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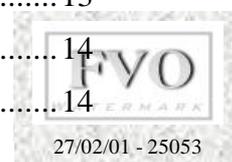
**FINAL REPORT OF A MISSION
CARRIED OUT IN SPAIN
FROM 29 MAY TO 2 JUNE 2000
CONCERNING ANIMAL TRANSPORTATION AND STAGING POINTS**

Please note that certain changes have been made to the draft report in response to comments from the Spanish Authority. These have been included in the text of the report or as footnotes in bold type.



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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

AR	AUTONOMOUS REGION
BIP	BORDER INSPECTION POST
CA	COMPETENT AUTHORITY
CCA	CENTRAL COMPETENT AUTHORITY
EC	EUROPEAN COMMISSION
EEC	EUROPEAN ECONOMIC COMMUNITY
EU	EUROPEAN UNION
FVO	FOOD AND VETERINARY OFFICE
MAPA	MINISTERIO DE AGRICULTURA, PESCA Y ALIMENTACIÓN



1. INTRODUCTION

The mission took place in Spain from 29 May to 2 June 2000. The mission team comprised 2 inspectors from the Food and Veterinary Office (FVO) and 1 Member State expert.

The mission was undertaken as part of the FVO's planned mission programme.

During the whole mission the inspection team was accompanied by a representative from the central competent authority, the Ministry of Agriculture, Fisheries and Food (*Ministerio de Agricultura, Pesca y Alimentacion, MAPA*).

An opening meeting was held on 29 May 2000 with MAPA. At this meeting, the mission objectives and itinerary were confirmed by the inspection team and additional information, which was required for the satisfactory completion of the mission, was requested.

2. OBJECTIVES OF THE MISSION

The two objectives of the mission were to examine the application of Council Regulation (EC) No.1255/97 regarding the staging points for the resting of animals during long-distance transport and to verify the performance of the Competent Authorities in the field of animal welfare during transportation.

This forms part of a series of missions to the Member States on the application of Council Regulation (EC) No.1255/97.

In pursuit of these objectives, the following sites were visited:

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	2	Opening and closing meetings
	Regional	3	1 meeting at a staging point, 1 meeting at a market, 1 meeting at a regional office
	Provincial	1	1 meeting at a staging point
	Local	2	1 meeting at a staging point, 1 meeting at a market

LIVE ANIMAL CONTROL SITES		Comments/type of transport
Staging points	2	Both of the 2 staging points in Spain where animals can be rested during long distance journeys were visited
Slaughterhouse	1	Commercial transport of livestock
Market	1	Animals both on long-distance and local transportation
Port	1	Exit point for animal transport from the EU

3. LEGAL BASIS FOR THE MISSION

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

- Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport, last amended by the Council Directive 95/29/EC
- 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 to Directive 91/628/EEC



- 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 applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours
- Council Directive 98/58/EC of July 1998 concerning the protection of animals kept for farming purposes

4. SUMMARY OF PREVIOUS MISSION RESULTS

The previous mission to Spain concerning animal transportation was carried out in 1997. The Spanish authorities were asked to take immediate action to ensure proper compliance with all parts of Directive 91/628/EEC throughout the whole country in the recommendations of the last report. The report concluded that no systematic checks of animal transportation were carried out in the Autonomous Regions and especially in relation to long-distance transport, resting, watering and feeding periods were not respected by the transporters and the competent local authorities had left the transporters unsupervised.

5. MAIN FINDINGS

5.1 Legislation

The relevant EC Directives covered by the mission have been transposed into Spanish national legislation as follows:

- Real Decreto 1041/97 of 27.6.1997 transposes Council Directive 91/628/EEC as amended by Council Directive 95/29/EC
- Real Decreto 54/1995 of 20.1.1995 transposes Council Directive 93/119/EEC
- Real Decreto 348/2000 of 10.3.2000 transposes Council Directive 98/58/EC

Real Decreto 1041/97 Capítulo IV Artículo 12 states that infringements shall be sanctioned as already stipulated in the legislation of the Autonomous Regions. Four out of the 17 Autonomous Regions have no legal provisions to penalize infringements of animal welfare during the transportation of farm animals.¹

5.2 Competent Authority

The Central Competent Authority Ministry of Agriculture, Fisheries and Food (*Ministerio de Agricultura, Pesca y Alimentación, MAPA*) is

¹Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: Article 12 of Royal Degree 1041/1997 of 27 June 1997 on animal welfare during transport provides for penalties for non-compliance to be imposed in accordance with the legislation applying in each case. The Fiscal, Administrative and Social Order Measures Act 50/1998 of 30 December 1998 classifies as administrative offences various forms of conduct in the social field on which the State and the Autonomous Communities have not specifically legislated. These include malpractice during animal transport, which depending on the individual practice concerned may be a very serious, serious or minor administrative offence. The Autonomous Communities that have no specific legislation can have recourse to these provisions.

responsible for transposing the EC legislation into Spanish national legislation.

Within MAPA, the Directorate General for livestock (*Dirección general de ganadería*) is responsible for animal health and animal welfare issues. In the Subdirectorato-General for Veterinary Health (*Subdirección General de Sanidad Veterinaria*) within Directorate General for livestock there is a service for Animal Welfare and various sections assist the service.

MAPA does not supervise the 17 Autonomous Regions (*Comunidades Autónomas*). The mission team was told that it is legally possible for the CCA to ensure the correct implementation for very serious cases but it has never been used.²

The 17 Autonomous Regions are responsible for applying and enforcing the legislation. The structure of the CA differed between the ARs. The Animal Health Department (*Servicio de Sanidad Animal*) of each *Consejería* of Agriculture (*Consejería de Agricultura y Gandería*) is responsible for this at both the regional, and depending on the Comunidad, also on the provincial level.

The ARs send instructions to the Provincial Offices (*Secciones Provinciales*) that are in charge of the local veterinary units (*Unidades Veterinarias Locales*), where the local veterinarians work.

5.3 Co-ordination

A national co-ordination group for animal welfare has been established since the last mission. Every Autonomous Region and the CCA are represented in this group. The co-ordination group has published a manual concerning animal transport controls, which is seeking to harmonise application of the legislation between ARs. This manual contains a national plan for checks and sets out how many checks should be carried out in each AR.³ The manual also contains model forms for authorising transporters, inspecting transport vehicles and a form on which the autonomous regions can summarise the results of inspections to MAPA.

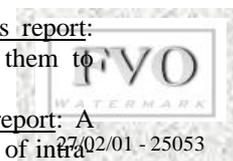
The co-ordination group had also made brochures for transporters, where the requirements of the legislation are explained (e.g. the space requirements, the requirement for a route plan). **The brochures contain very detailed information and are intended to make the legislation known to all involved in its application, including the official veterinarians responsible for enforcement.**

5.3.1 Training

In the opening meeting the CA reported that the co-ordination group has organised courses for veterinarians in the field of animal welfare later this

² Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: Although MAPA does not supervise Autonomous Communities it works very closely with them to coordinate the enforcement of legislation.

³ Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: A recommended number of checks to be performed in each Autonomous Community is set at 10% of intra-Community animal movements in the Autonomous Community concerned.



year. It was reported that some Autonomous Regions have also provided training for veterinarians. It was explained that the AR can decide the competence of the local veterinarian and it is up to them to decide the further training of the local veterinarian. In one of the ARs visited, the veterinarian responsible for long-distance transport had received no training in animal welfare. The veterinarian at the port had attended courses in animal welfare.

It was reported in the opening meeting that there is an animal hauliers' association, which would inform the transporters about the relevant legislation. In the slaughterhouse visited the manager reported that those handling animals would receive training while at work.⁴

5.4 Operational procedures

5.4.1 Approval of staging points

The Autonomous Regions are responsible for approving each staging point. The approval procedure differed between the ARs. In one staging point only the local veterinarian inspected it, whereas in the other one both the local veterinarian and the provincial veterinarian inspected the staging point before sending the request for approval to the regional authority. The AR sends the approval to MAPA, which provides an approval number for the staging point and informs the European Commission.

5.4.2 Authorisation of transporters

The Autonomous Regions are responsible for authorisation of the transporters. The co-ordination group has established a procedure for approving hauliers that can be used by the ARs, but the procedure does not have to be identical in every AR. In one AR visited it was claimed that every vehicle was checked when authorising the transporter. In another Autonomous Region it was explained that no checks of the vehicles were made when authorising the vehicles.

5.4.3 Approval of route plans

The local veterinarians are responsible for control of route plans. There was evidence that route plans had been checked at places of arrival and transfer points and examples, which had been returned after completing the journey, were seen. In one AR it was claimed that a documentary check was made of the route plan before and at the time of loading. In this AR no sanctions were available if the transporter did not comply with the requirements for having a route plan or for returning the completed version after the journey. At the market the route plans were checked during loading.

Where transporters from other MSs had failed to meet the requirements for a properly completed route plan the CCA had informed the Member State involved. Similarly the CCA had informed the AR if a Spanish transporter had been found deficient in this respect in another MS. The CCA could only

⁴ Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: The CCA has arranged two training courses for local veterinarians. One took place in June after the mission and the other one was planned for October 2000. A cooperation agreement is also being finalized between the MAPA and animal hauliers' association, which provides for five courses on animal welfare to be held in 2001/2002 mainly for transporters but also for slaughtermen, attendants and all involved in handling animals.

inform the AR of such deficiencies but did not have power to take any measures themselves.

5.5 Veterinary supervision of animal transport

5.5.1 Inspections

In the protocol produced by the co-ordination group the Autonomous Regions had been set a target 2524 inspections throughout Spain for 1999, however the ARs do not have to follow this protocol. The ARs are responsible for evaluation of the results of inspections and prioritising tasks. In one AR visited it was seen that they had devised their own plan, which had fewer inspections than laid down in the protocol. A representative of the region reported that the majority of checks were made at the same time as export certification. The 39 checks carried out in 1998 and 1999 did not reveal any deficiencies. In another AR more checks had been carried out than laid down in the protocol. The protocol had set a target of 202 inspections for 1999 and 1400 inspections had been made.

The veterinarians of the local veterinary units were responsible for inspections at staging points, at transfer points and at the time of departure and arrival of animals on farms. Inspection reports were available in Autonomous Regions. The veterinarians at the slaughterhouse responsible for animal welfare checks worked under the Ministry of Public Health Service (*Ministerio de Sanidad y Consumo*) but did not regularly report their findings to MAPA. The inspections at the exit point for live animals going to third countries were under the responsibility of the BIP, which is also part of MAPA.

Representatives of both the CCA and AR reported that a special division (*Seprona*), of the Civil Guard (*Guardia Civil*) also makes checks of animal transport. This special service is responsible for the protection of nature and the environment and this also encompasses animal transport. When they detect an infringement it was reported that they inform the relevant AR.

5.5.2 Sanctions/actions

It was reported by the CCA that in 1998 the Autonomous Regions had initiated 373 cases, mainly for overcrowding, non- registration of vehicles, absence of route plan, journeys of over eight hours in unsuitable vehicles (including no water supply) and failure to observe rest periods.

In the results received from one region visited, 30 official reports were made out of the 1400 checks reportedly carried out. No further information was received about the actions taken regarding these 30 reports. Major problems noted in these reports included: transporters without route plans, overcrowding, dirty vehicles and lack of a roof. In this AR it was explained that follow-up of sanctions was difficult because the cases would go to the legal department of the AR and the process would take a long time. If a transporter from a different AR were found to be non-compliant, the case would be sent to the AR where he originated. In another AR there was no law for the protection of farm animals during transport.



5.6 Main field findings during the mission

5.6.1 Staging points

Documents approving both staging points were seen in Autonomous Regions and no observations were made regarding any deficiencies by the competent authorities. The local CAs inspected the staging points during the visits; no remarks were made for the operators. The mission team made the following observations of one staging point on the spot:

- there was no special unloading area, no ramps
- the facilities were impossible to clean and disinfect because a lot of timber was used in the walls and the floor was uneven
- there were no facilities for other persons using the staging point (drivers)

Based on these findings a representative of the regional authority said that they would reconsider the approval of the staging point but no actions to rectify deficiencies by the competent authorities were made on the spot⁵.

It also transpired that the record keeping at this staging point did not reflect all its activities. This finding was made later during the mission at the port where the responsible vet had notified his hierarchy and in turn the CCA about a route plan for a consignment which had transited the staging point without unloading the animals. This event had not been recorded in the register and the AR had taken no action although the CCA reported that they had informed them in relation to this previous event.

In the second staging point **the facilities were satisfactory** and the veterinarians were aware of their responsibilities.

5.6.2 Pig slaughterhouse

It was reported that most of the transport to the slaughterhouse was by lorries belonging to commercial companies. Two veterinarians were responsible for animal welfare checks.

Neither the slaughterhouse veterinarians nor the regional authorities made any remarks on the condition of a lorry, which arrived during the EC mission team visit, even though the lorry lacked a complete roof. The authorisation of the transporter was checked and was valid. After unloading the pigs were driven in a satisfactory manner to the lairage.

A slaughterhouse veterinarian reported that unfit animals were allowed to travel to the slaughterhouse in the same compartment as other animals. It was seen from the ante mortem records that 1-2 injured pigs would arrive on average per day. No action had been taken to prevent this by the competent authorities.

⁵ Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: The Veterinary Services of the Autonomous Communities informed the manager that various improvements would have to be made and that the facility would have to be closed until this has been done.



During the visit, a pig which had difficulty standing up, had been in the slaughterhouse overnight and no action was taken to kill it immediately. There were no separate emergency slaughter facilities. The injured pigs were taken with a trolley to the normal slaughterline. The aforementioned pig escaped while being transported on the trolley and had to be dragged back to the place of slaughter.

5.6.3 *Livestock market*

The market visited is a large covered market where several thousand bovine animals and a lesser number of equines and small ruminants are sold each week. The animals arrive from all over Spain and, after they are sold, some are transported to other Member States.

A local veterinarian reported that between 6 and 8 veterinarians are present on each market day. Their duties include checking fitness and animal identification at the point of arrival, supervising animal welfare within the market, control of cleansing and disinfecting of vehicles and certification, including approval of route plans. Since 1998 the regional authorities recorded 153 infringements of the legislation. 146 of these related to a lack of transport authorisation and 8 cases were in relation to deficiencies in the condition of the animals. It was reported that financial penalties were normally imposed in such cases.

Since the visit of the previous mission, a washing bay which could hold six lorries had been installed, and a system established so that lorries could only gain access to the loading bay after completion of cleansing and disinfection.

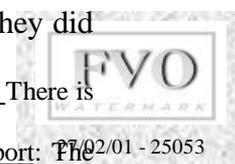
On the day of this visit, unfit animals were present in the market, despite veterinary control at the point of arrival. Some animals were suffering from a range of chronic conditions, particularly cachexia and lameness. Young foals were seen lying on soiled concrete floors in amongst other adult horses. Within the market itself the majority of animals were haltered and tied to railings and some of the animals were tethered so that the animal could not lie down. Attempts by the local veterinarian to correct such deficiencies were sometimes met with a hostile reaction and the behaviour of several of the dealers and presenters of animals was not conducive to allow the veterinarians to carry out their work effectively.

When animals were moved to the loading bays there were many possibilities for the animals to turn in the wrong direction, this resulted in the over use of sticks to beat animals. On the loading bays themselves there were no raceways to guide the animals⁶ and many of the vehicles used had no lateral protection. This resulted in several bovine animals slipping and falling during loading. In addition several vehicles present were noticed to have no roof⁷. No action was taken by the local veterinarians regarding these deficiencies.

Food and water were provided for some of the animals present and the market operator explained that this was done at the request of the person supplying the animals. A group of cull cows were seen which were destined for a slaughterhouse in another Member State 12 to 14 hours away. They did

⁶ Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: There is a plan to equip the market with chutes and races to reduce the need for sticks to be used.

