



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

DG(SANCO)/9215/2003 – MR Final

FINAL REPORT OF A MISSION
CARRIED OUT IN SPAIN
FROM 9 TO 17 DECEMBER 2003
ON 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 Spanish Authorities are given as footnotes, in bold, italic, type, to the relevant part of the report



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	OBJECTIVES OF THE MISSION	1
3.	LEGAL BASIS FOR THE MISSION.....	2
4.	SUMMARY OF PREVIOUS MISSION RESULTS	2
5.	MAIN FINDINGS.....	2
5.1.	Competent Authorities.....	2
5.2.	Legislation	3
5.3.	Training and guidance	4
5.4.	Checks on transport (Article 8 of Directive 91/628/EEC).....	4
5.5.	Fitness of animals for the intended journey	5
5.6.	Means of transport comply with Directive 91/628/EEC	6
5.7.	Documentation accompanying animals.....	7
5.8.	Checks at slaughter (Article 8 of Directive 93/119/EC).....	9
5.9.	Co-ordination between the Health and Agriculture Departments	10
5.10.	Slaughter outside slaughterhouses.....	11
6.	CONCLUSIONS	12
6.1.	Legislation	12
6.2.	Training and guidance	12
6.3.	Transport checks.....	12
6.4.	Fitness of animals	12
6.5.	Means of transport	13
6.6.	Documentation	13
6.7.	Checks at slaughter.....	13
6.8.	Co-ordination of checks and enforcement.....	13
6.9.	Slaughter outside slaughterhouse	14
6.10.	Overall conclusions	14
7.	CLOSING MEETING.....	14
8.	RECOMMENDATIONS	14
9.	ADDENDUM TO MISSION REPORT DG (SANCO)/9038/2003	16

ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

AESA	Spanish Food Safety Authority (<i>La Agencia Española de Seguridad Alimentaria</i>)
ANIMO	Animal Movement System adopted following Commission Decision 91/398/EEC of 19 July 1991, OJ L 221 9.8.1991 p. 30
AR	Autonomous Region
BSE	Bovine Spongiform Encephalopathy
CA	Competent Authority
CCA	Central Competent Authority
DG SANCO	Directorate General of the European Commission for Health and Consumer Protection.
EC	European Community
EEC	European Economic Community
EU	European Union
FVE	Federation of Veterinarians of Europe
FVO	Food and Veterinary Office
MAPA	Ministry of Agriculture Fisheries and Food (<i>Ministerio de Agricultura, Pesca y Alimentación</i>)
OV	Official Veterinarian
SIRENTRA	Central Database where it is proposed to register Spanish livestock transporters

1. INTRODUCTION

The mission took place in Spain from 9 to 17 December 2003, as part of the FVO's planned mission programme. The inspection team comprised one inspector from the FVO and one official from DG Health and Consumer Protection's unit of legal affairs. The team was accompanied throughout the mission by a representative of:

- The Central Competent Authority (CCA) for animal welfare during transport (*Ministerio de Agricultura, Pesca y Alimentación - Subdirección general de ordenación de explotaciones*), hereafter "MAPA" and
- The CCA for animal welfare within slaughterhouses (*Ministerio de Sanidad y Consumo - la Agencia Española de Seguridad Alimentaria*) hereafter "AESA".

An opening meeting was held on 9 December 2003 with representatives of the above authorities. At this meeting, the objectives and the itinerary for the mission, including the slaughterhouses to be visited, were confirmed by the inspection team.

2. OBJECTIVES OF THE MISSION

The primary objective of the mission was to evaluate the actions taken in response to the recommendations made in the previous mission report concerning controls of animal welfare during transport, as laid down in Council Directive 91/628/EEC^{1,2}, and at the time of slaughter as set out in Council Directive 93/119/EC³ (hereafter report 8553/2002). A secondary objective was to evaluate actions taken by the Competent Authorities (CAs) following complaints from animal welfare societies, who alleged mistreatment before slaughter and bleeding without stunning at festivals involving pig slaughtering in public places (*matanza*) in various regions of Spain.

In pursuit of the above objectives, the following meetings were held:

CA		Comments
Central	2	Opening and closing meetings.
Autonomous Region (AR)	4	One meeting in Aragón, and Castilla y León, two meetings in Cataluña. In addition to clarification of the organisation of checks, the inspection team requested the retrieval of route plans for certain consignments selected from ANIMO data.
Local	2	Local veterinary units in Castilla y León and Cataluña to evaluate controls of animal welfare during transport.
Municipality	1	This municipality was selected by the CA from two municipalities proposed by the FVO . It had been cited in complaints from animal welfare societies to the Commission services in 2003 in relation to public festivals with alleged mistreatment of pigs.

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

² Council Directive 91/628/EEC, of 19 November 1991 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 (hereafter: Directive 91/628/EEC).

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 (hereafter: Directive 93/119/EC).

The following sites were visited:

CONTROL SITES		Comments
Market	1	Visit carried out at the time of unloading of sheep and cattle.
Collection centres	2	One facility was a collection point for cull sheep from all over Spain, where they remained for a minimum of 30 days before being re-transported mainly to other Member States, in particular Greece. The second facility had been approved as a staging point, but had never been used as such. It was the first place of arrival for calves from other Member States before their distribution to farms in Spain.
Slaughterhouses	5	Sheep, cattle, pigs and poultry slaughter was taking place during the visits to these establishments.

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation. In particular Article 10 of Directive 91/628/EEC, Article 14 of Directive 93/119/EC and Commission Decision 98/139/EC⁴.

4. SUMMARY OF PREVIOUS MISSION RESULTS

The previous mission with the same objective to Spain was undertaken from 3 to 11 April 2002. The report of this mission is available under reference number: DG SANCO/8553/2002 – MR – Final, hereafter report 8553/2002, on the DG Health and Consumer Protection website, at:

http://europa.eu.int/comm/food/fvo/index_en.htm

The overall conclusion of report 8553/2002 indicated that there was a failure to implement an adequate level of control because of the low priority given to animal welfare. Although the local inspectors were usually skilled and capable, when infringements were detected there was a lack of follow up. Although the relevant Directives concerning transport and slaughter had been transposed into national law, this national legislation does not itself contain provisions for the enforcement of the relevant rules, notably administrative penalties for infringements. Little progress had been made in achieving suitable provisions to meet these requirements in *certain regions* of Spain. [In response to the recommendations made in report 8553/2002](#), MAPA provided an action plan indicating how they intended to address them.

5. MAIN FINDINGS

5.1. Competent Authorities

At central level, animal welfare during transport is under the responsibility of MAPA. Since 1 September 2002, AESA, which is under the Ministry of Health and Consumers, has been dealing, amongst its other tasks, with the co-ordination of controls between central and regional CAs on checks within slaughterhouses,

⁴ Commission Decision 98/139/EC of 4 February 1998, laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States, OJ L038 of 12.02.1998, p. 10.

including animal welfare. The relevant CA in each AR visited are indicated in the following table:

AR	CA for animal welfare during transport (hereafter: Agricultural Department)	CA for animal welfare at slaughter ⁵ (hereafter: Health Department)
Aragón	Department of Agriculture and Food – Service for Livestock Production and Animal Health (<i>Departamento de Agricultura y Alimentación Servicio de Producción y Sanidad Animal</i>).	Department for Health and Consumers - Service for Protection of Health (<i>Departamento de Salud y Consum - Servicio de Protección de la Salud</i>).
Cataluña	Department of Agriculture Livestock and Fisheries – Service for Animal Production (<i>Consejería de Agricultura, Ganadería y Pesca – Servicio de Producción Animal</i>) ⁶ .	Department for Health and Social Security – Service for Veterinary and Public Health (<i>Consejería de Sanidad y Seguridad Social – Servicio de Veterinaria de Salud Pública</i>).
Castilla y León	Department of Agriculture and Livestock – Service for Animal Health (<i>Consejería de Agricultura y Ganadería – Servicio de Sanidad Animal</i>).	Department of Health – Protection Agency of Health and Food Security (<i>Consejería de Sanidad- Agencia de Protección de la Salud y Seguridad Alimentaria</i>).

5.2. Legislation

In response to the recommendation to ensure effective sanctions in all ARs for infringements of EU legislation on animal welfare during transport and at slaughter (Artt. 18 of Directives 91/628/EEC and 93/119/EC), MAPA indicated that a proposal is under discussion for a national law on infractions in farming and in agriculture.

It was noted that:

- The above proposal is currently stalled in the national parliament and, according to a representative of MAPA, is unlikely to make further progress until September 2004, at the earliest.
- Asturias, Aragón and Andalucía have adopted laws, which appear to overcome the legal gap regarding provisions for penalising infringements.
- Details of penalty procedures opened and concluded successfully in Cataluña and Castille y León, which have similar legislation, indicated that the relevant EC Directives can be enforced by penalties imposed under AR legislation.
- In all ARs visited, the procedure of administrative sanction under their relevant legislation is quite heavy and slow in operation.

⁵ Protocol of inspection agreed between CCA and ARs also foresees transport checks at slaughterhouses.

