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FINAL REPORT OF A MISSION

CARRIED OUT IN

SPAIN

FROM 23 March TO 03 APRIL 2009

IN ORDER TO EVALUATE THE IMPLEMENTATION OF RULES FOR THE PROTECTION OF
ANIMALS DURING TRANSPORT AND AT THE TIME OF SLAUGHTER OR KILLING

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of an endnote.

Executive Summary

The objective of the mission was to evaluate the actions taken in response to the recommendations made in previous reports concerning controls of animal welfare during transport and at the time of slaughter.

The actions taken to date by the CCA and by the authorities in the ACs on the issues of training of staff, fitness of animals for the intended journey, authorisation of transporters, journey logs, space allowances, transport of poultry, reporting and verification of transport inspections, follow-up of transport infringements, procedures at slaughterhouses, reporting and verification of slaughterhouse inspections and sanctioning of infringements have resulted in very limited improvements in implementation, and significant actions remain to be taken on all these issues to achieve better compliance.

The assistance to the CCA in following-up complaints regarding animal welfare during transport has been insufficient to deal with the issues raised by the CAs of other Member States. Most of the complaints have been due to operational problems, and the re-approval of vehicles does not directly address this problem. Repeated infringements by the same transporter were not taken into consideration either at the time of issuing his authorisation or in relation to the continuing status of this authorisation. It remains to be seen if the additional checks at loading improve the level of compliance, which also requires the CA to verify the effectiveness of these checks and which is something which has not been done to date.

The level of co-ordination between the Department of Agriculture and the Food Safety Agency in Castilla y Leon continues to hamper enforcement measures regarding significant welfare problems detected at slaughterhouses. Although the Food Safety Agency in Castilla y Leon has made progress in implementing a system for the verification of the effectiveness of checks within slaughterhouses, this was not yet sufficient, particularly in the poultry sector or in relation to controls of transport to slaughterhouses. The verification of the effectiveness of checks by the other CAs in both Autonomous Communities visited were not in place or were very limited. Sanctioning procedures are used in limited circumstances and, because of the levels of fines imposed, do not, in themselves, bring about corrective actions.

The Competent Authorities are requested to implement the commitments given following previous FVO reports and to provide an action plan to specifically address the issues arising from this mission.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AC	Autonomous Community (one of the 17 autonomous regions of Spain)
AESAN	Spanish Food Safety and Nutrition Agency (<i>Agencia Española de Seguridad Alimentaria y Nutrición</i>)
CA	Competent authorities
CAG-CA	Department of Agriculture and Livestock (<i>Consejería de Agricultura y Ganadería</i>) of the Autonomous Community
CCA	Central competent authority, after April 2008 <i>MAPA</i> was replaced by <i>Ministerio de Medio Ambiente y Medio Rural y Marino</i> (MARM). <i>Agencia Española de Seguridad Alimentaria y Nutrición</i> (AESAN) are responsible at central level for animal welfare in slaughterhouses.
CS/APSSA-CA	Health Protection and Food Safety Agency (<i>Consejería de Sanidad-Agencia de Protección de la Salud y Seguridad Alimentaria</i>) of the Autonomous Community
EU	European Union
FVO	Food and Veterinary Office
SANCO	Health and Consumers Directorate-General
SIRENTRA	Computerised register of transporters and means of transport
TRACES	Trade Control and Expert System of the European Commission
MARM	Ministry of Environment and Rural and Marine Affairs (<i>Ministerio de Medio Ambiente, y Medio rural y Marino</i>).

1 INTRODUCTION

The mission took place in Spain from 23 March to 3 April 2009.

The inspection team comprised two inspectors from the Food and Veterinary Office (FVO), a national expert for the first week and a legal adviser from DG SANCO for part of the second week. The inspection team was accompanied throughout the mission by representatives from the central competent authority (CCA), one from the Ministry of the Environment, Rural and Marine Affairs (MARM) - *Ministerio de Medio Ambiente y Medio Rural y Marino* and one from the Spanish Food Safety and Nutrition Agency (*Agencia Española de Seguridad Alimentaria y Nutrición*).

Prior to April 2008 MAPA was responsible for animal welfare during transport and AESAN for slaughterhouses, therefore references to the CCA for animal welfare during transport prior to April 2008 concern MAPA and after April 2008 concern MARM. In relation to references to the CCA for welfare in slaughterhouses these concern AESAN since its foundation in 2001.

An opening meeting was held on 23 March with the CCA, during which the mission objectives were confirmed and the itinerary was discussed. The inspection team confirmed that a final selection of which slaughterhouses would be visited would be made on each morning during the mission.

2 OBJECTIVES OF THE MISSION

The objective of the mission was to evaluate the actions taken in response to the recommendations made in previous reports concerning controls of animal welfare during transport and at the time of slaughter.

To achieve these objectives, the following sites were visited:

competent authority visits			Comments
Competent authority	Central	2	Opening and final meetings
	Regional	2	In Extremadura and Castilla y Leon
	Provincial	1	In Castilla y Leon, as this level are responsible for authorisation of transporters.
	Local	2	

visits to premises		Comments
Slaughterhouses	11	7 in Extremadura and 4 in Castilla y Leon. These were selected by the inspection team from records provided by the CAs.
Assembly centre	1	This was in Extremadura and was a location where sheep were loaded for a

	journey of less than eight hours. There were no assembly centres operating in Castilla y Leon where animals were loaded for a journey of more than eight hours during the week of the visit.
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3 LEGAL BASIS FOR THE MISSION

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

- Article 45 of Regulation (EC) No 882/2004,
- Article 28 of Regulation (EC) No 1/2005,
- Article 14 of Directive 93/119/EC.

All legal references relevant for this mission are listed in Annex 1. Legal acts quoted refer, where applicable, to the last amended version.

4 BACKGROUND

Aspects of animal welfare during transport and at the time of slaughter were dealt with in previous FVO missions carried out in 1997, 1999, 2000, 2002, 2003, 2004, 2005, 2007 and 2008. The reports of the above missions are available under their reference number (DG SANCO 2276/1997, DG SANCO 1023/1999, DG SANCO 1104/2000, DG SANCO 8553/2002, DG SANCO 9315/2003, DG SANCO 7230/2004, DG SANCO 7548/2005, DG SANCO 7328/2007 and DG SANCO 7766/2008) on the FVO internet site:

http://ec.europa.eu/food/fvo/ir_search_en.cfm

Regarding animal welfare during transport, from 5.1.2007 the requirements of Directive 91/628/EEC were replaced by Regulation (EC) No 1/2005. Regulation (EC) No 1/2005 has introduced stricter requirements so as to prevent pain and suffering in order to safeguard the welfare and health of animals during transport. For instance, a harmonised European model certificate for transporters has been established; training obligations for staff handling animals during transport have been included and the route plan has been replaced by a more complete journey log.

Under Regulation (EC) No 1/2005, transporters are more accountable as regards their status and operations and they should provide proof of their authorisation, report difficulties systematically and keep precise records of their actions.

5 FINDINGS AND CONCLUSIONS

5.1 TRAINING OF CA STAFF

Legal Basis

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, are kept up-to-date in their competencies, and have an aptitude for multidisciplinary cooperation.

