



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

DG(SANCO) 2009-8252 - MR FINAL

FINAL REPORT OF A SPECIFIC AUDIT
CARRIED OUT IN
LITHUANIA
FROM 24 NOVEMBER TO 03 DECEMBER 2009
IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT.
IN THE CONTEXT OF A GENERAL AUDIT

Executive Summary

This report describes the outcome of a specific audit carried out by the Food and Veterinary Office (FVO) in Lithuania, from 24 November to 3 December 2009.

The objective of the mission was to verify that official controls are carried out in accordance with the multi-annual national control plan (MANCP) referred to in Article 41 of Regulation (EC) No 882/2004 and in compliance with Community law. In addition, the audit sought to specifically verify the implementation of EU animal welfare legislation applicable to pig, calf and laying hen farms, and during transport, and to follow up the Competent Authority (CA) response to recommendations from FVO reports 2007-7333 and 2008-7689 on animal welfare, and certain recommendations of report 2008-7806 on intra-Community-trade.

The report concludes that overall there is a satisfactory control system for animal welfare on farm but not in relation to welfare during transport, particularly the transport of unfit animals where the CA has not effectively enforced the requirements of Regulation (EC) No 1/2005. The CA has taken firm action in addressing the recommendations of the last animal welfare report on laying hens and most of the recommendations of the report on animal welfare during transport and has drafted new legislation to address certain recommendations of the report on intra-Community-trade although major non compliances with Directive 64/432/EEC were noted.

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

Table of Contents

1	<u>INTRODUCTION</u>	1
2	<u>OBJECTIVES OF THE MISSION</u>	1
3	<u>LEGAL BASIS FOR THE MISSION</u>	2
4	<u>BACKGROUND</u>	2
5	<u>FINDINGS AND CONCLUSIONS</u>	3
5.1	<u>ANIMAL WELFARE ON FARMS</u>	3
5.1.1	<i><u>FARM INSPECTIONS IN GENERAL</u></i>	3
5.1.2	<i><u>INSPECTIONS OF LAYING HEN FARMS</u></i>	3
5.1.3	<i><u>INSPECTIONS OF PIG FARMS</u></i>	5
5.1.4	<i><u>MEASURES SUPPLEMENTARY TO FARM CHECKS</u></i>	5
5.1.5	<i><u>INSPECTIONS OF CALF FARMS</u></i>	6
5.1.6	<i><u>REGISTRATION OF LAYING HEN FARMS</u></i>	7
5.2	<u>ANIMAL WELFARE DURING TRANSPORT</u>	8
5.2.1	<i><u>AUTHORISATION OF TRANSPORTERS</u></i>	8
5.2.2	<i><u>APPROVAL OF VEHICLES</u></i>	9
5.2.3	<i><u>CHECKS ON TRANSPORT</u></i>	9
5.2.4	<i><u>CHECKS OF JOURNEY TIMES</u></i>	11
6	<u>OVERALL CONCLUSIONS</u>	12
7	<u>CLOSING MEETING</u>	12
8	<u>RECOMMENDATIONS</u>	12
	<u>ANNEX 1 - LEGAL REFERENCES</u>	14

ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

CA	Competent Authority
CCA	Central Competent Authority
DAR	“Deutscher Akkreditierungs Rat” – German Accreditation Body
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
FVIAS	Food and Veterinary Internal Audit Service
ICT	Intra-Community Trade
ISO	International Standards Organisation
MANCP	Multi Annual National Control Plan
OV	Official Veterinarian
QMS	Quality Management System
SFVS	State Food and Veterinary Service
SOP	Standard Operating Procedures

1 INTRODUCTION

The Specific Audit took place in Lithuania from 24 November to 3 December 2009 as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the Competent Authorities (CA) of Lithuania on 24 October 2009. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the mission team. The mission team comprised two inspectors from the FVO and was accompanied throughout the mission by representatives from the State Food and Veterinary Service, the Central Competent Authority (CCA).

The Specific Audit formed part of the FVO's planned mission programme and was carried out as a component of a General Audit, as prescribed in Article 45 of 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.

This report focuses on the sector specific issues identified during the audit. It does not necessarily include aspects relating to Regulation (EC) No 882/2004; these aspects will be addressed in the subsequent General Audit report.

2 OBJECTIVES OF THE MISSION

As part of the General Audit, the main objective of each specific audit is to verify that official controls are carried out in accordance with the multi-annual national control plan (MANCP) referred to in Article 41 of Regulation (EC) No 882/2004 and in compliance with Community law.

The more specific objectives of the mission were to evaluate the measures taken to implement the requirements for EU legislation for animal welfare on farms during transport and at the time of slaughter. Progress with the implementation of recommendations from previous FVO reports on animal welfare and a related report on animal health was also assessed. In pursuit of these objectives, the following meetings were held and sites visited:

Competent authority	Central	2	Opening and final meetings
	Regional	2	
	District	4	
Farms/ slaughterhouses		2	Laying hen farms
		1	Pig farm
		2	Dealers' premises (for calves and pigs)
		1	Dairy Farm
		1	Slaughterhouse (cattle and pigs)

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation [1] and, in particular Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

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

[1] 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 took place from 19 to 22 February 2008 (ref: DG(SANCO)/2008-7689) hereafter referred to as report 2008-7689.

This report concluded that the system of controls in place did not ensure that deficiencies in laying hen holdings equipped with cages were detected and corrected. Even though some progress had been made, serious deficiencies already highlighted during missions in 2004 and 2006, such as insufficient height of unenriched cages and the installation of cages with no enrichment after Accession were still outstanding.

A previous mission concerning animal welfare during transport of equidae for slaughter took place from 15 to 19 October 2007 (ref: DG(SANCO)/2007-7333) hereafter referred to as report 2007-7333.

This report concluded that the system of animal welfare controls during transport had been adapted to integrate the (then) new requirements of Regulation (EC) No 1/2005. It provided training to official staff and transporters as well as documented procedures for carrying out inspections and reporting their results. Internal audits were in place and a contact point for the exchange of information with other Member States had been designated. However, due to a non compliant legislative act and gaps in the training and procedures on transport checks, the controls performed on transporters, means of transport and journey logs did not ensure that equidae for slaughter were transported in compliant means of transport and that feeding, watering, resting intervals and journey times complied with Regulation (EC) No 1/2005.

A previous mission concerning the implementation of EU animal health requirements for intra-Community (ICT) trade in live animals took place from 2 to 12 December 2008 (ref: DG(SANCO)/2008-7806) hereafter referred to as report 2008-7806.

This report concluded that despite good traceability of bovine animals and a favourable situation regarding diseases, there was still a risk that animals not meeting EU health requirements were entering into intra-Community trade.

These reports are accessible at: http://ec.europa.eu/food/fvo/index_en.cfm.

The CCA indicated that certain actions had been taken in response to the recommendations in these reports, and the effectiveness of certain of these actions was assessed during the current mission.

A detailed description of the Competent Authorities (CA) can be found in the report DG(SANCO)/2008-7702 country profile for Lithuania which is accessible at: http://ec.europa.eu/food/fvo/country_profiles_en.cfm. and in the Lithuanian MANCP which is

accessible at: <http://vmvt.lt/lt/top/veikl>

5 FINDINGS AND CONCLUSIONS

5.1 ANIMAL WELFARE ON FARMS

5.1.1 Farm Inspections in general

Legal requirements

Articles 8(1) and 7(1) of Council Directives 2008/120/EC and 2008/119/EC respectively, require the CA to carry out inspections on a representative sample of the different rearing systems for pigs and calves. Article 8(1) of Directive 1999/74/EC requires the CA to carry out inspections of laying hen premises.

Findings

Since December 2007 the CCA has delegated the annual planning of farm inspections to the county and district levels. The districts visited had put in place annual plans for inspection of pigs, laying hen and calf farms. Criteria for farm selection had been set in relation to the size of the farms and their compliance history. Checks on smaller farms are not routinely planned but may be included as a result of requests from the Ministry of Agriculture to the districts to conduct an inspection on these farms to verify the cross compliance requirements to receive the single farm payment subsidy. Small farms may also be visited as a result of complaints. Checks on animal health are organised at 10% of holdings per year, but these inspections do not formally include a report on animal welfare. The CA had been able to meet the inspection targets for animal welfare on farms when this was checked in one of the counties visited. The CA carries out regular inspections on laying hen premises as required by Article 8(1) of Directive 1999/74/EC.

Conclusions

The CA has put in place a satisfactory system of farm inspections for the larger pig, and calf farms and for laying hen premises. However, if there were no complaints and no requests for subsidy visits, small farms are not required to be visited for animal welfare, which for pig and calf premises is not in compliance with Article 8(1) of Directive 2008/120/EC and Article 7(1) of Directive 2008/119/EC respectively.

5.1.2 Inspections of laying hen farms

Legal requirements

Article 8(1) of Council Directive 1999/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of this Directive.

Findings

Inspections on laying hen premises

The mission team visited one enriched cage house and one barn house in the premises in one county. The district veterinarian carried out inspections of both houses which were generally satisfactory, in the absence of a checklist to check certain parameters. The air in the barn house smelled strongly of ammonia but the mission team was informed that there are no national instructions or norms to measure for concentrations of ammonia or carbon dioxide.

The mortality and production records on this premise were not readily available for inspection,

could not be produced for the last three years until after the visit and were formatted in an inconsistent manner which made examination of trends in the data very difficult. The records were not in compliance with the requirements of points 5 and 6 of the Annex to Council Directive 98/58/EC.

The mission team visited one enriched cage house in the premises in another county where the district veterinarian carried out a satisfactory inspection according to the requirements in the checklist.

Follow up to report 2008-7689.

Report 2008-7689 recommended that cage production systems equipped with unenriched cages comply with the requirements of Article 5 of Directive 1999/74/EC, in particular regarding height requirements and stocking densities. The CA has intensified the enforcement action taken by district services to ensure operators comply with the provisions of Directive 1999/74/EC, especially relating to the compliance of conventional cages with space allowances and height requirements.

The CCA met with the operators of laying hen premises in May 2008 and received a commitment from them for all unenriched cages to comply with these requirements from 1 July 2008. A specific Order of the Director SVFS was issued on June 2008 prohibiting the populating of conventional cages which did not comply with minimum space and height requirements from 1 July 2008.

On the first laying hen premises visited the county services had issued a specific order in May 2008 requiring the owner to notify the district services whenever depopulation or re-stocking of houses was to take place in order that they could control the stocking densities in the houses. Despite this and other measures, the district services had needed to take several enforcement actions after July 2008 to force the owner to comply with the above requirements.

The fines imposed on this operator for overstocking and using non-compliant cages were not effective in ensuring compliance and as a result the premises' approval was withdrawn in November 2008. The operator then produced an action plan agreeing to correct the deficiencies within specified deadlines and not to repopulate the non-compliant cages. It was noted that the operator's action plan specified that the full enrichment of cages installed after Accession would not take place until the end of December 2011, contrary to the information provided by the district services. Progress on the implementation of the action plan continued throughout 2009 and the majority of the non-compliant cages had been depopulated before the mission team's inspection with only one non-compliant house remaining to be depopulated in December 2009.

Enforcement action regarding the prohibition on keeping laying hens in non-compliant cages after 1 July 2008 had not been necessary on the laying hen premises visited in the second county as the operator had adhered to the depopulation schedule agreed with the district services.

Overall, the CA has reduced the number of non-compliant houses in holdings using unenriched cages in Lithuania from 26 in July 2008 to two at the time of the mission and plan for none by the start of 2010.

Report 2008-7689 recommended that the definition of the usable area in laying hen holdings is correctly transposed into Lithuanian legislation. The CA has taken satisfactory action to amend the definition through Order of SFVS director No. B1-477 on 24 September 2008.

Conclusions

The CA has taken firm enforcement action to satisfactorily address the recommendations of FVO report 2008-7689 on ensuring compliance with the requirements of Articles 5 and 6 of Directive 1997/74/EC. CA controls on laying hen farms have been intensified and inspections were carried out in a generally effective manner.

5.1.3 Inspections of pig farms

Legal requirements

Article 8(1) of Council Directive 2008/120/EC requires the CA to carry out inspections on a representative sample of the different rearing systems for pigs.

Findings

Documentary review of reports of inspection visits to pig farms in the two counties visited showed that inspections had been generally carried out as planned and that action had been taken in those cases where serious deficiencies had warranted administrative and judicial interventions.

The mission team visited one large breeding and fattening farm. In general the conditions under which the animals were kept were satisfactory, with the exception of two of the fattening houses visited where pigs had to lie on top of each other to sleep/rest due to overstocking of approximately 35%. The CA checklist does provide the correct stocking densities as laid down in Directive 2008/120/EC but the official veterinarian (OV) had miscalculated the stocking density in these houses and provided them to the owner to follow.

Some further deficiencies had not been detected by the OV such as: a lack of permanent access to water to pigs over two weeks in certain houses; a lack of sufficient access to feeders in certain pens where pigs were not on an *ad-libitum* system; maintenance issues relating to some holes in the floor of sow stall accommodation; boar pens which did not allow visual contact with other pigs and a lack of bedding in isolation pens. The requirements for permanent access to water for pigs over two weeks of age and the requirement for bedding in isolation pens are not clearly stated in the CA checklist.

Previous inspections had detected deficiencies and noted them in clear reports in relation to: lack of manipulable material and lack of alarms for ventilation equipment. Actions plans for rectification of the deficiencies with proportionate deadlines had also been put in place.

Conclusions

Inspections on pig farms were generally satisfactory but certain deficiencies had not been detected as a result of inadequate guidance in the CA checklist relating to the requirements for permanent access to water for pigs over 2 weeks old as required by point 7 of Chapter 1 of the Annex to Directive 2008/120/EC and the need for bedding in isolation pens as required by point 4 of the Annex to Directive 98/58/EC.

5.1.4 Measures supplementary to farm checks

Legal requirements

Article 6(b) of Council Directive 2008/120/EC requires the CA to ensure that appropriate training courses are available to operators and attendants on pig farms and that these courses must focus on welfare aspects.

Findings

There were no training sessions available for operators and attendants in the last two years on the relevant provisions of Article 3 and Annex 1 of Directive 2008/120/EC. The operators and attendants on the farm visited had not received instructions or guidance on this.

Conclusions

The CA has not implemented the requirement of Article 6(b) of Directive 2008/120/EC to ensure that appropriate training courses are available to operators and attendants on pig farms on the requirements of Article 3 and Annex 1 of the same Directive.

5.1.5 Inspections of calf farms

Legal requirements

Article 7(1) of Council Directive 2008/119/EC requires the CA to carry out inspections on a representative sample of the different rearing systems for calves.

Findings

Documentary review of reports of inspection visits to calf farms in the two counties visited showed that inspections had been generally carried out as planned and that action had been taken in those cases where serious deficiencies had warranted administrative interventions.

The mission team visited three calf premises, of which two were dealers' premises and one a traditional dairy farm. There were no significant deficiencies identified in the animal welfare conditions under which calves were kept in all three premises visited. However, in the first dealer's premises, there were no facilities for unloading animals contrary to the requirements of Article 13 of Council Directive 64/432/EEC. The CA explained that as the previous ramp had rotted, they had required it to be destroyed as it was potentially dangerous. The CA had not required a new ramp to be installed.

Review of the two dealer's files showed that on the first premises, the CA had detected recurrent non-compliances relating to the return of journey logs, cleaning and disinfection, and animal care during transport on a number of occasions just after the company had been approved in 2006 and in the light of inaction by the company had suspended the approval until the deficiencies were rectified. No further non-compliances were detected till August 2009 when overstocking, the lack of an isolation pen and inadequate cleaning and disinfection was noted. The CA carried out a follow up visit in September 2009 and confirmed that satisfactory action had been taken.

The second dealer's premises had also been the subject of enforcement action by the CA in 2008. This concerned mainly the recurrent issue of the lack of return of journey logs by transporters and the purchase of calves with unsuitable health status. The district office had imposed administrative fines for these offences and the company had ceased using the transporters concerned. All the operators/farmers stated they or staff had attended training on the welfare provisions relating to calves and certificates of attendance for staff were seen on one premises.

Certain questions of the inspection checklist (KT 2-4-6 sub-annex 3) for calves were not clear to the inspecting officials as they were worded in a negative manner.

The mission team took the opportunity to follow up on certain recommendations in FVO report 2008-7806 on the certification of bovines for intra-Community trade (ICT) which had recommended that the CA:

- review the operation of all dealers' premises and only allow ICT only from premises that
- comply with all requirements of Article 13 of Directive 64/432/EEC;
- ensure that certifying officers at the relevant sites used for ICT are provided with supporting information as required by Article 3(2) of Council Directive 96/93/EC and health certificates are accurate and authentic as required by Article 30 of Regulation (EC) No 882/2004.

In the course of the visit to the dealers' premises the mission team reviewed the certification performed by the OV to follow up on the above recommendations and noted that the OV in the second dealer's premises had certified that the calves were coming from cattle herds which were officially free of tuberculosis. The mission team had previously visited the herd from which some of the animals had been delivered to the dealer's premises and it was clear that this status had not been granted to the herd of origin. The OV explained that he ensured that the herd of origin is free from diseases by checking the information in the Veterinary Information Management System (VIMS) database. However, this database does not contain information regarding the officially free status of the herds but only whether a herd is under restriction for disease. As a result consignments were being certified for entered ICT which did not fulfil the health requirements of Article 3 of Directive 64/432/EEC and certificates were being completed which did not respect the provisions of Article 30 of Regulation (EC) No 882/2004.

In addition, no action had been taken by the CA to review the authorisation of dealers' premises as points of departure for animals destined for intra-Community trade and it was still not feasible for OVs to correctly certify animals as having been on the premises for 30 days prior to departure whilst the premises were operating under the conditions imposed as dealers' premises in Directive 64/432/EEC.

However, the CA informed the mission team during the final meeting that action had been taken to resolve this conflict by the proposed entry into force of a new law on 1 January 2010 prohibiting dealers' premises as points of departure for intra-Community trade and requiring all such trade to take place in assembly centres. In addition the CA stated that it was trying to make further progress in rolling out a screening programme to comply with the requirements for officially free status in Lithuania for tuberculosis, brucellosis and enzootic bovine leukosis.

Conclusions

The system in place for the inspection of calf premises was generally satisfactory and the CA had taken sufficient action to enforce remedial action where deficiencies had been detected. Certification of calves for intra-Community trade was not in compliance with the requirements of Article 3 of Directive 64/432/EEC and certificates were signed by OVs without respecting the provisions of Article 30 of Regulation (EC) No 882/2004. The CA informed the mission team of action they had proposed to address the above deficiencies.

5.1.6 Registration of laying hen farms

Legal requirements

Council Directive 2002/4/EC requires Member States to establish a system for registering every production site covered by the scope of Council Directive 1999/74/EC. The last paragraph of point 1 of the Annex of this Directive requires the registration of the maximum capacity of an establishment in number of birds present at one time.

Findings

The system for the registration of laying hen premises and the updating of data on the maximum capacity of holdings has not changed since the previous report. FVIAS audits reported slow notification by laying hen premises inspected in 2008 and 2009 to update district services on the numbers of birds on premises.

There are no formalised written instructions for OVAs to calculate the maximum capacities of laying hen farms in the approval process but the CA stated that this is a standard prerequisite of first approval and is assessed during the approval inspection visit. In addition, one county had issued a specific order in 2008 to inspect one of the laying hen premises visited by the mission team upon every depopulation and prior to every re-population to ensure that requirements of Directive 1999/74/EC were complied with. The calculation of maximum capacity was also carried out before population of new enriched cages in the premises visited in the second county. In 2009 both these laying hen premises had submitted updates to the district services on the progress with refurbishments/depopulations and changes to capacities which were then transmitted to the central services

The system was seen to function satisfactorily for the two laying hen premises visited. In one of the districts an administrative fine had been imposed to one operator for repeated late registration of flock data.

Conclusions

The CA has a satisfactory system in place for the registration of laying hen holdings and for the updating of data from the time of approval.

5.2 ANIMAL WELFARE DURING TRANSPORT

5.2.1 Authorisation of transporters

Legal Requirements

Article 10 of Regulation (EC) No 1/2005 lays down the requirements for authorising transporters carrying out journeys up to eight hours. In particular, the applicants must demonstrate that they have sufficient and appropriate staff, equipment and operational procedures to comply with this Regulation and that they do not have criminal records of infringements in relation to animal welfare.

Article 11 of Regulation (EC) No 1/2005 laying down the provisions for authorising transporters carrying out long journeys, in addition to the documentation mentioned in Article 10, requires further documents, such as the certificates of approval of vehicles, procedures to trace and record the movements of vehicles and to contact drivers, a contingency plan in the event of emergency, and the certificates of competence for drivers and attendants.

Findings

The system of authorising transporters carrying out journeys up to eight hours and those carrying out long journeys has not changed significantly from that described in the report 2007-7333 except where described below.

The mission team examined a number of transporter authorisations for both long and short distances at two district offices. In response to a recommendation in report 2007-7333, the transporter application form has been amended to require support documents giving details of contact arrangements and contingency planning with each new application and these were documented in the files reviewed. Transport authorisations for both categories did not include any written evidence of freedom from convictions from animal welfare offences in the three years prior to the application

which is required in Article 10 (1)c of Regulation (EC) No 1/2005. This issue was stated to be discussed verbally with the applicants and was not recorded and no documentary proof was required for verification.

In response to another recommendation in report 2007-7333 the CA has retrained those transporters who had received certificates of competence prior to the entry into force of the transport regulation and reissued revised certificates upon successful completion of the training.

Conclusions

The CA has taken satisfactory action to address the recommendations of report 2007-7333 relating to the issue of certificates of competence and the authorisation of transporters. The system of transporter authorisation is satisfactory with the exception of a robust system to verify the requirement for freedom from convictions in Article 10 (1)c of Regulation (EC) No 1/2005.

5.2.2 Approval of vehicles

Legal Requirements

Article 18 of Regulation (EC) No 1/2005 lays down the requirements for CAs to grant certificates of approval of means of transport by road for long journeys.

Findings

Vehicle approvals files seen were well documented and covered most of the requirements required. However, officials were not able to verify that the requirements of point 2(3) and 3(2) of Chapter VI of the Annex to Regulation (EC) No 1/2005 relating to the water holding capacities and ventilation capabilities of long distance means of transport had been satisfied, as no guidance had been given to enable them to do so.

Conclusions

The CA has a mostly satisfactory system in place for the approval of approval of means of transport by road for long journeys but has not provided suitable guidance to officials to enable them to effectively assess all the requirements of Chapter II and VI of Annex 1 to Regulation (EC) No 1/2005 as required in Article 18(1)b of the same regulation.

5.2.3 Checks on transport

Legal requirements

Article 27(1) of Regulation (EC) No 1/2005 requires that the CA shall carry out non-discriminatory inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of the animals transported each year within each Member State and may be carried out at the same time as checks for other purposes.

Findings

Report 2007-7333 recommended that documented procedures should be improved so that they contain sufficient information and instructions for staff to carry out adequate assessments of the requirements of Regulation (EC) No 1/2005. In relation to this recommendation the mission team noted that there is no centralised annual transport inspection plan in place. Guidelines for risk criteria to be used to formulate district transport plans and guidance and procedures for carrying out inspections have been drafted but had not been approved. The district offices visited set variable

frequencies of inspection on transporters ranging from one to four visits per year and in general the targets had been met. Satisfactory enforcement action had been taken on a number of occasions when deficiencies in vehicle maintenance had been detected.

Checks during transport are organised in cooperation with the police in the border areas of the country where most problems with transportation have been found. In 2008, 25 checks were performed and 15 in the first half of 2009 with total fines rising from 320Lt in 2008 to 1280Lt in 2009. 54 non-compliances were detected in 2009 with the largest number of offences related to observation of rest periods for animals and drivers (8), non-compliant vehicles (5) and loading densities (3). The SVFS requires checks at departure and destination to be carried out on 100% of imported and exported consignment and whilst certifying animals for intra-Community trade but OV's do not have instructions on how to carry out the welfare aspects of these controls. .

The mission team visited a large red meat slaughterhouse. There were no records of specific inspections on means of transport recorded in the slaughterhouse visited, but checks were routinely carried out to ensure that drivers had certificates of competence and vehicle approval documentation. Checks on the condition of animals were carried out as part of the regular *ante-mortem* inspection of animals arriving at the slaughterhouse. There were no deficiencies detected by the OV during these checks.

The mission team reviewed records of *ante-mortem* inspection over the last five months which showed that there had been no abnormalities reported in animals arriving at the slaughterhouse and it was confirmed by the OV that there were very few animals arriving injured and that injuries sustained were minor. However, the mission team reviewed emergency slaughter certificates issued by veterinary practitioners sent in with animals over the same period which showed regular deliveries of animals with fractures (sometimes up to four per day) and other injuries such as femoral dislocations or ruptured ligaments. None of the certificates seen by the mission team included a statement in relation to an assessment of the animal's fitness for transport. It was confirmed by the supervising OV that these animals were recumbent when delivered.

The transport of these animals had not been considered as a non-compliance by veterinary staff carrying out the *ante-mortem* inspection. None of the veterinary staff at the slaughterhouse had received any formal training on the requirements of Regulation (EC) No 1/2005 nor did they know that the transport of these animals was in breach of Annex I, chapter I, of the same Regulation which states that "Animals that are injured or that present physiological weaknesses or pathological processes shall not be considered fit for transport and in particular if: (a) they are unable to move independently without pain or to walk unassisted; (b) they present a severe open wound, or prolapse". However, the CCA had organised two training courses on welfare during transport in 2008 in response to a recommendation in report 2007-7333.

Two consecutive consignments of cattle were seen arriving at the unloading ramp of the slaughterhouse. The roof of the upper floor of the vehicles had been lowered on to the backs of the tallest animals below in order to keep them tightly packed during transport which is not in accordance with point 1(2) of Chapter II of Annex I to Regulation (EC) No 1/2005. This was stated to be regular practice by the slaughterhouse shift manager but was not noted or acted upon by the OV.

No training or specific information in relation to fitness for transport has been delivered by the CCA or professional regulatory bodies to private veterinary practitioners, though evidence was seen in one district that the broad provisions of Regulation (EC) No 1/2005 had been communicated in monthly meetings to private practitioners.

Conclusions

The CA has put in place a system of checks for both vehicles and animals being transported which is being implemented at the discretion of individual district offices as the CCA has not finalised procedures and instructions for the planning and implementation of controls as recommended in report 2007-7333.

Although the CCA has taken action to respond to a recommendation to provide training to official staff on the requirements of Regulation (EC) No 1/2005, insufficient guidance and training was available to official veterinarians at one slaughterhouse on the prohibition of the transport of unfit animals and this lack of training permitted the systematic transport of unfit animals for slaughter which is not in compliance with the requirements of Chapter I of Annex I of Regulation (EC) No 1/2005. In addition, the CA took no action when bovine animals were transported with insufficient headroom which is not in compliance with point 1(2) of Chapter II of Annex I to Regulation (EC) No 1/2005.

5.2.4 Checks of journey times

Legal requirements

Article 14.1(a) (ii) of Regulation (EC) No 1/2005 requires that the CA of the place of departure shall carry out appropriate checks to verify that the journey log submitted by the organiser is realistic and indicates compliance with this Regulation.

Article 15(1) of Regulation (EC) No 1/2005 requires that the CA carry out checks to verify that travel times and rest periods comply with the limits set out in Chapter V of Annex 1.

Point 8 of Annex II to Regulation (EC) No 1/2005 requires a copy of the completed journey log to be returned to the CA of the place of departure within one month of completion of the journey, which allows the CA to check if the journey times described in point 1.1 Chapter V of the Annex I of the same Regulation are respected.

Article 16 of Regulation (EC) No 1/2005 specifies that CA staff are duly trained and equipped to check data recorded by the recording system for road transport and the navigation system referred to in Annex 1, Chapter VI, 4.1 of the same Regulation.

Findings

Report 2007-7333 had recommended that checks on journey logs be carried out by the CA before departure to ensure the proposed journey times submitted are realistic, and after the journey to ensure that the actual watering and feeding intervals and resting and journey times during the journey are verified by the CA and that they were respected.

The mission team carried out a documentary review of journey logs in three district offices. It was noted that the officials reviewing journey logs had failed to ensure they were realistic for the proposed journeys. Enforcement action on the veracity of journey logs had been taken by one district office in 2007 but no evidence of recent activity was noted in any of the offices visited. In certain cases, journey logs for regular consignments had been returned with annotations to section four (indicating the actual journey times) which stated that the journeys had been completed far in excess of the planned times; for example pigs to Latvia were routinely transported for eight hours more than planned, calves to the Netherlands for eight hours over the planned time. The OV's had taken no action to have the journey logs amended to reflect the actual journey times as required by Article 14.1(b) of Regulation (EC) No 1/2005.

The CCA had taken action through the issue of fines and suspension of approvals in the two dealers premises visited to enforce the requirements for copies of completed journey logs to be returned to

the issuing authority within one month of dispatch and copies of completed journey logs for most journeys were available for inspection in the offices visited.

The CCA had included reference to the requirements of the recording system for road transport and the navigation system referred to in Annex 1, Chapter VI, 4.1 of Regulation (EC) No 1/2005 during two training sessions held in 2008.

Conclusions

The CA has taken insufficient action to address a recommendation of report 7333-2007 to ensure that the system for the review of journey logs prior to and after transport is effective in verifying if journey logs submitted by organisers are realistic and if travel times and rest periods are respected in order to comply with Articles 14.1(a) (ii) and 15(1) to Regulation (EC) No 1/2005 respectively.

The CA has taken action to provide training to OV's on the requirements of Article 16 of Regulation (EC) No 1/2005 so that staff are duly trained and equipped to check data recorded by the recording system for road transport and the navigation system referred to in Annex 1, Chapter VI, 4.1 of Regulation (EC) No 1/2005.

6 OVERALL CONCLUSIONS

Overall there is a satisfactory control system for animal welfare on farm but not in relation to welfare during transport, particularly the transport of unfit animals where the CA has not effectively enforced the requirements of Regulation (EC) No 1/2005. The CA has taken firm action in addressing the recommendations of the last animal welfare report on laying hens and most of the recommendations of the report on animal welfare during transport and has drafted new legislation to address certain recommendations of the report on intra-Community trade although major non-compliances with Directive 64/432/EEC were noted.

7 CLOSING MEETING

A closing meeting was held on 4 December 2009 with the CCA. At this meeting, the main findings and preliminary conclusions of the mission were presented by the FVO team. The representatives of the CCA acknowledged the findings and conclusions presented, and provided further clarification on some of the issues discussed including additional information on action taken with respect to recommendations arising from report 7333-2007 on animal welfare during transport and report 2008-7806 on intra-Community trade.

8 RECOMMENDATIONS

Within 25 working days of receipt of the report, the CA is requested to present a plan of actions, including a timetable for their completion, to address the following recommendations:

The CA is recommended to:

N°.	Recommendation
1.	take measures to ensure that animal welfare inspections are carried out on a representative sample of the different rearing systems for calves and pigs as required by Articles 7(1) of Council Directive 2008/119/EC and Article 8(1) of Council

N°.	Recommendation
	Directive 2008/120/EC respectively.
2.	take measures to ensure that official controls on pig farms address the requirements for permanent access to water for pigs over two weeks old as required by point 7 of Chapter 1 of the Annex to Council Directive 2008/120/EC and the need for bedding in isolation pens as required by point 4 of the Annex to Council Directive 98/58/EC.
3.	take measures to ensure that regular training is available to operators and attendants on pig farms on the requirements of Article 3 and Annex 1 of Council Directive 2008/120/EC as laid down in Article 6 of the same Directive.
4.	take measures to ensure that certification of calves for intra-Community trade is in compliance with the requirements of Article 3 of Council Directive 64/432/EEC and certificates signed by OV's comply fully with the provisions of Article 30 of Regulation (EC) No 882/2004.
5.	take measures to ensure that, for the authorisation of transporters, the requirement for freedom from convictions in Article 10 (1)c of Regulation (EC) No 1/2005 is satisfactorily implemented.
6.	take measures to ensure that officials have adequate guidance and training to enable them to effectively assess all the requirements of Chapters II and VI of Annex 1 to Regulation (EC) No 1/2005 as required in Article 18(1)b of Regulation (EC) No 1/2005.
7.	take measures to ensure that procedures and instructions for the planning and implementation of animal welfare controls during transport, as recommended in report DG(SANCO)/2007-7333, are finalised and implemented as soon as possible in order enable it to effectively implement the requirements of Regulation (EC) No 1/2005.
8.	take measures to ensure that the systematic transport of unfit animals for slaughter is ended and that the transport of animals to slaughterhouses complies with the requirements of Chapter I of Annex I of Regulation (EC) No 1/2005.
9.	take measures to ensure that controls on the review of journey logs prior to and after transport is effective in verifying if journey logs submitted by organisers are realistic and if travel times and rest periods are respected in order to comply with Articles 14.1(a) (ii) and Article 15(1) to Regulation (EC) No 1/2005 respectively.

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

http://ec.europa.eu/food/fvo/ap/ap_lt_2009-8252.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 64/432/EEC	OJ 121, 29.7.1964, p. 1977-2012	Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine
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
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
Dec. 2000/50/EC	OJ L 19, 25.1.2000, p. 51-53	2000/50/EC: Commission Decision of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes
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
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
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
Dir. 2008/119/EC	OJ L 10, 15.1.2009, p. 7-13	Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves
Dir. 2008/120/EC	OJ L 47, 18.2.2009, p. 5-13	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the

Legal Reference	Official Journal	Title
		protection of pigs