



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

DG(SANCO)/7339/2007 –MR– Final

REPORT OF A MISSION CARRIED OUT IN ROMANIA
FROM 1 TO 5 OCTOBER 2007
IN ORDER TO EVALUATE THE SYSTEM OF CONTROL IN RELATION TO
ANIMAL WELFARE ON LAYING HEN FARMS AND FOR THE TRANSPORT OF
HORSES DESTINED FOR SLAUGHTER



Executive Summary

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Romania, from 1 to 5 October 2007.

The objectives of the mission were to verify the implementation of EU animal welfare legislation applicable to laying hen farms and for the transport of horses and to assess how the requirements of Regulation (EC) No 882/2004 of the European Parliament and of the Council have been integrated into the controls of these sectors. A follow-up assessment was also made of the actions taken following a previous mission on animal welfare which was carried out in 2006.

The report concludes that although certain measures have been taken since the previous mission in November 2006, these have been largely ineffective in ensuring that the system of control for animal welfare is satisfactory. First steps have been taken to establish functioning controls, such as the registration of laying hen farms; however, serious non-compliances in this sector, which were already identified on the previous mission, continue to be seen and have not been adequately addressed by the authorities.

In relation to animal welfare during transport some of the measures taken, such as the registration of transporters and means of transport, provide a basic framework for controls, but inspections have not been sufficient to ensure that EU requirements are met. As a result, horses and other equidae are transported on long journeys in a way which does not meet the requirements of Council Regulation (EC) No 1/2005.

The requirements of Regulation (EC) No 882/2004 have not been adequately integrated into the controls of animal welfare of either the transport or laying hen sectors.

The report makes a number of recommendations addressed to the Romanian competent authorities, several of which were also made in the previous report, aimed at rectifying the identified shortcomings and further enhancing the control measures in place.

TABLE OF CONTENTS

1.	INTRODUCTION	4
2.	OBJECTIVES OF THE MISSION	4
3.	BACKGROUND	5
4.	LEGAL BASIS FOR THE MISSION.....	5
5.	MAIN FINDINGS.....	5
5.1.	Competent Authority	5
5.2.	Registration of laying hen holdings.....	7
5.3.	Labelling of eggs	8
5.4.	Measures supplementary to checks	8
5.5.	Programme of inspections for animal welfare.....	8
5.6.	Inspections of cage systems for laying hens.....	9
5.7.	Authorisation of transporters and approval of means of transport	10
5.8.	Checks of journey logs	10
5.9.	Checks of assembly centres.....	11
5.10.	Checks at departure	11
5.11.	Co-operation with Police in road checks.....	12
5.12.	Follow up, sanctions and penalties	12
6.	CONCLUSIONS	13
6.1.	Overall conclusion.....	14
7.	CLOSING MEETING.....	15
8.	RECOMMENDATIONS	15
	To the competent authorities of Romania	15

1. INTRODUCTION

The mission took place in Romania from 1 to 5 October 2007, as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the competent authorities of Romania on 1 October 2007. 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.

The inspection team comprised two inspectors from the FVO, and was accompanied throughout the mission by the representatives from the Central Competent Authority (hereafter: CCA) – the National Sanitary Veterinary and Food Safety Authority (Autoritatea Nationala Sanitara Veterinara si Pentru Siguranta Alimentelor) (hereafter: NSVFSA).

2. OBJECTIVES OF THE MISSION

The objectives of the mission were to verify:

- The implementation of EU animal welfare legislation applicable to laying hen farms, in particular the measures put in place to give effect to Council Directives 98/58/EC^{1,2} 1999/74/EC³ Commission Directive 2002/4/EC⁴ Commission Decision 2000/50/EC⁵;
- The implementation of EU animal welfare legislation applicable to the transport of horses for slaughter as required by Regulation (EC) No 1/2005⁶;
- How the requirements of Regulation (EC) No 882/2004 of the European Parliament and of the Council⁷ have been integrated into the controls of the laying hen sector and in relation to checks of the transport of animals.

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

² Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.98, p. 23, (hereafter: Directive 98/58/EC).

³ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, OJ L 203, 3.8.99, p. 53, (hereafter: Directive 1999/74/EC).

⁴ 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, 31.1.2002, p. 44 (hereafter: Directive 2002/4/EC).

⁵ 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 L 19, 25.01.2000, p. 51 (hereafter: Decision 2000/50/EC). This Decision will be repealed and replaced by Commission Decision 2006/778/EC as of 1.1.2008.

⁶ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) no. 1255/97 (OJ L 3 of 5.1.2005, p. 1) (hereafter: Regulation (EC) No. 1/2005).

⁷ 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, 30.4.2004 corrected and republished in OJ L 191, 28.5.2004, p.1 (hereafter: Regulation (EC) No 882/2004).

A follow-up assessment was also made of the actions taken in response to certain recommendations in report DG SANCO/8053/2006 (hereafter: report 8053/2006).

In pursuit of these objectives, the following meetings were held and sites visited:

Visits			Comments
Competent authority	Central level	2	Opening and closing meetings with the CCAs
	Regional level	2	A regional office in Ialomita, Ilfov and Buzau region were visited.
Assembly centre		2	Assembly centres where Equidae are grouped to form consignments and sent for slaughter in other Member states.
Farms		3	The farms were selected by the inspection team from lists provided by the CCA.

3. BACKGROUND

A previous mission concerning animal welfare took place in the Romania from 6 to 10 November 2006. It concluded that there was a major problem in relation to cages used for laying hens in Romania which did not comply with EU legislation. In addition training, guidance and supervision were not sufficient to ensure that the EU legal requirements were sufficiently checked and appropriate follow up actions taken. The CCA indicated that certain actions were being taken in response to the recommendations, and the effectiveness of several of these was assessed during the current mission.

4. LEGAL BASIS FOR THE MISSION

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

- Art. 9 of Directives 1999/74/EC;
- Art. 7 of Directive 98/58/EC and
- Art. 45 of Regulation (EC) No 882/2004.

5. MAIN FINDINGS

5.1. Competent Authority

The organisation of the Competent Authority (hereafter: CA) is described in report 7463/2007 – Country profile of Romania, which is available on the website of the Health and Consumer Protection DG, see:

http://ec.europa.eu/food/fvo/country_profiles_en.cfm

From December 2006, the official veterinarians (hereafter: OVs) responsible for animal welfare within Animal Welfare Departments, both at central and local level, no longer have legal powers to carry out on the spot inspections. The Inspection Directorate of the CCA and Inspection Departments at regional level are responsible for carrying out inspections.

In response to a recommendation in report 8053/2006, the CCA indicated that the efficiency of the inspections is ensured by checks carried out by the OV's from central level on the activity of the regional OV's. It was noted that

- The OV's responsible for animal welfare at regional level sometimes perform joint inspections with their counterparts from the regional inspection services.
- Such joint checks were carried out in 2007 on laying hens farms with unenriched cages and target were partially met (15 farms out of 100 planned had been checked). These were performed by the OV's from the Inspection Directorate of the CCA and regional OV's. In addition six assembly centres in Arad region were checked in September 2007 by the OV's from the Inspection Directorate of the CCA.
- The detection of deficiencies has increased due to the checks performed by the joint inspection team as most of the deficiencies, including overstocking of cages in laying hen farms, were detected; however these inspections did not check the effectiveness of the inspections carried out by the regional OV's, because they listed deficiencies on the farms in question but did not put this into the context of the previous inspections by the regional OV's. In addition the action taken by the CAs to enforce the legal requirements during these checks was not adequate.
- The insufficient height of cages, contrary to Article 5.1.4 of Directive 1999/74/EC, on all three farms visited and the practice of forced moulting on one of these farms, which is contrary to the provisions of points 14 and 15 of the Annex to Directive 98/58/EC, were not detected during the joint inspection teams visit.
- The laying hen farm visited in Giurgiu region, which had introduced unenriched cages after accession, had not been visited by the joint inspection team as the regional CA had failed to inform the CCA of the existence of unenriched cages on this farm as the farm previously had an alternative system of rearing.

In relation to the recommendation in report 8053/2006 on training, the CCA had organised this in accordance with a national annual training programme. The OV's who had been trained were obliged to pass this knowledge to the other regional OV's and stakeholders, including personnel of the assembly centres. In 2007 training had been organised on the implementation of transport legislation and on the welfare of farm animals. These were attended by the regional OV's from the Animal Welfare Departments and OV's from the Inspection Department. It was noted that:

- Despite the training on the requirements of transport legislation performed earlier this year the checks of journey logs at places of departure had not been adequate.
- No level of the CCA had a method for measuring the dimensions cages for laying hens. As a consequence no verification had been made as to whether such cages provided sufficient height.

In response to a recommendation in report 8053/2006, the Animal Welfare Department of the CCA issued an evaluation sheet in June 2006 which had been used by the OV's of the Animal Welfare Departments at regional level during their checks. The evaluation sheet provides certain details on the issues to be checked and gives references to legal texts which are not provided in the check lists used by the OV's of the Inspection Department, which were those described in report 7746/2005 as very basic and general. The CCA stated that new guidance is being approved and should be made available by the end of 2007.

In two regions visited (Giurgiu and Buzau) temporary interdiction orders were issued by the CA, just before the visit of the mission team, which would stop all activities at two establishments, a laying hen farm and an assembly centre, selected by the mission team. Due to these orders, the CCA informed the mission team that these establishments could not be visited.

Despite the fact that national legislation forbids any activities once such an ordinance has been issued, it was noted that:

- The temporary interdiction order for the laying hen farm in Giurgiu region had no practical effect as birds were still present on the farm and the eggs were placed on the market without any restrictions. The regional CA explained that a deadline (which expired on the date of the end of this mission) for the correction of deficiencies was set and that birds which had been overstocked should be slaughtered by that day. During the visit, which was two days before the deadline expired, the farmer stated that he was going to slaughter the birds in the course of the next month, at the end of their production cycle. Unenriched cages had been introduced after the date of accession on this farm, which is contrary to Article 5.2 of Directive 1999/74/EC. There was also severe (up to 50 %) overstocking of the cages.
- An assembly centre in Buzau region had been approved on 1 June 2007 (i.e. four months earlier), but had been issued with a temporary closure order two days after the mission team had informed the CCA that it had been selected for a visit during the mission. Activities were to cease the day after the order had been served and a consignment of horses had been dispatched later on the day that the order had been served. At the visit carried out during mission, animals were still present at the assembly centre. Facilities for keeping and loading horses were not suitable.

5.2. Registration of laying hen holdings

The CCA is responsible for the registration of holdings with laying hens, as required by Article 7 of Directive 1999/74/EC and Directive 2002/4/EC. In response to a recommendation in report 8053/2006 the CCA issued instructions for the registration of laying hen holdings. Codes indicating the farming method and complying with the requirements of point 2.2.1 of the Annex to Directive 2002/4/EC were issued by Ministry of Agriculture.

The register of laying hen holdings was made available to the mission team at the opening meeting, after it has been updated at the central level; however, the database is still not operational.

In all regions visited a local hand-written register of laying hen holdings was kept by the CAs.

It was noted that:

- In Giurgiu region, even though the changes in the registration data were recorded in the hand written regional register, those changes had not been reported to the CCA and thus the data in the central register did not correspond to the actual situation on the farm.
- In Ilfov the data in the regional register regarding the number of farms and maximum capacity of those farms, did not correspond to the data in the central register.
- Maximum capacity of birds recorded in the register is based on a declaration of the owner and on all farms visited this was higher than the maximum number of

birds allowed if the requirements of Article 5.1.1 of Directive 1999/74/EC had been applied.

- Although a maximum capacity had been given to each farm in the register, there were several cases where the actual number of birds present on the farm, which was also registered, exceeded the capacity established by the CA.

5.3. Labelling of eggs

The CCA is responsible for controlling the labelling of eggs, as required by Council Regulation (EC) No 1028/2006⁸ and Commission Regulation (EC) No 557/2007⁹. In response to recommendation in report 8053/2006, the CCA indicated that arrangements had been put in place to ensure that the eggs are labelled in accordance with the relevant EU legislation. It was noted that:

- The labelling of eggs started on 1 September 2007 (8 months after accession) and on all farms visited the eggs has been labelled with the code indicated a farming method.
- In Giurgiu region the regional CA did not detect that on one of the farms visited, where hens were kept in both cage and barn systems, all eggs had been labelled with the code for caged systems, even though they had been produced in alternative systems.

5.4. Measures supplementary to checks

The CCA published information booklets for laying hen farmers and for transporters in 2007. The booklet on laying hens summarises the legal requirements, including the stocking densities and minimum height of cages. The booklet on protection of animals during transport provides information in relation to transport, such as provisions for means of transports and transport practices, which are listed in the annexes to Regulation (EC) No 1/2005.

5.5. Programme of inspections for animal welfare

Central level draws up an annual programme for controls, and this is transmitted to regional directorates. On the basis of this, official controls are organised in each region, where the CA prepares its own programme, establishing the number of controls according to the number of establishments in the region. No risk based approach is applied yet. The CCA also requested additional checks in 2007 on laying hen farms and performed joint inspections with the regional level. It was noted that:

- The annual programme requires regional level to plan checks of various establishments (farms, zoos, slaughterhouses, transport etc.), but no targets have been set by the CCA regarding the frequency of checks and no reference has been made to the requirements of Article 3 of Regulation (EC) No 882/2004. The programme for 2007 is the same as the one for 2006.

⁸ Council Regulation (EC) No 1028/2006 of 19 June 2006 on marketing standards for eggs, OJL 186, 7.7.2006, p.1.

⁹ Commission Regulation (EC) No 557/2007 of 23 May 2007 laying down detailed rules for implementing Council Regulation (EC) 1028/2006 on marketing standards of eggs, OJL 132, 24.5.2007, p.5.

- In relation to recommendation from the report 8053/2006 the CCA planned additional joint checks (CCA with regional OVs) from May to September 2007 of caged systems for laying hens and of assembly centres.
- In Ialomita region the programme of inspections indicated the total number of animal welfare controls per month, and did not take into account the requirements of Article 3 of Regulation (EC) No 882/2004 or establish any targets regarding the number of farms or type of farms to be checked.
- In Ilfov region the programme was more comprehensive and indicated the number of check to be carried out for each species, including laying hens.

5.6. Inspections of cage systems for laying hens

Report 8053/2006 indicated that there was a major problem with cage height in all unenriched cage systems. In response to a recommendation in report 8053/2006 that from the date of accession eggs are produced in systems which meet the requirements of Directive 1999/74/EC the CCA stated that they informed the laying hen breeder associations to abide by the legal provisions and informed the Inspection Directorate of the CCA to pay more attention to checks of cage systems. It was noted that:

- The Inspection Directorate of the CCA planned to visit 100 laying hen farms with unenriched cage systems in 20 regions in the period from 21 May to 21 September 2007; however, only 15 farms had been checked in 6 regions in this period.
- During these checks several non-compliances, including overstocking, had been detected; requests for corrective actions were mainly to have been met by the end of the production cycle.
- No deficiencies regarding the height of cages had been detected during these checks, moreover when asked during the opening meeting the representatives of the Inspection Directorate of the CCA stated that all farms visited comply with the minimum height requirements of Article 5.1.4 of Directive 1999/74/EC.
- On two farms visited the height of the cage was 15 cm at the lowest point; Article 5.1.4 of Directive 1999/74/EC requires the cage to be at least 35 cm high at any point. Both farms had been the subject of joint inspections by the Inspection Directorate of the CCA and regional CA and this major deficiency had not been detected.
- On the third farm, an unenriched system had been introduced after accession, although the setting up of such systems has been forbidden in the EU since 1 January 2003, and has similarly been forbidden in Romania from the date of accession. The CA had amended their register to indicate that a caged system had been introduced on this farm, but had not taken any actions.
- During their inspections OVs did not calculate the maximum capacity of each building but sampled the stocking density of the holding by checking several individual cages. Two out of three farms visited had been severely overstocked, as 40 – 50 % more birds than allowed by Article 5.1.1 of Council Directive 1999/74/EC had been placed in the houses. On one farm the OV noted that cages contained four to five birds instead of three; however, no request for action had been made.

- On all farms visited the production cycle lasts up to 20 months and very high mortalities were recorded in the last months of production. On none of the farms did the OVs investigate the possibility of forced moulting being practiced. On the farm visited in Giurgiu region the mission team detected from the production data provided and from a declaration by the owner, that forced moulting is routinely practiced contrary to the provisions of points 14 and 15 of the Annex to Directive 98/58/EC.
- On all farms visited, with the exception of the farm which had recently introduced unenriched cages, cages were in a very poor state of repair, and were therefore not escape proof, which is not in accordance with point 5 of the Annex to Directive 1999/74/EC and there were sharp protrusions on which birds could get injured, contrary to point 9 of the Annex to Directive 98/58/EC.

5.7. Authorisation of transporters and approval of means of transport

In spring 2007 the CCA issued four instructions on authorisation of transporters and approval of means of transport giving details on procedures that have to be followed and documents to be issued. The mission team received a copy of the register of transporters which had been authorised as required by Articles 10 and 11 of Regulation (EC) No 1/2005 and means of transport approved, as required by Article 18 of Regulation (EC) No 1/2005. The mission team noted that:

- The training for road drivers and attendants, as required by Annex IV of Regulation (EC) No 1/2005, which serve as a basis for issuing a certificate of competence, has not yet started. Regulation (EC) No 1/2005 requires such certificates of competence to be issued by 5 January 2008. The representative of the Animal Welfare Department of the CCA stated that the training is planned by the end of 2007.
- The approval certificates for means of transport are not recorded in an electronic database, which would enable rapid identification by the CAs in all Member states, as required by Article 18.3 of Regulation (EC) No 1/2005.

5.8. Checks of journey logs

CCA instructions had been recently sent to the regional CA on checking journey logs prior to departure and on return of the journey logs. An extra page is to be added to the journey log giving the details of the CA of the place of departure in order to facilitate the return of the journey logs by the transporters. Because the instruction had been sent out in the month preceding the mission, the evaluation of the effects of this instruction could not yet be assessed by the mission team. It was noted that:

- A completed Section 1 of the journey log was sent to CA two days before departure of the consignment by the organiser of the transport as required by point 3.b of the Annex II of Regulation (EC) No 1/2005. However, before stamping it, the OV did not detect several deficiencies such as unrealistic journey times, too short resting periods and no indication of the final place of destination. An example of an unrealistic journey time, contrary to point 1. a. (ii) of Article 14 of Regulation (EC) No 1/2005, was where the planned journey to Italy indicated 24 hours, and the details of the actual journey in section 4 indicated that the final leg of the journey of almost 500 km had been completed in two and a half hours. If the transporter had indicated a time longer than this, then it would have been necessary to unload the horses and rest them for 24 hours in a control post as

required by 1.1.4(c) and 1.1.5 of Chapter V of Annex I to Regulation (EC) No 1/2005. The CA had filed this journey log without any action.

- Only a few journey logs had been returned to the CA at the place of departure, contrary to paragraph 3 of point 8 of the Annex II of Regulation (EC) No 1/2005 and they were incomplete with sections missing and no time of departure indicated. These had not been checked properly by the regional OV and no actions had been taken. The CCA stated that the recently issued instruction should resolve this problem in the future.

5.9. Checks of assembly centres

A procedure for a national approval of assembly centres includes an assessment by the regional OV responsible for inspection, followed by a visit of the regional animal welfare specialist and regional animal health specialist, who endorse the opinion of the OV if the assembly centre complies with the requirements. After this the approval of the assembly centre can be given. It was noted that:

- In one assembly centre, where temporary interdiction ordinance was issued, the abovementioned procedure was not followed, because the regional CA approved the facility which was not in compliance with the requirements of Chapter III 1.1.3 and 1.1.4 of Annex I to Regulation (EC) No 1/2005, even though they were aware of the deficiencies, which were recorded at the check prior to approval. Even though the OV during his assessment did not made the decision whether to approve it or not, the regional CA gave it approval on 1 June 2007; however, in the week preceding the mission, the regional CA issued a temporary interdiction ordinance stating several deficiencies, such as unsuitable floor, which had already been detected before the approval.
- In the second assembly centre for which approval was issued in September 2007, the facilities were generally good, the animals were in good condition, with permanent access to water and handling of animals during loading was satisfactory.

5.10. Checks at departure

The OV detected that the certificate of approval of the means of transport was not issued in accordance with the specimen provided in Chapter IV of Annex III to Regulation (EC) No 1/2005. However, no actions had been taken and moreover this deficiency had not been detected previously although the same transporter and same vehicle had used this or another assembly centre under the control of the same OV, several times previously. The OV did not intend to check the lorry and explained that he did not check it because he was familiar with it, as he had seen it several times previously. There were no records of such checks as required by Article 9.1 of Regulation (EC) No 882/2004.

During the check of the lorry done on the request of the mission team it was noted that:

- Chapter VI of Annex I to Regulation (EC) No 1/2005 requires that Equidae shall be transported in individual stalls. The lorry was equipped with partitions made of chains and rubber mats. The CCA found such partitions as acceptable, even though these did not create adequate individual stalls for horses, in particular for those which may be hostile to each other, contrary to Regulation (EC) No 1/2005 Annex I, Chapter III, 1.12.
- In accordance with Chapter VII of Annex I to Regulation (EC) No 1/2005 the combined floor area of the truck and trailer was sufficient for 20 horses each, and

under certain circumstances this figure may vary by 10%. During the visit 23 horses were loaded; 23 and 24 horses had been regularly transported on this vehicle during July and August.

- The watering equipment on the truck did not function properly and the CA regarded the nipple drinkers on the trailer as satisfactory for horses. In addition only two buckets to water up to 24 horses during one hour rest periods were kept on the lorry. The vehicle was therefore not equipped as required by points 2.2.1 and 2.2.2 of Chapter VI of Annex I to Regulation (EC) No 1/2005.
- Chapter VI point 1.3.3.3 of Annex I to Regulation (EC) No 1/2005 requires that the means of transport are fitted with temperature monitoring system as well as with a means of recording such data. A temperature monitoring system was present on the lorry but the driver was not familiar with the procedures regarding the use of the recording equipment, which in any case was not functioning. These points were not detected by the OV during previous checks.
- The slope of the ramp of the trailer was in line with the requirements of Chapter III point 1.1.4.a of Annex I to Regulation (EC) No 1/2005, as an additional, stationary ramp was used together with the ramp of the truck. The OV previously explained that the same truck was also used in the other assembly centre, which is now temporary suspended and where no stationary ramp exists. The OV never assessed the slope of the ramp when the lorry was loaded with previous consignments at either assembly centres.

5.11. Co-operation with Police in road checks

A Protocol of Agreement between the CCA, the Ministry of Administration and Interior and the Romanian Road Authority was signed in June 2006. The protocol also has to be signed on the regional level, where the CA prepares its own programme of roadside checks.

In two regional offices visited the agreements were signed and the checks during transport have started:

- In 2007 in Ialomitsa, six consignments had been checked and no deficiencies had been found.
- In Ilfov region 16 consignments had been checked and no deficiencies had been found.
- 356 transport controls were carried out (during loading, transport, unloading) between January and July 2007. Penalties were issued in ten cases.

5.12. Follow up, sanctions and penalties

Article 8.3(b) of Regulation (EC) No 882/2004 requires the CA to have procedures in place to ensure that corrective actions are taken when needed and Article 54 of the Regulation requires that when non-compliances are identified, the CA shall take actions to ensure that the operator remedies the situation and shall provide the operator concerned with written notification of its decision concerning actions to be taken.

Article 25 of Regulation (EC) No 1/2005 requires that the Member States lay down the rules on penalties and shall take all measures necessary that they are implemented.

The mission team noted:

- In some cases when deficiencies were detected deadlines for corrective actions had been given and follow up visits had been planned; however, during the follow up visits the same deficiencies were detected and no measures had been taken and a new deadline for corrections of deficiencies had been given. This did not ensure that the operator had remedied the situation, contrary to Article 54 of Regulation (EC) No 882/2004.
- The sanctions issued by the OVs for serious infringements, such as overstocking of laying hen farms, were mostly warnings with deadlines for enforcement at the time when the farm will be depopulated.
- The Animal Welfare Department of the CCA had already proposed to the Inspection Directorate of the CCA that sanctions should be applicable for infringements of Regulation (EC) No 1/2005; however, no further steps had been taken.

6. CONCLUSIONS

- (1) As recommended in report 8053/2006, actions were taken to verify the effectiveness of official controls in the field of animal welfare, as required by Article 8.3(a) of Regulation (EC) No 882/2004. However, the target for the CCA joint inspections with regional level was not met, and although insufficiencies with the quality of checks were identified, no actions had been taken to improve subsequent checks carried out by the regional level.
- (2) National requirements for training of veterinarians and additional courses on animal welfare allow OVs to acquire knowledge for their area of competence as required by Article 6 of Regulation (EC) No 882/2004; however, neither these nor the documented procedures provided by the CCA were sufficient to ensure that all EU requirements for animal welfare were satisfactorily assessed.
- (3) Documented procedures have been provided as required by Article 8.1 of Regulation (EC) No 882/2004, and the evaluation sheet provided by the Animal Welfare Department of the CCA was useful for inspections. However, checks were not always carried out following this procedure and when Inspection Departments carry out checks on their own, the checklist used did not provide a complete list of the EU requirements. Neither checklist provided sufficient guidance on how to assess certain requirements, despite a recommendation in report 8053/2006, such as measuring the height of cages.
- (4) In response to a recommendation in report 8053/2006, a register of laying hen holdings, as required by Directive 2002/4/EC, has recently been established. This is still not fully operational as there is no system for verifying that the data, which is based on owners' declarations, is correct. As a result not all eligible establishments were included in the register and it had not been updated when changes were made on the farms, as required by Article 1.4 of Directive 2002/4/EC.
- (5) In response to a recommendation in report 8053/2006, eggs are now labelled with a code indicating the farming method, as required by, point 2.2.1 of the Annex to Directive 2002/4/EC, but implementation has been recent, and the incorrect labelling of eggs had not been detected by the CA.

- (6) The guidance booklet for transporters and laying hen farmers is a good step to provide these stakeholders with information on how to provide appropriate care for their animals and meet EU requirements.
- (7) Production systems for laying hens using unenriched cages still do not comply with the requirements of Directive 1999/74/EC as the actions taken by both central and regional levels of the CA, as recommended in report 8053/2006, have been inadequate. As a result cages have insufficient height and severe overstocking and forced moulting have been practiced. Moreover, cages which do not meet the requirements of Article 6 of Directive 1999/74/EC have been put into operation for the first time after the date of accession.
- (8) Procedures for authorisation of transporters and approval of means of transport are in place; however, the certifications of the approval of means of transport are not recorded in an electronic database to enable rapid identification by the CAs in all Member states, contrary to Article 18.3 of Regulation (EC) No 1/2005. The system of checks at places of departure and at road-sides together with the Police contributes to meeting the requirement of Article 27.1 of Regulation (EC) No 1/2005 for inspections of an adequate proportion of the animals transported each year.
- (9) Checks of journey logs before departure were not sufficient, and the verification of completed journey logs was inadequate as few were returned after transport was completed, and those returned were incomplete. The addition of an address is a useful step to assist in getting better compliance with the requirements of paragraph 3 of point 8 of the Annex II of Regulation (EC) No 1/2005 to return journey logs, a measure which is not included in the format provided by Regulation (EC) No 1/2005.
- (10) Checks on the vehicles used for long distance transport of equidae did not meet the standards set out in Regulation (EC) No 1/2005, such as for watering equipment and partitions, as all levels of the CA accepted the use of partitions made from chains and rubber mats, even though these did not create adequate individual stalls for horses, in particular for those which may be hostile to each other, contrary to Regulation (EC) No 1/2005 Annex I, Chapter III, 1.12.
- (11) Procedures for the registration of assembly centres were not always followed by the regional CAs, who had given deadlines for corrections to be made, but had nevertheless given their approval although the facilities still did not meet the requirements of Regulation (EC) No 1/2005 Annex I, Chapter III 1.1.3 and 1.1.4.
- (12) Actions taken by the CAs when deficiencies had been detected had not been effective, proportionate and dissuasive as required by Article 55.1 of Regulation (EC) No 882/2004. Despite proposals from the Animal Health and Welfare Department to take more stringent actions in relation to deficiencies of animal welfare during transport, the Inspection Department had not taken any action to implement this.

6.1. Overall conclusion

Although certain measures have been taken since the previous mission in 2006, these have been largely ineffective in ensuring that the system of control for animal welfare is satisfactory. First steps have been taken to establish functioning controls, such as the

registration of laying hen farms; however, serious non-compliances in this sector, which were already identified on the previous mission, continue to be seen and have not been adequately addressed by the authorities.

In relation to animal welfare during transport some of the measures taken, such as registration of transporters and means of transport, provide a basic framework for controls, but inspections have not been implemented so that EU requirements are enforced and as a result, horses and other equidae are transported on long journeys in a way which does not meet the requirements of Council Regulation (EC) No 1/2005.

The requirements of Regulation (EC) No 882/2004 have not been adequately integrated into the controls of animal welfare in either the transport or the laying hen sectors.

7. CLOSING MEETING

A closing meeting was held on 5 October 2007 with representatives of the CCA. At this meeting, the main findings of the mission were presented by the FVO team and the representatives of the CCA provisionally accepted these findings.

8. RECOMMENDATIONS

To the competent authorities of Romania

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

The Competent Authorities should take measures to ensure that:

- (1) The effectiveness of official controls is verified, as required by Article 8.3(a) of Regulation (EC) No 882/2004, in relation to inspections of animal welfare on laying hen farms and of the transport of horses destined for slaughter.
- (2) Documented procedures, as required by Article 8.1 of Regulation (EC) No 882/2004, are improved so that they provide sufficient guidance on how to assess the requirements of Directive 1999/74/EC.
- (3) The data registered for the purposes of Directive 2002/4/EC regarding holdings with laying hens is correct and is updated as necessary, as required by Article 1.4 of Directive 2002/4/EC.
- (4) Production systems for laying hens comply with the requirements of Directive 1999/74/EC.
- (5) Approved means of transport are recorded in an electronic database, as required by Article 18.3 of Regulation (EC) No 1/2005.
- (6) The use of journey logs meets the requirements of Annex II of Regulation (EC) No 1/2005.
- (7) Vehicles used for long distance transport of equidae meet the standards of Regulation (EC) 1/2005 Annex I, Chapter II and transport practices are as required in Regulation (EC) 1/2005 Annex I, Chapter III.

- (8) Facilities at assembly centres meet the requirements of Article 9 of Regulation (EC) No 1/2005.
- (9) When deficiencies are detected, effective, proportionate and dissuasive actions are taken as required by Article 55.1 of Regulation (EC) No 882/2004.

COMPETENT AUTHORITY RESPONSE TO THE RECOMMENDATIONS

Once the report has been published, the competent authority response to the recommendations can be found at the following link:

http://ec.europa.eu/food/fvo/ap/ap_romania_7339_2007.pdf