Findings:

In response to previous recommendations in FVO reports the CCA indicated:

- Following 8553/2002, that training courses are already taking place for CA staff.
- Following 7328/2007, that a training course for trainers was attended by 38 officials from all

the ACs. Although the ACs already organise training courses, these will be reviewed to ensure that inspectors are properly trained.

The inspection team noted regarding animal welfare during transport:

- In Extremadura the CA were insufficiently informed on the definition of assembly centre in Article 2(b) of Regulation (EC) No 1/2005 and the types of premises where this definition is applicable. As a result, although requested by the inspection team, insufficient information was provided on these locations in advance of the visit to the local CA.
- In Castilla y Leon regarding use of relevant databases, a one-day course was organised in each of the nine provinces in March 2009.
- In Castilla y Leon the veterinarians at provincial level, who were responsible for authorising transporters, were not aware of all the steps required by Article 10 and Article 11 of Regulation (EC) No 1/2005 for authorisation of transporters, and as a result there were no procedures in place to implement Article 10 and the requirements of Article 11 in relation to contingency plans.
- In both regions, the CAs did approve vehicles for long distance journeys, but lacked the knowledge to assess the capacity of the ventilation system (3.2 of Chapter VI of Annex I to Regulation (EC) No 1/2005).
- The officials met in both ACs, who were responsible for the day to day control of journey logs, were not sufficiently knowledgeable in assessing the feasibility of journey logs (Article 14 1(a)(ii) and Article 15 1 of Regulation (EC) No 1/2005). In neither AC had officials received any training on the use of tachographs, contrary to Article 16 of Regulation (EC) No 1/2005 and consequently these were not used by CA as foreseen in point 8 of Annex II of Regulation (EC) No 1/2005 in relation to verifying journey times of completed journeys.

The inspection team noted regarding animal welfare at the time of slaughter:

- In Extremadura the CA held three workshops in 2008 for 60 slaughterhouse veterinarians, each of 30 hours duration.
- In a slaughterhouse visited, where sheep were killed one day a week, the OV had attended this course. He was not aware of the currents supplied by the electrical stunning equipment used. The OV worked alone and would have had limited time during his working hours to apply the information from training on the assessment of welfare at stunning, as he had to perform the post mortem checks immediately after slaughter started. This slaughterhouse was principally a pig slaughterhouse and although the OV had identified that certain consignments of pigs spent more than 12 hours in the lairage without being fed, contrary to Directive 93/119/EC Annex A II 9, no order had been made to the food business operator to take corrective action.
- In the slaughterhouse previously visited in Extremadura during 7328/2007, the OV was aware of the electrical parameters required for sheep and stunning was seen to be effective.
- In another slaughterhouse visited in Extremadura, where sheep were also slaughtered during the visit, two out of seven sheep got pre-stun shocks without intervention from the OV. The OV had attended training on welfare during transport and slaughter in May 2007. The OV was not aware of the current used for stunning pigs or sheep in this slaughterhouse and there was no appropriate back up stunning equipment.
- In two poultry slaughterhouses visited in Extremadura, and one visited in Castilla y Leon, the OVs were not sufficiently knowledgeable on the parameters required for effective stunning. In Extremadura neither of the two OVs were aware of the currents delivered in the waterbath stunners in operation in their slaughterhouses. Directive 93/119/EC Annex C II 3.B (1) requires the CA to determine the strength and duration of current and Article 8 of

this Directive requires the CA to monitor implementation of the requirements of the Directive. In Castilla y Leon, at the poultry slaughterhouse visited, the OV had not identified ineffective stunning of poultry and was not sufficiently knowledgeable on this issue

- In the municipal slaughterhouse visited in Castilla y Leon, the OV was recently recruited and did not have sufficient knowledge regarding the parameters used for stunning. The regional CA indicated that they have 90 new staff needing training in the AC. The CA did six training sessions in 2008 but due to a re-organisation of the services in 2008 many of those who attended these sessions have left the service.

Conclusion

The CCA and the ACs organise training courses, but this training has brought about limited improvements in the effectiveness of controls. In relation to animal welfare during transport, the definition of assembly centre had not been adequately clarified and other important aspects of Regulation (EC) No 1/2005 were not fully understood by those responsible for controls. In Extremadura in the six slaughterhouses visited where OVs were present, four lacked sufficient knowledge regarding the stunning carried out in their slaughterhouse. In some slaughterhouses the time available to assess stunning is limited as the one veterinarian present is obliged to carry out other tasks during almost the entire slaughter period. In Castilla y Leon two of the four OVs in the slaughterhouses visited lacked sufficient knowledge regarding stunning, in one case this OV was a new recruit and the other worked in a poultry slaughterhouse. OVs responsible for poultry slaughterhouses in both ACs had insufficient knowledge regarding the relevant requirements of Directive 93/119/EC for their slaughterhouses.

5.2 FITNESS OF ANIMALS FOR TRANSPORT

Legal Basis

Article 3(b) of Regulation (EC) No 1/2005 requires that animals are fit for the journey and Annex I Chapter I provides further requirements which must be met in relation to fitness for the intended journey. Article 15(2) of Regulation (EC) No 1/2005 requires that checks on fitness for transport are performed at places of departure. Article 27 requires the proportion of checks to be increased where it is established that the provisions of this Regulation have been disregarded.

Findings

In response to previous recommendations in FVO reports the CCA indicated:

- Following 1104/2000, that instructions have been issued to the ACs to step up measures to ensure that no sick animals can be transported.
- Following 8553/2002, that guidelines defining what animals should be considered unfit for transport had been included in a Protocol of Inspection. In addition the CCA indicated that it was contacting the Spanish Food Safety and Nutrition Agency (AESAN) which had assumed the central competency on slaughterhouses.
- Following 9215/2003, that they considered such a recommendation inappropriate in a report of this kind as this recommended compliance with existing legislation, but subsequently indicated that document (SGOE/BA/7/2003) had been amended on the concept of "fit for transport", in response to the mission findings.
- Following 7548/2005, that a document is to be drawn up jointly by the MAPA and AESAN on the action to be taken in the case of animals to be slaughtered on farm as unfit for transport, in the light of the new legislation under the hygiene package and Regulation (EC) No 1/2005.
- Following 7766/2008, that this issue was discussed on numerous occasions in the

coordination meetings and the ACs will be asked for information on the measures taken in accordance with these discussions.

