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FINAL REPORT OF AN AUDIT
CARRIED OUT IN
CROATIA
FROM 26 SEPTEMBER 2018 TO 28 SEPTEMBER 2018
IN ORDER TO
EVALUATE 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 audit took place in Croatia from 26 to 28 September 2018 to evaluate the suitability and effectiveness of the measures in place to prevent animals being transported in a way likely to cause injury or undue suffering during transport by sea to non-EU countries.

The report concludes that the system in place is insufficient to minimise the risks that can negatively affect the welfare of the animals that arrive at the port and that are transported further by sea.

The Croatian system to approve livestock vessels for transport in the EU and for inspecting them before each loading does not minimise the risk of adverse welfare conditions for the animals during the journey. This happens because the veterinary inspectors have neither sufficiently detailed instructions nor sufficient technical knowledge to assess properly the vessel's facilities and they allocate a very short time to inspect vessels.

The current arrangements at the port do not guarantee the welfare of the animals if there is a delay in loading a vessel, as there are no contingency plans from the transporter or from the authorities to deal with such a situation.

The authorities do not detect weaknesses and mistakes in their controls and thus they cannot correct them, as there is no verification procedure to check the effectiveness of the official controls at the port which would allow them to take corrective measures.

The report makes recommendations to the competent authority to address the shortcomings identified.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
EU	European Union
Port veterinarians	Inspectors from the Veterinary and Food Safety Directorate working at the port
Traces	The Commission's Trade Control and Expert System (the integrated computerised veterinary system provided for in Decision 2003/24/EC)

1 INTRODUCTION

This audit took place in Croatia from 26 to 28 September 2018 as part of the planned audit programme of DG Health and Food Safety. An opening meeting was held with the competent authorities on 26 September 2018. At this meeting, the objectives of, and itinerary for the audit were confirmed by the audit team and additional information required for the satisfactory completion of the audit was requested.

The audit team comprised two auditors from DG Health and Food Safety and a national expert from an EU Member State and was accompanied throughout the audit by representatives from the competent authority, The Veterinary and Food Safety Directorate of the Republic of Croatia.

2 OBJECTIVES AND SCOPE

The objective of the audit was to evaluate the suitability and effectiveness of the measures in place to prevent animals being transported in a way likely to cause injury or undue suffering during transport by sea to non-EU countries.

In particular, the audit sought to identify the measures taken by competent authorities, organisers and transporters to allow the export of live animals to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned.

The scope of the audit included: approval and inspections of livestock vessels, checks of vehicles and animals on arrival at ports, arrangements at the exit point to give priority to the transport of animals and, where necessary, to care for the animals. The scope included actions taken as a consequence of the above when non-compliances were identified. Official controls included, were those on the welfare of ruminants (cattle, sheep and goats) during export by livestock vessel to non-EU countries. The audit covered the period from January 2015 to August 2018.

The main legal requirements are included in:

- Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations (hereafter: "the Regulation");
- Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Decision 2004/292/EC was included in relation to entering data from checks into the Commission's trade control and expert system (Traces). In pursuit of the objectives, the following meetings were held:

Meetings / visits			Comments
Competent authority	Central	2	Opening and closing meetings
	Other	3	Meetings with port veterinarians carrying out exit point controls. This included meetings with representatives of the forwarding agent, main organiser, port operator and Maritime Safety Agency.
Site visits		4	Two visits to a livestock vessel before and after loading of animals. Two visits to the assembly centre, when animals were being unloaded from road vehicles and when empty.

3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation and in particular Article 28 of the Regulation, and Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

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

4 BACKGROUND

This audit is part of DG Health and Food Safety's project in 2017 and 2018 on Member States' controls of animal welfare during export to non-EU countries. This is the second of three audits on exports by sea. The Commission will share the outcomes from this project with all Member States to help the uniform application of the Regulation.

In 2015, DG Health and Food Safety published an overview report DG(SANCO)/2014-7350 on study visits to improve Member State controls on animal welfare during transport: http://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=72

The Member States Network of National Contact Points on animal welfare during transport developed and agreed a reference document¹ (hereafter: “network document”) intended for authorities approving livestock vessels and also when inspecting the loading of vessels. This document does not constitute an audit standard and is not legally binding, but it does provide expert opinion and guidance on implementing the legal requirements in this area.

There is only one EU exit point in Croatia where animals are transferred onto livestock vessels (Rasa port). In 2017, there were 2164 consignments of live animals - mostly cattle - exported from this port. They arrived by road mainly from Hungary, Croatia and the Czech Republic. They exited by livestock vessels (78 shipments) mainly to Lebanon, but also to Israel, Turkey and Iraq.

¹ The network document on livestock vessels, last revised in 2014, is available at: <https://circabc.europa.eu>

Regarding contact between the Croatian national contact point with counterparts in other Member States in case of incidents or deficiencies, the authorities did not provide evidence of notifications for the last three years². In July 2018 there were 15 notifications to other Member States regarding an incident.

The country profile of Croatia describes the structure of the competent authorities and the organisation of official controls on animal welfare during transport. It is accessible at:

http://ec.europa.eu/food/audits-analysis/country_profiles/details.cfm?co_id=HR

The previous audits to Croatia in relation to animal welfare (report reference numbers: DG(SANCO)/2008-8324 and DG(SANCO)/2006-8331), did not include controls at ports.

5 FINDINGS AND CONCLUSIONS

5.1 INFORMATION, INSTRUCTIONS AND SUPPORT FOR STAFF CARRYING OUT CONTROLS

Legal requirements

Article 4(2)(a) and (4), and Article 8(1) of Regulation (EC) No 882/2004.

Articles 21, 22 and 23 of the Regulation.

Findings

1. The Competent authority provided the document "Procedure of Port of Rasa" (hereafter referred to in this report as "procedures"). This was used for the checks carried out at the port by a total of ten official veterinarians of the regional office of Pula. These veterinarians have also other tasks (as provided for in the annual plan). The regional office set a schedule for individual inspectors taking into account the arrival of the consignments into the port and many other activities of this office.
2. The procedures includes:
 - Instructions and checklist for checking road livestock vehicles arriving at the port.
 - Instructions for preloading inspection of livestock vessels.
 - Instructions for approval of livestock vessels, which is the Network Document on livestock vessels translated to Croatian language.
3. The procedures indicate that the veterinarian should carry out a detailed inspection of the arriving trucks, including journey log, the printout/temperature records and the means of transport in order to identify any serious injury, disease or mortality in terms of excessive density of animals, non-compliance with the prescribed driving and rest periods, insufficient ventilation, excessive/low temperature, water/food deficiency, defect/loose parts on the construction of the animal compartment in the means of transport.

² In their response to the draft report the Competent Authority noted that "Notifications were delivered during 2017 and 2018". However, no evidence of these notifications was provided.

4. Procedures indicate that port veterinarians should enter data in Traces, the inspection record shall describe in detail the non-compliance found and inform the national contact point by e-mail.
5. The procedures for the veterinarians included the need to check the loading of the vessel, in line with Article 20 of the Regulation. They were complete, containing the need to check that animal premises were well maintained and required facilities were kept in good working order, the check on fitness of the animals before loading, the monitoring of the animal handling, the checks on the loading ramps and checks on whether the vessel had on-loaded appropriate quantities of food and drinking water.
6. The procedures did not indicate that there needs to be a transporter for the sea journey who is established, or in the case that the applicant is established in a non-EU country, represented in the Member State (Article 10(1) of the Regulation). As a result port inspectors did not detect the absence of an authorised transporter responsible for the journey by sea (which should be in box 6.4 of section 1 of the journey logs). In practice, the port veterinarians make all requests regarding fulfilling the legal requirements for the export of animals to a forwarding agent, or the captain of the livestock vessel, although the competent authority has not defined if either of these actors have any legal responsibilities in relation to the welfare of animals during transport.
7. The written procedures did not include instructions to take into account the judgement of the European Court of Justice in case C-424/13: Zuchtvieh³ (hereafter "the Zuchtvieh ruling") when checking journey logs; i.e. the organiser of the journey has to submit a journey log which is realistic and compliant with the Regulation up to the destination, including the stages of the journey which take place outside the EU.
8. For approval of vessels, the procedures include a physical inspection to assess compliance with the requirements of Section 1 of Chapter IV of Annex I regarding construction and equipment.
9. At the port, there was a single veterinary official in charge of many tasks, some of which occurred simultaneously, e.g. inspection of the ship, control of documents from arriving trucks, assessment of fitness of animals. As a result, not all tasks were completed properly and with the necessary attention.
10. The officials did not receive sufficient information in advance of the arrival of a livestock vessel, thus they had to assess everything (e.g. stocking density plan and feed plan for the sea journey) once the vessel was in the port.
11. In August 2017, a non-governmental organisation highlighted bad handling of animals at the port. This triggered the authorities to train the port animal handlers and to improve their procedures to avoid, for example, that the animals escape.

³ Judgement of the Court of Justice of the European Union (Fifth Chamber) of 23 April 2015 – Case C-424/13 see: <http://curia.europa.eu/juris/liste.jsf?num=C-424/13>

12. The competent authority did not provide evidence that it has a procedure to verify the effectiveness and appropriateness of the official controls at the exit point, which is not in line with Article 4(2)(a) of Regulation (EC) No 882/2004. The majority of shortcomings detected during this audit were unknown to the authorities, e.g. that port veterinarians did not detect systematic deficiencies in journey logs (see paragraph 18) and procedures with insufficient detail for carrying out a practical assessment of requirements (see paragraph 34).

5.2 TRANSPORT CONDITIONS ON ARRIVAL AT THE PORT

13. When the inspectors from the Veterinary and Food Safety Directorate working at the port (hereafter: port veterinarians) detect an animal possibly unfit to continue the journey, a clinical examination is carried out by an authorised veterinarian (from an existing control body authorised to check consignments of Croatian origin). He/she decides whether the animal will be temporarily held at the assembly centre under veterinary supervision, after which the animal will continue to travel, or whether the animal will be killed in accordance with the rules on animal protection.

14. The data from Traces indicated that the authorities:

- checked 1,917 consignments of cattle in 2017. From these, 41 consignments (2%) presented deficiencies including 25 dead animals in 21 consignments and eight unfit animals in eight consignments;
- checked 112 consignments of sheep in 2017 with 27 dead animals in 24 consignments and three unfit in two consignments.

15. There were no reports on checks performed before November 2017. From November 2017 to May 2018 10 consignments were the subject of reports to the Member States of origin: one without one hour rest in the journey log, four that did not provide temperature records, three animals unfit for transport (two mastitis and one sick animal euthanised), one dead animal with no water in the vehicle and one with unsuitable dividers in the vehicle.

16. Port inspectors checked journey times reviewing the information entered on the certificate for internal trade and in the journey log and from printouts of the tachograph and temperature records. They also completed and certified Part 3 and kept copy of the journey log together with print out of the tachograph and the temperature records. The original of the internal trade certificate was retained by the veterinary inspector. Traces indicated three non-compliances on journey times reported in 2017 and three in 2018.

5.3 RESTING

17. The audit team reviewed documentation of consignments arriving from five other Member States. None of them indicated who the sea transporter was. The audit team noted that:

- In all journey logs seen, only organisers from one Member State had indicated the transfer of animals to a livestock vessel in box 6.1 of section 1. The logs from all other countries indicated the journeys ended at the port. However, in some journey logs the organisers indicated the name of the livestock vessel – so they had considered the journey out of the EU. But they failed to indicate the name and number of the authorised transporter responsible for this stage of the journey in box 6.4 of section 1 of the journey log.
 - Only one Member State included the length of the sea journey in the total expected duration of the journey.
18. There is an assembly centre in the port. It has 2,318m² to accommodate cattle and 921m² to accommodate sheep. The sheep area can also be used to accommodate not very heavy cattle. The operator estimated a total maximum capacity of 859 young adult cattle.
19. Most consignments of animals arriving at the port were within journey time limits and did not need to be rested. The port authority produced a handbook with instructions for handling animals and actions in case of emergency.
20. The capacity of the assembly centre is not sufficient to accommodate all the animals loaded onto certain livestock vessels. In most cases, this is not a problem as the authorities co-ordinate the arrival of the trucks to the port and there are no major delays in transferring animals from road vehicles to the vessels. However, this can constitute a major problem in a case where the authorities refuse the loading of a big vessel. The authorities did not have arrangements to unload, accommodate, feed and water the animals in such cases and safeguard their welfare. This is not in line with Article 22(2) and Article 23 of the Regulation.

5.4 DELAYS AT THE BORDER

21. Procedures do not indicate that it is responsibility of the organisers to ensure that the time of arrival at the port should not coincide with the arrival of other vehicles in order to minimise the waiting time inside the port. This issue had to be raised with the organisers concerned, as required by Article 5(3)(a) of the Regulation, are legally responsible for coordinating the different parts of the journey.
22. Procedures indicate that on arrival of the vehicles to the port the animals should be loaded directly to the vessel or go to the assembly centre if the vessel is not ready to accept animals at the time of arrival of the consignment.
23. During four days, 101 trucks from five Member States arrived at the port during a heatwave to load cattle in a vessel that departed in August 2018. For those 101 trucks, veterinary inspectors detected that:
- in 26% of the trucks, animals had been exposed during the journeys to temperatures above 35°C;

- 16% of the truck drivers did not provided temperature records of the vehicles and 7% did not provided the journey logs;
- the journey planning, which is responsibility of the organisers, did not avoid the arrival of vehicles at the same time;
- daytime temperatures were well over 30°C, and thus the loading of vehicles at departure should not have been carried out if authorities there had checked the weather forecast for the port.

24. In that incident, the port veterinarians and representatives from the central authority did not have a clear course of action to follow to deal with the animals already in the port and those on their way⁴. After this incident the Croatian authorities notified three Member States by e-mail and for the other two Member States issued section V of the journey logs. Only one Member State replied to the Croatian contact point.

25. After this incident the Croatian authorities requested better coordination, scheduling and communication to all interested parties (shipping agent, port operator and main road transporter). During the closing meeting of this audit, the central authority stated that they will improve the related procedures.

26. The central authority indicated that they did not impose sanctions in relation to this incident. In their opinion, the detected infringements were caused by the lack of proper planning in the countries of departure of the consignments. They indicated they have a procedure that allows any vehicle to be detained until the fine is paid.

27. The authorities provided a document with the financial penalties for infringements to the Regulation. These range from HRK 10,000 (EUR 1,347) to HRK 100,000 (EUR 13,476). The average daily rental of a livestock vessel is EUR 25,000. The central authority indicated during the closing meeting that they plan to have new rules for sanctions next year.

Conclusions on welfare of the animals arriving at the port

28. The official controls at the port are insufficient to minimise the risk of welfare problems for the animals involved in the journey. These are the result of under resourcing, insufficient planning (e.g. no sufficient time for vessel inspection), absence of detailed instructions and verification to trigger improvement.

29. The current arrangements do not guarantee the welfare of the animals if there is a delay in loading a vessel. Neither the organisers, nor transporters, nor the authorities had contingency plans for this eventuality.

30. As the authorities have not established a verification procedure over the official controls at the port, they are unable to detect and correct the existing weaknesses in their checks;

⁴ In their response to the draft report the Competent Authority noted that "During the incident a decision was made to load the animals on the ship, as the competent authority considered that returning the animals by road transport to the place of origin would cause additional animal suffering due to the weather conditions".

non-conformities persist undetected and thus are not communicated to the authorities of the Member States of departure. All this hinders continuous improvement to ensure the welfare of animals during transport.

5.5 WELFARE OF ANIMALS DURING SEA TRANSPORT

Legal requirements

Articles 3, 7(2), 19 and 20 of the Regulation.

Findings

31. The authorities have procedures for approval of the livestock vessels. Although these procedures include the network document translated to Croatian language, this has not been adapted to create suitable procedures and instructions to officials at the port. The instructions for staff to perform the vessel approval are not sufficient, which is not in line with Article 8(1) of Regulation (EC) No 882/2004.
32. The audit team noted that on 31 July 2018 the port veterinarians completed in one hour the preloading inspection of a large vessel used to carry over 3000 bovine animals (see also paragraph 23). For that vessel, it was unrealistic to complete a preloading inspection in just one hour.
33. The port veterinarians checked 78 loadings in 2017 and 40 loadings in the first semester of 2018. The reports of inspections did not indicate any deficiencies for vessels in the port in the last three years.
34. During the audit, the veterinary inspectors approved the loading of a livestock vessel which arrived, as planned by the organiser, to transport a consignment of cattle and sheep. The vessel was in a good state of repair and had the essential systems in working order. It had a valid certificate of approval issued by the Croatian competent authority.
35. The veterinary inspector did not check the water production records or the working order of the drainage pump, alarms of the ventilation, fresh water and lighting systems⁵. This is not in line with Article 20(1)(c) of the Regulation. The procedures indicated the legal requirements for ventilation and alarms but did not indicate how to check these. The inspectors admitted that they were not competent to assess some of the "non-veterinary" requirements of the Regulation, such as the number of air exchanges required to provide sufficient ventilation.
36. The procedure indicates also the need for assessing the amount of feed, but not how to do it, conclude, record and report. The veterinarians generally relied on the agent's statement

⁵ In their response to the draft report the Competent Authority noted that " Inspection of the ventilation, alarm system, fresh water system and lighting system is carried out by the engineer of Ministry of Transport and infrastructure, Port authority-Pula at least 2 times a year, and when approving the ship jointly in cooperation with veterinary inspectors. After these checks, the veterinary inspector checks the functionality of all systems before loading, but does not perform detailed technical checks"

for this check. During the audit, the port veterinarian did some calculations on the spot during the loading. The audit team noted that procedures such as feeding plan could have been verified by the authorities in advance of the arrival of the vessel.

37. The competent authorities indicated they only get information on completion of sea journeys if vessels return to the port and if they request information on incidences in the last five journeys.
38. In the last five years, the competent authority approved four vessels (according to Article 19 of the Regulation) for the transport of cattle and sheep. Prior to the approval inspection, the forwarding agent submitted certain documents, including a declaration from the ship's master that the vessel was a suitable means of transport, a plan of the ship, disinfection certificates, a list of crew members and the list of the last ten ports visited.
39. The inspectors confirmed to the audit team that they assess ventilation subjectively, based on their experience, and did not verify the air changes per hour required by Annex I Chapter IV, Section 1 point 2(a) of the Regulation.
40. The competent authority has not approved a classification society to verify the strength calculations of pen rails and decks on livestock vessels, which is not in line with Annex I Chapter IV Section I point 1 of the Regulation and this aspect was also not verified.

Conclusion on welfare of animals during sea transport

41. The port veterinarians do not have the sufficient technical knowledge to perform a proper inspection of the livestock vessel and thus they do not assess effectively all the necessary elements. This, together with the short time allocated for the inspections, the absence of an approved classification society to verify the strength calculations of pen rails and decks indicates that the Croatian system to approve livestock vessels for transport in the EU and for inspecting them subsequently before each loading is insufficient to guarantee that animal welfare requirements are respected.
42. The failure to identify any natural or legal person as the authorised transporter for the journey by sea is further risk for animal welfare. However, this is also the failure of the authorities of the other Member States who approved journey logs which did not indicate an authorised transporter for the sea journey.

6 OVERALL CONCLUSIONS

The system in place is insufficient to minimise the risks that can negatively affect the welfare of the animals that arrive at the port and that are transported further by sea.

The Croatian system to approve livestock vessels for transport in the EU and for inspecting them before each loading does not minimise the risk of adverse welfare conditions for the animals during the journey. This happens because the veterinary inspectors have neither

sufficiently detailed instructions nor sufficient technical knowledge to properly assess the vessel's facilities and they allocate a very short time to inspect vessels.

The current arrangements at the port do not guarantee the welfare of the animals if there is a delay in loading a vessel, as there are no contingency plans from the transporter or from the authorities to deal with such as situations.

The authorities do not detect weaknesses and mistakes in their controls and thus they cannot correct them, as there is no verification procedure to check the effectiveness of the official controls at the port which would allow them to take corrective measures.

7 CLOSING MEETING

A closing meeting was held on 28 September 2018 with representatives of the competent authorities, at which the main findings and preliminary conclusions of the audit were presented by the audit team. The competent authority's representative's comments are included in the relevant sections of this report.

8 RECOMMENDATIONS

The competent authorities are invited to provide, within 25 working days of receipt of the report, an action plan containing details of the actions taken and planned, including deadlines for their completion, aimed at addressing the recommendations set out below:

No.	Recommendation
1.	<p>The competent authority should provide port veterinarians with sufficient information and instructions, as required by Article 8(1) of Regulation (EC) No 882/2004, to carry out official controls at the exit point at the port.</p> <p>Recommendation based on conclusions: 28 and 41</p> <p>Associated findings: 6, 7, 10, 31, 32, 33, 35, 36 and 39</p>
2.	<p>The competent authority should establish a mechanism to check whether the official controls at the exit point (including planning, delivery and reporting of checks carried out according to Articles 19, 20 and 21 of Regulation (EC) No 1/2005) are effective, as required by Article 4 (2)(a) of Regulation (EC) No 882/2004 and to improve them if they are not.</p> <p>Recommendation based on conclusion: 28 and 30</p> <p>Associated findings: 12, 15, 17, 23, 24, 26, 25 and 27</p>
3.	<p>The competent authority should ensure that, for each sea consignment planned, there are arrangements to care for the animals and protect their welfare when the loading or sailing of a livestock vessel cannot take place, as required by Articles 22(2) and</p>

No.	Recommendation
	<p>23 of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion: 29</p> <p>Associated findings: 9, 20, 21, 24 and 25</p>
4.	<p>The competent authority should ensure that the staff approving and authorising livestock vessels have the necessary knowledge for it, as required by Article 4(2)(c) of Regulation (EC) No 882/2004.</p> <p>Recommendation based on conclusion: 41</p> <p>Associated findings: 35, 36, 37 and 39.</p>
5.	<p>The competent authority should approve a classification society to verify the strength calculations of pen rails and decks, as required by Annex I Chapter IV Section I point 1 of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion: 41</p> <p>Associated finding: 40</p>
6.	<p>The competent authority should identify, for any sailings from Rasa port, any natural or legal person as the authorised transporter for the journey by sea, as required by Article 6(1) of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion: 42</p> <p>Associated finding: 6</p>

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=2018-6447

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004 - Article 45 (MS)	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
Dec. 2004/292/EC	OJ L 94, 31.3.2004, p. 63-64	2004/292/EC: Commission Decision of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC