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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

BULGARIA

FROM 05 TO 13 JUNE 2012

IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) audit which took place in Bulgaria from 5 to 13 June 2012. The audit evaluated the implementation of national measures for the control of animal welfare on farms and during transport and followed up certain outstanding recommendations from previous FVO reports. In addition, the audit evaluated issues mentioned in the letter from the Director General, DG SANCO to the Bulgarian Food Safety Authority regarding training and equipment of CA staff, enforcement measures in case of non compliance, and verification of effectiveness of official controls in relation to animal welfare.

It is concluded that significant progress has been made since the last FVO audit in 2010 in terms of enforcement, training and equipment, procedures, and verification. Several recommendations from the previous report have been adequately addressed by the CA. Major results have been achieved with the ban of the use of conventional cages for laying hens and Bulgaria is well placed regarding future compliance with the requirements of group housing of sows.

However, there is still a need to improve in terms of verification of effectiveness of official controls, training and enforcement. Verification of the work of the municipal OVs by regional offices is systematically carried out but there is no clear guidance in place and the controls are mainly based on a documentary quantitative assessment of controls carried out against those planned.

Regarding animal welfare during transport, additional effort is needed, in particular at the exit point of Kapitan Andreevo (due to its strategic importance as the most important exit point in the EU at the border with Turkey and with the potential for serious animal welfare problems due to high summer temperatures) in terms of training of staff and communication of animal welfare non-compliances to Member States of origin.

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

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AHWD	Animal Health and Welfare Department
AT	Audit Team
BIP	Border Inspection Post
BFSA	Bulgarian Food Safety Agency
CA	Competent Authority
CCA	Central Competent Authority
DG SANCO	Health and Consumer Directorate General
EU	European Union
FVO	Food and Veterinary Office
MS	Member State
NGO	Non-Governmental Organisation
ppm	Parts per million
OV	Official Veterinarian
RFSD	Regional Food Safety Directorates
SNS	Satellite navigation system

1 INTRODUCTION

The audit took place in Bulgaria from 5 to 13 June 2012 as part of the FVO's (Food and Veterinary Office) planned audit programme. The audit team comprised two FVO auditors and one expert from a European Union (EU) Country and was accompanied throughout the audit by a representative of the Central Competent Authority (CCA), the Bulgarian Food Safety Agency (BFSA). An opening meeting was held on 5 June 2012 with the CCA, where the audit team confirmed the objectives of the audit as well as the audit itinerary, and information required for the successful completion of the audit was requested.

2 OBJECTIVE

The objective of the audit was to evaluate the measures taken to implement the requirements for EU legislation for animal welfare on farms and during transport. In addition, certain issues within the scope of this audit, in particular: training and equipment of CA staff, enforcement measures in case of non compliance, audits and verification of effectiveness of official controls are being followed up by several FVO audits during 2012. Progress with the implementation of recommendations from previous FVO reports was also assessed, including one recommendation from a previous FVO audit (DG(SANCO) 2010-8552), carried out in 2010 to evaluate the import/transit control system and border inspection posts.

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

Visits			Comments
Competent Authority	Central	2	Opening and final meetings
	Regional	3	Regional Food Safety Directorates (RFSD) of Veliko Tarnovo, Targovishte, Haskovo
	BIP/Exit point	1	Kapitan Andreevo, at the border with Turkey
Farms		1	Broiler farm (stocking density of 36 Kg/m ²)
Control posts		1	Control post
Other		1	One vehicle approved for the transport of live animals for long distance selected by the CA.

3 LEGAL BASIS

The audit was carried out under the general provisions of Community legislation, in particular Article 45 of Regulation (EC) 882/2004.

A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

A previous audit concerning animal welfare took place from 26 to 30 April 2010 (ref: DG(SANCO)/2010-8383). This report concluded that there was little evidence of improvement in the performance of the CA since the last mission in 2009. In spite of the large number of inspections

of laying hen premises, enforcement action had not been sufficient to prevent restocking of non-compliant cages and cages which were not in compliance with minimum animal welfare requirements were still being used and severely overstocked. Regarding the pig sector, official controls did not ensure compliance with the requirements regarding manipulable material, feed for pregnant sows and gilts and mutilations. The system for approval of long distance means of transport was not effectively administered by the CA. Plans for the development of control facilities at the port used as an exit point had been prepared, but there were still weaknesses in the official controls.

Report 2010-8383 and the CCA action plan addressing 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 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

- In response to previous FVO recommendations, the CCA has put in place a new Training Directorate after the formation of the new BFSA. Its tasks include the coordination of staff training and organisation of compulsory continuous education of staff in accordance with an annual training plan. The Audit Team (AT) has received the plan for 2012: the training courses planned for 2012 for animal welfare had been conducted already.

The CCA informed the AT that criteria for the training planning include: training needs arising from new legislation, results from previous training, questionnaires, results of staff appraisals and results from internal audits, and FVO audits. However, the AT did not see evidence of feed back concerning training needs of regional and local OV's to the CCA Training Directorate at the Regional Food Safety Directorates (RFSD) visited.

- The AT received evidence of training for CA staff on animal welfare during transport and on farms: a *twinning light* project on transport in 2010 and participation in Better Training for Safer Food (BTSF) courses in 2011 and 2012. In particular, two training sessions were recently held (6 and 7 December 2011 and 3 April 2012) for all the veterinarians responsible for animal welfare at the 28 RFSD. Topics included: current problems with long distance transport of live animals, official controls and enforcement of animal welfare requirements in animal holdings in accordance with guidelines and orders; official controls during transport of live animals, including checks on long journeys and digital tachograph records and practical training on the use of equipment for measuring environment parameters in animal holdings.
- The AT saw documented evidence of cascade training provided by RSFDs to Municipal OV's in all the three RSFD visited (Targovishte, Haskovo and Veliko Tarnovo) as required in

BFSA Letter No. 2082- 05.04.2012, which requested all the Regional attendees who participated in the courses mentioned above, to provide the relevant training courses to all OV's at municipality level of their RFSDs.

- In addition, the AT have seen evidence of training provided to practitioners involved in certification of live animals regarding transport requirements (transport practices and vehicle requisites) at one of the RFSA offices visited (Veliko Tarnovo).
- The AT have seen evidence of training of the OV in charge of checks at departure at one of the RFSD offices visited (Targovishte) in response to problems of non-compliance with legal requirements (insufficient headroom, overstocking) following a complaint by a Non-Governmental Organisation (NGO) regarding small ruminants transported to Turkey.
- Staff from the CA have received no training on how to perform checks on satellite navigation system (SNS) data, as required by Art.16 of Regulation (EC) No 1/2005.
- Staff from the BIP had informed themselves on basic reading of tachograph records, but had received no specific targeted training on this or on reading SNS printouts, although they had requested it in 2011; some aspects on the assessment of journey logs need additional clarification (see point 5.3.5, third bullet point).
- The OV performing the inspection of a means of transport for its approval in accordance with Art.18 of Regulation (EC) No 1/2005 had verified compliance with certain important requirements, but he was not able to demonstrate to the AT the assessment of compliance with the ventilation and SNS requirements (see point 5.3.1).
- Despite the training already provided, there was need of additional instructions and clarification for the use of equipment for measuring environmental parameters in broiler farms (however see point 5.2.2).

Conclusion on Training

Although a proper system for the assessment of training needs is not yet in place, the CA has made a dedicated effort to train its staff on animal welfare. However, some important requirements regarding the approval of a means of transport for long distance journeys were not sufficiently ascertained by the OV, despite the fact that the CA was made fully aware that a vehicle approval would be verified by the audit team.

Staff from the exit point have received no formal training to check data recorded by tachographs (the recording equipment for road transport as provided for by Regulation (EEC) No 3821/85); and staff from the CA in charge of controls on animal welfare during transport have received no training on how to check data from satellite navigation systems, contrary to Art.16 of Regulation (EC) No 1/2005 and to recommendation number one of report DG (SANCO) 2009-8362.

5.1.2 Equipment of CA Staff

Legal Requirements

Article 4.2(d) of Regulation (EC) No 882/2004 that they have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls efficiently and effectively.

Findings

- Equipment to measure environmental parameters in broiler and other farms has been purchased.
- Equipment for official controls on animal welfare during transport was available for OV's at the BIP/exit point visited. Staff used viewing platforms to assess the upper deck of trucks, and the availability of good Internet access gave the possibility to use route planners. However, the AT did not see them being used to verify that journey times are realistic (even though procedures clearly specify their use and give examples of how they can be used). In addition, a recently approved control post is available about 80 Km from the BIP in case animals need to be unloaded, rested, watered and fed (see point 5.4.2.1).
- The AT noted significant improvements regarding the shortcomings in the facilities, equipment and working hygiene in Kapitan Andreevo BIP which had been highlighted during a previous FVO audit (DG(SANCO) 2010-8552) carried out in 2010 to evaluate the import/transit control system and border inspection posts. Satisfactory refurbishment had been undertaken of all the premises at the BIP except for those facilities designated for products not fit for human consumption (ambient temperature), for which the reconstruction had not been yet finished.

Conclusion on appropriate equipment for CA Staff

Although additional instructions are needed for using the new equipment for measuring environmental parameters, they have been made available and are suitable for carrying out the necessary controls on animal welfare effectively. The CA has addressed recommendations number two of report 2010-8383 (requiring CA staff to avail of appropriate and properly maintained equipment for carrying out official controls on animal welfare effectively) and 14 of report 2009-8263 (requiring the CA to ensure adequate facilities and equipment at exit points) and is making good progress in addressing recommendation number 24 of report 2010-8552 (regarding significant addressing shortcomings in the facilities, equipment and working hygiene in Kapitan Andreevo BIP).

5.1.3 Verification of effectiveness of official controls

Legal Requirements

Article 8 states that CAs shall have procedures in place to verify the effectiveness of official controls and to ensure that corrective action is taken when needed.

Findings

There are different levels of supervision:

- **First level supervision:**

The BFSAs Animal Health and Welfare Department (AHWD) has a system for the verification of official controls carried out by Municipal Official veterinarians based on the use of a check list, model AHWD 148, approved with an order 11-30/08.03.2011 of the Executive Director of the BFSAs. Section IX of this check list includes some animal welfare

requirements. Each head of RFSD must verify the work of their head of sectors and they in turn must verify the work of the Municipal OV's once per year. The AT saw evidence of this supervision activity on the Municipal OV's using this template AHWD 148 in the three RFSD visited.

However, there is no procedure or guidance as to what is required to complete this check list. Consequently, there is no indication of responsibilities, frequency, measurement of effectiveness and actions in case of non compliance. This check list is mainly used to carry out a documentary quantitative assessment of controls carried out against those planned. The AT was informed that on site checks are carried out from time to time, through supervised and joint inspections with Municipal OV's, but the necessity to or frequency of these inspection is not laid down in any procedure. There were no recommendations for corrective action made to any of the Municipal OV's in any of the RFSDs visited as a result of the use of check list 148.

The AT learned at one of the RFSD visited that the CQMD (Central Quality Management Directorate) had carried out an audit in May 2012 and had made recommendations on verification procedures as Municipal OV's controls were not assessed on the spot. Another audit carried out in a different RFSD (Montana) by the Animal Health and Food Safety Directorate in 2011 (see point 5.1.5) had highlighted that this check list was insufficient to show whether the official controls carried out by the Municipal OV were effective as required. An amendment of the check-lists had been recommended.

- **Second level supervision:**

In addition to this verification of the Municipal OV controls described above, there is also a supervision activity carried out by the AHWD of the CCA on the RFSDs: between 8 December 2011 and 2 May 2012 inspections were carried out at 8 RFSD concerning the implementation of the ban on rearing laying hens in conventional cages and controls on animal welfare during transport from Bulgaria to Turkey. This resulted in recommendations being given to rectify the shortcomings identified in each RFSD.

In response to the recommendations made in the above verification activities, the AT saw evidence of action taken in two RFSDs: Veliko Tarnovo, where, among other measures, disciplinary action was imposed on an OV; and Targovishte, where corrective action was taken following a recommendation concerning a transporter who had not been returning journey logs.

There were no records of verification of effectiveness of official controls at the BIP/exit point visited, but minutes of discussions on topics of interest were available. The CCA verification of BIP/exit point activity has an extremely limited scope related to animal welfare, with two questions on the check list relating to the requirement for documentation on animal welfare being available. The frequency foreseen for these check is twice per year.

Conclusions on verification of effectiveness of controls

There are a number of levels of verification of official controls in place. Verification of the work of the municipal OV's by regional offices is systematically carried out. However, as there is no clear guidance in place and the controls are mainly based on a documentary quantitative assessment of controls, it doesn't effectively meet its objectives as confirmed by the results of supervisory and audit activity conducted by the CCA.

Supervisory activity by the CCA brought about an improvement in the effectiveness of official controls and in enforcement action, in particular regarding the ban on keeping laying hens in conventional cages. In addition, the range of problems in official controls detected by the AHWD reinforces the need for including an element of on the spot supervision by regional over municipal level.

5.1.4 Enforcement Measures

Legal Requirements

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation.

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

Findings

Enforcement measures in farms:

The AT received evidence of effective enforcement action in laying hen farms, where the ban on the use of conventional cages (Article five of Directive 1999/74) has been recently achieved (1 June 2012) through a combination of intensive enforcement, monitoring, and good cooperation between regions and the CCA (see third bullet point and point 5.2.1).

Enforcement measures during transport:

- OVs at the exit point visited are taking enforcement action where animal journey times are exceeded by issuing notices requiring transporters to provide 24 hour rest periods. Although recorded in the TRACES database, the results of these actions (together with the relevant data and documents) are not all formally communicated to the CCA contact point, or to the CA of departure, or to the CA which granted the authorisation of the transporter/certificate of approval of the means of transport, as required by Article 26 of Regulation (EC) No 1/2005).
- In addition, due to the lack of other available enforcement measures for the competent authority to sanction or require corrective action on the part of foreigner transporters, no action is taken at the exit point to either sanction or report cases from other MS where animal transport does not comply with Regulation 1/2005 but animal fitness to travel is not seriously compromised such as: mixing of horned/unhorned animals; insufficient bedding; and inadequate head height in vehicles.
- Furthermore, the communication of non-compliances relating to Bulgarian vehicles detected at the exit point to the relevant RFSDs is not recorded at the exit point itself or copied to the CCA; therefore the follow-up to these shortcomings could not be traced (see point 5.3.2.).

Sanctions

- Increases in the levels of sanctions are foreseen in the Draft of the Law on Veterinary Activity which is at an advanced stage of approval but is not yet in force.
- The AT saw examples of sanctions imposed on farmers (pigs and laying hens) at two of the RFSD visited (Veliko Tarnovo and Targovishte). In Veliko Tarnovo the AT saw fines of 300, 500 and 1000 BGN being issued to a farmer keeping hens in conventional cages after 1 January 2012, in breach of Article 5 of Directive 1999/74. The 1000 BGN fine (approximately equivalent to 511 €), which is at a dissuasive level, was imposed for not observing a compliance notice within the required deadline. This second offence permitted the CA to impose a fine which was much higher than the level foreseen by the current version of the Veterinary Act.
- The CCA informed the AT that 61 administrative sanctions were imposed in 2012 for transport infringements; however, these penalties are (by the CCA's own admission) not dissuasive due to the fact that the amendment of the relevant piece of legislation is not yet in force.

Conclusions on Enforcement Measures

Despite the fact that an increase in the levels of sanctions is not yet in force (pending the final approval of the relevant amendment of the Veterinary Act), the enforcement action for animal welfare non-compliances has considerably improved since the last FVO audit, in particular to implement the ban of the use of conventional laying hen cages.

Enforcement action taken at the exit point for transports exceeding animal journey times is effective (notices imposing a 24 hour rest period).

However, insufficient action is taken at the exit point for other issues related to transport conditions. The overall deterrent effect is weakened by the lack of legal power to impose administrative sanctions on foreign transporters and by the lack of proper notification of non-compliances to the CA of origin which therefore is not aware of the need for preventive action for future consignments. Recommendations number six of report 2010-8383 (requiring the CCA to ensure that appropriate actions in case of non compliance, as required by Article 54 of Regulation (EC) No 882/2004) and number two of report 2009- 8263 (penalties to be amended to be effective, dissuasive and proportionate) have not yet been fully addressed.

5.1.5 Audit

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

Findings

Audits are carried out by different departments within the Ministry of Agriculture (MA) and the BFSAs:

1 Animal Health and Food safety Directorate (AHFSD) of the MA

The AHFSD performed audits of the official control activities in the area of food and feed safety, animal health and welfare and plant health carried out by the BFSA before the introduction of the CQMD (see below). The plan for 2011 was fully implemented and included audits of five RFSDs. Recommendations to rectify shortcoming on animal welfare were issued (see as well point 5.1.3). The AHFSD continue to carry out parallel audits of activity to those detailed below.

2 BFSA Internal Audit Directorate

This department is in charge of financial audit. It oversees expenditure of public funds and has no bearing on animal welfare audits or Regulation (EC) No 882/2004.

3 BFSA Coordination and Controls Directorate

This Directorate carries out audits “*complex checks*” on the RFSDs to gauge how effectively they implement official controls. When non compliances are detected it can propose measures for their correction to the Executive Director of the BFSA. In 2011, there were complex checks on the overall performance of six RFSDs: Veliko Tarnovo; Vratsa; Sliven; Targovishte; Dobrich; and Yambol). In 2012 there were three audits performed in the RFSD of Sofia-town, Kyustendil and Blagoevgrad. Although animal welfare was not explicitly covered by these audits, some recommendations were issued and actions taken, including disciplinary actions against official veterinarians in cases where non-compliances on animal welfare (e.g. shortcomings regarding assembly centres) were detected.

4 Central Quality Management Directorate

This Directorate is in charge of planning, organising and carrying out audits according to Art 4(6) of Reg 882/2004. During the opening meeting, the AT was informed that the CQMD carried out one audit covering animal welfare in Kapitan Andreevo/Haskovo RFSD in September 2011. The recommendations of the CQMD audit on the BIP of Kapitan Andreevo had been satisfactorily implemented. The AT learned on the spot that audits had been carried out in two RFSDs (Veliko Tarnovo: 27 to 29 June 2011; Targovishte: May 2012) whose scope did not specifically include animal welfare but which made recommendations relating training and verification of effectiveness of official controls. Animal welfare is included in the scope of the CQMD 2012-2016 audit plan.

Conclusions on Audits

Audit systems have correctly identified deficiencies in official controls on animal welfare and action plans have been prepared to ensure corrective actions were taken within deadlines. Whilst there have been no specific animal welfare audits carried out to date, animal welfare has been included in the scope of CA audits. In addition, animal welfare is included in the scope of the CQMD 2012-2016 audit plan. Recommendation number eight of report 2009- 8263 can be considered as addressed.

5.2 ANIMAL WELFARE ON FARM

5.2.1 *Implementation of action plan to achieve compliance with Articles 3 and 5 of Directive 99/74*

Legal Requirements

Articles 3 and 5 of Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens requires that Member States ensure the production of eggs from farms furnished with unenriched cages is prohibited from 1 January 2102.

Findings

The AT received documentation concerning the enforcement of the ban on conventional cages at CCA level (files of two farms) and at two RFSD (four premises, two in each RSFD).

Enforcement action consisted of:

- the service of notices (first week of January 2012) requiring compliance with requirements and fines being issued;
- Follow up action included additional fines where no action had been taken to comply;
- The use of Police to ensure that eggs were sent to a rendering plant;
- New on site visits by regional levels to verify compliance on the spot;
- Documentation for hens being sent to slaughterhouses was available.

In addition, the CCA was heavily involved in ensuring compliance with the ban:

- Experts from the AHWD visited and carried out controls on all eight regions with unenriched cages with the objective of meeting owners in person to explain to them the importance of complying with the requirements and to draw up an action plan to ensure full compliance by the revised deadline of 1 June 2012.
- Funding has been allocated for the reconstruction and modernisation of the agriculture sector.¹
- The Bulgarian government allocated an additional 25% above this level of funding from State funds.
- Five year loans were made available to farmers to fund refurbishment projects.
- In 2011 there were seminars in all 28 regions in Bulgaria to explain to farmers how to apply for funding under these schemes.
- It was also made clear that from 1 January 2012 there would be a strict ban on the use of

¹ Funds allocated under project No 121 approved by the Commission and the Payment Agency of the Ministry of Agriculture.

unenriched cages.

- During 2011, 12 projects for modernisation of laying hen premises were approved for funding.

Conclusions on laying hens

Bulgaria has effectively implemented from 1 June 2012 the ban on the production of eggs from laying hen farms using unenriched cages and complies with Article five of Directive 1999/74/EC. Recommendations three, four and five from report DG(SANCO) 2009-8263 (regarding laying hens) have been addressed.

5.2.2 Broilers

Legal Requirements

Article 7(1) of Council Directive 2007/43/EC requires the CA to carry out non-discriminatory inspections on an adequate proportion of animals within each Member State to verify compliance with the requirements of this Directive.

Findings

- Directive 2007/43/EC has been fully transposed with the Regulation of 26 August 2008 (State Gazette 72 of 15/8/2008). The register of broiler farms is available on the BFSA Website. Training for keepers of chickens kept for meat production (Article 4 of Directive 2007/43/EC) is performed by OV's of the relevant RFSD and evidence concerning these training sessions was available at the RFSD of Veliko Tarnovo.
- Guidelines and procedures for the assessment of stocking density and a new check list for broilers were available in the CA website and used in practice.
- The overall animal welfare conditions at the broiler farm visited were satisfactory. The requirements of Annex II (stocking densities higher than 33 kg/m²) had been assessed and the OV had correctly calculated the stocking density. A compliance notice had previously been given for the omission of records on cumulative daily mortality rate in the documents accompanying birds to the slaughterhouse, contrary to point 1.1 of Annex III. Despite the previous enforcement notice, these records had still not been sent with recent batches of birds to slaughter.
- The monitoring of environmental parameters foreseen in Annex II had been carried out only once by the farmer, through a set of analyses carried out by a private accredited laboratory. Equipment to check these parameters had been recently purchased by the CA. However, while the Directive gives the levels of the concentration of ammonia (NH₃) and carbon dioxide in ppm the CA instrument gives these levels in 0.5 mg/ m³ (NH₃) and in 0.1 % (CO₂), respectively, so that the OV was not able to state if the levels detected were or were not in compliance with the legal requirement of Annex II. The CCA was aware of this issue and guidelines for the conversion of these parameters to allow their correct reading were provided after the audit had been completed.
- There is no system in place for the communication of post-mortem inspection results (such

as abnormal levels of contact dermatitis, parasitism and systemic illness) to the owner or keeper of the animals and to the competent authority for appropriate action, contrary to Annex III, points 2 and 3 of Directive 2007/43/EC. There are no specific guidelines to slaughterhouse OVAs for the assessment of specific post-mortem lesions linked to animal welfare (such as: a threshold % of birds with contact dermatitis above which the CA and the owner would be notified, or a scoring system to indicate the severity of the lesions). Good Management Practice guidelines were available, but at farm level only.

Conclusions on broilers

Although there were some deficiencies in the verification of the environmental parameters for increased stocking densities, official controls on broiler farms were implemented correctly. However, there is no system in place for communication of animal welfare indicators to or from slaughterhouses, contrary to Annex III, points two and three of Directive 2007/43/EC.

5.2.3 Group Housing of Sows

Legal Requirements

Article 3(4) of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs provides that dry pregnant sows and gilts are kept in groups in all pig holdings keeping more than 10 sows by 1 January 2013.

Findings

The CCA supplied information to the AT on their efforts to communicate the legal requirements and access to funding for the pig sector through meetings held in 2011 and 2012. In addition, the CCA requested on site inspections of all the premises in the 28 regions and reports thereof to verify the situation on the spot.

According to CCA data, there were 184 farms (out of a total of 196) already in compliance; 11 additional sites have plans for refurbishments and should be compliant by 1 January 2013.

In 2012, 30 million BGN lev was made available from the national budget to fund subsidies to farmers in the pig and poultry sectors respectively (total 60million BGN) if they comply with additional requirements to existing animal welfare legislation.

Conclusions on group housing of sows

Bulgaria is very well placed for the 2013 deadline for the group housing of dry and pregnant sows according to the requirement of Article 3(4) of Council Directive 2008/120/EC.

5.3 ANIMAL WELFARE DURING TRANSPORT

5.3.1 Approval of means of transport by road

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

- The AT observed the inspection of a means of transport to ascertain its compliance with the requirements of Annex I, Chapters II and VI applicable to the design, the construction and the maintenance of means of transport by road used for long journeys.
- The OV performing the check had verified compliance with important requirements, such as drinkers, ramps (inclination and lateral protection) and requisites of the water tank (capacity, device to check the water level). However, he was not able to demonstrate the assessment of the ventilation (airflow of nominal capacity of 60 m³/h/KN of payload) as required by Regulation (EC) No 1/2005, Annex I, Chapter VI (point 3.2.), and SNS (point 4.1) despite the fact that the CCA guidelines give clear instructions on these requirements.
- In addition, the vehicle had been approved for the transport of horses, but there were no partitions and no drinking devices suitable for this species. The OV stated that the additional hardware (means of watering horses and partitions) could be added at a later date to make the vehicle compliant.

Conclusions on approval of means of transport

The assessment of the means of transport was not completely satisfactory regarding ventilation capacity and SNS, despite the clear guidance supplied by the CCA. In addition, this vehicle had been approved for the long distance transport of different species, including horses, despite the fact that it did not fully comply with the requirements of Annex I, Chapter Annex I, Chapters II and VI applicable to the design, the construction of means of transport by road used for long journeys for *Equidae*. This issue reinforces the need for an improved system of verification of the effectiveness of official controls and the need for on the spot supervision by the CA.

5.3.2 Checks at departure

Legal requirements

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

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, unless the systems referred to in Art. 6(9) of the Regulation were used, which allows the CA to check if the journey times described in point 1 Chapter V of the Annex I of the same Regulation are respected.

Findings

- In response to several NGO complaints regarding alleged poor conditions for animals transported to Turkey, the CCA requested (with letter of 13 January 2012 addressed to the 28 RFSD) actions such as: pre-loading controls, use of appropriate vehicles, training and notification of non-compliances to the CCA contact point.

- At one of the RFSD visited (Targovishte), a written CCA instruction regarding Turkish requirements for import of live animals had been forwarded to all of the Municipalities in to ensure that all certifying OV's were fully aware of these requirements and to prevent unnecessary delays at the Turkish side of the border due to incorrect certification.
- The CCA AHWD had carried out a supervised control in Targovishte and given recommendations regarding lack of returned journey logs. Corrective measures were taken by RFSD OV's in response to these recommendations.
- In the interest of animal welfare the CCA required OV's to take into account, in the journey planning, possible delays at the border and the use of means of transport approved for long distance for animals sent from Bulgaria to Turkey. In addition, they required a journey log, even if the distance to the border entails less than eight hours: documented evidence of this was seen by the AT.
- Consignments of Bulgarian animals had been sent back to their place of origin when non-compliances with Regulation (EC) No 1/2005 were found at the exit point:
 - Eleven consignments of ovine animals were sent back to the farm of origin in Bulgaria due to different shortcomings such as overstocking, lack of bedding and insufficient headroom;
 - There was no documented evidence of communication to the RFSD or OV of origin of requests for corrective action to be taken (e.g.: enforcement action, prevention of re-occurrence, increased frequency of controls on the transporter, verification at the time of loading etc);
 - There was no documented evidence of enforcement action having been taken against transporters;
 - There had been no communication to the contact point (Art. 24 of Regulation (EC) No 1/2005) or to the CA of origin in the case of one infringement by a foreigner transporter.

Conclusions on checks at departure

The CA has undertaken a significant number of useful actions in order to improve the animal welfare conditions for small ruminants exported to Turkey. However, their effectiveness is weakened by the insufficient monitoring on the follow up enforcement and corrective actions taken for identified infringements of Regulation (EC) No 1/2005.

5.3.3 Checks of Satellite navigation System (SNS)

Legal requirements

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

Point 4 of the same article states that the records of the movements of the means of transport by road obtained from navigation system may be used for carrying out these checks where appropriate.

Findings

No checks are carried out on SNS records during official controls: the CCA guidelines on checks on transport do not provide specific instruction in this regard and staff have received no training to check such records.

Conclusions on SNS

Records of the SNS are not routinely used to verify long distance journeys, contrary to Article 15, point 4 of of Regulation (EC) No 1/2005.

5.3.4 Checks at control posts

Legal requirements

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

The AT visited a private control post recently (3 February 2012) approved by the CA, with a capacity for 170 bovine animals, 300 calves, 1, 000 sheep and 3,000 lambs. Since the beginning of 2012 to the time of the audit, about 1,500 consignments of live animals originating from different MS and directed to Turkey have been checked at the exit point of Kapitan Andreevo.

At the time of the audit, three consignment of bovine animals which had been redirected to this control post by orders issued by the OVs at the Exit point Kapitan Andreevo for exceeded journey times were being rested, watered and fed at this facility. Veterinary advice had been requested by the owner of the control post for one bull which showed signs of heat stress and breathing difficulties (hyperpnoea).

Facilities, operations and records were in line with the requirements of Regulation 1255/97.

OVs checks on fitness to continue the journey in accordance with Article 6 of Regulation 1255/97 were documented by stamping section four of journey logs. Evidence of certificates issued by the OV where animals had died during transport and had been sent to a rendering plant and animals which gave birth during transport was seen.

Conclusions on checks at control posts

Check on animals are carried out at the control post and appropriate arrangements have been taken by the CA for unloading and accommodating animals if necessary, as required by Article 22 of Regulation (EC) No 1/2005.

5.3.5 Checks at a exit points

Legal requirements

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

Point 2 of Article 21 of Regulation (EC) No 1/2005 requires that official veterinarians of exit points and border inspection posts perform and record the checks listed in Section 3 'Place of destination' of the journey log in Annex II. Records of those checks and the check provided for in paragraph 1 shall be kept by the competent authority for a period of at least three years from the date of the checks, including a copy of the corresponding record sheet or print-out of drivers' records (as referred to in Annex I or Annex IB to Regulation (EEC) No 3821/85). Point 3 of Article 21 of Regulation (EC) No 1/2005 requires that animals which are not fit to complete the journey shall be unloaded, watered, fed and rested.

Findings

- At the exit point of Kapitan Andreevo the AT saw official checks being carried out on three consignments of live ovine animals originating in another MS. OV's generally carry out good controls of documents and vehicles, and recognise the majority of problems, such as: insufficient head room for some animals, mixing of horned/unhorned sheep. Generally the conditions of the animals were satisfactory, apart from intense thirst (not all vehicles utilised fans, or turned on drinkers until asked to by the OV). The AT noted that vehicle roofs were being raised at inspection, which would have made them non compliant with road transport legislation, but presented a more positive picture of the available headroom. This was not noted by OV's.
- Official controls were carried out and recorded overall in accordance with Art 21 of Regulation (EC) No 1/2005. Checks to verify fitness to continue the journey, checks on certificates of competence, certificates of approval of means of transport, journey logs and tachographs were carried out. Copies of all documentation required were available on the spot including copies of journey logs and tachograph records. The AT verified records for ten consignments from different MS and saw that since a suitable control post has been available (3 February 2012) all consignments which exceeded the journey times foreseen in Regulation (EC) No 1/2005 have had a compulsory 24 hours rest imposed by the Exit point officials.
- Regarding the assessment of journey logs and the realism of journey times, there were points which were not fully clear to the OV's such as when assessing the real time of departure. The OV's were somewhat confused about comparing section 1 of the journey log

(which includes the planning) with the TRACES INTRATRADER certificate and section 2 of the journey log (which is the part indicating the actual time of departure). In addition the OV's were not clear that in Section 3 of the journey log, when filled in at a control post, the date and time of controls does not necessarily coincide with the time of departure of the animals, as there is no obligation for veterinary controls at loading. OV's were also not sure about temperature printouts from vehicles and some drivers did not have the ability to use the vehicle equipment to give printouts for each deck. OV's had requested training on reading of tachographs and SNS but this has not been provided (see point 5.1.1).

- Internet route planners were available and their use foreseen in the guidelines available on the CA website but the AT did not see them used in practice by the OV's on their own initiative.
- Regarding the long distance transport of animals to Turkey, the CA is taking action against animal welfare non-compliances by imposing a compulsory unloading, resting and watering of the animals for vehicles which have exceeded journey times. In 2012 out of 1,500 consignments, 69 were directed to the nearest control post due to non compliances detected. However, there was no systematic communication of these non compliances to the CA of origin or to the contact point, contrary to Art 26 of Regulation (EC) No 1/2005 and to the CA instruction (letter of 13/1/2012).
- There is a prioritisation of live animal consignments at the Exit point Kapitan Andreevo and there are 12 OV's on duty in two shifts. However, there was no written procedure or specific agreement with the Bulgarian Custom Services available in order to ensure the priority of live animals at the Custom's weighing scales on the Bulgarian side after the veterinary checks, with potential consequences for animal welfare due to waiting times at Customs. The veterinary services at the exit point subsequently met with the Customs authorities after this audit (on the 14 June) and agreed in writing to prioritise the expediting of live animal consignments through Bulgarian Customs in a separate lane.

Conclusions on checks at exit point

Official checks at the exit point are carried out in a generally satisfactory manner. However, the effectiveness of these official checks and enforcement by the CA at the Exit point is diminished by the insufficient action taken on foreign transporters, due to the lack of legal basis to impose sanctions, and to the insufficient communication of non compliances to the CA of origin. Recommendation No 14 of report 2009-8263 (which required exit points to have adequate facilities and equipment for carrying out the checks and that appropriate arrangements are taken by the CA for unloading and accommodating animals if necessary) has been addressed.

6 OVERALL CONCLUSIONS

Significant progress has been made since the last FVO audit in 2010 in terms of enforcement, training and equipment, procedures, and verification. Several recommendations from the previous report have been adequately addressed by the CA. Major results have been achieved with the ban of the use of conventional cages for laying hens and Bulgaria is well placed regarding future compliance with the requirements of group housing of sows.

However, there is still a need to improve in terms of verification of effectiveness of official controls, training and enforcement. Verification of the work of the municipal OV's by regional offices is

systematically carried out but there is no clear guidance in place and the controls are mainly based on a documentary quantitative assessment of controls carried out against those planned.

Regarding animal welfare during transport, additional effort is needed, in particular at the exit point of Kapitan Andreevo (due to its strategic importance as the most important exit point in the EU at the border with Turkey and with the potential for serious animal welfare problems due to high summer temperatures) in terms of training of staff and communication of animal welfare non-compliances to Member States of origin.

7 CLOSING MEETING

A closing meeting was held on 13 June 2012 with representatives of the CCA. At this meeting, the main findings and conclusions of the audit were presented by the audit team. The representatives of the CA stated that they had already taken action (order dated 12 June 2012) to request OV's and BIP Kapitan Andreevo to notify to the contact point any non compliance with Regulation (EC) No 1/2005.

8 RECOMMENDATIONS

N°.	Recommendation
1.	As already recommended in report DG(SANCO) 2009-8263 (Recommendation one), the CCA should ensure that training for official veterinarians, including in particular those working at exit points, meets the requirement of Article 16 of Regulation (EC) No 1/2005 concerning the recording equipment for road transport and the satellite navigation system so that checks on these are implemented. In addition, targeted training on the assessment of journey logs and the realism of journey times should be provided.
2.	The CCA should ensure that verification of effectiveness of animal welfare official controls is formalised in a procedure, with a clear indication of responsibilities, frequency, measurements and actions in case on non compliance, as required by Article 8(3) (a) of Regulation (EC) No 882/2004.
3.	As already recommended in report DG(SANCO) 2009-8263 (Recommendation two), the CCA should ensure that penalties are amended to meet the requirements of Article 55 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005 to be effective, dissuasive and proportionate.
4.	The CCA should ensure that the approval of means of transport for long journeys is granted only after all the relevant requirements of Chapters II and VI of Annex I to Regulation (EC) No 1/2005 have been adequately assessed as fully in compliance, as required by Article 18 of the same Regulation.
5.	As already recommended in report DG(SANCO) 2010-8383 (recommendation six) the CCA should ensure that appropriate actions are taken as required by Article 54 of

N°.	Recommendation
	Regulation (EC) No 882/2004, and by Article 26 of Regulation (EC) No 1/2005 when non-compliances with Regulation (EC) No 1/2005 are identified.
6.	The CCA should ensure that staff performing official controls on long distance transport are instructed to carry out checks of the records of the satellite navigation system, in accordance with Article 15 (4) of Regulation (EC) No 1/ 2005.
7.	The CCA should ensure that there is a system in place for communication of possible animal welfare indicators to/from slaughterhouses, in accordance with Directive 2007/43/EC, Annex III, points 2 and 3.
8.	The CCA should ensure that the arrangements to ensure the priority for live animal consignments at Exit points are effectively implemented in order to minimise delays, in accordance with Article 22 of Regulation (EC) No 1/ 2005.

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

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6454

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
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
Reg. 3821/85	OJ L 370, 31.12.1985, p. 8-21	Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport
Reg. 1255/97	OJ L 174, 2.7.1997, p. 1-6	Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC
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. 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
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
Dir. 2007/43/EC	OJ L 182, 12.7.2007, p. 19-28	Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production

Legal Reference	Official Journal	Title
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 protection of pigs