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**FINAL REPORT OF A MISSION
CARRIED OUT IN ESTONIA
FROM 05 TO 09 SEPTEMBER 2005
CONCERNING ANIMAL WELFARE CONTROLS**



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EXECUTIVE SUMMARY

This report provides the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Estonia between 5 and 9 of September 2005.

The objective was to verify the application of Community law in the field of animal welfare. In order to achieve this objective, the legal and administrative measures in place regarding requirements for laying hens, calves, pigs, transport and slaughterhouses were evaluated.

The report concludes that systems of control, reporting and sanctioning are well developed, and further co-ordination with other implementing and enforcement bodies are being arranged. Certain non-compliances were a result of national legislation being incomplete. Although the training and guidance were generally adequate and the inspections satisfactory, certain other non-compliances arose as issues such as calculation of space allowances had been insufficiently addressed in CCA instructions.

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

1. INTRODUCTION

The mission took place in Estonia from 5 to 9 September 2005, as part of the planned mission programme of the Food and Veterinary office (FVO).

The inspection team comprised two inspectors from the FVO and an official from the Unit of Legal Affairs, also within the Health and Consumer Protection General Directorate (DG SANCO), and was accompanied during the whole mission by representatives from the central competent authority, the Veterinary and Food Board of Estonia (hereafter: CCA).

An opening meeting was held on 5 September 2005 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 verify the application of European Union (EU) requirements in the field of animal welfare. In pursuit of this objective, the following meetings were held and sites visited:

VISITS			Comments
Competent authority	Central	3	Opening and final meeting at the CCA headquarters. An additional meeting was organised at the central headquarters of the Estonian Agricultural Registers and Information Board, which is the competent authority responsible for the registration of farms.
	Regional (county)	2	Valgamaa and Viljaandimaa Veterinary Centres, where the organisation of the checks and follow up actions were discussed.
Slaughterhouses		3	Two establishments, slaughtering cattle and pigs, were selected by the inspection team from a list provided by the CCA. The third establishment was a slaughter line for the hens, which were housed on the farm visited, and which was only in operation at the end of the production cycle.
Laying hen farm		1	With hens kept in unenriched cages, and which was selected by the inspection team from a list of farms provided by the CCA.
Pig farms		2	Both with fattening pigs only, and which were selected by the inspection team from a list of farms provided by the CCA.

3. BACKGROUND

This was the first FVO mission specifically on animal welfare since the accession of Estonia to the EU. Prior to accession, the FVO carried out missions in the framework of accession preparations, in order to assist and monitor progress with the adoption of EU legislation, where certain requirements on animal welfare were also evaluated.

4. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation¹ and in particular Article 9 of Directives 99/74/EC², 91/629/EEC³ and 91/630/EEC⁴, Article 7 of Directive 98/58/EC⁵, Article 14 of Directive 93/119/EC⁶, Article 10 of Council Directive 91/628/EEC⁷ and Commission Decision 98/139/EC⁸.

5. MAIN FINDINGS

5.1. Competent authority

Structure and responsibilities

At central level two persons in the Animal Welfare Office, within the Animal Health and Welfare Department, deal with animal welfare issues. The CCA issues decrees concerning inspection programmes, guidelines, protocols and forms for the inspections.

Other supervising bodies include the Police Board, for criminal cases and transport checks. The CCA is in the process of signing a written agreement with the Police Board in order to better define competences, procedures for joint actions, meetings and exchange of information.

The registration of laying hen farms (Directive 2002/4/EC⁹) is made by the Estonian Agricultural Registers and Information Board.

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- ¹ Legal acts quoted in this report refer, where applicable, to the last amended version.
 - ² Council Directive 1999/74/EC of 19 July 1999, laying down minimum standards for the protection of laying hens, OJ L 203 of 3.8.1999, p. 53 (hereafter: Directive 99/74/EC).
 - ³ Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves, OJ L 340 of 11.12.1991, p. 28 (hereafter: Directive 91/629/EEC).
 - ⁴ Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs, OJ L 340 of 11.12.1991, p.33 (hereafter: Directive 91/630/EEC).
 - ⁵ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221 of 8.8.1998, p. 23 (hereafter: Directive 98/58/EC).
 - ⁶ 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).
 - ⁷ 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).
 - ⁸ 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 L 38 of 12.02.1998, p. 10.
 - ⁹ Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC, OJ L 30 of 31.01.2002, p. 44 (hereafter Directive 2002/4/EC).

At local level one animal welfare expert (hereafter: official veterinarian) has been nominated by the CCA in each of the 15 Veterinary Centres (hereafter: local CA), one for each administrative county. The official veterinarians carry out inspections on farm and in slaughterhouses and supervise the activities of the authorised veterinarians.

Private practitioners (hereafter: authorised veterinarians) appointed by the local CA perform, within their licensed territory, official tasks including animal welfare enforcement.

Further information on the structure and functions of the veterinary services is available at the CCA website <http://www.agri.ee>

Internal Audits

An internal auditing system is in place through all levels of the CA:

- Technical internal audits are carried out by staff of the CCA, while a private company performs a general evaluation concerning the structure, the functioning and the compliance with legislation.
- The Animal Health and Animal Welfare Department of the CCA visit each local CA annually, to review the activities performed and the supporting documentation.
- The local CA supervises and assesses the activities performed by the authorized veterinarians who must produce monthly reports.
- All animal welfare inspections performed in each county are summarized to the CCA in quarterly reports, which are also used to evaluate the efficiency of the local CA.
- A separate report on the results of the inspections performed by the official veterinarians to meet their target is sent twice a year, so that the CCA can supervise these checks.

Training and guidance

Training for both authorised and official veterinarians has been organised by the Animal Welfare Office, and covered animal welfare on farm, during transport and at slaughter. A training session in 2005 concerning welfare during transport and at slaughterhouses, in collaboration with TAIEX¹⁰, also involved the Police officials. Bimonthly meetings are also held at the CCA headquarters with the animal health and welfare officials from the counties. The authorised veterinarians receive refreshment training yearly, which is arranged by the CCA, and are debriefed each month at the local CA.

All staff has permanent access to the Estonian legislation including veterinary legislation, which is published in the Official Gazette and on

¹⁰ TAIEX Office: Technical Assistance Information Exchange Office – DG Enlargement of the European Commission

Internet. All acts of legislation regarding animal protection are available on the CCA web page. Requirements concerning animal transportation have also been published in form of a leaflet.

Comprehensive checklists have been provided to inspectors by the CCA to guide them on the various points to be checked.

5.2. Legislation

Following the identification of certain shortcomings in the application of Directives 91/628/EEC and 91/630/EEC, a subsequent review of the related national legislation demonstrated incomplete transposition in relation to the following:

- The registration of transporters shipping animals within the Estonian territory and during journeys of less than eight hours (Article 5(A)(1)(a) of Directive 91/628/EEC).
- The requirement to provide dry pregnant sows and gilts with bulky or high-fibre and high-energy food (Article 3(7) of Directive 91/630/EEC).
- The requirement of permanent access for all pigs to material for investigation and manipulation (Chapter 1(4) of the Annex to Directive 91/630/EEC).

Concerning domestic transport, an amendment to national legislation is estimated to enter into force in October 2005.

Certain requirements in Estonian legislation were more detailed than those in EU texts:

- the minimum area for laying hens kept in unenriched cages is detailed according to their number (i.e. at least 1000 cm² for one hen; at least 600 cm² for two hens; at least 550 cm² for three or more hens, with a maximum of seven hens per cage allowed);
- Staff working in slaughterhouses who are in contact with live animals, must have a certificate showing that they have undergone training; for those performing stunning and killing, training is both theoretical and practical.

Regarding the sanctioning system for breaches of animal welfare requirements, the Animal Protection Act applicable since 1st July 2001 lays down the applicable sanctions. In Court cases, the CCA acts as party (plaintiff) to the judicial proceeding and is represented by a private lawyer hired for this purpose. The CCA has the right to appeal against a decision taken by the First Instance Court.

5.3. Information provided to the calf, pig and laying hen sectors

A key role for the distribution of information concerning animal welfare requirements is played by the veterinarians during annual inspections on farms. Stakeholders received information also through a TV programme and the local press and from the CCA website. A training course for farmers was

organised in January 2004. The farm managers and staff met were aware of the welfare requirements for their animals.

In April 2005 the CCA trained advisers to the various sectors and further training for pig farmers is planned for autumn 2005 (Article 5a of Directive 91/630/EEC).

5.4. Inspection programme

The official veterinarians from the local CA carry out inspections on the basis of a yearly programme set up by the central level and which indicates how many holdings with calves, pigs and laying hens must be checked in each county. The officials from the local CA met during the mission stated that when selecting the farms to be inspected, priority is given to the bigger ones, taking also into account the objective of covering all farms in two to three years. In the two counties visited the target for 2004 had been met and in one county the programme for 2005 had already been almost achieved.

In addition to the above controls, general assessment inspections concerning animal welfare and animal health, veterinary medicines and feeding are performed yearly on all farms by the authorised veterinarians.

Finally, further inspections to follow up complaints are carried out either by the officials or by the authorised veterinarians.

5.5. Laying hens

Registration of holdings

In relation to the system set up to meet the requirements of Directive 2002/4/EC, it was noted that:

- On one production site with eight buildings there were eight different identification codes, while on another production site, with four buildings, there was one identification code. Representatives from the Estonian Agricultural Registers and Information Board indicated that it is up to the farmer to decide whether to apply for one code or for separate codes for each building.
- The approval and registration of the holdings made by the Estonian Agricultural Registers and Information Board was based solely on the information provided by the farmer and the CCA was not directly involved in the procedure. The CCA pointed out that a formal agreement will be undertaken between the two authorities involved so that in future a binding opinion from the CCA will be made mandatory before approving and registering of establishments.
- For one of the two counties visited the register of laying hen holdings listed three farms, while only one establishment was still operating. Article 1(4) of Directive 2002/4/EC requires the register to be updated when changes are notified to the CA.

Inspections

In relation to inspections on holdings with laying hens, guidance in the form of checklists was provided, but there were no detailed instructions on how to verify certain requirements such as the maximum capacity of a building.

It was noted that:

- A systematic check of the capacity of the farm against the capacity declared by the farmer at the time of registration was not carried out, and this resulted in overcrowding being undetected.
- The official veterinarians had identified certain shortcomings such as the lack of claw-shortening devices (Article 5(1)(6) of Directive 99/74/EC), insufficient number of nipple drinkers in some buildings and lack of alarm in case of failure of the automatic equipment. Deadlines for correction of the deficiencies had been set and follow-up made.

5.6. Pigs

Concerning supervision on holdings with pigs, guidance in the form of checklists was provided, but those instructions did not elaborate on how to verify many of the requirements. The inspections performed by the CA during the visits to two fattening pig holdings were overall satisfactory. However, the following points were noted:

- on one farm sick animals were not provided with bedding (point 4 of the Annex to Directive 98/58/EC), but this was not detected by the CA;
- On the same farm, pigs did not have any material for manipulation and investigation (Chapter 1(4) of the Annex to Directive 91/630/EEC), a requirement not transposed into national legislation.
- On both farms, the CA included the space occupied by the troughs in the calculation of available floor area. Although this method overestimated the floor area, in the two farms visited the space provided was in compliance with the minimum requirements (Article 3(1)(a) of Directive 91/630/EEC).

The controls made by both authorised and official veterinarians were overall consistent and the deficiencies detected had been followed-up in a timely way. However, deadlines imposed for corrective actions concerning shortcomings with buildings and equipment were quite long, being set between three months and one year. In this regard, although one of the farms visited by the FVO team had been renovated in 2005 and recently inspected by the CA, an alarm system was not provided and the deadline set for its installation was seven months.

5.7. Calves

A review of the inspection reports concerning holdings with calves, where shortcomings had been detected in 2004 and 2005, indicated two recurrent problems.

Firstly, the tethering of calves had been detected by both authorised and official veterinarians in 16% and 25% of the farms inspected in 2004

respectively in Valgamaa and Viljandimaa. The CA explained that due to the poor economic situation of the small dairy farms, where this deficiency was mainly detected, the deadlines set for compliance were between six and twelve months.

The second issue identified was the record keeping for veterinary medicines, which had been followed-up and corrections taken.

5.8. Reporting and sanctioning systems

Each inspection was documented by a report, with a section for the corrective actions, the deadlines for compliance and the follow up. The format used in each holding by the authorised veterinarian during the annual inspection included most requirements of Commission Decision 2000/50/EC¹¹. The format used by the official veterinarians during their planned inspections were structured specifically for animal welfare, with a general part and three specific check lists - for calves, pigs and laying hens, respectively. These reports contained all the information required by the Annex to Decision 2000/50/EC.

The local CAs provided the CCA with quarterly summaries of all the welfare inspections performed by the authorised veterinarians as well as by the official veterinarians, including those following complaints. This information is used to complete the report required by Decision 2000/50/EC.

The filing of all the relevant documentation concerning inspections and reporting was well organised and easily retrievable.

Copies of seven prosecution reports for breaches committed in 2004 indicated that one had gone to the administrative Court and sanctions were filed and notified electronically from county to central level.

