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FINAL REPORT OF A MISSION
CARRIED OUT IN HUNGARY
FROM 13/09/2004 TO 17/09/2004
IN ORDER TO REVIEW CONTROLS
CONCERNING ANIMAL WELFARE



EXECUTIVE SUMMARY

This report provides the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Hungary between 13 and 17 of September 2004.

The objective was to verify the application of Community law in the field of animal welfare and in particular to evaluate the implementation of the action plan provided by the Hungarian authorities in response to a previous FVO mission carried out in the framework of accession preparations. In order to achieve this objective the scope of the mission included the legal and administrative measures in place regarding requirements for laying hens, transport of animals and at slaughterhouses.

The report concludes that although most requirements of EU law have been transposed into national legislation a small number of gaps were identified. Staff at central level is insufficient, with the result that insufficient guidance and instruction has been given.

Although the CA has set up a basic framework for exchange of information and there is an adequate system for carrying out farm checks, the lack of an enforcement strategy means that systematic overstocking in laying hen farms is accepted. Transport checks over rely on full compliance at the place of departure which were not fully adequate and, although check lists have been provided to assist inspectors carrying out their duties at various locations, an enforcement strategy has not been developed. The system for checking requirements at slaughter is satisfactory, with deficiencies arising when there is a lack of day to day supervision.

The report makes a number of recommendations addressed to the Hungarian competent authorities, aimed at rectifying the identified shortcomings.

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

BIP	Border Inspection Post
CA	Competent Authority
CCA	Central Competent Authority
CVO	Chief Veterinary Officer
EEC	European Economic Community
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
NGO	Non Governmental Organisation
OV	Official Veterinarian

1. INTRODUCTION

The mission took place in Hungary from 13 to 17 September 2004, as part of the planned mission programme of the Food and Veterinary office (FVO).

The mission team comprised 2 inspectors from the FVO and one Member State expert, and was accompanied during the whole mission by a representative from the central competent authority (CCA), the Hungarian Ministry of Agriculture and Regional Development.

An opening meeting was held on 13 September 2004 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

This mission was the first FVO mission concerning animal welfare since the accession of Hungary to the EU. Prior to accession, the FVO carried out a mission in 2003 in the framework of accession preparations, in order to assist and monitor progress with the adoption of EU requirements on animal welfare.

The objective of the current mission was to verify the application of Community law in the field of animal welfare. In pursuit of this objective, the following meetings were held and sites visited:

VISITS			Comments
Competent authority	Central	2	Opening and final meeting.
	County	1	Where the organisation of the checks and follow up actions were discussed.
Slaughterhouses		2	Selected by inspection team at opening meeting.
Laying hen farm		1	Selected by the inspection team in advance of the mission.
Assembly centre		1	Here sheep were assembled prior to export, mainly to Italy.
Staging point		1	Its corresponding district office was also visited.

3. BACKGROUND

Following the previous, pre-accession mission, a number of recommendations were made and the Hungarian CA undertook the implementation of an action plan to address these.

4. LEGAL BASIS FOR THE MISSION

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

- Article 9 of Council Directive 99/74/EC;¹
- Article 14 of Council Directive 93/119/EC;²
- Article 10 of Council Directive 91/628/EEC;³
- 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.

5. MAIN FINDINGS

5.1. Competent Authority

The Ministry of Agriculture and Regional Development (CCA) is responsible for transposition and implementation of the EU requirements covered by the scope of this mission. Below the national level, the first administrative level is the county. There are 19 counties and one metropolitan region (Budapest), both operating control stations (hereafter: Stations).

Although the legislative framework for animal welfare during transport is shared with The Ministry of Economy and Transport, the Animal Health and Food Control Department of the CCA is solely responsible for its implementation.

There is a unit within the Animal Health and Food Control Department dedicated to animal welfare issues. There are 36 separate issues where the CCA receive information on checks carried out by the counties on animal welfare. Two members of staff analyse this information and co-ordinate these tasks. They rely on holding meetings to convey information on many of these issues as they do not have sufficient resources to provide written guidance.

In each county, there is an inspector in charge of disseminating information, organizing training and coordinating inspections on animal welfare. The CCA has used these inspectors in the development of check lists.

5.2. Legislation

Although a comprehensive check of the legislation was not carried out, the inspection team noted that certain gaps between national and EU legislation, which had been previously identified, had been closed. It was also noted that the format

¹ Council Directive 1999/74/EC of 19 July 1999, laying down minimum standards for the protection of laying hens, OJ L 203, 3.8.1999, p. 53 (hereafter: Directive 99/74/EC).