Regarding the issue of the transport of injured cattle for slaughter, which entails further suffering, the inspection team noted:

- The CCA did not have information on the extent to which on farm emergency slaughter of animals unfit for transport had been implemented in the various ACs, a procedure allowed by the hygiene package (Regulations (EC) No 853/2004 and 854/2004) so as to avoid the further suffering which occurs if such animals are transported. A protocol for carrying out emergency slaughter on farms was agreed between the CAG-CA and the CS/APSSA-CA during the week of this mission.
- Minutes of a meeting in Castilla y León on 18th November 2008, attended by both the Department of Agriculture and Livestock (CAG-CA) and the Health Protection and Food Safety Agency (CS/APSSA-CA), indicated that the transport of downer cows has been detected from certain holdings, and the CAG-CA agreed to act upon receipt of communications from the CS/APSSA-CA when such irregularities were detected at slaughterhouses and investigate the farms concerned.
- At a slaughterhouse visited in Castilla y Leon, records indicated that cows with serious injuries had been transported there, e.g. 20 such cases in March 2008 and 24 cases in December 2008 with similar incidents spread throughout the year. These included animals transported from Galicia and Portugal. These incidents had been systematically compiled by the Provincial level of the CS/APSSA-CA. Regarding cases originating in Castilla y Leon, this information had been referred to the CAG-CA who had organised follow-up visits to the farms involved. The CA had not initiated any sanctions in relation to these infringements.
- In this slaughterhouse, the *ante mortem* record book indicated that on several dates animal welfare was satisfactory while other records indicated that on the same dates animals with injuries had arrived for emergency slaughter. There were also days when no entry had been made of any ante mortem inspections and yet other records indicated that other injured animals had arrived for emergency slaughter.
- In this slaughterhouse, the OV had sent weekly animal welfare reports to the Provincial CA. but these had been completed on the same day every week and did not provide an overview of incidents during the reporting period. These reports only reflected the situation in the slaughterhouse at the precise time of writing the report, and had not been completed as intended. The regional CA had already sent an instruction to OVs to accurately reflect their findings in these reports.

Regarding the issue of the transport of unfit sheep, the inspection team noted:

- The CA in Castilla y Leon have reinforced checks at places of departure where sheep are transported on journeys of more than eight hours, so that an OV is present at the loading of such animals. This action was taken in response to a recommendation in report 7766/2008 and complaints from other Member States, in particular two incidents reported from Slovenia in 2008 where they indicated there were substantial numbers of unfit sheep and a complaint from the Italian CA that on 22/8/08 they had initiated a criminal procedure against the transporter for the transport of unfit animals.
- In the assembly centre visited in Extremadura, records indicated that thousands of sheep had passed through in the last four months and all of them had been subsequently transported from the centre. None had been reported by the CA as unfit for transport. The CA had made a report on welfare at this assembly centre and had found no deficiencies. During a short visit, several animals had already been removed by the operator to a separate pen for sick sheep and several others were considered unfit for transport by the inspection team.
- In Extremadura, an arthritic lamb was seen in one of the slaughterhouses visited and the OV

indicated that it was common to have such lambs arriving at the slaughterhouse. The CA however had reported that they had detected no violations of animal welfare during transport in 2008.

- In Extremadura, in another slaughterhouse visited, several consignments of sheep had been sent for slaughter as part of a Brucellosis eradication programme. 37% of one consignment of 124 sheep had been killed in the lairage of the slaughterhouse in April 2008 as they were considered unfit for human consumption. The killing of such a high number on the basis that they were very dirty and in poor condition also puts into serious doubt their fitness for transport. A representative of the Extremadura CA stated that loading was carried out under official controls and that their policy was to slaughter animals unfit for transport at the farm. Although requested by the inspection team, the CA were not able to supply a report where animals had been killed following this policy.

Conclusion

In Extremadura the CA has given insufficient attention to addressing the issue of the transport of unfit animals. The CAG-CA in Castilla y Leon has implemented checks of sheep at the time of loading for long distance transport, but has not yet verified the effectiveness of these additional checks. The high numbers of cows with serious injuries which are transported for slaughter in Castilla y Leon represents a significant welfare problem and several other ACs are also implicated in allowing these animals to be transported. Follow-up action by the CAG-CA has been inadequate and arrangements to address this problem by allowing emergency slaughter of animals on farm have not yet been implemented in practice.

5.3 AUTHORISATION OF TRANSPORTERS

Legal basis

Requirements for authorisation of transporters include Article 10 (1)(c) of Regulation (EC) No 1/2005 which requires that the applicant has no record of serious infringements of Community legislation and/or national legislation on the protection of animals in the three years preceding the date of the application. Additionally, applicants requiring authorisation for long distance journeys are required by Article 11 (1) (b) to submit certificates of approval for vehicles and contingency plans to deal with emergencies

5.3.1 Record of serious infringements

Findings

Report 2008-7766 recommended that before granting any authorisation to transporters, the CA take measures to ensure that checks are made of previous infringements concerning the protection of animals as required.

- In Castilla y Leon, the Provincial CA is responsible for issuing authorisations. The file for a specific transporter operating on long journeys included communications from the CAs in other Member States of previous infringements of the transport rules. There were four cases from 2005 which indicated that serious infringements had been detected in Italy and a fine of €3000 imposed in one of these cases. Three reports from Italy in 2007 indicated continuing infringements and there were six in 2008, Problems with five of these consignments, which originated in Spain, were detected by the Italian CA over a three month period. Two cases of serious infringements in March and May 2008 by the same transporter had been reported by the Slovenian CA. In October 2008 the Italian CA had informed the Spanish CAs of their intention to temporarily prohibit this transporter from transporting animals on its territory, as allowed by Article 26(6) of Regulation (EC) No 1/2005.

- The above infringements had not been analysed by the Provincial CA prior to this mission and those offences committed in the three years prior to granting the authorisation had not been considered before the authorisation was issued, contrary to Art. 10(1)(c) of Regulation (EC) No 1/2005. The implications of subsequent offences had also not been considered in relation to the possibility of suspending or withdrawing the authorisation, as allowed by Article 26(4)(c) of Regulation (EC) No 1/2005.
- The CA could not demonstrate that the authorisation issued to this transporter followed the format provided in Regulation (EC) No 1/2005 Annex III Chapter II, as the CA did not have a copy of the authorisation. A representative of the CA indicated that the law in this AC did not require the administration to keep paper copies of such authorisations. After Regulation (EC) No 1/2005 came into force, this transporter had been recorded in a database at AC level as authorised for long distance transport.
- Although competent for issuing authorisations, representatives of the Provincial CA did not know who was competent for withdrawal of these authorisations, which is an option where a CA establishes that a transporter has not observed the regulation (Regulation (EC) No 1/2005 Article 26.4 (c)). Although the CCA had co-ordinated communications from other Member States they had not discussed the issue of suspension or withdrawal of the authorisation in relation to this transporter with the authorities in Castilla y Leon.

Conclusion

Despite a recommendation in the previous report no steps have been taken to comply with Art. 10 (1)(c) of Regulation (EC) No 1/2005 and repeated infringements by a transporter were not taken into consideration before granting an authorisation.

5.3.2 Means of transport

In response to previous recommendations in FVO reports the CCA indicated:

- Following 1104/2000, that the ACs have been instructed to step up measures to ensure that means of animal transport comply with Directive 91/628/EEC.
- Following 8553/2002, that a new procedure for authorisation of transporters and of vehicles transporting animals was foreseen, including an inspection of the vehicle.
- Following 9215/2003, that they considered this kind of recommendation as inappropriate as it recommended compliance with existing legislation, but subsequently indicated that a guide to good practice in ovine transport in cooperation with the sector association had been drafted.
- Following 2008-7766, the CCA indicated that a draft checklist intended to standardise those currently used in the ACs, was presented at a working group. MAPA also indicated that they were examining the possibility of a standard certificate, to be issued by the vehicle manufacturer or body-maker, in relation to technical requirements of ventilation.

