



EUROPEAN COMMISSION
DIRECTORATE-GENERAL XXIV
CONSUMER POLICY AND CONSUMER HEALTH PROTECTION
Food and Veterinary Office
Unit 1

Dublin, 22.2.1999
XXIV/1448/98 – MR Final/Orig.EN

FINAL VERSION

MISSION REPORT

on a veterinary mission to BELGIUM, carried out from

September 13th to September 18th, 1998

**in the field of animal welfare during transport (Directive 91/628/EEC),
covering some aspects of animal identification
(Council Directive 92/102/EEC and
Council Regulation (EC) No. 820/97)**

This final version of the report has been prepared to take into account some of the comments made by the Belgian *Ministerie van Middenstand en Landbouw*, Brussels, dated 19.1.1999. In relation to the former draft version – XXIV/1448/98 MR (23.10.1998) – main modifications are in points 5.2.1., 7.4., 8.2.

TABLE OF CONTENTS

	<u>page</u>
<u>1. MISSION DETAILS</u>	3
<u>2. SCOPE OF THE MISSION</u>	3
<u>3. BACKGROUND</u>	3
<u>4. LEGAL BASIS FOR THE MISSION</u>	3
<u>5. MAIN FINDINGS (INFORMATION RECEIVED AND FACTS FOUND) IN THE FIELD OF ANIMAL WELFARE DURING TRANSPORT, INCLUDING CERTAIN ASPECTS OF ANIMAL IDENTIFICATION</u>	4
<u>5.1. Transposition of EC legislation on animal welfare during transport into national legislation</u>	4
<u>5.2. Information received on competent authorities and administrative structures in the field of animal welfare during transport</u>	4
<u>5.2.1. Central competent authority</u>	4
<u>5.2.2. Regional competent authorities</u>	4
<u>5.2.3. Local competent authorities</u>	4
<u>5.3. General observations with regard to the enforcement of legislation in the field of animal welfare during transport</u>	4
<u>5.4. Main field observations in the area of animal welfare</u>	5
<u>5.4.1. Unfit animals</u>	5
<u>5.4.2. No 24-hour rest periods</u>	5
<u>5.4.3. Assembly centres not approved</u>	5
<u>5.4.4. Poor road vehicles</u>	6
<u>5.4.5. Veterinary officials not taking measures</u>	6
<u>5.4.6. No watering facilities on markets</u>	6
<u>5.4.7. Animals in disorder on markets</u>	6
<u>5.4.8. Dirty vehicles</u>	7
<u>5.4.9. Ineffective stunning</u>	7
<u>5.5. Some observations in the field of animal identification</u>	7
<u>6. LIST OF NON-COMPLIANCES/DEFICIENCIES</u>	7
<u>7. MAIN CONCLUSIONS</u>	8
<u>8. RECOMMENDATIONS</u>	8

1. Mission details

- 1.1. The mission took place from September 13th to September 18th, 1998. A representative (one out of two designated persons at a time) of the *Ministère des Classes moyennes et de l'Agriculture*, Brussels, a veterinary expert from a Member State and two veterinary experts of the European Commission's Food and Veterinary Office, Dublin, were members of the mission team during the visits in Belgium.
- 1.2. Three livestock markets, one slaughterhouse, two collection centres and one staging point were visited during the week. The visits of these sites were carried out in collaboration with representatives of the competent regional authorities and, in the case of the livestock markets, with representatives of the local competent authorities (municipalities).

2. Scope of the mission

- 2.1. To verify whether the requirements of Council Directive 91/628/EEC on the protection of animals during transport (as last amended by Council Directive 95/29/EC) have been transposed and are applied in Belgium, with particular reference to long-distance transports by road.
- 2.2. To verify, during the visits of suitable sites, whether animals transported are identified in accordance with Council Directive 92/102/EC on the identification and registration of animals and Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals.

3. Background

- 3.1. During a first visit to Belgium in the field of animal welfare during transport, carried out by a Commission veterinary expert in 1995, it was found that a considerable number of requirements of Directive 91/628/EEC were not met in Belgium and that unnecessary suffering was inflicted on animals in several cases (see Commission Document VI/1992/95 of 2.5.1995).
- 3.2. The mission was therefore also undertaken by the European Commission to evaluate progress.
- 3.3. Information received from animal welfare associations was used when the Commission made proposals for choosing the sites to be visited.

4. Legal basis for the mission

Commission Decision 98/139/EC in connection with Article 10 of Directive 91/628/EEC and Article 3 of Council Directive 92/102/EEC.

5. **Main findings (information received and facts found) in the field of animal welfare during transport, including certain aspects of animal identification**

5.1. Transposition of EC legislation on animal welfare during transport into national legislation

Council Directive 91/628/EEC (as last amended by Council Directive 95/29/EC) has been transposed into Belgian legislation by the *Koninklijk Besluit betreffende de bescherming van dieren tijdens het vervoer* of 29.12.1996.

5.2. Information received on competent authorities and administrative structures in the field of animal welfare during transport

5.2.1. Central competent authority

The *Ministère des Classes moyennes et de l'Agriculture*, Brussels, is the central competent authority. Within this Ministry, it is the *Inspection Générale des Services vétérinaires*, working under a *Conseiller général (chef des Services vétérinaires)* – and in particular its *Service II* – that is responsible, among other things, for supervising and coordinating activities, for preparing legislation and elaborating administrative measures, for supervising the application of legislative and administrative measures (“*surveillance*” de la “*mise en application*” “*des mesures législatives et administratives*”).

As far as animal welfare in slaughterhouses is concerned, the veterinary officials of the *Institut d'Expertise Vétérinaire* also have certain responsibilities.

5.2.2. Regional competent authorities

The national territory is divided into 13 *sites provinciaux*, each one being headed by an *Inspecteur vétérinaire* who together with his veterinary staff (comprising veterinarians of different status) is in charge of the “*contrôle*” and the application of the animal welfare legislation.

There are also two *Vétérinaires-Directeurs-Coordinateurs* – one for the French speaking and one for the Dutch speaking parts of the country – in charge of coordination and liaison with the central administration.

5.2.3. Local competent authorities

On the livestock markets visited, the Commission team met veterinarians working for a municipal authority.

5.3. General observations with regard to the enforcement of legislation in the field of animal welfare during transport

5.3.1. It was the impression of the Commission team that the field veterinarians representing the competent authorities were not fully

aware of the scope of their duties or responsibilities. Some of them seemed to be present because they had been instructed to be present; or they seemed to be present to sign documents. Among other things, they did not pay any noticeable attention to the conditions of livestock vehicles; they did not check loading densities, and none was seen with a pocket ruler, enabling him or her to calculate loading densities. Some of the veterinarians were obviously not aware of their role to exclude sick and injured animals from being transported.

The instructions by the central competent authority, as seen during the visit, were rather a repetition of the legislation than guidance to the field staff. The competent central authority was obviously not fully informed about the situation in the country. An efficient reporting and supervising system could not be detected.

- 5.3.2. The role of the representatives of the local competent authorities in the field of animal welfare was not clear at all. The Belgian animal welfare act of 14.8.1986, in its modified Article 34, mentions the competences of the municipal police (*police communale ou rurale*), but the competences of veterinarians employed by municipalities are not mentioned in this context.

5.4. Main field observations in the area of animal welfare

5.4.1. Unfit animals

At all but one site visited, animals not fit for transport were found. Thus, to cite a few examples, new-born calves in which the navels were not completely healed, and a grown-up bovine animal that had only three feet, were transported from the place of departure towards the transfer points visited, and slaughter pigs of which the skin was covered with biting wounds were not systematically excluded to continue their journey from the transfer point visited towards their final destination in Italy.

5.4.2. No 24-hour rest periods

Route plans for long-distance journeys were stamped by the responsible veterinarian at a collection centre visited, although no provisions had been made to ensure that pigs were unloaded, rested, watered and fed for at least 24 hours, after a maximum journey time of 24 hours. According to the entries on route plans checked during the visit, such a journey – e.g. from Belgium to Siracusa (Italy) – could last up to 45 hours.

5.4.3. Assembly centres not approved

Belgian assembly centres were used to send animals to other Member States, although not formally approved.

5.4.4. Poor road vehicles

5.4.4.1. At those sites visited where a greater number of road vehicles for the transport of livestock could be seen during the visits – e.g. on livestock markets – a considerable proportion of the vehicles had tailgate ramps without lateral protection, showed damaged or badly repaired tailgate slats. The vehicle floors and tailgate ramps often showed damaged or badly repaired floors; in one case the lower parts of the rotten wooden side walls showed perforating holes where animals' feet may get through. Other gaps where animals' feet may get entangled were seen in several cases. Loading spaces were sometimes not separated into compartments.

5.4.4.2. According to the information received during the mission and on the basis of one consignment of pigs seen, road vehicles used for journeys exceeding 8 hours were not always equipped with ventilation adequate for Mediterranean or other regions with hot climate where they went to.

5.4.5. Veterinary officials not taking measures

Veterinary officials representing the competent authorities in the field of animal welfare during transport and in the field of stunning of slaughter animals, even if present, were often not taking the necessary measures to enforce the respective legislation, e.g. by allowing animals unfit for transport (see point 5.4.1.) to be transported, by accepting inadequate route plans (see point 5.4.2.).

5.4.6. No watering facilities on markets

For journeys within Belgium where the journey times for livestock exceeded 8 hours, due to a long interruption at transfer points, no provisions had been made to water and feed animals during the stay at transfer points. Thus, adequate facilities for watering and feeding at the livestock markets seen (used as transfer points) were not available, although animals may stay there for maximum periods of 8 or 14½ hours respectively. When adding the time needed to reach the market (about 2 hours) and the time for transporting animals from the market towards the final destination (about 2 hours), the maximum periods needed for the entire journey may easily come to 12 or 18½ hours respectively – a time during which a considerable number of animals will be without water and feed.

5.4.7. Animals in disorder on markets

Unloading and loading of cattle and driving by drovers on the livestock markets seen was in disarray, with no adequate passageways, with no fences to prevent escaping. Several livestock vehicles were unloaded or loaded amidst rows of tied animals on one of the markets. On one livestock market a cow tied to a rail strangled herself to death, without anybody interfering or even noticing the incident. Loose bovine animals were seen in the parking area or elsewhere on one of the markets.

5.4.8. Dirty vehicles

Most of the empty vehicles used to reload animals were dirty, with dirty litter.

5.4.9. Ineffective stunning

In the slaughterhouse visited, the stunning of cattle was carried out in such a way that several bovine animals were not unconscious after being shot by using a captive-bolt instrument, due to the fact that the gun was not correctly positioned and/or due to the fact that the stun-to-bleeding times were far too long.

5.5. Some observations in the field of animal identification

5.5.1. Cattle, sheep and pigs checked during the visit had eartags by which they could be identified.

5.5.2. Sheep of British origin, checked during the mission at a Belgian staging point, were marked with eartags bearing the identification numbers of British collection centres (where the journey started) and had no identifiable identification marks making it possible to determine the holding from which they originated.

6. List of non-compliances/deficiencies

6.1. The requirement of Article 3 of Directive 91/628/EEC, by which the transport of animals that are not fit for the intended journey is prohibited (see point 5.4.1.), is often not met in Belgium.

6.2. The requirements of Article 3 of Directive 91/628/EEC with regard to the standards of road vehicles used for journeys not exceeding 8 hours (see point 5.4.4.1.), with regard to the additional requirements for road vehicles used for journeys exceeding 8 hours (see point 5.4.4.2.) and with regard to cleaning and disinfection of road vehicles (see point 5.4.8.) were frequently not respected.

6.3. The obligation of the veterinarian of the place of departure, resulting from Article 5 of Directive 91/628/EEC, to verify route plans for plausibility before “stamping” (i.e. accepting) them, was not respected at a place of departure seen during the visit, from where pigs were sent on long-distance journeys (see point 5.4.2.), insofar as these route plans did not foresee unloading and resting at staging points.

6.4. The requirement of Article 2 of Council Directive 64/432/EEC¹ that assembly centres must be approved before being used for intra-Community trade is not met in Belgium (see point 5.4.3.).

¹ Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animal and swine (as last amended by Council Directive 97/12/EC).

- 6.5. The checks carried out by the competent Belgian authorities at several of the sites visited were considered to be inadequate and thus not in compliance with Article 8 of Directive 91/628/EEC (see point 5.3. and 5.4.5.).
- 6.6. When transporting animals via transfer points where considerable delays occurred (see point 5.4.6.), the provisions for the animals were often not in compliance with the requirements for journeys exceeding 8 hours, as laid down in Article 3 of Directive 91/628/EEC, in particular not with regard to watering.
- 6.7. Contrary to the requirements of Article 3 of Directive 91/628/EEC, the conditions for unloading at transfer points (see point 5.4.7.) were often unsuitable.
- 6.8. Contrary to the requirements of Article 6 of Directive 93/119/EEC², equipment destined for stunning was used in such a way (see point 5.4.9.) that loss of consciousness (which shall last until death) was not achieved in several cases.

7. Main conclusions

- 7.1. Major deficiencies in the field of animal welfare during transport were observed during the mission. In many areas animals were without the protection that the EU legislation foresees for them and, as a consequence, several animals seen had to suffer during transport.
- 7.2. The veterinary supervision in Belgium was not of the standard necessary to enforce the requirements of Directive 91/628/EEC.
- 7.3. When comparing the results of the 1998 mission with the results of the mission carried out in Belgium in 1995, no substantial progress could be noted.
- 7.4. Identification: The animals examined during the mission had identification marks. A general conclusion on the situation in Belgium in the field of animal identification can, however, not be drawn from these few observations (see point 2.2.).

8. Recommendations

Recommendations for the Commission Services

- 8.1. Legal procedures should be considered by the Commission services against Belgium for not enforcing the rules laid down by Directive 91/628/EEC.
- 8.2. Another Commission mission to Belgium should be carried out after 31.3.1999 to verify progress.

² Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing.

Recommendations for the Belgian authorities

- 8.3. Belgium should ensure compliance with all parts of Directive 91/628/EEC throughout the whole country by 30.6.1999.
- 8.4. The creation of a national team for the enforcement of legislation in the field of animal welfare during transport could be of great use.

