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**REPORT OF A MISSION  
CARRIED OUT IN ITALY  
FROM 6 TO 10 NOVEMBER 2000  
CONCERNING ANIMAL WELFARE DURING TRANSPORT**

*Please note that certain written comments, made by the Italian authorities on 8 March 2001 in response to the draft report, have been included in the text of this final report in bold, italic type or as a footnote.*

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## ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

ASL	<i>Aziende Sanitarie Locali</i>
BIP	Border Inspection Post
CA	Competent Authority
CCA	Central Competent Authority
DG SANCO	Directorate General of the European Commission for Health and Consumer Protection
EEC	European Economic Community
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
L	Litres
Ro Ro	Roll on Roll off ferry
SVC	Standing Veterinary Committee
UVAC	<i>Uffici Veterinari per gli Adempimenti CEE</i>
VS	Veterinary Service

## 1. INTRODUCTION

The mission took place in Italy from 6 to 10 November 2000. The mission team comprised 2 inspectors from the Food and Veterinary Office (FVO), a legal advisor from the unit of legal affairs of DG SANCO and a Member State expert. The mission was undertaken as part of the FVO's planned mission programme. The mission team was accompanied during the mission by a representative from the central competent authority (CCA), the Ministry of Health.

An opening meeting was held on 6 November 2000 with the CCA. At this meeting, the objectives of the mission were confirmed by the inspection team and further clarification sought on several answers given by the CCA in answering a pre-mission questionnaire.

## 2. OBJECTIVES OF THE MISSION

The objective of the mission was to evaluate progress in the operation of controls operated by the CA for animal welfare during transport since the last mission was carried out between 5 to 7 July 1999 (reference DGXXIV/1067/1999).

In pursuit of this objective, the following meetings were held and sites visited:

MEETINGS WITH CA			Comments
Competent authority	Central	2	Opening and closing meetings
	Regional	1	Authorities from the Puglia region were also present at the opening meeting.
LIVE ANIMAL CONTROL SITES			
Staging points		3	One of these staging points was located in Puglia and the other two at the BIPs visited.
Border Inspection Posts (BIPs)		2	Both BIPs had been visited during the previous mission on animal welfare in 1999 and also by a team from the FVO concerned with import controls in September 2000.
Ports		3	Bari and Brindisi are used by Ro-Ro ferries transporting live animals to Greece. Trieste port is an exit point for animals exported from the EU. The visit to Trieste port was arranged during the mission.
Slaughterhouses		2	These slaughterhouses, both located in Puglia, specialised in the slaughter of horses. The visit to one of the slaughterhouses was arranged during the mission.

## 3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular:

Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.

Article 10 of Council Directive 91/628/EEC (as amended by 95/29/EC) of 11 November 1991 (as amended) on the protection of animals during transport.

Council Directive 93/119/EC of 22 December on the protection of animals at the time of slaughter or killing

Council Regulation (EC) No. 411/98 of 16 February 1998 on additional animal protection standards for the carriage of livestock on journeys exceeding eight hours.

Council Regulation (EC) No.1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex of Directive 91/628/EEC (as amended)

#### **4. BACKGROUND TO THE CURRENT MISSION**

##### **4.1. Controls at BIPs**

The previous mission to Italy concerning animal welfare during transport (reference number DGXXIV/1067/1999) concentrated on controls in BIPs. The report of this mission is available at:

[http://europa.eu.int/comm/food/fs/inspections/vi/reports/italia/vi\\_rep\\_ital\\_1067-1999\\_en.pdf](http://europa.eu.int/comm/food/fs/inspections/vi/reports/italia/vi_rep_ital_1067-1999_en.pdf)

The main conclusion of this mission in relation to animal welfare was that the number of actions, sanctions and other measures initiated against offenders was completely inadequate.

The following is a summary of the recommendations, which are relevant to animal welfare controls in BIPs and which were made in the report of this mission:

- Ensure the presence of a veterinarian during the unloading of live animals.
- Provide clear written instructions to ensure, in particular, that the requirements of Directive 91/628/EEC (as amended) apply to the whole period of the journey.
- To take immediate action to ensure that animals are rested for 24 hours, where applicable.

In their response to these recommendations, the CA indicated that steps would be taken to ensure the 24 hour availability of veterinary personnel and that specific instructions would be issued to staff to ensure compliance with animal welfare legislation. However, the CA contested the applicability of Council Directive 91/628/EEC (as amended by 95/29/EC) to that part of the journey outside the EU<sup>1</sup>.

Another FVO mission to Italy from 25 September to 6 October 2000 concerning Border Inspection Posts (reference: DG(SANCO)/1264/2000), concluded that there was insufficient staff at both Gorizia and Prosecco BIPs.

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<sup>1</sup> In their written comments of 8 March 2001, the competent authority also pointed out that they have often raised, in Community circles, the question of the applicability of EU rules to imports of live animals from third countries, but so far the Member States have not agreed on any uniform approach to this matter.

## **4.2. Controls at Ports**

A previous FVO mission to the port of Trieste between 27 and 28 of August 1997 concluded that insufficient documentation of animal welfare controls were made.