⁷ Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: The Spanish CA states that these vehicles were only for journeys <50 km



not receive any food and water during the time at the market. One cow, exhibiting lameness in both hind legs, was removed from the group and it was reported that she was transported with a group of cattle to a slaughterhouse 40-km away.

In approving the route plan, the market was considered as the place of departure by the vets, even though the animals had sometimes arrived from more than 50 kilometres and it was not guaranteed that they had been watered and fed at the market.⁸

The vehicle intended for the 12 to 14 hour transport of cull cows did not have any bedding and there was a large gap between the partitions and the floor of the bottom deck, which presented a potential hazard for the animals in transit. After these deficiencies were pointed out by the mission team, the local veterinarian was reluctant to issue the approved route plan and animal health certificate. However he later reported that he had been overruled by his superior and had allowed the transport to take place. He claimed that this was on the condition that the deficiencies regarding the vehicle were corrected before future use. It was reported that the requirement for bedding had given particular problems in the Member State of arrival because slaughterhouses were refusing to accept vehicles with bedding due to the problem with its disposal.

5.6.4 Port

The port visited is an exit point for animals travelling to a third country. Animals originate from other Member States and after their journey through Spain complete their journey on roll-on roll-off vessels to North Africa.

The veterinarian at the port reported that there were no facilities to unload the animals for the purpose of carrying out welfare checks. The inspection of the animals is carried out while the animals remain on the trucks. The veterinarian reported that all the consignments are checked and a veterinarian is also available at the weekend. At the port there is a small holding facility which can accommodate 30 cattle. It was explained that in the event of a major hold up, such as bad weather or breach of welfare regulations, large consignments of cattle would have to be diverted to another port with more facilities.

Most of the route plans seen at the port were for journeys of more than 100 hours. The travelling time from the last staging point or place of departure to the port was between 24 to 32 hours in most of the route plans. The animals were then allowed to continue their journey of at least 16 hours by ferry to their place of destination. The veterinarian had certified for the purposes of export refunds that the journey had met all the requirements of Directive 91/628/EEC, despite the fact that the journey times for the second leg were in excess of the times laid down. The vet explained that he felt that the compliance only applied as far as the exit point of the EU. The vet gave details of actions taken to care for individual animals and also felt that it was in the best interest of the animals to allow them to complete their journey.

⁸ Comments from the Spanish authorities of 15 September 2000 on the draft version of this report: In their comments the Spanish CA stated that 80 % of animals sold originate from within 50 km of the market. In addition they explained that animals for export had been provided overnight with feed and water in a different part of the market.

A record of all deficiencies found at the port was available and these were reported monthly to the regional co-ordinator of BIPs and to MAPA. The CCA reported deficiencies to the other MSs but no sanctions against the transporters had been initiated by the Spanish authorities.

6. CONCLUSIONS

6.1 Progress

Some progress has been made in Spain since the last mission carried out in 1997 and animal welfare is now seen as a task in its own right. Although the Central CA cannot supervise the Autonomous Regions, the co-ordination body, which was set up in 1998, has been taking steps to try to harmonise the approach to the application of animal transport legislation. However, there are still major non-compliances.

6.2 Legislation

Four out of 17 Autonomous Regions have not adopted the measures to fulfil the requirements of Art. 18 in Council Directive 91/628/EEC in relation to sanctions for infringements of EU animal welfare legislation.

6.3 Veterinary supervision of animal transportation

6.3.1 *Efforts by the local veterinarians*

The local veterinarians met were making an effort to carry out animal welfare checks but sometimes met hostile reaction of animal owners or got no support from their hierarchy.

6.3.2 *Failure to respect journey times*

Journeys to a third country in excess of the times laid down have been approved as meeting the requirements of Council Directive 91/628/EEC. The Competent Authority has failed to effectively control these journeys.

6.3.3 *Failure to deal with unfit animals*

Lack of action allows the practice of transporting unfit animals to continue. Unfit animals were not dealt with appropriately on arrival at their destination or at a transfer point.

