



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

DG(SANCO)/2007/7332 – MR – final

REPORT OF A MISSION
CARRIED OUT IN ITALY FROM 26 TO 30 NOVEMBER 2007
IN ORDER TO EVALUATE THE IMPLEMENTATION OF
ANIMAL WELFARE REQUIREMENTS FOR EQUIDAE INTENDED FOR
SLAUGHTER, BOTH DURING TRANSPORT AND AT SLAUGHTER

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



30/04/08 - 34119

TABLE OF CONTENTS

1.	INTRODUCTION.....	5
2.	OBJECTIVES OF THE MISSION.....	5
3.	LEGAL BASIS FOR THE MISSION.....	6
4.	BACKGROUND.....	6
5.	MAIN FINDINGS.....	6
5.1.	Legislation.....	6
5.2.	Competent authority.....	7
5.3.	Authorisation of transporters and vehicles approval for long journeys.....	8
5.4.	Organisation of transport checks.....	10
5.5.	Checks of long distance transport.....	11
5.6.	Reports of the results of inspections.....	14
5.7.	Verification procedures.....	14
5.8.	Audits.....	15
6.	CONCLUSIONS.....	15
7.	OVERALL CONCLUSION.....	17
8.	CLOSING MEETING.....	17
9.	RECOMMENDATIONS.....	17
9.1.	To the competent authorities of Italy.....	17
10.	COMPETENT AUTHORITY RESPONSE TO THE RECOMMENDATIONS.....	18

EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Italy, from 26 to 30 November 2007.

The objectives of the mission were to evaluate the measures taken to implement the requirements for animal welfare during transport from Council Regulation (EC) No 1/2005, in particular for Equidae destined for slaughter, and also to follow up a recommendation from a previous FVO report in relation to the results of checks on animal welfare during transport. The mission also assessed how checks of the requirements of Regulation (EC) No 1/2005 had been integrated with the requirements for controls laid down in Regulation (EC) No 882/2004 of the European Parliament and Council.

The report concludes that delays in adopting legal measures and approving CCA guidance has contributed to poor implementation of the requirements of Regulation (EC) No 1/2005 in relation to the protection of horses during transport. Although the CCA has ensured that good quality training for carrying out checks has been made available to the regional level, the subsequent dissemination of this information to the veterinarians who are doing the inspections has not yet proved effective. The low priority given by certain regions to such controls means that checks of conditions during transport have not been rigorous and there has been a very low level of enforcement of the requirements of Regulation (EC) No 1/2005. As a result, vehicles for transporting horses for long journeys are not adequately equipped with individual stalls or watering equipment, animals are overstocked and journey times are exceeded.

Although the CCA has obtained a more complete picture of the checks being carried out throughout Italy, as recommended in report 7010/2004, and has carried out audits which have identified weaknesses in the system of controls in place, subsequent actions have not been taken to improve the quality of inspections carried out.

The report makes a number of recommendations addressed to the competent authorities of Italy, aimed at rectifying the identified shortcomings and further enhancing the control measures in place.

ABBREVIATIONS AND SPECIAL TERMS USED IN THE REPORT

AUSL	<i>Azienda Unitá Sanitaria Locale</i> (Local Health Unit)
CA	Competent Authority
CCA	Central Competent Authority
EC	European Community
EEC	European Economic Community
EU	European Union
FVO	Food and Veterinary Office
NGO	Non Governmental Organisation
UVAC	<i>Ufficio Veterinario per gli Adempimenti CEE</i> (Veterinary Office for Compliance with Community Requirements)

1. INTRODUCTION

The mission took place in Italy from 26 to 30 November 2007. The inspection team comprised three inspectors from the Food and Veterinary Office (FVO) and an evaluation of requirements for animal health and intra-Community trade of Equidae for slaughter was carried out at the same time. This is the subject of a separate report (ref. DG(SANCO)/2007-7373). 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 Central Competent Authority (hereafter: CCA). An opening meeting was held on 26 November 2007 with the CCA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission was requested.