⁶ In addition, The Department for Industry (*Departamento de Industrias*) is responsible for authorisation of transporters and approval of livestock vehicles.

- On the particular issue of public slaughtering of animals, the applicable legislation in the ARs visited appears to be compatible with Directive 93/119/EC⁷.

5.3. Training and guidance

In response to the recommendation on the above:

- MAPA organised one training course on animal transport, where some of the training was provided by Veterinary experts from the University Veterinary faculties and also by the Spanish association of livestock transporters. The objective was to develop regional experts who would inform the stakeholders in the ARs. *In addition, the transporters' association organised training courses for transporters in collaboration with MAPA.*
- Check lists had been produced for transport inspections, which provided lists of requirements from the relevant Directives, but not specifically mentioning “undue” (Article 5A.1(b) of Directive 91/628/EEC) or “avoidable” (Article 3 of Directive 93/119/EC) suffering⁸.
- In Aragón, subsequent meetings took place for stakeholders in the region.
- In Cataluña, one veterinarian from each of the 40 local units subsequently received training and it was planned to repeat this each year so that all local veterinarians would be trained. It is not the intention of the CA to develop experts for animal welfare but to ensure that all local veterinarians can carry out the relevant tasks.
- In Castilla y León, a meeting had been organised by AR level regarding a market, which was the subject of complaints. Market personnel were appointed with responsibility for animal welfare⁹.

5.4. Checks on transport (Article 8 of Directive 91/628/EEC).

In relation to the recommendation on the above subject:

- MAPA agreed an inspection programme with the ARs for 2003. This included a model to achieve a statistically representative sample of inspections of animal transport, with targets set for the different control sites (e.g. 5% of movements to 30% of slaughterhouses). The agreed protocol also establishes templates for reporting the results of checks.

⁷ Slaughter of pigs outside slaughterhouses is only permitted for home consumption by Directive 93/119/EC and is subject to effective prior stunning.

⁸ *In their comments on the draft report, the Spanish authorities indicated that inspections are always carried out by veterinarians who assess undue or avoidable suffering on a general basis and can add whatever is appropriate in the “comments” section of the checklist. In any case, the CCA intend to revise checklists so that they are clearer and more comprehensive.*

⁹ *In their comments on the draft report, the Spanish authorities indicated that market personnel with responsibility for animal welfare were appointed in all livestock markets in Castilla y León.*

- In Aragón, 55 checks of animal transport had been carried out in 2002¹⁰. A representative of the AR explained that the low level of surveillance in 2002 was because 95% staff had temporary contracts at this time. This problem has now been solved. In conjunction with the three provincial services, an inspection plan was drawn up for 2003. Although this did not exactly follow the protocol agreed between MAPA and the ARs, it establishes targets for the local units based in particular on the number of slaughterhouses in their territory. Checks at departure have been more difficult to achieve. The regional authorities were not yet in a position to assess whether the targets set for 2003 had been achieved.
- In Cataluña, no report, as required by Article 8 of Directive 91/628/EEC, had been sent to MAPA in 2002. A representative of the AR explained that all available resources had to be diverted at this time to deal with outbreaks of Classical Swine Fever and the CA had not carried out transport checks. It was indicated that checks of transport by the Police (*Guardia Civil*) had taken place at this time, although this was more for road traffic requirements as for animal welfare. Nevertheless, the police had detected some problems with excess loading density during this period. At the local unit visited, although the Police sent details of the location of their road checks every week, the Agricultural Services of the local unit had not participated in any such checks.
- A representative of the AR in Cataluña indicated that the inspection plan agreed between MAPA and the ARs was in place and that this included checks at slaughterhouses by non-veterinary inspectors from the regional level. However, neither the provincial representative for Public Health met during the visits, nor any of the OV's at the three slaughterhouses visited, nor a local veterinarian were aware of the details of this inspection plan.
- In Castilla y León, ***136 checks took place in 2002 with 8 infringements detected***. Two of these checks had been carried out at slaughterhouses¹¹. Nine of the checks had been carried out at markets. The Agriculture Department had issued an instruction on 4 September 2003 for an inspection campaign at a particular market and several specific instructions had been previously issued regarding long distance transport. The Health Department had devised a checklist for animal welfare at slaughterhouses, including certain aspects of transport. This had only been made available recently and in the slaughterhouse visited had been used for the first time two weeks prior to the mission. The official veterinarian had no instruction on how often this task should be carried out.

5.5. Fitness of animals for the intended journey

In response to the recommendation on the above, MAPA provided a further definition of animals considered unfit for transport through the Protocol of Inspection. This referred to the FVE position paper, which provides, as guidance for the veterinarian, a list of clinical conditions when an animal should not be transported:

¹⁰ As an indication of the number of animal movements in this region, more than 120,000 bovine animals are imported each year and more than 29,000 are exported.

¹¹ As an indication of the number of animal movements, there are 220 slaughterhouses in this region.

In relation to this issue in the regions visited, it was noted that:

- In Aragón, an instruction from the AR requested a report to be written where unfit animals including cachexic animals were transported. Although such cases had been detected at the slaughterhouses visited, except for one case, they had not been reported. The reported case involved several sows from the same consignment found dead or requiring emergency slaughter. No sanction had been imposed in this case and it was indicated that this would only be considered if there were repeat infringements by this transporter.
- In Cataluña, in one slaughterhouse, some seriously injured animals had been transported, but no report had been drawn up or follow-up measures taken. In the second slaughterhouse, the OV had reported incidents of unfit kid goats arriving from The Netherlands. Although the reported information was sent through the hierarchy, a subsequent communication to the Netherlands referred to the animal health significance of contagious ecthyma lesions; no mention was made of the infringements of animal welfare provisions.
- In Castilla y León, there were numerous chronically ill animals in the collection centre for cull ewes. These did not receive adequate care as required by point 4 of the Annex to Council Directive 98/58/EC¹². Many sheep in this category are already compromised before leaving their farm of origin and are transported to this collection centre from all over Spain, but no reports had ever been written to initiate a sanction for the transport of unfit animals. Records indicated that 10 to 20 carcasses are sent to a rendering plant every 2 days, which represents a mortality rate of 2.5 -5% in a 30 day period¹³. The adult animals were principally destined for transport to Greece after they had completed the 30 day residency period. There was no evidence that euthanasia had ever been carried out on the worst cases.
- Representatives of the CA of all the regions visited reported that it was not the practice to re-transport seriously injured cows suspected of suffering from BSE, from one slaughterhouse to another specialising in this category of animals, as was the case in Galicia at the time of mission 8553/2002.

5.6. Means of transport comply with Directive 91/628/EEC

In response to the recommendation on the above subject, a new procedure for authorisation of transporters and of vehicles transporting animals is foreseen. The proposed Central Database for registering transporters (SIRENTRA), which is still in the development phase, will have its legal basis in a Royal Decree, and will harmonise the basis of authorisation throughout the national territory.

¹² Council Directive 98/58/EC, of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.98, p. 23.

¹³ The minimum residency period of 30 days was necessary to respect EU animal health requirements, recent amendments to the relevant EU legislation will mean that such collection centres must operate as “approved assembly centres” by 1 July 2004 (Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-community trade in ovine and caprine animals, OJ L 46, 19.2.91, p.19)

In relation to this issue in the ARs, it was noted that:

- In Aragón, their plan proposed 5 checks a month in slaughterhouses for mammals and 2 per month in poultry slaughterhouses. In the first slaughterhouse, five checks of vehicles a month were recorded and in the second slaughterhouse, 3 checklists completed in the last two months were seen. A representative of the CA indicated as a first step they were developing the quality of inspections, sanctions had not yet been imposed for deficiencies detected.
- In Cataluña, the work of the veterinarian in the local unit was mainly focused on surveillance of animal health requirements for imported animals. In both slaughterhouses visited, certain transport requirements had been checked. It was reported that in 2003 sanctions had been initiated in several cases where transport conditions gave rise to animal suffering.
- In Castilla y León, several sanctions had been imposed for vehicles lacking a roof. An instruction from the AR services of 4 September 2003 requested local veterinarians, amongst other aspects, to ensure that loading and unloading equipment at markets were appropriate. This was a follow up action to a complaint in February 2003 from an animal welfare association to both the Spanish CA and the Commission Services. At the market, a series of illustrated posters demonstrating correct animal handling techniques were prominently displayed and there was generally a high degree of awareness of correct handling. The local veterinarians drew up a report for a transporter who had used a vehicle to transport cattle, which had neither a roof nor suitable unloading equipment. However, during the visit inadequate equipment was used to unload two further cattle trucks without a report being drawn up. ***Approximately 10% of such trucks used inadequate unloading equipment.*** Some sheep had been transported more than 50 km, and the provisions of Directive 91/628/EEC would therefore apply. However, the local veterinarians had assumed all sheep had been transported less than 50 km¹⁴. The lack of appropriate unloading equipment in these cases gave rise to some pulling of sheep by their legs in order to unload them, contrary to point 4 of Chapter 1A of the Annex to Directive 91/628/EEC.
- No checks on the conditions of transport for sheep leaving by sea vessel from a Spanish port had been carried out. This was despite the fact that this had been indicated to the CA of *Castilla y León* in the route plans submitted by transporters collecting sheep in this region for slaughter in Greece. The CA in Murcia, where the port was located, were first made aware of this trade when contacted by MAPA, following a request from the inspection team.

5.7. Documentation accompanying animals

In relation to the recommendation concerning documentation, no commitment had been given regarding the requirements of Article 4 of Directive 91/628/EEC. In the context of this mission, MAPA asked for clarification in relation to journeys of less than eight hours. The inspection team confirmed that official documentation was not required and the requirements of Article 4 of the said Directive could be met if the

¹⁴ *In their response to the draft report, the Spanish authorities indicated that inspectors know the origin of the animals from the mandatory transport (origin and health) documents that always accompany the animals.*

necessary information was contained on commercial documents. The inspection team noted:

- In relation to journeys involving markets, sufficient bedding and water were available in all the pens and departure from the market could be considered as the place of departure¹⁵. One dealer, selected by the team at random, had picked up the first animals in his consignment, six hours before the market.
- In relation to long distance transport of animals (i.e. journeys of more than eight hours), MAPA guidance on the control of route plans to the ARs had not been followed in the regions visited. A representative of MAPA indicated that their guidance had been adopted by several other regions, which were not visited, but that ARs were independent, as for all other issues, on how to implement the requirements.
- In Aragón, the model route plan provided in the inspection manual, is not the version as amended by Council Regulation (EC) No. 1255/97¹⁶. Route plans had either: been approved although they lacked a proper itinerary although a staging point would have been necessary; sometimes no estimated journey time had been given; no time of arrival had been indicated or route plan had not been returned after the journey. The CA had issued an instruction on the first day of the mission to the local services to ensure that route plans are returned. They requested units to supply a list of non-compliant transporters on the first week of every month and indicated that these transporters should be warned that health certificates will be withheld for future consignments if there is non-compliance.
- In Cataluña, none of the route plans for consignments selected by the inspection team had been returned after the journey. The staging point visited had never operated under Regulation 1255/97, but was a collection point for imported calves before their onward distribution. The CA had not ensured that all the details of a register required for an assembly centre (Article 11 of Council Directive 64/432/EEC¹⁷) were kept.
- In Castilla y León, the CA had asked the local unit visited to investigate a particular complaint regarding checks at a collection centre for sheep. The reply from the local unit indicated that the veterinarians had difficulties in assessing the feasibility of journey times. However, returned route plans seen by the inspection team indicated that information was available in this office and indicated that the journey to Greece was usually 60 to 94 hours and never within 28 hours as indicated on the approved route plans. Route plans with this unrealistic journey time had continued to be approved. All returned route plans indicated that a

¹⁵ Spanish legislation follows Directive 91/628/EEC, where a time for which animals must remain at a market for the outward journey to be considered as a new journey is not yet defined.

¹⁶ 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, OJ L 174, 2.7.1997, p. 1 (hereafter: Regulation 1255/97)

¹⁷ Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine, OJ L 121 of 29.07.1964, p. 1977 (hereafter: Directive 64/432/EEC)

different staging point had actually been used to the one in the approved plan¹⁸. There were no declarations in writing that suitable arrangements had been made for the use of a staging point, as required by paragraph 2 of Article 8 of Commission Decision 2003/483¹⁹. In addition, an instruction from the regional authorities had not been followed regarding checking that a reservation for the ferry crossing to Greece had been made.

5.8. Checks at slaughter (Article 8 of Directive 93/119/EC).

In response to the recommendation on the above subject, a conference including representatives from ARs, MAPA and AESA met in September 2003 to draw up a protocol of inspection for controls at slaughterhouses. This conference is scheduled to meet again in January 2004 to finalise this protocol. Regarding the current system of checks in the regions visited, the inspection team noted the following:

- In Aragón, in one slaughterhouse, a problem with inadequate stunning of emergency slaughter pigs had been detected and corrected. A problem with inadequate restraint for sows had also been detected. The OV stated that the slaughterhouse company had changed since this was first detected and killing of sows had only recently recommenced, therefore this deficiency had not yet been corrected. Stunning and killing of sheep seen was satisfactory.
- In a second slaughterhouse, although the pigs did not show any sign of spontaneous blinking or normal respiration, it was possible to elicit a corneal reflex in approximately a third of the pigs following CO₂ stunning. The minimum concentration of CO₂ was above that required by Directive 93/119/EC. The exposure time varied between 30 and 60 seconds depending on the speed of the slaughter line, the OV did not check details of clinical signs, other than to note that the pigs looked physically relaxed.

In Cataluña, regarding the slaughter of different species in one very large establishment:

- On more than one occasion the inspection team noted that the serrated teeth of the electric stunning equipment was allowed to contact the eye of the sheep rather than the area between the eyes and ears. Some sheep were showing first signs of recovery at the time of bleeding, due to the time taken to start bleeding the animal after stunning.
- Lack of stunning for animals requiring emergency slaughter had been detected and OV reported that surveillance had ensured that this did not recur.

¹⁸ *In their response to the draft report, the Spanish authorities indicated that in at least one of the route plans, the problem concerned the list of staging points published by the Commission, which indicated the municipality but not the precise locality where the staging point (in Italy) was situated.*

¹⁹ Commission Decision 2003/483/EC of 30 June 2003 establishing transitional measures for the control on the movement of animals of susceptible species with regard to foot-and-mouth disease OJ L 162 of 1.7.2003 P. 72.

- Quail were slaughtered by severing a wing vein. This, however, resulted in the birds regaining consciousness before death²⁰. The OV had initiated an action, which had resulted in a sanction of €1200 being imposed. This single administrative penalty did not have much dissuasive effect, as this method of killing quails was continuing whilst the operators of the establishment examined alternative methods. A representative of the CA reported that 25% of slaughterhouses in Cataluña kill this species by an inappropriate method in order to obtain darker meat, which is easier to market.
- Regarding the stunning of cattle in another slaughterhouse visited, supervision by the OV ensured that this was effectively carried out.
- In Castilla y León, reports indicated that two incidents had been detected in 2003, where slaughterhouses for sheep were operating without stunning and a €400 fine had been imposed. The checklist developed by the Public Health department contains in addition to stunning requirements, unloading and handling in the slaughterhouse, but this format had only been implemented in the last month. In the slaughterhouse visited, a deficiency with inadequate displays for the electrical parameters for stunning rabbits had been highlighted by the OV and the company was in the process of correcting it. The inspection team detected that poultry in this slaughterhouse were experiencing pre-stun shocks and a high percentage of birds were not completely stunned at the time of bleeding. The OV had carried out his own research on how the equipment would best function, without guidance or supporting material from the higher authorities in the AR.

5.9. Co-ordination between the Health and Agriculture Departments

In response to this recommendation, MAPA established the conferences already mentioned on animal welfare during transport and at slaughter. Regarding the co-ordination between the Health and the Agriculture Departments in the regions visited, the inspection team noted:

- In Aragón in 2003, clear areas of responsibility and reporting have been developed, with the possibility for the OV in a slaughterhouse to report to both the Agricultural and Health Departments at the same time. Joint meetings and courses have been held.
- In Cataluña, an OV must report through his/her hierarchy in the Health Department before the information is subsequently passed to the Agricultural Department for any necessary follow-up action. Public Health officials were not aware of the Agricultural Department's transport inspection plan for 2003, which included checks at slaughterhouses. All OVs spoke of notifying cases of suspect zoonotic agents to the Agricultural Department, however a high priority is not always given to reporting deficiencies regarding animal welfare. Where such incidents had been reported to the Agricultural Department (e.g. inappropriate transport conditions and handling of kid goats from Andalucía), no written communication had been sent to the authorities of the other region, although the

²⁰ EU legislation requires bleeding to be profuse, rapid and complete so that the animal does not regain consciousness (Directive 93/119/EC Annex D, 1) and specifically allows farmed game birds to be killed without bleeding by means of a vacuum chamber (Directive 93/119/EC, Annex C Part III, 4).

OV at the slaughterhouse indicated that there were still ongoing problems with this trade.

- In Castilla y León, the national inspection plan, which includes checks of transport at slaughterhouses has not yet been implemented. The OV in the slaughterhouse must report through his/her hierarchy within the Health Department. The CA for public health indicated that they are waiting for the outcome of the national conference before deciding on co-ordination and targeting of such checks.

In general, where incidents are first reported to the Health Department before referral to the Agriculture Department, there were sometimes delays in achieving follow-up action or there was a tendency not to report or further process such incidents²¹.

5.10. Slaughter outside slaughterhouses

The inspection team raised the issue with the CAs of all ARs visited.

- All pointed out that the slaughter of pigs in the way alleged was illegal both under federal Spanish and AR legislation²².
- In respect of illegal *Matanzas* which had come to the attention of the CA of Castilla y León, several penalties had been imposed and paid. The CA of Aragón indicated the difficulty of controlling isolated incidents on private property.
- The CA of Castilla y León had written to the municipality visited on 27 November 2003 stressing the requirements of Community and domestic law regarding in this matter²³.
- The mayor indicated that a cultural event organised by an independent association had taken place in the town's main square not on 22 of March 2003 as alleged in the complaint but on 23 March.
- A letter from the company operating the local slaughterhouse, indicated that one of their workers had participated at this event and had used an electrical stunning apparatus to stun a pig before slaughtering it. However, the date of a certificate (12 September) from the company who had installed the electrical stunning equipment, which was given as an annex to the letter, was different from the date on the letter (4 September 2003). This letter also indicated a different date for the event (i.e. 23 April 2003).

²¹ *In their comments on the draft report, the Spanish authorities indicated that in no case has an incident been filed away without the necessary investigations being made and a decision taken.*

²² Chapter III of Directive 93/119/EC allows slaughter of pigs outside slaughterhouses for domestic consumption subject to effective prior stunning. No particular means of stunning is prescribed.

²³ *In their comments on the draft report, the Spanish authorities indicated that communications of this kind began in 2001.*

6. CONCLUSIONS

6.1. Legislation

The legal framework in the autonomous regions visited is adequate to allow penalties to be applied for infringements of requirements for animal welfare during transport and at slaughter. The proposed national legislation on penalties would achieve a more uniform level of enforcement throughout Spain and overcome the problem of lack of legal provisions for imposing penalties in any remaining regions (Artt. 18 of Directives 91/628/EEC and 93/119/EC). *The outcome of actions taken to address the recommendation made in the previous report has not yet reached a satisfactory outcome.*

6.2. Training and guidance

MAPA has provided training and information to the AR, which is part of an on-going initiative and is being conveyed to the stakeholders at regional level. However, the design of checklists used did not always prompt the checking official to mention any other breach of the relevant Directive not specifically mentioned in the list²⁴. In addition, several local veterinarians did not have access to detailed information to assist them in carrying out their various tasks.

6.3. Transport checks

- (1) The Protocol of Inspection of transport, agreed between MAPA and the regional authorities, established a framework to address the recommendation on Article 8 of Directive 91/628/EEC but, so far, has only been adopted by the autonomous regions to a limited extent.
- (2) The necessary priority has not always been given *in certain ARs* to establish the necessary co-ordination, particularly with the Health Departments in the larger regions and with the Police regarding checks during transport.

6.4. Fitness of animals

- (1) Current checks at *some collection* centres have not adequately prevented the transport of unfit animals within Spain nor adequately ensure that such animals are not transported to countries of destination.
- (2) Official veterinarians *working in slaughterhouses* have not always received sufficient support to enforce legal requirements. As a result action following the delivery of seriously injured animals to slaughterhouses is often ineffective and official veterinarians are not motivated to report all such incidents.

²⁴ *In their comments on the draft report, the Spanish authorities indicated that as documents contain a space for "comments" and training is provided for inspectors, the design of the checklist does not give rise to breaches not being mentioned.*

6.5. Means of transport

- (1) The means of transport seen were generally adequate. However, where deficiencies have been detected, feedback to the region where the transporter is authorised has been inadequate. In addition, inadequate information to initiate checks of fitted livestock vessels has been communicated to the regions concerned. As a result, the recommendation in report 8553/2002 has not yet been fully implemented.
- (2) The market inspection programme, which had been operating for four months, had been successful in raising awareness so that serious abuses were avoided during unloading. However, the assumption that all sheep arrived from less than 50 km was not always correct and for vehicles for cattle, follow-up actions focused on lack of a roof. Therefore, the requirements, in particular for unloading equipment, have not yet been fully ensured.

6.6. Documentation

- (1) Documentation *indicating the time of departure* does not generally accompany animals and so the CA cannot check time of departure. Route plan control was generally inadequate, but in some regions, steps are being taken to address this.
- (2) The CA did not ensure that the register for an assembly centre for calves fulfils Article 11 of Directive 64/432/EEC.

6.7. Checks at slaughter

- (1) Lack of detailed guidance and support leads on occasion to deficiencies not being detected. The agreement between the CCA and the ARs, anticipated for January 2004, should establish a more coherent framework for these checks in future.
- (2) The sanction, following the detection of an inappropriate method of killing quails in Cataluña, did not stop this method from continuing to be used for marketing advantage.

6.8. Co-ordination of checks and enforcement

- (1) In the majority of regions, priorities with food safety issues and animal health continue to dominate activities to the detriment of co-ordination of animal welfare tasks. Where systems of reporting of transport checks have been simplified, better enforcement of the requirements should be possible in future.

- (2) The conference between the regional authorities, MAPA and AESA on slaughter checks has not yet agreed a protocol and so has not had an impact on the activities in the regions visited²⁵.
- (3) The slowness of the existing administrative penalty systems remains a problem and neither motivates officials to pursue cases nor acts as an effective deterrent for those breaching the requirements.

6.9. Slaughter outside slaughterhouse

The CCA and the regional authorities visited have taken actions to discourage slaughtering as part of a public spectacle. Although some of the evidence regarding previous events was not coherent, actions have been taken by the CA to increasingly enforce the requirements of Chapter III of Directive 93/119/EC.

6.10. Overall conclusions

- (1) Progress in implementing the recommendations in report 8553/2002 has been slow, considering also that Directive 91/628/EEC on transport should have been implemented and enforced by 31 December 1996, and Directive 93/119/EC concerning slaughter, by 1 January 1995.
- (2) Enforcement difficulties in the ARs visited were more to do with uneven levels of control and administrative steps required, rather than with an inadequate legal basis.
- (3) The initiatives between the CCA and autonomous regions provide a basis for better progress.

7. CLOSING MEETING

A closing meeting was held on 17 December 2003 with representatives of MAPA, AESA and a representative of the CA in Castilla y León. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the CCA indicated their commitment to deal with the issues raised.

8. RECOMMENDATIONS

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. The central authorities together with the regions should ensure that:

- (1) Steps are taken to provide an adequate legal basis to penalise infringements of EU legislation on animal welfare throughout Spain (Artt. 18 of Directives 91/628/EEC and 93/119/EC). In particular:

²⁵ *In response to the draft report, the Spanish authorities indicated that these meetings had not yet resulted in the drafting of a protocol as a series of such meetings is foreseen. Agreement was reached on use of a checklist at the meeting on 20 January 2004.*

- (a) All relevant AR legislation and amendments thereof not already supplied should be communicated to the Commission services and
 - (b) The Commission services should be informed of any further amendments as soon as they are made.
 - (2) Sanctions imposed are proportionate and should be dissuasive, in particular regarding systematic non-compliance such as identified for quail.
 - (3) Information and guidance are more readily available to inspectors working at the local level so that the checking and recording of deficiencies, in particular any unnecessary suffering, is prompted (Article 5A.1(b) of Directive 91/628/EEC and Article 3 of Directive 93/119/EC).
 - (4) Co-ordination of the activities of the regional authorities allows effective checks of transport at departure, during transport and at destinations including slaughterhouses (Article 8 of Directive 91/628/EEC) and follow-up action, as necessary.
 - (5) Delays in the administrative penalty procedures are minimised.
 - (6) There is effective communication between regions to ensure animal welfare controls are co-ordinated.
 - (7) The transport of unfit animals to both collection centres and slaughterhouses is deterred. In particular, effective procedures are adopted to enforce Article 3 of Council Directive 91/628/EEC and Article 12 of Council Directive 93/119/EC.
 - (8) Means of transport comply with all the requirements of parts A and D of Chapter I of the Annex to Directive 91/628/EEC. In particular:
 - (a) Unloading equipment at markets and
 - (b) Fitted livestock vessels.
 - (9) Journey times as laid down in Chapter VII of Directive 91/628/EEC are respected, in particular attention should be given to:
 - (a) Documentation, which accompanies the animals indicating the date and time of departure (Article 4 of Directive 91/628/EEC)
 - (b) The feasibility of the journey before approval of route plans, respecting also Commission Decision 2003/483.
 - (c) Registers at assembly centres for cattle contain all the information required by Article 11 of Directive 64/432/EEC.
-

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

The CA comments on the draft report provided the following initial reaction to the recommendations:

- (1) Regarding recommendation 1, a copy of AR legislation on animal welfare was sent to DG Health and Consumer Protection's legal affairs department and the Commission will be informed of any further amendments that are made.
- (2) Regarding recommendation 2, the competent authorities of the ARs will be informed of this, in particular regarding systematic non-compliance.
- (3) At the next coordination meeting with the ARs (scheduled for June) recommendation 3 will be emphasised and measures that can be taken to comply with it will be examined. Recommendations 4 and 6 will also be discussed with a view to improving existing procedures.
- (4) Recommendation 5 will be examined by MAPA's legal affairs department, but unable to give a timetable for implementing it since the penalty procedures in question are common to all administrative procedures. The CA of *Catalonia* has indicated that it has asked for staff to be specifically assigned to deal with these procedures so that they can be completed sooner.
- (5) Regarding recommendations 7, 8 and 9, the CCA consider them inappropriate in a report of this kind as these recommend compliance with existing legislation, but will examine them at the next meeting with the ARs with a view to taking appropriate measures.