6.3.4 *Failure to respect standards for road vehicles used for long-distance travel*

Long-distance transport was allowed to start from Spain although the standards applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours were not met.

6.3.5 *Other failures*

In approving route plans, the market was accepted as the place of departure although this was not always in compliance with Council Directive 91/628/EEC. There was not enough action taken to guarantee that market facilities and handling of animals complied with the obligations of temporary keepers under Council Directive 98/58/EC. Deficiencies with vehicles were



not acted on especially regarding the authorisation, which had already been issued. One staging point had been approved although it did not fulfil the requirements of Council Regulation (EC) No.1255/97. Route plans were issued by and returned to the local level. Evidence was found that Autonomous Regions did not supervise effectively the control of route plans.

7. CLOSING MEETING

A closing meeting was held on 2 June 2000 with the central competent authority, MAPA. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the MAPA offered the following comments upon these findings and conclusions:

The approval of the staging point had already been suspended. The representatives of MAPA reported that they would try to encourage the setting up of staging points so that the resting periods on journeys to third country could be respected. The representatives of MAPA also reported that the problem with the disposal of bedding at slaughterhouses in another MS would be taken up with the embassy concerned.

8. RECOMMENDATIONS

8.1 To the competent authorities of Spain

- 8.1.1 To ensure that all parts of Council Directive 91/628/EEC are transposed and implemented into Spanish legislation, including the possibility of penalising any infringements as laid down in Art.18 of the Directive in all Autonomous Regions.
- 8.1.2 To take action to ensure that animals, which have undergone long journeys, are rested for 24 hours, where applicable, before continuing their journeys. The Spanish authorities must inform the other Member States concerned in all cases where the journey times have not been respected and ensure that certification for the purpose of export refunds is in accordance with the applicable requirements of the Directive.
- 8.1.3 To take action to ensure that no animals shall be transported unless they are fit for the intended journey and unless suitable provisions have been made for care both during the journey and on arrival at the place of destination.
- 8.1.4 To ensure that means of transport and all staging points comply with Council Directive 91/628/EEC and Commission Regulation (EC) No. 411/98 and that there are suitable facilities for checking both animals and vehicles at exit points of the EU.
- 8.1.5 To take action to ensure that market facilities and handling of animals comply with Council Directive 98/58/EC.
- 8.1.6 To ensure that, where a market is designated as the place of departure in a route plan, animals have been watered and fed before being reloaded.
- 8.1.7 To send detailed written information on the corrective measures taken and further actions proposed together with a timetable for such actions



concerning points 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.5 and 8.1.6 within 30 days of receipt of the final version of the report.

8.2 To the Commission Services

- 8.2.1 The Commission Services should confirm whether the Spanish legislation Art.12 of Royal Degree 1041/1997 and the Fiscal, Administrative and Social Order Measures Act 50/1998 meets the requirements of legal provisions to penalise infringements of animal welfare during the transport of animals. If the requirement is not met the Commission Services should consider initiating infringement procedures against the Spanish authorities for non-enforcement of Council Directive 91/628/EEC, particularly Art.18 of the Directive regarding lack of penalties in case of infringements
- 8.2.2 To consider proposing specific legislation for the operation of livestock markets.
- 8.2.3 To determine the duration of the rest period which animals coming from more than 50 km distance to the market must undergo, in order to be fed and watered prior to reloading in accordance with article 2 (2)(e)of Council Directive 91/628/EEC.

9. ADDENDUM TO MISSION REPORT DG (SANCO)/1104/2000

Competent Authority Response to Draft Mission Report

The Competent authorities of Spain submitted comments on the report. The Spanish authorities stipulate that they have legal provisions in all Autonomous Regions concerning the possibility of penalising any infringement in the field of animal transport.

The Spanish Competent Authority considers that Directive 98/58/EC does not apply to markets, since its title indicates application to farms only. Spanish authorities are of the opinion that legislation does not make it clear whether the transport time in third countries following export is to be taken into account for purposes of resting, feeding and watering and are asking for clarification from the Commission services in this respect.

Certain comments from Spanish authorities have been included in the text as footnotes.

