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FINAL REPORT OF A MISSION
CARRIED OUT IN
FRANCE
FROM 20 APRIL TO 24 APRIL 2009
IN ORDER TO
EVALUATE THE IMPLEMENTATION OF RULES ON THE PROTECTION OF
ANIMALS DURING TRANSPORT

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 France, from 20 to 24 April 2009.

The objective of the mission were to evaluate the measures taken to ensure the implementation of the requirements for animal welfare during transport as laid down in Regulation (EC) No 1/2005 and how checks of these requirements had been integrated with the requirements for control laid down in Regulation (EC) No 882/2004. In addition, a follow-up of the recommendations made in previous FVO reports was carried out.

The report concludes that the Competent Authority have put in place a system for the implementation of the rules on the protection of animals during transport which is being integrated with the requirements for official controls laid down in Regulation (EC) No 882/2004. However, the procedures for the authorisation of transporters are incomplete and means of transport for long journeys have been approved without verification of all the requirements laid down in Regulation (EC) No 1/2005. When deficiencies were detected during checks on transport, the remedial actions taken were not always sufficient. Additionally, certain problems identified in previous FVO missions have not been addressed by the competent authority, such as the transport of unfit animals to slaughterhouses and the inadequate checks of journey logs.

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

TABLE OF CONTENTS

1	INTRODUCTION.....	1
2	OBJECTIVES OF THE MISSION.....	1
3	LEGAL BASIS FOR THE MISSION.....	2
4	BACKGROUND.....	3
5	FINDINGS AND CONCLUSIONS.....	3
5.1	Competent Authority.....	3
5.1.1	<i>Organisation and responsibilities.....</i>	4
5.1.2	<i>Coordination between Competent Authorities.....</i>	5
5.1.3	<i>Training of CA staff.....</i>	6
5.2	Legislation.....	7
5.3	Documented procedures.....	8
5.4	Authorisation of transporters.....	8
5.4.1	<i>Record of authorisations.....</i>	9
5.4.2	<i>Records of previous infringements.....</i>	9
5.4.3	<i>Approval of means of transport.....</i>	9
5.4.4	<i>Contingency plans.....</i>	10
5.4.5	<i>Certificates of competence.....</i>	11
5.5	Guides to good practice and training courses.....	11
5.6	Checks and reporting of checks.....	12
5.6.1	<i>Checks at departure.....</i>	13
5.6.2	<i>Road side checks</i>	15
5.6.3	<i>Checks at control posts.....</i>	16
5.6.4	<i>Checks at the livestock market.....</i>	18
5.6.5	<i>Check on the fitness for transport.....</i>	18
5.7	Enforcement.....	20
5.8	Verification of transport checks.....	21
5.9	Audits of controls of animal transport.....	21
6	OVERALL CONCLUSION.....	22
7	CLOSING MEETING.....	22
8	RECOMMENDATIONS.....	22

ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

Abbreviation	Explanation
CA	Competent Authority
CCA	Central Competent Authority
DG SANCO	<i>Direction Générale Santé et Consommateurs</i> - Health and Consumers Directorate General
EC	European Community
EEC	European Economic Community
EU	European Union
FVO	Food and Veterinary Office
NGO	Non Governmental Organisation
SIGAL	<i>Système d'Information de la Direction Générale d'Alimentation</i>
TRACES	Trade Control and Expert System
VS	<i>Vétérinaires sanitaires</i> , Health Veterinarians

1 INTRODUCTION

The mission took place in France from 20/04/2009 to 24/04/2009 as part of the FVO's planned mission programme. The inspection team comprised three FVO inspectors and was accompanied throughout the mission by a representative of the Central Competent Authority, the Ministry of Agriculture and Fisheries, General Directorate for Food, Office for Animal Welfare (*Ministère de l'Agriculture et de la Pêche, Direction générale de l'alimentation, Bureau de la protection animale*; hereafter: CCA).

An opening meeting was held on 20 April 2009 with the CCA, where the mission team confirmed the objectives of the mission as well as the mission itinerary, and information required for the successful completion of the mission was requested.

2 OBJECTIVES OF THE MISSION

The objectives of the mission were to evaluate the measures taken to ensure the implementation of the requirements for animal welfare during transport as laid down in Regulation (EC) No 1/2005, and the integration of these requirements with the requirements for controls laid down in Regulation (EC) No 882/2004. This included follow-up of the recommendations from previous FVO reports on these topics.

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

Visits			Comments
Competent authority	Central	2	Opening and final meetings
	Regional	0	
	District	2	The <i>Directiones Départementales des Services Vétérinaires</i> (hereafter: local CA) of Ain and Isère, both in the <i>Rhône-Alpes</i> region.
Assembly centres		1	One assembly centre where consignments of cattle were prepared for intra-Community trade. The site was selected by the inspection team.
Livestock market		1	The site was selected by the inspection team.
Control post		1	The site was selected by the inspection team.
Slaughterhouse		1	The site was selected by the inspection team.

3 LEGAL BASIS FOR THE MISSION

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

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

4 BACKGROUND

A previous mission concerning animal welfare during transport took place from 22 to 26 March 2004 (ref: DG(SANCO)/7231/2004; hereafter: report 7231/2004). The report of this mission concluded that checks on route plans were inadequate because of lack of clear instructions in this regard. In response to the relevant recommendation the CCA indicated that an instruction was being prepared.

An FVO mission concerning intra-Community trade of live animals was carried out from 30 January to 10 February 2006 (ref: DG(SANCO)/8152/2006; hereafter: report 8152/2006). The mission found that the system of controls does not fully comply with Community requirements and in particular in relation to route plans, that these were often incomplete or incorrectly filled in and that completed route plans were seldom returned by the transporters.

During another FVO mission carried out from 12 to 16 February 2007 (ref: DG(SANCO)/2007-7330; hereafter: report 2007-7330) concerning animal welfare at slaughter, aspects of the welfare of animals during the transport to slaughterhouses were assessed. In relation to the enduring problem of the transport of unfit animals, this report concluded that the CCA's planned guidance to the sector and training of veterinarians were important measures to achieve better compliance with this issue. In response to this recommendation the CCA indicated that a guide to operators on the non-transportability of certain bovine animals and swine was being prepared by a research institute, the French Livestock Institute (*Institut de l'élevage*).