In August 1999, there were mortalities of 11% and 14% respectively in two consignments of sheep at Bari port. These animals had spent the weekend waiting in vehicles at the dock without any protection from the sun and without any opportunity for the sheep to obtain water<sup>2</sup>. Animal welfare associations claimed that they had tried in vain to alert the authorities of this situation, but were unable to obtain a veterinarian from Friday until Monday morning. One organisation made a formal complaint to the Commission on these incidents. They also reported that although this was the worst single incident, several consignments had been subjected to similar delays during the summer period at Bari in 1999 and Brindisi in 2000. Two veterinary experts from the FVO visited Bari on 17 February 2000 to discuss the operation of controls at these ports. Their recommendations were presented to a working group of the SVC "Recommended procedures for intra-Community transport of animals transiting Italy and crossing the Mediterranean Sea by ferries, on their way to Greece" (reference SANCO 1131/1132/2000). One of the recommendations was that staging points should be established near these ports.

## **5. MAIN FINDINGS**

### **5.1. Applicable legislation**

Council Directive 91/628/EC (as amended) has been transposed into Italian legislation by Legislative Decrees No 532 of 30 December 1992 and (D.L.) No 388 of 20 October 1998.

The following legislation is also applicable to inspections of animal transport:

- The "Veterinary Police Regulation" (Regolamento di Polizia Veterinaria), approved by Presidential Decree (D.P.R.) No 320 of 8 February 1954, which requires that the transport of animals by road in Italy is subject to the possession of an annually renewable health certificate issued by the Official Veterinary Service.
- Law No 222 of 12 April 1973 ratifying the European Convention for the protection of animals during international transport;
- Law No 244 of 28 April 1982 ratifying the additional protocols to the aforementioned European Convention.

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<sup>2</sup> In their written comments of 8 March 2001, the CA stated that the transport of sheep to Greece had been authorised from Northern Europe, despite the fact that there were no authorised staging points near Bari to provide for adequate rest, watering and feeding of the animals.

## 5.2. Competent Authority

Level	Responsible bodies	Functions
Central	<p>The CCA includes the following bodies of the Ministry of Health:</p> <ul style="list-style-type: none"> <li>– The Department of Foodstuffs, Nutrition and Veterinary Health based in Rome</li> <li>– Border Inspection Posts (BIPs) and <ul style="list-style-type: none"> <li>– Veterinary offices for the application of EEC legislation (<i>UVAC - Uffici Veterinari per gli Adempimenti CEE</i>).</li> </ul> </li> </ul>	<p>The Department of Foodstuffs, Nutrition and Veterinary Health collects and collates all information and data supplied by the regions and by BIPs and UVAC. This department <i>and UVAC</i> notify infringements to other Member States, third countries and international bodies via Office III of the International Relations Department. The officials at BIPs work directly for the Ministry of Health.</p>
Regional	<p>Each of the twenty-one Italian Regions has its own veterinary service (VS)</p>	<p>Each regional VS co-ordinates the activities of the ASL within the region. There is generally an office of UVAC in each region.</p>
Local	<p>There are some 300 <i>Aziende Sanitarie Locali</i> (ASLs) and each is responsible for one or several municipalities. The veterinary service of each ASL, in particular, The Department of Hygiene in Animal Breeding, Protection and Welfare (<i>Aree operative C, igiene degli allevamenti, protezione e benessere degli animali</i>) has responsibility for animal welfare.</p>	<p>Veterinary officers of ASL carry out on-the-spot checks (e.g. at ports) and conduct roadside checks in conjunction with police and <i>carabinieri</i>. Inspections on arrival <i>in the course of trade between Member States</i> are normally conducted by the ASL in conjunction with UVAC.</p>

## 5.3. Operating procedures

### 5.3.1. Number of previous checks

In the most recent report to the Commission (required by article 8 of Council Directive 91/628/EEC (as amended by 95/29/EC)), the CCA indicated that the following checks of means of transport had been carried out in 1998:

Location	Number of vehicles checked
Places of departure and transfer points	16,654
Roadside checks	3,025
Places of arrival	21,671
Location not specified	7,986
Checks of accompanying documents	30,680



There were no checks reported for four regions and controls carried out at BIPs were not included in the above figures.

### *5.3.2. Authorisation of transporters*

The CCA stated that transporters must submit an application to ASL, which then issues a permit if the proposed means of transport is considered in compliance with the legislation.

The CCA asked the BIP authorities, in a letter of 5.4.2000, to obtain written undertakings that both national and foreign transporters will comply with the requirements of Council Directive 91/628/EEC (as amended by 95/29/EC), otherwise transport should not be allowed to proceed. The CCA did not indicate who should issue the actual authorisation when the undertaking was received.

### *5.3.3. Instructions to officials in BIPs*

The CCA instructed officials in BIPs (letter of 5 April 2000) that:

- Loading of animals should only commence after customs clearance had been completed to avoid animals waiting unnecessarily on board vehicles.
- Appropriate attention and action must be taken where unfit animals are detected.
- When the journey up to the Italian border exceeded that laid down in Annex VII of Council Directive 91/628/EEC (as amended by 95/29/EC), animals must be rested.

The duration of the rest period was not specified for bovine, ovine and caprine species. An instruction issued on 17 December 1999 indicated that all horses, *which have travelled for more than 24 hours*, must be rested for a time equivalent to the duration of time they had already been in transit.

Detailed instructions on how to carry out inspections of vehicles had been drawn up by the CCA. Only a short version of these instructions had been received by Prosecco BIP. This version indicated the corrective action to be taken for each infringement detected.

### *5.3.4. Guidance given to ASL concerning checks at certain ports*

The CCA informed ASL (2 August 2000 and 31 October 2000) that they should have a daily presence in the ports, especially during summer, and should carry out an adequate number of checks. The CCA reminded the ASL that they should verify whether transporters had made a reservation for the sea journey and that if necessary, ASL had the authority to order the driver to take the animals to the nearest staging point. The CCA also wrote to the harbour authorities suggesting that they should provide facilities to allow effective controls to be carried out, as well as a sheltered parking area for livestock vehicles and a place for unloading animals.

### 5.3.5. Checks at Ports

Infringements had been detected in approximately 14% of consignments passing through the ports of Bari and Brindisi during the previous 12 months, according to documents relating to checks carried out at these ports. Deficiencies included inappropriate vehicles, overstocking and absence of a route plan. These checks had been concentrated in August and September when the largest volume of live animals pass through these ports on the way to Greece. At Brindisi port no checks had been carried out between September 1999 and June 2000. Actions taken to remedy several of these problems on the spot were documented and on several occasions drivers had been instructed to divert to staging points and unload the animals there. ASL had issued a notice imposing an administrative fine (*sanzioni amministrative*) for several infringements, but a representative of UVAC reported that the drivers involved were foreign and that none of the fines had been paid. It was noted that the provision for penalising infringements of article 5 A 1(b) of Council Directive 91/628/EEC (as amended by 95/29/EC) (i.e. transporting animals in a way which would be likely to cause injury or undue suffering) was not specified in this notice.

In the case of an emergency, representatives of the CCA and UVAC indicated that ASL veterinarians could be contacted via the emergency public assistance telephone number 24 hours a day, including weekends. It was reported that the veterinarians did not receive any additional pay for this call out but could avail of time-in-lieu.

### 5.3.6. Checks at BIPs

Gorizia BIP received almost a million live animals in 1999 and approximately 400,000 animals passed through Prosecco BIP during the same period. An UVAC official reported that 100% of vehicles and consignments were checked at BIPs. Three infringements had been detected in 1999 and 4 so far in 2000. These infringements related to horses wearing shoes on their hind feet; overstocking, and insufficient head space on board a vehicle and written warnings (*Diffidia*) had been issued. These written warnings carry no sanction. In October 1999 an incident involving the transport of 117 donkeys from Romania had resulted in an Italian transport company receiving such a written warning. Eleven donkeys were found dead on arrival at the BIP and 10 others were in a poor condition<sup>3</sup>.

No sanctions or written warnings had been issued by officials in Prosecco BIP.

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<sup>3</sup> In their comments, the CA pointed out that this serious infringement had been promptly notified to the Romanian Government. The Italian competent authority also requested the Commission to intervene with the Romanian Government, in relation to this incident.

## 5.4. Fitness for transport and animals injured during transport

### 5.4.1. Animals at BIPs and staging points

During the mission, no animals were seen at the staging point in Puglia. The register maintained by the staging point operator and controlled by the CA indicated that since January 2000 there were no mortalities and no animals were detained from further transport for reasons of unfitness. Tens of thousands of sheep and a lesser number of bovines passed through this staging point during this time. The responsible veterinarian expressed the view that higher standard vehicles were a significant factor in maintaining the animals in a fit condition. However, he also declared that he did permit slightly lame sheep to continue their journey to Greece.

During the mission animals were seen at the staging point in Gorizia BIP. Here, horses are rested before continuing their journey into the EU. An UVAC veterinarian declared a moderately lame foal as unfit to continue its journey to the south of Italy and that it must be sent to a local slaughterhouse. Another UVAC veterinarian declared that a blind horse, which bumped into a wall during unloading, was fit to travel to southern Italy. The UVAC veterinarian contended that in his opinion, the degree of blindness did not rule the horse unfit to complete the remaining 18-hour-journey. It is difficult to see how provisions could be made for this horse to receive food and water on board the vehicle during this trip. Records at this BIP indicated that blind animals were previously prevented from such further transport.

The following statistics for animals passing through the BIPs visited were provided by the CCA.

Number of animals through BIPs in 1999	Number dead on arrival	Number unfit for transport
134,639 equines (Gorizia BIP)	152 (0.11%)	22 (0.02%)
799,188 sheep & goats (Gorizia BIP)	30 (0.004%)	0 (0.0%)
46,488 sheep (Prosecco BIP)	83 (0.18%)	28 (0.06%)
351,822 cattle (Prosecco BIP)	207 (0.06%)	50 (0.014%)

The mortality rate recorded for equines also includes donkeys, which were the species with the highest reported mortality rate (2%). An UVAC veterinarian declared that this was due to the very poor physical condition of many of these donkeys at the start of their journey.

### 5.4.2. Animals at slaughterhouses

During the mission, two slaughterhouses were visited. Almost 15,000 horses are slaughtered annually at one of the slaughterhouses. The visit to the second slaughterhouse, which is adjacent to the staging point in Puglia, was arranged during the inspection of the staging point. A representative of the CCA initially argued that a visit to this lairage was not within the scope of the mission and then argued that to enter this lairage would be a violation of

private domicile. Agreement was finally achieved to enter this site after permission was sought from several private individuals. The majority of horses seen travelled from Romania and entered the EU at Gorizia BIP. Ten percent of consignments at one of the slaughterhouses were transported from Balkan countries and were imported into the EU in Greece. They were then transported by road and Ro Ro ferry to the south of Italy.

The majority of horses seen were in good body condition, with the exception of one emaciated animal and a few lame animals. One of the lame horses, which had arrived three days earlier from Romania, had a chronic injury on the rump and a swollen hind leg. A few horses had matted dirty hair on their flanks and heads suggesting that they had been lying on the vehicle during transport. Several horses did not exhibit normal behaviour. One young horse, in a pen with a group of other horses, spent a lot of time lying in lateral recumbency. The mission team indicated that this animal should at least be isolated and that slaughter of such animals should not be unduly delayed. Several animals had slight skin injuries arising from the string halters, which they wore. String halters were re-circulated from the slaughterhouse for further use. A few other horses seen had skin injuries on their extremities which probably occurred during transport. One third of horses in a consignment from Romania, which had arrived three days earlier, were coughing or had a nasal discharge. According to the post mortem register, 1.5% of horses slaughtered at this slaughterhouse showed localised chronic bronchopneumonia. The ante mortem register indicated that emergency slaughter was required on an infrequent basis and that animals which had been killed without delay included 1 animal which was fevered and had a severe bronchopneumonia and one animal suffering from hyperlipaemia. The official veterinarian did not consider it appropriate to initiate sanctions against the transporter where severely injured or unfit animals arrive. In his opinion, the animals had already passed an official control at the point of importation into the EU.

## **5.5. Authorisation and means of transport**

### *5.5.1. Authorisation of transporters*

An undertaking to comply with the requirements of Council Directive 91/628/EEC (as amended by 95/29/EC) was received by the BIP officials for each consignment entering the EU, however, the CA did not subsequently issue an authorisation for this transport. There was no evidence of any action against transporters who had subsequently breached this undertaking.

### *5.5.2. Road vehicles*

During the visit to the port in Puglia, the ASL veterinarians indicated that the vehicles and the accompanying documents transporting cattle to Greece met the requirements for higher standard vehicles. However, one of these vehicles was not equipped to provide the animals with water. The driver of this vehicle was providing water on the floor of the vehicle via a hose. There were simple apertures in the sides of two of the vehicles to provide ventilation, as is normally the case in any basic vehicle. Although there were mild climatic conditions at the time of this inspection, this arrangement for providing

ventilation would not have met the requirements of article 4 of Council Regulation No. 411/98 during hotter weather conditions. All of the vehicles transporting breeding animals were equipped with mechanical ventilation.

At the BIPs, all the vehicles transporting cattle were equipped with automatic drinkers. At the request of the mission team the UVAC veterinarians tested the functioning of the fans, which were interspersed at regular intervals along the side of the vehicles transporting cattle. Vehicles used for the long distance transport of horses did not meet all the requirements for higher standard vehicles. These vehicles had either no or fewer fans than those vehicles used for transporting cattle. On a few vehicles not all fans were functioning properly. An authorisation given for one vehicle indicated that the CA had requested repairs to be made to the truck. This included repairs to the fans which were not working. Portable collapsible plastic troughs were present for providing water during the journey and the controlling veterinarians request to see these. On a typical vehicle transporting 28 horses for a further 18 hours, there were four troughs each capable of holding 2 L of water. It is difficult to see how each horse could have had access to adequate water during a stop, using this means for providing water. Although partitions were used on board vehicles to separate different groups of horses, the creation of individual compartments was not possible on board these vehicles<sup>4</sup>. Access to each compartment of the vehicle, as required by point 3 of the Annex of Council Regulation 411/98/EC, could not be safely achieved on these vehicles. According to officials at Gorizia BIP, any two-tier vehicles used for horses were sealed at the BIP so that horses could only be transported on one deck. This was confirmed at a slaughterhouse visited, where the officials reported that they received requests from BIP officials to confirm that only one deck of such a vehicle had been used.

## **5.6. Operation of staging points**

At the staging point in Gorizia BIP, horses had only limited access to water during their stay. The operator claimed that water was restricted for the first few hours after arrival, but that horses subsequently had ad lib access to water. However, in a pen from which horses had just been loaded, the troughs were almost completely dry.

The CA did not ensure that a register as required by Council Regulation 1255/97 was maintained for the staging point at Gorizia BIP. The register of the staging point in Puglia indicated that tens of thousands of sheep and a lesser number of consignments of cattle, passed through this staging point since the beginning of 2000.

The staging point seen in Puglia was designed for keeping large animals. It is divided into five large bays. In one pen, several wooden planks were placed beside the drinking troughs to make it possible for sheep and pigs to get access to the troughs. Several portable troughs were seen in the grounds of the nearby slaughterhouse and it was reported that these were also available for use in the staging point. There was

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<sup>4</sup> In their written comments the CA pointed out, that Regulation (EC) 411/98 requires partitions such that separate compartments can be adapted "*to specific requirements, and to the type, size and number of the animals*", as was possible, in the vehicle inspected.

no permanent ramp and the only portable ramp on the site was defective. There were no facilities for restraining animals for examination and the light for inspection was inadequate. An outdoor paddock, designated as a sick bay, was completely unsuitable for this purpose. The cleansing and disinfection of the building following the departure of the last consignment, had not been completely carried out. The drains for collecting surface water, which were adjacent to the pens were extremely dirty. The CCA granted a provisional approval to the operator of this staging point in June 2000. A representative of the CCA indicated on the spot that these deficiencies would be addressed.

### **5.7. Operation of Border Inspection Posts (BIPs)**

The presence of a veterinarian during each unloading, which the CCA had agreed to implement following the previous mission, had not been put into practice. Although the CCA had instructed the officials in BIPs not to load animals until the completion of customs clearance, this was not the situation at either BIP visited. Only one of the inspection sites at Prosecco BIP was visited. Here vehicles, on which animals had already been loaded, were waiting for more than two hours before the final papers were issued and the consignment allowed to enter the EU. At certain times of the year the effect of this delay would have entailed animals waiting in hot conditions. At Gorizia BIP, it was reported that vehicles loaded with animals leave the BIP and wait at the customs for final clearance. There was a dedicated access lane both to enter and to leave the customs area at Gorizia BIP, in order to reduce the time spent between leaving the BIP and obtaining final customs clearance.

The Veterinarian at Prosecco BIP stated that animals transiting the EU and exiting at Trieste are first unloaded at the BIP so that physical checks can be carried out. They are then reloaded and transported approx. 11 km to the lairage of Trieste port. Unloading first at Prosecco BIP reloading and again unloading at Trieste port is technically according to the legal requirements. However, it goes back on a previous undertaking given in the interest of animal welfare to seal the vehicles at the first stop and unload the vehicles at the port<sup>5</sup>.

### **5.8. Control of route plans and journey times**

Copies of route plans were seen at all staging points visited. These indicated that the maximum journey times were exceeded by consignments of animals being transported within the EU on a few occasions. The official veterinarians had informed the CCA of several such incidents so that the Member State of dispatch could be informed. Route plans, which accompanied consignments of pigs from Holland to the staging point of Prosecco BIP, indicated that most journeys were completed inside the maximum time allowed. However, on a few occasions the maximum journey time had been exceeded (e.g journey time of 27.5 hours) and the official veterinarian had not taken steps to ensure that the Member State of dispatch had been informed of these infringements. *A representative of the CCA stated that,*

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<sup>5</sup> In their written comments of 8 March 2001, the competent authority acknowledged that for consignments of bovine animals imported at Prosecco-Fernetti and subsequently immediately exported through the port of Trieste, they had considered carrying out document verification only at the Fernetti BIP. They stated that this procedure had not been implemented because of reservations as to whether this would comply fully with the Community rules on the import of live animals.

*when the route plans indicated that the maximum journey times would probably be exceeded on the ferry to Greece, attempts were made to allow the animals the prescribed period of rest before loading*<sup>6</sup>. There are no staging points or lairages in Greece to rest the animals on their arrival.

Consignments of imported live animals at both BIPs were accompanied by route plans. Some of these route plans lacked important details and many indicate the BIP as the final destination. Some route plans indicated that animals were rested at Prosecco BIP. When animals arrived at night the official veterinarian in this BIP allowed the consignment to leave the BIP before the animals had 24 hours rest. A representative of the CCA stated that this was more than these officials had been instructed to do and flexibility could be given where animals were imported from third countries<sup>7</sup>.

## **5.9. Operations in Ports and inspections of sea vessels**

In Brindisi port, there was no office or facility for the veterinarians to carry out inspections. Officials in this port stated that they had no authority to require the captain of a ferry travelling to Greece to take measures in relation to the welfare of animals on board his ship. The officials indicated that they could only go on board the ship if permission was given.

The official veterinarian in Trieste port was reluctant to allow the mission team access to a fitted livestock vessel docked in the harbour. He argued that this visit was not within the scope of the mission and in any case that this ship had third country immunity from inspection. The same veterinarian raised this argument three years ago during a previous mission, but previously had accepted that control authorities must have legitimate access to ships in EU ports in order to carry out their work. The official veterinarian claimed to carry out regular detailed inspections of these vessels prior to and during loading, which undermined his assertion that there was no immediate right of access to third country ships. Despite the fact that this ship had sailed out of the port in the previous two months with a full consignment of cattle on board, the responsible veterinarian had made no official reports on any inspections of this ship. The veterinarian finally proposed that he would arrange a visit to the ship if the mission team agreed not to record their findings in the report of the mission. A suggestion rejected by the mission team.

The captain of the ship arrived and invited the mission team to visit the ship. The official veterinarian stated that his inspection procedure included checks on the method of slaughtering available and provisions such as medicines, feed, water and bedding. He showed a pocket book in which he had recorded the identification

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<sup>6</sup> In the written comments on a draft version of this report the CA indicated that journey times were not laid down for transport by sea and Council Directive 91/628/EEC did not distinguish between journeys made on a fitted livestock vessel or on board a Ro Ro ferry.

<sup>7</sup> In their written comments the CA were of the opinion that Council Directive 91/628/EEC does not provide for compulsory resting of imported animals at the EU border. They stated that, on their own initiative, they have made resting of animals at the border compulsory and that they are establishing a minimum rest time for all the main species (24 hours in the case of horses), while awaiting an update of the Community rules on this issue.

number of the slaughter pistol. The captain of the ship contradicted the official veterinarian's assertion that an appropriate means of killing animals was kept on board the ship. The captain stated that he had been in charge of the vessel for the previous two and a half months and had never carried a means of killing animals. The hay on board had become partly damp and the final quality when fed was questionable. Several pens of the upper deck were not adequately protected from the weather and conditions at sea. The roof on this deck was leaking in places and it was not possible to close the openings at the side of these pens. The official veterinarian made no comments on these deficiencies. The mission team indicated that they had reservations about the steep angle of the internal loading ramps. There was also a rusty iron grill at the bottom of each ramp, which was reportedly used to stop the animals slipping. The edges of the grill were turned upwards and presented a surface which could have penetrated any animals feet which stood on it. The controlling veterinarian did not make any remarks about these potentially injurious projections. The official veterinarian stated that he had seen loading carried out on this ship and that this had proceeded without incident. There were no instructions from the regional or the central authority on the requirements, to be checked during an inspection of a fitted livestock vessel. A letter from the CCA in 1998 gave details of the forms which must be completed to ensure that export refunds are paid as laid down in Council Regulation No. 615/98. This letter also stated that irregularities detected, difficulties with controls and the number of checks initiated in third countries should be reported to the CCA every 3 months.

#### **5.10. Structures and operations in slaughterhouses**

There were several deficiencies with the handling facilities and with the arrangements for keeping animals in the lairages of the two slaughterhouses visited. At one of the slaughterhouses, the intake ramp has no lateral protection. In the lairage of this slaughterhouse, horses were tethered side by side and the official veterinarian stated that they might remain there for up to eight days. These horses could not lie down due to the tethering arrangement. Some other horses on the same premises were kept in pens and had sufficient space to lie down. There were inconsistent arrangements for watering horses in the lairages of both slaughterhouses and many horses did not have access to water ad lib. There were inconsistencies with the provision of bedding, some horses had bedded pens while others did not. A demonstration of the stunning procedure was carried out at one of these houses. The horse reserved for this purpose was tied up in such a way that its head was almost pressed against the railing to which it was tied. The official veterinarian explained that horses are either led onto the floor of the slaughter hall or restrained in a shooting box if they are showing signs of being nervous. Stunning of this one horse was effectively carried out. All but one head seen in the slaughterhouse indicated that stunning had been accurately carried out. In this case, the horse had been shot in the side of the head and the official veterinarian explained that this animal had become nervous after having been led onto the floor of the slaughter hall. Although a back-up gun was held in a nearby office this was not available at the point of killing.

In one slaughterhouse the official veterinarian produced detailed records of ante mortem and post mortem inspections (see point 5.4.2). Details of the origin of the animals and the date of importation and arrival at the slaughterhouse were also recorded.



## **6. CONCLUSIONS**

### **6.1. Report to the Commission**

The CCA's report to the Commission to fulfil the requirements of article 8 of Council Directive 91/628/EEC (as amended by 95/29/EC), last made in 1998, is of limited value in determining whether sufficient checks for purposes of enforcement of this Directive have been carried out.

### **6.2. Control of staging points**

The CA had not ensured that the structure of the staging point in Puglia was in compliance with Council Regulation EC No. 1255/97. At the staging point in Gorizia, the CA had not ensured that a register was maintained as required by this Regulation. It is also questionable whether the arrangements for providing water for the horses at the staging point in Gorizia is in compliance with point 5 of part C of the Annex of Council Regulation (EC) No 1255/97.

Although the CA had ensured that the facilities and the register were in compliance with Council Regulation EC No. 1255/97 at the staging point visited at Prosecco, they had not informed Member States of dispatch when journeys to this exit point exceeded the times laid down in Chapter VII of the Annex of Council Directive 91/628/EEC (as amended by 95/29/EC).

### **6.3. Controls in Border Inspection Posts (BIPs)**

The number of infringements detected at the BIPs during the previous year are not reconcilable with the number of deficiencies detected during the several hours for which the mission team were present at these BIPs. Therefore there is a failing of the CA to detect and record these deficiencies on a systematic basis.

The instructions for carrying out vehicle inspections issued by the CCA and the awareness of the officials of the requirements represents some progress when compared to the results of the last mission. The CCA had not indicated in their instructions the necessity to check that requirement article 5A 1(b) of Council Directive 91/628/EEC (as amended by 95/29/EC) to prevent transport where animals were likely to suffer.

The procedure carried out at BIPs to accept a written undertaking from a third country transporter as equivalent to an authorisation is not in compliance with paragraph 1(a) (ii) of article 5 of Council Directive 91/628/EEC (as amended by 95/29/EC). The CCA does not require that Council Directive 91/628/EEC (as amended by 95/29/EC) is directly applied to that part of the journey outside the EU. Nevertheless most consignments were accompanied by a route plan and efforts have been made to provide animals with a rest period on entering the EU. However, the rest times provided were not always those laid down in Annex VII of Council Directive 91/628/EEC (as amended by 95/29/EC) and many of the route plans were inadequate.

*Several* vehicles for transporting horses, which were allowed to continue on a journey within Italy of more than eight hours, did not meet the requirements of Council Regulation 811/98/EC. In addition, the watering arrangements on these

vehicles did not ensure that the requirements of point 4 (c) of chapter VII of the Annex of Council Directive 91/628/EEC (as amended by 95/29/EC) were respected. The vehicles seen for the transport of cattle were in compliance.

#### **6.4. Controls in Ports and sea vessels**

Efforts were made by ASL to check vehicles at Brindisi port, but there was a lack of basic facilities to carry out the work effectively. *One Vehicle* was inspected and allowed to board a ferry to Greece although *it* did not comply with the requirements of Council Regulation (EC) No. 411/98. Even so, the data presented indicated that there were a high level of infringements detected in the previous year (14%), without any sanctions against those responsible.

There was a total lack of documented evidence to support the claim that thorough checks of ships and loading procedures had been carried out in the port of Trieste. The difficulties encountered at both Brindisi and Trieste in gaining access to ships, suggests that officials do not regularly check conditions on board sea vessels.

The Italian CA allowed animals to travel on ferries to Greece when it was evident that the maximum time would elapse during the sea crossing and the conditions for animals travelling on long journeys could not be assured, as there are no approved staging points in Greece.

#### **6.5. Controls in slaughterhouses**

Well documented records were kept. On the basis of the evidence seen, the stunning was efficiently carried out on all but one occasion. The absence of a back-up gun at the place of slaughter to stun the animal properly in such an emergency was not in compliance with article 6 of Council Directive 93/119/EEC.

The CA had not ensured that arrangements for providing water for horses in the lairages of these slaughterhouses were in compliance with point 9 of chapter II of Annex A of Council Directive 93/119/EEC. The supply of bedding as required by point 7 of chapter II of Annex A of the same Directive was inconsistent.

#### **6.6. Controls of fitness for transport and injuries during transport**

Delays in killing injured animals, which were seen in the slaughterhouses, is not in compliance with point 6 of chapter I of Annex A of Council Directive 93/119/EEC. According to the CCA and some written records seen, Veterinarians have taken actions to prevent further suffering where severely unfit animals arrive at BIPs. The mortality rates of animals arriving at BIPs indicates that many animals are either unfit at the start of the journey, particularly donkeys, or have not received appropriate care during their journey. While the majority of horses seen at the end of their journey were in good body condition, many were suffering from respiratory disease and several had picked up injuries during transport. Although action was taken to exclude one unfit horse from further transport another unfit horse was allowed to continue its journey. One horse seen at a slaughterhouse also indicates that some animals with chronic injuries are allowed to travel long distances. The absence of any efforts by the CA to halt the continued use and recycling of string halters is not in compliance with paragraph 1(b) of article 5 of Council Directive 91/628/EEC (as

amended by 95/29/EC) and is also a failure by the CCA to implement a recommendation which they had previously agreed to do.

The vast majority of animals passing through staging points were considered fit for transport by the controlling veterinarians. However, the interpretation given at the staging point in Puglia that a slightly lame sheep is fit to complete a journey of more than 12 hours does not comply with paragraph 1(b) of article 3 of Council Directive 91/628/EEC (as amended by 95/29/EC).

#### **6.7. Overall assessment of competent authority**

The results of this mission when compared with deficiencies identified in previous FVO missions indicate that limited progress has been made. An effective level of enforcement of the provisions of Council Directive 91/628/EEC (as amended by 95/29/EC) has not yet been achieved. Although the CCA and some documents indicated that direct actions were taken on the spot to resolve problems, there was a widespread failure to impose effective and enforceable sanctions where infringements were detected. The level of control carried out by the CA is therefore inadequate and in contravention of its obligations under article 18 of Council Directive 91/628/EEC (as amended by 95/29/EC).

### **7. CLOSING MEETING**

A closing meeting was held on 9 November 2000 with a representative of the CCA. At this meeting, the mission team presented the main findings and conclusions. The mission team also indicated that the CA had not readily complied with requests to provide access to several sites during the mission, namely the lairage of a slaughterhouse in Puglia and to a sea vessel in the port of Trieste. The FVO had requested visits to equine slaughterhouses and to the port of Trieste in the letter announcing this mission. The representative of the CCA indicated that he did not endorse the position adopted by the official in the port of Trieste and suggested that the mission team should not see this as representative of the Italian CA. He indicated that the matter would be further examined by the CCA.

### **8. RECOMMENDATIONS**

#### **8.1. To the central competent authorities of Italy**

The competent authorities are requested to inform the Commission Services of the actions taken and planned to address the following recommendations and to provide a timetable for the completion of these actions within 1 month of receipt of the final mission report.

- 8.1.1 Introduce measures to ensure the effective implementation of sanctions, including the effective enforcement of fixed penalty fines.
- 8.1.2 When carrying out checks of animals in transit, the following requirements should be ensured:
  - Preventing the transport of unfit animals and reducing the mortality rates of animals, in particular donkeys, arriving at BIPs. To achieve this, specific criteria for the assessment of fitness to travel (article 3 of Council Directive 91/628/EEC (as amended by 95/29/EC) should be provided. Article 5A

1(b) of Council Directive 91/628/EEC (as amended by 95/29/EC), should be enforced so that animals are not likely to be injured during transport. This should also include a prohibition on the use of string halters for horses.

- Vehicles transporting animals for more than 8 hours meet the requirements of Council Regulation EC No. 411/98. In particular, vehicles transporting horses must provide: a means for segregating animals which are hostile to each other (point 1 (g) of chapter I A of the Annex of Council Directive 91/628); direct access to each compartment; and an appropriate means of watering the animals (points 3 and 6 of the Annex of Council Regulation (EC) No. 411/98).
- Transporters, including those from third countries, are authorised when transporting animals within the EU, as required by Council Directive 91/628, article 5 part A paragraph 1 (a), (ii).
- Facilities at staging points meet all the requirements of Council Regulation (EC) No. 1255/97 and the register of the staging point maintained as laid down in this Regulation.

#### 8.1.3 Staff at ports should be provided with:

- Appropriate facilities so that checks can be carried out as laid down in article 8 of Council Directive 91/628/EEC (as amended by 95/29/EC).
- Guidance on their powers to carry out checks of sea vessels. Procedures should also be adopted for the inspection of livestock vessels so that the general requirements of Council Directive 91/628/EEC (as amended by 95/29/EC) are ensured, in particular Chapter I D of the Annex of this Directive.

#### 8.1.4 Staff at slaughterhouses should ensure:

- That animals, which are present in the lairage of a slaughterhouse for more than 12 hours, have access to water at all times as required by point 9 of chapter II of Annex A of Council Directive 93/119/EEC.
- That animals in the lairage of a slaughterhouse, which may suffer if their slaughter is unduly delayed, are killed as required by point 6 of chapter I of Annex A of Council Directive 93/119/EEC.
- That a back-up method of stunning is available in slaughterhouses at the point of slaughter as laid down in paragraph 2 of article 6 of Council Directive 93/119/EEC.
- That string halters, which are giving rise to injuries in contravention of paragraph 1 (b) article 5A of Council Directive 91/628/EEC (as amended by 95/29/EC), are not re-circulated and that transporters who continue to use them are penalised.

#### 8.1.5 The CCA should ensure:

- That only those inspections carried out to ensure that all the requirements of Council Directive 91/628/EEC (as amended by 95/29/EC) have been met are reported to the Commission, in accordance with article 8 of this Directive.
- That full co-operation is provided to inspection teams as required by Commission Decision 98/139/EC.

## **8.2. To the Commission Services**

Subject to final legal assessment, the commission services should consider:

### **8.2.1 Opening infringement proceedings against Italy in respect of the findings of this report, in particular:**

- Failure to adequately pursue transporters found to be in breach of EC legislation and failure to enforce payment of penalties imposed in cases subject to legal and administrative actions. This is in contravention of Article 18 of Council Directive 91/628/EEC (as amended by 95/29/EC).
- Failure to enforce the requirement for transporters, in particular those from third countries, to be authorised (article 5A paragraph 1(a) (ii) of Council Directive 91/628/EEC - as amended by 95/29/EC).
- Failure to prevent the transport of animals in a way which is likely to produce suffering and failing to take account of the need to enforce Article 5A 1(b) of Council Directive 91/628/EEC (as amended by 95/29/EC).
- Failure to prevent the transport of unfit animals as required by Article 3 1(b) of Council Directive 91/628/EEC (as amended by 95/29/EC).
- Failure to ensure the provision of water for animals during journeys of more than eight hours as required by points 4 and 6 of the Annex of Council Regulation No. 411/98 and point 4(c) of Chapter VII of Council Directive 91/628/EEC (as amended by 95/29/EC).
- Failure to ensure that horses were adequately watered in the lairages of slaughterhouses (point 9 of chapter II of Annex A of Council Directive 93/119/EEC).
- Failure of certain inspections to include adequate checks of the provisions of the Directive (Article 8 of Council Directive 91/628/EEC - as amended by 95/29/EC).
- Failure to ensure that journey times were respected, in particular where the animals were allowed to embark on a sea journey after having already undertaken long distance travel (Chapter VII of the Annex of Council Directive 91/628/EEC).
- Failure to ensure that a back-up gun was kept at the place of slaughter (Article 6 of Council Directive 93/119/EEC)

8.2.2 Convening a discussion between Member States on their application of article 11 of Council Directive 91/628/EEC, in order to harmonise the interpretation of this requirement.

## **ADDENDUM TO MISSION REPORT DG (SANCO)/1105/2000**

### Competent authority response to the recommendations in the report

1. The competent authority submitted comments on 8 March 2001, on a draft version of this report which were taken into consideration prior to the preparation of the final report.
2. In these comments the Italian authorities, expressed doubts about the conclusions made regarding the following aspects: authorisations for transporters from third countries; fitness of animals for transport; ventilation requirements on vehicles; compartments in road vehicles; application of the rules of Article 5A(1)(b) of Directive 91/628/EEC (as amended); length of rest periods for animals at the Prosecco BIP; compliance of the controls at ports. However, they agreed that there is a need for further action to improve application in Italy of the rules on animal welfare during transport and made the following comments on several of the above recommendations:
  - Regarding 8.1.1, in accordance with the relevant Italian legislation on "Changes to the criminal system", all the appropriate procedures are being adopted in order to ensure that where a breach of the legislation occurs, the fine is paid by the transporter in question. They also pointed out that this Law provides a five year period for the Italian State to collect such fines.
  - Regarding 8.1.2, appropriate action will be taken to improve some of the procedures at the BIPs and staging points (watering of the animals, use of halters, etc.). In particular, assessments will be carried out to determine the best ways of meeting the requirements of horses for water during long distance transport. In addition, action will be taken to improve the compliance of operations at the approved staging points with Regulation (EC) 1255/97.
  - Regarding 8.1.3 the CA indicated that they would appreciate a prompt reply from the Commission to requests made for clarification on the application of Council Directive 91/628/EEC to vessels flying flags of third countries. In particular, this reply would be considered in drafting guidelines for the local authorities on the procedures to be followed regarding checks at ports and on board vessels. They also pointed out that they consider it both necessary and urgent, in the context of proposals for updating the Directive, to revise the provisions concerning sea transport, notably combined road/sea transport.
  - Regarding 8.1.4 appropriate action will be taken to improve procedures at slaughterhouses.
  - Regarding 8.1.5 improved co-operation, in accordance with the appropriate periods of notice in Directive 98/139/EC, will be assured in future provided there is more efficient and detailed planning of such missions.