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FINAL REPORT OF A MISSION

CARRIED OUT IN GERMANY

FROM 19 TO 23 MAY 2003

IN ORDER TO EVALUATE CONTROLS OF ANIMAL WELFARE DURING
TRANSPORT AND AT THE TIME OF SLAUGHTER

Please note that factual errors in the draft report have been corrected in bold, italic, type. Clarifications provided by the German Authorities are given as footnotes, in bold, italic, type, to the relevant part of the report



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1. INTRODUCTION

The mission took place in Germany from 19/05/03 to 23/05/03. The mission team comprised two inspectors from the Food and Veterinary Office (FVO), and one Member State expert.

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

The inspection team was accompanied during the whole mission by two representatives from the *central federal authorities (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit - Federal Office for Consumer Protection and Food Safety - and Bundesinstitut für Risikobewertung -Federal Institute for Risk Assessment)*, and by representatives from the *Länder* visited.

2. OBJECTIVES AND PROCEDURES FOR THE MISSION

The objectives of the mission were to evaluate the implementation of EU legislation concerning animal welfare during transport and animal welfare at the time of slaughter. It forms part of the continuing missions to all Member States to evaluate control systems and operational standards in this field.

In advance of the mission, the Central Competent Authority (CCA) were asked to select two assembly centres and provide a list of ten slaughterhouses. Certain other information on the location and operation of the slaughterhouses was also requested to facilitate a selection to be made by the inspection team at the opening meeting. Although initially the competent authorities (CA) of both *Länder* to be visited proposed an itinerary indicating the sites to be visited, the requested lists of slaughterhouses and the necessary information were provided before the opening meeting.

Subsequently during the opening meeting on 19 May with representatives from the CCA and a representative from The Ministry of Social Affairs, Families and Health in Thüringen, the itinerary for the first two and a half days of the mission was confirmed. The sites to be visited in Saxony were confirmed the following day.

The following sites were visited:

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	2	Opening and closing meetings.
	Local	1	Here, the organisation of checks was clarified and an evaluation of the control of route plans carried out. This office was responsible for the assembly centre visited.
LIVE ANIMAL CONTROL SITES			
Assembly centres		1	Two suitable assembly centres were identified by the CA and one was selected by the inspection team for a visit. Animals were present but no loading or unloading took place at the time of the visit.
Slaughterhouses		5	Two were selected by the inspection team.

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 States¹.
- Council Directive 91/628/EEC of 11 November 1991 (as amended) on the protection of animals during transport², in particular Article 10 which enables Commission experts to carry out on-the-spot checks.
- Council Directive 93/119/EEC of 31 December 1993 on the protection of animals at the time of slaughter or killing³, in particular Article 14 which enables Commission experts to carry out on-the-spot checks.

4. SUMMARY OF PREVIOUS MISSION RESULTS

The previous missions to Germany concerning animal welfare during transport was carried out in October 1999 concerning the implementation of Regulation (EC) No. 1255/97⁴ regarding controls at staging points. The report of this mission is available on the DG (Health and Consumer Protection) Internet site, <http://europa.eu.int/comm/dg24/> under reference DG SANCO/1169/1999.

In addition, the FVO participated in January 2001 in a Commission mission to evaluate implementation of Regulation (EC) 615/98 in relation to export refunds related to the welfare of live bovine animals during transport⁵ (ref. DG SANCO /3276/2001). Certain findings from this mission are the subject of a clearance of accounts procedure between the Commission services and the German authorities.

A number of recommendations were made in report 1169/1999. These recommendations and the response of the CCA can be summarised as follows:

- (1) *Limit the use of staging points in BIPs to animals coming from third countries.*

The CA asked the Commission to clarify requirements for spatial/ temporal separation in staging points in BIPs. The Commission Services subsequently indicated that conditions laid down in Article 4 of the Regulation in relation

¹ OJ L 38 of 12.2.1998, p.10

² OJ L 340 of 11.12.1991 p.17, (amended by Council Directive 95/29/EC, OJ L 148 of 30.6.1995 p.52)

³ OJ L 340 of 31.12.1993 p.21

⁴ OJ L 174 of 2.7.1997 p.1

⁵ OJ L 82, 19.3.1998, p. 19 (recently updated by Commission Regulation 639/2003 OJ L 93 of 10.4.2003 p.10)

to staging points in assembly centres could be used *mutatis mutandis* in the case of border inspection posts and that this issue will be examined in the framework of the revision of Council Directive 91/628/EEC.

- (2) *Provide information to the Commission on other uses of staging points.*

During the current mission the CCA provided a list of currently approved staging points, which indicated the number of consignments using these facilities since January 2003. No information was provided on other activities at staging points.

- (3) *Ensure that the use of staging points in assembly centres is exclusively for this purpose during the period concerned.*

No response received.

- (4) *Take measures to ensure that hygienic standards maintained and*

- (5) *Take measures to ensure that the designated veterinarian carries out fitness examination.*

Regarding (4) and (5), the CCA indicated that follow-up action was taken regarding hygienic standards, fitness checks and control of journey times.

The current mission addresses the control of journey times for consignments originating in Germany and further examines checks on the fitness of animals for transport.

5. MAIN FINDINGS

5.1. Legislation

EU legislation	German legislation
Council Directive 91/628/EEC (as amended)	Federal Order on the protection of animals during transport of 25 February 1997, as amended on 11 June 1999 (<i>Tierschutz-Transportverordnung</i>).
Council Directive 93/119/EC	Federal Order on the protection of animals - slaughter or killing of 3 March 1997, as last amended on 25 November 1999 (<i>Tierschutz-Schlachtverordnung</i>).

Although a comprehensive check of this legislation was not carried out, it was noted that:

- The fitness of calves, without a completely healed navel, for transport, has been clarified by prohibiting the transport of calves less than 14 days old.

- Minimum level of CO₂ for stunning of pigs is higher than EU requirements.

A representative of the **Central Federal authority** indicated that discussions have started on the possible revision of the “Federal Order on the protection of animals - slaughter or killing” (*Tierschutz-Schlachtverordnung*). A system of prior approval for stunning equipment, which is not a requirement of EU legislation, is one issue being considered.

5.2. Competent authority

A previous mission on animal welfare on farms (ref. DG SANCO 3382/2001) gives a general outline of the structure of the competent authority. The same distribution of responsibilities exists concerning animal welfare during transport and at slaughter. In 2002, an Institute for Risk Assessment (*Bundesinstitut für Risikobewertung*) and an office for consumer protection and food safety (*Bundesamt für Verbraucherschutz und Lebensmittelsicherheit*) have been established at federal level. Several *Länder* introduced an intermediate level between the Land authority and the local level in 2002.

- One official from the Institute for Risk Assessment deals with issues relating to animal welfare both in the context of the remit of this institute and, in collaboration with the Division for animal welfare within the Federal Ministry, in advising the CA of the *Länder*.
- In Thüringen, an Office of Food Safety and Consumer Protection (*Thüringer Landesamt für Lebensmittelsicherheit und Verbraucherschutz*) represents the intermediate level between the Land authority and the local level. Some of the functions of this office in relation to the scope of this mission include: authorisation of transporters; assessment of applications to carry out ritual slaughter; provision of advice to the local CA through circular letters; discussions with the local level and when requested to do so, to work with the local CA to resolve particular problems. The intermediate level **carries out the tasks of technical supervision, but** does not carry out direct supervision of the local level.
- In Saxony, no such intermediate level exists. The Ministry for Social Affairs (*Sächsisches Staatsministerium für Soziales*), which is the Land authority and the subsequent levels of the CA follow a similar structure to that outlined for the *Länder* in report 3382/2001.

Regarding incidents in other Member States, following an initiative by the UK and subsequently supported by the Commission Services, the CCA have nominated a contact person to deal with these issues. This is to speed up information normally exchanged at the level of Chief Veterinary Officer of each Member State. No such exchanges have taken place recently.

Further information on the structure and functions at federal level are available at: <http://www.verbraucherministerium.de>

5.3. Organisation of checks of transport

Following the joint FVO/AGRI mission (DG SANCO/3276/2001), a working group involving various *Länder*, ***including the Länder visited, Thüringen and Saxony***, was set up. Their objective was to assist the competent authorities in implementing the requirements for animal welfare during transport in a uniform manner, particularly where export refunds are concerned. This working group produced a manual on animal transport in July 2002. The CA in all *Länder* were strongly advised to consult the manual when implementing the legal provisions for animal welfare during transport. All levels of the CA referred to the manual on animal transport, which provides, among other clarifications, the following points:

- Cows up to 255 days of pregnancy are considered fit for transport.
- A list of ships, which are considered “appropriate” for the export of cattle to the Middle East from Mediterranean ports, was drawn up.

The model for recording inspections of animal transport proposed in 2000 by the working group of Commission/Member State experts, the so-called “gentlemen’s agreement”, was referred to in the 2002 annual report of the CCA (see <http://www.verbraucherministerium.de>). It is not a legal requirement and it was noted that it had not been integrated in the systems of the *Länder* visited.

In Saxony, ***the local authorities used the July 2002 manual with varying degrees of detail***. the local level had responsibility to establish a methodology for inspections. There was a variation between different local offices on how the details of inspections were recorded, some having developed checklists and others not. ***A checklist for assembly centres had been produced.***

A decree was issued by the Land authority in Thüringen, to the effect that a prescribed checklist should be used to perform documented checks on:

- All vehicles carrying animals in non-Community countries
- All vehicles carrying animals during checks on moving traffic
- 20% of all intra-Community vehicles carrying animals and
- 5% of vehicles arriving at slaughterhouses

The 5% target for checks at slaughterhouses had been arrived at after taking into account the available resources to perform the inspections and the administrative capacity to process the resultant reports. The deployment of personnel for carrying out the checks was the responsibility of the local level. In practice, several OVs had made a schedule for these checks to ensure that all regular transporters would be inspected over a 12 month period. Regarding the resources to carry out checks, it was reported by several representatives at local level that when a veterinarian left their service, they were not always replaced adding an increasing workload for veterinarians at busy slaughterhouses.

Both *Länder* had a reporting system for violations and actions taken. One transporter who regularly transported pigs from Thüringen to Romania had repeatedly infringed legal requirements (lack of watering equipment, lack of partitions and failing to meet the requirements for route plans). The Land authority had informed all other *Länder* of their decision not to authorise future consignments by this transport company. They had also informed other *Länder* when certain transporters, based in these other regions, repeatedly transported calves less than 14 days of age.

5.4. Authorisation of transporters

The CCA provided the *Länder* with a framework for the identification code to be used when authorising transporters. The documents, which accompanied the consignments seen during the mission, indicated that:

- This identification code had been followed by the *Länder* in granting authorisations.
- Drivers had been issued with a certificate of competence, after undertaking a training course or demonstrating equivalent practical experience.
- Approval of the vehicle is also included in the system of authorisation.

The latter point goes beyond the minimum requirements of Article 5 of Council Directive 91/628/EEC (as amended). A specific issue in relation to truck design was the maximum height of vehicles in relation to the requirement for animals to stand in their natural position (Council Directive 91/628/EEC, Annex Chapter I A point 2b). In Germany, truck height cannot exceed 4m due to the height of certain bridges, however, a two deck cattle truck seen during the mission, travelled with a height of 4.13m so that there was sufficient headspace on the upper deck. A representative of the CCA pointed out that the Police tolerated 4.10m and in very restricted circumstances would allow a greater height on certain routes. In addition, it was pointed out that the legal requirements for head space, were not specific enough to provide adequate information to truck manufacturers on this issue⁶.

Regarding transporters from other Member States, a certificate in Dutch issued by the Dutch road haulage authorities (*Stichting Nationale en Internationale Wegvervoer Organisatie* – NIWO) had been accepted by the German CA. This organisation gives general authorisations to professional transporters, but not authorisations as required by Council Directive 91/628/EEC (as amended).

⁶ *In their response to the draft report the German Authorities stated that there is no conflict in satisfying both requirements (head space and maximum vehicle height).*

5.5. Checks at places of departure

Vehicles transporting animals within Germany only undergo checks if health certificates are necessary or if a certificate is issued as part of checks on slaughter animals. Checks are performed by the CA for all consignments destined for intra-community trade. A veterinarian was present four to five days a week at the assembly centre visited, to check consignments.

Cattle were present in the assembly centre, but an evaluation of controls at the time of loading was only partly possible as no transport of animals took place during the visit.

Regarding the fitness of animals for transport:

- Approx. 0.2% of animals arriving at the assembly centre were either dead on arrival or were killed on the spot. Some of these had been transported from the neighbouring Land.
- Slightly unfit animals, such as an animal with suppurating mastitis, were sent with other cull cattle to slaughterhouses in Bavaria or in North Rhine Westphalia rather than to the nearest slaughterhouse.

The CA considered the assembly centre as the place of departure when the animals spent at least eight hours in the pens, which provided access to water and feed. Previous checks indicated that:

- Journey times were respected, however, the checklist used did not indicate whether the truck, which was used for journeys of more than eight hours, was suitably equipped for feeding and watering the animals.
- Route plans were returned within eight weeks after the completion of the journey.
- The destination for one consignment to Spain, indicated in the health certificate, was five and a half hours driving time away from the destination indicated in the accompanying route plan. Although there had been a change of destination, the transporter had not been requested to submit a new route plan. In addition, after 11 hours of transport, the animals were unloaded for a 9 hour mid journey rest. The veterinarian, who had checked the route plan, could not confirm if this place of unloading was an approved staging point. It was not. The health status of the consignment as required by Article 4 of Council Directive 64/432/EEC (as amended)⁷ was therefore not guaranteed.

5.6. Checks during transport

Several of the local CAs had been involved in carrying out sporadic road checks in the past. The Police took the lead in the organisation of such

⁷ Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, OJ L 121 of 29.7.1964, p. 1977, in particular as amended by Council Directive 97/12/EC (OJ L 109 of 25.4.1997 p.1)

checks, which often took place at night. Some of the veterinarians involved were of the opinion that such checks were of limited effect.

One local office in Saxony had started procedures to impose sanctions against a German transporter and driver who had been stopped on the Autobahn while transporting calves from the Czech Republic to Spain. The rest periods for the calves had not been respected and the three-deck vehicle, which did not have an appropriate approval, did not have appropriate equipment for providing water or sufficient partitions. These enforcement measures were somewhat complicated as the transport company was authorised by one Land, the driver of the vehicle certified by another and the vehicle registered in a third⁸.

A representative of the Land authority in Saxony stated that a veterinarian was currently under criminal investigation following the detection of several unfit cows in a consignment checked en route to another Member State.

5.7. Checks at destination

Checks at *five* slaughterhouses (three large, one intermediate and one low capacity) were reviewed.

In Thüringen, following further investigations of all incidents where the transport of unfit animals had been detected, approx. 10% of cases had been followed-up with an administrative fine (*Bußgeldverfahren*). A warning (*Verwarnung*) had been issued in the remainder of cases. The level of surveillance and the effect of subsequent enforcement were sometimes variable:

- In one slaughterhouse, the OV had not detected that a pig with a prolapsed rectum had not been separated from other pigs. A lame pig, which had been separated from other pigs, had been accompanied with documentation indicating that it had been medicated thus drawing it to the attention of the veterinarian.
- Sanctioning of a transporter for the transport of a bovine animal with a broken pelvis to this slaughterhouse was repealed following a challenge by the transporter. In the Judge's opinion, the evidence provided by the CA was insufficient.
- In another slaughterhouse, *some* cull cows transported to the slaughterhouse had extremely full udders⁹. The inspection team requested the inward journey for two such animals. They had left their farm of origin seven hours earlier, but the subsequent investigation did not indicate if they had been milked prior to departure (the reason for culling

⁸ *In their response to the draft report the German Authorities stated that an appeal was made against the administrative authority's decision. A judicial decision is expected shortly.*

⁹ *In their response to the draft report the German Authorities stated that none of the animals was transported for more than eight hours, ensuring that slaughter occurred within 15 hours of the last milking.*

one recently calved animal had been her aggressiveness when milked). Some of the other cull cows with full udders had travelled to the slaughterhouse via an assembly centre. The CA had not previously investigated whether the milking interval of 15 hours was always respected for such animals (Council Directive 91/628/EEC, Annex Chapter I A 7b)

Records at one slaughterhouse in Saxony indicated that 0.1% of cattle were dead on arrival and that approx. twice this number were killed on the spot due to the condition of the animals. The number of such incidents was higher among consignments from certain dealers, who collected animals from large dairy farms in a neighbouring Land. The CA had not identified such incidents for follow-up action. Most of the enforcement action taken by the CA, who were responsible for this slaughterhouse, concerned inadequate cleaning and disinfection of vehicles. The CA here had levied one fine for inappropriate unloading of animals in the last year and a half.

Six vehicles were seen at the slaughterhouses visited:

- Two of these were not in a good state of repair and in one case the lateral protection of the unloading equipment was inadequate.
- In both cases, checklists had been recently completed by an OV indicating that they considered the means of transport satisfactory¹⁰.

5.8. Checks within the slaughterhouse

In all the slaughterhouses visited, checks of the requirements for animal welfare at slaughter had been carried out. These were mostly recorded together with information on other operations at the slaughterhouses. A manual of instructions, including specific checklists for animal welfare at slaughter had been recently issued from the Land level in Thüringen, following a similar model produced by the CA in Lower Saxony. This had not yet been fully implemented in the slaughterhouses visited¹¹.

In addition to the OVs of the slaughterhouse, veterinarians working at the local level also visited the slaughterhouses at a frequency depending on the size of the enterprise and the problems encountered. In the intermediate capacity slaughterhouse, this was once every quarter whereas in one of the large slaughterhouses this was almost every day.

5.8.1. Facilities and handling

The facilities and the handling of the animals in the slaughterhouses were generally satisfactory. However:

¹⁰ *In their response to the draft report the German Authorities stated that the first checklist referred only to truck not to the trailer, which was not in use. Regarding second truck, check did not indicate "satisfactory" as a complaint had been previously lodged.*

¹¹ *In their response to the draft report the German Authorities stated that the Manual for animal welfare rules at the time of slaughter in Thüringen is used extensively.*

- The access for inspection in parts of the larger slaughterhouses reduces the ability of the veterinarian to detect ill or injured animals.
- In the intermediate capacity slaughterhouse, two of the previous documented checks indicated the lack of watering equipment as a deficiency. No corrective action had been taken. A representative of the Land indicated that following this visit, the slaughterhouse had been given a deadline of seven days to correct this¹².
- In neither the intermediate nor low capacity slaughterhouse, both of which had been selected by the inspection team, were animals fed after a stay of more than 12 hours. This had not been identified by the CA as a deficiency although it is required by point 9 of part II of Annex A of Council Directive 93/119/EC. One local veterinarian reasoned that some of the pigs would be used to this rhythm of feeding and that a 24 hour interval would not be an abuse of animal welfare¹³.
- In two slaughterhouses, there was excessive and sometimes inappropriate use of electric goads to move the pigs towards the restrainer used during stunning¹⁴. A representative of the Land authority commented that the number of people present during the visit made movement of the pigs more difficult than usual. A representative of the CCA indicated that German research was looking at the issue of handling pigs prior to slaughter to reduce the level of excitement and the need for the use of such goads.

5.8.2. *Stunning*

Although the OVs in both slaughterhouses had recorded that pigs did not show a positive corneal reflex following CO₂ stunning, checks by the inspection team found that 3 out of 10 pigs showed a positive corneal reflex in one slaughterhouse and 1 out of 10 pigs a positive palpebral reflex in the second. The pigs did not show any sign of spontaneous blinking or normal respiration. These details were not recorded as part of the OVs' assessment¹⁵. A representative of the CCA pointed out that research indicated that stunning can be considered effective, provided other signs of

¹² *In their response to the draft report the German Authorities stated that watering facilities now installed.*

¹³ *In their response to the draft report the German Authorities stated that in the larger slaughterhouse the delivery had not been in accordance with the planning schedule. Such delays before slaughter only occurred in exceptional circumstances in both slaughterhouses and troughs can be provided.*

¹⁴ *In their response to the draft report the German Authorities stated that electric goads were used for a short time whenever necessary. The unit switched itself off every 2 seconds.*

¹⁵ *In their response to the draft report the German Authorities stated that in future, all criteria will be taken into account when recording assessment criteria for unconsciousness.*

consciousness are absent, if a maximum of 5% of pigs have a corneal reflex. The number of positive pigs was above this level¹⁶.

Electrical stunning was used to stun pigs in both the intermediate and low throughput slaughterhouses and in cases of emergency at the larger slaughterhouses visited.

- In one slaughterhouse, although an injured pig was transferred effectively by a trolley to the place of stunning, the stunning was not efficiently performed. The operator carried out double stunning of the animal as the electrodes were initially placed for an insufficient period to ensure an effective stun¹⁷.
- Two devices used for emergency slaughter did not indicate voltage and current¹⁸.
- In the low throughput slaughterhouse, no back up device was kept at the place of stunning (Council Directive 93/119/EEC Article 6, 2).

Captive bolt stunning of cattle was effective and maintenance of stunning equipment was satisfactory.

6. CONCLUSIONS

6.1. Checks of transport

6.1.1. Organisation of checks

The manual on animal transport drawn up by various *Länder* has contributed to a uniform implementation of certain EU requirements. The subsequent methodology for organising inspections developed by the Land authority in Thüringen has provided a framework for consistent checks by the local level. The methodology in Saxony, while respecting the provisions of Article 8 of Council Directive 91/628/EEC, allows a wider interpretation by the local level and therefore the basis for the reported findings is less consistent. While not a legal requirement, neither system for recording the results of inspections exactly follows the model proposed by a working group of Commission/Member State experts (the so called “gentlemen’s agreement”).

¹⁶ *In their response to the draft report the German Authorities stated that all official checks and own checks and tests carried out after the EU inspection, always indicate the absence of an eyelid closing reflex. The use of a very sharp pencil when carrying out the test may possibly have led to this reaction.*

¹⁷ *In their response to the draft report the German Authorities stated that such double stunning was an exceptional case and was not the usual procedure.*

¹⁸ *In their response to the draft report the German Authorities stated that one electrical device used for emergency slaughter has been rectified immediately after the EU inspection visit.*

6.1.2. Authorisation of transporters

The authorisation of German transporters is effectively implemented and checked. For transporters from other Member States, difficulties arise due to the lack of harmonisation of authorisation documents.

Vehicle approval, while not an explicit requirement of Council Directive 91/628/EEC is incorporated as part of the authorisation procedure. The height of certain two deck cattle vehicles is above the maximum height allowed on German roads when adequate ventilation is provided above the animals (point 2b of Chapter I A of the Annex to Council Directive 91/628/EEC)¹⁹.

6.1.3. Checks at departure, during transport and at destination

Checks at departure could not be fully evaluated due to the lack of activity at the assembly centre visited, but the responsible CA generally had a satisfactory system for control of route plans. Checks during transport are costly in terms of man-hours, but occasionally have produced significant findings, which have been followed up. Checks of older vehicles at slaughterhouses, and actions taken following the transport of casualty cows by certain dealers were not always satisfactory²⁰. The resources available at some slaughterhouses or priorities other than animal welfare may have contributed to this situation.

6.2. Checks at slaughter

The control of operations within slaughterhouses was generally satisfactory, apart from deficiencies regarding feeding and/or watering arrangements in two out of the five slaughterhouses visited. These two slaughterhouses were selected by the inspection team and were additional visits to those proposed by the CA.

Supervision of stunning was generally adequate, although there were insufficient details recorded of the assessment of the effectiveness of CO₂ stunning. The minimum concentration of CO₂ achieved was above that required by Council Directive 93/119/EC and although effective for the majority of pigs did not ensure 100% stunning in all cases. A minor deficiency concerned the lack of the appropriate gauges for electrical stunning equipment for emergency slaughter.

¹⁹ *In their response to the draft report the German Authorities stated that extending the height of two-deck vehicles above 4 m is done not in order to ensure adequate ventilation, but to improve it and that there is therefore no systematic infringement of either road transport or animal welfare regulations.*

²⁰ *In their response to the draft report the German Authorities stated that animal welfare legislation is implemented consistently, without being influenced by possible economic considerations.*

6.3. Overall conclusion

Control of animal welfare during transport was largely satisfactory. Although steps have been taken to harmonise these, they are still not always carried out in a consistent manner in different *Länder*. Checks of animal welfare at slaughter, which were a priority at all levels of the CA, were largely satisfactory and where weaknesses exist, the system of supervision is being further developed.

7. CLOSING MEETING

A closing meeting was held on 23 May 2003 with representatives from the CCA and the *Länder* visited. The representatives of the CA accepted the main findings and conclusions presented by the inspection team and provided some further clarifications. Regarding animal welfare at slaughter, representatives of the CA emphasised that private consultants are also involved in solving problems at slaughterhouses and research into pre-slaughter handling and stunning was ongoing. Regarding the organisation of the mission, the representative of the CA of Saxony expressed strong dissatisfaction with the procedure where they were required to supply a list of slaughterhouses in advance of the mission, from which the inspection team selected the slaughterhouses to visit²¹.

8. RECOMMENDATIONS TO THE COMPETENT AUTHORITIES OF GERMANY

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. This should be done within 1 month of receipt of the final mission report.

- (1) The CCA should examine the transport of cattle on two deck vehicles, considering the constraints of maximum vehicle height on German roads and the requirement for adequate ventilation above the animals when they are in a naturally standing position (Council Directive 91/628/EEC, Annex, Chapter IA, 2b).
- (2) The CCA should encourage the use of a consistent methodology for inspections implementing Article 8 of Council Directive 91/628/EEC. In this context, consideration should be given to the classification of non-conformities established by the “gentlemen’s agreement”.
- (3) The local level in all *Länder* should ensure that adequate resources, including manpower and training, are available to improve the effectiveness of checks of animal transport.

²¹ *In their response to the draft report the German Authorities accepted the selection procedure for slaughterhouse visits, involving lists supplied in advance of the mission. However, suggestions from the Länder authorities regarding the suitability of the establishments should be taken into account and thus avoid disagreements during the mission and unnecessary organisational expenditure.*

- (4) Additional measures should be taken to deter the transport of sick or injured cows, which does not comply with the requirements of Article 3(b) of Council Directive 91/628/EEC (as amended).
- (5) The CCA should initiate an investigation into the overall level of compliance with the requirements for water and feed in slaughterhouses (Council Directive 93/119/EC, Annex A, II, 9). Where necessary, measures should be taken to correct deficiencies.
- (6) Regarding the stunning of animals:
 - (a) Continue to develop the system of supervisory checks on the effectiveness of stunning (Council Directive 93/119/EC, Article 6, 1).
 - (b) Ensure that all electrical stunning equipment has the necessary devices (Council Directive 93/119/EC, Annex C II, 3A 2c).

9. ADDENDUM TO MISSION REPORT DG (SANCO)/9038/2003

The CA comments on the draft report provide the following initial reaction to several of the recommendations:

Regarding recommendation 1. The transport of cattle on two deck vehicles is considered to satisfy both the requirement for adequate ventilation above the animals and that for maximum vehicle height.

Regarding recommendation 4. The CA have found that the objective can be achieved without immediately resorting to harsh punitive measures. Animal welfare legislation is implemented without being influenced by possible economic considerations.

Regarding recommendation 6. (a) In future, all criteria will be taken into account when recording assessment criteria for effectiveness of stunning.