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FINAL REPORT OF A MISSION
CARRIED OUT IN LITHUANIA FROM 15 TO 19 OCTOBER 2007
IN ORDER TO ASSESS THE SYSTEM OF CONTROLS
ON ANIMAL WELFARE DURING TRANSPORT
OF EQUIDAE FOR SLAUGHTER



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EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Lithuania, from 15 to 19 October 2007.

The objectives of the mission were to evaluate the measures taken to implement the requirements for animal welfare during transport of Equidae destined for slaughter and how these comply with the requirements for control laid down in Regulation (EC) No 882/2004 of the European Parliament and Council and in Council Regulation (EC) No 1/2005.

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

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

1. INTRODUCTION

The mission took place in Lithuania from 15 to 19 October 2007. The mission was carried out at the same time as mission DG(SANCO)/2007-7374 on animal health of Equidae exchanged for intra Community trade and comprised 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, the State Food and Veterinary Services of Lithuania (*Lietuvos Respublikos valstybine maisto ir veterinarijos tarnyba*) (hereafter: CCA).

The mission was undertaken as part of the FVO's planned mission programme. An opening meeting was held on 15 October 2007 with the CCA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission requested.

2. OBJECTIVES OF THE MISSION

The objectives of the mission were to evaluate the measures taken to implement the requirements for animal welfare during transport of Equidae destined for slaughter and how these comply with the requirements for control laid down in Regulation (EC) No 882/2004 of the European Parliament and Council^{1,2} and in Council Regulation (EC) No 1/2005³. In pursuit of these objectives, the following sites were visited:

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	2	Opening and final meetings with the CCA
	Regional (County)	2	The county offices of Tauragė and Marijampolė
SITES VISITED			
Transporter' premises		1	One transporter authorised for long journeys and one vehicle approved for long journeys in Alytus County
Dealers' premises		5	Five dealers premises one in Vilnius County, three in Tauragė County, and one in Marijampolė County One vehicle approved for journeys of less than 8 hours at one dealer's premises in Tauragė County
Establishment approved for cleaning and disinfecting means of transport of live animals		1	One establishment visited in Vilnius County

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

² 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 OJ L 165, 30.04.2004 corrected and republished in OJ L 191, 28.05.2004, p.1, (hereafter: Regulation (EC) No 882/2004)

³ 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, OJ L 3 of 5.1.2005, p. 1 (hereafter: Regulation (EC) No 1/2005).

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular: Article 28 of Regulation (EC) No 1/2005, Article 45 of Regulation (EC) No 882/2004 and Commission Decision 98/39/EC.⁴

4. BACKGROUND

Previous FVO missions which covered a broader scope but included some aspects of animal welfare during transport were carried out; one was conducted in 2003 before accession of Lithuania to the EU (ref: DG(SANCO)/9020/2003 - MR Final) and another one in 2004 after accession (ref: DG(SANCO)/7306/2004 - MR Final). The report of mission 7306/2004 is available under its reference number on the DG Health and Consumer Protection website http://ec.europa.eu/food/fvo/ir_search_en.cfm

Report 7306/2004 indicated that the new check lists and guidance provided an improved basis for animal welfare controls. Regarding transport, it recommended that the CA ensure that the system in place allows a rapid identification of international transporters, that journey times written on route plans are verified and that route plans are returned after the journey.

5. MAIN FINDINGS

5.1. Competent authority

The organisation of the Competent Authorities (hereafter: CA) and how this generally applies to animal welfare controls is described in the country profile of Lithuania on Food and Feed Safety, Animal Health, Animal Welfare and Plant Health (DG(SANCO)/8030/2006 - CP Final). This report is available on the DG SANCO website: http://ec.europa.eu/food/fvo/country_profiles_en.cfm.

The following are some further details and related findings in relation to the organisation of the CA and tasks related to animal welfare during transport.

5.1.1. Contact point

The CCA declared that one of the official veterinarians (OVs) of the Animal Health Department has been designated as the contact point required by Article 24(2) of Regulation (EC) No 1/2005. This official veterinarian is responsible for the exchange of information regarding transport with other Member States.

The contact point had not been informed that a control performed by the Slovenian authorities had detected infringements regarding a horse transporter authorised for long journeys; the Slovenian Authorities had

⁴ Commission Decision 98/139/EC 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, OJ L 38 of 12.02.1998, p. 10.

informed the County of Alytus directly, who had not informed the contact point either.

One case of infringements was reported during this mission by the Polish CA. They sent a letter to the Lithuanian CCA describing serious deficiencies (lack of journey log for a journey of more than eight hours, insufficient space allowance, lack of individual stalls and injuries of one horse) which were detected upon arrival of 21 horses at a slaughterhouse having come from Skuodas County. Concerns were also expressed about the quality of the checks performed at the place of departure in Lithuania. The contact point had informed Skuodas County who had sanctioned the dealer and warned the official veterinarian. The contact person declared that the Polish CA would be kept informed on the corrective actions taken.

5.1.2. Training of official staff

Article 6 of Regulation (EC) No 882/2004 requires that CA staff receive appropriate training to carry out controls.

The CCA organise regular training for OVs. In 2006, OVs participated in a TAIEX workshop on animal welfare during transport and at slaughter. In September and October 2007, two training courses on animal welfare during transport were organised for all county OVs responsible for animal welfare; these OVs will then organise either formal training sessions or meetings in their county to train the other OVs involved in transport checks and private authorised veterinarians.

Private authorised veterinarians attend every year one day general refresher course including animal health and welfare issues organised by the Centre for Continuing Education at the Lithuanian Veterinary Academy of Kaunas.

OVs were not trained to check drivers' record sheets, contrary to the requirements of Article 16 of Regulation (EC) No 1/2005, and this prevented them from verifying the duration of journeys for horses, as required by Article 15 (1) of Regulation (EC) No 1/2005. The CCA confirmed that this training had not been provided as record sheets are not inspected by OVS but by the Police, contrary to point 8 (b) of Annex II to Regulation (EC) No 1/2005, which requires that driver's record sheets should be made available to the competent authority which granted the transporter's authorisation and upon request to the competent authority of the place of departure.

In addition, OVs were not adequately trained to check journey logs or means of transport as they missed numerous deficiencies as indicated later in this report. The recent training courses provided in 2007 covered these two issues but these were too recent (one month before the mission) to see their full impact on the controls performed.

5.1.3. Audits

The CCA has put in place a system of internal audits on the controls performed since 2005, as required by Article 4(6) of Regulation (EC) No 882/2004. In 2007, the Internal Audit Department has been transformed into an Internal Audit Service in order to increase its independence but its

activities, methods and procedures are basically the same as those of the previous Internal Audit Department.

Regarding animal welfare controls during transport, one unplanned audit was carried out on transport of pigs in 2007 and one planned audit is scheduled on horse transport for the fourth quarter of 2007.

5.2. Legislation

A comprehensive check of national legislation was not carried out; however, during the evaluation of the control systems for animal welfare, it was noted that in order to implement the requirements of Regulation (EC) No 1/2005 on animal welfare during transport of live animals, the CCA have taken the following legal steps:

- Previous legal orders of the Director organising the system of controls on transport have been repealed.
- The legal order of the Director of the CCA issued on the 26 January 2007 on transport of live animals established a system for authorisation for transporters (Articles 10 and 11 of Regulation (EC) No 1/2005), approval of means of transport for long journeys (Article 18 of Regulation (EC) No 1/2005) and deliverance of certificates of competence for drivers and attendants (as it will be required by Article 17(2) of Regulation (EC) No 1/2005 from 05.01.2008). It also requires that means of transport for journey of less than eight hours should be approved.
- On 31.07.2007, following serious animal welfare infringements during transport of horses, the Director of the CCA issued a legal order which banned the transport of horses for slaughter for more than eight hours; however, journeys of up to 12 hours are permitted for horses which are to be slaughtered in a slaughterhouse located in another Member State; such a ban is not foreseen in EU legislation and, for journeys of more than eight hours, Articles 11 and 14 of Regulation (EC) No 1/2005 require that the transporter is authorised for long journeys and that a journey log is provided, which is not the case in this order. Following the entry into force of this legal order on 12.08.2007, transport of slaughter horses for more than 12 hours from Lithuania to Italy were stopped; in this regard, a transporter authorised for long journeys in Alytus County had expressed his concerns regarding his trade in a letter addressed to the CCA. However, transport of slaughter horses from Lithuania to Poland, which last more than eight hours but less than 12 hours, continued and these were carried out without journey logs.
- The Lithuanian Administrative Code provides for penalties for animal welfare infringements during transport; if Regulation (EC) No 1/2005 is violated, physical and legal persons may be given a warning or a fine. The fines range from 20 to 1000 Lt for physical persons (approximately 6 to 300 euros) and from 100 to 5000 Lt for legal entities (approximately 30 to 1500 euros). OV's can directly deliver sanctions to offenders if the amount is less than 100 Lt; if the

amount requested is more than 100 Lt, a full and longer administrative procedure must be started by the local CAs.

5.3. Organisation of transport checks

Article 8 (1) of Regulation (EC) No 882/2004 requires that the CA have documented procedures containing information and instructions for staff performing official controls.

The legal order on transport issued on 26 January 2007 provides for updated documented procedures in order to implement the new requirements of Regulation (EC) No 1/2005 such as:

- A comprehensive check list for means of transport which replaces the previous one issued in 2004;
- A description of the procedure for approving means of transport and templates of certificates of approval of means of transport;
- A description of the procedure and templates of certificates of competence for drivers and attendants;
- A description of the procedure and templates of authorisation of transporters;
- Templates of the tables of authorised transporters and approved means of transport that the local CA must send to the CCA so they can keep a database of authorised transporters and approved means of transport.

In addition, another legal order of the Director described the general part of the procedure for approving establishments (including transporters) and fixed the minimum frequencies at which OVs must inspect dealers' premises (four times per year) and transporters (four times a year for long journey transporters and twice a year for transporters of journeys of less than eight hours).

The CCA were currently working on the check lists regarding the controls performed in assembly centres, dealers' premises and transporters. These draft documents should be finalised in 2008 and integrated into the Insurance Quality Scheme of the CA.

5.4. Long journey transport

5.4.1. Training of transporters

Article 17(1) of Regulation (EC) No 1/2005 requires that training courses are available for personnel of transporters.

Three day courses for personnel of transporters have been regularly organised by the Centre for Continuing Education at the Lithuanian Veterinary Academy of Kaunas for several years.

Additionally, OV's responsible for animal welfare at county level organise either formal training sessions or meetings in their county to train transporters.

5.4.2. Authorisation and checks of long journey transporters

Article 11 of Regulation (EC) No 1/2005 requires that long journey transporters are authorised by the CA.

The transporter must send an application to the local CA and the county delivers the authorisation if he has provided a list of documents which includes, amongst others, the certificates of competence for drivers and attendants and the certificates of approval of means of transport for long journeys. Once the authorisation is granted, the county notifies to the CCA which then enters the authorised transporter into a database which is publicly available, as required by Article 13 (4) of Regulation (EC) No 1/2005.

The inspection team reviewed two authorisation files of transporters, one in Tauragė County and one in Alytus County.

In both counties, the authorisations had been granted although the transporters had not provided documents describing the details of the procedures enabling them to trace and record movements of their vehicles and their contingency plans in case of emergencies, contrary to Article 11 (1) (a) (iii) and (iv) of Regulation (EC) No 1/2005. These points are not specifically required in the CCA procedure.

There were some discrepancies in the duration of validity given for the authorisations between the two counties: in Alytus, the authorisation delivered was valid until 01.01.2009 (date at which the requirements to have a navigation system will be applicable to all means of transport approved for long journeys) and in Tauragė, the authorisation delivered was valid for 5 years which nevertheless complies with Article 11 (3) of Regulation No 1/2005 and is the procedure laid down by the CCA.

5.4.3. Certificates of competence for drivers and attendants

Article 17 (2) of Regulation (EC) No 1/2005 requires that, from 05.01.2008, drivers and attendants of road vehicles have a certificate of competence delivered by the CA.

The CCA has already put in place a system to grant certificates of competence. In practice, the transporter submits an application to the local CA; the county grants the certificate of competence valid for five years, once the driver's license and his certificate of training delivered by the Centre for Continuing Education of the Lithuanian Veterinary Academy of Kaunas have been provided.

The inspection team reviewed several certificates of competence from two files in Tauragė and Alytus Counties; in both cases, the official veterinarians had followed the procedure prescribed by the CCA.

In Tauragė County, all the certificates of competence had been delivered on the basis of a course and exam attended in 2001 which on 05.01.2008 will

not comply with Annex IV to Regulation (EC) No 1/2005 which requires that drivers and attendants are aware of the contents of the current Community legislation concerning the protection of animals during transport.

5.4.4. Approval and checks of the means of transport for long journeys

Article 18 of Regulation (EC) No 1/2005 requires that the CA grant certificates of approval for means of transport by road used for long journeys.

The transporter must send an application to the local CA; the county delivers the approval once the vehicles used for long journeys have been inspected by an OV from the District or the County who must use the check list for means of transport provided by the CCA. Once the approval is granted, the county notifies the CCA which is responsible for keeping the database for means of transport, required by Article 18 (3) of Regulation (EC) No 1/2005; according to the CCA, this database was still under construction and would be ready in 2008.

In Alytus County, the inspection team inspected one approved vehicle composed of a truck and a trailer approved for long journeys.

The OV had previously inspected it using the check list issued in 2007 by the CCA and had identified serious non compliances regarding the watering system:

- The truck was not equipped with a water tank (point 2.1 of Chapter VI of Annex I to Regulation (EC) No 1/2005);
- The two water tanks of the trailer were not connected to the watering devices (point 2.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005).

The OV had nevertheless approved it because the driver declared that he provided water to the horses using mobile pouches. Point 2.2 of Chapter VI of Annex I of Regulation (EC) No 1/2005 requires that "the means of transport shall be equipped with a water supply that makes it possible for the attendant to provide water instantly during the journey, so that each animal has access to water and that water tanks must be connected to drinking devices".

Moreover, the OV did not detect the following deficiencies:

- The loading and unloading ramp was made of two different parts with a gap in the middle which meant the ramp was not stable and horses could get injured, contrary to the requirements of point 2.2 of Chapter II of Annex I to Regulation (EC) No 1/2005;
- The two metal bars used as partitions did not meet the requirements as the spaces between the first bar and the floor and the two bars were too wide to adequately separate animals, contrary to point 1.12

of Chapter III of Annex I to Regulation (EC) No 1/2005, and provide individual stalls, contrary to points 1.6 and 1.7 of Chapter VI of Annex I to Regulation (EC) No 1/2005;

- There was no warning system in order to alert the driver when the temperatures registered by the temperature sensors placed in the compartments reached the maximum or minimum limit contrary to point 3.4 of Chapter VI of Annex I to Regulation (EC) No 1/2005.

This transporter owned seven other vehicles similar to the one inspected by the mission team and all of them had been approved despite the deficiencies described above.

5.4.5. Checks at places of departure

The CA stated that, for intra Community trade, dealers notified the County/District and that 100% of consignments of horses were physically checked for animal health purposes before departure, either by an OV or a private authorised veterinarian. The CA stated that at the same time, the fitness for transport of horses was controlled. From the documents seen during the office visits, the inspection team saw that this was the case in Tauragė and Marijampolė Counties.

However, these physical checks were not always carried out appropriately as they failed to detect the following deficiencies:

- In Marijampolė County, the veterinarian did not realise that for several consignments which were sent to Italy the total space provided by the truck and trailer was not sufficient to provide 1.75 m² for each of the 22 horses transported, as required by part A of Chapter VII of Annex I to Regulation (EC) No 1/2005.
- The case notified during the mission by the Polish CA to the CCA of Lithuania demonstrates that the physical check performed at place of departure by one OV of Skuodas County failed to detect the lack of individual stalls in the means of transport used by the Polish transporter, contrary to the requirements of points 1.6 and 1.7 of Chapter VI of Annex I to Regulation (EC) No 1/2005, and the insufficient space allowance provided to the horses, contrary to the requirements of part A of Chapter VII of Annex I to Regulation (EC) No 1/2005. As a result, one horse arrived injured in Poland. The CCA declared that this OV had been asked by the County Director to strictly respect the EU legislation when performing such checks and that the dealer had been fined on the spot 100 Lt (30 euros). This fine was not proportionate and dissuasive, contrary to point 1 of Article 55 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005 considering the seriousness of the infringements and the market value of the 21 horses which were transported.

5.4.6. Journey logs

From the journey logs reviewed, the following points were noted:

- In the case of horses transported for slaughter to Poland, the OV's in Vilnius and Tauragė Counties did not request a journey log although the transport from the dealer's premises in Lithuania to the slaughterhouse in Poland took more than eight hours. In Vilnius County, the journey duration written on several certificates was eight hours when in fact, considering the distance in kilometres, the journey would last at least 10 hours. In Tauragė County, the journey duration written on several certificates was one day and no journey log had been requested by the OV. The CA in both counties stated that journey logs were not required in these cases because the journeys would last less than 12 hours and that this was compliant with the order of the Director of 31.07.2007. In the case notified by the Polish CA to the Lithuanian CCA, there was no journey log for the consignment of 21 horses departing from Skuodas County and arriving in Poland more than ten hours later.
- In the case of horses which had been transported for slaughter to the South of Italy (Puglia and Sardinia) from January 2007 until the entry into force of the ban on 12.08.2007, the OV's in Marijampolė and Tauragė Counties did not ask the organiser (dealers or transporters) to provide the completed section 1 "planning" of the journey logs within two working days before the time of departure, as required by point 3(b) of Annex II to Regulation (EC) No 1/2005 and did not check it adequately when it was provided; therefore they did not ensure that the journey plan submitted by the transporter was realistic contrary to Article 14 (1)(a)(ii) of Regulation (EC) No 1/2005.
- In Marijampolė County, for consignments sent to Puglia, important information such as the date and time of arrival at the place of destination and the total space provided for the consignment were regularly missing and information regarding the list of scheduled resting and transfer points (date and time of arrival at one control post was anterior to the date and time of arrival at their previous stop) or the total estimated duration of the journey was inconsistent (three days written for the total estimated journey time written on the journey log whereas the following planning section indicated that the journey should last three and a half days).
- In Tauragė County, for consignments sent to Sardinia, the planning section of the journey log was either missing or, when provided, was incompletely filled in as it was not signed by the organiser or only the place of departure was written in the list of scheduled resting and transfer points. For other consignments sent after 05.01.2007, the organiser had provided a "route plan", previously in use prior to Regulation No 1/2005 entering in force. A stop for watering the horses eight hours after the beginning of the journey had not been planned and the transfer of the vehicle onto a ferry boat to reach Sardinia was not indicated; additionally, the time submitted to go by ferry from Puglia (Piombino) to Sardinia (Olbia) was not realistic.

The vast majority of journey logs were returned within one month after the completion of the journeys, as required by point 8 of Annex II to Regulation

(EC) No 1/2005; however, the checks performed on returned journey logs were not satisfactory:

- In Tauragė and Marijampolė Counties, the OV's did not identify that some sections of the returned journey logs were missing, that important information such as the actual date and time of arrival at the slaughterhouse was not always provided in "section 3", or in cases of journeys to Sardinia, that the transfer times and the ferry travel time were not indicated. As a result, the OV's could not verify whether the watering and feeding intervals, journey times and resting periods, laid down in Chapter V of Annex II to Regulation (EC) No 1/2005, had been respected during the journey and did not identify that in several cases the total journey to Sardinia took five days instead of the four planned or the journey to Puglia took four days instead of the three planned.
- In Alytus County, the checks performed on journey logs by the OV at the premises of the authorised transporter showed the same deficiencies as the ones described in the above paragraph.

In the four counties visited, the inspection team noted that the OV's did not have any tools, such as computer software, to verify the time spent and distances covered during long journeys, that they had not received any training on how to check the drivers' record sheets, as required by Article 16 of Regulation No 1/2005 and that they had not received any written instructions from the CCA on how to perform checks of journey logs.

5.4.7. Checks during transport

Checks during transport have been organised in those counties with borders to a neighbouring country. Each border county planned and performed road checks at its own frequency with the cooperation of the Police and Customs as the OV's do not have the legal power to stop vehicles.

In Marijampolė and Tauragė Counties, road checks with the Police and Customs were included in the annual control plans and were performed every quarter.

In Marijampolė County, two consignments of horses were checked in 2007. One Polish vehicle transported 20 slaughter horses for a journey of more than eight hours from Kaunas County to Poland. The OV noted on the check list that the horses were not in individual stalls, that the vehicle was not equipped with an alarm system for temperature, and that the points of the check list regarding the watering system were not relevant; however, he concluded that there were no animal welfare infringements and no action was taken, contrary to Article 26 (2) and (4) (a) of Regulation (EC) No 1/2005.

In Tauragė County, two consignments of horses were checked in 2007. One vehicle belonged to a Polish transporter in which nine slaughter horses were transported from Lithuania to Italy. The OV used the new check list issued by the CCA in 2007 and allowed the journey to continue although he had noticed that the vehicle was not equipped with a loading/unloading ramp but

judged that this was not necessary and had not detected that the watering system was insufficient, as only moveable pouches had been supplied.

5.5. Transport for journeys of less than eight hours

5.5.1. Authorisation and checks of transporters for journeys of less than 8 hours

Article 10 of Regulation (EC) No 1/2005 requires that transporters are authorised by the CA.

From the files reviewed in Tauragé and in Marijampolé Counties, the OVs had followed the procedure of the CCA. However, in Marijampolé County, one dealer was collecting horses in places located at more than 65 km, without being authorised as a transporter contrary to Article 10 of Regulation (EC) No 1/2005. The OV had not crosschecked the information available on the movement documents which demonstrated that some horses had been transported over distances greater than 65 km.

As was the case for long journeys, the inspection team noted in Tauragé County that certificates of competence with a validity of five years had been delivered on the basis of training courses and exams provided in 2001 which will not comply from 05.01.2008 (Annex IV to Regulation (EC) No 1/2005) as drivers and attendants need to be aware of the contents of the current Community legislation concerning the protection of animals during transport.

5.5.2. Approval and checks of means of transport for journeys of less than eight hours

Approving means of transport used for journeys of less than 8 hours is not a precise requirement of Article 10 of Regulation (EC) No 1/2005 but the CCA requires that these means of transport are inspected, approved and registered.

The inspection team saw one vehicle approved for transport for journeys of less than eight hours in Tauragé County which was used to collect horses in farms by one of the dealers visited. Although the OV had previously inspected it using the check list provided by the CCA, he had not identified that the vehicle was not cleaned and disinfected, that the iron foot battens on the loading ramp and on the floor of the truck could cause injuries to the horses, and that no partitions could be installed to separate horses when necessary, contrary to the respective requirements of Annex I to Regulation (EC) No 1/2005, Chapter II (1.1) (c), (1.1) (a) and (1.4).

5.5.3. Transport documentation

Article 4 of Regulation (EC) No 1/2005 requires that animals should be accompanied with documentation stating their origin and ownership, their place of departure, their date and time of departure, their intended place of destination, and their expected duration of the intended journey.

An Animal Health national legal order requires a standard movement document to be issued each time there is a movement of animals. The CA

stated that this standard movement document is considered as the transport documentation for horses transported on journeys of less than 8 hours. However, the inspection team noted that the time of departure is not required in the standard movement document.

These movement documents were not always available for all movements of horses in the two dealers' premises visited in Tauragé County and, when the documents were available, these were not properly filled in by the keeper at the place of departure since important information such as the time of departure, the intended place of destination or the expected duration of the intended journey were missing in numerous cases. None of these deficiencies had been detected by the OVs.

5.6. Assembly centres

The inspection team visited five approved dealers' premises at which horses from different holdings were grouped together to form consignments which were later slaughtered in Poland or Italy or exported to Russia for breeding purposes. These dealers' premises are "assembly centres" according to the definition of Article 2 of Regulation (EC) No 1/2005.

These five premises had been inspected four times a year by official veterinarians, as required by the CCA:

- One dealer in Marijampolė County was using poorly maintained facilities originally designed for cows and which were not compliant with Regulation (EC) No 1/2005. The deficiencies not detected by the OV at the time of the approval and during its quarterly visits included inadequate floors with uneven slatted parts where horses could get injured, inadequate watering devices which were leaky and rusty, pieces of iron sticking out in different places on which horses could get hurt, and absence of loading and unloading ramp with lateral protections. The only deficiency noticed by the OV during the last inspection had been the lack of cleaning and disinfection, which was requested to be done with a deadline of several weeks. At the time of the visit, these premises were under repair and did not house any horses; the Equidae due to be traded were kept outside without access to water or protection against adverse weather conditions. At the final meeting, the CCA informed the inspection team that the approval of this dealer's premises for intra Community trade of horses had been temporarily suspended until the owner took all the necessary actions to be in compliance.
- One dealer visited in Tauragé County informed the local CA that its trading activities will cease from October 2007; he had sent only two consignments of horses in 2006 and none in 2007.
- The other three dealers' premises visited (two in Tauragé County, one in Vilnius County) were operational. Overall, the facilities were adequate to keep horses. However, the OVs had not detected some deficiencies during their quarterly visits; there were no adequate loading and unloading ramps equipped with lateral protections in the three of them (point 1.3 (a) of Chapter III of Annex I to Regulation (EC) No 1/2005); there was no light available at the place of loading and unloading in one of them in Tauragé

County (point 1.6 of Chapter III of Annex I to Regulation (EC) No 1/2005); cleaning and disinfection was not thoroughly done (point 1.3 (b) of Chapter III of Annex I to Regulation (EC) No 1/2005) in two of them (one in Vilnius County, one in Tauragė County).

5.7. Reporting

Article 27 (2) of Regulation (EC) No 1/2005 requires that the CCA submits an annual report on the inspections carried out the previous year on transport of animals.

The templates for reporting the results of inspections on transport and the frequency at which these reports have to be sent by the local CAs to the CCA have been in place since several years.

Every quarter, the local CA must report to the CCA on the number of checks performed and main infringements found on means of transport of live animals, and the number of animal welfare checks performed on transport in slaughterhouses, in dealers' premises, during transport and at the time of loading and unloading.

From the data of these quarterly reports, the CCA produces annual reports.

6. CONCLUSIONS

- (1) The system of animal welfare controls during transport has been adapted to integrate the requirements of Regulation (EC) No 1/2005 regarding the authorisation of transporters, approval of means of transport and provisions for sanctions in case of infringements. It provides training to official staff as well as documented procedures for carrying out inspections and reporting their results. Internal audits are in place and a contact point for the exchange of information with other Member States has been designated.
- (2) The legal order issued on 31/07/2007 which bans the transport of horses for slaughter for more than eight hours and authorises the journey to be extended by four hours if horses are to be slaughtered in a slaughterhouse located in another Member State does not comply with EU legislation. While such a ban does prevent the longer journeys undergone by slaughter horses, it is not foreseen in Regulation (EC) No 1/2005; moreover, for transport of horses of more than eight hours, Articles 11 and 14 of Regulation (EC) No 1/2005 require that the transporter is authorised for long journeys and that a journey log is provided and this is not the case in the order.
- (3) Training courses on animal welfare during transport are available for personnel of transporters and the CA has anticipated the implementation of Article 17 (2) of Regulation (EC) No 1/2005 (which will become applicable on 05.01.2008) by having put in place in early 2007 a procedure to deliver certificates of competence for drivers and attendants. However, this procedure does not always ensure, contrary to Annex IV to Regulation (EC) No 1/2005, that following their initial training, certified drivers and attendants have received updated information on the requirements newly introduced by Regulation (EC) No 1/2005.

- (4) Instructions to authorise and register transporters for long journeys in a publicly available database are in place, as required respectively by Articles 11 and 13 of Regulation (EC) No 1/2005. However, these are incomplete as they do not require, contrary to Article 11 (1) (a) (iii) and (iv) of Regulation (EC) No 1/2005, that long journey transporters have documented procedures allowing them to trace vehicles or contingency plans in case of emergencies.
- (5) The procedure to approve means of transport for long journeys put in place by the CA does not ensure that vehicles are compliant with the requirements of Regulation (EC) No 1/2005 regarding watering devices (Annex I, Chapter VI, points 2.1, 2.2 and 2.3), loading and unloading ramps (Annex I, Chapter II, point 2.2), individual stalls (Annex I, Chapter VI, points 1.6 and 1.7) or the presence of an alarm for temperature (Annex I, Chapter VI, point 3.4). As a result, horses have been transported in unsatisfactory conditions.
- (6) Although checks performed by official staff at places of departure for long journeys were satisfactory regarding the fitness of horses, they were insufficient regarding the means of transport. As a result, horses are transported in overstocked means of transport without individual stalls, contrary to the requirements of Regulation (EC) No 1/2005 (Annex I, Chapter VII (A) and Chapter VI, points 1.6 and 1.7).
- (7) As there is no specific guidance issued by the CA or tools available to OVs to check journey logs, the controls performed before departure of horses for long journeys or after the long journeys have been completed are insufficient. In particular, they do not ensure that the planned journeys submitted by organisers are realistic, contrary to Article 14 (1) (a) (ii) of Regulation (EC) No 1/2005. As a consequence, horses travel for longer journeys than initially planned and without respecting the watering and feeding intervals, journey times and resting periods laid down in Chapter V of Annex I to Regulation (EC) No 1/2005.
- (8) A system to authorise transporters for journeys of less than eight hours is in place. However, because OVs do not verify the distance covered by the dealers who are collecting horses in local farms, not all of those who transport horses for more than 65 km have been identified as transporters and therefore not authorised, contrary to Articles 6 and 10 of Regulation (EC) No 1/2005. In addition, OVs inspected and approved vehicles for journeys of less than eight hours which were not fully compliant with the requirements of Chapter II of Annex I to Regulation (EC) No 1/2005.
- (9) Transport documentation used for journeys of less than eight hours is incomplete as the movement document of animals provided by the CCA does not include the time of departure, contrary to Article 4 of Regulation (EC) No 1/2005.
- (10) Although dealers' premises are approved and regularly inspected by OVs, these have been allowed to operate even though they were not thoroughly cleaned and disinfected and did not have loading and unloading ramps equipped with lateral protections or light at the place where horses are loaded, contrary to the requirements of Regulation (EC) No 1/2005 (Annex I, Chapter III point 1.3 (a) and (b), and point 1.6).

- (11) Insufficient follow up actions have been taken when infringements were detected. In particular, feed back information is not sent to the contact point when deficiencies are detected by the local CAs on transporters or means of transport coming from other Member States, contrary to point 2 of Article 26 of Regulation (EC) No 1/2005 and the fine imposed on one dealer was not proportionate and dissuasive, contrary to point 1 of Article 55 of Regulation No 882/2004 and Article 25 of Regulation (EC) No 1/2005.

6.1. Overall conclusion

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

7. CLOSING MEETING

A closing meeting was held on 19 October 2007 with representatives of the Central Competent Authorities. At this meeting, the main findings and conclusions of the mission were presented by the inspection team and the Competent Authorities declared that they would take all the necessary actions to comply with EU legislation regarding the welfare of horses during transport.

8. RECOMMENDATIONS

8.1. To the competent authorities of Lithuania

Within 25 working days of receipt of this report, the Competent Authorities are requested to present a plan of actions, including a timetable for their completion, to address the following recommendations. The CCA should take measures to ensure that:

- 1) The legal order issued on 31/07/2007 which bans the transport of horses for slaughter for more than eight hours and authorises the journey to be extended by four hours if horses are to be slaughtered in a slaughterhouse located in another Member State is modified so it complies with Regulation (EC) No 1/2005.
- 2) Training, as required by Article 6 of Regulation (EC) No 854/2004, is developed so that staff are given sufficient information to allow them to undertake their duties competently and to carry out controls of the requirements of Regulation (EC) No 1/2005 in a consistent manner.
- 3) Documented procedures, as required by Article 8(1) of Regulation (EC) No 854/2004 are improved so that they contain sufficient information and

instructions for staff to carry out adequate assessments of the requirements of Regulation (EC) No 1/2005.

- 4) Transporters are approved only when they meet the requirements of Regulation (EC) No 1/2005 (Articles 6, 10 and 11).
- 5) Vehicles are approved only when they meet the requirements of Regulation (EC) No 1/2005 (Annex I, Chapter II and VI).
- 6) From 05.01.2008, certificates of competence for drivers and attendants are granted in accordance with Annex IV to Regulation (EC) No 1/2005.
- 7) Checks at places of departure ensure that the means of transport used are compliant and are not overstocked, as required by Chapter II and VI and Chapter VII (A) of Annex I to Regulation (EC) No 1/2005.
- 8) Checks on journey logs are made so that:
 - a) Before departure the planned journey submitted by the organiser is realistic, as required by Article 14 (1) (a) (ii) of Regulation (EC) No 1/2005.
 - b) After completion of the journey the actual watering and feeding intervals, resting and journey times during the journey are verified, as required by Chapter V of Annex I to Regulation (EC) No 1/2005.
- 9) Animals transported for journeys of less than eight hours are accompanied by documentation which provides the details required by Article 4 of Regulation (EC) No 1/2005.
- 10) Assembly centres for horses meet the requirements for loading and unloading facilities and are cleaned and disinfected (points 1.3 (a) and (b) and point 1.6 of Chapter III of Annex I to Regulation (EC) No 1/2005).
- 11) Penalties for infringements of animal welfare during transport are applied in a proportionate and dissuasive way (point 1 of Article 55 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005).
- 12) All levels of the CA report relevant information regarding transport of horses to the contact point so it can be exchanged with other Member States (Article 24 and Article 26 (2) of Regulation (EC) No 1/2005).

9. COMPETENT AUTHORITIES RESPONSE TO THE RECOMMENDATIONS

Once the report has been published, the competent authority response to the recommendations can be found at the following link.

http://ec.europa.eu/food/fvo/ap/ap_lithuania_7333_2007.pdf