2. OBJECTIVES OF THE MISSION

The objectives of the mission were to evaluate the measures taken to implement the requirements for animal welfare during transport from Council Regulation (EC) No 1/2005^{1,2}, in particular for Equidae destined for slaughter, and also to follow up a recommendation from a previous FVO report in relation to the results of checks on animal welfare during transport. The mission also assessed how checks of the requirements of Regulation (EC) No 1/2005 had been integrated with the requirements for controls laid down in Regulation (EC) No 882/2004 of the European Parliament and Council³.

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

Competent authority		Comments
Central	2	Opening and closing meetings
Regional	2	Opening meeting with the CCA was also combined with a meeting with the regional authorities in Friuli Venezia Giulia. The second regional meeting was held in Puglia. Both meetings were attended also by the representatives of UVAC <i>Ufficio Veterinario per gli Adempimenti CEE</i> (Veterinary Office for Compliance with Community Requirements).
Local Veterinary Units (AUSL)	2	In both regions local veterinary units (hereafter: AUSL) were visited where reports were evaluated and the system of checks discussed.
Live animal sites		Comments
Control post and Assembly centre	1	Where a review of documentation and a visit of the premises was performed.
Slaughterhouses	2	Which received Equidae from other Member States. No animals were present and the visits focused on a documentary review.

¹ All legal references in this report refer, where applicable, to the latest amended version.

² 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).

³ 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 corrected and republished in OJ L 191, 28.05.2004, p.1, (hereafter: Regulation (EC) No 882/2004)

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular Article 28 of Regulation (EC) No 1/2005, Article 45 of Regulation (EC) No 882/2004 and Commission Decision 98/139/EC⁴.

4. BACKGROUND

A previous FVO mission covering animal welfare during transport was carried out in May 2004. Report DG/(SANCO)/7010/2004 concluded that the majority of regions failed to report the outcome of checks as required by Article 8 of Directive 91/628/EEC and that as a result the CCA did not have the required information to identify major/common deficiencies and to assist the regions in subsequently developing an enforcement strategy. As a result of several CCA guidelines, there had been some improvement in the surveillance of long distance transport in one region visited; however in the other region there had been a high number of checks without detection of any deficiencies and it was concluded that the quality of checks in this case was questionable. This report is available under its reference number on the DG SANCO website: http://ec.europa.eu/food/fvo/ir_search_en.cfm

5. MAIN FINDINGS

5.1. Legislation

A comprehensive check of national legislation was not carried out. However, during the evaluation of the control system for animal welfare, it was noted that in order to implement the requirements of Regulation (EC) No 1/2005, the CCA have taken the following legal steps:

- The entry into force of Regulation (EC) No 1/2005 repealed the legislation which was previously in force in Italy (Legislative Decree 532/92 and Legislative Decree 388/98).
- The CCA adopted rules on penalties (Legislative Decree 151 from 25th July 2007) applicable to infringements 2005, as required by Article 25 of Regulation (EC) No 1/2005, which came into force on 27 September 2007. However, the CCA in its letter from 17 January 2007 stated that in the meantime, while waiting for a new legislative decree on sanctions, the old national legal provisions for the application of sanctions is still applicable.
- The rules provide for administrative sanctions up to € 15,000 for violating the requirements of Regulation (EC) No 1/2005 and give an option to request administrative custody for vehicles registered abroad, when found violating Regulation (EC) No 1/2005, and the immediate payment of the relevant sanction. In case of repeated violations over a certain period of time, additional sanctions could be imposed, such as the suspension or cancellation of transport authorisations and vehicle approval certificates, or a temporary ban on transport within the national territory (in the case of transporters coming from another Member State).

⁴ Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States, OJ L 38 of 12.02.1998, p. 10.

- The national rule on sanctions (Legislative Decree 151/2007) requires that a coordination decree should be issued by 27 December 2007, which should provide for the coordination between the CAs involved in the controls of animal welfare during transport, which are The Ministry of Health (*Ministero della salute*), Ministry of Economy and Finance (*Ministero dell'economia e delle finanze*), Ministry of Interior (*Ministero dell'interno*) and Ministry of Agriculture Foodstuff and Forestry Policy (*Ministero delle politiche agricole alimentari e forestali*).

