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FINAL REPORT OF A MISSION  
CARRIED OUT IN POLAND FROM 22 TO 26 OCTOBER 2007  
IN ORDER TO EVALUATE THE SYSTEM OF CONTROLS  
ON ANIMAL WELFARE DURING THE TRANSPORT  
OF EQUIDAE FOR SLAUGHTER

*Please note that factual errors in the draft report have been corrected*



## **EXECUTIVE SUMMARY**

*This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Poland, from 22 to 26 October 2007.*

*The objectives of the mission were to evaluate the measures taken to ensure the implementation of the requirements for animal welfare during transport laid down in Council Regulation (EC) No 1/2005, in particular for Equidae intended for slaughter, and how checks of these requirements had been integrated with the requirements for controls laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council. The report concludes that the system in place includes the authorisation of transporters, approval of means of transport and checks on the welfare of animals during transport and that co-operation with the Road Transport Inspectorate and the Police has allowed road side checks to be carried out. Training and documented procedures have been provided to staff performing controls but the requirements introduced by Regulation (EC) No 1/2005 have not been sufficiently covered. As a consequence, horses have been transported on means of transport which did not comply with the requirements for long journeys laid down in Regulation (EC) No 1/2005.*

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

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## 1. INTRODUCTION

The mission took place in Poland from 22 to 26 October 2007. The inspection team comprised three inspectors from the Food and Veterinary Office (FVO), animal welfare issues for Equidae for slaughter were evaluated at the same time as issues relating to animal health, which are the subject of a separate report (ref. DG(SANCO)/2007-7372). The inspection team was accompanied during the whole mission by a representative from the Central Competent Authority, the General Veterinary Inspectorate (*Główny Inspektorat Weterynarii*, hereafter: CCA).

The mission was undertaken as part of the FVO's planned mission programme. An opening meeting was held on 22 October 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 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<sup>1,2</sup>, in particular for Equidae destined for slaughter, and how checks of these requirements had been integrated with the requirements for controls laid down in Regulation (EC) No 882/2004 of the European Parliament and Council<sup>3</sup>. In pursuit of these objectives, the following sites were visited:

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	2	Opening and final meetings with the CCA and representatives from the regional competent authorities (Voivodship Veterinary Inspectorate - hereafter: regional CA) of Mazowieckie and Podlaskie and from the district competent authorities (Powiat Veterinary Inspectorate - hereafter: district CA).
	District (Powiat)	2	To review the documentation regarding inspections performed and any actions taken.
Assembly centres		3	Where horses were grouped together to form consignments prior to their transport to slaughterhouses in Italy.
Transporters' premises		1	To review relevant documentation kept by the transporter.
Slaughterhouse		1	Where Equidae for slaughter were delivered from another Member State and from a Third Country. As no animals were present, this visit focused on a review of documents.

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

<sup>2</sup> 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).

<sup>3</sup> 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/EC<sup>4</sup>.

### 4. BACKGROUND

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

### 5. MAIN FINDINGS

#### 5.1. Competent authority

##### 5.1.1. Organisation and responsibilities

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

The following are further details of the CA and of their tasks in relation to animal welfare during transport, including changes that have taken place after the publication of the country profile 8289/2006.

- At central level one official is working part-time on animal welfare issues, and also carries out the role of contact point as defined in Article 24(2) of Regulation (EC) No 1/2005. However, this official will not be on duty during the last quarter of 2007 and the CCA indicated that due to serious staff shortages a replacement was not possible.
- When incidents and other problems concerning the transport of animals occur, relevant information is exchanged with other Member States through official letters to the Chief Veterinary Officer's (CVO) counterpart. Two cases of infringements had been reported by other Member States and were the subject of an exchange of letters in 2006 and a problem concerning a foreign transporter detected in Poland had been notified to another Member State. The CCA pointed out that most problems concern species other than horses.
- District CAs have the primary responsibility for the implementation of Regulation (EC) No 1/2005. Officials from the Road Transport Inspection (RTI) and Police officers are also involved in the implementation and enforcement of animal welfare during transport, performing road-side checks on their own as well as joint checks with official veterinarians. RTI officers have the legal power to stop and

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<sup>4</sup> 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.

inspect vehicles, to check documents and devices including the digital tachograph, and to enter the premises of transporters. They must also assess the welfare of animals, and in case of doubt they can consult an official veterinarian and order the unloading of the animals.

#### *5.1.2. Coordination and cooperation between Competent Authorities*

Article 4(3) of Regulation (EC) No 882/2004 requires that efficient and effective coordination is ensured between the CAs involved in official controls. In this regard, a protocol of agreement between the CCA and the RTI was signed on 18 August 2004. This agreement describes the conditions for the cooperation at all levels of the two authorities, in particular regarding:

- The organisation of joint inspections;
- The mutual exchange of information and reports;
- The annual submission to the CVO of the results of checks carried out.

Local agreements between units of the CA and RTI had been signed in 13 regions. In one of the two regions visited a local agreement was in place; however, the official veterinarian indicated that due to the working hours and to insufficient veterinary staff it was not possible to carry out joint inspections.

#### *5.1.3. Training of CA staff*

Article 6 of Regulation (EC) No 882/2004 requires that CA staff receive appropriate training to carry out controls. In addition, Article 16 of Regulation (EC) No 1/2005 indicates that CA staff must be duly trained and equipped to check data recorded by recording equipment such as tachograph and navigation systems.

The CCA indicated that:

- During the first semester of 2007 several training sessions concerning the transport of animals have been carried out, covering all the regional and district CAs as well as officers from RTI.
- The specific issues mentioned in Article 16 of Regulation (EC) No 1/2005 were not part of the training for official veterinarians as such controls are made by RTI officers. In case of doubt, official veterinarians can seek the help of RTI officials.
- Specific additional training courses for the RTI officials are organised internally; representatives from the CCA have been involved as lecturers in relation to the transport of animals.

The district CAs met indicated that they had received training from their respective regional animal welfare officers. However, they specified that certain issues such as partitions, watering devices and other requirements for means of transport for long distance journeys, as well as the fitness for transport of animals, had not been discussed in detail during the training.

## 5.2. Legislation

A comprehensive check of national legislation was not carried out. However, during the evaluation of the control system for animal welfare, the following legal aspects were noted:

- Penalties applicable to breaches of Regulation (EC) No 1/2005 can be imposed by a court after carrying out criminal proceedings. Official veterinarians from the district CAs cannot impose fines directly. They can only issue a decision suspending or withdrawing the certificate for the means of transport or the authorisation of the transporter.
- RTI officials can directly impose a fine up to 15,000 PLN (circa €4,100) on a transporter infringing animal welfare requirements.

## 5.3. Controls on transport

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.

The CCA issued several instructions and checklists concerning animal welfare checks on transport. On 8 October 2007 the CCA issued further instructions and checklists which had been updated to include the requirements of Regulation (EC) No 1/2005, regarding checks and approval of means of transport, checks at assembly centres and checks at control posts. On the same date the CVO also issued a guidance note concerning Regulation (EC) No 1/2005.

### 5.3.1. Authorisation of transporters and vehicle approval for long journeys

Regulation (EC) No 1/2005 has introduced new requirements for the authorisation of transporters, such as the approval of the means of transport for long journeys by road (Article 18). The inspection team noted that:

- Between 5 January 2007, when Regulation (EC) No 1/2005 became applicable, and 8 October 2007 (date of issuing of the updated checklist) checks for approval of vehicles were not based on Regulation (EC) No 1/2005. Previously Poland had a national system of vehicle approval; in 2006 and in 2007 the CCA sent three letters of instructions to inform the local CAs on the new requirements of Regulation (EC) No 1/2005 but until 8 October 2007 vehicles continued to be checked according to the checklist issued in March 2005. The district CAs subsequently issued certificates of approval for means of transport and authorisations of transporters using the forms provided in Annex III to Regulation (EC) No 1/2005, which indicate that this was pursuant to Article 11(1) of Regulation (EC) No 1/2005, and that the means of transport had been approved according to Article 18(2) of Regulation (EC) No 1/2005. In addition, the CAs met indicated that the total space provided (m<sup>2</sup>) on board a vehicle, which was indicated on the certificate of approval, was based on a declaration by the transporter and had not been verified by the CA.

A truck belonging to the operator of one assembly centre visited had been approved by a district CA on 15 January 2007 for all journeys although it

was not in compliance with the following requirements of Regulation (EC) No 1/2005:

- The partitions were insufficient to create individual stalls for the number of horses routinely transported, as laid down in points 1.6 to 1.8 of Chapter VI of Annex I to Regulation (EC) No 1/2005.
- The drinking devices were five foldable canvas pouches and two buckets, whereas points 2.1 and 2.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005 indicate that water must be provided instantly whenever necessary during the journey, so that each animal has access to water, and that water tanks must be connected to drinking devices within the compartments.
- There were two fans in the truck and no fans at all in the trailer, which does not meet the requirements of point 3.1 and 3.2 of Chapter VI of Annex I to Regulation (EC) No 1/2005.
- In relation to the temperature monitoring system, as laid down in point 3.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005, the official veterinarian who issued the vehicle approval indicated that sensors were built into the roof, but he was unable to explain where they were located.

In addition, in one of the two authorisation files reviewed by the inspection team, the transporter had not provided a contingency plan for dealing with emergencies, contrary to Article 11(1)(b)(iv) of Regulation (EC) No 1/2005.

Databases of vehicles and transporters authorised for long journeys were available on the CCA internet web pages as a single database, and contained the information required by Articles 13(4) and 18(3) of Regulation (EC) No 1/2005. The CCA explained that district CAs are responsible for keeping the registers and the databases for transporters and means of transport and to forward this information to the CCA via the regional CA. District CAs are also responsible for updating the databases on a monthly basis. However, the most recent version of the database, updated one week before the mission, contained incorrect information concerning the expiry date of the authorisation and for one transporter randomly selected by the inspection team the details of the means of transport were incorrect.

### *5.3.2. Frequency of checks and reporting*

Article 27 of Regulation (EC) No 1/2005 requires that inspections performed on animals, means of transport and documents are reported to the Commission each year. The CCA explained that, according to their instructions, 100% of consignments, both intra-Community trade and export, must be checked during loading and unloading by the district CAs, but there are difficulties in carrying this out, due to availability of staff, when consignments are loaded or unloaded at night.

It was noted that:

- The report sent to the Commission for checks in 2006 indicated that 83.19% of transported horses were checked and 25,027 horses were



checked at places of departure and 4,838 checks were performed at destination.

- According to the figures provided by the CCA before the mission, 34,853 horses were sent from Poland to other Member States and Third Countries in 2006 and 4,010 horses arrived to Poland from other Member States and Third Countries.

On the basis of the agreement signed, RTI send an annual report on the inspections where infringements have been detected to the CVO. The CCA indicated that such checks are not included in the report sent to the Commission, unless these are joint checks with official veterinarians.

### 5.3.3. *Checks at assembly centres*

According to the CCA instruction, assembly centres must be inspected at least once a year using a specific checklist. Although the main purpose of such inspections is animal health and identification, a section of the checklist includes some animal welfare provisions referring to requirements under national legislation, such as the prohibition to beat animals and to restrict their freedom of movement.

Inspections had been carried out in the assembly centres visited, the inspection team noted that:

- The only CA report where animal welfare deficiencies had been noted was in relation the most recent inspection report (7 September 2007) for one of the assembly centres visited. Here the CA had made a request to repair the unloading ramp and a window in the horses' stable. However, there was no deadline set for corrective actions and at the time of the visit these deficiencies were still present.
- The floors and ramps were uneven and overall in a poor state of maintenance in two out of the three assembly centres visited.
- At all three assembly centres horses stayed from one to several days before being sent to Italy. In one of the three assembly centres visited horses were provided with continuous access to water. In the two others horses were provided with water by an attendant who passed by with a bucket of water twice or three times per day. This does not meet the requirements for animals to be watered for at least six hours prior to departure, when such places are considered as a place of departure, as laid down in Article 2(r)(ii) of Regulation (EC) No 1/2005. Point 1.10 of Chapter III of Annex I to Regulation (EC) No 1/2005 also requires horses to have access to water.
- With the above described exceptions, overall the facilities where horses were accommodated were adequate; animals had plenty of straw as bedding and adequate feed.

In relation to training of personnel, as required by Articles 6(5) and 9(2)(a) of Regulation (EC) No 1/2005, the bodies organising training for transporters, drivers, attendants and personnel of assembly centres must be approved by the district CAs. Training material is prepared by the training centres on the basis of the list of points of Annex IV to Regulation (EC) No

1/2005. The CCA indicated that at the time of the mission 27 training centres had been approved.

The operators of the assembly centres visited stated that they and their staff had received training on animal welfare during transport. One operator specified that training had been provided in 2004 by a "centre for road traffic", followed by refresher courses every year; most recently in February 2007.

#### 5.3.4. *Checks on animals*

Article 15(2) of Regulation (EC) No 1/2005 requires that the checks on fitness for transport, as referred to in Chapter I of Annex I, are performed before the loading as part of the animal health checks and within the time limits provided by Community legislation. In the case of Equidae for intra-Community trade, the health checks must be performed within 48 hours prior to loading<sup>5</sup>.

The CCA instructions require that the animal welfare aspects are inspected during loading for each consignment of Equidae for intra-Community trade. For those consignments selected by the inspection team completed inspection check lists indicated that this had been carried out. The inspection team noted:

- At the assembly centres visited the horses were overall in good physical condition with the exception of a lame stallion with an injury which existed prior to its departure from its farm of origin, and an adult horse with a respiratory disease. Both of these animals were not fit for a long journey. In both instances the official veterinarians, when asked by the inspection team, replied that they would re-assess these horses the following day, when the consignments would be prepared for loading, to establish whether they would be fit for transport.
- In one of the assembly centres the halters prepared for the horses to wear during the transport were made of a rough rope; these halters were inappropriate as the horses would be tied up for the entire journey and such a halter would cause injury to the skin of the horse's nose. Such halters do not meet the requirement of point 1.11(c) of Chapter III of Annex I to Regulation (EC) No 1/2005.
- For those consignments from 2006 and 2007 randomly selected by the inspection team, and from the data recorded, space allowances were in compliance of Chapter VII of Annex I to Regulation (EC) No 1/2005. The space allowance provided to the horses loaded during one of the visits met these requirements also.

#### 5.3.5. *Checks of vehicles*

The official veterinarian of one assembly centre visited stated that since he had received the CCA instruction and checklist of 8 October for checks on means of transport, which included the requirements of Regulation (EC) No

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<sup>5</sup> Article 4(1) of 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, 18.8.1990, p. 42.

1/2005, he was no longer satisfied with the partitions on the vehicle which was regularly used to transport horses from this assembly centre to Italy. This means of transport had been approved for long journeys by an Italian CA, in February 2007. Following the administrative procedure set by the CCA, the official veterinarian had reported this shortcoming to his hierarchy, resulting in a letter sent to the Italian CA; however he did not prevent the loading of the animals, contrary to Article 4.2(e) of Regulation (EC) No 882/2004 and Article 23 of Regulation (EC) No 1/2005.

Concerning the vehicle seen, the inspection team noted that:

- Although the number of partitions was sufficient for the number of horses loaded, each partition was made of two horizontal bars. These partitions do not meet several requirements of Regulation (EC) No 1/2005: separate compartments cannot be created as required by point 1.7 of Chapter VI of Annex I; they are a high risk of infringing point 1.1(a) of Chapter II of Annex I which requires fittings to be designed and operated so as to avoid injury and suffering and to ensure the safety of the animals; they do not separate animals which are hostile to each other, contrary to 1.12 of Chapter III of Annex I to Regulation (EC) No 1/2005.
- The sensors for temperature monitoring and recording were positioned centrally underneath the roof, one in the truck and one in the trailer. The CA could not demonstrate that these had been located in the parts of the lorry which are more likely to experience the worst climatic conditions as required by point 3.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005. In relation to recordings of temperatures, the driver explained that the print out of the journey data would be done only if requested during the journey by a CA. Once the journey is completed, the system is reset and records are no longer available. This does not comply with the second part of point 3.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005, which requires that such records are dated and made available to the CAs upon request.
- Two foldable canvas pouches were used as watering devices for consignments of an average of 20 horses. This does not meet the requirements of points 2.1 and 2.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005 that water must be provided instantly whenever necessary during the journey, so that each animal has access to water, and that water tanks must be connected to drinking devices within the compartments.
- The loading ramp was without lateral protections, which is contrary to point 1.3(a) of Chapter III of Annex I to Regulation (EC) No 1/2005. The metal foot battens on the ramp were broken with protruding sharp edges, which could give rise to injury, contrary to point 1.1(a) of Chapter II of Annex I to Regulation (EC) No 1/2005.

None of the above shortcomings had been raised by the district CA. According to the district CAs met during the visits, these issues had not been highlighted during their training, nor were they explained in detail in their instructions.

The regional and district CA responsible for another assembly centre visited explained that most transporters use rubber mats suspended with chains to separate horses inside vehicles. According to the CAs this was a suitable system to create individual compartments, and had been reported to them by one of the major Italian transporting companies as an "approved system". However, this design of partition does also not comply with the requirements for individual stalls which are specified in the first bullet point above.

#### *5.3.6. Checks on journey times*

Article 4 of Regulation (EC) No 1/2005 requires that when animals are transported there is a document accompanying the animals stating, amongst other details, the date and time of departure. The CCA explained that for national movement horses are accompanied only by the identification document, whereas those destined for intra-Community trade are accompanied from the farm of origin to the assembly centre by a health certificate; however, these certificates were not always completed with the time of departure.

Article 14 of Regulation (EC) No 1/2005 requires the CA at places of departure, to check, amongst other things prior to long distance transport, the validity of the transporter's authorisation and approval of the means of transport. This Article also requires verification of the journey log submitted, to ensure it is realistic and indicates compliance with Regulation (EC) No 1/2005.

The CCA explained that the use of route planners available on the internet is included in their procedure to verify travelling times. At the three assembly centres visited the official veterinarians pointed out that because transporters and destinations are generally the same for most consignments, routes and journey times are well known to the CA. One official veterinarian indicated that in 2006, following an informal complaint by an Italian CA concerning incorrect journey times, he took action which led to better compliance by the transporter concerned. From a number of consignments selected randomly by the inspection team the following was noted:

- Checks from 2006 and 2007 were overall well documented. For each consignment an inspection report in the form of a completed check-list and the original route plan / journey log were available. In some cases copies of the transporters' authorisation by other Member States and vehicle approvals were also kept in the files.
- Overall journey times indicated were realistic. The district CAs stated that checks are randomly performed on the returned route plans / journey logs. Overall the various sections of the journey logs had been completed correctly, with the exception of Section IV that was pre-signed in most cases.
- Concerning the obligation by the transporters to return a copy of the completed journey logs, as laid down in the last paragraph of point 8 of Annex II to Regulation (EC) No 1/2005, route plans/journey logs had been returned for five out of eight consignments assessed. The CAs stated that oral reminders were given to those transporters not compliant with the obligation to return journey logs, but with little success. No

penalties have yet been applied and in general, return of journey logs is still problematic, in particular when foreigner transporters are involved. In 2006, a letter was sent to the Italian CA complaining about Italian transporters not returning route plans, but the Polish CCA did not receive a reply. The CCA added that they were receiving notifications from other Member States concerning Polish transporters who did not respect this obligation.

#### *5.3.7. Checks during transport*

In 2006 RTI performed 2,589 inspections of vehicles with live animals and detected 141 infringements (5.4% detection rate). From January to August 2007 RTI performed 1,570 checks and detected 64 infringements (4% detection rate), mostly these related to lack of documentation in relation to qualification of drivers and the approval of the means of transport. The CCA explained that for each infringement detected a fine was imposed, as required by national legislation.

In 2007, 59 road-side checks have been performed jointly by district veterinarians and RTI officials. Fines had been imposed on transporters where infringements were detected, and in one instance the case was reported to the Prosecutor's Office.

The Police organised two joint checks with official veterinarians in 2006. Such controls were carried out on two national roads and close to the borders with the Russian Federation, Belarus and Lithuania. Out of 15 consignments checked, one fine was imposed for overloading. In 2007, joint checks with the Police were organised in nine regions and two animal welfare infringements were detected.

#### *5.3.8. Checks at destination*

The CCA provided correspondence with the Lithuanian CA regarding the results of checks in one slaughterhouse in 2007 where the results of the checks on a consignment of horses arriving from Lithuania were unsatisfactory. At the slaughterhouse visited, the inspection team reviewed the documentation relevant to consignments of horses which had arrived from Belarus and Lithuania. The following was noted:

- On the basis of the information recorded on the slaughterhouse logbook, actual journeys from Belarus were 15 hours long and not seven to nine hours as indicated in the journey logs. Section IV of the journey logs had not been completed regarding information on the arrival at the destination. The official veterinarian at the slaughterhouse confirmed that checks on the journey logs were not performed.
- The consignments from Lithuania were not accompanied by journey logs as the travelling time specified on the intra-trade certificates was six hours; however, the records on the logbook of the slaughterhouse indicated that the actual travelling times were between eight and eleven hours, which would indicate that a journey log is required.

#### **5.4. Verification procedures**

Verification on the effectiveness of official controls carried out by district officials, as required by Article 8(3) of Regulation (EC) No 882/2004, is performed by the regional CAs on the basis of their own yearly plan. Districts are usually randomly selected and the verification covers all activities. Districts may also be targeted upon request by the CVO on the basis of specific problems.

In one of the regions visited, the regional officer responsible for animal welfare had decided to visit all 14 districts in this region every year. He explained that verification is performed in the form of a documentary review to assess in particular if the target for checks is met, detected infringements are followed-up and that procedures for the approval of means of transport are followed. The regional CA pointed out that in relation to checks on the transport of animals no irregularities had been detected.

#### **5.5. 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 Controlling Office of the CCA, on the basis of an annual plan. The plan for 2007 included animal welfare during transport and in 12 regions, Equidae for slaughter.

At the time of the mission, three audits concerning animal welfare during transport had been completed. One report was already available. This concerned the regional CA and two district CAs and focused on specific areas of Regulation (EC) No 1/2005 such as the approval of means of transport, the programme of inspections and its implementation, the follow-up of irregularities, the implementation of the agreement with the RTI, the supervision performed by the regional level on the district CAs. The report highlighted a number of irregularities, but the conclusions were not yet definitive as the regional and district CAs had still to provide their comments on the findings.

### **6. CONCLUSIONS**

- (1) As official veterinarians do not take action on the spot to prevent animals being transported when deficiencies are detected, this does not comply with Article 4.2(e) of Regulation (EC) No 882/2004 and with Article 23 of Regulation (EC) No 1/2005 and, as only bureaucratic steps have been followed, this has resulted in animals undergoing long distance transport in unsatisfactory conditions.
- (2) Roles and responsibilities for the implementation of Regulation (EC) No 1/2005 have been clearly defined by the CCA, as laid down in Article 4(1) of Regulation (EC) No 882/2004. There is effective cooperation and coordination as required by Article 4(3) of Regulation (EC) No 882/2004 with the Police and the Road Transport Inspectorate, which has been facilitated through signed agreements. Through these agreements road side checks have been carried out and fines imposed when breaches of Regulation (EC) No 1/2005 have been detected. However, the shortage of

staff has limited the availability of official veterinarians at local level for such joint road side checks.

- (3) The CCA have a system in place so that exchange of information with other Member States takes place. However, the role of the contact point, which has been set up for the purpose of exchange of information, has been undermined by the limited availability of the designated official, which makes it impossible to meet the requirements of Article 26(7) of Regulation (EC) No 1/2005.
- (4) Training and documented procedures provided to CA staff assist inspectors in carrying out their checks and it has been useful that the various control bodies have participated in training activities. However, issues such as the fitness of animals for transport and requirements for the means of transport for long distance journeys such as partitions and watering equipment had not been adequately covered and as a result certain deficiencies in relation to these requirements were not detected. Training and procedures were also insufficient in relation to the assessment of facilities at assembly centres, and as a result insufficient checks had been made of the state of repair of the buildings and the provision of water to horses.
- (5) The approval of 27 training centres means that adequate arrangements have been made so that drivers can complete a training course so that a certificate of competence can be obtained, a requirement entering into force on 5.1.2008. However, the check list for approval of vehicles and authorisation of transporters had only been recently updated, ten months after the requirements of Regulation (EC) No 1/2005 entered into force, but nevertheless the CAs had issued certificates for means of transport and authorisation of transporters indicating that these comply with Regulation (EC) No 1/2005, although certain vehicles and transporters did not fulfil these requirements.
- (6) Although incomplete documentation accompanying animals on journeys within Poland does not allow travel times to be verified, contrary to Article 4 of Regulation (EC) No 1/2005, horses which would subsequently undergo long distance transport were rested at assembly centres for several days prior to departure. However, water was not always provided for the animals at these locations as required by Article 2(r)(ii) and point 1.10 of Chapter III of Annex I to Regulation (EC) No 1/2005.
- (7) For long journeys, checks as required by Article 14 of Regulation (EC) No 1/2005, were overall adequate but insufficient measures had been taken to improve compliance in relation to return of journey logs, in particular only oral warnings had been given, contrary to Article 9 of Regulation (EC) No 882/2004 which requires operators to be notified in writing of any non-compliances. Checks of journey logs at places other than at departure, as required by Article 15(1) of Regulation (EC) No 1/2005, were insufficient and as a consequence the CA did not detect that journeys were sometimes significantly longer than that declared by the transporters.
- (8) The supervision of the district CAs by the regional CAs had correctly concluded that the district CAs generally follow the procedures which they have been given; however the verification procedures, as required by Article 8(3) of Regulation (EC) No 882/2004, had not sufficiently identified that

certain basic elements for controls had not been well implemented, such as the information in the databases for transporters and means of transport. Audits have also been carried out, as required by Article 4(6) of Regulation (EC) No 882/2004, and have included checks of animal welfare during transport. Early indications are that these are effective in uncovering irregularities.

### **6.1. Overall conclusion**

The system in place includes the authorisation of transporters, approval of means of transport and checks on the welfare of animals during transport. Co-operation with the Road Transport Inspectorate and the Police has allowed road side checks to be carried out. Training and documented procedures have been provided to staff performing controls but the requirements introduced by Regulation (EC) No 1/2005 have not been sufficiently covered. As a consequence, horses have been transported on means of transport which did not comply with the requirements for long journeys laid down in Regulation (EC) No 1/2005.

## **7. CLOSING MEETING**

A closing meeting was held on 26 October 2007 with representatives of the CCA and of the regional and district CAs visited. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The CCA indicated that actions would be taken to remedy the shortcomings identified.

## **8. RECOMMENDATIONS**

### **To the competent authorities of Poland**

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 CCA should take measures to ensure that:

- (1) Official veterinarians take action on the spot to prevent animals being transported when deficiencies with means of transport are detected, as required by Article 4.2(e) of Regulation (EC) No 882/2004 and Article 23 of Regulation (EC) No 1/2005.
- (2) A designated contact point is available in order to deal with the information sent in accordance with Article 26(7) of Regulation (EC) No 1/2005.
- (3) Training, as required by Article 6 of Regulation (EC) No 854/2004, is developed so that staff are given sufficient information to allow them to undertake their duties competently and to carry out controls of the requirements of Regulation (EC) No 1/2005 in a consistent manner.
- (4) Documented procedures, as required by Article 8(1) of Regulation (EC) No 854/2004 are improved so that they contain sufficient information and instructions for staff to carry out adequate assessments of the requirements of Regulation (EC) No 1/2005.
- (5) The means of transport for long journeys approved since 5.1.2007 are inspected and approved only after they have been found to meet the



requirements of Chapters II and VI of Annex I to Regulation (EC) No 1/2005.

- (6) Transporters for long journeys are only authorised when all documents required by Article 11(1)(b) of Regulation (EC) No 1/2005 have been submitted, including contingency plans to deal with emergencies.
- (7) Animals transported for journeys of less than eight hours are accompanied by documentation correctly filled in with the details required by Article 4 of Regulation (EC) No 1/2005.
- (8) Checks at places of destination include checks on journey times, as required by Article 15(1) and (3) of Regulation (EC) No 1/2005.
- (9) Completed journey logs are returned by transporters to the competent authority of the place of departure, as required by the last paragraph of point 8 of Annex II to Regulation (EC) No 1/2005.

## **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\\_poland\\_7334\\_2007.pdf](http://ec.europa.eu/food/fvo/ap/ap_poland_7334_2007.pdf)