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FINAL REPORT OF A MISSION
CARRIED OUT IN GERMANY
FROM 4 TO 15 SEPTEMBER 2006
IN ORDER TO EVALUATE THE IMPLEMENTATION OF
EU ANIMAL HEALTH REQUIREMENTS FOR
INTRA-COMMUNITY TRADE IN LIVE ANIMALS

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



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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

BMELV	<i>Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz</i>
BVL	<i>Bundesamt Verbraucherschutz und Lebensmittelsicherheit</i>
CA	Competent Authority
EU	European Union
FVO	Food and Veterinary Office
HACCP	Hazard Analysis of Critical Control Points
HI-T database	Central database <i>(Herkunftssicherungs- und Informationssystem für Tiere)</i>
IBR	Infectious bovine rhinotracheitis
StMLF	<i>Bayerische Staatsministerium für Landwirtschaft und Forsten</i>

1. INTRODUCTION

The mission took place in Germany from 4 to 15 September 2006. The mission team comprised 2 inspectors from the Food and Veterinary Office (FVO). The mission was undertaken as part of the FVO's planned mission programme.

The inspection team was accompanied during the whole mission by a representative from the federal competent authority, the “*Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz, (BMELV)*”, in the regions (*Bundesländer*) visited by representatives of the CA of the Land concerned, and part of the mission by a representative from the “*Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL)*”.

An opening meeting was held on 4 September 2006 with representatives of BMELV, BVL and of the CA of the *Bundesländer* visited. At this meeting, the objective 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. OBJECTIVE OF THE MISSION

The objective of the mission was to evaluate the measures and control systems put in place to give effect to EU requirements concerning intra-Community trade in live animals of the bovine, porcine, ovine, caprine and equine species in the framework of Council Directives 64/432/EEC, 91/68/EEC, 90/426/EEC and 90/425/EEC¹.

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

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	√	Opening and closing meeting
	Regional	6	Meetings and discussions in the course of visits to premises in the following <i>Bundesländern</i> - Mecklenburg-Vorpommern - Schleswig-Holstein - Baden-Württemberg - Bayern - Sachsen - Thüringen
	District	√	intermediate administrative level (<i>Regierungsbezirke</i>)
	Local	√	local veterinary offices; delegated organisations responsible for identification of livestock and horses.
Farms		7	Holdings where cattle, pigs sheep, goats or horses were kept and which were involved in intra-Community trade.

¹ References to EU legislation cited in this report are set out in the Annex.

COMPETENT AUTHORITY VISITS		Comments
Slaughterhouses	5	4 slaughterhouses approved to slaughter cattle, pigs or sheep and goats. 1 slaughterhouse registered to slaughter pigs.
Assembly centres	4	Most of the business operators were also approved as assembly centres, registered as livestock dealers and authorised as livestock transporters.
Staging posts	1	
Dealers' premises	4	
Animal transporter	1	

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular, Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

4. BACKGROUND

Council Directives 64/432/EEC, 91/68/EEC and 90/426/EEC lay down the animal health requirements applicable to intra-Community trade.

In accordance with Council Directive 90/425/EEC the Member States shall establish control systems in order to ensure the implementation of veterinary and zootechnical checks applicable in intra-Community trade.

The considerable volume of intra-Community trade between Member States represents a risk of spreading animal diseases.

Furthermore, previous FVO missions to Member States have identified deficiencies in the control systems in place in respect of animal health requirements for intra-Community trade. These mission reports can be consulted on the following Internet website:

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

Whilst certain aspects of intra-Community trade have been subject to various FVO inspections, the control systems as a whole have not yet been evaluated.

5. OUTCOME OF THE MISSION

5.1. Legislation

The national legislation most relevant to the scope of the mission is the “*Binnenmarkt-Tierseuchenschutzverordnung*”, the “*Viehverkehrs-Verordnung*” and the “*Fleischhygieneverordnung*”.

5.2. Competent authority performance

5.2.1. Designation of competent authorities and operational criteria

At federal level, EU legislation is transposed into national legislation. The *Bundesländer* are responsible for the implementation of the national legislation.

Depending on the *Bundesland*, approval of assembly centres, staging points and livestock dealers in accordance with the “*Binnenmarkt-Tierseuchenschutzverordnung*” may be performed by the relevant Ministry, the intermediate administrative level (e.g. “*Bezirksregierung*”) or by the local level (“*Landkreis*”). Other tasks such as the registration of livestock holdings and the authorisation of transporters in accordance with the “*Viehverkehrsverordnung*” are carried out by the local CA. Official controls in the establishments are carried out mainly by the local CA.

The responsibility for the operation of the systems for animal identification and registration is divided between:

- the “*Bayerische Staatsministerium für Landwirtschaft und Forsten*” (StMLF), in its capacity as technical service provider, operates the central database (HI-T database - *Herkunftssicherungs- und Informationssystem für Tiere*) for cattle, sheep, goats and pigs on behalf of the *Länder* veterinary authorities, on the basis of an Administrative Arrangement between the *Länder*. The data are decided upon by the *Länder* veterinary authorities in consultation with the BMELV. The database operator then ensures that the required data are provided;
- Depending on the *Bundesland*, delegated organisations with specific responsibilities for certain tasks in the identification and registration of cattle, sheep, goats and pigs and in movement recording; and
- In each *Bundesland*, the registration of horses is delegated to recognised horse associations or equestrian federations.

Observations:

- One example was seen where the independence of control tasks was not ensured: the appointed private veterinarian took official samples for testing his own cattle for bovine brucellosis and infectious bovine rhinotracheitis (IBR).

5.2.2. *Training*

Training of official veterinarians on the use of the TRACES database was organised in 2004 and 2005.

Observations:

- Some official veterinarians met during the mission who were issuing intra-Community trade health certificates for live animals had not participated in training on TRACES.
- A high number of irregularities were identified in the issuing of health certificates (see Chapter 5.6.2 for more details.). No evidence could be provided that training had been organised on the principles of certification.

5.2.3. *Official controls and information flow within the veterinary service*

Most *Länder* visited have not established internal audits, as required by Article 4(6) of Regulation (EC) No 882/2004. One *Land* visited, however, has just started to adopt a quality management system for official controls, with the aim of being accredited.

The local CAs have developed checklists to be used for routine controls of holdings, assembly centres, livestock dealers and transporters.

All *Länder* visited have systems in place to inform the official veterinarians, in due time, about movement restrictions of live animals imposed within Germany and other Member States.

A procedure has been established on the flow of information for complaints of non-compliance with the relevant EU legislation regarding intra-Community trade in live animals. Examples of complaints were provided in all *Länder* visited.

Observations:

- No evidence was seen of supervision of official veterinarians who carry out pre-dispatch identity and physical checks or non-discriminatory checks of animals and documentary checks of certificates at the place of destination.
- Limited instructions or guidelines have been given to the official veterinarians carrying out routine controls on the dispatch to, or arrival of, animals from other Member States.
- Checklists to be used for routine controls differed between the local CAs. These checklists did not always cover all relevant control points e.g. check of holding registers or checks of veterinary medical records.
- Reports of checks on holdings, assembly centres, livestock dealers and transporters did not always reflect the current situation and copies were often not provided, including in the case of non-compliance, to the business operator concerned.
- Where non-compliance was found, the local CA did not always undertake corrective action.
- In some cases the local CA did not follow the information procedure for complaints concerning intra-Community trade e.g.:
 - Illegal introduction of horses between weeks 43 and 45 of 2005 from a Member State was dealt with between the local CA and the owner only. Although the owner was a citizen of the Member State concerned, with facilities also in Germany, no evidence was provided that the local or federal CA had informed the CA of this Member State.
 - Incorrect certification of pigs dispatched from another Member State in 2005, has been directly dealt with by the local CA to the

local CA of this Member State. No evidence was provided that the federal CA had informed the central CA of this Member State. Currently, similar problems still occur and are accepted without undertaking further action.

- At the final meeting, CAs of two *Länder* visited provided detailed guidelines to be issued to the local CA for controls, including certification, on arrival and dispatch of animals participating in intra-Community trade, taking into account the findings of this inspection.

5.3. Animal health requirements

Commission Decisions 2003/467/EC and 93/52/EEC declare Germany officially free from bovine brucellosis, tuberculosis, enzootic bovine leucosis and from *Brucella melitensis* respectively. National control programmes are in place in order to maintain this status. Cattle are checked for tuberculosis in the course of official meat inspection.

With reference to Article 9 of Council Directive 64/432/EEC, Germany has a compulsory control programme in place for IBR which has been recognised by Commission Decision 2004/215/EC, repealed and replaced by Commission Decision 2004/558/EC. With reference to Article 10 of Council Directive 64/432/EEC, all regions were declared free of Aujeszky's disease by Commission Decision 2001/618/EC. Restrictions are currently in place in some regions regarding classical swine fever in feral pigs and bluetongue.

Observations:

- One assembly centre, also approved as a staging point, had a registered livestock holding on the same premises, all managed by the same staff. Bio-security was not respected and no procedures on separation of management were in place. The livestock holding had a lower animal health status in respect of IBR than cattle passing through the assembly centre or staging point².
- Some cattle holdings had an unknown animal health status regarding IBR because not all the tests had been completed in order to obtain the disease free status. No evidence was present that these cattle were dispatched to Member States or regions thereof free of this disease in the sense of Article 10 of Council Directive 64/432/EEC.
- Some cattle holdings had an unknown animal health status regarding brucellosis and leucosis because no cattle were available when blood collection had been planned. There were holdings where cattle other than milking cows were kept for a relatively short period.
- Keepers transporting their own animals and not subject to authorisation often did not respect bio-security principles. In addition some of them transported animals on a regular basis for their neighbours to the assembly centres.

² *In their response to the draft report the German Authorities stated that "the livestock holding has now been officially recognised as being IBR-free".*

5.4. Holding registration, animal identification and movement control

National rules on holding registration, animal identification and movement control are laid down in the “*Viehverkehrsverordnung*”. For more details on:

- the identification system in place for cattle see reports with reference numbers DG(SANCO)/8546/2002 and DG(SANCO)/7001/2004;
- the identification system in place for sheep and goats see report with reference number DG(SANCO)/8208/2006; and
- the identification system in place for pigs see report with reference number DG(SANCO)/8308/2006.

5.4.1. Registration of holdings

Depending on the *Land*, registration of holdings takes place either through the local CA or delegated organisations. The information is then passed to the HI-T database. The registration number comprises 12 digits, of which the first part is based on a number given by the Federal Statistical Office (*Statistisches Bundesamt*) to the Community where the holding is located, and the last 4 digits identify the holding.

Observations:

- In all *Länder* visited, systems were in place for registration of livestock holdings.
- One slaughterhouse visited had received pigs from small holdings which were not registered. The business operator informed the official veterinarian who further investigated the cases.

5.4.2. Holding register (“*Bestandsregister*”)

Keepers of livestock have to keep an up-to-date holding register for which mandatory fields to be completed are laid down in the “*Viehverkehrsverordnung*”.

Observations:

- National legislation still exempts keepers with no more than three female goats and ewes (“*Mutterschafe und -ziegen*”) from the requirement to keep a holding register (for more details see report with reference number DG(SANCO)/8208/2006).
- The registers to be kept by the business operators of assembly centres or dealers’ premises generally did not contain all mandatory information such as origin or destination details.
- The record to be kept on the staging point visited did not always contain all mandatory information such as the completion of unloading, date and duration of the depopulation for health reasons provided for in point A(4) of Annex I to Regulation (EC) No 1255/97.

- The registers of livestock holdings visited were generally kept in accordance with the requirements, however:
 - Some holding registers did not mention the destination or origin details;
 - In one holding visited, the date of arrival of cattle did not match with the date of arrival recorded in the HI-T database;
 - In one cattle holding, information on replacement tags was not entered in the register.

5.4.3. *Animal Identification*

In all *Länder* visited, systems were in place for the identification and registration of horses, cattle, pigs, sheep and goats.

Observations:

- In all holdings visited, animals originating from other Member States kept their original ear tags. For cattle, new German passports are issued and the CA stated they return the original passport via the *Bundesanstalt für Landwirtschaft und Ernährung* to the Member State concerned.
- In one assembly centre visited, cattle were admitted without being identified in accordance with the requirements of Regulation (EC) No 1760/2000, e.g. two cattle were identified with one ear tag only and both ear tags of another animal were illegible (paint mark was over the number). Another animal, which was identified by means of a single ear tag was present on the premises, and later transported to, and accepted for, slaughter at a nearby located slaughterhouse.
- Details on the identification and registration system in place for horses, including the composition of the identification number could only be provided by the delegated bodies to the regional and local CA upon request.
- In one holding visited, piglets selected for breeding were identified with tattoos instead of ear tags, contrary to national legislation. The owner was not aware that these piglets had to be identified with ear tags. The regional CA later informed the mission team that corrective action has been taken.
- At one dealer's premises the mission team found a large number of identification marks for pigs. The local CA stated that the identification marks belong to another assembly centre and confirmed they were not aware of the presence of the ear tags.
- In one holding visited, imported sheep arrived with identification marks which were not tamper proof. The animals were re-identified within one week of arrival on the holding and a link between the original third country and new identification tags was recorded in the holding register.

- At different slaughterhouses, evidence was present that animals, in particular sheep, were accepted for slaughter without identification and their meat was declared fit for human consumption. These sheep however, did not come from other Member States.

5.4.4. *Movement controls*

Systems for movement controls have been established in all *Länder* visited. For movement within Germany, horses must be accompanied by a horse passport, cattle by a cattle passport and sheep and goats by a movement document.

Movement of pigs must be notified to the HI-T database on arrival, within deadlines fixed by national legislation. The birth, death, slaughter, arrival and departure of cattle must be notified to the HI-T database within deadlines fixed by national legislation.

Observations:

- Although a political decision has been made (“*Entschliessung des Bundesrates*”) of 5 May 2003 to abandon the use of cattle passports as the central database is considered to be fully operational, the passport is still mandatory (see report with reference number DG(SANCO)/7001/2004).
- Several cattle were accepted for transport to and from assembly centres without being accompanied by the cattle passport, in particular when transport was not carried out by the owner.
- One bovine animal was dispatched from an assembly centre to another Member State. The animal was registered in the holding register of the dealer and not in the register of the assembly centre. Moreover, according to the holding register, the animal was present on the dealer’s premises for more than six days.
- The mission team found, during cross checks between information on a number of cattle passports and in the HI-T database, that not all movements had been notified to, and therefore were not recorded in, the database (e.g. no notification of death by last keeper). On the other hand the mission team also identified that some notifications to the HI-T database were not recorded on the passports (e.g. the address and registration number of cattle dealers). Similar findings were also mentioned in mission report with reference number DG(SANCO)/8546/2002.
- Several horse passports were seen which were not completed regarding ownership and medical treatment which is not in line with section I and section IX respectively of the Annex to Commission Decision 93/623/EEC. In particular, dealers failed to mention their ownership details.
- Horse marking was not completed on one horse passport, contrary to section III of the Annex to Commission Decision 93/623/EEC (the animal was also not electronically identified).

- At dealers' premises where horses were kept for slaughter, horses were present without passports. Some of the other horses present could not be matched with the passports accompanying them.
- Although the German horse passports contain the statement that passports should be returned to the issuing authority after death of the horse, this was often not done.
- The issuing authorities often do not receive information on change of ownership although this is required in Section I of the Annex to Commission Decision 93/623/EEC and Article 2 of Commission Decision 2000/68/EC. At the request of the mission team, tracing of several horses, slaughtered in another Member State, could only be established with information provided by previous owners. In one case the regional CA stated that one of the horses concerned was slaughtered in Germany.

5.4.5. *Checks on animal identification*

All *Länder* visited have established checks on the identification of cattle, pigs, sheep and goats at livestock holdings, markets and slaughterhouses. No information has been provided about checks on horse identification.

5.5. **Controls on assembly centres, dealers' premises, staging points and animal transporters**

5.5.1. *Approval of the sites*

Observations regarding assembly centres:

- Facilities were not always dedicated exclusively for this purpose. In some assembly centres other livestock were kept on the same premises. In these cases, biosecurity requirements were not respected and procedures on separation, managing, admitting and dispatching of animals had not been defined.
- Appropriate facilities were not always available for loading, unloading and housing of animals.
- One assembly centre for horses had been temporarily approved as such since 2000. The local CA had not noted deficiencies during their recent controls and corrective actions were not taken.
- One assembly centre had moved to a new location and commenced operations in September 2004. The approval document was dated almost a year later and the could not provide evidence that this was supported by a pre-approval inspection report.
- Facilities were not always easy to clean and disinfect.
- In a few cases no appropriate isolation facilities were available or were identified as such.

- Appropriate equipment for cleaning and disinfecting vehicles was not always present and in one case these facilities were blocked during the operation of the assembly centre.
- One assembly centre had no appropriate facilities for the storage of manure and litter.
- The approvals of assembly centres did not always reflect their current facilities and activities.
- At federal level, the list of approved assembly centres for intra-Community trade was available, but not up-to-date.

Observations regarding transporters:

- Evidence was provided by different transporters visited that their staff have received specific training on cleaning and disinfection and animal welfare. Some instructions were seen which were incomplete e.g. no minimum period between disinfecting and rinsing.
- Not all animal transporters are authorised according to paragraph 15b of “*Viehverkehrsverordnung*”. This was the case in particular when animals were transported locally for third parties on a regular basis.
- At one site visited, there were no vehicle cleaning and disinfection facilities and no documentary evidence could be provided that these operations were performed by a third party approved by the CA.
- The registers on transport of animals were not always completed or did not always comprise all mandatory information. In a few cases animal transports were not recorded. In one case the transporter did not retain the vehicle register following the sale of a lorry.
- The list of transporters was kept at federal level, but it was not up-to-date.

Observations regarding dealers’ premises:

- Approvals did not always reflect the current activities.
- Appropriate facilities were not always available for loading, unloading, inspection, isolation and housing of animals.
- Facilities were not always easy to clean and disinfect.
- A list of registered dealers participating in intra-Community trade was kept at federal level, but was not up-to-date.

Observations regarding staging points:

- The approval of the staging point visited was not up-to-date e.g. the animal housing capacity had been extended, but the owner had not applied for a review of the approval.

- Facilities were not exclusively dedicated for this purpose as the facilities were also approved as an assembly centre. Although the owner stated that the staging point was only operational a few days per week, the owner as well as the CA could not provide evidence of defined written procedures on separation, managing, cleaning and disinfection, admitting and dispatching of animals on the premises. In addition, cattle were kept in an adjacent holding with a lower health status for IBR than those passing through the staging point³.

Observations regarding slaughterhouses:

- In the slaughterhouses visited, standard operational procedures were present regarding control on receipt of live animals, but were not up-to-date in two slaughterhouses visited.
- The business operators failed in most cases to detect irregularities in documentation accompanying animals which arrived from other Member States and consequently these were not reported to the official veterinarian, e.g. unauthorised changes in certificates, differences between the total number of animals certified and arrived. In one case the identification of a bovine animal did not match with the ear tag number. This was only detected after slaughter⁴.

5.5.2. *Official control of the sites*

Observations:

- The mission team identified a few cattle in animal transport vehicles on the premises of an assembly centre. The operator and the local CA were not aware of these animals and their animal health status was not checked.
- In two assembly centres visited, the disinfectants used were not authorised for disinfecting livestock premises.
- Some additional approval conditions required by the local CA were not met in one assembly centre visited e.g. there was no stunning equipment for emergency slaughter.
- Some transport vehicles seen at assembly centres were not sufficiently cleaned and disinfected after transport of animals.
- Discrepancies identified by the mission team between the number of pigs mentioned on one certificate and the number mentioned on the international transport document had not been detected by the local CA.

³ See footnote 2.

⁴ *In their response to the draft report the German Authorities noted that "the animal's carcass and by-products were seized by the competent authority".*

- Route plans were not always returned to the issuing local CA, and the local CA did not always take corrective action where necessary.
- At one dealer's premises, although the dealer stated that the facilities were ready to receive animals, the premises were insufficiently cleaned and disinfected.
- Control reports generally did not identify most deficiencies identified by the inspection team regarding approval requirements of assembly centres, dealers' premises and staging points.
- Control reports generally did not evaluate the holding registers, vehicle registers and registers to be kept by dealers. Consequently most of the irregularities identified by the inspection team were not identified by the local CA.
- Reports of controls of the own checks of the business operators of slaughterhouses often did not mention irregularities identified by the inspection team.
- In one case the official veterinarian had accepted animals for slaughter which arrived without a certificate from another Member State, contrary to Article 5.1.b.ii of Council Directive 90/425/EEC. The animals were declared fit for human consumption. The CA failed to take appropriate action or to inform the Member State concerned.

5.6. Controls on intra-Community trade in live animals

5.6.1. Controls on animals arriving in Germany

The regional CA stated that the TRACES database is checked daily by the local CA for information on consignments of animals dispatched from other Member States.

Local CAs randomly carry out physical checks on these consignments at the destination and all animals are checked at the slaughterhouses.

Observations:

- At the slaughterhouses visited, the mission team was informed that for each consignment of sheep, goats and pigs documentary and identity check were carried out by the business operator as well as the official veterinarian, which include the presence of ear tags. However, the identification numbers mentioned on the ear tags were checked at random.
- In one *Land*, the CA had a system in place to select the consignments to be checked at their destination. One other regional CA stated that a control frequency between 1 and 10 % had been established.
- None of the *Länder* visited had established instructions or guidelines for carrying out on-the-spot controls and reporting of non-compliance. There was little evidence that results of checks carried out are recorded in the TRACES database in accordance with Article 1(3) of Commission Regulation 599/2004. Some local CAs in

different *Länder* visited stated that results are not entered in the TRACES database.

- The CA at different levels could provide some but not all data requested on the number of consignments checked, irregularities detected and actions taken. The federal CA stated that no EU legislation requires that this data must be provided.
- A significant number of health certificates accompanying animals arriving from other Member States contained incorrect or incomplete information, but were accepted without any corrective actions being taken.
- A number of deficiencies were identified by the mission team, for which the local CA had not undertaken any corrective action e.g.:
 - references to the animal health situation of the Member State of dispatch referred in several cases to Commission Decisions which had been repealed for several years; others referred to amendments of Commission Decisions only instead of the relevant Decisions;
 - some animals were accepted for slaughter and declared fit for human consumption, but were accompanied by a certificate mentioning “draft” (“*Entwurf*”), which was also printed over the page;
 - certificates were often accepted with unauthorised changes in data, or with incomplete data in part I (details of consignment) or with incomplete information in part II (certification);
 - accompanying certificates did not always make reference to annexes when attached, or annexes did not make reference to the certificates.

5.6.2. *Controls on animals leaving Germany*

Responsibilities for controls on animals leaving Germany are defined and are mainly dealt with by the local CA.

Observations:

- There was no systematic approach on updating data within 24 hours after certification in TRACES. Consequently, discrepancies between data on health certificates and data in TRACES were identified.
- A high number of deficiencies were identified by the mission team in certification e.g.:
 - Some pre-certificates issued by local CA supervising the holding of origin referred to Commission Decisions which had been repealed for several years; others referred to amendments of Commission Decisions only instead of the relevant Decision. No corrective action had been initiated by the receiving local CA;
 - in one case the local CA had signed a certificate although the pre-certificate was received 6 days after dispatch of the animals;

- part one of the health certificate, which is to be completed by the business operator, was sometimes accepted even though it was incomplete (e.g. no means of transport, not date and time of departure) or, when changes were made, these were not authorised;
 - in many cases it was mentioned on the certificates that no route plan was present for transport with an estimated transport time of 8 hours or more. In a few cases, nevertheless, a route plan had been issued and evidence of return was present;
 - several examples were seen where the wrong registration number for the holding of dispatch was given⁵;
 - several examples were seen where the wrong date of birth was given, or this date was missing;
 - some certificates were issued with the date of certification before the date of clinical inspection;
 - the total number of animals leaving holdings was, in a few cases, different from the number recorded in the holding register;
 - signing veterinary officers did not always complete all parts of the certificates (e.g. date of clinical inspection, deletion of phrases which are not applicable);
 - the local CA confirmed that in some cases live animals were dispatched to other Member States without certification data being entered in TRACES;
 - the keeper of horses did not provide a declaration as a supporting document for the health status of the animals which were dispatched to another Member State, contrary to Article 4(2) of Council Directive 90/426/EEC.
- Horses were loaded at one dealer's livestock holding then transported to and unloaded at his assembly centre, where they were dispatched on the same vehicle to another Member State. This practice is not fully in line with Article 7(1) of Council Directive 90/426/EEC.

5.7. Miscellaneous

5.7.1. *Veterinary medicines records*

At different holdings, including assembly centres, the mission team found incomplete veterinary medical records and prescriptions for certain veterinary products were not always present. In some holdings, including one assembly centre, veterinary medicines were present although their use-by date had long expired. Some medical records were seen which were incomplete regarding the identification of treated animals, the withdrawal period for some medicines and the use of certain medicines present on holdings.

⁵ *In their response to the draft report the German Authorities noted that "the problems concerning the recording of registration numbers are attributable to TRACES".*

Although all holdings concerned were checked shortly before the mission visit took place, none of the control reports of the official veterinarian reflected the findings of the mission team in relation to the records of medical treatments.

5.7.2. *Animal by products*

One goat holding visited had given a dead kid to a local hunter to be fed to foxes as bait. This dead kid meets into the definition of Category 2 material according to Article 5 of Regulation (EC) 1774/2002. The local CA stated they were not aware of this practice and, as a consequence, they could not provide evidence of any authorisation given or supervision carried out in accordance with requirements of Article 23(2) of this Regulation on derogations regarding the use of animal by-products.

5.7.3. *Animal welfare*

One dealer visited was an authorised transporter and the dealer's premises were approved as an assembly centre and a registered slaughterhouse. Pigs with health problems were kept in the lairage of the slaughterhouse for a maximum of 5 days before slaughter. Some of the pigs present were not able to walk. The dealer stated that slaughter takes only place once a week and the pigs in the lairage had to remain over the weekend before being slaughtered.

6. CONCLUSIONS

6.1. **Competent authority performance**

The CA have not established documented procedures for all official controls to be carried out, in particular controls on arrival and dispatch of animals and did not have procedures in place to verify the effectiveness of official controls and to ensure that corrective action is taken when needed, contrary to Article 8 of Regulation (EC) No 882/2004.

Responsibilities of tasks, including these to delegated organisations are well defined by the competent authority. In one case independence of control tasks was not entirely ensured, contrary to Article 4(4) of Regulation (EC) No 882/2004.

Some of the CAs met had insufficient knowledge of the implementation of the horse identification system by the delegated bodies for horse identification and failed to demonstrate that audits or inspections of these organisations were carried out with satisfactory result, contrary to Article 5(3) of Regulation (EC) No 882/2004.

Although the assembly centres, dealers' premises and staging point were under the control of the local CA, there was little evidence to show that deficiencies identified by the inspection team in record keeping, facilities, cleaning and disinfection were detected during routine supervision by the local CA or that appropriate corrective actions were undertaken, which indicates that controls were not always carried out adequately.

Copies of control reports were rarely provided to business operators, including in the case of non-compliance, contrary to Article 9 of Regulation (EC) No 882/2004.

6.2. Holding registration, animal identification and movement control

With a few exceptions, the registration of holdings, identification and registration of animals and registers of livestock holdings was generally satisfactory.

At the assembly centres and dealers' premises visited, the holding registers mostly did not contain the information which is required by Articles 11(2) and 13(1)(b) of Council Directive 64/432/EEC and Articles 8a(2) and 8b(1)(b) of Council Directive 91/68/EEC, which compromises the traceability of animals passing through the centres and premises.

A number of deficiencies observed on the issuing of horse passports, together with the lack of registration of change in ownership, compromises the traceability system for horses. At one dealer's premises in particular, a traceability system for horses intended for slaughter was not established, contrary to points 1 and 2 of Article 18 of Regulation (EC) No 178/2002.

At one assembly centre visited cattle, were admitted without being in compliance with Article 11(1)(e) of Council Directive 64/432/EEC regarding their identification or health status. In this respect the control by the official veterinarian as required in Article 11(1)(a) of said Directive and Article 5(3) of Council Directive 90/425/EEC was insufficient.

The official veterinarians of different slaughterhouses visited did not guarantee that each sheep accepted for human consumption was properly identified and that those which were not, were killed separately and declared unfit for human consumption as required by point 2(a) of section II of Annex II to Regulation (EC) No 853/2004 and point 1 of Chapter III of section II of Annex I to Regulation (EC) No 854/2004.

6.3. Controls on assembly centres, dealers' premises, staging points and animal transporters

The facilities of assembly centres were mostly not dedicated exclusively to intra-Community trade with clear separation from other activities in place or in time, as the sites are often also used as dealers' premises, holdings and, in once case, as a staging point. In one case this has led to dispatch of an animal from an assembly centre which had been present for more than six days, contrary to Article 6 of Council Directive 64/432/EEC.

Furthermore, none of the assembly centres visited were fully in compliance with all approval requirements as laid down in Article 11(1) of Council Directive 64/432/EEC and Article 8a (1)(c) of Council Directive 91/68/EEC. The CAs failed in most cases to identify non-compliance or did not take appropriate corrective action. The controls of assembly centres by CAs could therefore not be considered as sufficient to ascertain that the approval requirements continue to be fulfilled, contrary to Article 11(1)(f) of Council Directive 64/432/EEC and Article 8a(1)(f) of Council Directive 91/68/EEC.

The list of approved assembly centres as required in Article 11(3) of Council Directive 64/432/EEC and Article 8a(3) of Council Directive 91/68/EEC was not up-to-date.

None of the dealers' premises visited were fully in compliance with all approval requirements as laid down in points c and d of Article 13(2) of Council Directive 64/432/EEC and points c and d of Article 8b(2) of Council Directive 91/68/EEC. The CAs failed in most cases to identify non-compliance or did not take appropriate corrective action. The controls of dealers' premises by CAs could therefore not be considered as being sufficient to ascertain that the approval requirements continue to be fulfilled, contrary to Article 11(4) of Council Directive 64/432/EEC and Article 8b(4) of Council Directive 91/68/EEC.

The CA did not ensure that all transporters subject to authorisation were authorised, contrary to Article 5(A)(1) of Council Directive 91/628/EEC and did not always ensure that for transports which exceed eight hours journey time a route plan was drawn up, as required by Article 5A(2) of this Directive.

The CA did not ensure that all transporters visited met the additional conditions regarding cleaning and disinfection of vehicles and did not ensure full compliance with recording of all animal transport details for each vehicle as required by Article 12(1)(a), first indent, and Article 12(2) of Council Directive 64/432/EEC and Article 8c(1)(a), first indent and Article 8c(2) of Council Directive 91/68/EEC.

Basic principles for the operation and approval of staging points as laid down in Regulation (EC) No 1255/97 and, in particular, Articles 3 and 4 thereof, were not met.

6.4. Controls on intra-Community trade in live animals

At one slaughterhouse the official veterinarian allowed slaughter of animals which were not accompanied by a certificate, contrary to Article 5(b)(ii) of Council Directive 90/425/EEC and, therefore, not ensuring that the animals met the requirements of Article 3(1) of said Directive.

The required details of certificates issued to accompanying animals which were dispatched to other Member States were often not entered in TRACES database as required by Article 5(4) of Council Directive 90/425/EEC.

Results of controls carried out at destinations are rarely recorded as required by Article 1(3) of Commission Regulation (EC) No 599/2004. Moreover, the CA failed to detect a number of deficiencies identified by the inspection team.

Certification principles of Council Directive 96/93/EC, in particular as set out in Articles 3(2) and 3(3), were not always followed by the certifying officers. The CA did not sufficiently ensure that certifying officers have a satisfactory knowledge of the veterinary legislation and that they are fully aware of the significance of the contents of each certificate which they sign, which is required by Articles 3(1) and 4(2) of Council Directive 96/93/EC respectively.

6.5. Miscellaneous

Official controls on farm holdings, approved assembly centres and collection centres failed to detect deficiencies in the implementation of the requirements of Annex I of Regulation (EC) No 852/2004 and Article 10 of Council Directive 96/23/EC with regard to the completion of the register of veterinary treatments prescribed or administered to animals on the holding and retention of prescriptions. This demonstrates that the official controls in this instance were ineffective.

Official controls on animals arriving in one registered slaughterhouse failed to determine whether there is any sign that welfare has been compromised, contrary to point B(1)(b) of Chapter II of Annex I to Regulation No 854/2004.

7. CLOSING MEETING

A closing meeting was held on 21 September 2006 with representatives of the BMVEL, the BVL and the CA of the *Länder* visited. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the competent authorities present took note of these findings and conclusions, offered their initial comments and gave details of some corrective actions taken to address some shortcomings.

8. RECOMMENDATIONS TO THE GERMAN COMPETENT AUTHORITIES

1. To ensure that official controls are carried out effectively and that corrective action is taken when needed, in accordance with the requirements of Article 8 of Regulation (EC) No 882/2004.
2. To implement proper procedures for administrative sanctions in respect of shortcomings found in assembly centres, dealers' premises, staging points, transport and business operators involved in intra-Community trade.
3. To introduce, without delay, internal audits as required by Article 4 of Regulation (EC) No 882/2004.
4. To ensure that audits or inspections of delegated bodies are organised and appropriate action is taken in case of non-compliance as required by Article 5 of Regulation (EC) No 882/2004.
5. To provide appropriate training for the official veterinarians performing official controls as required by Article 6 of Regulation (EC) No 882/2004.
6. To urgently review and strengthen the control procedures for assembly centres, dealers' premises, staging points, transporters and business operators involved in intra-Community trade and to approve only those which are fully in compliance with EU requirements.
7. To ensure that effective traceability systems are in place for horses, in particular those intended for slaughter.

8. To review the approval of the staging point visited and to take appropriate action to correct the deficiencies.
9. To ensure that checks are performed on live animals at their destination in accordance with the requirements of Article 5 of Council Directive 90/425/EEC, that the corrective actions set out in Article 6 of that Directive are applied if necessary and that the results of all checks are recorded in the manner prescribed by Commission Regulation (EC) No 599/2004.
10. To ensure that route plans are in compliance with Article 5 of Council Directive 91/628/EEC.
11. To ensure that certifying veterinarians comply with the requirements of Council Directive 96/93/EC and that checks or audits are carried out to ensure the integrity of certification.
12. To up-date the lists of approved assembly centres, staging points, dealers' premises and transporters.
13. To ensure that official controls on all holdings verify that stock farmers and veterinarians record and retain information on veterinary treatments as required by Annex I of Regulation (EC) No 852/2004 and Article 10 of Council Directive 96/23/EC.
14. To ensure that animals which have experienced pain or suffering during transport are slaughtered without delay in accordance with point I (6) of Annex A to Council Directive 93/119/EEC.

9. COMPETENT AUTHORITY RESPONSE TO RECOMMENDATIONS

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/ap/ap_germany_8149_2006.pdf

ANNEX

RELEVANT LEGISLATION

The following is a list of EU legislation⁶ cited in this report:

European Legislation	Title	Official Journal
Council Directive 64/432/EEC	Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine	OJ L 121, 29.07.1964, p. 1977
Council Directive 90/425/EEC	Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market	OJ L 224, 18.08.1990, p. 29
Council Directive 90/426/EEC	Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae	OJ L 224, 18.08.1990, p. 42
Council Directive 91/68/EEC	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, 19.02.1991, p. 19
Council Directive 92/102/EEC	Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals	OJ L 355, 05.12.1992, p. 32
Council Directive 93/119/EEC	Council Directive 93/119/EEC of 22 December 1993 on the protection of animals at the time of slaughter or killing	OJ L 340, 31. 12.1993, p.21
Council Directive 96/23/EC	Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC	OJ L 125 , 23.05.1996, p. 10
Council Directive 96/93/EC	Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products	OJ L 13, 16.01.1997, p. 28
Council Directive 98/58/EC	Council Directive of 20 July 1998 concerning the protection of animals kept for farming purposes	OJ L 221, 08.08.1998, p. 23
Directive of the European Parliament and of the Council 2001/82/EC	Directive of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medical products	OJ L 311, 28.11.2001, p. 1
Council Regulation (EC) No 1255/97	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, 02.07.1997, p. 1
Regulation (EC) No 1760/2000 of the European Parliament and of the Council	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97	OJ L 204, 11.08.2000, p. 1

⁶ EU legislation quoted in this Annex refers to the last amended version.

European Legislation	Title	Official Journal
Regulation (EC) No 1774/2002 of the European Parliament and of the Council	Regulation of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption	OJ L 273, 10.10.2002, p. 1
Commission Regulation (EC) No 1082/2003	Commission Regulation (EC) No 1082/2003 of 23 June 2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals	OJ L 156, 25.06.2003, p. 9
Council Regulation (EC) No 21/2004	Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC	OJ L 5, 09.01.2004, p.8
Commission Regulation (EC) No 599/2004	Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (Text with EEA relevance)	OJ L 094, 31.03.2004, p. 44
Regulation (EC) No 178/2002 of the European Parliament and of the Council	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food safety Authority and laying down procedures in matters of food safety	OJ L 31, 01.02.2002, p. 4
Regulation (EC) No 852/2004 of the European Parliament and of the Council	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	OJ L 139, 30.04.2004, p. 1 Corrected and republished in OJ L 226, 25.06.2004, p. 3
Regulation (EC) No 853/2004 of the European Parliament and of the Council	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	OJ L 139, 30.04.2004, p. 55 Corrected and republished in OJ L 226, 25.06.2004, p. 22
Regulation (EC) No 854/2004 of the European Parliament and of the Council	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	OJ L 139, 30.04.2004, p. 206 Corrected and republished in OJ L 226, 25.06.2004, p. 83
Regulation (EC) No 882/2004 of the European Parliament and of the Council	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	OJ L 165, 30.04.2004, p. 1 Corrected and re-published in OJ L 191, 28/05/2004, p. 1
Commission Decision 93/52/EEC	Commission Decision of 21 December 1992 recording the compliance by certain Member States or regions with the requirements relating to brucellosis (<i>B. melitensis</i>) and according them the status of a Member State or region officially free of the disease	OJ L 13, 21.01.1993, p. 14
Commission Decision 93/623/EEC	Commission Decision of 20 October 1993 establishing the identification document (passport) accompanying registered equidae	OJ L 298, 03.12.1993, p. 45

European Legislation	Title	Official Journal
Commission Decision 2000/68/EC	Commission Decision of 22 December 1999 amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production	OJ L 23, 28.01.2000, p 72
Commission Decision 2003/467/EC	Commission Decision of 23 June 2003 establishing the official tuberculosis, brucellosis, and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds	OJ L 156, 25.06.2003, p. 74
Commission Decision 2003/526/EC	Commission Decision of 18 July 2003 concerning protection measures relating to classical swine fever in certain Member States	OJ L 183, 22.07.2003, p. 46
Commission Decision 2005/393/EC	Commission Decision of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones	OJ L 130, 24.05.2005, p.22