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FINAL REPORT OF A MISSION

CARRIED OUT IN

BULGARIA

FROM 16 JUNE TO 24 JUNE 2009

IN ORDER TO EVALUATE THE IMPLEMENTATION OF RULES ON THE WELFARE OF
LAYING HENS AND THE PROTECTION OF ANIMALS DURING TRANSPORT

Executive Summary

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Bulgaria, from 16 to 24 June 2009.

The objectives of this mission were to evaluate the measures taken to ensure the implementation of the requirements for animal welfare on laying hen farms and during transport as laid down in Directive 1999/74/EC and Regulation (EC) No 1/2005. In addition, a follow-up of the recommendations made in previous FVO reports was made.

The report concludes that there was very little progress since the previous mission on the same subject carried out in January 2008 and most of the commitments made by the CCA to correct deficiencies have not been implemented. In particular in relation to laying hens, the main issues identified were the overstocking of the cage systems visited and the CA tolerance of cage systems which do not meet the minimum EU structural standards and rear 38% of the total number of laying hens. The main problem remains the lack of enforcement but even when penalties are applied these are not dissuasive, effective or proportionate. In relation to transport, welfare checks were inadequate, in particular prior to long journeys for equidae, of both the journey logs and stocking densities, and in relation to animals exported to Third Countries.

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

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
BIP	Border Inspection Post
CA	Competent Authority
CCA	Central Competent Authority
DG SANCO	Directorate-General Health and Consumers of the European Commission
EU	European Union
FVO	Food and Veterinary Office
NVS	National Veterinary Service
OV	Official Veterinarian
RVS	Regional Veterinary Service
SNS	Satellite Navigation System
TAIEX	Technical Assistance and Information Exchange of Directorate-General Enlargement of the European Commission
TRACES	Trade Control and Expert System

1 INTRODUCTION

The mission took place in Bulgaria from 16 to 24 June 2009. The inspection team comprised of two inspectors from the Food and Veterinary Office (FVO). The mission was undertaken as part of the FVO's planned mission programme. The inspection team was accompanied during the whole mission by representatives from the Central Competent Authority, the National Veterinary Service, Directorate for Animal Health and Welfare (hereafter: CCA).

An opening meeting was held on 16 June 2009 with the CCA. At this meeting, the objectives of the mission and the itinerary were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission was requested.

2 OBJECTIVES OF THE MISSION

The objectives of the mission were to evaluate the measures taken to implement the requirements for EU legislation for animal welfare on farms and during transport, in particular:

- The implementation of the national measures aimed at the control of animal welfare on laying hen farms;
- The implementation of the national measures aimed at the control of animal welfare during transport.

Progress with the implementation of recommendations from previous FVO reports was also assessed.

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

Visits			Comments
Competent authority	Central	2	Opening and final meetings
	Regional	2	Sliven and Pazardjik Regional Veterinary Services (RVS, hereafter: regional CA)
	District	-	
Slaughterhouses		2	These slaughterhouses, approved for slaughtering cattle, small ruminants and pigs, were visited for the purpose of evaluating checks on transport at destination and were selected by the inspection team, one in each region.
Holdings with laying hens		3	Two holdings with both enriched and unenriched cage systems and one holding with alternative systems (both barn and free range) were selected by the inspection team.
Assembly centres		2	One assembly centre where lambs and kids were grouped together to form consignments to be sent to Cyprus. One assembly centre where <i>equidae</i> were grouped together to form

		<p>consignments to be sent to Italy.</p> <p>These sites were selected by the inspection team, one in each region.</p>
Exit point	1	The port of Burgas, selected by the inspection team from a list of exit points designated by the CA.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, in particular Article 9 of Council Directive 1999/74/EC, Article 7 of Council Directive 98/58/EC, Article 28 of Council Regulation (EC) No 1/2005 and Article 45 of Regulation (EC) 882/2004 of the European Parliament and of the Council.

Full legal references are provided in Annex I. Legal acts quoted in this report refer, where applicable, to the last amended version.

4 BACKGROUND

A previous mission concerning animal welfare of laying hens and during long distance transport took place in Bulgaria from 15 to 18 January 2008 (ref: DG(SANCO)/2008-7687, hereafter: mission 2008-7687). Mission 2008-7687 was the first FVO mission concerning animal welfare since the accession of Bulgaria to the EU. Prior to accession the FVO carried out two animal welfare missions in the framework of the accession preparations of Bulgaria, in order to assist and monitor progress with the adoption of the relevant EU requirements.

Mission report 2008-7687 concluded that although certain measures had been taken, these were largely ineffective in ensuring that the system of control for animal welfare is satisfactory. Serious non-compliances were found in the laying hen sector, and in particular a major problem was in relation to non-compliant unenriched cages, already identified in a previous mission and not adequately addressed by the competent authorities. In relation to animal welfare during transport, some of the measures taken, such as the authorisation of transporters and approval of means of transport provided a basic framework for controls, but inspections were not implemented so that requirements of Council Regulation (EC) No 1/2005 were adequately enforced. The CCA indicated that certain actions had been taken in response to the recommendations, and the effectiveness of several of these actions was assessed during the current mission.

Report 2008-7687 and the CCA action plan to address its recommendations are available on the DG SANCO web site: http://ec.europa.eu/food/fvo/index_en.cfm

5 FINDINGS AND CONCLUSIONS

5.1 COMPETENT AUTHORITY

5.1.1 Organisation and responsibilities

The organisation of the Competent Authorities (hereafter: CA) is described in the Country Profile on food and feed safety, animal health, animal welfare and plant health (CP 7710/2008) published on the DG SANCO web site: http://ec.europa.eu/food/fvo/country_profiles/CP_bulgaria.pdf

Further information is available on the CCA web site: http://www.mzgar.government.bg/MZ_eng/NacSlujbi/NVMS/nvms.htm

The following details are further to those already described in the Country Profile on the CA and of their tasks in relation to animal welfare:

- Official controls on farm are performed by official veterinarians (OVs) from the regional CA, including the OV responsible for animal welfare issues. They are also responsible for the registration of laying hen holdings as required under Commission Directive 2002/4/EC.
- Official controls on transport of animals performed at slaughterhouses are carried out by the inspectors of the public health departments of the regional CA. Checks on transport at places of departure are performed by OVs from the regional CA and by municipal veterinarians.

Police officers do not have legal powers to perform checks on animal welfare. Police officers might ask for the assistance of an OV, if during road-side checks doubts arise concerning a consignment of animals. OVs from the regional CA participate in road-side checks if requested by the Police.

5.1.2 Staff qualification and training

Legal requirements

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Article 16 of Regulation (EC) No 1/2005 requires competent authorities to ensure that staff are duly trained and equipped to check data recorded on the recording equipment for road transport as provided for by Regulation (EC) No 3821/85 and the navigation system.

Findings

- Training is organised according to a cascade system: the heads of the departments of animal health and of public health and the OVs responsible for animal welfare issues from the regional CA are trained at central level. They then have to organise and perform training for the other OVs who, in their turn, train municipal and private veterinarians.
- Training needs are identified at both central and regional level. Topics for the training plan are selected by the CCA on the basis of new legislation introduced, non-compliances reported by the regional CAs or outcomes of specific issues discussed at EU level. The regional CAs develop the training programme for their own OVs.
- In response to a specific recommendation of report 2008-7687 concerning training, two workshops on animal welfare were organised in 2008 by TAIEX (Technical Assistance and Information Exchange). One workshop was on welfare during transport and the second one concerned welfare checks at border inspection posts (BIPs). Participants at these training

courses were from the CCA and from the regional CA. The CCA also indicated that the findings of mission 2008-7687 were discussed in a meeting with the directors of the regional CAs, the heads of the departments of animal health and of public health and the veterinarians responsible for animal welfare from the regional CAs. Training on TRACES (Trade Control and Expert System) was provided in 2006 for the heads of departments and the OVAs from the border inspections posts (BIPs). The training plan for 2009 included a two-day workshop on animal welfare on farm and during transport for the OVAs responsible for animal welfare from the regional CAs.

- In the two regions visited, the OVAs and the veterinarians responsible for animal welfare had received training on animal welfare on farms and during transport in 2008 and in 2009. However, specific issues had not been adequately covered by the training, such as the assessment of requirements for means of transport for long journeys concerning ventilation, watering system, temperature monitoring systems, fitness of animals for transport. In relation to the use of TRACES, training on the most updated versions had not been provided, in particular on how to enter the correct journey times and other data in the journey planning section of TRACES. Training on checking the drivers' records (tachograph discs) and the satellite navigation system (SNS) was not provided.

Conclusions

The training organised and provided by the CCA for the OVAs has partly addressed the relevant recommendation of report 2008-7687. The requirements of Article 16 of Regulation (EC) No 1/2005 and Article 6 of Regulation (EC) No 882/2004 concerning training have not been respected. Certain specific issues concerning animal welfare during transport, such as checks on journey logs, the approval of means of transport, the updated versions of TRACES system and the checks on the drivers' records and SNS records have not been covered. As a result controls do not adequately address these issues.

5.1.3 Facilities for CA staff

Legal requirements

Article 4(2)(d) of Regulation (EC) No 882/2004 requires competent authorities to ensure that they have appropriate and properly maintained facilities and equipment so that staff can perform official controls efficiently and effectively.

Findings

- There was no equipment available to the OVAs of the exit point visited, which was designated by the CA for the export of live animals to Third Countries, to perform animal welfare checks as required by Article 21 of Regulation (EC) No 1/2005, other than a portable ladder and a torch. There were no facilities where animals could be unloaded from the means of transport, for the purposes of Article 21(3) of Regulation (EC) No 1/2005. The nearest control post is located 150 km away.
- Although national legislation requires OVAs to check certain environmental parameters on farms, such as the air temperature, the relative humidity, light intensity and gas concentrations, equipment to do this was not available to OVAs. The checklists of the inspections performed OVAs indicated that such verifications either were made with the farmers' equipment or that verification was not possible due to lack of equipment.

Conclusions

As the CA did not provide official veterinarians with equipment and facilities to perform checks efficiently and effectively, contrary to Article 4(2)(d) of Regulation (EC) No 882/2004, checks performed on farms were incomplete and checks performed at the exit point visited were inadequate.

5.2 LEGISLATION

Findings

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:

- In response to a recommendation of report 2008-7687 to correctly transpose into national legislation the requirement concerning the slope of cage floor as laid down in Article 2.2(d) of Directive 1999/74/EC, Ordinance No 25 of 14.12.2005 has been amended.
- In response to a recommendation of report 2008-7687 concerning penalties, the CA indicated that the foreseen amendment to the Law on Veterinary Activities will provide for substantially enhanced sanctions. At the time of this mission, the proposed amendment had been discussed in the Parliament, but a timetable for its further progress could not be provided.

Conclusions

The recommendation of report 2008-7687 concerning amending national legislation on floor slope of cage systems has been addressed by the CCA.

Although procedures to amend the law on penalties started after mission 2008-7687, this law has not yet been amended and therefore the relevant recommendation in report 2008-7687 has not been addressed.

5.3 REGISTRATION OF HOLDINGS WITH LAYING HENS

Legal requirements

Article 1(1)(a) of Directive 2002/4/EC requires the competent authority to establish a system for registering holdings with more than 350 laying hens, and to allocate a distinguishing number to these holdings.

Article 1(2)(b) of Directive 2002/4/EC requires that no new establishment is brought into use prior to completion of the registration and receipt of the distinguishing number.

Article 1(4) of Directive 2002/4/EC requires that changes concerning registered data are notified without delay and that the register is updated immediately.

Findings

In response to a recommendation in report 2008/7687 to correct and update data registered according to Directive 2002/4/EC, the CCA indicated that in 2008 all holdings had been re-registered, their maximum capacity had been re-calculated in accordance with the veterinary and welfare requirements of legislation and that a code according to the Annex of this Directive had been re-allocated.

The CCA also indicated in their action plan that any holding not meeting the veterinary and animal

welfare requirements would not have been given a registration certificate. Appropriate prescriptions for the elimination of any deficiencies had been issued.

The following was noted by the mission team:

- As a result of the checks performed in 2008, the CA identified 35 holdings with unenriched cages which do not meet the minimum structural standards of Article 5 of Directive 1999/74/EC. 22 holdings were re-allocated a distinguishing number according to the provisions laid down in the Annex to Directive 2002/4/EC, on the basis of upgrading plans presented to the CA or a declaration of the intention to stop operating by the end of 2011. Concerning the remaining 13 holdings, 12 were not re-allocated a distinguishing number and for one no information was available. The CA indicated that they could not prevent the holdings without a correct distinguishing number from marketing the eggs produced.
- The three holdings visited by the mission team had been re-registered in 2008 and re-allocated with a distinguishing number. As stated by the regional CA, this had been performed without prior inspection to verify their compliance with animal welfare requirements.
- The register of holdings with laying hens was for three holdings in the two regions visited not updated and figures concerning the maximum capacity provided by the CCA before and during the mission and by the regional CA were inconsistent. There was no established procedure for updating data after the registration of holdings but the regional CA visited indicated that updated information is sent to the CCA once a year.
- The information concerning the farming method of one of the holdings visited was incorrect. This holding had two buildings with unenriched cage systems and one with enriched cages, but appeared only in the list of producers with enriched cages.
- In one of the regions visited, one holding had been registered upon the farmer's application made when the holding was already in operation, after accession of Bulgaria to the EU in 2007. Article 1(2)(b) of Directive 2002/4 requires that no new establishment is brought into use prior to completion of the registration and receipt of the distinguishing number.
- Old registration codes based on previous national legislation, which do not comply with Paragraph 2 of the Annex to Directive 2002/4/EC, are still used to mark packages for table eggs put on the market.

Conclusions

Information concerning the maximum capacity of the holdings with laying hens was still incorrect and procedures for registration of holdings were incomplete and did not meet all the requirements of Directive 2002/4/EC.

Holdings which do not meet the minimum structural standards of Article 5 of Directive 1999/74/EC have been registered and are allowed to continue operating without any action by the CA.

5.4 CHECKS ON LAYING HEN FARMS

Legal requirements

Article 8 of Directive 1999/74/EC requires the CA has to carry out checks to monitor compliance with the requirements of this Directive, and Article 3(1) of Regulation (EC) No 882/2004 requires checks to be prioritised on the basis of risk.

Article 5(2) of Directive 1999/74/EC requires Member States to ensure that rearing in unenriched cages is prohibited with effect from 1 January 2012. In addition, that with effect from 1 January 2003 (and from date of accession to the EU for new Member States), no unenriched cages may be

built or brought into operation for the first time.

Commission Decision 2006/778/EC requires that during each inspection carried out pursuant to Directive 1999/74/EC, the competent authority shall check at least three of the categories referred to in Chapter IV of Annex II to this Decision and the corresponding provisions in Directive 1999/74/EC as listed in that Chapter. The competent authority shall record any non-compliance found.

Findings

Before the mission the CCA provided the following information:

Rearing system	No of holdings	No of laying hens	%
Unenriched cages	25	804 702	26.48
Unenriched non-compliant cages	34	1 162 291	38.25
Enriched cages	11	373 152	12.29
Alternative	53	698 274	22.98
total	123	3 038 419	100

In the two regions visited the holdings with laying hens had been inspected at least once in 2008 and in 2009 up to the date of this mission.

The following shortcomings were noted by the mission team in the three holdings visited:

- One of the holdings visited started operating in January 2007 and brought into operation unenriched cages in January and in September 2007, i.e. after the date of accession of Bulgaria to the EU. The regional CA registered the holding and provided it with a registration code although no measures were taken to correct the cages used.
- Both holdings visited with laying hens in cage systems were overstocked, one with 30% more birds and the other with at least 40% more. Individual houses with enriched cages were overstocked with 61% and 58% more birds than their actual capacity. The overstocking had been detected by the OV in one region although in the calculation of the maximum capacity the space occupied by the nests had not been subtracted. Fines of 300 BGN in 2008 (circa 150 euro), and 600 BGN (circa 300 euro) had been imposed on the operator. The overstocking of the holding visited in the other region had not been reported by the OV. Additionally, the reports of three inspections performed in 2008 and in 2009 had been altered so that this holding appeared understocked.
- Concerning the holding with the alternative system, the CA had calculated the maximum capacity for each building, taking into account the requirements limiting the number of hens that can be placed therein. The space provided by the so-called "winter garden" had been included in the calculation of the usable area, but access to the "winter gardens" was not available at night-time and when external temperature falls under 8°C so that this additional area was not always usable. There was no litter, as defined by Article 2(2)(c) of Directive 1999/74/EC, i.e. any friable material enabling the hens to satisfy their ethological needs.
- Concerning holdings with unenriched cages which, according to the survey performed by

the CA, are currently in compliance with Article 5 of Directive 1999/74/EC, the CA provided a summary table with the operators' upgrading plans for phasing out of this system by the deadline of 31.12.2011.

- This table also includes 35 holdings which do not meet the minimum structural standards of Article 5 of Directive 1999/74/EC, and which should have stopped at the date of accession of Bulgaria to the EU. The operators of 16 of these holdings have presented plans for upgrading either to enriched cages or to alternative systems with deadlines up to 31.12.2011. 13 holdings plan to cease operating by 31.12.2011. The remaining six holdings were not included in this table.

The CCA explained that in May 2009 the Bulgarian egg producers association sent a letter to the Minister of Agriculture asking for an extension to the use of unenriched cages until 31.12.2016 but the CCA had advised the Minister that this was not legally possible.

Conclusions

The quality of checks has improved and most shortcomings have been identified by the OVs, in particular the overstocking of cages, although the results are not accurately reported. However, as a result of inadequate penalties and lack of enforcement, serious overstocking of cages is tolerated by the CA.

Additionally, 38.25 % of laying hens are currently kept in cages systems which do not meet the minimum structural standards of Article 5 of Directive 1999/74/EC, and the CCA have taken no action to prevent these holdings from continuing operating and accepts that this will continue until 31.12.2011.

5.5 CORRECTIVE ACTIONS IN HOLDINGS WITH LAYING HENS

Legal requirements

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

Article 55 of Regulation (EC) No 882/2004 requires Member States to take all measures necessary to ensure that rules on sanction are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

- OVs have the legal powers to issue a prescription to remedy shortcomings within a certain deadline. They may decide, on the basis of the seriousness of the non-compliance, to issue an "act" or "statement of non compliance", with a deadline for taking remedial actions. If deadlines are not respected, the Director of the regional CA can impose the fines which are laid down in Article 422 of the Law on Veterinary Activities: 100 to 200 BGN (circa 50 to 100 euro) and in the case of a repeated violation 200 to 500 BGN (circa 100 to 250 euro).
- The fines imposed for overstocking in a laying hen farm in one region were 300 BGN in 2008 (circa 150 euro), and 600 BGN (circa 300 euro) in 2009 for the repeated infringement. These amounts are not proportionate when compared with the income of 4 500 BGN/day (circa 2 250 euro/day) obtained by the sale of the circa 28 000 excess eggs illegally produced, as was indicated by a representative of the CCA. No further action was taken to ensure that the non-compliance was corrected.

Conclusions

The penalties laid down in national legislation are not effective, proportionate and dissuasive as required by Article 55 of Regulation (EC) No 882/2004.

5.6 REPORTING OF RESULTS OF FARM INSPECTIONS

Legal requirements

Decision 2006/778/EC lays down rules for the harmonisation for recording and reporting results of farm inspections to the Commission.

Findings

- The CCA prepared the reports for the Commission Services concerning farm inspections carried out in 2007 and in 2008, according to the tables provided for in the Annex to Decision 2006/778/EC.
- The CCA did not issue instructions to the regional CA on how to select, categorise or report inspections and infringements. As a result, reporting from the regional CAs was not accurate. As an example, the figures reported by the region of Pazardjik for the checks performed in laying hen holdings in 2008 were inaccurate. The summary report indicated that all production sites were without non-compliances, whereas various non-compliances were reported in the specific sections of the report.
- Additionally, the summary tables of the results of inspections by individual regions provided by the CCA at the opening meeting were inconsistent with those provided to the mission team by the regional CAs in the two regions visited.
- Moreover, in Sliven the OV had reported the infringements observed in a holding and the actions taken, whereas the regional CA informed the CCA that there were no infringements.

Conclusions

Farm checks are reported according to Decision 2006/778/EC but due to both a lack of instructions from the CCA and a lack of verification by the various levels of the CA, the information collected and reported to the Commission was inconsistent and unreliable.

5.7 VERIFICATION OF FARM INSPECTIONS

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 that they carry out.

Findings

In response to a recommendation of report 2008-7687, concerning verification of the effectiveness of official controls for animal welfare, the CA indicated that a system had been put in place. The CCA explained that the provisions for the verification of the effectiveness of checks are laid down in national legislation. According to this system, at least once every six months the activities at each level of the CA are verified by the superior level of the CA. A report is made for each of these verifications.

- At the regional office in Sliven the mission team was provided with three reports of supervisory inspections made by the regional CA on the activities of the OVs in three districts. The date indicated for one inspection (2.11.2008) corresponds to a Sunday, which

was not a working day indicated by the CA.

- The regional CA of Pazardjik explained that verification is performed on the number of checks carried out by the OVs against the programmes of checks and that sometimes joint checks are performed but no written reports are made.

Conclusions

There was no evidence that the system described by the CCA for the verification of the effectiveness of controls had been implemented in the two regions visited. As a consequence weaknesses in official controls identified by the mission team have not been identified by the CA and the recommendation in report 2008-7687 has not been addressed.

5.8 AUTHORISATION OF TRANSPORTERS

5.8.1 Records of infringements

Legal requirements

Article 10(1)(c) of Regulation (EC) No 1/2005 requires that an applicant for transport authorisation has no record of serious infringements of Community legislation and/or national legislation on the protection of animals in the three years preceding the date of the application.

Findings

- The procedures for authorising transporters do not include verification of serious infringements of Community legislation and/or national legislation on the protection of animals in the three years preceding the date of the application.
- The CCA stated that this was not necessary because in January 2007 when the first authorisations were issued Bulgaria had just joined the EU.

Conclusions

Due to incomplete procedures for the authorisation of transporters, the requirement of Article 10(1)(c) of Regulation (EC) No 1/2005 regarding the lack of a record of infringements on the protection of animals is not implemented.

5.8.2 Contingency plans

Legal requirements

Article 11(1)(b)(iv) of Regulation (EC) No 1/2005 requires the applicant for authorisation for long journey transport to provide contingency plans in the event of emergencies.

Findings

In the files reviewed by the mission team, plans in the event of emergency were included. The plans described the criteria for the assessment of the health and welfare of the animals, possible measures in case of their illness or injuries and in case of breakdown of the vehicle.

Conclusions

The requirement of Article 11(1)(b)(iv) of Regulation (EC) No 1/2005 regarding the submission of plans in the event of emergency for long journeys authorisation of transporters is complied with.

5.8.3 *Certificates of competence*

Legal requirements

Article 11(1)(b)(i) of Regulation (EC) No 1/2005 requires the applicant for long journeys transport authorisation to provide valid certificates of competence for drivers and attendants.

Article 17 of Regulation (EC) No 1/2005 requires that training courses are made available for personnel of transporters and assembly centres.

Findings

- All files reviewed by the mission team concerning authorisation of transporters for long journeys included a copy of the certificates of competence for drivers and attendants.
- Training courses have been made available to transporters' personnel and are organised by the Universities of Stara Zagora and Sofia. In May 2009 one private company was also designated by the CCA to provide training courses. Certificates of competence are issued by the Director of the regional CA.

Conclusions

The requirement of Article 11(1)(b)(i) of Regulation (EC) No 1/2005 to submit valid certificates of competence for drivers and attendants for long journeys transporter authorisation and the requirement of Article 17 of Regulation (EC) No 1/2005 to make training courses for transporters' personnel have been complied with.

5.8.4 *Approval of means of transport*

Legal requirements

Article 11(b)(ii) of Regulation (EC) No 1/2005 requires the applicant for long journeys transport authorisation to provide valid certificates of approval of the means of transport.

Article 18 of Regulation (EC) No 1/2005 requires the competent authority to grant a certificate of approval for means of transport by road used for long journeys, provided that the means of transport have been inspected and found in compliance with the requirements of Chapter II and VI of Annex I to this Regulation.

Article 8 of Regulation (EC) No 882/2004 requires the competent authority to carry out controls in accordance with documented procedures.

Findings

In response to a recommendation in report 2008-7687 to improve documented procedures to provide sufficient guidance on how to assess the requirements of Regulation (EC) No 1/2005, the CCA indicated that an instruction had been approved. It was noted that:

- Approval of means of transport is granted by the regional CA, after an inspection performed by the OV's.
- The checklist for performing inspections to verify the compliance with the requirements of Regulation (EC) No 1/2005 was dated December 2007, prior to mission 2008-7687. This checklist was not used for inspecting vehicles prior to approval and there was no documentary evidence of such inspections.
- The CA indicated that there are no instructions on how to perform inspections prior to approval. A training course provided in 2009 to OV's dealt specifically with the requirements

- for the means of transport.
- In the region of Pazardjik, there were two certificates of approval for means of transport, one issued in September 2007 and the second in November 2007. The CA stated that at that time the training received was insufficient to properly assess means of transport, and in particular requirements such as the temperature monitoring and recording devices, the water tank capacity, the ventilation system and the partitions for individual stalls for horses. The CA acknowledged that the approval for both means of transport was inadequate but there had been no subsequent inspection of the vehicles involved and no consequence for the transporters' authorisation.
 - One means of transport seen by the mission team in Pazardjik and approved by this CA was approved for transporting *equidae*, cattle, small ruminants and pigs. However, the partitions did not allow *equidae* to be transported in individual stalls as required by point 1.6 of Chapter VI of Annex I to Regulation (EC) No 1/2005. Additionally, the certificate of approval indicated 105.5 m² of loading area and that up to 105 horses could be loaded. This implied that *equidae* would be loaded on the three decks of the vehicle, which is forbidden by point 2.3 of Chapter III of Annex I to Regulation (EC) No 1/2005.
 - For the other means of transport approved in Pazardjik, the certificate of approval included transport of cattle, small ruminants, horses and pigs. The CA stated that this vehicle had also been fitted with movable aluminium partitions to create individual stalls for *equidae* and which were missing when the first approval was granted. This vehicle could not be assessed by the mission team because it was not available on the spot.
 - In the region of Sliven there were three approved means of transport and all the three certificates contained inaccuracies and inconsistencies, which had not been detected by the regional CA responsible for their approval, or by the CCA which issued the authorisation of the transporters. One certificate indicated that the vehicle was approved to transport ten bovines, 30 lambs and six horses in Bulgarian language, whereas in English it indicated 15 bovines, 130 lambs and six horses. The certificate of another means of transport did not specify the species and number of animals for which it was approved. The certificate of a third means of transport indicated both yes and no regarding the satellite navigation system (SNS) equipment. The same certificate indicated that the loading area was 37 m², whereas the area calculated by the OV for each tier of the truck and the trailer resulted in 94.94 m². Chapter IV of Annex III to Regulation (EC) No 1/2005 indicates that the area in m² of each deck must be recorded.
 - In relation to SNS, in Pazardjik a certificate had been re-issued in January 2009 when the vehicle had been fitted with a SNS. This vehicle had already been approved in June 2007 but its validity had been correctly limited to 1.1.2009 to ensure that a SNS would be fitted. In Sliven the certificate of one means of transport was valid until 2012 although it indicated that the vehicle was not equipped with SNS.

Conclusions

The recommendation in report 2008-7647 concerning documented procedures for the assessment of the requirements of Regulation (EC) No 1/2005 has not been addressed and procedures for approving means of transport are not harmonised. As a result the vehicle seen was not in compliance with all the requirements for long journeys, such as partitions for transporting *equidae* in individual stalls, and there were differences between the regions visited on how the SNS was included in the approval certificate.

The information on the certificates of approval of means of transport regarding loading area and number of animals that could be transported was inaccurate.

5.9 RECORDS OF AUTHORISATIONS AND OF MEANS OF TRANSPORT FOR LONG JOURNEYS

Legal requirements

Article 13(3) of Regulation (EC) No 1/2005 requires the competent authority to record authorisations in a manner enabling to identify transporters rapidly. Articles 13(4) and 18(3) of Regulation (EC) No 1/2005 require the competent authority to record authorisations for long journeys and certificates of approval of means of transport in an electronic database, and to make the transporters' name and authorisation number publicly available during the period of validity of the authorisation.

Findings

- Authorisations are issued at central level on the basis of the documentation prepared by the regional CAs. The authorisations and the means of transport for long journeys are recorded in an electronic database which is publicly available on the CCA website.
- One transporter which had ceased operating and sold its means of transport to another transporter had not been cancelled from the database. His truck and trailer were therefore recorded twice under two different transporters' authorisations.
- Errors such as the grossly inaccurate number of animals that can be transported had not been detected by the person in charge of granting the authorisations and recording these at central level.
- A new certificate of approval for a means of transport issued in January 2009 to replace the certificate expired had not been sent to the CCA.

Conclusions

The register of transporters for long journeys is made publicly available, as required by Article 13.4 of Regulation (EC) No 1/2005. However, the information contained was inaccurate and was not kept up to date.

5.10 APPROVAL OF LIVESTOCK VESSELS

Legal requirements

Article 19 of Regulation (EC) No 1/2005 requires competent authorities to grant a certificate of approval for livestock vessels operating from the Member State where the application is made, and to record certifications of approval in an electronic database.

Findings

There are no livestock vessels approved in Bulgaria. The CCA declared that transport of animals on the Black Sea is performed by means of transport by road loaded on a Ro-Ro ferry departing from the port of Burgas.

5.11 FITNESS OF ANIMALS FOR TRANSPORT

Legal requirements

Article 3(b) of Regulation (EC) No 1/2005 requires that animals transported are fit for the journey. Article 6(3) of Regulation (EC) No 1/2005 requires transporters to transport animals in accordance with the technical rules set in Annex I, which includes provisions for the fitness for transport.

Findings

- There are no specific instructions provided by the CCA on the fitness of animals for transport. The CCA indicated that this issue was discussed during the training provided to OV's.
- At the two slaughterhouses visited the mission team reviewed the documentation concerning consignments of pigs and cattle delivered between January and June 2009. For one slaughterhouse in Sliven where an average of 20 cattle and 50 pigs are slaughtered each week, three cases of adult bovines transported with a suspect broken limb had been recorded in the first five months of 2009. The post mortem inspections confirmed the fracture of the humerus in one case and of the tarsal bones in the other. Two of these animals originated from the same farm and reports had been sent to the CA competent for this farm for follow up investigation. The result of the follow up was unknown.
- There were no cases recorded of injured animals transported to the slaughterhouse visited in Pazardjik.

Conclusions

Animals which were not fit for the journey have been transported contrary to Article 3(b) of Regulation (EC) No 1/2005. Although it was a small number of animals, steps have not been taken to prevent further incidents.

5.12 CHECKS AT DEPARTURE

Legal requirements

Article 14 of Regulation (EC) No 1/2005 requires the competent authority, at places of departure, to verify before long journeys that transporters have valid authorisations, the valid certificate of approval for the means of transport and valid certificates of competence for drivers and attendants and that the journey log submitted by the organiser is realistic and indicates compliance with this Regulation.

Point 8 of Annex II to Regulation (EC) No 1/2005 requires transporters to return a copy of the completed journey log to the competent authority of the place of departure within one month after the completion of the journey.

Article 15(1) of Regulation (EC) No 1/2005 requires the competent authority to carry out checks at any stage of a long journey to verify that journey times are realistic and that the journey complies with this Regulation and in particular with that travelling times and resting period have complied with the limits set out in Chapter V of Annex I.

Article 15(4) of Regulation (EC) No 1/2005 requires that records of movement obtained from navigation systems may be used for carrying out these checks.

Findings

In response to a recommendation in report 2008-7687 to ensure that journey logs meet the requirements of Annex II of Regulation (EC) No 1/2005, the CCA indicated that OV's and drivers had received thorough training on this issue. The CCA also indicated that the effectiveness of the checks performed by the OV's on journey logs had been verified and had been the subject of internal audits, and that the return of journey logs by the transporters was checked.

- According to the information provided by the CCA before this mission, checks at departure are performed on all consignments of animals for intra-Community trade or export to Third Countries and that 100% of consignments is supervised by the OV during loading of

animals.

- The CA indicated that following 41 checks in 2008 and 17 checks performed in the first five months of 2009 in Sliven, no animal welfare shortcomings were identified at the seven assembly centres operating in this region. One of the checks in 2008 was performed jointly with representatives of the CCA following a complaint from another Member State concerning identification and certification problems.
- In Pazardjik the CA reports of 21 checks performed in 2008 at one assembly centre, indicated that the shortcomings identified concerned the journey log for consignments of horses transported to Southern Italy, and that the means of transport was not equipped with a SNS. Remedial actions were taken by the operator. In 2009, it was found that the same means of transport lacked a system for recording temperature and remedial action was requested by the CA.
- Regarding journey logs for animals sent during the first five months of 2009 from one assembly centre in Sliven selected by the mission team, the majority of animal movements concerned small ruminants of two to three months of age sent to Cyprus and adult cattle sent to Greece. The CA indicated that journey logs for the consignments to Greece were not required because the destinations were all reachable in less than eight hours. However, there were places of destination more than 600 km away and it is not possible for a vehicle travelling at an average speed of 65 km/hr to complete the journey within eight hours.
- For the consignments from Sliven to Cyprus the CA was not satisfied with the journey times automatically calculated by TRACES and the CA was not aware that these settings can be changed. Therefore, the CA elaborated a journey plan for the organiser with more realistic travelling times obtained by other internet applications. Travelling and resting times were calculated for weaned lambs and met those laid down in Chapter V of Annex I to Regulation (EC) No 1/2005.
- In the region of Pazardjik copies of five journey logs concerning consignments of horses sent to Southern Italy (Puglia and Sicily) via Greece were reviewed by the mission team. The CA acknowledged that no checks had been performed on these. There were several omissions and inconsistencies, which neither the CA nor the organiser could explain. In section 1, important details were missing and it was indicated that the final destination in Sicily and the control post in Puglia were reached on the same date and time, although there are 550 km between these two locations. Records on section 4 of all journey logs indicated that the vehicle reached the port in Greece 24 hours after departure, and a stop of ten hours and one of three hours were included in this time. The distance between the place of departure and the port is 640 km which can be covered in eleven hours drive. The stops represent unjustifiable delays and are contrary to Article 3(a) of Regulation (EC) No 1/2005 requiring that the length of the journey must be minimised. The information recorded on the journey logs also showed that 22 to 23 adult horses were loaded in 34.5 m², whereas a maximum of 19 adult horses can be loaded in this area to meet the requirements for space allowance laid down in Chapter VII of Annex I to Regulation (EC) No 1/2005.
- In relation to returned journey logs, in Sliven four journey logs out of eight had been returned by the transporters.
- In Pazardjik the CA stated that only section 4 of the journey logs were returned and the remaining pages were kept at places of destination. Copies of all journey logs for 2009 were then provided by the assembly centre operator who was also the transporter and the organiser.
- In the two regions visited the checks foreseen by Article 15(4) of Regulation (EC) No 1/2005 on SNS records or on other drivers' records (tachograph discs) were not performed. The CA of Pazardjik stated that records obtained by the SNS systems were not accessible to the CA or to the transporter.

Conclusions

Checks were overall adequate in one region, whereas in the second region checks on journey logs were not performed. As a consequence *equidae* were transported on long journeys without respecting the requirements concerning the minimum space allowances laid down in Chapter VII of Annex I to Regulation (EC) No 1/2005 and the requirement of Article 3(a) of this Regulation to minimise the length of the journey. The recommendation in report 2008-7647 concerning checks on journey logs has not been addressed.

No checks on the records obtained by the SNS nor on the drivers' records to verify that declared journey times are realistic were performed in either of the regions visited, contrary to Article 15(4) and point 8 of Annex II to Regulation (EC) No 1/2005.

5.13 ROAD-SIDE CHECKS

Legal requirements

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

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. Such inspections must be carried out on an adequate proportion of animals transported each year within the Member State and may be carried out at the same time as checks for other purposes.

Findings

- The CCA indicated that 98 road-side checks had been performed in 2008 in co-operation with the Police, out of 403 planned (24.3%).
- In Sliven region three such checks had been performed out of five planned, and did not concern long distance transport. The shortcomings identified were the lack of veterinary certificates for national movement of animals. No such checks had been performed in Pazardjik region although two were planned.

Conclusions

In spite of planning, insufficient or no road-side checks were performed and therefore the relevant requirements of Articles 15 and 27(1) of Regulation (EC) No 1/2005 are not complied with.

5.14 CHECKS AT EXIT POINTS

Legal requirements

Article 2(1)(b) of Regulation (EC) No 639/2003 requires that the exit of animals from the customs territory of the Community takes place only through a border inspection post agreed for veterinary checks on live ungulates or an exit point designated by the Member State.

Article 2(2) of this Regulation requires the official veterinarian at the exit point to verify that the requirements of Regulation (EC) No 1/2005 have been complied with from the place of departure to the exit point and that transport conditions for the rest of the journey comply with the provisions of this Regulation that the necessary arrangements have been taken to ensure their compliance until

unloading in the Third Country of destination.

Article 21 of Regulation (EC) No 1/2005 requires official veterinarians at exit points to check that animals are transported in compliance with this Regulation. The official veterinarians must in particular verify the validity of the transporters' authorisation, the certificate of competence of drivers, the fitness of animals to continue their journey, the compliance of the means of transport with the requirements of this Regulation.

Point 3 of Article 21 of Regulation (EC) No 1/2005 requires that animals which are not fit to complete the journey shall be unloaded, watered, fed and rested.

Article 22 of Regulation (EC) No 1/2005 requires the competent authority to take the necessary measures to prevent or to reduce to a minimum any delay during transport or suffering by animals when unforeseeable circumstances impede the application of this Regulation. The competent authority must ensure that appropriate arrangements are made for the care of animals and, where necessary, their feeding, watering, unloading and accommodation.

Findings

Prior to this mission the CCA informed the FVO that they have designated four exit points in Bulgaria for the export of live animals to Third Countries. The CCA provided the following information regarding the exit point of Burgas, selected by the mission team for the visit:

- No animal welfare infringements were detected following the checks performed in 2008 on 42 consignments of heifers from other Member States and from January to mid-June 2009 on 25 consignments, with destinations in Armenia, Georgia and Azerbaijan.
- These consignments from Member States were exported in the context of export refunds (Regulation (EC) No 639/2003).
- The exit point in Burgas is a port where the means of transport are loaded onto a Ro-Ro ferry. This ferry takes approximately three days to reach the port of Poti in Armenia.

The OV's at the exit point indicated that the Ro-Ro ferry is always delayed, up to two or more days from the scheduled timetable. The consignments are checked when the means of transport arrive at the port, and all the custom documents and the document of Annex I to Regulation (EC) No 639/2003 are stamped and signed. Then it is up to the transporters to provide for the necessary arrangements for the animals while waiting for the ferry.

The OV's also indicated that they had not received any training to perform welfare checks on the requirements of Regulation (EC) No 1/2005, including checks on journey logs, the drivers' records and the SNS records.

The following observations were made by the mission team:

- There was no equipment or facilities to carry out proper checks on the animals. The OV's stated that checks are carried out without unloading the animals with the help of a portable ladder and a torch.
- There were no facilities in the port or in its immediate vicinity to unload animals if necessary, as required by Articles 21(3) and 22 of Regulation (EC) No 1/2005. The nearest control post was located 150 km away.
- In March 2008 four consignments arrived at the port and although the ferry had not yet arrived, all clearance documents were signed by the OV, including Annex I to Regulation (EC) No 639/2003. For at least one consignment, the animals had already travelled for 25 hours and remained on the lorry for two more days. Eventually the OV was informed that the ferry would arrive possibly two days later and issued orders to send the trucks with the animals to three different control posts in Bulgaria, one of these at four hours drive from the port. There was no evidence of the actual rest in the control posts as the clearance at the exit

- point had already been given.
- In July 2008 two trucks with consignments of heifers arrived at the port of Burgas. There was a dead animal on one means of transport and unloading and re-loading of animals had to be arranged in the parking lot to dispose of the dead one. The ferry did not arrive on that day as scheduled and because of lack of facilities the animals were kept on the trucks parked on the docks. On the following day another animal was found dead on the other means of transport. Again unloading and re-loading of animals had to be arranged in the parking lot.
 - According to the records on the journey logs, one of the two trucks had already travelled for 23 hours before reaching Burgas and the other for 12 hours. As the maximum travelling times of 29 hours as laid down in Chapter V of Regulation (EC) No 1/2005 had elapsed, animals should have been unloaded in a control post and rested for 24 hours. Additionally, contrary to the requirements of Article 22 of Regulation (EC) No 1/2005, no arrangements were made by the OV to ensure the care of the animals and their feeding, watering, unloading and accommodation.
 - Concerning the two consignments of 2009, the records indicated that the document of Annex I to Regulation (EC) No 639/2003 had been signed on the day of arrival in Burgas. There was no evidence of the actual date and time of departure of the ferry.

In a letter sent to the Commission following this mission, by the CCA indicated that they were aware of the problems identified at this exit point. However, there was no evidence of any action taken to address them.

Conclusions

As a consequence of the lack of facilities and equipment in the port of Burgas, where official controls are carried out before animals exit the EU, the checks on the welfare of animals as required by Article 21 of Regulation (EC) No 1/2005 and Article 2 of Regulation (EC) No 639/2003 were inadequate, which also has implications for the payment of export refunds.

Additionally, the OV did not ensure that adequate arrangements were taken to ensure the welfare of animals when delays occur, contrary to Article 22 of Regulation (EC) No 1/2005, and the lack of notification of the CA of origin meant that inadequate planning by transporters was not being addressed.

5.15 CHECKS AT DESTINATION

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. Such inspections must be carried out on an adequate proportion of animals transported each year within the Member State and may be carried out at the same time as checks for other purposes.

Chapter II(C) of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council requires the official veterinarian at slaughterhouses to verify compliance with Community and national rules on animal welfare during transport.

Findings

- The CCA indicated that in 2008 in the two regions visited all checks at destinations planned had been performed and that no infringements had been detected.
- In relation to checks at destination in slaughterhouses, these are performed as part of the *ante mortem* inspections. These checks are reported in checklists which include the animal

welfare requirements from unloading to bleeding. There are no other documented procedures regarding the scope of these inspections. Summary reports of the animal welfare checks are sent monthly to the head of the public health department of the regional CA.

- At the two slaughterhouses visited by the mission team, the consignments of animals originated from nearby farms and transport conditions, unloading and handling of animals were adequate.

Conclusions

Checks at places of destination and in particular at slaughterhouses were carried out as required by Article 27(1) of Regulation (EC) No 1/2005 and laid down in Chapter II(C) of Annex I to Regulation (EC) No 854/2004.

5.16 CORRECTIVE ACTIONS FOLLOWING TRANSPORT CONTROLS

Legal requirements

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

Article 55 of Regulation (EC) No 882/2004 requires Member States to lay down the rules on sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Article 25 of Regulation (EC) No 1/2005 require Member States to lay down the rules on penalties applicable to infringements of the provisions to 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 27 of Regulation (EC) No 1/2005 provides for specific measures to be taken by the competent authority in the case of any infringement to this Regulation.

Findings

- Penalties applicable in the case of infringement to Regulation (EC) No 1/2005 are laid down in the Law of Veterinary Activities. The maximum fine that can be imposed on a legal person is 500 BGN (circa 250 euro).
- The only example available of penalties imposed in 2008 and 2009 in Sliven was in relation to the lack of veterinary movement certificates, fined with 20 BGN (circa 10 euro). A so-called "statement of infringement" was issued for two other similar cases. No other animal welfare infringements were detected at places of departure or destination.
- In Pazardjik no penalties had been imposed for transport infringements in 2008 or in 2009. No shortcomings were detected at places of destination and at places of departure, with the exception of lack of temperature recording systems in one means of transport, for which a prescription was issued in 2009.

Conclusions

Penalties applicable in the case of infringements to Regulation (EC) No 1/2005 have been laid down in national legislation, as required by Article 25 of Regulation (EC) No 1/2005 and Article 55 of Regulation (EC) No 882/2004. However, the amount of fine that can be imposed is not effective, proportionate or dissuasive in relation to commercial transport of significant number of animals.

Remedial actions were requested by the CA in the small number of cases when shortcomings have

been detected.

5.17 REPORTING OF RESULTS OF TRANSPORT CHECKS

Legal requirements

Article 27(2) of Regulation (EC) No 1/2005 requires the competent authority to submit a report by 30 June 2008 (annually thereafter) of inspections carried out on animals, means of transport and accompanying documents together with an analysis of the major deficiencies and an action plan to address them.

Findings

The CCA provided to the Commission a summary report on the checks on transport performed in 2007. At the time of this mission the report concerning checks performed in 2008 was not yet available.

The CCA stated that they did not know how to complete the summary table for reporting such checks to the Commission and therefore they could not instruct the regional CAs.

Conclusions

Although the CCA has provided the Commission with a report on transport checks as required by Article 27(2) of Regulation (EC) No 1/2005, due to lack of clarification by the CCA on how this should be carried out, it is unlikely that the information is accurate.

5.18 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 that they carry out.

Findings

In response to a recommendation in report 2008-7687 to ensure that the effectiveness of official controls is verified, the CCA indicated that a system was in place. The CCA also indicated that in particular, verification was performed of the effectiveness of the checks carried out by the OVs on journey logs.

- In both regions visited verification on the number of animal welfare checks carried out and reported monthly from each slaughterhouse was made by the chiefs of the public health department at regional level, performing also supervisory checks in slaughterhouses twice a year. No major deficiencies had been found in 2008 and in 2009.
- In relation to checks at places of departure of the two regions visited or at the exit point visited, there was no evidence of the system of verification indicated by the CCA.

Conclusions

Procedures for the verification of effectiveness of controls as required by Article 8(3)(a) of Regulation (EC) No 882/2004 have been implemented in slaughterhouses. However, as a consequence of lack of verification of the effectiveness of checks at places of departure and at the exit point visited, the weaknesses in official controls have not been identified by the CA and the recommendation of report 2008-7687 has not been addressed.

5.19 AUDITS OF CONTROLS OF ANIMAL WELFARE

Legal requirements

Article 4(6) of Regulation (EC) No 882/2004 requires the competent authority to carry out internal audits or to have external audits carried out.

Findings

In response to a recommendation in report 2008-7687 concerning checks on journey logs, the CCA indicated that the checks performed on journey logs were included in the internal audits carried out. The following observations were made by the mission team:

- Internal audits are carried out by the General Directorate for Control of Veterinary Activities of the CCA. In 2008 audits were carried out in ten out of the 28 regional CAs.
- In four out of five regions which were selected by the mission team, including Pazardjik, general audits had been carried out in 2008 or in 2009. These general audits were to include all activities performed by the regional CA in relation to animal health, public health, use of veterinary medicines, animal welfare and administrative issues. None of these four audit reports mentioned observations regarding animal welfare.

Conclusions

Audits which have been carried out to meet the requirements of Article 4(6) of Regulation (EC) No 882/2004 have not been successful in detecting that there were major weaknesses in controls on animal welfare.

6 OVERALL CONCLUSIONS

There was very little progress since the previous mission on the same subject carried out in January 2008 and most of the commitments made by the CCA to correct deficiencies have not been implemented. In particular in relation to laying hens, the main issues identified were the overstocking of the cage systems visited and the CA tolerance of cage systems which do not meet the minimum EU structural standards and rear 38% of the total number of laying hens. The main problem remains the lack of enforcement but even when penalties are applied these are not dissuasive, effective or proportionate. In relation to transport, welfare checks were inadequate, in particular prior to long journeys for *equidae*, of both the journey logs and stocking densities, and in relation to animals exported to Third Countries.

7 CLOSING MEETING

A closing meeting was held on 24 June 2009 with representatives of the CCA. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. Immediate actions were requested by the FVO team to stop the export of live animals from the exit point visited and to correct the shortcomings of the holding with laying hens kept in unenriched cages introduced after January 2007. The representatives of the CCA did not provide any comment.

8 RECOMMENDATIONS

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

The CCA are recommended to:

N°.	Recommendation
1.	Ensure that training for official veterinarians, including those working at BIPs, meet the requirement of Article 16 of Regulation (EC) No 1/2005 concerning the recording equipment for road transport and the satellite navigation system so that checks on these are implemented.
2.	Ensure that penalties are amended to meet the requirements of Article 55 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005 to be effective, dissuasive and proportionate.
3.	Ensure that the information recorded in the register of holdings with laying hens is accurate and when changes occur the register is updated immediately as required by Article 1(4) of Directive 2002/4/EC.
4.	Ensure that holdings with laying hens which do not meet the minimum structural standards of Article 5 of Directive 1999/74/EC stop operating with immediate effect.
5.	Ensure that all cage systems are operated in compliance with the minimum requirements for cage areas laid down in Directive 1999/74/EC.
6.	Ensure that reports on the results of checks performed on farm, as required by Article 8 of Decision 2006/778/EC, and during transport, as required by Article 27 of Regulation (EC) No 1/2005, are accurate and reliable.
7.	Ensure that the procedures for the verification of effectiveness of animal welfare checks on farm and during transport as required by Article 8(3)(a) of Regulation (EC) No 882/2004 are implemented.
8.	Ensure that audits as defined by Article 2(6) of Regulation (EC) No 882/2004 and as required by Article 4(6) of Regulation (EC) No 882/2004, determine whether activities and related results concerning animal welfare comply with the planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
9.	Ensure that prior to granting transporters authorisations, records of previous animal welfare infringements of the applicants are verified as required by Article 10(1)(c) of Regulation (EC) No 1/2005.

N°.	Recommendation
10.	Ensure that procedures, as required by Article 8(1) of Regulation (EC) No 882/2004, are provided to official veterinarians for the approval of means of transport so that the requirements of Chapters II and VI of Annex I to Regulation (EC) No 1/2005 are adequately assessed.
11.	Ensure that records of the approval of means of transport and of authorised transporters as required by Articles 18(3) and 13(3) of Regulation (EC) No 1/2005 are kept up to date and the information is accurate.
12.	Ensure that checks at departure as required by article 14 of Regulation (EC) No 1/2005, in particular on the information contained in journey logs, are implemented and that the minimum space allowance for transporting equidae laid down in Chapter VII of Annex I to Regulation (EC) No 1/2005 is respected.
13.	Ensure that animals are transported in compliance with the requirement of Article 3(b) and the provisions of Chapter I of Annex I to Regulation (EC) No 1/2005 concerning fitness for transport.
14.	Ensure that exit points have adequate facilities and equipment for carrying out the checks foreseen by Article 21 of Regulation (EC) No 1/2005 and Article 2 of Regulation (EC) No 639/2003, and that appropriate arrangements are taken by the CA for unloading and accommodating animals if necessary, as required Article 22 of Regulation (EC) No 1/2005.

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

http://ec.europa.eu/food/fvo/ap/ap_bg_2009-8263.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 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
Dir. 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
Reg. 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
Reg. 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
Dir. 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
Dec. 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
Reg. 639/2003	OJ L 93, 10.4.2003, p. 10-17	Commission Regulation (EC) No 639/2003 of 9 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
Reg. 854/2004	OJ L 139, 30.4.2004, p. 206, Corrected and re-published in OJ L	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of

Legal Reference	Official Journal	Title
	226, 25.6.2004, p. 83	official controls on products of animal origin intended for human consumption