



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

DG(SANCO)/ 2008-7693 - MR - FINAL

FINAL REPORT OF A MISSION
CARRIED OUT IN
POLAND
FROM 24 NOVEMBER TO 28 NOVEMBER 2008
IN ORDER TO
EVALUATE THE SYSTEM OF CONTROLS IN RELATION TO ANIMAL
WELFARE DURING TRANSPORT AND ON LAYING HEN FARMS.

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of an endnote.

Executive Summary

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Poland, from 24 to 28 November 2008.

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, animal welfare on laying hen farms from Council Directive 1999/74/EC, and also to follow up the recommendation from previous FVO reports in relation to the results of checks on animal welfare during transport and on laying hen farms. The mission also assessed how checks of the requirements of Regulation (EC) No 1/2005 and Council Directive 1999/74/EC 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 some steps have been taken to address recommendations from previous reports but further actions are needed to make controls effective. The failure to apply sanctions effectively is a significant weakness for the system of controls for animal welfare. The deadlines for the different types of cages to be phased out, end of 2009 and beginning of 2012, are unlikely to be met as there has been insufficient involvement of the CA to ensure that the sector makes the necessary changes.

The report makes a number of recommendations addressed to the Polish 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.

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

Abbreviation	Explanation
CA	Competent Authority
CCA	Central Competent Authority
CVO	Chief Veterinary Officer
OV(s)	Official Veterinarian(s)
RTI	Road Transport Inspectorate
TRACES	Trade Control and Expert System of the European Commission

1 INTRODUCTION

The mission took place in Poland from 24 to 28 November 2008, as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the competent authorities of Poland on 24 November 2008. 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 one observer from EFTA Surveillance Authority, and was accompanied throughout the mission by the representatives from the Central Competent Authority – the General Veterinary Inspectorate (*Główny Inspektorat Weterynarii*).

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 1999/74/EC, 98/58/EC, Commission Directive 2002/4/EC and Commission Decision 2000/50/EC (repealed by Commission Decision 2006/778/EC).
- The implementation of EU animal welfare legislation applicable to the long distance transport of animals as required by Regulation (EC) No 1/2005.
- How the requirements of Regulation (EC) No 882/2004 of the European Parliament and of the Council have been integrated into the controls of the laying hen sector and in relation to checks of the transport of animals.

A follow-up assessment was also made of the actions taken in response to certain commitments given by the CCA following missions from 2005 and 2007.

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

Visits			Comments
Competent authority	Central	2	Opening and final meetings
	Regional	1	Meeting was held with representatives from the regional competent authority (Voivodship Veterinary Inspectorate - hereafter: regional CA) of Lublin region.
	District	2	Two districts competent authorities (Powiat Veterinary Inspectorate -hereafter: district CA) has been visited. The review of the documentation regarding inspections performed and actions taken had been performed.
Slaughterhouse		1	A red meat slaughterhouse was visited where official control in relation to animal welfare during transport were examined.
Laying hen farm		1	A laying hen farm with both, unenriched cages and barn production system has been visited.

Exit point	1	Checks on animal welfare during transport for the consignments exported from Poland had been examined.
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3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation^[1], in particular:

- (a) Article 7 of Council Directive 98/58/EC
- (b) Article 9 of Council Directive 1999/74/EC
- (c) Article 45 of Regulation (EC) No 882/2004
- (d) Article 28 of Council Regulation (EC) No 1/2005

Full legal references are provided in Annex 1.

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

4 BACKGROUND

The last mission covering animal welfare on farms was carried out in 2005, mission DG (SANCO)/7638/2005 (hereafter: report 7638/2005) and animal welfare during transport in 2007, mission DG (SANCO)/7334/2007 (hereafter: report 7334/2007).

Report 7638/2005 concluded that in relation to laying hens, sufficient guidance and training had not yet been provided. As the higher levels of the CA were unaware of major inadequacies regarding inspections of laying hens, supervision had not been sufficient. When deficiencies were detected at district level, follow-up actions were initiated but procedures through the courts were often not effective in motivating inspectors and discouraging infringements.

Report 7334/2007 concluded that the system in place includes the authorisation of transporters, approval of means of transport and checks on the welfare of animals during transport. Training and documented procedures had been provided to staff performing controls but the requirements introduced by Regulation (EC) No 1/2005 had not been sufficiently covered.

