁸ In their response to the draft report the Competent Authority noted that "*Necessary measures will be taken to address this deficiency at the veterinary border inspection post that is planned to be constructed*"

incomplete documentation or other deficiencies at first inspection. This authority however indicated that around 30% of all consignments received present shortcomings during the first inspection. Of those, approximately 95% can be resolved within 2-3 hours by the importer/exporter. The remaining consignments need longer periods of time, days or in some cases even weeks to ensure all the necessary information is received by the officials.

24. The same authority indicated that the main shortcomings detected were related to animal health requirements: vaccination records, dates of vaccination, incorrect animal identification, and time of validity of health certifications.
25. The competent authority also indicated that these shortcomings are more commonly detected in consignments from Romania, Hungary, Bulgaria and, to a lesser extent, the Czech Republic and Slovakia.
26. The Turkish veterinary authority has created harmonised health certificate templates for Member States to use when exporting live cattle to Turkey for fattening or for breeding. It indicated that these harmonised templates would help speed up the documentary checks at the veterinary border control point as Member States were using different health certificates agreed on a bilateral basis that created a burden to the officials at the veterinary border control point. According to the authority, they informed Member States to start using these templates from June 2017, but only around 25% of consignments were coming with this new certificate. Therefore, they decided to continue accepting health certificates with the outdated templates until the start of 2018.
27. The officials also check 10% of consignments for compliance with technical specifications related to the standards set by the Meat and Milk Marketing Board and the Directorate General of Agricultural Enterprises to purchase the animals. Officials indicated that shortcomings are also detected against these specifications.
28. For those consignments that have shortcomings against veterinary and/or technical requirements, the veterinary authorities expect the importer/exporter to deal with the specific issues that arise from the situation. For live animals, there are no arrangements to see to the animals' needs when detained more than two hours. The animals must stay on board the vehicles, with the driver responsible for caring for and providing them with the necessary water and feed for variable lengths of time.
29. For those cases where the shortcomings cannot be resolved, and due to the prohibition of re-entry of those animals into the EU territory, Customs officers provides the exporter with 15 days to find another destination or use for those animals or otherwise relinquish them to Customs.

Conclusions on delays at the border

30. If consignments do not meet all requirements for animal health, identification and technical specifications, animals will be subject to unnecessary suffering by staying long periods in the vehicles. This unnecessary suffering is aggravated whenever the shortcomings take more than a few hours to be addressed⁹.

6 OVERALL CONCLUSIONS

On this route, there is a high risk of unnecessary pain and distress for transported animals and a high risk for transporters to breach EU rules.

At the Kapikule control point there are no facilities or provisions to facilitate the welfare of the animals. This, together with the lengthy administrative procedure in place to clear consignments implies that animals are likely to stay at least six hours in the vehicles just to cross the border.

The Turkish authorities focus their checks on animal health, identification and technical requirements. If Turkish authorities identify shortcomings with such requirements, the animals' unnecessary suffering will be exacerbated by the significant additional time required for these to be addressed.

Due to the inability of the livestock vehicles' ventilation systems to lower the temperatures in the animal compartments below the external environmental temperature and the limited opening hours of the veterinary control point, it is generally impossible for transporters to comply with EU rules on this route when ambient temperatures are over 30°C (with a 5°C tolerance). This is made worse by the lengthy administrative procedure.

The use of the new harmonised templates for veterinary certificates prepared by Turkish authorities and the preparation of a realistic journey plan that takes account of the findings in this report should reduce the risks to animal welfare on this route.¹⁰

⁹ In their response to the draft report the Competent Authority noted that "*According to Article 31(1) of Regulation on the Protection and Welfare of Animals During Transport, the border inspection post shall prevent any delays during transport, take necessary measures to reduce the delays and suffering by animals to a minimum and ensure that special arrangements are made at the place of transfers and border inspection posts to give priority to the transport of animals, in cases when unforeseeable circumstances impede the implementation of animal welfare practices*".

¹⁰ In their response to the draft report the Competent Authority noted that "*Veterinary border inspections are realized according to Regulation on Veterinary Checks of Live Animals Entering the Country which was prepared in line with Council Directive 91/496/EEC and Commission Decision 97/794/EEC. On the other hand, provisions of Regulation on the Protection and Welfare of Animals During Transport, which was prepared in line with Council Regulation (EC) 1/2005 are in force. Kapikule Border Inspection Post will be reconstructed inside the customs territory to meet all requirements and enable the realization of veterinary border inspections in a more efficient way. A project application was submitted to the Ministry of Development and was approved afterwards*".

7 CLOSING MEETING

A closing meeting was held on 8 September 2017 with representatives of the competent authorities, at which the main findings and preliminary conclusions of the fact-finding mission were presented by the mission team.

At the closing meeting the central competent authority indicated it is strongly determined to address the animal welfare issues identified.

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

http://ec.europa.eu/food/audits-analysis/rep_details_en.cfm?rep_inspection_ref=2017-6110

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004 - Article 46 (TC)	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