5.9. Animal welfare during transport

In order to meet the requirements of Article 8 of Directive 91/628/EEC, which requires inspections to be carried out on an adequate sample of animals transported each year, the CCA indicated that:

- The veterinary certificate issued for domestic transportation of animals obliges veterinarians at both departure (farms) and arrival (slaughterhouses) to check the compliance of the vehicles and to note date and time of departure and arrival. Examples of this document were seen during the visits to the abattoirs, and they were duly completed.
- Regarding road-side checks, these are performed by the Police Board officers who received special training and can call on a veterinarian if necessary. The CCA had not yet received any feedback on these controls,

¹¹ Commission Decision 2000/50/EC of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes, OJ L19 of 25.1.2000, p. 51 (hereafter Decision 2000/50/EC).

and indicated that this commitment will be included in the proposed written agreement with the Police Board.

During the first eight months of 2005, 60 health certificates for consignments of live animals had been issued by one of the local CA visited; most of these were for registered horses, while two were for consignments of calves to Italy. Inconsistencies were noted between the route plan and the health certificate concerning the places of departure and arrival of one consignment of calves. The feasibility of the itinerary indicated in the route plan by the transporter had not been checked by the official veterinarian who stamped and signed the route plan for its approval (Article 5(A)(2)(b) and (c) of Directive 91/628/EEC), in particular to ensure that the relevant journey times are respected (Article 3 (1)(aa) second indent of Directive 91/628/EEC).

5.10. Animal welfare within slaughterhouses

An overview of the yearly inspection reports completed by the local CA visited showed that a number of deficiencies had been followed up and mostly corrected within the deadlines imposed. In some cases several follow-up actions were required. In the poultry slaughterhouse, although previous CA reports indicated that there were no devices indicating current and voltage as required by Annex C part II (3)(A)(2)(c) to Directive 93/119/EC, this remained to be corrected.

In the two red meat slaughterhouses visited by the FVO team, no major animal welfare deficiencies were seen. However, in one low through-put slaughterhouse for pigs, where stunning was performed with a captive bolt pistol, the poor layout of the restraining and stunning area slowed down the shackling, hoisting and bleeding procedures so that bleeding could not be performed earlier than 45 seconds.

6. CONCLUSIONS

6.1. Competent Authority

- (1) The structure and the resources at all levels of the CA were adequate and the internal audits performed ensured supervision through all levels and uniformity of procedures.

6.2. Legislation

- (1) Important EU requirements for pigs, such as manipulable material (Chapter 1(4) of the Annex to Directive 91/630/EEC) and bulky feed (Article 3(7) of Directive 91/630/EEC) have not been transposed.
- (2) The lack of a requirement to register transporters, who are operating on journeys up to eight hours, means that such persons cannot be rapidly identified (Article 5(A)(1)(a) of Directive 91/628/EEC).

6.3. Information provided to the calf, pig and laying hen sectors

- (1) The information provided to the sectors was adequate.

- (2) The training of advisers which has taken place should facilitate better guidance to pig stockpersons and the planned courses should meet the requirements of Article 5a (2) of Directive 91/630/EEC.

6.4. Inspection programme

- (1) The inspection programme carried out by the official veterinarians was adequate and had been satisfactorily achieved.
- (2) In addition, the general assessment inspections by authorised veterinarians are a further level of surveillance, in particular of any obvious infringements.

6.5. Laying hens

- (1) The system of registration was not uniform and the use of different identification codes referring to the same production site does not follow point 2.3 of the Annex to Directive 2002/4/EC, which indicates that further characters can be added to the code for the purpose of identifying the individual flocks.
- (2) There was insufficient exchange of information between the body involved in the registration of establishments and the CA who carry out inspections. As a result, data was unreliable and the list of registered establishments was not updated (Article 1(4) of Directive 2002/4/EC).
- (3) As a consequence of insufficient guidance to inspectors, the overall capacity of each building was not evaluated and overcrowding went undetected.

6.6. Pigs

- (1) Overall the inspections were satisfactorily carried out.
- (2) Although follow-up visits were made, implementation of certain requirements was in some cases delayed because of excessive and/or postponed deadlines (e.g. lack of alarm system).
- (3) The floor area for rearing pigs was overestimated and the lack of bedding for sick animals (point 4 of the Annex to Directive 98/58/EC) overlooked, as these issues had not been adequately dealt with through guidance and training.

6.7. Calves

- (1) The prohibition of tethering of calves (point 8 of the Annex to Directive 91/629/EEC) was not yet fully enforced as this practice on small farms is largely tolerated.

6.8. Reporting and sanctioning systems

- (1) The reporting system was well developed, efficient and accurate.

- (2) There is already in place a system to gather information on farm inspections that complies with Decision 2000/50/EC.
- (3) There is a system in place to enforce the requirements of animal welfare.

6.9. Animal welfare during transport

- (1) Checks have been organized according to Article 8 of Directive 91/628/EEC. The involvement and the training of the Police Board is an additional instrument to ensure enforcement of welfare legislation concerning transport. However, as the results of the Police checks have not been communicated, the CCA does not yet have an overview of the level of compliance.
- (2) The lack of thorough checks of route plans before their approval does not ensure that requirements concerning travelling times, rest periods and feeding and watering intervals are respected (Article 3(1)(aa) of Directive 91/628/EEC). In addition, inadequate route plans undermine the possibility for the CA in the Member State of destination to check these requirements.

6.10. Animal welfare within slaughterhouses

- (1) Supervision in slaughterhouses was adequate overall, an exception was the risk of recovery of pigs from stunning due to delayed bleeding, which was not identified by the CA (Annex D(1) to Directive 93/119/EC).
- (2) In relation to corrective actions taken, the CA had generally ensured that where deficiencies were found these were corrected, an exception being the installation of appropriate devices for monitoring electrical stunning (Annex C part II(3)(A)(2)(a) and (c) to Directive 93/119/EC).

6.11. Overall conclusion

Systems of control, reporting and sanctioning are well developed, and further co-ordination with other implementing and enforcement bodies are being arranged. Certain non-compliances were a result of national legislation being incomplete. Although the training and guidance were generally adequate and the inspections satisfactory, certain other non-compliances arose as issues such as calculation of space allowances had been insufficiently addressed in CCA instructions.

7. CLOSING MEETING

A closing meeting was held on 9 September 2005 with the CCA. At this meeting the main findings and conclusions of the mission were presented by the inspection team. The CCA provisionally accepted the findings and conclusions presented, and provided further clarification in particular regarding the registration of laying hen farms.

8. RECOMMENDATIONS

To the competent authorities of Estonia

Within 25 working days of receipt of the final mission report, the Competent Authorities are requested to present a plan of actions, including a timetable for their completion, to address the following recommendations.

- (1) To correctly transpose and/or take measures to bring into effect:
 - (a) The provisions concerning registration of all transporters according to Article 5(A)(1)(a) of Directive 91/628/EEC.
 - (b) The provision of permanent access to material for manipulation and investigation activities for all pigs, as laid down in point 4 of Chapter I of the Annex to Directive 91/630/EEC.
 - (c) The provisions concerning bulky or high-fibre and high-energy food for dry pregnant sows and gilts (Article 3(7) of Directive 91/630/EEC).
- (2) In relation to laying hens, to ensure that:
 - (a) There is a uniform system for the registration of holdings, in particular point 2.3 of the Annex to Directive 2002/4/EC should be considered in this regard.
 - (b) Exchange of information between the Estonian Agriculture and Information Board and the CA takes place so that data concerning the registration of establishments are updated (Article 1(4) of Directive 2002/4/EC).
 - (c) Inspectors are able to assess the maximum capacity of buildings, in particular so that the minimum space requirements are respected (Directive 99/74/EC, Article 5, (1) point 1)
- (3) In relation to pigs, to ensure that:
 - (a) Measurements of the floor area exclude any obstructions present in the pen (Article 3(1)(a) of Directive 91/630/EEC);
 - (b) The provision of bedding for sick animals is respected (point 4 of the Annex to Directive 98/58/EC);
 - (c) Where deficiencies are detected, corrective actions are implemented with minimum delay.
- (4) To ensure that the prohibition of tethering calves (point 8 of the Annex to Directive 91/629/EEC) is implemented with minimum delay.
- (5) In relation to transport of animals, to ensure that:

- (a) Adequate checks are performed on route plans, in order to ensure that the provisions of Article 3 (1)(aa) and Article 5 (A)(2)(b), (c) and (d) of Directive 91/628/EEC are respected.
 - (b) Results of road-side checks are communicated to the CCA so that a complete report can be drawn up which includes details of infringements detected and action taken as a result (Article 8 of Directive 91/628/EEC).
- (6) In relation to the slaughter of animals:
- (a) Take steps to ensure that monitoring is sufficient so that delays between stunning and bleeding are minimised (Annex D(1) to Directive 93/119/EC).
 - (b) To ensure that when electronarcosis is used, corrective actions are sufficient so that devices, which indicate current and voltage, are installed (Annex C part II (A)(2)(c) to Directive 93/119/EC).

ADDENDUM TO MISSION REPORT DG(SANCO)7714/2005

In response to the draft report, the competent authority indicated that they did not have any comments to make.