An FVO mission was carried out from 17 to 21 September 2007 (ref: DG(SANCO)/2007-7580; hereafter: report 2007-7580) to assess animal welfare during transport as linked to Commission Regulation (EC) No 639/2003 on the granting of refunds for the export of live bovine animals. Among other issues, this mission identified shortcomings in relation to the control of journey logs and the records of activities in control posts.

The CCA responses to relevant recommendations of the above mentioned reports were assessed during the current mission. These reports are available at the DG SANCO website: http://ec.europa.eu/food/fvo/index_en.cfm

5 FINDINGS AND CONCLUSIONS

5.1 COMPETENT AUTHORITY

The organisation of the Competent Authorities (hereafter: CA) is described in the country profile of France on food and feed safety, animal health, animal welfare and plant health (ref: DG(SANCO)/7703/2008-CP). A detailed description of the CA at local level and of the role of contracted private veterinarians (*vétérinaires sanitaires*, hereafter: VS) and other relevant information concerning animal welfare controls during transport is contained in report 8152/2006.

Other information on the organisation of the French CCA can be found at the CCA website: <http://agriculture.gouv.fr/>

5.1.1 Organisation and responsibilities

Legal requirements

Article 24 of Regulation (EC) No 1/2005 requires that details of a contact point for the purposes of this Regulation are communicated to the Commission and that such details are forwarded to the other Member States' contact points. Article 26 lays down provisions for the notification of infringements to the CA of the places of origin or to the CA which granted the authorisation to the transporters, including actions that should be taken.

Article 4.2(b) of Regulation (EC) No 882/2004 requires the CA to ensure that staff carrying out official controls are free from any conflict of interests.

Findings

A dedicated contact point has been established at central level to co-ordinate and to facilitate the exchange of information with the CAs of other Member States, and a written procedure has been put in place for dealing with the most common documentary irregularities notified.

The CCA explained that:

- An average of 30 notifications and requests for information per year is received from other Member States.
- In case of notification of irregularities committed by French transporters or regarding consignments originating in France and for which a sanction has been imposed in another Member State, a warning is given to the responsible transporter.
- The notified irregularities are recorded in a table which will help targeting future checks.

The mission team reviewed the documentation concerning some examples of information exchanged with the contact points of other Member States.

- In relation to transporters who do not stop at control posts as planned, one local CA in Alsace region notified every three months the contact points of Member States which were responsible for these transporters.
- Five requests for information were from the Italian CA. They had detected irregularities in the journey logs of consignments of cattle from Ireland and the UK, in particular concerning the 24 hour rest planned to take place at French control posts. One request was from 2007 and concerned a control post in one district visited by the mission team. The issue had not been followed up because the local CA had not been contacted by the CCA on the irregularity. Another request from 2007 had been investigated by the local CA but the CCA had not transmitted their reply to the Italian CA. Three other requests were from 2008 and concerned a control post in one district visited. In these cases the CCA had also not transmitted to the Italian CA the reply from the district. A representative of the CCA explained that these failures were partly due to work overload during the first semester of 2007

following the entry into force of Regulation (EC) No 1/2005.

- A representative of one local CA visited stated that when shortcomings concern transporters authorised in other Member States, no action is taken and no communication is sent to the relevant CA.

In relation to the issue of potential conflict of interests, which was already the subject of a recommendation in report 8152/2006, the following observations were made:

- VS at assembly centres check the fitness for transport of animals and sign the health certificates, and are paid directly by the operator for these official tasks. They are also contracted by the operators of assembly centres to perform activity as approved veterinarians (as defined by Article 14.3.B of Directive 64/432/EEC).
- In a district visited, the decision issued by the local CA and giving the legal mandate to sign health certificates in a specific assembly centre had not been updated. One of the three appointed VS had been replaced and the new one did not appear in the decision.

Conclusions

A contact point has been established at central level as required by Article 24.2 of Regulation (EC) No 1/2005, facilitating the exchange of information with other Member States for the purposes of this Regulation. However, there have been failures and delays from the CCA in replying to other Member States.

The system in place concerning VS carrying out official tasks at assembly centres cannot ensure that VS are free from potential conflict of interests, contrary to the requirements of Article 4.2(b) of Regulation (EC) No 882/2004.

5.1.2 Coordination between Competent Authorities

Legal requirements

Article 4(3) and (5) of Regulation (EC) No 882/2004 require that when a Member State confers the competence to carry out official controls on an authority or authorities other than a central competent authority, in particular those at regional or local level, efficient and effective coordination shall be ensured between all the competent authorities involved; and that when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

Findings

Checks on animal welfare during transport may be carried out by officials from the Police, the *Gendarmerie* and the Customs. During the first half of 2007, in the first stages of implementation of Regulation (EC) No 1/2005, information on this Regulation was exchanged by mail and by phone between the CCA, the *Gendarmerie* and the Police. The CCA forwarded their own instructions ("*Notes de Service*") to these authorities. At the beginning of 2008, a letter was sent by the CCA to the Police and the *Gendarmerie* to inform them about the arrangements concerning the late implementation of the requirement for the certificate of competence of transporters' personnel.

A CCA instruction requires the local CA to carry out joint checks with the Police and the

Customs Authorities. The CCA indicated that although there is no formal agreement in place on this, it is up to the local CAs to organise such joint checks.

Documentation was provided to the mission team concerning joint checks performed in both districts visited and in another district competent for a port in Northern France. Representatives of the CA indicated that overall they had good coordination and cooperation with the Police and the *Gendarmerie*.

Conclusions

The CCA have established an overall adequate collaboration and cooperation with other enforcement bodies, resulting in joint checks on transport being carried out.

5.1.3 Training of CA staff

Legal requirements

Article 6 of Regulation (EC) No 882/2004 requires the CA to ensure that all of its staff performing official controls receive appropriate training and keep up to date in their area of competence.

Article 16 of Regulation (EC) No 1/2005 requires the CA to ensure that its staff are duly trained and equipped to check data recorded by the recording equipment for road transport such as the drivers' records, and by the navigation system.

Findings

Specific training on Regulation (EC) No 1/2005 has been made available to the CA staff including auxiliaries involved in this type of checks. From 2007, training modules of one to one and half days as initial training, and one to three days as refresher courses, are proposed every year. Evidence of the training attended by the officials met was available.

The training does not include the checking of drivers' records. The CA explained that providing training on this issue was unnecessary given that their staff do not have the legal powers to request such records unless they are accompanied by officials from the Customs, the Police or the *Gendarmerie*. The CA did not use the data from these records for retrospective checks on journey logs as foreseen in Annex II, point 8 to Regulation (EC) No 1/2005. In relation to navigation systems the CA explained that such training is not yet organised and in the meanwhile their inspectors only check that means of transport are fitted with a navigation system.

In addition to formal training, the CCA has made available on their intranet pages all relevant specific information, including the legislation, some power point presentations on Regulation (EC) No 1/2005, a table summarising the CCA replies to various clarification requests received by local CAs, instructions and checklists ("*grilles d'inspection*"), and the guides on fitness for transport (the guide for cattle issued by the *Institut de l'élevage* and the guide for swine issued by INAPORC - *Interprofession Nationale Porcine*).

The technicians met were not able to assess the ramps of the means of transport by road. Neither had they properly assessed the actual loading area of the decks of means of transport.

The VS do not receive training concerning the official activities they perform, and they

do not have access to the information available on the CCA intranet. The VS met in the districts visited were not aware of several requirements concerning Regulation (EC) No 1/2005.

Conclusions

The training on animal welfare during transport available to the CA staff was overall adequate, with two exceptions. Firstly, training was incomplete in relation to checking data recorded by the recording equipment for road transport and the navigation system, contrary to Article 16 of Regulation (EC) No 1/2005, and in relation to assessing certain requirements of the means of transport. Secondly, the VS did not receive training and did not keep up to date in their area of competence, contrary to Article 6 of Regulation (EC) No 882/2004, and which was already the subject of a recommendation in report 8251/2006.

As a consequence, the CA does not ensure that all their staff have the necessary knowledge and are duly trained on the requirements introduced by Regulation (EC) No 1/2005 when performing the official controls required by this Regulation.

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:

- Certain amendments to national legislation have been made in order to avoid contradicting the requirements of Regulation (EC) No 1/2005. The CA indicated that further amendments are still necessary, in particular concerning the national legislative provisions for granting the certificates of competence for transporters' personnel. Currently a five-year professional experience is sufficient according to the French legislation, which does not meet the requirements of Article 17.2 of Regulation (EC) No 1/2005.
- Other amendments are laid down in a draft decree and concern definitions introduced by Regulation (EC) No 1/2005 and sanctions relevant to requirements introduced by this Regulation.

Because of an erroneous translation into French of the heading of Chapter VI(2) of Annex I to Regulation (EC) No 1/2005 "water supply for transport by road, rail or sea containers" the CCA considered that the relevant requirements only apply to containers. As a consequence road vehicles have been approved for long journeys without verification of the equipment for watering animals.

Conclusions

As a consequence of the delay in amending national legislation, certificates of competence for transporters' personnel are not granted in accordance with the provisions of Article 17.2 and Annex IV to Regulation (EC) No 1/2005. In particular the CA does not ensure that transporters personnel have the necessary knowledge and are duly trained on the requirements introduced by Regulation (EC) No 1/2005.

As a consequence of a mistake in translation of Regulation (EC) No 1/2005, means of

transport by road have not been checked at approval regarding the requirements for watering equipment.

5.3 DOCUMENTED PROCEDURES

Legal requirements

Article 8.1 of Regulation (EC) No 882/2004 requires that official controls are carried out according to documented procedures, containing information and instructions for staff performing official controls.

Findings

The CCA have issued instructions, which have been amended and updated since their initial version to incorporate the requirements of Regulation (EC) No 1/2005, and made them available on their intranet web pages. These documents include:

- One instruction specifically dealing with the authorisation of transporters and approval of means of transport.
- One instruction concerning the implementation, organisation and performance of checks at departure, during transport and at destination, and the corrective actions to be applied in case of shortcomings.
- Checklists to facilitate vehicle inspections prior to their approval.

In relation to checks at control posts two instructions from 1999 and 2000 were available to CA staff. Additionally, some provisions are contained in the more recent instruction on transport checks. A new updated instruction has been drafted by the CCA.

It was noted that:

- In relation to fitness for transport, the CCA instructed the local CA that an animal unable to walk into a means of transport independently and unassisted is considered unfit for the transport. No further details are provided, but the instruction refers to the guides for operators issued by the *Institut de l'élevage*. One of these guides indicates that a bovine animal with a fractured limb can be transported to a slaughterhouse.
- Instructions are not distributed to the VS, as confirmed by the veterinarians met.

Conclusions

Adequate and detailed instructions have been drafted and made available to the local CAs to support inspectors in their controls and considerable efforts have been made to keep them up to date. However, reference to other unsuitable guidance undermines the instruction on the issue of transport of unfit animals.

Additionally, the CCA did not ensure that their instructions are distributed also to private veterinarians performing official controls. Therefore official controls by VS are not performed according to documented procedures contrary to Article 8.1 of Regulation (EC) No 882/2004.

5.4 AUTHORISATION OF TRANSPORTERS

From 2007 until the date of the current mission, the CA have delivered 10 162 authorisations for journeys of less than eight hours, 255 authorisations for long journeys and 1 346 vehicle approvals.

5.4.1 Record of authorisations

Legal requirements

Article 13.4 of Regulation (EC) No 1/2005 requires that transporters' name and authorisation number are made publicly available during the period of validity of the authorisation. It also requires that the transporters' database includes decisions concerning the suspension or withdrawal of transporters authorisation, vehicle approval or temporary ban due to repeated or serious infringements of this Regulation.

Findings

Concerning the availability of the names and authorisation numbers of transporters to other Member States, the CCA indicated that a list has not yet been published on the internet. The contact points of the other Member States have been informed on how to access to an internet database with restricted access.

Conclusions

The information concerning authorised transporters has been made available to the CA of other Member States as required by Article 13.4 of Regulation (EC) No 1/2005.

5.4.2 Records of previous infringements

Legal requirements

Article 10.1(c) of Regulation (EC) No 1/2005 requires that applicants to authorisation for transport have no records of serious infringements of Community or national legislation on the protection of animals in the three years preceding the date of application.

Findings

The CCA procedures for granting authorisations to transporters do not include the provision of Article 10 of Regulation (EC) No 1/2005 concerning checks of records of serious animal welfare infringements. The CCA indicated that the draft decree that will amend national legislation will provide for the applicant declaration on this point. The CCA pointed out that although currently there is no system to verify the truthfulness of such a declaration, a future upgrade of the SIGAL database will allow the details of all inspections linked to a specific authorisation to be recorded, and therefore to check any recorded non compliance.

Conclusions

Procedures for granting authorisations to transporters are incomplete as there is no verification of the applicant's record of previous animal welfare infringements, as required by Article 10.1(c) of Regulation (EC) No 1/2005.

5.4.3 Approval of means of transport

Legal requirements

Article 18 of Regulation (EC) No 1/2005 lays down the provisions for granting a certificate of approval of means of transport by road for long journeys. Prior to granting the certificate of approval, the means of transport must be inspected and found to comply with the requirements of Chapters II and VI of Annex I applicable to the design, the construction and maintenance.

Findings

- A means of transport by road seen by the mission team had been approved for long journeys without any restriction concerning species and categories, despite having watering devices suitable only for adult bovines. Additionally, the water tank was not fitted with a system allowing the water level to be checked. This does not meet the requirements of point 2.2 and 2.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005, respectively.
- A representative of one local CA stated that the ramps and the loading areas of the trucks are not measured. The calculation of the area in m²/deck which is recorded on the certificate of approval was based on the figures indicated on the road worthiness certificate (*certificat de carrosserie*). The CA was not aware that such figures refer to external measurements of the vehicle and that additionally, each deck has different measures.
- The two files of transporters' authorisation for long journeys reviewed in Ain district were incomplete. The reports of the inspections performed prior to the approval of the means of transport were missing from the files.

Conclusions

Means of transport by road for long journeys have been approved without verification of the compliance with all the requirements laid down in Chapters II and VI of Annex I to Regulation (EC) No 1/2005.

5.4.4 Contingency plans

Legal requirements

Article 11.1(b)(iv) of Regulation (EC) No 1/2005 requires competent authority to grant authorisations for long journeys upon application, provided that the applicant submits contingency plans in the event of emergencies.

Findings

- The CCA explained that currently it is left to the local CA to assess whether the plans submitted by applicants are adequate. They added that this issue will be taken into account in a future *vade mecum*.
- In the two files reviewed by the mission team in Ain district there were no contingency plans.

Conclusions

The documentation provided for authorisation was incomplete as contingency plans in the event of emergencies were not included. Nevertheless the CA granted authorisations for long journeys contrary to the requirements of Article 11.1 of Regulation (EC) No

1/2005.

5.4.5 Certificates of competence

Legal requirements

Articles 6(4) and 6(5) of Regulation (EC) No 1/2005 require that personnel of transporters receive training on the provisions of Annexes I and II to this Regulation. Drivers and attendants of road vehicles transporting domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species or poultry must hold a certificate of competence, granted according to the conditions laid down in Article 17 and Annex IV to this Regulation.

Findings

The CCA explained that the courses for transporters staff available in the thirty-five designated centres nationwide are insufficient to meet all requests, and that additional training centres will be approved. In the meanwhile in order to allow all drivers and attendants to hold a certificate of competence, the CCA have put in place the following procedures:

- The deadline for holding a certificate of competence was postponed to the end of May 2008, i.e. five months later than in Regulation (EC) No 1/2005.
- Certificates of competence can be granted on the basis of five-years professional experience or on the basis of diplomas or certificates already held. This procedure does not meet the requirements of Article 17.2 and Annex IV to Regulation (EC) No 1/2005, requiring transporters staff to attend specific training courses.
- The CCA indicated that from 2008 up to the time of this mission circa 30 000 certificates have been granted by the local CAs.

Conclusions

The measures in place for granting the certificates of competence do not meet the requirements of Article 17.2 of Regulation (EC) No 1/2005.

5.5 GUIDES TO GOOD PRACTICE AND TRAINING COURSES

Legal requirements

Article 29 of Regulation (EC) No 1/2005 requires Member States to encourage the development of guides to good practice which shall include guidance on compliance with this Regulation.

Article 9(2)(a) of Regulation (EC) No 1/2005 requires that personnel of assembly centres receive training on the provisions of Annex I to this Regulation.

Findings

Between September 2006 and June 2007 the CCA organised four meetings to inform the national representatives of the livestock sector on the implementation of Regulation (EC) No 1/2005, and two more meetings were held in 2008. Various professional associations have drafted and distributed information to their members by different means, such as

leaflets, guides, DVD/CD Rom and dedicated web pages.

Staff of the livestock market visited had received specific one-day training on animal welfare in 2005. This training was organised during a market day and included practical observations and lectures on handling, unloading and loading of animals, with the involvement of the local CA.

The personnel of the assembly centres visited had received training in the past or had attended agricultural schools, but none of them had received a specific training on the provisions of Annex I to Regulation (EC) No 1/2005, as required by Article 9(2)(a) of this Regulation.

Conclusions

Adequate information has been made available to transporters, including guides of good practice as required by Article 29 of Regulation (EC) No 1/2005.

Some training for personnel of markets has been organised but the measures in place were insufficient to ensure that personnel from all assembly centres receive training on the provisions of Annex I to Regulation (EC) No 1/2005, as required by Article 9(2)(a) of this Regulation.

5.6 CHECKS AND REPORTING OF CHECKS

Legal requirements

Article 27.1 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 27.2 requires Member States to submit to the Commission each year an annual report on the inspections performed during the previous year, accompanied by an analysis of the major deficiencies detected and an action plan to address them.

Findings

The CCA set a target of 100 means of transport to be checked in each district, which has remained the same in the last few years. They indicated that it is rather difficult to determine the actual number of transported animals and to establish a proportion. The CCA have described in their instructions certain risk factors that the local CA should take into account when planning their checks, such as: the number of establishments including slaughterhouses where checks on transport can be performed, the number of transporters and the proximity to motorways or to other places of transit to and from other Member States.

The following observations were made:

- According to the report submitted to the Commission for 2007, the overall target of inspections set by the CCA was almost met (94.74%).
- A document provided by the CCA prior to this mission and detailing the checks performed by each district shows that there were significant differences between the 100 districts, with 67 of them performing fewer than 50 checks and 10 districts performing no checks.

- The checks reported include the inspections of vehicles prior to their approval, with no animals involved at the time of the check. However, inspections for the purposes of Article 27.1 of Regulation (EC) No 1/2005 must be carried out on animals transported.
- Joint checks performed with the Police or the *Gendarmerie* are included in the annual report only when inspection checklists have been filled in by the local CA.
- The 2007 report was accompanied by a detailed analysis of the main non-compliances detected; it indicates a further development of training and guidance for inspectors as the main actions proposed to improve the conditions of transport of animals.
- In the two districts visited the targets were not met in 2007 or in 2008. The CA explained that the overloading of work for granting authorisations and vehicle approvals and the restricted number of trained staff limited the performance of checks.

Conclusions

The CCA have established a target of checks on transport and described certain risk factors for the local CA, and have provided a report as required by Article 27.2 of Regulation (EC) No 1/2005. However, in 2007 the target was not met by the majority of local CAs.

The inclusion of the inspections of vehicles prior to their approval is not appropriate for checks which are made for the purposes of Article 27.1 of Regulation (EC) No 1/2005 and which are subsequently reported to the Commission.

5.6.1 Checks at departure

Legal requirements

Article 14 of Regulation (EC) No 1/2005 requires the competent authority at places of departure to check, prior to long distance transport, the validity of the transporter's authorisation, the approval of the means of transport and the validity of the certificates of competence for drivers and attendants. The competent authority shall check that journey logs submitted are realistic and indicate compliance with this Regulation and, where the outcome of the checks is satisfactory, stamp the journey log.

Article 15 of this Regulation requires the competent authority to carry out checks at any stage of long journeys, to verify that declared journey times are realistic and that the journey complies with this Regulation and in particular that travel times and rest periods have complied with the limits set out in Chapter V of Annex I.

Findings

The CCA instructed the local CA to check carefully the journey logs before signing the health certificates and in particular the correct planning of travelling times and resting periods and the stocking densities of animals. The CCA also instructed not to sign health certificates if the journey logs are not satisfactory, and to take adequate administrative action if journey logs are not returned.

In Ain district, a representative the CA declared that they do not carry out checks on the

journey logs because there is insufficient staff to perform all tasks. All the VSs met stated that they do not perform checks on journey logs. In the district of Ain the journey logs reviewed were all signed and stamped on section 2 by the VS. The journey logs reviewed in the Isère district were stamped by the local CA on all pages and signed and stamped by the VS on section 2.

In the two districts visited the mission team requested to review the journey logs concerning consignments of horses, cattle and pigs sent to other Member States between November 2008 and January 2009 from a selection of assembly centres. The following observations were made:

- When journey logs had not been returned by the transporters, no action had been taken by the CA to correct this. In Ain district a representative of the CA stated that journey logs are not requested systematically if not returned.
- For two out of three consignments of horses to Puglia and to Sicily (Southern Italy) from Ain district there were no journey logs, although the journeys were longer than eight hours. For another consignment the journey log did not indicate any planned resting and transfer points, the estimated total weight of the consignment and the total space provided. The records in section 4 showed that the journey lasted 32 hours. Unloading for a rest of 24 hours is required after 24 hours of transport.
- The journey logs concerning four consignments of pigs transported on one vehicle and unloaded at different destinations in Puglia and in Sicily from Ain district indicated an unrealistic total journey of 24 hours to cover the distance to destination of 1750 km. At an average speed of 65 km/hr it takes 26 hours, excluding loading, the repeated unloading, the stops and the transfer by ferry to Sicily. The ferry transfer, the four different unloading stops and times were not recorded on the journey logs.
- All eight journey logs for pigs checked in Isère district did not indicate in section 1 the number of animals, the estimated total weight of the consignment and the total space provided.
- Two journey logs for bovine animals from Isère district to Sicily indicated a total journey of 28 hours. At an average speed of 65 km/hr it takes 28 hours to cover the distance to destination of 1,829 km, excluding the loading, the stops and the ferry transfer to Sicily. After a total journey of 29 hours these animals should be unloaded and rested for 24 hours. Stops and ferry transfer were not recorded on the journey logs.
- Previously signed journey logs concerning consignments from one assembly centre in the district to Ain were reused. All these journey logs bore in section 2 the signature and stamp of the VS in photocopy and the remaining fields had been completed by the organiser.

Copies of eight journey logs reviewed in the control post visited, and which concerned consignments of bovine animals from districts in the North-West of France to Greece, showed similar deficiencies, with unrealistic journey times, incomplete planning and missing details.

Conclusions

Checks at places of departure on journey logs are not performed as required by Articles 14 and 15 and point 8 of Annex II to Regulation (EC) No 1/2005 and no action is taken by the CA when journey logs are not returned. As a consequence the CA did not ensure that animals are transported in compliance with this Regulation, in particular regarding the journey times and resting periods laid down in Chapter V of Annex I.

5.6.2 Road side checks

Legal requirements

Article 15.1 of Regulation (EC) No 1/2005 requires the competent authority to carry out appropriate checks at any stage of long journeys on a random or targeted basis to verify that declared journey times are realistic and that the journey complies with this Regulation and in particular that travel times and resting period have complied with the limits set out in Chapter V of Annex I.

Article 27.1 of Regulation (EC) No 1/2005 requires the competent authority to check that the requirements of this Regulation have been complied with, by carrying out non discriminatory inspections of animals, means of transport and accompanying documents.

Findings

In both districts visited road side checks had been carried out. In particular:

- In Ain district the local CA had performed joint checks with the *Gendarmerie* in 2007 and explained that given the low number of vehicles transporting animals compared with the time and resources involved, no further checks had been organised.
- In Isère district one joint check was organised in 2007 and two in 2008, all in summertime. Out of 38 means of transport checked, 19 presented one or more non compliances (50%). Nine of them had been authorised in another Member State and ten in France. There was no evidence of any action taken, nor had the other Member States CA been informed, contrary to the provisions of Article 26.2 of Regulation (EC) No 1/2005.

A joint check was organised at the end of 2008 by the *Gendarmerie* and the local CA at a port in the North of France at the arrival of a Ro-Ro ferry. The CA indicated that 13 vehicles with animals disembarking from the ferry were checked, and the following non compliances were detected:

- Documents such as certificates of competence or the approval of vehicle were deficient for all vehicles checked.
- The watering system of one vehicle was not working.
- On one vehicle there was a sick animal.
- Feed was insufficient in the majority of the means of transport.
- One vehicle with sheep was overstocked, and animals with horns, males and females were not transported in separate compartments.
- Additionally, the information concerning only one consignment was available in

TRACES on the day of the check.

In relation to the requirement of point 1.7(b) of Chapter V of Annex I to Regulation (EC) No 1/2005, concerning unloading of animals at the port of destination or in its immediate vicinity when the maximum journey time exceed during transport by sea by means of transport loaded on to vessels, the CCA indicated that they understand as "immediate vicinity" less than two hours driving. In this district there are two control posts situated at less than 100 km from the port. As a result of the check performed, 12 means of transport had been sent to one of these control posts.

Conclusions

Road side checks have been organised and carried out together with other authorities, and have been effective in detecting non compliances with Regulation (EC) No 1/2005.

5.6.3 Checks at control posts

Legal requirements

Article 3 of Regulation (EC) No 1255/97 requires the competent authorities to approve and issue an approval number to each control post and describes the conditions for their approval. It requires control posts to be under control of an official veterinarian ensuring *inter alia* compliance with the provisions of this Regulation, and that regular inspections are carried out at least twice a year to ascertain that the requirements for approval continue to be fulfilled. Detailed requirements for the control posts are laid down in Annex I to Regulation (EC) No 1255/97.

Art 4.4 of Regulation (EC) No 1255/97 requires the competent authority of the place of departure to notify via TRACES (Decision 2002/459/EC) the movement of animals passing through control posts.

Article 15.1 of Regulation (EC) No 1/2005 requires the competent authority to carry out appropriate checks at any stage of long journeys on a random or targeted basis to verify that declared journey times are realistic and that the journey complies with this Regulation and in particular that travel times and resting period have complied with the limits set out in Chapter V of Annex I.

Findings

In the control post visited the latest official inspection by the local CA had been performed in August 2008. This inspection was made following three queries from the Italian CA, concerning alleged irregularities on the duration of the resting periods for consignments transiting France and the capacity of the lairages. There were no animals in the lairages of the control post on the day of the inspection. The inspection report concluded that the control post was in compliance. However, the mission team noted the following shortcomings:

- The general state of maintenance was overall insufficient, with sharp protrusions from broken timber fences which could cause injuries to animals, contrary to paragraph B(2)(i) of the Annex to Regulation (EC) No 1255/97.
- The owner declared that the facilities had been cleaned and disinfected and had not been used in the previous ten weeks. However, there were faeces in the pens, which

does not meet the provisions of paragraph A(1)(c) of the Annex to Regulation (EC) No 1255/97.

- There was no lorry wash facility, contrary to point 1(b) of paragraph A of the Annex to Regulation (EC) No 1255/97.
- The information recorded for the purposes of point 7 of Paragraph C of the Annex to Regulation (EC) No 1255/97 was incomplete. The date and time of the duration of the depopulation, the number of the health certificates, the address of transporters and the name and address of drivers were not included in the register.
- 55 consignments were recorded on the control post register in the first eight months of 2008. A review of the records showed that the number of animals accommodated at the same time often exceeded the capacity of the lairages, and that for 44 consignments, animals were rested less than 24 hours, contrary to the provisions laid down in point 1.5 of Chapter V of Annex I to Regulation (EC) No 1/2005.

A representative of the local CA confirmed that official controls are carried out once per year, instead of twice as required by Regulation (EC) No 1255/97. In addition, the CA could not show evidence of its approval as a control post and for a number of animals claimed by the local CA much higher than the one indicated in the list published on the Commission web site. The only document available was a letter from the CA to the operator confirming its approval in 1999 as an assembly centre.

In relation to checks on long distance transport, the CCA instructions indicate that control posts are ideal place to perform such checks, emphasising in particular to reinforce controls on the compliance with journey logs, on the fitness of animals and on the equipment of the means of transport.

The mission team noted the following:

- In the control post visited no targeted checks on transport had been organised. The CA stated that such checks cannot be organised because they are not notified the movement of animals passing through the control post, which is required by Article 4.4 of Regulation (EC) No 1255/97. They confirmed that the lack of notification had not been brought to the attention of the French contact point or directly to the contact points of the Member States concerned. The owner of the control post declared that the arrival of animals is unannounced.
- In the other district visited one check had been organised in 2008 in a control post, where four means of transport had already been unloaded. No deficiencies had been detected.
- According to the documentation provided by a district in Alsace which was not visited during this mission, the local CA had organised targeted checks in 2008 in control posts to verify that unloading of animals was taking place and that resting periods were respected. This local CA put in place own procedure to monitor the notifications received from TRACES and compare these with the pre-notifications received by the control posts. The inconsistencies found were then reported on a quarterly basis to the contact point of the Member States which granted the transporters' authorisation. These targeted checks also permitted the detection of journey logs which had been forged using false stamps of a control post.

Conclusions

Official controls in the control post visited were inadequate and the CA had not ensured that all the provisions of Regulation (EC) No 1255/97 are respected.

Checks had been properly organised in one local CA and had been effective in detecting non-compliances with Regulation (EC) No 1/2005. However, this was not the case in the districts visited.

5.6.4 Checks at the livestock market

Legal requirements

Article 27.1 of Regulation (EC) No 1/2005 requires the competent authority to check that the requirements of this Regulation have been complied with, by carrying out non-discriminatory inspections of animals, means of transport and accompanying documents.

Findings

At the livestock market visited the CA performed seven checks on the transport of animals in December 2008, which consisted of checks on seven vehicles performed all on the same day. There were no non-compliances.

During the visit to this market, the mission team noted the following shortcomings, which were not noticed by the CA:

- Two vehicles were unloading young and adult bovines without using the ramps and without or with inadequate lateral protections, contrary to the provisions of point 1.3(a) of Chapter III of Annex I to Regulation (EC) No 1/2005.
- Trucks were very dirty and the CA agreed that these had not been cleaned and disinfected before loading at the farms of origin, contrary to the provisions of point 1.1(c) of Chapter II of Annex I to Regulation (EC) No 1/2005.

Concerning the handling of the animals within the market, no major problems were observed by the mission team, with the exception of one bull tied by the horns to the rails of the pen. This is contrary to the provisions of point 1.11 of Chapter III of Annex I to Regulation (EC) No 1/2005.

Conclusions

Checks on transport at the market visited were inadequate to ensure compliance with Regulation (EC) No 1/2005.

5.6.5 Check on the fitness for transport

Legal requirements

Article 12 of Directive 93/119/EC requires injured or diseased animals to be slaughtered or killed on the spot. However, their transport may be authorised by the competent authority provided that such transport does not entail further suffering for the animals.

Article 3 of Regulation (EC) No 1/2005 requires that animals are transported in a way unlikely to cause injury or undue suffering to them, and that animals are fit for the journey. Article 6.3 requires transporters to transport animals in accordance with the

technical rules set out in Annex I to this Regulation.

Findings

In their instructions concerning checks on transport, the CCA stressed that keepers at places of departure must ensure that animals are fit for transport and that transport does not entail suffering to animals. The CCA also highlighted that an animal unable to walk unassisted onto a vehicle is unfit for transport. However, the guide for the operators issued by the *Institut d'élevage* indicates that animals with one fractured limb and able to walk can be loaded and transported.

The mission team reviewed the registers for emergency slaughter and the accompanying veterinary certificates (*certificat vétérinaire d'information, hereafter: CVI*) for injured bovine animals transported to two slaughterhouses between January and mid-April 2009. The following was noted:

- The CVI, which is signed by VS, refers to public health and animal health conditions, and does not contain any reference to the fitness of animals for transport.
- There had been 21 and 22 such animals accompanied by a CVI at the two abattoirs respectively. The vast majority of injured animals suffered from conditions which would make them unfit for transport and thus entail further suffering. In addition to fractured limbs, there were also cases which even the above mentioned guide would have considered unsuitable for transport, such as dystocia, paresis and fractured hip.

In Ain district the CA had detected cases of transport of unfit animals during checks on transport performed in slaughterhouses:

- In 2007, 11 checks had been performed. In one consignment of pigs there were three unfit animals. Two sows with rectal prolapses and one lame sow were not accompanied by a CVI. A letter of notification of non compliances was sent, via the local CA responsible, to the transporter, who was from another district. In another consignment of pigs the animals had been waiting for ten hours on the truck before being unloaded and one animal was found dead. A letter of notification of non compliances was sent to the transporter.
- In 2008 the CA performed four checks. One of these checks found a pig which could not walk unassisted and which had been transported to a slaughterhouse. Another case in 2008 concerned three cows which had been transported to a slaughterhouse at the end of the gestation period, contrary to Annex I, Chapter I.2(c) of Regulation (EC) No 1/2005. One cow had given birth in the lairages. This case had been initiated by the official veterinarian of the slaughterhouse and also concerned identification anomalies and other false declarations. The report had been transmitted to the Public Prosecutor but its outcome was unknown.

Conclusions

Despite the CCA commitment in response to a recommendation of report 7330/2007, the issue of transporting unfit animals has not been adequately addressed. As a consequence unfit animals continue to be transported contravening the provisions of Article 12 of Directive 93/119/EC and Articles 3 and 6.3 of Regulation (EC) No 1/2005. Although a few cases have been detected by a local CA during random checks, the actions taken were insufficient to address this recurrent problem.

5.7 ENFORCEMENT

Legal requirements

Article 25 of Regulation (EC) No 1/2005 and Article 55 of Regulation (EC) No 882/2004 require Member States to lay down the rules on penalties applicable to infringements of the provisions of this Regulation and to take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Article 54 of Regulation (EC) No 882/2004 requires the competent authority to take action to ensure that when non-compliances are identified, the operator remedies the situation.

Findings

The CA explained that, in case of non-compliances, they may require the responsible person to take corrective measures with a letter of notification of infringements ("*rappel à la réglementation*") as a first step and with a written warning ("*mise en demeure*") as a second step. They may propose to the Public Prosecutor the initiation of legal proceedings in case of a penal infringement. Other measures, such as the suspension of the activity, may be proposed to the prefect or to the ministry. The CA stated that there is no indication of the outcome of the proposed actions to the Public Prosecutor.

It was noted the following:

- According to the data provided by the CCA on transport checks performed in 2007, 523 letters of notification of non-conformities were issued following the inspection of 5 621 vehicles, of which 39 were transmitted to the Public Prosecutor.
- In the region visited, out of 1 071 checks performed on transport in 2007, 20 letters of notification had been issued and five reports had been transmitted to the Public Prosecutor.
- In Ain district in 2007, shortcomings were detected in seven out of 11 vehicles checked at destination in slaughterhouses. One concerned transport of unfit animals and one concerned a long delay in unloading the animals. Letters had been sent to responsible transporters requesting them to ensure compliance with Regulation (EC) No 1/2005. In 2008, non compliances were found in 17 vehicles out of 74 checked. The mission team requested the documentation concerning remedial actions taken and these documents were not available. One legal proceeding had been proposed to the Public Prosecutor for three cows which had been transported to a slaughterhouses at the end of the gestation period.
- In Isère district, the mission team reviewed copies of the inspection reports concerning 14 means of transport checked in 2007 and 24 in 2008. Although shortcomings had been detected in 50% of the vehicles checked, in the section "follow up" of these reports there were no corrective actions mentioned.

Conclusions

The corrective actions that CA staff can take in case of infringements are not dissuasive. Additionally, as there are no arrangements with the Public Prosecutor to obtain the

outcome of the legal proceedings proposed this does not comply with Article 55 of Regulation (EC) No 882/2004 as the CA has not taken all measures necessary to ensure that sanctions are implemented.

5.8 VERIFICATION OF TRANSPORT CHECKS

Legal requirements

Article 8.3(a) of Regulation (EC) No 882/2004 requires the competent authority to have procedures in place to verify the effectiveness of official controls.

Findings

- The CCA explained that in 2008 they have started to implement a system of verification of the efficiency of official controls according to standards norms ISO 17020 and in the framework of a national quality plan.
- VS are not subject to verification procedures, with the exception of random checks on the health certificates signed by them. No other aspects of their work in relation to animal welfare had been verified.
- In neither districts visited had the local CA followed the CCA procedures, in particular concerning target of checks, organisation and performance of the checks in control posts and at places of departure.
- In Ain district the local CA referred to an out of date version of the instruction concerning checks on transport. There had been no verification that revised instructions were being followed.

Conclusions

Due to the inadequate verification of the effectiveness of checks the weaknesses in the way checks were implemented in the two districts visited have not been identified by the CA, contrary to Article 8.3(a) of Regulation (EC) No 882/2004.

5.9 AUDITS OF CONTROLS OF ANIMAL TRANSPORT

Legal requirements

Article 4.6 of Regulation (EC) No 882/2004 requires the competent authorities to carry out audits to ensure they are achieving the objectives of this Regulation.

Findings

The CCA unit for internal audits has not yet carried out audits in the field of animal welfare during transport and neither are these planned for 2009.

Conclusions

As there were no audits either carried out or planned in relation to animal welfare during transport, the CA have not yet determined whether the objectives of Regulation (EC) No 882/2004 are met in relation to compliance with animal welfare rules.

6 OVERALL CONCLUSION

The competent authority have put in place a system for the implementation of the rules on the protection of animals during transport which is being integrated with the requirements for official controls laid down in Regulation (EC) No 882/2004. However, the procedures for the authorisation of transporters are incomplete and means of transport for long journeys have been approved without verification of all the requirements laid down in Regulation (EC) No 1/2005. When deficiencies were detected during checks on transport, the remedial actions taken were not always sufficient. Additionally, certain problems identified in previous FVO missions have not been addressed by the competent authority, such as the transport of unfit animals to slaughterhouses and the inadequate checks of journey logs.

7 CLOSING MEETING

A closing meeting was held on 24 April 2009 with representatives of the CCA. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. The representatives of the CCA stated that actions will be taken to improve the transporters authorisation, and in relation to the delegation of official tasks to private veterinarians and to the payment of the relevant fees they indicated that a report has been recently drafted in order to discuss on a possible revision of this system.

8 RECOMMENDATIONS

Within one month after receipt of report, the Competent Authority of France is recommended to take measures:

No.	Recommendation
1	To ensure that when irregularities during transport are detected, these are communicated to the competent authorities which granted the transporters' authorisation or the certificate of competence or the vehicle approval, as required by Article 26 of Regulation (EC) No 1/2005.
2	To ensure that conflict of interests is avoided, as required by Article 4.2(b) of Regulation (EC) No 882/2004, in particular in relation to contracted private veterinarians ("vétérinaires sanitaires").
3	To ensure that all staff performing official controls, including the "vétérinaires sanitaires", receive appropriate training and keep up to date in their area of competence, as required by Article 6 of Regulation (EC) No 882/2004 and Article 16 of Regulation (EC) No 1/2005.
4	To ensure that road vehicles for long journeys are approved after verification of the requirements concerning watering equipment and ramps as laid down in Chapter VI(2) and Chapter III(1.4)(a) of Annex I to Regulation (EC) No 1/2005,

No.	Recommendation
	and that the information concerning loading surface of decks on certificates of approval is correct (Chapter IV, point 3 of Annex III to Regulation (EC) No 1/2005).
5	To ensure that the personnel of transporters and of assembly centres receive training as required by Article 9(2)(a) of Regulation (EC) No 1/2005 and certificates of competence are granted according to the procedures laid down in Article 17.2 and in Annex IV to Regulation (EC) No 1/2005.
6	To ensure that procedures for granting the authorisation to transporters are complete and meet all the requirements of Articles 10 and 11 of Regulation (EC) No 1/2005.
7	To ensure that checks on journey logs are performed at places of departure as required by Article 14 of Regulation (EC) No 1/2005 and journey logs are returned as required by point 8 of Annex II of Regulation (EC) No 1/2005.
8	To ensure that unfit animals are not transported, as required by Article 12 of Directive 93/119/EC and Articles 3 and 6.3 of Regulation (EC) No 1/2005.
9	To ensure that official controls in control posts are carried out in accordance with Article 3 of Regulation (EC) No 1255/97 so that the requirements of this Regulation and of Regulation (EC) No 1/2005 are respected.
10	To ensure that adequate action is taken when non-compliances are identified so that the operator remedies the situation, as required by Article 54 of Regulation (EC) No 882/2004, and that all measures necessary to ensure the implementation of the rules on penalties applicable to infringements are taken , as required by Article 25 of Regulation (EC) No 1/2005 and Article 55 of Regulation (EC) No 882/2004 .
11	To ensure that verification of the effectiveness of official controls, as required by Article 8.3(a) of Regulation (EC) No 882/2004, is carried out to include the official tasks delegated to private veterinarians ("vétérinaires sanitaires").
12	To ensure that audits are carried out in the field of the protection of animals during transport, so that all the objectives of Regulation (EC) No 882/2004 are met, as required by Article 4.6 of this Regulation.

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

http://ec.europa.eu/food/fvo/ap/ap_france_8245_2009.pdf

ANNEX 1 - LIST OF LEGISLATION REFERENCED IN THE REPORT

Reference	OJ Ref.	Detail
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 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
Regulation (EC) No 1255/97	OJ L 174, 2.7.1997, p. 1–6	Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC
Directive 96/93/EC	OJ L 13, 16.1.1997, p. 28–30	Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products
Directive 64/432/EEC	OJ 121, 29.7.1964, p. 1977–2012	Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine