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FINAL REPORT OF A MISSION

CARRIED OUT IN

ROMANIA

FROM 07 TO 11 SEPTEMBER 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 Romania, from 7 to 11 September 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 has been progress since the previous mission on the same subject carried out in October 2007 and some of the commitments made by the CCA to correct deficiencies have been implemented. The CCA has taken action since the last mission to improve the training of officials for welfare on laying hen premises and during transport but implementation at county level was inconsistent.

In relation to laying hens, the CA has taken positive steps since the last mission to improve the accuracy of data relating to laying hen premises and to accelerate the national modernisation programme for non-compliant establishments. However, approximately 31% of national egg production still comes from non-compliant cages which the CA will continue to tolerate, albeit on a reducing basis, until 2012.

In relation to transport, the CA has put in place a satisfactory documented system for the approval of vessels and for checks at exit points. Problems remain with the implementation of checks on the feasibility of long distance transport.

The report makes a number of recommendations addressed to the competent authority of Romania, 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
CA	Competent Authority
CAWS	County Animal Welfare Service
CCA	Central Competent Authority
CIS	County Inspection Services
CVS	County Veterinary Service
DG AGRI	Directorate General Agriculture of the Romanian Ministry of Agriculture
DG SANCO	Directorate-General Health and Consumers of the European Commission
EU	European Union
FVO	Food and Veterinary Office of the European Commission
MA	Ministry of Agriculture
NSVFSA	National Sanitary Veterinary and Food Safety Authority
OV(s)	Official Veterinarian(s)
TRACES	Trade Control and Expert System of the European Commission

1 INTRODUCTION

The mission took place in Romania from 7 to 11 September 2009. The inspection team comprised 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 a representative from the Central Competent Authority (hereafter: CCA). An opening meeting was held on 7 September 2009 with the CCA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission was requested.

2 OBJECTIVES OF THE MISSION

The objectives of the mission were to evaluate the measures taken to implement the requirements for EU legislation for animal welfare on farms and 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	Constanza and Braila County Veterinary Services CVS
Holdings with laying hens		2	One laying hen premises in each county: one premises with unenriched and BP3 cages and one premises with a barn system of rearing.
Assembly Centre		1	One assembly centre for small ruminants exporting to Member States.
Exit point		1	Exit point of Midia, Constanza county. Animals from local counties are grouped together in local assembly centres and exported through the port of Midia to Third Countries: Syria, Lebanon and Jordan.

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 on laying hen farms and for the transport of horses destined for slaughter took place in Romania from 1 to 5 October 2007 (ref: DG(SANCO)/7339/2007, hereafter: mission 7339/2007). Mission 7339/2007 was the first FVO mission concerning animal welfare since the accession of Romania to the EU. Prior to accession the FVO carried out two animal welfare missions in the framework of the accession preparations of Romania, in order to assist and monitor progress with the adoption of the relevant EU requirements.

Mission report 7339/2007 concluded that although certain measures had been taken, these were largely ineffective in ensuring that the system of control for animal welfare was satisfactory. Serious non-compliances were found in the laying hen sector, and in particular a major problem existed 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 7339/2007 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 of Romania on food and feed safety, animal health, animal welfare and plant health (CP 8113/2009) published on the DG SANCO web site: http://ec.europa.eu/food/fvo/country_profiles/CP_Romania

Further information is available on the CCA web site: <http://www.ansvsa.ro/>

The National Sanitary and Veterinary Food Safety Agency (NSVFSA) underwent a reorganisation in March 2009 which merged the previously separate Animal Health and Animal Welfare Directorates into one Directorate including an epidemiology unit. There is now a sub-directorate of animal welfare and animal identification whereas previously there was an animal welfare sub-directorate with animal welfare as the core task. A contact point as required by Article 26(7) of Regulation (EC) No 1/2005 has been designated in the Animal Health and Welfare Directorate.

There have been no changes since the last mission in the organisation of the County Veterinary Services (CVS) or local (zonal) services.

5.1.2 Co-ordination between Competent Authorities

Legal basis

Article 4.3 of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination and co-operation between competent authorities.

Findings

Good informal cooperation between NSVFSA and the Agricultural Directorate General (DG AGRI) of the Ministry of Agriculture (MA) at central level was noted regarding the exchange of statistical information on the number of hens on laying premises with both services cross checking their respective statistics to verify accuracy. There are no formal agreements in place between the CAs regarding information exchange and neither has access to each others databases which are recording related information in parallel systems.

DG AGRI inspectors at county level are sent production data from laying hen holdings on a weekly basis and inspect holdings to collect additional production information every month or two. MA inspectors and CAWS staff indicated that cooperation on exchange of information relating to changes in production patterns was satisfactory at county level but no evidence was provided to demonstrate this. One laying hen premises in Braila county had made modifications to one house which resulted in an overstocking of approximately 66% above the maximum capacity laid down for the house. The modifications had not been communicated by the owner to the CAWS and they were unaware for some months of the change in egg production from this house. This change in production output was not communicated to the CAWS by the AGRI inspectors.

There has been no change since the previous mission in the formal arrangements for cooperation between the CCA and the Ministry of Administration and Interior and the Romanian Transport Ministry relating to the operation of checks on road vehicles.

Conclusions

The competent authorities at central level demonstrated good cooperation on the production of statistics relating to laying hen premises. However the lack of communication between services involved in controls on laying hen farms at county level resulted in information on unauthorised overstocking being available to one service but not communicated to another which is not in compliance with Article 4.3 of Regulation (EC) No 882/2004.

5.1.3 Co-ordination within Competent Authorities

Legal Basis

Art 4 (5) of Regulation (EC) No 882/2004 requires 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.

The rules on mutual assistance and exchange of information between Member States laid down in Directive 89/608/EEC (as applicable in Article 24 of Regulation (EC) No 1/2005) relate to the role of the national contact point for the exchange of information between Member States on deficiencies noted during transport.

Findings

Active coordination and cooperation between the central and county levels of the CA was demonstrated in the preparation and presentation of animal welfare training by county veterinarians and in setting up the system for the authorisation of vessels in Constanza county and the organisation of exit point checks at Midia port.

The CAWS is responsible for carrying out assessment visits to laying hen premises e.g. recording maximum capacities, discussing modernisation plans; whereas the County Inspection Service (CIS) is solely responsible for inspection visits to check compliance. Only the visits of the CIS are recorded in the reports of controls to the Commission. The zonal level official veterinarians also carry out assessment visits to laying hen premises.

The CIS and zonal veterinary services make use of the same checklists while the checklist used by the CAWS for certain visits is basically a subset of this. Operators of laying hen premises are thus subjected to visits by three levels of similar official controls and this results in overlapping of inspection reporting but under recording of inspections in the annual report to the Commission services.

There is a system in place for communicating information on animal welfare deficiencies during transport from Member States (MS) via the Romanian national contact point to the CAWS and from the CAWS via the contact point to MS. All requests (9) from MS in 2009 for follow up investigation of transport deficiencies had been conveyed to the CAWS by the contact point but the counties had not responded to these requests for action. Certain deficiencies found in the transportation of animals in means of transport registered in other MS had been communicated by the CAWS via the contact point to the respective CAs in other MS but little action had been taken to notify other MS on the non-return of journey logs. Allegations on the transport of donkeys submitted by an animal welfare NGO in 2008 to the contact point had been followed up and had resulted in sanctions for the vehicle driver and the veterinarian supervising the loading of the animals.

Conclusions

Active coordination and cooperation as required by Art 4 (5) of Regulation (EC) No 882/2004 was demonstrated between the central and county levels of the CA in setting up the system for the authorisation of vessels and the organisation of checks at the exit point. The CA has established a system for the exchange of information between Member States on deficiencies noted during transport but it is not functioning as required by Article 24 of Regulation EC No 1/2005 mainly due to the lack of action from the county level services.

5.1.4 Training of CA staff

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.

Findings

An annual training programme on animal welfare has been formulated and training on animal welfare during transport and for cage laying hen premises was provided in 2008. The training programme for 2009 was stopped in March due to the reorganisation of the NSVFSA and funds for training planned for the remainder of the year have not been approved. Training material was sent instead by e-mail later in 2009. The system of cascade training from county to zonal levels remains

as described in the previous report and was seen to be effectively demonstrated in the counties visited and in the dissemination of training on welfare of laying hens to company staff in one of the premises visited.

Topics for the training plan are selected by the CCA on the basis of new legislation, non-compliances found in FVO reports and outcomes of specific issues discussed at EU level. There is no structured approach to identification of training needs for the annual programme, instead feedback from training sessions and informal communication from county staff may influence the programme developed by the NSVFSA. Informal feedback to the Agency has requested that future training be more focussed on practical aspects of animal welfare controls. Training needs of employees at all levels of the CA are not formally evaluated in the annual job appraisal. Training carried out by the NSVFSA is evaluated by participants according to a formalised procedure.

In response to one of the findings of the previous report, the CCA has provided, as a priority, training to the county services in measuring the dimensions of cages for laying hens and calculating maximum capacities for these premises but has not provided similar training for alternative systems. However, there are no written procedures or interpreting guidelines, except the training material for staff, illustrating how to perform these calculations in the different type of premises.

The CCA provided specific guidance and training to the CAWS in Constanza to put in place a system of controls for the authorisation of livestock vessels and for exit checks on livestock exported to Third Countries.

In the two counties visited, the OVs and zonal veterinarians responsible for animal welfare had received training on animal welfare on farms and during transport in 2008. However, although the guidance and training material provided were quite detailed with regard to laying hen premises, basic errors in calculating cage and therefore house stocking densities were noted for all the cage premises in one county visited. In the other county cage capacities and stocking densities for cage premises had been calculated correctly. Similarly with the performance of checks on route plans, adequate training and guidance material had been provided by the CCA to address a finding of the previous report but the implementation of these checks at the assembly centre visited was not well documented and inconsistent.

Conclusions

The CCA has taken action to address deficiencies in training identified in the previous report but has not yet provided training with regard to calculating maximum stocking densities in alternative laying systems. Despite satisfactory training having been given on controls on cage laying hen premises and on checks during transport, deficiencies with serious consequences were still present in the implementation of these controls at county level. The requirements of Article 6 of Regulation (EC) No 882/2004 concerning training have not been fully implemented.

5.1.5 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

Satisfactory equipment was available for checking environmental parameters in laying hen

premises. This included equipment to record temperature, wind-speed (draught), humidity and levels of carbon dioxide, hydrogen sulphide and ammonia. These parameters were checked during inspections against requirements prepared by NSVFSA and laid down in their Service Note 1464 of 21 June 2006.

Although no animals were present at the port during the inspection; facilities provided by the port operator for inspection, lairaging and loading animals at Mida exit point were generally satisfactory with the exception of sharp edges on some of the gates in the lairage and the outside reception pens; poor quality battens of the back-up mobile ship loading ramps and inadequate coverings over the drainage channels that animals have to cross to be loaded on to the ship. However, in relation to the ship loading ramp, the CA explained that all the authorised vessels loading at the port are equipped with loading ramps and cranes to position them.

Conclusions

The CA have provided mainly satisfactory facilities and equipment in accordance with Article 4(2) (d) of Regulation (EC) No 882/2004 so that staff can perform official controls effectively in the area of inspections on laying hen premises and have access to appropriate facilities for carrying out exit checks at Midia port.

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:

Council Directive 1999/74/EC has been transposed in Romania by Order 136/2006. Article 5 of the Directive on the useable area for birds in alternative systems has not been correctly transposed as the Romanian Order omits to state that the derogation to use a stocking density of 12 birds/m² only applies to premises where the useable area corresponds to the available ground area and that the establishment must have been applying the system since 3 August 1999. In the premises visited in Braila the CVS had followed this national provision despite the fact that the premises had been brought into service in 2006. As a result the figure of 12 birds/m² had been used to calculate the stocking density rather than 9 birds/m², resulting in 33% overstocking.

The law on sanctions in the veterinary and food safety area (Law 984/2005) was modified in 2009 by amendment 564 (of 13 May 2009) which increased the level of penalties and criteria for punishable offences to include specific categories for laying hens, calves and pigs. The CA can now take action relating to specific Community legislation not previously covered by the original law. A further amendment 917 (of 12 August 2009) revoked the concession in Law 984/2005 which allowed a reduction of fines to half the minimum amount if the fine was paid within 48 hours.

Conclusions

The recent changes to the laws on sanctions in the food safety and veterinary area have improved the scope of sanctions in the field of animal welfare and impose stronger penalties in an effort to promote better compliance with legislative requirements. The inaccurate transposition of Article 5 of Council Directive 1999/74/EC permits stocking densities 33% higher than intended in certain alternative laying hen premises.

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(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 of report 7339/2007 to improve the accuracy of data registered for the purposes of Council Directive 2002/4/EC, the CCA has completed the registration of holdings with more than 350 laying hens using an electronic database. In the course of populating the database, the CCA requested the CAWS to inspect all laying hen holdings and calculate the maximum capacities of each holding instead of relying on information supplied by the operators.

The mission team reviewed the calculations of maximum capacities in the two counties visited. Maximum capacities for all three premises (2 cage and 1 alternative) in one county had not been correctly calculated and resulted in overstocking ranging from 25% to 33% respectively. The calculated capacity of the holding checked in the other county was accurate. Details of one farm visited in Constanza and three farms in Braila were not entered correctly in the database as the farm address and occupant details were entered twice and the parent company details had not been entered as required in the register.

The register is formatted in compliance with the Directive. The system is currently operational on an Intranet and data is entered at county levels with read only access at the NSVFSA. There is no written procedure for updating the register of laying hens but the CCA did send three service note instructions to the counties in 2008 when data was being entered into the database and one in 2009 when the system was fully live requiring them to ensure that data was up to date.

Conclusions

The CCA has put in place a satisfactory system for registering holdings with more than 350 laying hens in compliance with Article 1(1)(a) of Directive 2002/4/EC and issued instructions to ensure it is updated on a regular basis in compliance with Article 1(4) of Directive 2002/4/EC. The register complied with Community requirements and the data concerning the farms visited corresponded to inspection results. However, these inspections had not always calculated the correct maximum capacities resulting in incorrect information being given to operators, overstocking and incorrect data being entered in the register.

5.4 CHECKS ON HOLDINGS WITH LAYING HENS

Legal Basis

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 the date of accession to the EU for new Member States), no unenriched cages may be built or brought into operation for the first time.

Article 8 of Directive 99/74/EC requires the CA 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.

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

The CCA provided the following information on the status of laying hen holdings on 11 September 2009:

CA Categories	Type of Holdings	No of holdings	No of houses	No of birds	%
Category A	Alternative systems	90	169	868465	16
	Improved cages (Art 6, Directive 1999/74/EC)		93	1921886	37
Category B	Cages with updating plans (Art 5, Directive 1999/74/EC)	11	52	266203	5
Category C	Cages without updating plans	8	50	531995	10
Category D	(BP3)	53	226	1627132	31
Total		162	590	5215681	100

There are 162 holdings registered for the production of table eggs in Romania. Of these 109 holdings are stated to be in compliance with Directive 1999/74/EC, of these 8 holdings have not submitted satisfactory plans to upgrade their cages to enriched by 1 January 2012. 53 holdings are classified as BP3 (old cages which cannot be modified to comply with Directive 1999/74/EC). The BP3 cages account for approximately 31% of the poultry kept for production of eggs.

The CCA requested producers in 2008 to provide action plans for the upgrading of category C and D premises. Upgrading files have been received from the majority of producers with most replying favourably and wishing to proceed and very few choosing to end production. Of the 53 category D holdings, satisfactory proposals for modernisation were received from 42 holdings. 11 Category D holdings did not submit satisfactory proposals and will not be permitted to continue in production after the next depopulation of laying hens.

Problems with the eligibility of producers to receive funding for the modernisation programme from the MA were stated to have been resolved at the beginning of September 2009. Financing plans for

the modernisation programme are expected to be approved by the end of 2009 as part of the Romanian National Rural Development Plan. The CCA estimates that the modernisation programme can be completed before 2012.

The CCA has sanctioned the policy of transferring upgradeable, unenriched cages from one farm within a company's ownership to other farms in the group in order to replace the existing BP3 cages as a transitional measure prior to the company installing completely new enriched cages on an ongoing basis between 2010 to 2012. However the CCA has not required the transferred cages to be installed as enriched cages but has accepted their use as unenriched citing their previous use within the group. In one farm visited the cages had come from a farm which was using them prior to accession but which had switched to broiler production.

Animal welfare inspections on laying hen premises are planned by the county level based on the national control plan which is prepared annually by the NSVFSA. A frequency of a minimum one inspection per year is laid down in the national plan and implementation of the checks by the CIS in the counties is according to their own plan. Controls for animal welfare are not carried out on a risk basis. Both CIS met the inspection targets for 2008 and Constanza CIS did so for 2009. Two out of the three premises were inspected by Braila CIS in 2009. In addition to the planned inspections carried out by the CIS, additional visits were performed by the CAWS and zonal services during 2008 and 2009 to discuss modernisation proposals, calculate maximum stocking densities and monitor other aspects of farm hygiene and bird health. Inspection visits performed by the CIS are carried out on an unannounced basis. Assessment visits by the CAWS for premises hygiene evaluation, assessment of stocking density etc are announced.

The mission team visited one laying hen premises in each county: a premises with unenriched and BP3 cages in Constanza and an alternative system in Braila. Deficiencies on both farms had previously been detected by OV's and related mostly to environmental factors. An assessment visit had been carried out by the CAWS before the mission team's visit to the farm in Constanza and enforcement action on overstocking in certain BP3 cages and lack of claw shortening devices in unenriched cages had been taken with a fine of RON 1000 (€250) levied.

The inspection carried out during the mission by a joint inspection team (CIS and zonal veterinarians) in the premises in Constanza was of different houses to those inspected previously and was satisfactory except that inspectors assessed stocking densities by comparing the maximum capacity of the house with the number of birds present in the house during the visit instead of comparing the number of birds present when the birds came into lay. As a result the official veterinarians did not detect that the house with unenriched cages had been overstocked by 6.5% when the birds had started laying.

A similar error in calculating the stocking density was noted during the visit to the barn premises in Braila. The calculation of the stocking density on this farm had also been based on an incorrect use of the derogation to Article 5 of Council Directive 1999/74/EC (which itself had been incorrectly transposed). In addition, the lack of perches and litter areas on this premises had not been detected in previous visits during 2008 but was later noted in March 2009 and a request for corrective action after depopulation was issued. Perches and litter areas had also not been taken into consideration in the calculation of stocking densities. Two non-enriched premises in Braila which were not visited by the mission team had received fines of RON 1000 (€250) for overstocking.

In response to a recommendation in the previous report, the CCA has drafted revised procedures which were generally satisfactory and included a full list of EU requirements. Some problems were noted with the clarity of the questions in the laying hen farm checklist where it was demonstrably unclear between CA staff how to fill in the assessment of some of the requirements e.g. related to environmental factors.

Conclusions

The quality of checks on laying hen premises has improved since the last mission and inspections have been carried out almost to target with enforcement action having been taken when deficiencies were detected but the poor assessment of stocking densities on farms contributes to persistent overstocking.

The CCA is actively working with the Ministry of Agriculture and the commercial poultry organisations on a modernisation programme for holdings with non-compliant cages between 2009 and January 2012. However the CA will continue to tolerate, albeit on a reducing basis, the large scale (31%) non-compliance of laying hen premises with the requirements of Article 5 of Council Directive 1999/74/EC.

5.5 CORRECTIVE ACTION ON 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

The CA provides copies of inspection reports to operators when non-compliances have been detected in compliance with Article 9.3 of Regulation (EC) No 882/2004. There are no written requirements to issue deadlines for corrective actions but the CA has legal powers specified in Government Ordinance 2/2002 to issue warnings, fines and suspend commercial activity until corrective action has been taken. Fines levied for contraventions which have not been paid within 15 days are passed on to the county fiscal authorities to follow up with the operators. Fiscal authorities contact the County level when fines have been paid.

The CA had taken documented action when deficiencies in non-BP3 cage systems had been noted and levied fines of RON 1000 (€250). Recent changes to the law on sanctions in the food safety and veterinary area have improved the scope of sanctions applicable for animal welfare offences on laying hen premises. Levels of fines have been increased from a minimum of RON1000 (€250) to RON 3000 (€750) for overstocking offences; but in light of the income (tens of thousands of euro) obtained by the sale of excess eggs produced during these periods the fines are neither proportionate nor dissuasive.

Houses with BP3 cages generally have no alarms, no claw shortening devices, no back up alarms, and no monitoring systems for microclimate parameters. The CCA have not provided any clear guidance to the CVS on enforcement action to be taken to rectify these deficiencies. Deadlines (if given) for corrective action on these issues coincided with the action plans schedules to replace the BP3 cages.

Conclusions

The CA has taken positive action since the last mission to improve the level of enforcement and the legal basis for enforcement on laying hen premises. However, the lack of a clear enforcement policy for addressing contraventions in structurally non-compliant (BP3) laying hen premises, together with the inadequate level of financial penalties laid down in national legislation results in a

sanctioning system that is 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 has implemented the requirements of Commission Decision 2006/778/EC through Government Order 13/2008 and is now using a format corresponding to that required in the decision to report on results of inspections on a quarterly basis. The CCA have not chosen to limit the scope of inspections on laying hen premises but cover all the categories listed in the Decision. The annual report to the Commission on farm controls for 2007 was not sent in the required format and the report for 2008 was not sent within the required deadline.

Results of the inspections carried out in 2008 for both counties were not accurately reported in the CCA database used to produce the annual report to the Commission as there were no deficiencies entered for some of the inspections when the reports at county level indicated that deficiencies had been detected relating to mechanical breakdowns on farm, poor temperature and air quality results, overstocking and lack of claw shortening devices.

Conclusions

The CA has taken action to put in place the correct framework for the reporting requirements of Commission Decision 2006/778/EC but the information reported from the counties to the NSVFSA is not always complete as required by Article 7 of the Decision and the reports have not yet been sent to the Commission as required by Article 8.

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

Report 7339/2007 recommended that action be taken to improve the system of verification of official controls. There is a programme for verification of farm inspections by the CCA's Inspection and Control service. The initial target for 2009 for animal welfare controls on laying hen holdings was to inspect all 42 counties. However, the programme of inspections is approved on a weekly basis by the President of the NSVFSA and inspection priorities may change in relation to requests from technical departments e.g. in relation to problems with implementation of controls for swine fever or requests from certain embassies in relation to problems with trade or prior to and following

FVO inspections. As a result of the diversion of resources to other areas the inspection programme for animal welfare is falling behind target for 2009.

There were no inspections by the central level to verify the effectiveness of official controls in Constanza and Braila counties during 2009. Controls on animal welfare in 10 counties covering 18 laying hen premises had been completed at the time of the mission. The CCA's inspectorate stated that they carry out joint inspections on farm with the county or zonal veterinarians and use the same inspection checklists to verify the performance of the regular veterinarian. The reports of the verification visits seen by the mission team were not standardised in scope or format: some reported the work of the county offices without commenting, others compared previous detection of deficiencies with the field inspections carried out by the central inspectorate; some commented on lack of follow up, others did not etc. The inspections by the central level resulted in seven sanctions being levied on operators for overstocking and insufficient length of feeding troughs and one holding was closed. Two zonal veterinarians were referred to their local disciplinary committee for professional misconduct.

Conclusions

The CCA has a system in place to verify the effectiveness of official controls as required by Article 8(3)(a) of Regulation EC No 882/2004 and has started to take action to improve the quality of the controls but it has not been able to fulfil the inspection target due to competing resource priorities, and the method and scope of verification is not consistent.

5.8 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

The CCA explained that there have been no procedures drafted for the authorisation process as Midia is the only exit point for export of live animals by sea from Romania. Instead there has been close cooperation between the NSVFSA and the CAWS in Constanza office to put in place a system of vessel authorisation. The requirements of Article 19 of Regulation (EC) No 1/2005 are given in Article 13 of Government Order 62/2007.

The mission team conducted a review of documentation relating to the approval of livestock vessels at Constanza county office. There were no livestock vessels in the exit port during the mission. All prospective applications for vessel approval must be sent through a shipping agent based in Romania and must include submission of a dossier with all the required documentation and technical details as specified in Article 19 (1) of Regulation EC No 1/2005. The technical dossier and a statement from the vessel owners relating to freedom from animal welfare offences are then evaluated, and if satisfactory, an inspection visit is carried out on the vessel together with other port services such as Customs and Police. A satisfactory inspection checklist has been drawn up based on the requirements of Section 1 of Chapter IV of Annex 1 to Regulation (EC) No 1/2005/EC.

The system of authorisation was followed in the documentation reviewed. Vessels are authorised for five years and vessel authorisations are stamped with a visa following an annual re-inspection. The list of authorised vessels is in compliance with the requirements of Art 19(4) of Regulation (EC) No 1/2005 and has been recorded in an electronic database. The NSVFSA intends to publish the list of

authorised vessels on its website but have been unable to do so due to technical problems.

Conclusions

Although no vessels were present to check implementation on the spot, the Competent Authority has put in place a satisfactory system for the approval of livestock vessels which was seen to be followed in the documentation reviewed, and which was in compliance with the requirements of Article 19 of Regulation (EC) No 1/2005. There have been no procedures drafted for the approval of livestock vessels which is not in compliance with the requirements of Article 8(1) of Council Regulation (EC) No 882/2004.

5.9 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.

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

Midia port, in Constanza county, is the sole designated exit point in Romania for vessels transporting livestock to third countries. The countries of destination include Syria, Lebanon and Jordan. The trade consists of mainly young bulls and sheep and these are sourced from Constanza and neighbouring counties via assembly centres. No long distance transportation is involved in the shipments arriving at the port and thus there are no journey logs accompanying animals destined for export. There were no consignments of animals or vessels present during the visit to the port.

The existing instructions given in the guide on the interpretation and implementation of Regulation EC No. 1/2005 cover the points listed in Art 21 of the Regulation. The CCA is in the process of producing more specific instructions to be followed for checks at exit points. Documentation seen on checks carried out at Midia port on the fitness of animals for transport, drivers' certificates of competence, and transporter authorisations was satisfactory. One lorry per shipment is subject to a detailed inspection upon arrival at the port and all animals are subject to inspection upon unloading in the lairage. A further inspection of the animals after loading onto the ship is carried out by the

Border Inspection Post and exporting veterinarian. A checklist is completed for each on board inspection and covers the same points as the initial approval inspection and includes checks on feed, water and ventilation requirements.

The local veterinarian and shipping agents cooperate to minimise the time between the initial animal loading at the assembly centres and loading on to the ship. Satisfactory facilities for resting, watering and feeding the animals were available in the port-side lairage. There were no major deficiencies found by the CA on the consignments exported through the port.

Conclusions

The CA has put in place a satisfactory documented system for checks at exit points in accordance with the requirements of Article 21 and 22 of Regulation EC No 1/2005.

5.10 CHECKS AT DEPARTURE

Legal requirements

Article 14(1)(c) of Regulation (EC) No 1/2005 requires that the CA at the place of departure carry out appropriate checks to verify that the journey logs submitted are realistic and indicate 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. This allows the CA to check if the journey times described in the Chapter V.1 of the Annex to Regulation (EC) No 1/2005 are respected.

Findings

In response to a recommendation of report 7339/2007 that the use of journey logs meets the requirements of Annex II of Regulation (EC) No 1/2005, the CCA provided guidance, which included information regarding the proper completion of journey logs and additional training in 2007 and 2008 where this issue had been addressed to the OV's from each county.

The mission team visited one assembly centre (AC) in Braila county authorised for small ruminants. Consignments are sent to mainly Greece, Bulgaria and France using third party transporters. The facilities at the AC were generally satisfactory with only minor deficiencies noted in relation to maintenance of some fittings. There were no vehicles present during the visit. Assembly centre staff had records of regular training received on the provisions of the transport Regulation.

Records of exported consignments to be kept by the exporter and signed by the exporting veterinarian were available at the AC in accordance with a centrally issued template which included an entry for the estimated journey time for each consignment. The veterinarian and AC staff relied mainly on the Trade Control and Expert System (TRACES) system for the estimation of journey times but had access to other information sources to assist them. The local veterinarian had attended cascade training on transport issues during 2008 and was familiar with most of the requirements of the transport regulation relating to permitted journey times with the important omission of the requirement for a 24 hour resting stop at a control post for adult sheep travelling more than 29 hours. Apart from this omission, calculations for estimating journey times for long journeys were reasonably accurate and conservative. Health certificates had been issued for transports of over 40 hours with no provision made to rest the animals as required. Copies of the intra-community health certificates and journey log planning from TRACES were available at the AC, but there were no copies of the original health certificates or signed journey logs kept by the certifying veterinarian or the AC.

The CCA had issued two service notes in 2007 and 2008 to the CAWS reminding them of the need to ensure that journey logs were returned to the CA of departure within one month of the completion of the journey and requiring the CAWS to compile a register of non-returned journey logs. The CAWS had compiled the list of non-returned journey logs and sent it to the CCA. No enforcement action had been taken at either the county or local levels to ensure journey logs were returned to the issuing office. There were no journey logs returned to the issuing zonal vet in Braila county.

The CCA contact point had taken action to request some transporters located in other MS to return journey logs as a result of the findings of verification inspections performed by the NSVFSA inspection service but had not sent a request to the contact points in other MS for the return of all journey logs issued to non Romanian transporters which had not been returned.

Conclusions

Despite the recommendation from the previous FVO report in 2007 and the efforts made by the CCA to provide training on the use and completion of journey logs, local level implementation of checks on the planning of long distance journeys was not fully in compliance with Article 14(1)(c) of Regulation (EC) No 1/2005 and the lack of action taken by CA to ensure the return of journey logs means that the CA is not able to verify if journey times were realistic and complied with the Regulation as required in Article 15(1). There has been little progress on this issue since the previous FVO mission.

6 OVERALL CONCLUSIONS

There has been progress since the previous mission on the same subject carried out in October 2007 and some of the commitments made by the CCA to correct deficiencies have been implemented.

The CA has taken action since the last mission to improve the training of officials for welfare on laying hen premises and during transport but implementation at county level was inconsistent.

In relation to laying hens, the CA has taken positive steps since the last mission to improve the accuracy of data relating to laying hen premises and to accelerate the national modernisation programme for non-compliant establishments. However, approximately 31% of national egg production still comes from non-compliant cages which the CA will continue to tolerate, albeit on a reducing basis, until 2012.

In relation to transport, the CA has put in place a satisfactory documented system for the approval of vessels and for checks at the exit point. Problems remain with the implementation of checks on the feasibility of long distance transport.

7 CLOSING MEETING

A closing meeting was held on 11 September 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 CA provisionally accepted these findings and provided some additional information to the team.

8 RECOMMENDATIONS

The Competent Authorities of Romania are invited to present an action plan describing the action taken or planned in response to the recommendations of this report and setting out a time table, and a description of the action taken to correct the deficiencies identified, within 25 working days of receipt of the report.

N ^o .	Recommendation
1.	Take measures to ensure that good working cooperation and coordination is put in place at county level between the County Animal Welfare Services and the Agricultural Inspectors of the Ministry of Agriculture as required by Article 4(3) of Regulation (EC) No 882/2004 in order to more effectively enforce the animal welfare requirements of Council Directive 1999/74/EC on laying hen premises.
2.	Take measures to ensure that effective coordination and cooperation is in place between the central and county levels of the CA as required by Article 4(5) of Regulation (EC) No 882/2004 in order to improve the exchange of information on deficiencies noted during transport and enable the requirements of Article 24 of Regulation (EC) No 1/2005 to be fulfilled.
3.	Provide training on calculating stocking densities and carrying out inspections in alternative laying hen systems to ensure staff are appropriately trained in order to carry out their duties competently and consistently as required by Article 6 of Regulation (EC) No 882/2004.
4.	Ensure the incorrect transposition of Article 5 of Council Directive 1999/74/EC is rectified.
5.	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 Council Directive 2002/4/EC.
6.	Ensure that holdings with laying hens which do not meet the minimum structural standards of Article 5 of Council Directive 1999/74/EC stop operating with immediate effect.
7.	Ensure that all cage systems are operated in compliance with the minimum requirements for cage areas laid down in Council Directive 1999/74/EC.
8.	Ensure that the enforcement guidance and penalties for non-compliance with Council Directive 1999/74/EC are amended to meet the requirements of Article 55 of

N°.	Recommendation
	Regulation (EC) No 882/2004 to be effective, dissuasive and proportionate.
9.	Ensure that reports on the results of checks performed on laying hen farms, as required by Article 8 of Decision 2006/778/EC, are accurate and reliable.
10.	Ensure that procedures for the verification of effectiveness of animal welfare checks on farm, as required by Article 8(3) (a) of Regulation (EC) No 882/2004, are effectively implemented.
11.	Ensure that procedures, as required by Article 8(1) of Regulation (EC) No 882/2004, are provided to official veterinarians for the approval of livestock vessels and for checks at exit points.
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.
13.	Take suitable enforcement measures to ensure transporters return copies of completed journey logs to the competent authority of the place of departure within one month of completion of the journey, as required by point 8 of Annex II to 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_ro_2009-8269.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