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Directorate F - Food and Veterinary Office

DG(SANCO)/9281/2003 – MR Final

FINAL REPORT OF A MISSION
CARRIED OUT IN BELGIUM
FROM 24 TO 28 NOVEMBER 2003
ON ANIMAL WELFARE DURING TRANSPORT
AND AT THE TIME OF SLAUGHTER



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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

AFSCA/FAVV	<i>Agence Fédérale pour la Sécurité de la Chaîne Alimentaire / Federaal Agentschap voor de Veiligheid van de Voedselketen</i>
CA	Competent Authority
CCA	Central Competent Authority
DG SANCO	Directorate General of the European Commission for Health and Consumer Protection (previously known as DGXXIV)
EEC	European Economic Community
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
PV	<i>Procès Verbal</i>
SPF/FOD	<i>Service public fédéral de la Santé publique, de la Sécurité de la Chaîne Alimentaire et de l'Environnement / Federale Overheidsdienst Volksgezondheid, Veiligheid Voedselketen en Leefmilieu</i>
UPC	<i>Unité Provinciale Administration du Contrôle</i>

1. INTRODUCTION

The mission took place in Belgium from 24 to 28 November 2003, as part of the FVO's planned mission programme. The mission team comprised of three inspectors from the Food and Veterinary Office (FVO).

The inspection team was accompanied during the whole mission by representatives from the central competent authority (CCA), the Belgian Federal Public Service of Public Health, Food Safety and Environment (*Service public fédéral de la Santé publique, de la Sécurité de la Chaîne Alimentaire et de l'Environnement / Federale Overheidsdienst Volksgezondheid, Veiligheid Voedselketen en Leefmilieu - SPF/FOD*), and from the Belgian Federal Agency for Security of the Food Chain (*Agence Fédérale pour la Sécurité de la Chaîne Alimentaire / Federaal Agentschap voor de Veiligheid van de Voedselketen - AFSCA/FAVV*).

An opening meeting was held on 24 November 2003 with the CCA and the AFSCA/FAVV. At this meeting, the inspection team confirmed the objectives of the mission, and requested additional information required for the satisfactory completion of the mission.

2. OBJECTIVES AND PROCEDURE OF THE MISSION

The objective of the mission was to follow-up on how the recommendations in previous mission report on animal welfare during transport and at the time of slaughter (Council Directive 91/628/EEC^{1,2} and Council Directive 93/119/EC³), DG(SANCO)/8555/2002-MR-Final (hereafter: report 8555/2002), had been addressed. It formed part of a wider series of missions to Member States evaluating control system and operational standards in this sector.

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

VISITS			Comments
Competent authority	Central	2	Opening meeting held at the AFSCA/FAVV headquarters. Final meeting at the SPF/FOD headquarters.
	Provincial	2	Provincial offices (<i>Unité Provinciale Administration du Contrôle - UPC</i>) of the AFSCA/FAVV
Markets		2	Selected by inspection team in advance of mission.
Slaughterhouses		4	Selected by inspection team at opening meeting.

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

² Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC, as amended - OJ L 340 of 11.12.1991 p.17

³ Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing - OJ L 340 of 31.12.1993 p.21

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular:

- Article 10 of Directive 91/628/EEC.
- Article 14 of Directive 93/119/EEC.
- Commission Decision 98/139/EC⁴ of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.

4. BACKGROUND

4.1. Summary of previous mission results

The previous mission with the same objective to Belgium was undertaken from 18 to 22 March 2002. The report of that mission is available under reference DG(SANCO)/8555/2002-MR-Final on the DG (Health and Consumer Protection) Internet site:

<http://europa.eu.int/comm/dg24/>

In its overall conclusion, the report stated that when compared with the results of the previous two missions (1448/1998 and 1103/2000), there was evidence of sustained efforts made by the CA to improve the level of compliance with the EU animal welfare requirements. Nevertheless, only two of the recommendations made in report 1103/2000 had been implemented satisfactorily.

Recommendations were made to the CCA, which provided an action plan indicating how these had been or would be addressed.

4.2. Competent Authority

The former Ministry of Agriculture has been recently reorganised and its competencies redistributed. The competence on animal welfare has been entrusted to the SPF/FOD. The SPF/FOD is responsible for animal welfare legislation and for the inspections in this regard. However, through an agreement with the AFSCA/FAVV, the agents of the latter carry out the controls on compliance with Directives 91/628/EEC and 93/119/EC.

The reports of such inspections are periodically sent to the SPF/FOD. Both administrations belong to the Minister of Public Health. A description of the organisation and tasks of the Belgian CCA is provided in the latest FVO reports published on the DG SANCO Internet site and further detailed information is available from the following sites:

<http://www.favv-afsca.fgov.be>

<http://www.health.fgov.be>

⁴ OJ L 38 of 12.2.1998, p.10

5. FOLLOW-UP OF RECOMMENDATIONS OF MISSION REPORT 8555/2002

5.1. Vehicle requirements

In response to the recommendation on the above subject:

- The AFSCA/FAVV issued a reminder to veterinary inspectors that existing instructions and legislation should be followed.

The inspection team noted that:

- The documentation concerning approval of vehicles included a checklist where both the requirements concerning the lateral protection and the direct access to animals were taken into consideration.
- The checklists used for inspecting vehicles at markets and at slaughterhouses included both the above requirements.
- The vehicles seen at the sites visited either had lateral protection or animals were led off individually.
- A number of vehicles inspected at one slaughterhouse showed they were lacking the authorisation from the CA. The CA explained that due to the high number of applications there was a delay in issuing the vehicle approval as it applies to all kind of vehicles used for transporting animals.

The inspection team did not see any vehicles approved for transport of more than eight hours.

5.2. Route plans

In response to the recommendation on the above subject:

- The AFSCA /FAVV issued a reminder on 17.04.02, drawing attention to the existing instruction on submission of route plans and to the possibility of refusing to issue health certificates if the requirements governing the route plan are not complied with.

Review of the files by the inspection team at two AFSCA/FAVV provincial offices demonstrated that:

- In one office, 75% of the route plans presented by transporters during the last four months had been returned, and most of them within 21 days as laid down by the CA. In the second office 90% had been returned in the same period.
- Neither office had ever refused to issue health certificates for non-compliance with the return of route plans, because the transporter concerned had not had any further long distance consignments.
- Important details were missing in most of the route plans and in some cases the estimated journey times were unreliable. The CAs confirmed that verification of the route plans were not performed (Article 5(A)(2)(d))

of Directive 91/628/EEC), particularly during summer 2003 due to the priority given to dealing with Avian Influenza.

- The report of a recent meeting held at the headquarters of the AFSCA/FAVV highlighted a lack of controls, either on the route plans and at the time of loading at places of departure (Article 8(c) of Directive 91/628/EEC), suggesting clearer instructions were needed.
- The CA did not give notice of the existence of the route plans through the ANIMO system as required by Article 5(A)(2)(c) of Directive 91/628/EEC.

5.3. Monitoring of journey times

In response to the recommendation on the above subject, the CCA indicated:

- It is possible to perform document-based checks of travel times both upon arrival at cattle market and on each individual animal's further travelling time thereafter.
- However, given the difficulties to link the papers in practice, it was decided to provide drinking water at markets lasting more than 10 hours.

Regarding the documentation, the inspection team noted that:

- It was not possible to check the travelling time for cattle and horses during domestic journeys, as both species were not accompanied by any documentation complying with the requirements of Article 4 of Directive 91/628/EEC.
- Sheep passing through markets were accompanied by a different document for each leg of the journey. It was possible to match such documentation but the CA did not carry out routine checks of these documents to monitor journey times.
- Documentation accompanying pigs and poultry to slaughterhouses met the above mentioned requirements.

Regarding journey times, the CCA explained that taking into account that the maximum journey time within Belgium is two hours, the resulting 14 hours of journey (including 10 hours spent at markets) would comply with the watering intervals set in the Annex of Directive 91/628/EEC. The inspection team noted that:

- Animals were transported to and from markets on basic vehicles.
- At one market, where animals remained for a maximum of three and a half hours, water was provided via a few buckets. Not all the animals were able to drink as some were tied up to rails without being able to access the water.
- At the second market, where animals stayed for a maximum of 20 hours, the facilities for both watering and feeding were in the loading bays, where cattle must be accommodated after 14 hours of stay at the market.

The CA had written letters to the operator of the market indicating that this had not been respected seven times during the last 29 market days.

5.4. Checks on transport to slaughterhouses

In response to the recommendation on the above subject:

- The CA issued an instruction pointing out that an animal with a broken leg was unfit for transport.

The inspection team noted that:

- Further instructions regarding fitness of the animals for transport had been issued in 2003. Limb or pelvis fractures were clearly indicated as reasons for exclusion from transport. Injured or sick animals must be examined by a veterinarian who decides whether they must be stunned and bled on farm or can be transported at certain conditions. In both cases a certificate signed by the veterinarian accompany the carcass or the live animal.
- All the animals seen at the sites visited were in good physical condition.
- The documentation examined (certificates, reports of inspections, written warnings, *procès verbaux*) showed that this issue had been taken up actively by the veterinary inspectors, who took appropriate actions when necessary. Actions were also taken against the veterinarians who had signed the certificates for the transport of live animals with fractures to abattoirs. The CA stated that this had resulted in a general decrease in the number of unfit animals transported.

5.5. Staging points

In response to the recommendation, which sought to address the omission in the official Belgian journal, *Moniteur Belge*:

- The CCA wrote a letter to the operator of the staging point visited.

The national legislation was not amended as the CCA was awaiting a proposal for an EU regulation on animal transport. This is currently under discussion in the Council of Ministers. The CCA also indicated that Belgian approved staging points had not been used in the intervening period.

5.6. Stunning and slaughter

In response to the recommendation on the above subject:

- An instruction requiring official veterinarians to ensure that back-up stunning equipment is present at the place of slaughter had been issued.
- The CCA indicated that follow-up action had been carried out at the individual slaughterhouses concerned.

The inspection team noted that:

- At the slaughterhouses visited backup stunning equipment was available as required by Directive 93/119/EC. In one abattoir the spare captive bolt stunner at hand during the operations was not working properly, while adequate spare equipment was kept in a nearby office.
- Bleeding was started without delay, and carried out before animals regained consciousness.

5.7. Enforcement action

In response to the recommendation on the above subject:

- AFSCA/FAVV asked all public prosecutors to provide data on prosecution and punishment of enforcement actions instituted by the Veterinary Service. The Minister compiled an overview.

The inspection team noted that:

- Communication with the Prosecutor's office has been established, and an overview of the outcomes of the enforcement actions was provided.
- The overview showed an increase in the number of PVs issued for infringements to animal welfare regulation regarding farm animals. There were 29 in 2000, 95 in 2001 and 112 in 2002. 90 PVs have been issued during the first nine months of 2003. The CAs stated that the actions taken resulted in a slow but progressive general improved compliance with animal welfare legislation by transporters, dealers and keepers.
- A recent amendment to the procedure regarding *procès verbaux* foresees that these are first treated centrally by the AFSCA/FAVV which directly imposes administrative fines while the more serious infringements and the non-paid fines are sent to the Prosecutor's office. This procedure also ensures a feedback to the officials that issued the PVs.
- The reports of the inspections carried out at markets, either by the employed private veterinarians or by the official veterinarians from AFSCA/FAVV are sent to the SPF/FOD headquarters, which transmits a weekly summary to the Minister's cabinet.

5.8. Miscellaneous findings

5.8.1. Supervision at markets

Controls at markets had been reinforced, with agents from AFSCA/FAVV performing random checks additional to those carried out by the veterinarians employed by the market.

In one market, major efforts had been made in order to facilitate the movement of the animals exploiting their natural behaviour, thus reducing considerably mistreatments and the use of sticks. These improvements included new unloading areas with gates and facilities for drinking and feeding the animals; corridors with movable barriers, non-slip floorings in the central corridor, partitions along the rails. Both the CA and the dealers were satisfied with the results obtained.

5.8.2. *Controls at places of destination*

A number of consignments of calves younger than 15 days had been sent from The Netherlands to farms in Belgium. EU legislation requires that animals in which the navel is not completely healed shall not be considered fit for transport. Belgian legislation⁵ demands a minimum age of 14 days for transport. The CCA confirmed that these consignments had not been checked, although the necessary information was available in the ANIMO system. The CCA indicated that the information regarding the requirement of a minimum age for calves had been sent to the CCA of the other Member States. Previous actions taken against Dutch transporters had resulted in the omission of the age of the animals on the health certificates.

5.8.3. *Supervision at slaughterhouses*

Supervision at the slaughterhouses visited was generally adequate. The facilities and handling of the animals were overall in compliance with the requirements of Directive 93/119/EC. However, in one abattoir feed was not provided to animals that had not been killed within 12 hours of their arrival (point 9 of Chapter II of Annex A to Directive 93/119/EC).

At the poultry slaughterhouse visited the supervision by the CA was facilitated by an effective implementation of the own-checks and a good collaboration with the veterinarian employed by the company. Animal welfare requirements were satisfactorily implemented and adequate actions had been taken when necessary.

6. CONCLUSIONS

6.1. **Vehicles requirements**

- (1) The recommendation regarding unloading requirements has been satisfactorily addressed.

6.2. **Route plans**

- (1) The recommendation regarding the return of route plans and sanctioning of non-compliant transporters has been partly addressed.
- (2) The CAs did not ensure that transporters fulfil the requirements of paragraphs (d) and (f) of Article 5(2) of Directive 91/628/EEC, when submitting and returning route plans.
- (3) The CA did not provide the information regarding the existence of route plans through the ANIMO system as required by Article 5(A)(2)(c) of Directive 91/628/EEC.

⁵ 9 juillet 1999 - Arrêté royal relatif à la protection des animaux pendant le transport et aux conditions d'enregistrement des transporteurs et d'agrément des négociants, des points d'arrêt et des centres de rassemblement

6.3. Monitoring of journey times

- (1) The recommendation regarding the monitoring of journey times has not been satisfactorily addressed, because:
 - For certain species and for certain journeys there is no documentation accompanying animals throughout their journeys as required by Article 4 of Directive 91/628/EEC.
 - There is no system in place to check that the maximum journey time of eight hours on basic vehicles is respected, in particular where time is spent at markets that cannot be regarded as places of departure (second indent of Article 2(2)(e) of Directive 91/628/EEC).

6.4. Checks on transport to slaughterhouses

- (1) The recommendation regarding transport of unfit animals to slaughterhouses has been satisfactorily dealt with. The actions taken have resulted in substantial progress in reducing the transport of seriously injured animals.

6.5. Staging points

- (1) This recommendation had not been addressed because staging points have not been in use and the CCA is waiting for the adoption of a new EU regulation on animal welfare during transport.

6.6. Stunning and slaughter

- (1) The recommendation regarding back up stunning equipment and bleeding of animals has been satisfactorily addressed.

6.7. Enforcement actions

- (1) The recommendation regarding improvement of effectiveness of enforcement actions has been satisfactorily addressed.

6.8. Miscellaneous

- (1) Actions taken by the various stakeholders has resulted in improved animal handling at markets.
- (2) The age requirement for transporting calves represents a clear interpretation of EU requirements (point 1 of Chapter I(A) of the Annex to Directive 91/628/EEC). However the CA did not perform adequate controls of the animals at destination (Article 8(b) of Directive 91/628/EEC) to ensure compliance.
- (3) The CA have improved the system of supervision in slaughterhouses. However, the requirement for feeding animals after 12 hours in the slaughterhouse has not always been respected.

6.9. Overall conclusion

The majority of the recommendations have been satisfactorily dealt with since last mission 2002, as a substantial progress has been made on achieving greater compliance with the return of route plans, vehicles' compliance, transport of unfit animals, stunning and bleeding requirements. The system of supervision has been improved and effective enforcement actions have been taken. However, controls on route plans and monitoring of journey times are still not adequate to provide assurance that EU requirements in this respect, are complied with.

7. CLOSING MEETING

A closing meeting was held on 28 November 2003 with the CCA and representatives from the AFSC/FAVV. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the CCA did not express disagreement with the findings and conclusions presented.

8. RECOMMENDATIONS

To the competent authorities of Belgium

The CCA is requested to inform the Commission Services of the actions taken and planned to address the following recommendations and to provide a timetable for the completion of these actions. This should be done within one month of the receipt of the final mission report.

The CCA should ensure that:

- (1) Transporters draw up and complete route plans as laid down in paragraph (d) of Article 5(A)(2) of Directive 91/628/EEC and demonstrate that steps have been taken to meet the animals' needs for feed and water during the journey as per paragraph (f) of Article 5(A)(2) of Directive 91/628/EEC.
- (2) The CA stamping the route plan at the places of departure give notice of its existence through the ANIMO system, as required by paragraph (c) of Article 5(A)(2) of Directive 91/628/EEC.
- (3) All species are accompanied throughout their journey by documentation enabling, in particular, to check the date and time of departure, as required by Article 4 of Directive 91/628/EEC.
- (4) Suitable facilities are provided at markets so that animals can rest and have access to water, as necessary (second indent of Article 2(2)(e) of Directive 91/628/EEC).
- (5) Calves are only transported when considered fit for transport (point 1 of Chapter I(A) of the Annex to Directive 91/628/EEC).
- (6) Animals at slaughterhouses, which have not been killed within 12 hours of their arrival, are fed (point 9 of Chapter II of Annex A to Directive 93/119/EC).

ADDENDUM TO MISSION REPORT DG(SANCO)9281/2003

The competent authority did not offer any comments on the draft report.