5.2. Competent authority

5.2.1. Organisation and responsibilities

The organisation of the Competent Authorities (hereafter: CA) and how this generally applies to animal welfare controls is described in a country profile on Italy on Food and Feed Safety, Animal Health, Animal Welfare and Plant Health (DG(SANCO)/8289/2006) (hereafter: Report 8289/2006). This report is available on the DG SANCO website: http://ec.europa.eu/food/fvo/country_profiles_en.cfm.

The following are further details of the CAs and of their tasks in relation to animal welfare during transport and include changes that have taken place after the publication of report 8289/2006.

- Although the primary responsibility for the implementation of Regulation (EC) No 1/2005 is for the Local Health Unit (*Azienda Unitá Sanitaria Locale*), UVAC, which is a local office of the CCA responsible for intra community trade, is involved in checks of animals in intra community trade. In addition Police, *Carabinieri* and Forest Guards (*Guardia forestale*) are also involved in implementation and enforcement of animal welfare during transport, and can perform checks, including road-side checks, on their own as well as joint checks with official veterinarians (hereafter: OV). They have the legal power to stop and inspect vehicles, to check documents, to assess the welfare of animals and to issue sanctions. In case of doubt they can consult an OV.
- The role of contact point as defined in Article 24(2) of Regulation (EC) No 1/2005 has been assigned to the OV responsible for Animal Welfare at central level. The CCA explained that when infringements or other problems occur, the information is exchanged in the form of letters to the Embassy of the Member State or Third Country concerned.
- In April 2007 the CCA replied to a letter from the Polish CCA, which asked for the official position of the Italian authorities, regarding the transport of horses in groups, expressing their view that they can be transported only in individual stalls in line with the requirements of Regulation (EC) No 1/2005.
- In July 2007, after several reports from the regions dealing with continuous violations of the requirements of Regulation (EC) No 1/2005 from transporters of animals where the consignments originated in Spain, the CCA sent a letter to the Spanish Embassy in Rome, asking for actions to be taken to avoid deficiencies occurring at the place of origin, but until the time of this mission no reply was received. Even though the letter requested that the regional CA and the UVAC offices increase the

number of checks, particularly on transport from Spain, the violations as described above have continued to take place, but in very few cases had any sanctions been imposed.

It was noted that:

- In Friuli Venezia Giulia the OVs stated that most of the consignments of horses did not meet the requirements of points 1.6 to 1.8 of Chapter VI of Annex I to Regulation (EC) No 1/2005 as the partitions were insufficient to create individual stalls for the number of horses routinely transported. The AUSL visited during the mission, had informed the CCA contact point in January 2007 about the problem with individual stalls and partitions for the transport of Equidae, which had been detected in some consignments, however no actions had been taken by the CCA until recently, when (during the mission) a circular addressed to the regional offices in which the recurrent problem of transport of Equidae in individual stalls and of the use of appropriate partitions is addressed, was issued.

5.2.2. *Training of CA staff*

Article 6 of Regulation (EC) No 882/2004 requires that CA staff receive appropriate training to carry out controls. Article 16 of Regulation (EC) No 1/2005 lays down specific requirements for training of CA staff, so that they are duly trained and equipped to check data recorded by recording equipment such as tachographs and navigation systems. The CCA has established a system of training on the requirements of Regulation (EC) No 1/2005 including specific requirements, such as requirements for the partitions, individual stalls and access to water during transport for Equidae. Two training courses at central level were to be followed by further training organised on the regional level.

It was noted that:

- Further training on the regional level had been organised for OVs in Friuli Venezia Giulia in September 2007.
- Such training had not been organised yet in Puglia, where the system of animal welfare checks at place of destination were inadequate, such as in one slaughterhouse where no checks of animal welfare at arrival were noted and in a second slaughterhouse, where the animal welfare checks at arrival were seldom carried out and insufficiently performed.⁵

5.3. **Authorisation of transporters and vehicles approval for long journeys**

Article 11 of Regulation (EC) No 1/2005 requires that long journey transporters are authorised by the CA and that the means of transport for long journeys by road are approved as required by Article 18 of Regulation (EC) No 1/2005.

⁵ *In their response to the draft report, the Italian Authorities noted that Puglia has already organised further training.*

- The CCA prepared guidance for the regional services on how to proceed with the authorisation of transporters, but this was not adopted yet and is pending its approval at the State – Regions Conference (*Conferenza Stato-Regioni*).
- The CA in Friuli Venezia Giulia had issued its own guidance for authorising transporters in March 2007. The regional CA stated that it had been issued on the basis of draft CCA guidance.
- The CA in Puglia just recently (1 month before the mission) issued guidance for authorising transporters, again using the CCAs' draft guidance as a template. AUSLs are responsible for authorisation of transporters, approval of means of transport and keeping the records of authorisation.

The mission team noted that:

- A transporter authorised only for journeys of less than eight hours by an AUSL in the Friuli Venezia Giulia region, other than the one visited, was involved in the transport of animals on long distance journeys (from Former Yugoslav Republic Of Macedonia via Greece to Italy) and the CA was not aware of this fact.
- In the AUSL visited in Puglia one transporter for long distance had been authorised. The authorisation was not issued in accordance with the specimen set out in Chapter I of Annex III to Regulation (EC) No 1/2005, contrary to Article 11.3 of Regulation (EC) No 1/2005. The OV in the district visited in Puglia was not aware of the guidance which had been issued at regional level on this issue, and there were no documents available in the AUSL office visited regarding this authorisation.
- Documents for a truck seen at a control post in Friuli Venezia Giulia, indicated that the transporter was authorised in Umbria region for the transport of horses, cattle, ovines and pigs. However, the truck was not suitable for the transport of horses, as there were no partitions to create individual stalls, contrary to points 1.6 to 1.8 of Chapter VI of Annex I to Regulation (EC) No 1/2005, and the system for watering animals was not suitable for horses, contrary to points 2.1 and 2.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005. In addition the system for recording of temperature was not working, contrary to point 3.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005 and even though the lorry was equipped with a navigation system, as required by point 4.4.1 of Chapter VI of Annex I to Regulation (EC) No 1/2005), the driver did not know how to use it.

Transporter authorisations are recorded at local level and this does not enable the CA to identify transporters rapidly, as required by Article 13.3 of Regulation (EC) No 1/2005. In addition, an electronic database of vehicles and transporters authorised for long journeys is not publicly available as required by Articles 13(4) and 18(3) of Regulation (EC) No 1/2005.

- A representative of the regional CA stated that there are approximately 390 authorised transporters in Puglia, but was not able to say how many of them are authorised for long distance journeys.

5.3.1. Training of personnel of transporters

Article 6.4 of Regulation (EC) No 1/2005 requires that personnel of the transporters receive a training regarding certain animal welfare requirements. In addition Article 17.2 of Regulation (EC) No 1/2005 requires that from 5 January 2008 drivers and attendants of road vehicles have a certificate of competence delivered by the CA.

It was noted that training of transporters' personnel had already been organised by an academic institution in Puglia, while in Friuli Venezia Giulia it was planned to carry out training before the end of the year.

5.4. Organisation of transport checks

UVAC prepare each year a general programme of checks to be performed on the basis of the checks in previous years, which requires that approximately 2% of consignments of live animals coming from intra community trade are inspected at the place of destination. The actual checks are delegated to the AUSLs, and an OV in UVAC decides, on the basis of a risk assessment, which consignments must be checked.

Article 8 of Regulation (EC) No 882/2004 requires that official controls are carried out in accordance with documented procedures, which must contain information and instructions for staff performing official controls.

- On 14 December 2006, the CCA sent an explanatory note to the CAs involved in the control of animal welfare during transport, which included a basic explanation of the requirements of Regulation (EC) No 1/2005 and gave some details on certain requirements, such as authorisation of transporters, training of drivers and attendants and the role of the CCA contact point.
- On 17 January 2007 the CCA sent a note on application of Regulation (EC) No 1/2005, which stated that, although they were waiting for further clarification from the Commission on certain issues, such as navigation systems and monitoring of temperature on vehicles, the AUSLs should focus their inspections on the requirements that are clear, such as fitness of animals for transport, checks of journey times and rest times, stocking density and intervals for feeding and watering of animals.

It was noted that:

- A representative of the CCA stated that a draft check list for the control of the requirements of Regulation 1/2005 had been prepared and is pending approval at the State – Regions Conference.⁶
- In the AUSL visited in Friuli Venezia Giulia a check list had been recently prepared locally and was used for checks of animal welfare during transport.