Regarding means of transport, the inspection team noted:

- The CCA held one meeting following mission 2008-7766, in July 2008 when the findings from this mission were discussed, but no proposals were made regarding how ventilation or temperature recording equipment might be evaluated. Both issues were highlighted in report 2008-7766 as areas of non-compliance. No further co-ordination meetings have been held.
- Neither AC visited had a system for assessing the capacity of ventilation equipment. In Castille y Leon the CA obtained a paper with technical specifications concerning the fans fitted on each vehicle, but were unable to interpret this in relation to the requirements of Regulation (EC) No 1/2005 Annex I Chapter VI 3.2. In Extremadura the CA stated that they had no solution for assessing the ventilation equipment or the temperature monitoring systems.

- Re-inspection of vehicles had taken place in both Castille y Leon and Extremadura in response to 2008-7766. In both local offices in Castille y Leon decisions had been taken not to approve vehicles which were not suitably equipped for long distance journeys. In Extremadura the CA started measuring the floor areas provided on vehicles from January 2009; previously the CA had accepted self-declarations and technical specifications regarding the overall size of the truck. As the CA had previously granted approvals for one year they were working through these to more accurately assess the requirements of Regulation (EC) No 1/2005 before re-approval. During the visit at the assembly centre in Extremadura the OV checked a vehicle which was operating on journeys less than eight hours¹. He found a discrepancy of 6% between the space declared on the existing vehicle approval certificate and stated that he had found similar non-compliances before, but these had not been notified as deficiencies.

Conclusion

Some remedial steps have been taken to re-approve vehicles, with reassessment of loading areas and temperature monitoring equipment; however none of the CAs visited, or the CCA, had procedures to evaluate the capacity of ventilation equipment.

5.3.3 Contingency plans

Report 2008-7766 recommended that the CA take measures to ensure that before granting any authorisation to transporters for long journeys, the relevant documentation, required by Article 11 of Regulation (EC) No 1/2005 since 5.1.2007, including contingency plans, is submitted by the applicants.

Regarding contingency plans, the inspection team noted:

- Two years ago, MAPA had already provided the ACs with an example of how this should be done.
- In Castilla y Leon, none of the files for authorisation of transporters reviewed by the mission team included a contingency plan. As the CA had authorised transporters, but had not requested them to provide contingency plans when they presented their application for transport authorisation².
- In Extremadura, for the transporters reviewed, contingency plans had only been provided the week before the mission. A representative of the CA indicated that this action had been taken in response to the recommendation in report 2008-7766 and it was decided at the beginning of 2009 to create a single official model contingency plan following a meeting with MAPA .

Conclusion

Procedures have been belatedly put in place to meet the requirements of Article 11 of Regulation (EC) No 1/2005 for contingency plans.

1 In their comments on a draft version of this report, the CA indicated that the vehicle concerned was authorised for less than eight hours; under European law, there is no requirement for such authorisation, but national law in Spain requires the authorisation of all means of transport. In Extremadura, vehicles authorised for less than eight hours are not physically inspected, and certain parameters (such as the cargo space) are estimated according to the available documentation. There may be discrepancies between these estimations and the actual values.

2 In their comments on a draft version of this report, the CA indicated an order had been given to not issue intra-Community movement certificates for journeys over eight hours if the transporter had failed to present a contingency plan. All authorised transporters were also contacted by mail and informed. This method of requesting the contingency plans was chosen because all the authorisations for long-distance vehicles had been reviewed over a very short period of time. This situation has therefore been solved for the moment.

5.4 JOURNEY LOGS

Legal basis

Article 14 (1)(a)(ii) of Regulation (EC) No 1/2005 requires the CA to assess whether the journey log is realistic. Regulation (EC) No 1/2005 Annex II (8) requires journey logs to be returned within one month to the CA and record sheets and print-out from vehicles (tachographs) to be made available to the CA.

Findings

In response to previous recommendations in FVO reports the CCA indicated:

- Following 1104/2000, that instructions have been issued to the ACs to step up measures for checking transport times and rest times.
- Following 9215/2003, that they considered this recommendation as inappropriate as it recommended compliance with existing legislation, but subsequently indicated that this issue would again be dealt with during a co-ordination meeting, and a working document has already been drawn up on the subject (SGOE/BA/3/2003). Furthermore, the finishing touches are currently being put to SIRENTRA (computerised register of transporters and means of transport), which will also contribute to greater compliance with the legislation on these points.
- Following 7230/2004, that a working document had been drawn up on the subject and that the issue would be discussed by the co-ordination committee.
- Following 7548/2005, that a specific meeting would be held on 23.02.06 on the existing practical problems in applying the legislation, such as management of route plans and overlap in this respect with the TRACES system.
- Following 2008-7766, that the document of instructions for managing the journey logs is being reviewed to see if any improvements are possible. The possibility of amending the SIRENTRA database to include a list of route plans for each transporter is currently under examination.

Regarding journey times, the inspection team noted:

- None of the local offices in either AC had made use of the SIRENTRA database in relation to approval of journey logs.
- In Extremadura, all five journey logs reviewed indicated that these had been approved by the CA even though the transporter had indicated unrealistic journey times. In particular two journey logs for transport to the south of Italy would have required an average speed of 107km/h to complete the journey in the time indicated. Although this journey of 3000km in 28 hours was also recorded by the CA in their assessment of operations at an assembly centre again they had not detected that this was completely unrealistic.
- The authorities in Castilla y Leon acknowledged that, it is normal practice for drivers to bring back the relevant documents of the journey log before the next journey, instead of sending them within the established deadlines. The CA also acknowledged that Section 2 of the journey log is often left at the place of departure, contrary to point 2 of Annex II to the Regulation, which requires that all the pages should be fastened together. The authorities acknowledged they had difficulties in checking the exact journey times and referred to Internet access problems as contributing to this. The authorities did not take any action in cases where significant information was missing from both planned or returned journey logs.
- For transport of sheep from Castilla y Leon, section one of two journey logs indicated unfeasible journey times. One was equivalent to an average driving speed of 135 km/h and the other 101 km/h, but these had still been approved by the CA. The other two journey logs

did not even have a plan but had been approved by the CA. These journey logs had been faxed to the local office the day before the visit. Although details of times during the journey had been recorded no time of arrival at the destination was indicated.

- Three out of four consignments of horses from Castilla y Leon which were reviewed by the inspection team indicated unfeasible journey times. In the one where a realistic journey of 58 hours was indicated, stocking densities had been allowed for a journey of less than 48 hours, contrary to Chapter VII of Annex I to Regulation (EC) No 1/2005, which requires the space allowance for journeys up to 48 hours to be doubled for journeys over 48 hours; i.e. instead of 1.2 m², 2.4m² are required for each horse of 6-24 months of age.

Conclusion

Control of journey logs continues to be poorly implemented. The direct involvement of the regional level of the CA in assessing some of the typical trading routes had provided some improvement in Extremadura, but even then not all the journeys to different destinations had been evaluated. The steps taken by the CA in Castilla y Leon to get the local level to give greater attention to this issue have not brought about an improvement. Similarly the measures proposed by the CCA in response to previous recommendations have not brought about an improvement in implementation. As a result the CAs continue to approve journey logs for consignments of animals going on long distance transport despite completely unfeasible journey times being indicated by the transporters.

5.5 SPACE ALLOWANCES

Legal basis

Article 3(g) of Regulation (EC) No 1/2005 requires that no person shall transport animals unless sufficient floor area and height is provided. Space allowances shall comply at least with those laid down in Chapter VII of Annex I to Regulation (EC) No 1/2005.

Findings

Report 2008-7766 asked the CAs to take measures to ensure that adequate checks are performed so that that during transport, sufficient space is provided to animals as required by Art 3(d) of Regulation (EC) No 1/2005 and space allowances comply at least with those laid down in Chapter VII of Annex I to Regulation (EC) No 1/2005.

Regarding space allowances indicated on journey logs, the inspection team noted:

- All four consignments of horses from Castilla y Leon which were reviewed by the inspection team provided only half the minimum space allowance which should be provided. In three cases the estimated journey times were not realistic, in the one case where a more realistic journey time of 58 hours had been indicated, the space allowance had not been double, which is the case for journeys of more than 48 hours for young horses.
- For sheep transported from Castilla y Leon, only one out of four journey logs reviewed in the local office visited indicated the space provided. It is a requirement to indicate the space provided for the consignment in section 1 of Annex II of Regulation (EC) No 1/2005. In the journey log where the space available on the truck was indicated, the space was sufficient. In relation to two consignments which originated in Castilla y Leon and which had been the subject of complaints from Italy and Slovenia, the information provided by the CA in Castilla y Leon indicated that the stocking densities were in compliance with Chapter VII of Annex I to Regulation (EC) No 1/2005 in these cases.
- In Extremadura, in the three journey logs selected by the inspection team, the CA had approved space allowances for lambs of an average weight of 23kg of between 0.12 to 0.15 m² per animal. This complies with the stocking densities in Chapter VII of Annex I to

Regulation (EC) No 1/2005 as stocking densities of less than 0.2 m² per animal may be provided for small lambs and a lower limit has not been set.

Conclusion

In Castilla y Leon young horses were transported at stocking densities of twice the minimum allowed by Chapter VII of Annex I to Regulation (EC) No 1/2005. As stocking densities for consignments of sheep were not indicated in 50% of journey logs reviewed in Castilla y Leon the CA is not taking sufficient steps to monitor compliance with Chapter VII of Annex I to Regulation (EC) No 1/2005. In Extremadura, the stocking densities complied with Chapter VII of Annex I to Regulation (EC) No 1/2005, but with low space allowances down to 0.12 m² per weaned lamb.

5.6 TRANSPORT OF POULTRY

Legal basis

Article 3 (c) of Regulation (EC) No 1/2005 indicates that no person shall transport animals unless the means of transport are designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of the animals.

Findings

In response to a recommendation in report 7328-2007 the CCA indicated that the inspection will be targeted at means of transport and containers for poultry so that any shortcomings can be rectified plan and that inspections of this type of transport will be stepped up during 2008.

- In the slaughterhouse visited in Castilla y Leon, three consignments of birds arrived or were being unloaded during the visit. The cages on all the vehicles seen were poorly maintained crates, and as the space between the bars was no longer uniform due to the defects several birds had their heads trapped between the bars. There were also broken bars which were a source of possible injury during the loading, transport and unloading procedures. The representatives of the CS/APSSA-CA stated that the CAG-CA was responsible for transport issues. The OV said that he did not check such crates as the CAG-CA would be responsible for their approval. The CAG-CA did not have any reports from poultry slaughterhouses.
- The 3900 birds on one of vehicles seen were in a poor condition and a cursory examination by the inspection team revealing a number of dead or dying birds. The accompanying documentation indicated that these were experimental animals and the OV stated that they must wait until the end of slaughter. The inspection team requested further data on this consignment and the overall mortality for this transport. This was 3%, which is exceptionally high. Records of previous consignments indicated that 0.05 to 0.1% was more typical. Further information from Aragon, where the place of departure was located, indicated that these birds were not experimental animals but came from an establishment owned by a university faculty which carried out research.
- A roadside check carried out by Guardia Civil in Castilla y Leon in June 2008 had discovered laying hens, both alive and dead, en route from Navarra to a slaughterhouse in Galicia in cages which were in a very bad state of maintenance. A fine of €601 was imposed and an appeal by the operator against this sanction was ongoing at the time of the mission.
- Documents from a slaughterhouse in Castilla y Leon not visited during the mission, indicated that the OV had reported on three different dates, between the end of 2008 and the beginning of 2009, that stocking densities were excessive. Some of these consignments were from other ACs, but no further action had been taken by either the CS/APSSA-CA or CAG-CA.
- In Extremadura in 2008 two inspections of animal welfare on the transport of poultry were carried out in each slaughterhouse. In the slaughterhouse visited, which was the same

slaughterhouse visited during mission 7328-2007, the OV did not know how many birds were transported in each crate as he did not inspect the transport conditions. Regarding the unloading procedure, he had made eight reports in last year to the operator regarding handling problems. Although prior to the mission the CA indicated that this slaughterhouse would be operating during the week of the mission, the slaughterhouse did not operate on the day of the visit. Several crates seen in the lairage were satisfactory for transporting poultry, but as no operations were taking place it cannot be concluded that all crates in use are satisfactory. The OV knew the standards that the company should apply but indicated that he did not supervise the stocking densities actually applied.

Conclusion

Commitments by the CCA to step up inspections on this type of transport and to rectify deficiencies have not been implemented. The only enforcement measure taken in the two regions visited was initiated by Guardia Civil who detected an infringement of this type of transport during the course of their roadside checks; however the CA in both Extremadura and Castilla y Leon had detected problems with transport and handling of birds in two slaughterhouses but follow-up actions were not sufficient to avoid repeat infringements. In the operating slaughterhouse visited, which was also in Castilla y Leon, the level of official controls was not sufficient to detect this major welfare problem.

5.7 REPORTING AND VERIFICATION OF TRANSPORT INSPECTIONS

Legal basis

Article 8(3)(a) of Regulation (EC) No 882/2004 requires the CA to verify the effectiveness of inspections carried out.

Findings

In response to a recommendation in 7328-2007 the CCA indicated that the review of the control plan for animal welfare for 2008 will refer specifically to the importance of effective supervision of inspections and will be discussed at all co-ordination meetings in 2008.

Report 2008/7766 indicated that there were procedures in place to verify the effectiveness of controls including documentary checks on inspection reports. Supervision by the higher levels of the CA was insufficient regarding transport checks, as although there was guidance on issues such as stocking density and the use of loading/unloading ramps, there were several instances where checks at local level had been ineffective in ensuring that these requirements were met. Regarding journey logs, although the majority reviewed by the mission team were unsatisfactory, they had been approved by the local level and this failure had not been detected by the higher levels of the CA. As a result, journey times for animals were on occasion three times that which had been estimated without any action by the CA.

The inspection team noted:

- The last coordination meeting was held in July 2008.
- The CAG-CA in Castilla y Leon had met with their officials in the different provinces to ensure that they understood the different inspection reports. Supervision of how procedures have been implemented by the local office since 2008/7766 had found deficiencies in reporting and conclusions in relation to farm inspections. Further instructions have not been sufficient to improve procedures regarding journey logs as verification procedures by the higher levels of the CA have not been carried out to deal with the recurring areas of non-compliance. The additional checks at the time of loading, which have been implemented since 2008/7766, have not been verified by the CA in relation to their effectiveness.

- In Extremadura, in relation to the transport inspections in 2008 (23 Roadside inspections, 5 inspections at assembly centres, 23 inspections on farm, 10 inspections at fairs), the CA had reported no violations. In 2009 the CA have found deficiencies in relation to the floor area indicated in vehicle approvals. Involvement of the regional level of the CA had verified the validity of journey logs for the regular trade routes, but the local CA had not supplied all the information requested to the regional CA so that excessive journey times for other routes were not detected.

Conclusion

Although the regional CAs have held meetings and discussed procedures with officials, there has been insufficient verification that checks by the local CA are effectively carried out. Measures by the CCA to improve the level of verification have also been ineffective³.

5.8 FOLLOW-UP OF TRANSPORT INFRINGEMENTS

Legal basis

Article 27 of Regulation (EC) No 1/2005 requires inspections on an adequate proportion of the animals transported each year within each Member State and that the proportion of inspections shall be increased where it is established that the provisions of this Regulation have been disregarded. Article 26 of Regulation (EC) No 1/2005 indicates specific measures which the CA shall take in case of infringements.

Article 4(3) of Regulation (EC) No 882/2004 requires efficient and effective coordination between the authorities responsible for animal welfare.

Findings

In response to previous recommendations in FVO reports the CCA indicated:

- Following 8553/2002, that contact had been made with the Food Safety Agency (AESAN), which recently assumed competencies on slaughterhouses regarding improving co-ordination between the Health and the Agriculture Departments in implementing EU requirements on animal welfare.
- Following 9215/2003, that an agreement is being drawn up with the police (Guardia Civil) in order to facilitate coordination of activities, including animal welfare. A suggestion was also made to the ACs to revise their legislation to make sanctioning possible.
- Following 7328-2007, that approval of the national Act (32/2007) would provide new impetus to this issue in those ACs whose legislation does not provide for punishment of infringements.

The inspection team noted in relation to incidents of animal welfare during transport:

- Although the CCA have repeatedly asked the regions to address this issue and communicate complaints received, they provided no assessment of the response of the ACs or took any action in the event of a failure of an AC to respond.
- Seven complaints from other Member States in 2008 concerned consignments originating in Castilla y Leon and involved the same transporter also based in Castilla y Leon. The infringements were due to operational problems such as non respect of journey times, fitness of animals, lack of bedding, lack of drivers certificate of competence; however the replies from the CA only addressed the issue of stocking density where the CA felt that the

³ In their comments on a draft version of this report, the CA stated that in view of the limited time between one FVO visit and the next (20-23 May 2008 to 23 March 2009), it had not proved feasible to implement verification measures fully, but that the improvements were already incorporated into the verification procedures for all documented procedures.

complaints were unfounded. A representative of MARM indicated at the final meeting that they considered that the investigations by the CA in Castilla y Leon could be improved, but had not previously communicated this to this CA. This transporter also carried out loading of sheep in Castilla la Mancha, Aragon and Catalonia which were also subject to complaints from other Member States. The CA in Castilla y Leon had imposed additional checks at places of departure, as allowed by Article 26(4)(c) of Regulation (EC) No 882/2004, and although the CCA had requested an investigation of the incidents by the three other ACs implicated in these complaints, none of the ACs had replied. The other Member States had not been asked for clarification of the issues or whether fines had been imposed, or paid, regarding these incidents.

- In Castilla y Leon there were 12 cases where sanctions were imposed in 2008, mostly initiated by the Guardia Civil as a result of roadside checks. These included two cases of journey times being exceeded and one where 27 pigs had already undergone 20 hours transport on a basic vehicle. A fine of €150 was imposed. In the second case 53 cattle had been transported for more than eight hours. A fine of €602 had been imposed which was the highest of the 12 cases reviewed. The other cases had resulted of fines of €100 to €150. A lawyer at Provincial level confirmed that sanctions for transport infringements are almost always classified as minor.
- As already indicated, although incidents of seriously injured cows arriving at slaughterhouses is communicated by the CS/APSSA-CA to the CAG-CA in Castilla y Leon these have not been effectively followed-up to discourage further infringements.
- In Extremadura no deficiencies had been detected during transport in 2008, so no sanctions had been imposed.

Conclusion

Follow-up of complaints from other Member States has been inadequate. The reports of the investigations by the CA in Castilla y Leon did not address all the issues raised by the CAs of the other Member States and although additional checks have taken place at the places of loading in Castilla y Leon these have not been verified by the CA in relation to their effectiveness. Co-ordination between the CCA and the other ACs has been insufficient to ensure that there are also additional checks at places of loading in other ACs. The poor level of communication between the other ACs involved and the CCA displays a lack of will on behalf of these administrations to address the issues.

Within ACs co-ordination between services to follow-up on incidents detected at slaughterhouses has not been effective to bring about corrective actions. The initiation of sanctions for transport infringements is much more likely when the Guardia Civil has been involved in carrying out inspections than is the case when the CA carry out inspections. In any case animal welfare infringements are invariably classified as light and/or fines are rarely dissuasive.

5.9 PROCEDURES AT SLAUGHTERHOUSES

Legal basis

Directive 93/119/EC Article 7 requires the CA to ensure that persons employed for slaughtering possess the necessary skill and Article 8 requires the CA to carry out inspections and controls to ascertain compliance with the Directive. Annex C Section II, 3.B (1) requires the CA to define the strength and duration of current required in waterbath stunners.

Article 8(1) of Regulation (EC) No 882/2004 requires official controls to be carried out following documented procedures.

In response to recommendations in previous reports the CCA indicated that:

- Following 8553/2002, regarding respect of all the requirements of Directive 93/119/EC during the slaughtering of animals, in particular that stunning is carried out according to Articles 4, 5 and 6 of Directive, contact has been made with AESAN, which recently assumed competencies on slaughterhouses.
- Following 7328-2007, that it was drawing up a technical document defining the parameters for the strength and duration of current required in waterbath stunners based on data from the European Food Safety Authority (EFSA), which will be distributed to the ACs for use at AC level. The document will be presented at the meeting in autumn 2007 and is expected to be approved at the meeting in December 2007.

The inspection team noted:

- A CCA document defining the parameters for the strength and duration of current required in waterbath stunners for poultry, which has been a requirement of Directive 93/119/EC and which should have been implemented in 1995, has still not been produced.
- In Castilla y Leon, the CA had laid down parameters for electrical stunning of poultry but these had not been followed in the slaughterhouse visited. Stunning was ineffective with the majority of birds showing rhythmic breathing during bleeding and several showing spontaneous headshaking and blinking. Following the visit of the inspection team, the CA indicated that the company had adjusted the current in line with the value laid down by regional CA of 120mA per bird.
- The CA in Extremadura had not laid down parameters for stunning poultry. In the first slaughterhouse the OV did not know the current that was applied and indicated that the parameters were adjusted to effect. Wetting of the leg to shackle contact had not been ensured as required. In the second slaughterhouse visited, which had been included in mission 7328/2007, the OV had made measurements of the current supplied. Neither slaughterhouse visited was operating at the time of the visit.
- Six slaughterhouses which carried out electric stunning of pigs/sheep were visited during the mission. Only one of these was properly equipped with functioning devices required by Annex C II 3A 2(b) and (c) of Directive 93/119/EC. Electrical stunning of sheep was seen during visits to three of these slaughterhouses and the stunning was effectively carried out in two out of three. One of these was in Castilla y Leon and was also the only one with the devices required by Directive 93/119/EC Annex C II 3A 2(b) and (c) and the other one was in Extremadura, where devices indicating the amps and volts were present but the audible device to indicate that it was operating was still giving problems. In the third one, which was in Extremadura, the restraint of sheep was not effective and the slaughterman had difficulty in placing the electrodes correctly. This, as well as the impossibility to verify the electrical parameters applied as the apparatus was not properly equipped, contributed to several animals not being effectively stunned and others receiving pre-stun shocks.

Conclusion

Commitments from the CCA that the parameters for the strength and duration of current required in waterbath stunner would be defined, as required by Directive 93/119/EC since 1.1.1995, have not been delivered. In one of the two regions the regional CA had defined these parameters but they had not been implemented and as a result birds were not effectively stunned. Actions taken to implement Directive 93/119/EC in relation to electrical stunning of red meat species have also not been successful, as 83% of the slaughterhouses visited were not properly equipped. The lack of such equipment increases the risk of ineffective stunning. The lack of appropriate equipment had either not been detected by the CA or had not been resolved.

5.10 REPORTING AND VERIFICATION OF SLAUGHTERHOUSE INSPECTIONS

Legal basis

Article 8(3)(a) of Regulation (EC) No 882/2004 requires the CA to verify the effectiveness of inspections carried out. Article 4(3) of Regulation (EC) No 882/2004 requires efficient and effective coordination between the authorities responsible for animal welfare.

Findings

In response to a recommendation in report 7328-2007 (effectiveness of inspections to be verified), the CCA indicated that the control plan for animal welfare will be monitored at all coordination meetings on the importance of effective supervision of inspections carried out.

Report 2008/7766 indicated that procedures to verify the effectiveness of controls included documentary checks on inspection reports and joint inspections by the provincial CA. The provincial CAs had only been recently effective in identifying some major deficiencies. This has meant that, particularly in Castilla y Leon, many deficiencies which have persisted for years are starting to be addressed.

- Supervision of the OVs has been performed by both Provincial and Regional levels of the CA in Castilla y Leon. In one province visited this had been done solely by the Regional level and had helped to bring about successful correction of a major problem with ineffective stunning of sheep. This was the only slaughterhouse out of the three red meat slaughterhouses visited in Castilla y Leon where corrective actions had been successfully implemented. The supervisory visits helped to identify the problems and ensure corrective actions were taken. One of the other two slaughterhouses in Castilla y Leon, although still operating, had major structural problems and was in the process of closing. In the other slaughterhouse the still recurring infringements related to the transport of seriously injured cows for slaughter.
- In the poultry slaughterhouse visited in the same province, where a major problem with ineffective stunning was pointed out by the inspection team, a supervisory visit by the regional level of the CA had been carried out two years previously. In the meantime the OV had changed and the regional CA indicated that this stunning problem did not exist at the time of their visit. They indicated that their supervisory checks were targeted on other issues as well as animal welfare (TSE and ABP) and as a result they had focused their supervision on red meat slaughterhouses. The regional CA indicated they were going to supervise this poultry slaughterhouse again in future.
- In Extremadura the public health CA indicated that their focus had been to get OVs to fill in reports in 2008, but the content of the reports had not yet been verified. As a result the CA had not detected that certain OVs had indicated "yes" while others had indicated "no" in the checklists, although both were indicating the same finding. The inspection team also noted that parameters for electric stunning had either not been filled in or were not accurate and there were inconsistencies between information on checklists and on orders served on operators. These had not been picked up by the CA due to the lack of verification of the results of inspections.
- In answers to a pre-mission questionnaire the CA had provided information (on 6 March 2009) that a slaughterhouse had ceased activity, but a CA report of an inspection on 11 March 2009 indicated a list of operational welfare problems at this slaughterhouse, including a problem with restraint, and that stunning equipment was not correct. In another slaughterhouse, which the CA had indicated prior to the mission as closed for remedial works, when a visit was made by the inspection team there were pigs in the lairage of the slaughterhouse.

Conclusion

The measures taken by the CCA to emphasise the importance of supervision of inspections has had minimal effect on the CAs who would actually carry this out. Only in Castilla y Leon has the CS/APSSA-CA directly supervised the effectiveness of checks at slaughterhouses, and in one out of four slaughterhouses this helped to achieve better implementation. Reporting procedures have been recently developed in Extremadura and the CA has not yet developed their system of supervision. As a result the CA had not adequately identified the inconsistencies and inaccuracies in reporting by the OVs, nor had they an accurate overview of the operational status of all slaughterhouses.

5.11 CORRECTIVE ACTIONS AND SANCTIONING OF INFRINGEMENTS WITHIN SLAUGHTERHOUSES

Findings

Report 9215/2003 recommended that sanctions imposed are proportionate and should be dissuasive and that delays in the administrative penalty procedures are minimised. Although the CCA asked the regions to address this, they provided no feedback on their response.

Following a recommendation in report 7328-2007 the CCA indicated that approval of the national Act (32/2007) would provide new impetus to use of sanctions in those ACs whose legislation does not provide for punishment of infringements.

In relation to incidents of animal welfare at slaughterhouses the inspection team noted:

- In two out of the 26 infringement cases reported in Extremadura in 2008, sanctions had been initiated. These cases had still not been finalised and fines of €600 had been proposed for stunning problems. One of these files referred to a slaughterhouses visited, which had also been visited during mission 7328-2007. Here the major problem of inadequate stunning and excessive stun to stick times, which were seen during mission 7328-2007, resulted in a fine of €600 being initiated. Representatives of the CA indicated that they had made sustained efforts to get the co-operative ownership to take corrective actions. The major issue of inadequate stunning and excessive stun to stick times had been resolved at the time of the visit during this mission and the proposed sanction had been reduced from €600 to €200 for the remaining problems of blocked drains and a defective indicator for the stunning equipment.
- One other case had been referred for sanction, where CA reports from February 2008 and again in March 2009 had indicated deficiencies. Facilities, including those for restraining animals, were reported to be in a poor state of maintenance and goads were connected directly to the electric power supply, stunning was inadequate and pigs were not hoisted up for bleeding. There was not yet a conclusion from the legal adviser handling the case (*plaega de cargo*). A representative of the CA indicated that this legal adviser has the Real Decreto to orientate them on the level of the fine.
- The infringements detected by the CA also included the case of the large poultry slaughterhouse in Extremadura, where major handling problems were seen during mission 7328-2007. Here the OV had given repeated instructions for corrective action to the operator but nevertheless the major handling problems persisted. No sanctions had been proposed in this case.
- The other infringements included those which had been detected by the CA in the six slaughterhouses, which carried out electric stunning of pigs/sheep and which were visited during the mission. Only one of the slaughterhouses visited, which was in Castilla y Leon, had been properly equipped with functioning devices required by Annex C II 3A 2(b) and (c) of Directive 93/119/EC. In the other one visited in Castilla y Leon, the ammeter did not function correctly and was not visible to the operator and although this had been detected over 12 months ago this had not been corrected. The electrical stunning tongs were in a poor

state of cleanliness and maintenance, as was also the case in general for this slaughterhouse. The inspection team was subsequently provided with a written undertaking from the operator, the mayor of this municipality, that this slaughterhouse would stop operating within one month. The four slaughterhouses visited in Extremadura were still not correctly equipped and, only for the slaughterhouse which had been visited in mission 7328-2007, had a fine of €200 been imposed in relation to defective devices.

- In Extremadura, in a slaughterhouse where sheep were slaughtered during the visit, the OV kept good records and had reported to the operator on eight occasions in 2008 infringements on problems with restraint of bovine animals and provision of water for different species. These had not been resolved.
- In one small slaughterhouse visited in Extremadura the OV had succeeded in getting a back-up stunning device in place.

Conclusion

In Extremadura sanctions have only been used in a small number of the cases where infringements have been detected and even where major welfare problems have been recurring relatively small fines have been proposed and have still not been imposed. Regarding the two slaughterhouses previously visited during mission 7328-2007, although sanctions had been initiated in relation to the slaughterhouse where there was inadequate stunning of sheep, this on its own was not sufficient to get the operator to remedy the situation and continual intervention by the CA was required to bring about corrective action. No sanctions were initiated in relation to the problem with the handling of birds in the large scale poultry slaughterhouse, which was also visited during mission 7328-2007, even though orders to improve the situation had proved unsuccessful.

6 OVERALL CONCLUSIONS

The actions taken to date by the CCA and by the authorities in the ACs on the issues of training of staff, fitness of animals for the intended journey, authorisation of transporters, journey logs, space allowances, transport of poultry, reporting and verification of transport inspections, follow-up of transport infringements, procedures at slaughterhouses, reporting and verification of slaughterhouse inspections and sanctioning of infringements have resulted in very limited improvements in implementation, and significant actions remain to be taken on all these issues to achieve better compliance.

The assistance to the CCA in following-up complaints regarding animal welfare during transport has been insufficient to deal with the issues raised by the CAs of other Member States. Most of the complaints have been due to operational problems, and the re-approval of vehicles does not directly address this problem. Repeated infringements by the same transporter were not taken into consideration either at the time of issuing his authorisation or in relation to the continuing status of this authorisation. It remains to be seen if the additional checks at loading improve the level of compliance, as this also requires that the CA to verify the effectiveness of these checks, which is something which has not been done to date.

The level of co-ordination between the Department of Agriculture and the Food Safety Agency in Castilla y Leon continues to hamper enforcement measures regarding significant welfare problems detected at slaughterhouses. Although the Food Safety Agency in Castilla y Leon has made progress in implementing a system for the verification of the effectiveness of checks within slaughterhouses, this was not yet sufficient, particularly in the poultry sector or in relation to controls of transport to slaughterhouse. The verification of the effectiveness of checks by the other CAs in both Autonomous Communities visited were either not in place or were very limited. Sanctioning procedures have been used in limited circumstances and, because of the levels of fines imposed, did not, in themselves, bring about corrective actions.

7 CLOSING MEETING

A closing meeting was held on 3 April with the representatives of MARM and AESAN (the CCA). At this meeting, main findings and preliminary conclusions of the mission were presented by the inspection team. The CCA did not indicate any major disagreement with these. During the meeting, additional information requested by the mission team was provided by the CCA.

8 RECOMMENDATIONS

The Competent Authorities are requested to take actions to implement those recommendations already made in previous FVO reports, and within one month of this report to provide an action plan which addresses the following recommendations.

N°.	Recommendation
1.	To ensure that, for their area of competence, staff receive appropriate training, as required by Article 6 of Regulation (EC) No 882/2004, on the relevant requirements of Directive 93/119/EC and Regulation (EC) No 1/2005.
2.	To ensure that measures are taken so that transported animals are fit for the journey, as required by Article 3(b) and Annex I Chapter I of Regulation (EC) No 1/2005 and that there is efficient and effective coordination between the authorities responsible, as required by Article 4(3) of Regulation (EC) No 882/2004, where infringements of this requirement are detected at slaughterhouses.
3.	To ensure that, before authorising transporters, records of previous infringements concerning the protection of animals are taken into account as required by Article 10 of Regulation (EC) No 1/2005 and, in relation to authorisation for long journeys, that there are sufficient procedures for assessing the requirements of Article 11 of Regulation (EC) No 1/2005.
4.	To ensure that the effectiveness of controls are verified, as required by Article 8 of Regulation (EC) No 882/2004, so that journey logs are realistic and indicate compliance with Regulation (EC) No 1/2005 and that use is made of record sheets and print-outs of driver times as laid down in point 8 of Annex II to Regulation (EC) No 1/2005.
5.	To ensure that the effectiveness of controls are verified, as required by Article 8 of Regulation (EC) No 882/2004, so that space allowances at least comply with those laid down in Chapter VII of Annex I to Regulation (EC) No 1/2005.
6.	To ensure that the transport of poultry complies with Article 3(c) of Regulation (EC) No 1/2005.
7.	To ensure that, in the case of infringements where additional checks are carried out on a transporter (Article 26.4 (b) of Regulation (EC) No 1/2005), the CAs of the

N°.	Recommendation
	autonomous communities concerned effectively co-ordinate this task, as required by Article 4.3 of Regulation (EC) No 882/2004, and that the effectiveness of these checks are verified as required by Article 8 of Regulation (EC) No 882/2004.
8.	To ensure that there is effective exchange of information between the CCA and the ACs and with other Member States, as required by Directive 89/608/EEC and as indicated in Article 24 of Regulation (EC) No 1/2005, in relation to incidents involving animal welfare during transport.
9.	To ensure that for infringements of the requirements of Regulation (EC) No 1/2005, corrective actions are taken as required by Article 54 of Regulation (EC) No 882/2004 and where necessary sanctions are imposed which are effective, proportionate and dissuasive as required by Article 55 of Regulation (EC) No 882/2004.
10.	To define the strength and duration of current required in waterbath stunners as required by Annex C II 3.B (1) of Directive 93/119/EC and to take measures that this is effectively implemented as required by Article 8 of Directive 93/119/EC.
11.	To verify the effectiveness of controls of the requirements of Directive 93/119/EC, as required by Article 8 of Regulation (EC) No 882/2004, so that the apparatus for electrical stunning complies with the requirements of Annex C II 3 A 2 (b) and (c) and that animals are stunned effectively.
12.	To ensure that for infringements of the requirements of Directive 93/119/EC the operator remedies the situation, as required by Article 54 of Regulation (EC) No 882/2004 and where necessary sanctions are imposed which are effective, proportionate and dissuasive as required by Article 55 of Regulation (EC) No 882/2004.

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

http://ec.europa.eu/food/fvo/ap/ap_es_2009-8284.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
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. 93/119/EC	OJ L 340, 31.12.1993, p. 21-34	Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing
Dir. 91/628/EEC	OJ L 340, 11.12.1991, p. 17-27	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 (repealed and replaced by Regulation (EC) No 1/2005)
Reg. 853/2004	OJ L 139, 30.4.2004, p. 55, Corrected and re-published in OJ L 226, 25.6.2004, p. 22	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin
Reg. 854/2004	OJ L 139, 30.4.2004, p. 206, Corrected and re-published in OJ L 226, 25.6.2004, p. 83	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption