



EUROPEAN COMMISSION
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL
Directorate F - Food and Veterinary Office

DG(SANCO)/9214/2003 – MR Final

FINAL REPORT OF A MISSION
CARRIED OUT IN THE NETHERLANDS
FROM 3/11/03 TO 7/11/03
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 Dutch competent authorities are given as footnotes, in bold, italic type, to the relevant part of the report



30/03/04 - 20448

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1. INTRODUCTION

The mission took place in The Netherlands from 3 to 7 November 2003, as part of the FVO's planned mission programme. The mission team comprised 3 inspectors from the Food and Veterinary Office (FVO).

The inspection team was accompanied during the whole mission by a representative from the central competent authority (CCA), the Netherlands Ministry of Agriculture, Nature and Food Quality (*Ministerie van Landbouw, Natuur en Voedselkwaliteit*).

An opening meeting was held on 3 November 2003 with the CCA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission requested.

2. OBJECTIVES OF THE MISSION

The objective of the mission was to follow-up how the recommendations in previous mission report 8503/2002 had been addressed, within the context of the system for checks of animal welfare during transport and at the time of slaughter, and in the framework of Council Directive 91/628/EEC^{1,2} and Council Directive 93/119/EC³. It formed part of a wider series of missions to all Member States evaluating control systems and operational standards in this sector.

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

COMPETENT VISITS	AUTHORITY		Comments
Competent authority	Central	2	Opening and closing meetings
	Regional	1	
	District	2	
Assembly centres		3	Selected by inspection team in advance of mission
Slaughterhouses		3	Selected by inspection team at opening meeting

3. LEGAL BASIS FOR THE MISSION

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

- Art. 10 of Council Directive 91/628/EEC.

¹ Legal acts quoted in this report refer, where applicable, to the last amended version

² Council Directive 91/628/EEC, on the protection of animals during transport, and amending Directives 90/425/EEC and 91/496/EEC, OJ L 340 of 11.12.1991, p. 17

³ Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, OJ L 340 of 31.12.1993, p.21

- Art. 14 of Council Directive 93/119/EC.
- 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 States⁴.

4. BACKGROUND

4.1. Summary of previous mission results

The previous mission with the same objective to The Netherlands was undertaken from 7 to 11 January 2002. The report of this mission is available under reference number: DG SANCO/8503/2002 – MR – Final on the DG (Health and Consumer Protection) website:

http://europa.eu.int/comm/food/fs/inspections/vi/reports/netherlands/vi_rep_neth_8503-2002_en.pdf

In its overall conclusion, this report stated that in investigating the complaints received from other Member States, the Competent Authority (CA) had recognised certain systematic failures regarding their checks of consignments transported over long distances. Steps had been taken to address these failures and to penalise transporters who repeatedly infringed the requirements, even when these occurred outside the national jurisdiction.

Recommendations were made to the CA, which provided an action plan indicating how these had been or would be addressed.

5. FOLLOW UP OF RECOMMENDATIONS OF MISSION REPORT DG (SANCO) 8503/2002

5.1. Fitness of animals for transport

Report 8503/2002 recommended that *“additional measures are taken to exclude unfit animals from further transportation. In particular, to ensure that when animals are further transported from one slaughterhouse to another, the requirements of Art. 12 of chapter III and point 6 of Annex A of Council Directive 93/119/EC are respected”*

In response, the CCA indicated:

- State Inspection Service for Livestock and Meat (*Rijksdienst voor de keuring van Vee en Vlees- RVV*) would ensure that this issue was taken into account during training sessions.
- Instructions specify that only completely healthy animals should be accepted for export to third countries or other Member States.

⁴ OJ L038 of 12.02.1998, p. 10

- Instructions to the veterinary inspector (VI) in the slaughterhouse specify that animals that experience unnecessary suffering as a result of transport should be referred to the General Inspection Service (*Algemene Inspectiedienst* - AID) for enforcement action. A representative of AID explained that contacts between RVV and AID were normally done on an informal basis.⁵ There is no formal procedure for notifying RVV of outcome of enforcement procedures by AID.
- In 2002 most of the cases referred to AID for enforcement action by RVV concerned the transport of unfit animals. Additionally, other cases were detected as a result of checks by AID on its own initiative.

The mission team noted that:

- In the regions visited, different training sessions had been organised, including discussion on fitness of animals for transport and how to deal with unfit animals.
- In different slaughterhouses two cases of severely unfit animals transported had been referred by RVV to AID. However, for certain other animals, which should not have been transported, the only action taken was to slaughter immediately on the spot, but the cases were not referred to AID as per the instruction. Cases in this situation included animals not able to move or stand, and that according to the system set up by RVV for antemortem inspections had been classified as category 4 animals (i.e. sick upon arrival). There had not been any discussion of these cases between the VI and the RVV veterinarians who had dealt with the animals in the lairage *of the slaughterhouses*.
- In a slaughterhouse for pigs, appropriate action was taken to immediately stun and bleed a pig, which would have suffered if this had not taken place. Animals, which were to be re-transported to a casualty slaughterhouse due to the risk of contaminating the slaughter line, were accurately assessed as fit for the intended journey.
- A VI in one assembly centre explained that he would assess fitness on a case by case basis, and that a slightly lame animal could be acceptable for export.
- AID officials indicated that their percentage of successful prosecutions is very high, but the RVV officials explained that they were often unaware of the outcome of the enforcement actions.

5.2. Vehicle requirements

Report 8503/2002 recommended that “*measures are taken to ensure that vehicles used meet the requirements of Council Directive 91/628/EEC and where applicable, Council Regulation No. 411/98*”

⁵ *In their response to the draft report, the Dutch competent authorities noted that “there is a formal procedure with a standard form that RVV uses to notify AID of any shortcomings”.*

In response, the CCA indicated that:

- Legislation was amended so that vehicles transporting cattle must provide *an empty space of at least 10 cm above the withers*.
- The transport of piglets between the axles of vehicles, known as “piglets boxes”, has been banned since 12.03.2003.
- Regarding access to animals on journeys of more than 8 hours, RVV wrote to Dutch transporters indicating that the animals must be directly accessible with regard to visual inspections and to allow provision of feed and water.

On the last point, a representative from the CA explained that new vehicles for carrying out journeys of more than 8 hours provided the possibility of direct access to an individual animal during the journey.

The FVO team noted that:

- In a cattle slaughterhouse, four cases where vehicles did not comply with the new minimum deck height were referred to AID. AID had not decided yet whether to take these cases further, as the legislation was only recently amended.
- According to the minutes of a meeting in a region, complaints had been received about a lack of water in long distance journeys. Consequently, all veterinarians involved in certification were reminded to approve health certificates and route plans only after checking this and all other criteria.
- However AID had detected 15 cases in road checks 2002 where transports over 8 hours did not have appropriate watering equipment in operation. In these cases the vehicle was sent to the nearest assembly centre *or another appropriate location, as a petrol station*, in order to solve the deficiency.
- Regarding space density, this had been checked by VI as well as by AID officials. In one slaughterhouse, cases of non-compliance had been forwarded to AID, but no information had been received on the outcome of the proceedings. In one assembly centre records and information available showed that a Dutch truck loaded with Romanian sheep was 10% overcrowded but this had not been detected. This consignment had transited Germany from Romania.
- 54 cases of overcrowded vehicles were detected in 2002 either by RVV or by AID officials, mainly concerning transport of pigs.

5.3. Assembly centres requirements

Report 8503/2002 recommended that *“measures are taken to ensure that approved assembly centres meet the requirements of Paragraph 2 (e) of Art. 2 of Council Directive 91/628/EEC”*

In response, the CCA indicated:

- That all assembly centres had been checked again and meet the required standards
- That RVV has set a target whereby assembly centres should be inspected twice a year, following a checklist drawn up at central level.

The conditions in the assembly centres visited during the mission were generally adequate, and animals were generally properly fed, watered and rested. However, the FVO team noted that:

- In two out of three regions visited the target for assembly centres checks had not been reached. Regional officials indicated that the reason was staff availability and that priority had to be given to other tasks such as disease outbreaks and export certification.
- The checklist used extensively covers animal health issues, but animal welfare requirements are practically not covered.
- In order to consider an assembly centre as a place of departure for animals coming from a distance of more than 50 km, Dutch legislation requires a minimum rest period of one hour. This is the CA interpretation of Paragraph 2 (e) of Art. 2 of Council Directive 91/628/EEC.
- In one assembly centre, pigs coming from more than 50 km were separated according to their final destination. Those going to Italy had adequate provision of water, whilst those to be sent later in the day to Germany were in pens without provision of water. The journey time for these animals was more than 8 hours, including the time at the assembly centre.

5.4. Handling of animals

Report 8503/2002 recommended that *“checks of animal handling are improved at assembly centres and markets. In particular, ensure that handling during unloading is adequate”*

In response, the CCA indicated that:

- Checks of animal handling had been improved and that this issue was part of the training provided in the different regions.

The FVO team noted that:

- The handling during the mission was generally adequate. AID had not dealt with any infringement on this issue in 2002.
- In a poultry slaughterhouse where a case involving a high number of birds in a consignment were transported with their heads and wings trapped in the transport modules, the handling had been improved by warning to refer the case to AID.
- In a slaughterhouse one operator was beating in an excessive way the animals to speed up unloading. The VI explained that although personnel

of the slaughterhouse had undergone training, this infringement still happened occasionally.

5.5. Monitoring of route plans and communication with other Member States

Report 8503/2002 recommended that *“the system for monitoring route plans should be further developed, to ensure that journey time requirements are respected. This should include communication with other Member States, in line with paragraph 4 of Art. 18 of Council Directive 91/628/EEC, to verify the authenticity of the returned route plans”*

5.5.1. Monitoring of route plans

In response, the CCA indicated that:

- There are systematical checks as to whether route plans are returned, and if the actual journey times were in accordance with the approved route plans.
- Prior to approval, feasibility is assessed using, when necessary, computer tools.
- Further checks are made as to whether data are missing from the returned route plan.
- For non returned route plans, RVV send a warning letter to the transporter, indicating that if not returned within seven days, the case could be referred to AID or the authorisation could be temporarily withdrawn.

At the time of the previous mission report, the policy for transporters who committed repeated infringements was to temporarily suspend their authorisation, as a sanction. However, the CA lost a challenge by a transporter to the *College van Beroep voor het Bedrijfsleven (CBB)*, as this College ruled that it was a disproportionate measure. Consequently, although still in the Dutch regulations, this sanction has not been applied. When RVV detects deficiencies in exports of livestock to third countries, the information is forwarded to PVE (*Productschappen Vee, Vlees en Eieren*), the Dutch agency dealing with export refunds. This agency could then withhold payment.

The FVO team noted that:

- In one office, since November 2001, 3241 route plans had been issued. In 509 cases, letters were sent, as route plans were not returned. CA officials indicated that in most cases after the letter the route plan was returned, but this was not always the case. In 235 cases, the route plan was returned, but lacked the necessary data. In another office, none of the samples selected by the FVO team had been returned.

- In most cases, approved journey times were in line with Community legislation. However, in one case, a journey time of 20 hours had been approved for unweaned calves.

No sanction was imposed in 2002 with regard to these issues. Concerning sanctions, representatives of the CA explained that referring cases to AID so that a legal summons (*Proces Verbaal*) was issued, is considered to be disproportionate, and the option of temporary withdrawal of the authorisation is now considered unfeasible, because of the CBB ruling. Officials in one region also indicated that they considered this a national problem, not within their remit.

5.5.2. *Authenticity of route plans*

CA representatives in one region visited indicated a widespread problem where the actual final destination of the animals does not coincide with the one indicated in health certificates and route plans. This is because dealers continue to look for the best price right up until the time the consignment leaves the Netherlands. In another region officials explained that this also happened, although less frequently. In these cases, RVV officials stated that there are no effective means to ensure dealers do not make such last minute changes.

A similar situation had occurred with animals coming from Germany and not sent to the original destination. Reportedly this case was solved through direct communication with German officials and companies involved.

5.5.3. *Communications with other Member States*

Complaints from other Member States are addressed to the Chief Veterinary Officer (CVO). They are then sent to the RVV office of origin, which should provide further information on this and/or investigate the case. The CCA indicated that in order to sanction an infringement committed by a Dutch transporter in another Member State, the CA of that Member State should start legal proceedings against that transporter and then refer the case to the Dutch CA. Many letters from the CVO of the Member State where deficiencies are detected simply provide a description of the infringement, and would not constitute sufficient evidence under Dutch law to start legal proceedings against a transporter in the Netherlands.

The mission team noted that:

- 16 complaints from other Member States had been received in 2003. The majority of these complaints were about overcrowding. This compares favourably with the 29 complaints received in an equivalent period of time in 2002. An investigation had been carried out following a complaint concerning a transport of pigs to Italy, where 50 out of 182 were dead on arrival. In this particular case there was inadequate planning of the journey, which took place in hot weather conditions and with inadequate verification of functioning of watering equipment by the VI. This was one of several complaints about the same transporter.

- There was no information available at the office responsible concerning a complaint sent by the Greek CA regarding the transport of a consignment of pigs from an assembly centre in that district in overcrowded conditions and with a high mortality rate⁶.

5.6. Stunning equipment

Report 8503/2002 recommended that *“measures are taken to ensure that stunning equipment in slaughterhouses is operated in such a way that it meets all the requirements of point 2 of Art. 6 and point 3A of chapter II of Annex C of Council Directive 93/119/EC”*

In response the CCA indicated that:

- VIs carry out quarterly checks at slaughterhouses that include a check of this equipment.

The inspection team noted that:

- Stunning and bleeding during the mission were conducted in an adequate way.
- The checklist used for quarterly reports does not specifically cover animal welfare issues, as it is focused on public health requirements.
- VIs were not always aware of requirements for stunning equipment, indicating that this would be controlled by the company.
- Maintenance of electric tongs in the unloading bay of a slaughterhouse was inadequate, as they had not been cleaned.

6. CONCLUSIONS

6.1. Fitness of animals for transport

Overall, the recommendation in report 8503/2002 has been satisfactorily addressed.

- (1) The procedure to prevent the transport of unfit animals was mostly followed, in particular in the case of re-transport of animals from one slaughterhouse to another, with adequate action to prevent further suffering.
- (2) However, the enforcement is not always uniform, as in some cases no further action is taken, contrary to the instructions.

⁶ *In their response to the draft report, the Dutch competent authorities noted that “the complaint sent by the Greek CA was never received by RVV. Further investigations showed that the information on the means of transport contained in the complaint was incorrect”*

- (3) There is frequently not adequate feedback when a case is referred to AID for further action.

6.2. Vehicle requirements

On the whole the recommendation in mission report 8503/2002 has been satisfactorily addressed.

- (1) Deficiencies regarding possible transport of cattle in insufficiently high decks and use of “piglet boxes” have been adequately addressed.
- (2) Issues such as direct access to animals or the lack of water on journeys lasting more than 8 hours, have been discussed and instructions given in order to improve the situation. In addition, space densities had been assessed and actions taken where infringements detected.
- (3) However the detection in random checks by AID of non-compliance during transport reveals that the level of supervision can be further improved.

6.3. Assembly centres requirements

The Recommendation in report 8503/2002 has been partially addressed.

- (1) Adequate targets have been set. However, the frequency and level of checks effectively carried out on animal welfare at assembly centres does not ensure that all relevant criteria are covered. Partly as a result, provision of water is not always adequate.

6.4. Handling of animals

This recommendation was seen to have been satisfactorily addressed.

- (1) As during the mission, handling was correct and training and supervision on this issue have been carried out.

6.5. Monitoring of route plans and communication with other Member States

The recommendation in report 8503/2002 has been partially addressed.

- (1) A clear procedure has been implemented to check compliance of route plans and journey times. However, this system is not yet wholly effective, as there is still a high level of route plans either with deficiencies or not returned.
- (2) Measures to enforce compliance with route plans requirements are not sufficiently effective, as there is certain improvement after follow up, but not enough. The temporary withdrawal of transporters' authorisations is considered no longer possible for such offences.

- (3) The real final destination does not always match the one indicated in route plans and health certificates. This can hinder the efficiency of the procedure for approval of these documents, and hamper possible efforts to carry out checks at the places of destination. The CA has not taken sufficient action with the transporters concerned when informed by other Member States.
- (4) The current practice where the CVO of Member States of destination forward complaints to the Dutch CA regarding infringements but with no indication that legal proceedings have been opened, does not allow legal action to be taken in the Netherlands against offending transporters.

6.6. Stunning equipment

Equipment was mostly adequate, and correctly operated. The recommendation in report 8503/2002 has been largely satisfactorily addressed.

- (1) However there is a lack of emphasis on animal welfare requirements (in particular stunning equipment) in the checklist used for slaughterhouses. This causes VIs not to be fully familiar with the characteristics of stunning equipment and a low level of surveillance by the CA of these requirements.

6.7. Overall conclusion

Four out of six recommendations have been mostly dealt with satisfactorily since the last mission in 2002. However, the enforcement of route plans in line with EU requirements and checks on assembly centres and slaughterhouses are not fully effective. Although there has been progress as indicated by the reduction in complaints from other Member States, those recent complaints from other Member States, mostly on overcrowding and lack of water, have not always been satisfactorily followed-up and suggest that the system of controls should be further intensified.

7. CLOSING MEETING

A closing meeting was held on 7 November 2003 with the CCA. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the CCA agreed with the findings and conclusions and gave an undertaking to address deficiencies. They indicated that they would provide additional information on how the system of communication *regarding complaints from* Member States is operated.

8. RECOMMENDATIONS

8.1. To the competent authorities of The Netherlands

The competent authorities are requested to inform the Commission Services of the actions planned and taken to address the following recommendations

and to provide a timetable for the completion of these actions. This should be done within one month of receipt of the final translated mission report.

The CA should ensure that:

- (1) Appropriate enforcement action is taken in all cases when transport of unfit animals is detected.
- (2) Animal welfare requirements are adequately covered in the checklist used for inspections at assembly centres, and that CA targets for these checks are met. This should ensure in particular that provisions of Art. 2.2.e of Council Directive 91/628/EEC with regard to watering of animals are met.
- (3) Approved and returned route plans fulfil the requirements of Art. 5.A.2 of Council Directive 91/628/EEC.
- (4) Efficient procedures are adopted to sanction infringements for animal welfare rules in international trade, as required by Art. 18 of Council Directive 91/628/EEC. In particular, requesting from other Member States the information required according to Dutch legislation to enable the CA to take sanctions against Dutch transporters, when necessary.
- (5) There is a better exchange of information between AID and RVV with regard to the outcome of investigations and actions taken. This, together with the information from other Member States, should be used to enhance controls of particular transporter/assembly centres.
- (6) Animal welfare requirements are covered in the checklists for inspections at slaughterhouses

ADDENDUM TO MISSION REPORT DG(SANCO)/9124/2003

The CA has indicated in the comments to the draft report that the necessary measures to implement these recommendations will be taken shortly.