⁶ *In their response to the draft report, the Italian Authorities noted that the document referred to is a check list for carrying out the inspections. This check list was recently published on the website of the Ministry of Health, and therefore can be used by the official veterinarians who perform checks.*

- In the AUSL visited in Puglia there were no documented procedures, and as stated by the OV, no checks on animal welfare were performed by AUSL on their own initiative, and only checks requested by UVAC were carried out.

5.5. Checks of long distance transport

Article 15 of Regulation (EC) No 1/2005 requires the CA to carry out appropriate checks on a random or targeted basis at any stage of long distance transport to verify that declared journey times are realistic and that the journey complies with Regulation (EC) No 1/2005, in particular regarding travel times and rest periods.

5.5.1. Checks at control post and assembly centre

The control post visited in Friuli Venezia Giulia was approved as a control post, in line with Article 3 of Regulation (EC) No 1255/97⁷ and as an assembly centre, in line with Article 2(o) of Directive 64/432/EEC⁸ and Article 2(b)(3) of Directive 91/68/EEC⁹.

The control post was used for consignments of animals that stop there for a 24 hour rest during the long distance journey, while the assembly centre was used as a place of destination for the consignments coming from other Member States and, as explained by the regional CA, in the assembly centre new consignments are formed, which continue their journey within the country with internal movement documents.

Training of assembly centre staff on the provisions of Annex I of Regulation (EC) No 1/2005 is required by Article 9.2(a) of this Regulation. The operators of the assembly centres visited stated that the personnel get regular training on the handling of animals, which is organised by the operator of the assembly centre. The staff met were familiar with the general animal welfare procedures that should be used in an assembly centre.

It was noted that:

- All consignments of animals which arrive to the control post for a 24 hour rest had been checked by the AUSL OV to see if they were fit to continue the journey, as required by Article 6.1 of Regulation (EC) No 1255/97. No checks of means of transport and accompanying documentation, as required by Article 15 of Regulation (EC) No 1/2005, were performed at this control post and the head of this ASL stated that if they would enforce these requirements then this would block the trade, which was not their intention. He also stated that they do not check other requirements, such as stocking density, watering equipment and partitions for individual stalls, as they had understood from the CCAs' note from 17 January 2007 (as described in 5.4.) that there was no need

⁷ Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points, OJ L 174, 02.07.1997, p.1 (hereafter: Regulation (EC) No 1255/97).

⁸ 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 (hereafter: Directive 64/432/EEC).

⁹ 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 (hereafter: Directive 91/68/EEC).

to check these requirements. However, the mission team noted that the opposite was the case, as the CCA note was clear that these requirements should be checked.

- When the assembly centre is used as a place of destination, checks are requested by UVAC, and more thorough checks had been performed. One such check on a consignment of horses was performed in 2007 and deficiencies regarding the journey log, the approval of the means of transport and the control of a temperature monitoring system had been detected; however, the OV was satisfied with notifying these infringements to the MS of departure and took no actions to impose sanctions. This OV had understood that due to the lack of a national legislative decree to implement Article 25 of Regulation (EC) No 1/2005, there was no possibility to apply sanctions. However, this is not in line with the CCA note from 17 January 2007, which stated that in anticipation of the new legislative decree, the old national decree should be used for issuing the sanctions.

5.5.2. Checks during transport

In Friuli Venezia Giulia 14 checks of consignments of live animals on the road had been carried out by UVAC with the help of the Police in 2007, among them five consignments of horses (three on the border with Slovenia and two on the border with Austria). No deficiencies had been detected. In Puglia no road-side checks had been planned or carried out. It was noted that:

- In Friuli Venezia Giulia, three consignments of horses had been checked on the border with Slovenia 10 days before the mission. Checks had been performed by the OVs from UVAC and AUSL and no deficiencies had been noted during these checks.
- The report of one of these three inspections indicated that the partitions to create individual stalls for horses were 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. A journey log for another of the consignments indicated that the journey from the place of destination to place of departure would take 20 hours. However, when the consignment was checked it had already travelled for 15 and a half hours, with another approx. 780 km left to reach the place of destination. Even though a check list had been used which indicated that the appropriateness of the journey log should be checked, a remark was made that this consignment was now going to a nearby control post; which had not been planned for, however no remarks were made that the planned times in the journey log were not feasible.

5.5.3. Checks on arrival at slaughterhouses

In Puglia in 2007 UVAC reported that 71 out of 1499 consignments had been checked at the time of arrival and five non-compliances had been detected. Four sanctions had been issued, three of these related to cases where the consignments had been checked at the request of UVAC and one had been requested by the AUSL

of another region after deficiencies had been found during a road side check with Police.

Two slaughterhouses, which are regularly used as a place of destination for the long distance transport of Equidae, had been visited in Puglia where the inspection team reviewed the documentation relevant to consignments of horses received from other Member States. The following issues were noted:

- Out of the 125 consignments that had arrived in the first half of 2007 at one slaughterhouse, three animal welfare checks had been carried out, two on the request of UVAC and one on the initiative of the OV. Deficiencies, such as elevated stocking densities and exceeded journey times had been found in two cases and fines of € 7,500 and € 3098 had been imposed. In one of these two cases representatives of an animal welfare NGO were present during the inspection and the OVs had detected, among other deficiencies, lack of partitions to create individual stalls for horses, contrary to points 1.6 to 1.8 of Chapter VI of Annex I to Regulation (EC) No 1/2005. These deficiencies were not recorded following other checks, even though the OV and the slaughterhouse manager stated that animals are usually not transported in individual stalls.
- In the other slaughterhouse visited, no animal welfare checks had been performed; however, the manager of the slaughterhouse confirmed that the animals were usually not transported in individual stalls and stated that smaller horses were transported in groups of four animals together, while bigger ones were transported in groups of three animals in a stall.
- The OV in one slaughterhouse stated that checks at unloading are rarely done as they have little time to do this as their work is focused on post-mortem checks carried out inside the slaughterhouse. In addition animals arrive late and the OVs are present only during normal working hours. In the other slaughterhouse there was no evidence of checks by the OV on arrival.
- No ante mortem records of checks were available in either slaughterhouse visited, as required by Annex I, Chapter II (B), point 1(a) of Regulation (EC) No 854/2004¹⁰.

Regarding journey logs it was noted that:

- The OV in one slaughterhouse stated that they check 10 to 15 % of journey logs at arrival; however several deficiencies were evident from the data in journey logs seen by the mission team, such as overstocking and excessive and unrealistic journey times; however these findings had not been detected by the OVs.

¹⁰ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, corrected and republished on OJ L 226 , 25.06.2004, p. 83 (hereafter: Regulation (EC) No 854/2004).

- In the other slaughterhouse the OV never checked the journey log and the OV stated that he thought that a journey log was a commercial document accompanying the consignment.

5.5.4. *Checks within slaughterhouses*

Lairages in both slaughterhouses visited were adequate; however, in one slaughterhouse, the animals which arrived during the night were tethered, without access to water, contrary to Annex A.II.9 of Directive 93/119/EC¹¹, which requires that animals must have drinking water available to them from appropriate facilities at all times. In addition, even though small quantities of low quality hay were available in the lairage, all animals were fed with straw used for bedding which is not suitable feed for horses. No animals were slaughtered during the visits; however, it was noted that:

- The stunning equipment (penetrative captive bolt pistol) was well maintained and spare equipment was available, as required by Article 6.1 and 6.2 of Directive 93/119/EC in both slaughterhouses.
- The skulls of the horses slaughtered previously in one slaughterhouse indicated that stunning had been adequately carried out.

5.6. **Reports of the results of inspections**

In response to a recommendation in report 7010/2004 to obtain from the regions the information required by Article 8 of Directive 91/628/EEC, the CCA indicated that the regions had responded more promptly to their requests and they had already begun an audit programme of the regional level. It was noted that:

- All regions indicated that they had carried out inspections on animal welfare during transport.
- There was a huge variation both in the number of checks reported and on the results of these checks. Sicily, which was specifically visited during mission 7010/2004, continue to report high numbers of checks with very low levels of deficiencies (0.04% infringements in 71,106 checks). Emilia Romagna, which was also visited during mission 7010/2004, reported a detection rate of 1.5% infringements out of 3,274 checks. The detection rate was even higher in certain other regions such as Tuscany (10.5% of 397 checks). The number of checks reported was also extremely large in certain regions (e.g. 123,963 checks were carried out in Lombardia).

5.7. **Verification procedures**

Verification of the effectiveness of official controls is required by Article 8.3 of Regulation (EC) No 882/2004. Regional offices are obliged to supervise the work of the AUSLs, but they had not undertaken any such supervision in relation to transport checks in either region visited. The regional CAs explained that, even though they have the obligation to perform supervision, this is not performed due to lack of staff resources.

¹¹ Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, OJ L 340, 31.12.1993, p 21.

Even though the CCA's explanatory note of 14 December 2006 stated that UVAC has, among other responsibilities, the duty to verify the uniformity of checks performed by AUSLs, no records of such activities were available in either region visited.

5.8. Audits

Article 4(6) of Regulation (EC) No 882/2004 requires that the CAs carry out internal or external audits on the system of official controls in place. Such audits are carried out by the Office VII of the CCA, on the basis of an annual plan. In 2005 four audits on animal welfare related tasks had been carried out, in 2006 there were no audits on this topic and in 2007 one audit was performed on animal welfare issues. In 2008 no audits on animal welfare have been planned.

One of the audits performed in 2005 took place in Puglia and deficiencies detected at the time of this audit, such as no supervision of AUSLs by the regions, lack of programmes for AUSL checks and no documented procedures for animal welfare checks, are issues which continue to be present at the time of this mission.

6. CONCLUSIONS

- (1) Although legislation regarding penalties for infringements of Regulation (EC) 1/2005, as required by Article 25 of this Regulation, was adopted nine months late, it was still possible to impose sanctions for infringements of many requirements for the transport of animals which already existed in the old legislation. However, penalties have been imposed in very few cases even though the CAs acknowledged that there is widespread non-compliance with the requirements of Regulation (EC) 1/2005 in relation to the transport of horses.
- (2) Although comprehensive training for staff carrying out official controls, as required by Article 6 of Regulation (EC) No 882/2004, has been put in place by the CCA for checks of animal welfare during transport, and is of a good quality, the lack of its implementation by the regional level in Puglia contributed to many animal welfare requirements not being properly assessed and non-compliances not being detected.
- (3) Although both regions visited had issued their own guidance on authorisation of transporters, this had been done very recently in Puglia and OV's were not sufficiently aware of the necessary procedures, resulting in authorisation being given which was not in accordance with Article 11 of Regulation (EC) No 1/2005. A CCA procedure for authorisation has still to be approved. In addition, authorisation of transporters and approval of vehicles have not been recorded in an organised way, contrary to Article 18.3 of Regulation (EC) No 1/2005 and authorisations were not publicly available, contrary to Article 13.4 of Regulation (EC) No 1/2005.
- (4) Documented procedures for official controls, as required by Article 8.1 of Regulation (EC) No 882/2004, have been limited for checks of the welfare of horses during transport, and for several issues this has been very recent. However, despite the CCA clearly informing the regional level CAs at the beginning of 2007 that checks should be focused on requirements of Regulation (EC) No 1/2005 which did not need any further clarification, such as fitness for transport, journey times and stocking densities thorough

checks of these requirements did not take place and there has been a very low level of enforcement action on the requirements of Regulation (EC) No 1/2005.

- (5) Although checks do take place at various locations during transport and at destination, the extent to which the requirements of Regulation (EC) No 1/2005 have been checked has been limited mainly to checks of the animals, whereas Article 27 of Regulation (EC) No 1/2005 also requires inspections of the means of transport and accompanying documents. As a result the vast majority of checks reported by the regions, which indicate that no deficiencies have been found, can not be considered as checks to fulfil the requirements of Article 27 of Regulation (EC) No 1/2005. On the few occasions when more comprehensive checks have been carried out a high rate of non-compliance has been detected for issues which can be readily checked such as individual stalls (Regulation (EC) No 1/2005 Annex I, Chapter VI, 1.6 to 1.8), watering system for horses (Regulation (EC) No 1/2005, Annex I, Chapter VI 2.1 and 2.3), stocking densities (Regulation (EC) No 1/2005, Annex I, Chapter VIIA) and journey times (Regulation (EC) No 1/2005, Annex I, Chapter V 1.4(c)).
- (6) Checks of transport conditions at arrival in slaughterhouses were insufficient due to the low priority given to this by the OVs. This is contrary to Regulation (EC) 854/2004, Annex I, Chapter II C, which requires the official veterinarian to verify compliance with Community rules on animal welfare during transport as well as rules concerning welfare at slaughter. The lack of attention to animal welfare issues also contributed to insufficient water being provided to horses in the lairages, contrary to Annex A.II.9 of Directive 93/119/EC. Although a limited assessment of stunning procedures was carried out, it can be concluded that these are satisfactory, as required by Articles 5.1(c) and 6.2 of Directive 93/119/EC.
- (7) The lack of verification by the regional CA on the effectiveness of official controls, as required by Article 8.3 of Regulation (EC) No 882/2004, contributed to the overall poor quality of controls for the welfare of horses during transport. It also brings into question the reliability of the results of inspections which have been reported. Although the CCA has made progress in obtaining information from all regions on the checks that have been carried out, this has not been used by all levels of the CA to monitor the quality of checks as previously recommended in report 7010/2004.
- (8) Although audits have been carried out by the CCA several years ago and these correctly identified problems with the system of control for animal welfare during transport, appropriate measures were subsequently not taken in the light of these results, contrary to Article 4.6 of Regulation (EC) No 882/2004.

7. OVERALL CONCLUSION

The delays in adopting legal measures and approving CCA guidance has contributed to poor implementation of the requirements of Regulation (EC) No 1/2005 in relation to the protection of horses during transport. Although the CCA has ensured that good quality training for carrying out checks has been made available to the regional level, the subsequent dissemination of this information to the veterinarians who are doing the inspections has not yet proved effective. The low priority given by certain regions to such controls, means that checks of conditions during transport have not been rigorous and there has been a very low level of enforcement of the requirements of Regulation (EC) No 1/2005. As a result, vehicles for transporting horses for long journeys are not adequately equipped with individual stalls or watering equipment, animals are overstocked and journey times are exceeded.

Although the CCA has obtained a more complete picture of the checks being carried out throughout Italy, as recommended in report 7010/2004, and has carried out audits which have identified weaknesses in the system of controls in place, subsequent actions have not been taken to improve the quality of inspections carried out.

8. CLOSING MEETING

A closing meeting was held on 30 November 2007 with representatives of the CCA and of the regional and district CAs. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the CCA indicated that they would improve the functioning of the contact point and although no central level audits are planned, the OVs at central level are planning to perform direct inspections of six or seven regional CAs on animal welfare in 2008.

9. RECOMMENDATIONS

9.1. To the competent authorities of Italy

Within 25 working days of receipt of this 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 are recommended to ensure that:

- (1) Authorisation of transporters is only given in accordance with Article 11 of Regulation (EC) No 1/2005 and that both, authorisation of transporters and approval of vehicles are recorded, as required by Article 18.3 of Regulation (EC) No 1/2005 and that authorisations are publicly available, as required by Article 13.4 of Regulation (EC) No 1/2005.
- (2) Documented procedures for official controls, as required by Article 8.1 of Regulation (EC) No 882/2004, provide sufficient information and instructions for staff to carry out adequate assessments of the requirements of Regulation (EC) No 1/2005 in relation to the welfare of horses during transport.

- (3) Checks are organised so that the requirements of Regulation (EC) No 1/2005, including the means of transport and accompanying documents, are inspected on an adequate proportion of horses transported, as required by Article 27 of Regulation (EC) No 1/2005.
- (4) Checks at slaughterhouses are carried out as required by Regulation (EC) 854/2004, Annex I, Chapter II C, so that conditions of animal welfare during transport are inspected as well as conditions within the slaughterhouse, in particular that water is provided in lairages as required by Annex A.II.9 of Directive 93/119/EC.
- (5) Supervisory procedures are implemented in order to verify the effectiveness of official controls, as required by Article 8.3 of Regulation (EC) No 882/2004, concerning the welfare of horses during transport.
- (6) Appropriate measures are taken, as required by Article 4.6 of Regulation (EC) No 882/2004, in the light of the results of audits which concern the welfare of horses during transport.

10. 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_italy_7332_2007.pdf