² 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)

³ Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Council Directive 90/425/EEC and 91/496/EEC, OJ L 340 of 11.12.1991, p. 17 (hereafter: Directive 91/628/EEC)

⁴ OJ L 38 of 12.02.1998, p. 10

proposed by the Commission for summarising the results of transport inspections has been adopted into national legislation.

In the course of investigating the practical implantation of EU requirements, a small number of transposition problems were identified:

- Legislation transposing Directive 91/628/EEC (Joint Decree 52/2003) does not provide a minimum resting time following a journey of more than 50 km to an assembly centre. Directive 91/628/EEC states that a 24 hour rest must be provided. However, a further decision at EU level on this issue which was foreseen in second indent of Article 2e of Directive 91/628/EEC has not yet been taken.
- Chapter I, section C (16) of Council Directive 91/628/EEC lays down that vehicles shall carry suitable equipment complying with the requirements of paragraph 4, whereas Joint Decree No.52/2003, section 22 (3) request in the vehicle the equipment suitable for loading and unloading of the livestock only if necessary.
- Spare equipment for stunning is not required at the place of slaughter, as foreseen in Directive 93/119/EC, but within the slaughterhouse. This arose as a consequence of the wording in the Hungarian text of this Directive, on which national legislation was subsequently drafted.

5.3. Checks of holdings with laying hens

In order to ensure compliance with Directive 99/74/EC, the CCA indicated that:

- The national control plan foresees an annual inspection with the use of a check list.
- Written instructions had been sent to the Stations and training provided, which emphasised the daily inspection and removal of birds from cages (point 6 of the Annex of Directive 99/74/EC).

The inspection team noted that:

- The registration of farms had been completed, but information was not recorded to distinguish between keeper and owner, nor on other establishments under the same management, as required.
- Training on inspection of laying hen farms was provided in the County visited. The general method for inspection was satisfactory. The CA had detected deficiencies in relation to inspection devices and imposed deadlines for their correction.
- The method, approved by the CCA, to calculate the maximum capacity of the farms overestimates the maximum number of birds allowed. As a result, the farm visited was around 25% overstocked, whereas the inspecting veterinarian had come to the conclusion that it was 10% overstocked.

5.4. Registration of transporters

A system of registration is in place. The code attributed to each transporter indicates the county of registration and enables rapid identification when necessary. However it was noted that:

- As this register is maintained at county level it allows a transporter to register in more than one county.
- Transporters from third countries have not yet been registered as required by Article 5, 1(a) of Directive 91/628/EEC. Although billboards at BIPs indicate several animal welfare requirements which must be met, the necessity to be registered by a MS is not one of those mentioned. This would indicate that this requirement may have been overlooked.

5.5. Checks of animal transport

To comply with the provisions of Article 8 of Directive 91/628/EEC, the CCA indicated that:

- Control is mostly focused on places of departure and destination, where veterinarians are already present to carry out animal health or public health checks. Checks are carried out on 100% of consignments at these locations and 306,231 checks were carried out in 2003. Compliance is achieved as the vehicle is not allowed to leave the place of departure if there are deficiencies.
- Check lists and inspection protocols have been sent to the county offices and a reporting system has been set up.
- Transport documents for journeys of more than 50 km indicate the time of departure.
- Route plans for journeys of more than eight hours would be verified.

Regarding checks at departure, the inspection team noted:

- Check lists are exhaustive in terms of detailing the legal requirements for all types of transport, with most requirements irrelevant to the inspection seen at a place of departure. The inspecting veterinarian indicated that this format would not encourage the use of the check list.
- Measures were taken to ensure that only animals fit for the intended journey are loaded.
- Regarding a truck which had already part loaded at another location, it was indicated that the animals would be rested on the vehicle to avoid unnecessary unloading/ reloading. However, the animals were unloaded in the assembly centre after waiting on the truck for some five hours.
- A four decks vehicle, considered acceptable by CA, provided insufficient head space for sheep.

- There is no system to ensure that route plans are verified or that they are returned. Copies of issued route plans were not kept; incomplete route plans had been approved and in most cases, they had not been returned after the completion of the journey.

Regarding checks during transport, the CCA indicated that:

- Regarding checks at Nagylak BIP, which have been the subject of complaints from NGOs, it is planned to roof the parking area, where documentary checks are carried out, by 31.4.05. Procedures have been revised to give priority to the transit of consignments of live animals and to provide a minimum of 30 minutes after the last animal is unloaded for feed and water before reloading at the installation where physical checks are carried out.
- At Zahony BIP, the unloading and inspection facilities are roofed and further pens would be roofed by 1.12.04.
- In relation to both facilities, the CVO indicated that fines collected from sanctions imposed for infringements of animal and public health requirements would be diverted to carry out this work, as there was insufficient EU funding available.
- At staging points, a register would be maintained as required by Annex C.7 of Council Regulation (EC) No. 1255/97⁵.
- Mobile teams carried out checks at 12 other locations since 1.5.04. 14 deficiencies were detected and verbal warnings were given as the findings were not considered serious.

At the sites visited, the inspection team noted:

- Separate registers were maintained at the staging point, one providing details of consignments of animals which made a one hour mid-journey rest and the other details of consignments which were unloaded for a 24 hour rest. However, this double use of the staging point, including mid-journey rests for species for which it did not have approval, was not notified to the Commission as required by Article 1.1 of Council Regulation (EC) No. 1040/2003⁶.
- In the absence of guidance from central or county authorities, there had been insufficient checking of the details of the registers. As a result insufficient rest periods had not been detected by the CA. Although the check list used for inspecting the staging point focused on the facilities provided, the pen approved by the CA for sick or injured animals was inappropriate.

⁵ Council regulation (EC) No. 1255/97 of 25 June 1997 concerning Community criteria for staging points, OJL 174 of 02.07.1997 p.1.

⁶ Council regulation (EC) No. 1040/2003 of 11 June 2003 amending Regulation (EC) No. 1255/97 as regards the use of staging points, OJL 151 of 19.6.2003 p. 21.

- Although action was taken to care for a recumbent horse on board a vehicle, the CA did not investigate the transport conditions and it was the mission team, who pointed out that there were two horses too many, which were tied in the opposite direction to the seven other horses in this compartment.
- A previous case of overcrowding had been detected on a vehicle using the staging point. In this case, apart from removing the nine dead sheep, no further action had been taken. The CA did not consider such a mortality rate significant (9 in a consignment of 700), whereas it is considerable.
- The number of consignments using the staging point is six times lower than before accession, which indicates that there is probably a high level of non-compliance with journey time requirements for those animals transiting Hungary.

Regarding checks at destination, the CCA indicated that action regarding transport inspections at slaughterhouses was established as follows:

- According to the CCA a check list should be completed annually.
- County level required check lists to be completed four times a year for large slaughterhouses.

The inspection team noted that:

- None of the documents, which accompanied consignments of animals, indicated the time of departure, as required.
- The number of checks is limited compared with the number of consignments.
- In one slaughterhouse, neither vehicle seen had suitable unloading equipment. The OV had not detected that a gap between the truck and the unloading ramp could give rise to serious injury.

5.6. Animal welfare within the slaughterhouse

Check lists had been provided and training of the county animal welfare inspectors had been carried out to ensure that the requirements of Directive 93/119/EC were respected, in particular emphasising:

- The appropriate handling of animals (Annex A.II.9 Directive 93/119/EC);
- Appropriate back-up equipment is available at the place of stunning (Article 6 Directive 93/119/EC);
- Bleeding should commence not later than 15 seconds after stunning.

The inspection team noted that:

- Handling of animals was not adequate in the larger of the two slaughterhouses visited, as electric prods were used inappropriately.

- Back-up equipment was not at the place of slaughter, but was kept elsewhere in the slaughterhouse.
- In the smaller slaughterhouse visited, the OV was aware that bleeding did not commence within 15 seconds after stunning and was trying to solve this through the up-grading of the establishment.

6. CONCLUSIONS

6.1. Competent Authority

1. There is an effective system for the exchange of information between the CCA and the counties.
2. As a result of the inadequate resources at central level, written instructions are often inadequate to ensure a correct application of animal welfare requirements.
3. The delegation of tasks to county animal welfare officers compensates to a certain degree for the lack of staff at central level. However, check lists, developed by the counties and distributed by the CCA, are of variable usefulness.

6.2. Legislation

1. The adoption into national legislation of the format proposed by the Commission for reporting results of transport checks (Article 8 of Directive 91/628/EEC), could ensure that this is followed in a uniform way throughout the country.
2. Gaps previously identified in the legislation have been amended, however, three further areas of non-transposition were identified: spare equipment for stunning at the place of slaughter, which arose due to a problem with the Hungarian translation of Article 6.2 of Directive 93/119/EC; vehicles shall carry suitable loading and unloading equipment (Chapter I, section C (16) of Council Directive 91/628/EEC) and rest time at assembly centres (second indent of Article 2e, Directive 91/628/EEC). Directive 91/628/EEC foreseen the adoption at EU level of further requirements to address the third issue.

6.3. Checks of holdings with laying hens.

1. Although the legal basis corresponds to Directive 2002/4/EC, the format used for the practical registration of laying hen holdings does not contain all the information required.
2. Although the general method for inspection of laying hen farms was satisfactory, overstocking may be a greater problem than reported, as the authorised maximum capacity of birds in the farms is systematically overestimated in the CA's calculations.

6.4. Registration of transporters

A system of registration of transporters is in place, except for third country transporters.

6.5. Checks of animal transport

1. The inspection programme over-relies on checks at places of departure, the main focus of which is not animal welfare. As a result certain deficiencies are not detected. Documents were not checked sufficiently, with the result that journey times could not be established or were not verified and measures were not taken to ensure requirements for head space were respected.
2. The CCA has not yet developed an enforcement strategy and as a result appropriate follow-up actions are not initiated when deficiencies are found.
3. Although steps have been taken to develop a system for checks during transport, the effectiveness and number of checks are insufficient to ensure a higher level of compliance for consignments transiting Hungary.
4. Checks at destination are insufficient, as the OV at the slaughterhouse considers that all requirements have been checked at the place of departure.

6.6. Animal welfare within the slaughterhouse

1. Although the check list allowed inspectors to identify problematic areas, inappropriate handling was tolerated by the OV when there were more tasks and time constraints, which is the case in a high throughput rather than a low throughput slaughterhouse.
2. The CA are taking steps to minimise the possible recovery of animals after stunning, which is problematic in certain low through-put establishments.

6.7. Overall conclusion

Although most requirements of EU law have been transposed into national legislation a small number of gaps were identified. Staff at central level is insufficient, with the result that insufficient guidance and instruction has been given.

Although the CA has set up a basic framework for exchange of information and there is an adequate system for carrying out farm checks, the lack of an enforcement strategy means that systematic overstocking in laying hen farms is accepted.

Transport checks over rely on full compliance at the place of departure which were not fully adequate. Although check lists have been provided to assist inspectors carrying out their duties at various locations, an enforcement strategy has not been developed.

The system for checking requirements at slaughter is satisfactory, with deficiencies arising when there is a lack of day to day supervision.

7. CLOSING MEETING

A closing meeting was held on 17 September 2004 with the CCA. At this meeting the main findings and conclusions of the mission were presented by the inspection team. The CCA did not express any major disagreement with these, but pointed out that the lack of resources at central level contributed to the difficulties in establishing more effective controls.

8. RECOMMENDATIONS

To the competent authorities of Hungary

- 1) To ensure that there are adequate resources at central level, to ensure the practical implementation of EU requirements on animal welfare.
- 2) To transpose the following requirements into national legislation:
 - a. Spare equipment for stunning is available at the place of slaughter Article 6.2 of Directive 93/119/EC;
 - b. Vehicles shall carry suitable loading and unloading equipment (Chapter I, section C (16) of Directive 91/628/EEC).
- 3) Regarding holdings with laying hens, to ensure:
 - a. That the calculation of maximum capacity respects the minimum space requirement per hen (Article 5.1.1 of Directive 99/74/EC).
 - b. Stocking rates are re-evaluated and actions are taken to address problems of overstocking.
- 4) Regarding animal welfare during transport:
 - a. To include third country transporters in the system of authorisation (Article 5, 1(a) of Directive 91/628/EEC).
 - b. To develop an inspection programme and enforcement strategy to comply with Article 8 of Directive 91/628/EEC.
 - c. To ensure that documents that accompany animals during transport are in compliance with Article 4 of Directive 91/628/EEC.
 - d. To put in place a system for the control of route plans (Article 5 of Directive 91/628/EEC).
 - e. To ensure that appropriate action is taken where checks at staging points indicate inappropriate resting periods and that the outcome is subsequently communicated to the MS of departure (Article 18 of Directive 91/628/EEC).
 - f. To communicate to the Commission the double use of staging points (Article 1.1 of Council Regulation (EC) No. 1040/2003).
- 5) Regarding slaughterhouses:

To ensure that handling of animals is appropriate (Annex A.II.3 of Directive 93/119/EC) through guidelines and instructions to slaughterhouse staff and their subsequent supervision.

9. ADDENDUM TO MISSION REPORT DG(SANCO)/7237/2004

In their comments on a draft version of this report, the CCA provided the following initial reaction to the recommendations:

- 1) The budget of 2005 does not provide possibility to enlarge the unit responsible for animal welfare.
- 2) These provisions will be covered by the next amendment of the relevant Hungarian decree.
- 3) In order to ensure the fulfilment of these requirements, the CA will provide further information and training for the executive authority and will initiate more frequent checks.
- 4) Regarding animal welfare during transport:
 - a. In accordance with the National rules the CA will ensure the fulfilment of this provision.
 - c. The CA will also call the stakeholders' attention to these provisions during the trainings for overall application in practice.
 - e. A Circular letter has been issued indicating that only 24 hours resting is acceptable according to current EU legislation.
- 5) The CA will make the appropriate guidelines and will pass it to the stakeholders.