The reports of missions 7638/2005 and 7334/2007 are available under their reference numbers on the DG Health and Consumer Protection website http://ec.europa.eu/food/fvo/ir_search_en.cfm

5 MAIN FINDINGS

5.1 DESIGNATION OF COMPETENT AUTHORITIES AND OPERATIONAL CRITERIA

Article 4 of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls, and sets out the minimum operational criteria that each competent authority must meet. It provides for efficient and effective co-ordination and co-operation between the various organisations involved at all levels.

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)/7596/2007). This report is available on the DG SANCO website: http://ec.europa.eu/food/fvo/country_profiles_en.cfm.

The following details are further to those already described in report 7334/2007 on the CA and of their tasks in relation to animal welfare.

- In reply to the finding from the previous mission regarding the shortage of staff dealing with animal welfare at central level, the CCA explained that at central level two officials are now working part-time on animal welfare issues. Due to recent allocation of additional full-time positions, it is expected that the re-organisation will take place to create specialist teams dealing with individual matters, including a team for animal welfare and identification. The CCA stated that budget to employ 32 new staff at central level has been made available. Altogether 1,000 new official veterinarians are to be employed at all levels of the CA. [\(see Endnote\)](#)
- The CCA stated that there is still a significant fluctuation of staff at all levels of the CA and that many OV's have left the service.
- Article 26.7 of regulation (EC) No 1/2005 Member States shall ensure that all the contact points as provided for in Article 24.2 of regulation (EC) No 1/2005 are notified without delay of certain infringements of animal welfare during transport. When incidents and other problems concerning the transport of animals occur, contact point is not used and relevant information is exchanged with other Member States through official letters to the CVO's counterpart. Three cases of such actions in 2008 were seen where letters had been sent to Germany, Italy and the Netherlands.

5.2 STAFF PERFORMING CONTROLS

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.

In response to a recommendation in report 7334/2007, the CCA organised a series of

training courses, which included welfare of laying hens and transport of animals. The OV's from the regions which were trained during these sessions were expected to convey this information to the district OV's.

Two training courses for the regional CAs had been organised in 2006, which included animal welfare of laying hens. In 2007 several training sessions concerning the transport of animals were carried out, covering all the regional and district CAs as well as officers from the RTI. In 2008 one training course on animal welfare during transport took place.

In addition to what was described in report 7334/2007 it was noted that:

- Training organised by the CA has been provided to the OV's responsible for animal welfare at regional level, who subsequently trained the OV's performing official controls at local level. Particular attention has been paid to animal welfare during transport. In both districts visited in Lublin region all OV's met had certificates of attendance on these courses.
- As already noted in report 7334/2007, certain requirements for means of transport for long distance journeys had not been discussed in detail during the training and this continued to be the case. Requirements such as placement of temperature monitoring sensors (Annex I, Chapter VI, point 3.3.3 of Regulation (EC) No 1/2005) and evaluation of ventilation requirements (Annex I, Chapter VI, point 3.3.2 of Regulation (EC) No 1/2005) had not been adequately assessed, neither were they checked by an OV during the approval of vehicles or during control checks.
- Training on specific issues mentioned in Article 16 of Regulation (EC) No 1/2005, such as assessment of tachographs, were not part of the training courses for OV's. The CCA explained that they do not have a legal power to perform these checks, as they are made by RTI officers. The CA explained that in case of doubt, official veterinarians can seek the help of RTI officials.

5.3 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

According to Article 3 of Regulation (EC) No 882/2004, Member States are required to ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency. In addition to instructions and checklists already described in report 7334/2007, the CCA issued instructions and checklists concerning animal welfare checks on farms. Checklists had been regularly used during farm and transport checks and deficiencies noted were contra signed by the owner or operator.

5.3.1 Registration of laying hen establishments

Directive 2002/4/EC requires Member States to establish a system for registering every production site covered by the scope of Directive 1999/74/EC. Article 1.1.4 of this Directive requires the register to be updated immediately when changes are notified concerning registered data.

It was noted that:

- In response to the recommendation of report 7638/2005, the CCA transposed Directive 2002/4/EC and put in place a system for registering every laying hen

establishment, with a distinguishing number as required by Article 7 of Directive 1999/74/EC and Article 1.1(a) of Directive 2002/4/EC. The register of the establishments is kept at central level and the CCA explained that in order for this to be regularly updated when changes occur, as required by Article 1.4 of Directive 2002/4/EC, the regional CA have to supply data.

- The CCA explained that the central register is regularly updated as required by Article 1.4 of Directive 2002/4/EC; however, when comparing the data from the CCA register with those kept at regional level, several inconsistencies were found by the mission team, such as the number of farms was different and farms were listed centrally which had ceased production. The register kept at regional level had been up to date and regional OV explained the differences between the registers and stated that they regularly send updates to the central level; however these were not timely integrated in the register at the central level. ([see Endnote](#))

5.3.2 Inspection of laying hen establishments

Article 8 of Directive 1999/74/EC requires the CA to carry out checks to monitor compliance with the requirements of this Directive. At the time of accession to the EU, Poland was granted a transitional period for 44 laying hen farms which did not comply with the requirements of Article 5 of Directive 1999/74/EC regarding the height and slope of the cages. At the time of the mission there were still 33 farms on the list and, although 13 months remained before expiry of the transitional period, the CCA had no knowledge of the actual situation in the field. The CCA explained that this was not their concern as all involved must be aware of the transitional period and that those farms not in compliance would be closed on 1 January 2010.

The CCA explained that the plans for animal welfare checks are prepared at district level and, in accordance with the CCA guidelines, 5% of holdings have to be inspected yearly for animal welfare. The guidelines require that the holdings are selected on a random basis, but the CCA explained that they should also take into account certain risk factors, such as number of animals and result of previous checks. Where checks of farms are carried out, they are usually announced in advance.

The inspection team visited a laying hen farm in the Lublin region which had both unenriched cages and a barn system of production. The OV performed animal welfare checks on the farm in 2007 and 2008 and no deficiencies were detected during these checks.

During the inspection of the house with the cage system of production it was noted that:

- The cages on the farm were old and in a bad state of repair. The OV measured three different cages which were from 40 to 42 cm high at the front and 33 to 35 centimeters high at the back. This does not ensure that the height over 65% of the cage area is at least 40 cm, as required by Article 5.1.4 of Directive 1999/74/EC. The slope was in all cages exceeding the maximum 14% (ranging from 15,5% to 17.7%). Article 5.1.5 of Directive 1999/74/EC requires that the slope should not exceed 14%.

- Even though the guidance provided by the CCA described the procedure how to measure the requirements in relation to laying hen farms with unenriched cages production system, the fact that cages on the farm visited were non-compliant in relation to slope and height (Article 5.1 of Directive 1999/74/EC) had not been detected during previous checks by the OV on the farm. In addition, this farm was not on the list of farms with non-compliant cages for which a transitional period had been granted at the time of Accession of Poland to European Union.

During the inspection of the house with the alternative system for laying hens it was noted that:

- The OV calculated the maximum capacity of the building (point 1 of the Annex to Directive 2002/4/EC) on the basis of total floor area, using the internal measurements of the house, but did not calculate the usable area (Article 2.1.d of Directive 1999/74/EC) and did not perform other required measurements, such as length of perches or littered area, to determine the limiting factor for maximum capacity.
- Perches had been mounted over the littered area and the horizontal distance between perches was not at least 30 cm, contrary to Article 4.1.1. of Directive 1999/74/EC. The CA did not assess whether this requirement was met.

In addition the following was noted:

- The owner routinely used a forced moulting to prolong the laying period. Point 14 of the Annex to Directive 98/58/EC requires that animals must be fed a wholesome diet which is appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health and satisfy their nutritional needs. The owner explained that during this time the feed regime is altered and the birds are not kept on a wholesome diet but only on whole grain or wheat diet, without any proteins for two weeks, which is then continued with richer, but light diet for additional six to seven weeks. Light is provided for 4 hours per day during this period. The effect of this procedure on the welfare of birds had not been assessed by the OV.
- Mortality records which are required by point 5 of the Annex to Directive 98/58/EC had not been kept on the farm. Although this requirement is indicated in the check list this had not been detected during the last control performed by the OV. This had been a matter of recommendation already in report 7638/2005.
- In the reply to the recommendation in report 7638/2005 that appropriate equipment must be available to assess certain parameters, such as light intensity, in its instructions from January 2008 the CCA required that the district OVs shall have adequate equipment to perform necessary measurements. The CCA stated that it is the responsibility of the regional CAs, to provide such equipment to the district level by the end of 2008. In the two district visited there was no such equipment at the time of the mission and the regional OV stated that they have no resources to purchase it.
- Regulation (EC) No 1234/07 and Regulation (EC) No 589/2008, require that eggs must be marked with the distinguishing number to specify the farm method used, as

defined in Directive 2002/4/EC. Regulation (EC) No 589/2008, Article 9.1. requires that the egg marks are clearly visible and easily legible. On the farm visited eggs were marked indicating both production methods (cages and barn production system) used on the farm. However, on most of the eggs seen in the packaging area, the mark on the eggs was not clearly legible and in some cases it was not legible at all.

5.3.3 Authorisation of transporters

The CCA has put in place procedures for authorisation of transporters, as required by Articles 10 and 11 of Regulation (EC) No 1/2005 and approval of means of transport, as required by Article 18 of Regulation (EC) No 1/2005. The central database of authorised transporters is kept at the central level and the register is publicly available on the CCAs' internet site, as required by Article 13.4 of Regulation (EC) No 1/2005. The database also includes the data on approved means of transports as required by Article 18.3 of Regulation (EC) No 1/2005.

It was noted that:

- Transporters' files examined by the mission team contained the contingency plans, as required by Article 11.1(b)(iv) of Regulation (EC) No 1/2005 and which had been a recommendation in report 7334/2007.
- In response to a recommendation in report 7334/2007 the CCA stated that they carried out checks of all means of transport which were approved for long journeys. Non-compliances were detected in 27 cases and written notifications were issued requesting the correction of deficiencies and in eight cases the approval of means of transport were revoked. There were no such cases in the region visited.

In response to a recommendation in report 7334/2007 the CCA explained that in their opinion they cannot further interpret the provisions of Regulation (EC) No 1/2005, where certain rules, such as the placement of temperature sensors, are not adequately specified in this Regulation. Annex I, Chapter VI, point 3.3.3 of Regulation (EC) No 1/2005 requires that means of transport by road must be fitted with a temperature monitoring system as well as with a means of recording such data and sensors must be located in the parts of the lorry which, depending on its design characteristics, are most likely to experience the worst climatic conditions. In addition Annex I, Chapter VI, point 3.3.2 of Regulation (EC) No 1/2005 requires that the ventilation system must be capable of ensuring even distribution throughout with a minimum airflow of nominal capacity of 60 m³/h/KN of payload. No guidance had been provided by the CCA on how these points should be assessed even though Article 8.1 of Regulation (EC) No 882/2004 requires the CA to provide its staff with sufficient documented procedures for carrying out official controls. The vehicles had been approved although an assessment had not been made of the appropriateness of the placement of temperature monitoring sensors, nor of the ventilation requirements.

5.3.4 Checks of transporters

Article 27 of Regulation (EC) No 1/2005 requires that inspections of animals, means of

transport and accompanying documents are carried out on an adequate proportion of the animals transported each year. Article 16 of Regulation (EC) No 1/2005 requires the CA staff are duly trained and equipped to check data recorded by the recording equipment for road transport. It also requires Member States to submit to the Commission an annual report on these inspections.

According to CCA instructions, 100% of consignments; intra-Community trade, export and those arriving at slaughterhouses, must be checked during loading or unloading by the district CAs. However, when consignments were loaded or unloaded at night these checks were not made due to unavailability of staff.

The CCA guidance requires that journey times are calculated taking into account the distance to the place of destination and an average speed of 60 km/h. From documents of checks in several assembly centres in the Lublin region, it was noted that:

- The OV stamped the journey log before departure without checking if the journey times were realistic, contrary to Article 14.1.c of Regulation (EC) No 1/2005, and relied on information from the transporter for the journey times. Several journey logs for calves exported to Bosnia and Herzegovina had been seen where the real journey times had been exceeded by an average of 25%. In some cases the maximum allowed journey time for transport of calves of 19 hours, Chapter V.1.1.4.a of Annex I of Regulation (EC) No 1/2005, had been exceeded before the consignment exited the EU.
- For horses sent on 60 hour journeys to Italy, one consignment consisted of 5 adult and 15 young horses but the space allowance was calculated only for adult horses. This is contrary to Annex I, Chapter VII A of Regulation (EC) No 1/2005 which requires a space allowance for adult horses transported by road of 1.75 m² per animal and for young horses 2.4 m² per animal if the journey takes more than 48 hours. As a result, the space provided for horses was 34 m² instead of the required 44.75 m². The CCA stated that they apply the space allowances for adult horses to all categories of horses.
- Even though the OV was aware that copies of journey logs have to be returned to the CA of the place of departure within 1 month, as required by point 8 of Annex II of Regulation (EC) No 1/2005, this was not the case and no actions had been taken by the OV, although usually the same transporters transport animals from the same places of departure.

In both districts visited roadside checks of animal welfare during transport had been performed. RTI prepare an annual plan of checks to which OVs are invited to participate. According to the plan, checks are only performed during normal working hours. The regional CA explained that if the RTI and Police find non-compliances regarding animal welfare in the consignments they check on their own, they have a contact phone number of the OV on duty, who can be contacted in case of emergency outside working hours. On the basis of the agreement signed, RTI send an annual report to the CVO on the inspections where infringements have been detected.

In response to a recommendation in report 7334/2007 the CCA indicated that all animals arriving at a slaughterhouse must be accompanied by a document indicating time and date of departure. At the red meat slaughterhouse visited it was noted that:

- The OV satisfactorily supervised the unloading procedures and checked the transporters' documentation during the visit. However no time of departure was indicated on several documents which had accompanied consignments of pigs, but no actions had been taken by the OV.
- The OV stated that during the checks in 2007 and 2008 no animal welfare infringements had been detected. The mission team checked 39 records (all cases in the month of visit – approximately 0.1% of animals slaughtered per month) of ante-mortem checks which indicated animals had been transported alive with serious injuries, such as injured pelvis and broken legs. The OV did not consider such cases as infringements as he stated that they were injured in the lairage or during transport. No investigation about the cause of injuries had been performed by OV.
- The lairages were adequate to accommodate pigs and cattle; however, in a cattle pen where animals were waiting to be slaughtered, the floor was very slippery and the animals walked with difficulty when they were guided to the slaughter line.

In addition, it was noted that cattle which were slaughtered during the visit of the mission team were very dirty. The manager of the slaughterhouse explained that there are no procedures in place to clean cattle before slaughtering and this had never been required by the OV. Regulation (EC) No 853/2004 Annex III, Section I, chapter IV, point 4 requires that animals must be clean before slaughter takes place.

Regarding checks at an exit point:

- Non-compliances had been detected in 240 cases (12.7%) of the 1,896 consignments of cattle exports checked in 2007.
- Non-compliances had been found in 6 cases (1%) from the 569 consignments of cattle checked in the first 10 months of 2008. The non-compliances included lack of certificate of driver's competence (Article 6.5 of Regulation (EC) No 1/2005) and lack of system for temperature recording (Annex I, Chapter VI.3.3.3 of Regulation (EC) No 1/2005). The OV did not certify that the results of the checks pursuant to Article 2 of Regulation (EC) No 639/2003 were satisfactory and did not stamp and sign the appropriate document constituting evidence of exit from the customs territory of the Community (Article 2.3 of Regulation (EC) No 639/2003) for the consignments where non-compliances had been detected in line with provisions of Regulation (EC) No 639/2003.
- Non-compliances were found in 67 cases (7.4%) from the 903 consignments of pigs checked in the first ten months of 2008. When non-compliances were detected a notice was given to the driver and a notification of this was sent to the CAs of the countries of origin of these consignments via the TRACES system. The BIP OV stated that as they do not have the same sanction at disposal as for cattle (i.e. initiate withdrawal of export refunds) drivers repeatedly failed to comply with the provision of EU legislation. One Dutch pig transporter had already 13 cases of infringements this year including lack of driver's certificate of competence, lack of temperature recording, exceeded journey times and lack of water. The OV stated that they are preparing the file which will be sent to the Dutch CA via the CVO.
- The OV detected deficiencies regarding journey logs for cattle being exported from

Poland to Uzbekistan which are not subject to export refunds. These included unrealistic journey times, insufficient planning and travelling times to the same destination varying from 8 to 11 days. Article 14. 1(a)(ii) of Regulation (EC) No 1/2005 requires that the CA at the place of departure shall carry out appropriate checks to verify that the journey log submitted by the organiser is realistic and indicates compliance with EU legislation.

- Records had not been kept at the exit point as required by Article 21.2 of Regulation (EC) No 1/2005 and the OV stated that, in relation to drivers's records (tachographs) the CA have no legal base to check them and no training on how to check them, contrary to Article 16 of Regulation (EC) No 1/2005. The representative of the CCA explained that the tachographs had been requested from RTI in one case of suspicion that a transporter did not follow the legal requirements.

5.4 VERIFICATION PROCEDURES

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities have procedures in place to verify the effectiveness of official controls and to ensure the effectiveness of corrective action. In relation to the verification of the effectiveness of checks it was noted that:

- Verification of the effectiveness of official controls carried out by district officials is performed by the regional CAs on the basis of their own yearly plan. Subsequent reports contain recommendations to the district level, who make a written action plan to address them.
- One of the districts visited had been supervised by the regional level in 2007 and 2008. In October 2008 the higher level of the CA had found insufficiencies in the applications made by transporters for authorisation similar to those which were the subject of a recommendation in the previous FVO report 7334/2007 and recommended to the district CA to take remedy the situation. The action plan had not been prepared by the CA and the OV stated that he informed the regional CA by phone after the corrective actions had been taken. The transporters' authorisation files seen by the mission team contained the above mentioned documents.

5.5 ENFORCEMENT MEASURES

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies non-compliance to take appropriate action to ensure that the operator remedies the situation. Article 54 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005 requires that Member States lays down the rules on sanctions applicable to infringements and shall take all measures to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The CCA explained that the system for sanctions is laid down in the Act on the Protection of Animals, which stipulates that the CA is obliged to apply to the court for

penal provisions for offenders. The CCA stated that in their experience the cases which were brought to court were generally unsuccessful, as the sanctions of these courts were considered disproportionately heavy for the animal welfare offences. The CCA proposed an amendment of the Act on the protection of Animals in relation to sanctions, but this had been rejected by the Parliament.

Examples were seen where even though the OV's detected deficiencies such as animals being injured at arrival in slaughterhouse no actions were taken by the OV's or in some cases written warnings were issued, which were not sufficiently dissuasive to discourage this practice.

6 CONCLUSIONS

Following the recommendations of previous reports regarding the shortage of staff the CCA have already taken steps to put more personnel in place, but this re-organisation is still ongoing.

1. 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, lack of training and guidance on specific issues, which were already the subject of recommendations in report 7334/2007, continue to diminish the ability of the CA to ensure that vehicles are approved as required by Article 18.1 of Regulation (EC) No 1/2005 and appropriate checks subsequently carried out.
2. It is unlikely that non-compliant cages for laying hens, operating under a transitional period until 31.12.2009, will be phased out by this date. The CA has not asked the sector to make any plans but proposes closure on 1 January 2010 of any such farms which continue to operate. In any case similar farms with non-compliant cages, but without a transitional period, have been allowed to operate by the CA.
3. In relation to alternative production systems for laying hens (Articles 4 of Directive 1999/74/EC), not all the necessary checks were performed to ensure that these comply with EU legislation.
4. The CA had not made a proper assessment of the animal welfare impact of forced moulting. As there were no records of the number of mortalities, contrary to point 5 of the Annex to 98/58/EC, this non-compliance contributed to the inability of the CA to assess the severity of this procedure.
5. Checks at destination and departure were overall well documented. However, the checks of journey times were not always performed adequately. As there was a lack of training on checking drivers records, contrary to Article 16 of Regulation (EC) No 1/2005, and the CA had not used such records to assess if journeys had been performed as planned (point 8 of the Annex to Regulation (EC) No 1/2005), the effectiveness of these checks was further diminished.
6. In relation to space allowances for long journeys, adult and young horses travelling for more than 48 hours were routinely overstocked as no level of the CA was aware

that there are different requirements for stocking densities in relation to different age categories.

7. Checks performed at an exit point were generally adequate. In relation to consignments of cattle adequate action was taken as required by Regulation (EC) No 639/2003. Insufficient action had been taken for non-compliances in relation to export of pigs and repeat offences were seen.
8. Insufficient actions are generally taken when non-compliances are detected, contrary to Article 54.1 of Regulation (EC) No 1/2005. The inability of the CA to impose effective and dissuasive sanctions, which was already the subject of recommendations in reports 7638/2005 and 7334/2007, contributes to a weak system of enforcement.

6.1 OVERALL CONCLUSION

Some steps have been taken to address recommendations from previous reports but further actions are needed to make controls effective. The failure to apply sanctions effectively is a significant weakness for the system of controls for animal welfare. The deadlines for the different types of cages to be phased out, end of 2009 and beginning of 2012, are unlikely to be met as there has been insufficient involvement of the CA to ensure that the sector makes the necessary changes.

7 CLOSING MEETING

A closing meeting was held on 28 November 2008 with representatives of the CCA and of the regional 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 and that a strategy regarding phasing out of non-compliant cages for laying hens will be prepared. Regarding the transport duration for young horses, the CCA stated that their interpretation of these requirements is different to those of the mission team and that they will seek a legal interpretation from the Commission.

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 Competent Authorities are recommended to ensure that:

No.	Recommendation
1	Training, as required by Article 6 of Regulation (EC) No 882/2004 and Article 16 of Regulation (EC) No 1/2005, 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 and Directive 1999/74/EC in a consistent manner.
2	Documented procedures, as required by Article 8(1) of Regulation (EC) No 882/2004 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.
3	Actions are taken so that laying hen farms comply with the requirements of Article 5 of Directive 1999/74/EC and Directive 98/58/EC, and those which are operating under derogations until 31.12.2009 meet this deadline.
4	Controls of journey times are carried out by the CA at the place of departure as required by Article 14.1 of Regulation (EC) No 1/2005 and point 8 of Annex II to Regulation (EC) No 1/2005, regarding both journey logs and drivers records, so that maximum travelling times laid down Chapter V of Annex I to Regulation (EC) No 1/2005 are respected.
5	Measures are taken so adequate space allowances are provide for young horses transported for more than 48 hours by road as required by 2.1.Chapter III of Annex I to Regulation (EC) No 1/2005.
6	Actions are taken in cases of non-compliances as required by Article 54 of Regulation (EC) No 882/2004 and, as necessary, effective and dissuasive sanctions are imposed as required by Article 55 of Regulation (EC) No 882/2004.

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

http://ec.europa.eu/food/fvo/ap/ap_poland_7693_2008.pdf

9 ENDNOTES

Concerning	Detail
Section 5.1	In their response to the draft report, the Polish Authorities noted that at present two full-time members of staff responsible for animal welfare issues are working in the Office for Animal Health and Protection. The relevant information was sent electronically to the European Commission and all the Member States on 8 January 2008. In addition, a Department for Trade and Commerce in Animals, Identification and Welfare of Animals and Animal Welfare has been set up in the Office for Animal Health and Protection to ensure better coordination of animal welfare work.
Section 5.3.1	In their response to the draft report, the Polish Authorities noted that an up-to-date list of laying hen farms is posted under the Table Egg Farms

Concerning	Detail
	<p>tab on the website of the Chief Veterinary Inspectorate www.wetgiw.gov.pl – ‘Hygiene of Foodstuffs of Animal Origin’ – ‘List of registered establishments which fulfil the requirements of Regulation (EC) No 852/2004’. In accordance with Instruction of the Chief Veterinary Officer GIWhig-500-3/08 of 20 March 2008, the Voivodship Veterinary Officers are required to send to the Chief Veterinary Inspectorate up-to-date information in electronic and written form when any amendment is made to the above-mentioned list. On the basis of that information the Chief Veterinary Officer immediately updates the list of laying hen farms on the website www.wetgiw.gov.pl.</p>

ANNEX 1 - LIST OF LEGISLATION REFERENCED IN THE REPORT

Reference	OJ Ref.	Detail
Regulation (EC) No 1/2005	OJ L 3, 5.1.2005, p. 1–44	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
Directive 1999/74/EC	OJ L 203, 3.8.1999, p. 53–57	Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens
Directive 98/58/EC	OJ L 221, 8.8.1998, p. 23–27	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes
Directive 2002/4/EC	OJ L 30, 31.1.2002, p. 44–46	Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC
Regulation (EC) No 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	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
Regulation (EC) No 853/2004	OJ L 139, 30.4.2004, p. 55, Corrected and re-published in OJ L 226, 25.6.2004, p. 22	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin
Regulation (EC) No 589/2008	OJ L 163, 24.6.2008, p. 6–23	Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs
Regulation (EC) No 1234/2007	OJ L 299, 16.11.2007, p. 1–149	Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)
Regulation	OJ L 93,	Commission Regulation (EC) No 639/2003 of 9

Reference	OJ Ref.	Detail
(EC) No 639/2003	10.4.2003, p. 10–17	April 2003 laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport
Decision 2006/778/EC	OJ L 314, 15.11.2006, p. 39–47	2006/778/EC: Commission Decision of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes