



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

DG(SANCO)/ 2008-7690 - MR - FINAL

FINAL REPORT OF A MISSION
CARRIED OUT IN
THE UNITED KINGDOM
FROM 18 FEBRUARY TO 22 FEBRUARY 2008
IN ORDER TO
EVALUATE THE SYSTEM OF CONTROL IN RELATION TO ANIMAL WELFARE
DURING TRANSPORT

*Please note that factual errors in the draft report have been corrected in response to comments by the
Competent Authority.*

Executive Summary

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in UK, from 18 to 22 February 2008.

The objective of this mission was to evaluate measures taken to implement EU legislation applicable to animal welfare during transport and how checks have been integrated with the requirements for control laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council. This mission also followed up on the actions taken in response to certain recommendations made in previous missions which also included animal welfare during transport.

The report concludes that the documented procedures which have been provided by the CCA, are extensive and cover a wide range of situations where animals are transported and help to ensure that there is a consistent approach to inspections. Training has also been useful in ensuring that the practical consequences of the legal requirements are understood by officials. However, certain procedures and training had not been updated to take into account some of the new requirements introduced by Council Regulation (EC) No 1/2005 with the result that the implementation of these requirements is not being adequately assessed.

Major developments have taken place to implement the requirements for the authorisation of transporters, but partly due to the need to implement at the same time several requirements which are conditions for the granting of an authorisation, there is not a complete assurance that vehicles have been approved as required or that transporters have developed adequate contingency plans. The lack of a facility to unload animals in the vicinity of Dover port is a major limitation on the options available to transporters and the CA for dealing with emergencies or delays at this important point of transfer.

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

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

Abbreviation	Explanation
AHDO	Animal Health Divisional Office
AMES	Animal Health & Welfare Management & Enforcement System
CA	Competent Authority
CCA	Central Competent Authority
CVO	Chief Veterinary Officer
DVM	District Veterinary Manager
EC	European Community
EEC	European Economic Community
EU	European Union
FVO	Food and Veterinary Office
l	Litre
LVI	Local Veterinary Inspector
NGO	Non Governmental Organisation
OV	Official Veterinarian
Ro Ro	Roll on Roll off ferry
SANCO	Health and Consumer Protection Directorate General of the European Commission
VO	Veterinary Officer
WIT	Welfare in Transport

1 INTRODUCTION

The mission took place in the United Kingdom from 18 to 22 February 2008. The mission team comprised two inspectors from the Food and Veterinary Office (FVO) and another Commission official from the policy unit on animal welfare of DG Health and Consumer Protection. The inspection team was accompanied during the whole mission by a representative from Animal Health, which is an executive agency of the Department for Environment, Food and Rural Affairs; the Central Competent Authority (CCA).

The mission was part of a series of missions on animal welfare during transport. At an opening meeting with the CCA on 18 February 2008, 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 objective of this mission was to evaluate measures taken to implement EU animal welfare legislation applicable to animal welfare during transport and how checks have been integrated with the requirements for control laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council. This mission also follow ups actions taken in response to certain recommendations made in previous missions which also included animal welfare during transport.

In pursuit of these objectives, meetings were held with the CAs in England and certain sites visited, therefore, unless otherwise stated, the findings in this report relate to the implementation of Regulation (EC) No 1/2005 in this part of the UK. The following visits were carried out:

Visits			Comments
Competent authority	Central	2	Opening and final meetings. The opening meeting was attended by representatives of the CCA, Local Authorities Co-ordinators of Regulatory Services and a body designated to carry out approval of vehicles used for long distance transport. Representatives of Animal Health (Dover) and Kent County Council were also present to discuss issues in relation to checks at Dover port. The final meeting was attended by representatives of the CCA and a representative of the Local Authorities Co-ordinators of Regulatory Services.
	District	2	Meetings with officials from both Animal Health and the local authorities in Worcestershire and Cheshire
Assembly centres		3	One was a place of departure for calves which were going to be transported on a long distance journey. The two

		others were markets with cattle and sheep which were being transported within the UK.
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3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, in particular Article 28 of Regulation (EC) No 1/2005, Article 45 of Regulation (EC) No 882/2004 and Commission Decision 98/139/EC.

4 BACKGROUND

Previous missions which comprehensively dealt with animal welfare during transport took place in 2001 and 2003 (ref: DG(SANCO) 3245/2001 and DG(SANCO) 9213/2003). Regarding checks at ports, report 3245/2001 concluded that checks at ports provided a basic screening to ensure the EU requirements had been respected; however, checking 100% of consignments in this way may not be the most effective use of resources. Supervision at the time of loading was found to be a more effective way of inspecting that all the requirements had been met, in particular the fitness of animals for transport. Report 9213/2003 concluded that although effective actions had been taken to ensure that animals were fit for transport, there were weaknesses in the system of monitoring journey times when this involved time at a market. Report DG SANCO 7019/2004 also included some aspects concerning animal welfare during transport and concluded that the resting schedule for pedigree pigs were not being respected during long distance transport. The actions taken in response to several of the recommendations made in these reports were therefore also evaluated during the current mission. Report DG SANCO 7337/2007 included checks at arrival in slaughterhouses, the response of the CA to some of the recommendations in this report was also discussed. These reports are available under their reference numbers on the DG Health and Consumer Protection website: http://ec.europa.eu/food/fvo/index_en.htm.

The authorities from Dover port were invited to the opening meeting as it is an important location for consignments of live animals leaving the UK and was previously visited on mission 3245/2001. This also gave an opportunity to discuss certain incidents at Dover which had been referred to the Commission by an NGO.

5 MAIN FINDINGS

5.1 COMPETENT AUTHORITY

5.1.1 *Organisation and responsibilities*

The organisation of controls in relation to animal welfare during transport are described in a report concerning the country profile of the UK on food and feed safety, animal health, animal welfare and plant health (ref. DG(SANCO)/8029/2006- MR - final) and is available under this reference on the DG Health and Consumer Protection website: http://ec.europa.eu/food/fvo/country_profiles_en.cfm

In relation to mutual assistance and exchange of information with other Member States, it was noted that:

- The CCA did not receive a reply to a request to investigate a case which was addressed to the CVO of another Member State.
- Quite a degree of direct contact occurs between the local level of the CA and their counterparts in other Member States, including out of hours contact at weekends. One local authority visited indicated that the reply from the CA in another Member State had been unsatisfactory.
- A contact point has been established by the CCA, as required by Article 24 of Regulation (EC) No 1/2005, but has not been utilised where cases followed either of the two approaches outlined above.

5.1.2 *Training of officials*

As required by Article 6 of Regulation (EC) No 882/2004, training has been provided to staff performing official controls on animal welfare during transport. Training has emphasised practical consequences of different transport conditions for animal welfare and staff from Dover port who have a wide experience in this area have been involved in providing training for all other Divisions. As promotion of inspectors in local authorities is dependent on the completion of certain examinations, this acts as a strong incentive for these inspectors to take part in training. One local authority visited was taking the opportunity to use the training which has been organised for transporters' staff, as required by Article 17 of Regulation (EC) No 1/2005, to provide refresher training for its inspectors on transport requirements. This fulfills the requirements of Article 6(b) of Regulation (EC) No 882/2004 as staff are kept up to date and have received additional training. A document used in training Animal Health officials had not been updated to incorporate the requirements introduced by Regulation (EC) No 1/2005.

Article 16 of Regulation (EC) No 1/2005 requires the CA to ensure that its staff are trained and equipped to check data recorded by the recording equipment for road transport. Although the CAs in the UK do not have the power or expertise to examine these records, an agreement has been made with the Vehicle Inspectorate to assist the CA in investigations where cross checking is necessary. A representative of the CCA indicated that in the past they have imposed conditions in a transporter's authorisation requiring the return of tachographs after completion of a journey. Both local authority

and Animal Health officials pointed out that the difficulty in using these records as evidence is that they relate to the driver and not the vehicle and so several such records may need to be put together to obtain a picture of the journey. Regulation (EC) No 1/2005 Annex II (8) indicates that these records shall be made available to the CA which granted the transporter's authorisation and upon request to the competent authority of the place of departure.

5.1.3 Coordination between Competent Authorities

Regulation (EC) No 882/2004 Article 4 (3) and (5) requires effective coordination between the various authorities involved in official controls. In both Worcestershire and Cheshire the local authorities followed the national framework plan and had agreed a service delivery plan with the local District Veterinary Manager (DVM) from Animal Health. This local framework agreement with Animal Health was reviewed at some of the monthly meetings between the local authority and the DVM or the DVM's representative. Both local authorities had a presence at all livestock markets in their divisions and attendance levels and times were decided according to a matrix for risk assessment, which allowed aspects relevant to animal welfare to be considered along with other criteria.

In addition to the co-ordination of the units by the hierarchy within Animal Health, a certain degree of responsibility for coordinating checks at places of departure has been delegated to Dover AHDO. In both Worcestershire and Cheshire examples were seen where checks at assembly centres had been carried out by a VO following a request from Dover AHDO. In Worcestershire this was a targeted check as a previous consignment of this transporter had been found at Dover to have insufficient bedding; the subsequent check at departure ensured that adequate bedding was provided the next time. Stafford AHDO had carried out a random check requested by Dover. A representative of the CCA explained that if any AHDO cannot carry out the check as requested, Dover AHDO carry out a check at the port.

5.2 LEGISLATION

Although a comprehensive check of national legislation was not carried out, during the evaluation of the system of inspection the following aspects were noted in relation to certain legal texts:

- Previous national legislation has been amended so that it provides a legal framework for, amongst other aspects, the necessary certification and procedures for authorisation of transporters. A representative of the CCA indicated that as required by Article 25 of Regulation (EC) No 1/2005, penalties can be imposed for breaches of the requirements of this Regulation.
- In addition to the requirements of Regulation (EC) No 1/2005 which are applicable to animals at markets, there are also national provisions which present a certain degree of overlap (Welfare of Animals at Markets Order (1990)). Although a representative of the CCA indicated that the Regulation takes precedence, some requirements cover issues which are also dealt with in Regulation (EC) No 1/2005.

The Welfare of Animals at Markets Order (1990) requires water to be provided as often as necessary to prevent animals at markets suffering from thirst, and more specifically that food and water should be provided at least once in each 12 hour period during which an animal is at a market. In relation to point 1.10 of Chapter III of Annex I to Regulation (EC) No 1/2005, which provides that "markets or assembly centres shall provide equipment for tethering animals when necessary. Animals not used to being tied shall remain untied. Animals shall have access to water", UK legislation can be considered in compliance with these requirements.

- No contradiction was found by the inspection team between the national rule that calves brought to a market must be at least seven days of age and the requirement of Regulation (EC) No 1/2005 Annex I Chapter I point 2(e), where they must be at least ten days of age if they are to be transported for more than 100 km. A number of calves, which were between seven and ten days of age, were seen at both markets visited, but subsequent tracing of their movements revealed that none of them had travelled for more than 100 km for the combined journey to and from the market.

5.3 CONTROLS OF TRANSPORT

5.3.1 Authorisation of transporters

Authorisation of transporters is managed centrally by a dedicated team within Animal Health, i.e. Welfare in Transport (WIT) team. In relation to the authorisation of transporters involved in journeys of less than eight hours, the following points were noted:

- Art. 10 (1)(c) of Regulation (EC) No 1/2005 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. A self declaration which indicates that the applicant has no serious infringements is verified using a database where incidents have been recorded and using a list of serious animal welfare offences (not just transport cases) that have occurred within the past 3 years. The inspection team were able to verify that a case discussed with the local CA in Worcestershire, which had resulted in a formal caution, was included on the list of serious infringements held at national level.
- The requirements of Article 10 (1)(b) of Regulation (EC) No 1/2005 for the applicants to demonstrate that they have sufficient/appropriate staff, equipment and operational procedures was dealt with by a self declaration provided by the transporter.
- Article 6 (1) of Regulation (EC) No 1/2005 requires a copy of the authorisation to be made available to the CA when animals are transported. At the markets visited, all but one of the transporters who were requested to produce this authorisation were able to do so.

Since 5 January 2008 Article 6 (5) of Regulation (EC) No 1/2005 has required all those involved in transporting animals over 65 km to hold a certificate of competence. As part

of a package of aid measures to help industry cope with the pressures arising from Foot and Mouth Disease and Bluetongue outbreaks in 2007, the CCA indicated that no action would be taken until the end of April 2008 against UK based transporters who did not hold competence certificates. This arrangement is only applicable for journeys within the UK and transporters involved in trading animals with other Member States were advised that they must obtain competence certificates by 5 January 2008. Several bodies have been approved to carry out the assessment of competence and they have produced assessment schedules for carrying out this task. A representative of Cheshire local authority explained that transporters had to bring their vehicle with animals to a test centre (an agricultural college) where a practical assessment of animal handling was made. Those with existing formal qualifications are allowed to undergo a modified appraisal where only the requirements introduced by Regulation (EC) No 1/2005, not covered by these qualifications, are assessed.

In relation to the additional procedures for authorising transporters for long distance journeys, the following points were noted:

- Article 11 (1) (b)(ii) of Regulation (EC) No 1/2005 requires certificates of vehicle approval to be submitted prior to granting authorisations. In the UK these certificates can be obtained following an assessment by one of several bodies designated by the CCA. A representative of the CCA indicated that as both the system of authorisation and vehicle approval were implemented in parallel in 2007, it was not administratively possible in the initial stages to have certificates of vehicle approval submitted prior to granting authorisations. 3945 authorisations have been granted to date, the majority of which were for long distance road transport and were issued in January and February 2007 without certificates of vehicle approval being submitted. Instead the transporters were informed that their authorisation was only valid if accompanied by a vehicle approval certificate. Procedures are now being amended so that vehicle approvals will be submitted prior to authorisation.
- One case was seen where one of the bodies designated by the CCA for vehicle approval had not approved a truck where partitions were found to be inadequate and equipment for securing on a Ro Ro ferry had not been fitted. Conditional approval had been granted in another case where ventilation and temperature monitoring equipment were not fully adequate. The transporter had subsequently submitted information indicating that the necessary equipment had been installed.
- For vehicles transporting cattle, sheep, goats and pigs on long journeys, the guidance from the CCA to the bodies carrying out approval indicates that "where it is not practicable for a permanent connection to be maintained between the tank and the drinking devices it must be possible for the attendant to provide water whenever necessary". Regulation (EC) No 1/2005 Annex I Chapter VI point 2.3 stipulates that water tanks must be connected to the drinking devices within the compartments.
- In order to fulfil the requirements of Article 11 (1)(b)(iii) and (iv) of Regulation (EC) No 1/2005, applicants have been asked to sign a standard declaration that they understand the need to have effective contingency plans for dealing with disruptions to travel and need to be able to track drivers. There were no subsequent procedures

in place to assess the appropriateness of the plans which transporters were to draw up for their usual trade routes. Two incidents which occurred at Dover in 2006, which although they pre-date the requirement, indicate that several transporters, including those based in the UK, had not carried out sufficient planning for possible disruptions.

Article 13 (4) of Regulation (EC) No 1/2005 requires that the transporter's name and authorisation number is made publicly available. A representative of the CCA indicated that this is not posted on a public website because it is considered the safety of transporters may be compromised if a full list of all authorised transporters and vehicles were publicly available, but that if a member of the public requests certain information the CCA will provide a response. The CCA also indicated that they have provided this information to the enforcement bodies in other Member States.

5.3.2 Control of assembly centres

Assembly centres, which are used for intra-community trade have been approved by the CA. In addition to assessing animal health requirements the CA checklist also requires the OV to assess the supervision of welfare standards. One OV indicated that this meant looking at the operator's ability to ensure appropriate care for animals both at time of arrival as well as at departure. At the EU approved assembly centre visited it was the inspection team who verified whether conditions had been met for it to be considered as a place of departure, as defined in Article 2(r) of Regulation (EC) No 1/2005. Calves which originated from more than 100 km away had been accommodated overnight with sufficient bedding and had been fed on two occasions with 2.5 to 3 l of milk replacer since arriving the previous day. The operator indicated that giving the calves access to water prior to departure, as laid down in Article 2(r), would give rise to increased contamination of the bedding during transport and jeopardise their welfare.

Article 9 of Regulation (EC) No 1/2005 requires operators of assembly centres to ensure that animals are treated in accordance with the relevant requirements of the Annex to this Regulation. It was noted that:

- Although controls are carried out by both Animal Health and local authorities at places where animals are gathered, assembly centres, which are used for intra-community trade, are more the focus of controls by Animal Health, with LVIs present to carry out certification and inspections by Animal Health officials on a random and targeted basis. Assembly centres, where trade is on a national basis (e.g. the majority of livestock markets) are more the focus of checks by local authorities, on the basis of a local agreement with Animal Health.
- The vast majority of local authority checks of welfare during transport are carried out at markets (108,238 inspections at UK markets in 2006 with an overall detection rate for infringements of 3%). Documented procedures were used for inspections by both Animal Health and local authorities. The format of the checklists used by local authorities facilitates inputting the results of the inspection into a database (AMES).
- At a market where part of the facilities included an EU approved assembly centre, staff had been trained, and although this had not necessarily been drawn up with

Regulation (EC) No 1/2005 in mind, it did cover the relevant points in Annex I Chapter III of this Regulation. In addition, announcements in sales programmes informed people of their duties and obligations and the seller signed a standard declaration form which indicated that they had taken account of the more common problems with fitness of animals for transport, all of which would meet the requirements of Article 9 of Regulation (EC) No 1/2005. There was good co-operation between the CA and the operators, and certain limitations imposed by the CA were announced at the time of sale, such as for slightly unfit animals where certain conditions had been imposed by the CA for their onward transport.

5.3.3 Checks of long distance transport at places of departure

Article 14 (1)(a)(i) of Regulation (EC) No 1/2005 requires the CA to verify before long journeys that transporters have a valid authorisation, certificate of vehicle approval and valid certificates of competence for drivers and attendants. Article 15(2) of Regulation (EC) No 1/2005 requires that the checks on fitness for transport are performed before loading. It was noted that:

- The checklist used by the Animal Health official (in this case a VO) for this randomly selected supervised loading did not include the new requirements introduced by Regulation (EC) No 1/2005, e.g. to check temperature monitoring equipment or to request certificates of approval for means of transport and certificates of competence carried by transport personnel. Although the VO did check that watering equipment was in place, the capacity of the water tanks, as specified in the Regulation, was not measured; both tanks were full at the time of inspection and the drinkers were shown to be in good working order.
- The VO was aware of procedures for transport where part of the journey would take place in hot weather, and indicated that they would consider the type of vehicle, their confidence in the driver to take any necessary action as well as increasing space allowance and headspace.
- The LVI, who would not necessarily be present at loading of the animals, was there to provide the necessary certification and verified that the calves were of an appropriate age and were fit for transport.
- In carrying out a check at departure in June 2007, Animal Health officials had major reservations on the appropriateness of a vehicle for transporting calves, as outwardly it looked like a refrigerated truck with minimal ventilation openings. As the calves were not going to be loaded while the Animal Health officials were present they contacted their counterparts in Dover who agreed to target the vehicle for a check at the port. However, the transporter organised for the vehicle to board a regular ferry, rather than a livestock one, and therefore missed the check. This vehicle subsequently returned in July 2007 at which time the CA served a notice to prevent it being used. Interviews with the driver indicated that the ventilation system was probably inadequate to maintain suitable conditions on board, particularly when on board the Ro Ro ferry. This incident was the subject of a CVO to CVO letter as explained in section 5.1.1.

Article 14 (1)(a)(ii) of Regulation (EC) No 1/2005 requires the CA to assess whether the journey log is realistic. In relation to journey times it was noted that:

- Journey logs for new route received by AHDOs are sent to the central WIT Team who assess the proposed journey times with the times set out in Chapter V of Annex I to Regulation (EC) No 1/2005. This procedure includes allocating standard times for loading the vehicle with different times for different species/categories of animals and different times for different categories of road. Control posts and ports are also included in this customised planner.
- One journey log, randomly selected by the inspection team in Worcester AHDO, had been rejected by the WIT team as the maximum journey times would be exceeded for the second leg of the journey. An amended journey log had been submitted and was satisfactory.
- In response to a recommendation in report 7019/2004 regarding unloading pigs at control posts, the CCA indicated that in order to protect the high health status of these pedigree pigs, it may be necessary to require higher conditions for places for unloading these animals than is the case for other categories of animal. The CCA have held consultations with the pig industry and outlined several options for this trade, with resting the pigs on board the vehicle at secure locations the preferred option of the pig industry. Two exports of pigs selected by the inspection team had been exported by air and journey times were respected for the road leg of the journey. Two other consignments were for long journeys by road, one to Cyprus and the other to Russia. In both cases the use of control posts, as required, to provide 24 hours rests were planned. However the journey log for the consignment going to Cyprus had been rejected by the WIT team as there wasn't a sufficient stop planned for that part of the journey through Greece. Although there was communication between the WIT team and the responsible AHDO on how this might be solved, the AHDO did not submit a revised journey log and approved a non-compliant journey.
- According to staff in one AHDO c.10% of journey logs were not returned. There were a number of transporters who were repeat offenders and the issuing of warning letters had not been effective in achieving better compliance. A document on enforcement policy indicates that follow-up action on this issue is going to be strengthened, with a proposal to refuse further journey logs where there are five outstanding or incomplete journey logs.

5.3.4 Checks during long distance transport

Article 15 of Regulation (EC) No 1/2005 requires the CA to carry out appropriate checks on a random or targeted basis at any stage of long distance transport. As there is an opportunity to check vehicles while they are waiting to board a ferry, controls at ports are used to carry out checks during transport. It was noted that:

- There is 24 hour surveillance in Dover port and 30% of vehicles arriving are targeted for a check.
- In October 2006 due to considerable delays in the arrival of a ferry, animals waited on vehicles for up to 15 hours before being able to board the ferry and continue their

journey. The CA had concerns about the sufficiency of ventilation on board the parked vehicles as two calves had collapsed and the CA had to intervene so that one calf was humanely destroyed. In chapter V of Annex I to Regulation (EC) No 1/2005 there is no upper limit for such a mid-journey rest where animals remain on board the vehicle and travel times had therefore been respected. However the CA had difficulty in getting the drivers to provide liquid for the calves, as the drivers were not convinced about the appropriateness of providing water/electrolytes and even though one truck was parked at the port for some eight hours its driver would only provide liquid for one hour, which is the minimum period for a mid journey rest. There are no facilities in the vicinity of the port to unload animals and it was decided to allow the calves to continue the journey with a notice requiring unloading at a control post in Belgium. Officials made contact with the CA in Belgium and it transpired that the transporters did not go to the control post there as it was in an area under Bluetongue restrictions. The local authority in Dover became involved to initiate possible enforcement action. A review of the case, which included an assessment by an expert veterinary witness, indicated that prosecution for unnecessary distress was unlikely to succeed and legal proceedings were not pursued.

- AHDO Dover had previously raised concerns to the CCA about the appropriateness of nipple drinkers for calves; requirements for watering devices have been strengthened by Regulation (EC) No 1/2005 Annex I Chapter VI point 2.2 and a representative of the CCA indicated that they are working on further guidance on appropriate devices for the different categories of animals.
- In early 2007 Animal Health officials at the port had detected a problem with the certification for two consignments of calves from Northern Ireland, which had only one journey log. In this case the CA sent the calves to the nearest control post in the UK which is more than a three hour drive away while waiting to resolve the certification problem.
- In November 2006 a two deck vehicle with cattle onboard overturned during a sailing in rough weather. Local authority investigators indicated that before interviewing the master of the ship they first had to compile any evidence, which included bringing in the Maritime and Customs Agency who have expertise in relation to securing vehicles, travelling to a different part of the country to interview the transporter involved and interviewing the port operations manager. They also had to take into account that Animal Health had already interviewed the master of the ship at the time of the incident. Evidence from port operations manager was particularly strong that the sailing should not have taken place; however by the time these investigations had been completed, the master of the ship could not be traced and has not subsequently worked out of Dover port.
- A further incident in early 2007 occurred due to sailing in rough weather conditions, where a ferry with calves on board was stuck at sea for hours as bad weather had caused closure of the French port.
- A representative of the CCA indicated that they have subsequently met with groups of exporters and ships owners/agents to ensure that the industry recognised the

issues which had contributed to these incidents and that a document of best practice should be forthcoming. It was also pointed out that while the ultimate decision of whether or not to sail remained with the master of the ship, the CCA are considering adapting their procedures for reacting to rough weather conditions.

- Regarding the transport of cats and dogs, an NGO and the Port authorities have detected a number of problems with the transport of consignments of puppies and kittens arriving at Scottish ports from Ireland. Such consignments have consisted of forty to sixty animals kept in cages in vans and trailers and several of the transporters involved have been prosecuted for infringements of legislation of welfare during transport. Although most of these cases took place in 2003 complaints have been made more recently regarding this trade. Checks by Animal Health officials at Dover have included inspections of greyhounds transiting the UK en route from Ireland to Spain. They indicated that there were typically 20 animals in a customised van and conditions were acceptable.

Roadside checks have also taken place in other locations throughout the UK. Both divisions visited indicated that this is arranged at least once every three months and involves the Police, the vehicle inspection agency as well as the local authority and Animal Health. A one day road policing operation in 2006 involved 58 authorities in England and Wales taking part in multi-agency checks. The highest rates of non-compliance with welfare requirements (c. 27%) related to both lack of cleaning and disinfection and journey time documents. Follow up action varied from oral advice to prosecution. Advice was used to deal with most problems with design and maintenance of vehicles and the separation of animals (c.10% of deficiencies). The incident concerning calves from Ireland described in section 5.1.1 had been detected at a multi-agency check attended by both Worcester local authority and Animal Health in 2007.

5.3.5 Checks at markets

Regulation (EC) No 1/2005, Annex I, Chapter V, point 1.2 lays down a maximum journey of eight hours for most animals transported on board basic vehicles. Article 2(j) defines a "journey" as the entire transport operation from the place of departure to the place of destination, including any unloading, accommodation and loading occurring at intermediate points in the journey. So for many journeys through markets the time spent there should be included in the calculation of the journey time. It was noted that:

- The CCA have provided very limited guidance on journeys through markets. This indicates that the combined time for coming to and going from the market should be considered and that time at the market is considered as neutral time, at least in relation to unsold animals. A representative of the CCA indicated that further guidance on journeys through markets was being drafted.
- The local authorities had divergent views in relation to control of journey times which involved time at a market. One local authority considered the market as the place of departure whereas the other did not. Article 2(r)(i) and (ii) of Regulation (EC) No 1/2005 provides certain conditions where markets can be considered as a place of departure; however markets, or sections of markets, which have not been

approved in accordance with Community veterinary legislation cannot be considered, in any circumstance, as places of departure.

- The local authorities explained that they had difficulties in enforcing journey times because many animals come from less than 50 km away and are therefore exempt from documentation indicating their time of departure. After spending an unspecified time at a market they are then bought by someone who has no idea how much time is left for their outward journey. They pointed out that as there is no one person responsible for the entire journey, it would not be possible to prosecute the person who subsequently transports the animal away from the market for not respecting the total journey time.
- Where animals came from more than 50 km away, documentation accompanied the animals, as required by Article 4 of Regulation (EC) No 1/2005. The CCA have provided movement licences which facilitate the recording of requirements such as the time of departure. A difficulty for the CA was that although these documents are made available to the CA on request, the CA would have to contact both buyer and seller to piece together information on the times to and from the market, and as there is no requirement to record the time of arrival, the time spent at the market is difficult to establish.

Checks were made on the fitness of animals and transport conditions and appropriate actions were taken where deficiencies were detected. Regarding the steepness of ramps for sheep and cattle, CCA guidance indicates that for vehicles which were in use prior to 5.1.2007, a slope of up to 67% can be accepted for a transitional period until 2012. Regulation (EC) No 1/2005 Annex I Chapter III point 4(a) indicates that ramps for such species shall not be steeper than 50% and this has been applicable since 5.1.2007. The CCA had taken the decision to allow the continued use of ramps which were steeper than the EU requirement, as they could not justify the cost of requiring such modifications immediately versus their benefit for animal welfare. At the markets visited, one vehicle had an internal ramp for reaching the upper deck which appeared steeper than 50%, and the animals were loaded without difficulty. At a second market the internal ramp on a similar vehicle had been modified to meet the new requirement and the driver explained that this had cost £6000.

5.3.6 Checks at destination

An evaluation of controls at slaughterhouses was made during mission 7337/2007 and some of the actions taken in response to the recommendations in this report were discussed. With the exception of two issues, the CCA had provided satisfactory assurances in relation to all of the recommendations.

- In relation to the interpretation by the Scottish CA on the movement of animals from slaughterhouses, the inspection team pointed out that point 8 of Chapter III of Section II of Annex I to Regulation (EC) No 854/2004 requires that as a general rule animals that are presented to a slaughterhouse must be slaughtered there. Moreover, according to the provisions of this legislation, there are no derogations foreseen to move animals to a place other than to another slaughterhouse. As Regulation (EC) No 854/2004 only applies in respect of persons and activities to which Regulation

(EC) No 853/2004 applies, and as the latter legislation applies to food business operators, the requirement that animals presented at a slaughterhouse should not be sent elsewhere than a slaughterhouse is directly applicable to slaughterhouse operators.

- Concerning the internal height of crates for transporting poultry, the inspection team pointed out that Regulation (EC) No 1/2005 goes beyond the recommendations in the Council of Europe's "Convention on the Protection of Animals during International Transport". A representative of the CCA indicated that they were not disputing that Regulation (EC) No 1/2005 provided the definitive requirement for this issue, but wanted to point out that the Council of Europe had come to a different conclusion and had exempted poultry from the requirement to be able to stand during transport. A representative of the CCA also pointed out that research, including that carried out in other Member States, indicated that too much head room was detrimental to the welfare of poultry during transport. The CCA indicated that they felt this issue should be looked at again and suggested that it could be included in the proposed review of Regulation (EC) No 1/2005 in relation to space allowances and journey times.

5.4 REPORTING AND FOLLOW-UP ON THE RESULTS OF TRANSPORT CHECKS

Incidents are recorded by local authorities against transporters in the AMES database so that the CA in other parts of the country have a history on any transporters which may operate in their locality. Communication between local authorities had also taken place where follow-up was needed in another part of the country. Animal Health use a different database to record their inspections and have read access to the AMES database. The CCA have compiled the data from these different sources in order to provide the report for the Commission, which was required under previous EU legislation and is now required by Article 27 of Regulation (EC) No 1/2005. The inspection team noted that it was subsequently difficult to track whether certain incidents included in this report had been detected by Animal Health or the local authority, which may pose difficulties for auditing of reporting procedures.

Prosecution through the courts required considerable resources for gathering evidence, often with numerous witness statements taken in relation to a single incident which were taken some time after the incident and sometimes with travel involved to interview those involved who were based at a different location in the country. In addition difficulties in proving that animal suffering had taken "beyond reasonable doubt" meant that additional expert witnesses were also involved and only the more extreme cases were pursued by this legal route.

Enforcement policy is being strengthened to allow greater use of administrative measures. From 1 May 2008 a points system will be used to flag repeat or serious offenders. The intention is that any transporter that clocks up 12 points in any rolling two year period will be monitored on a weekly basis. Actions will be taken on a case by case basis depending upon the nature of the infringements, and may lead to a three month suspension of the authorisation, or, if from outside the UK, a three month temporary ban from operating in the UK.

5.5 VERIFICATION OF TRANSPORT CHECKS

Verification of the effectiveness of official controls is required by Article 8 (3)(a) of Regulation (EC) No 882/2004. The work of local authorities, who do the majority of inspections of animal welfare during transport, is paid for by the CCA. The implementation of the plan which is agreed with Animal Health is therefore verified by the DVM through the reports of activities in markets and in relation to transporters and monthly meetings are held so that any issues can be discussed.

Verification of controls also includes the supervision of the work of OV's by their hierarchy and supervision of the work of LVIs. The inspection team identified in one consignment selected at random that 20% more calves had been included in the health certificate signed by an LVI than had been indicated in the plan in the journey log. Although the stocking density was still above the minimum, Animal Health's certification procedure indicates that a new application is required if the number of animals is to be increased. Animal Health staff were aware that such practices occurred from time to time and had written warning letters to certain LVIs on this topic. A representative of the CCA indicated that LVIs can be sanctioned through terminating their contract for serious or repeated problems.

Inspections which take place during transport also provide a certain degree of verification of the quality of checks of long distance transport carried out at places of departure.

5.6 AUDITS OF CONTROLS OF ANIMAL TRANSPORT

The CCA's Internal Audit Unit is developing an audit strategy which will include animal welfare during transport so that operational criteria dealing with this issue is evaluated at least once during the five year cycle of audits of official controls.

6 CONCLUSIONS

1. Contact between the local level of the CA and their counterparts in other Member States was often an effective way to deal with incidents, especially where situations were evolving on the ground; however follow-up had mixed success, and this has also been the case in relation to a CVO letter. The use of contact points, is another method which has been used for exchanging information with other Member States, as required by Directive 89/608/EEC and as indicated in Article 24 of Regulation (EC) No 1/2005, however, this has not yet been fully utilised in relation to incidents involving animal welfare during transport.
2. Training, as required by Article 6 of Regulation (EC) No 882/2004, is practically oriented and this benefits the quality of inspections which are subsequently carried out. However the newer requirements introduced by Regulation (EC) No 1/2005 have not been fully integrated into the training provided, particularly for

Animal Health officials. Although the CA have an agreement with the authority responsible for vehicle inspection who can assist them in cross-checking drivers' records where necessary, this does not meet the requirements of Article 16 of Regulation (EC) No 1/2005 which requires the CA to ensure that its staff are trained to check such data. Such training may facilitate greater use of such information in carrying out investigations.

3. Co-ordination between the authorities involved in official controls, as required by Article 4 (3) and (5) of Regulation (EC) No 882/2004, was well organised in relation to the work of local authorities and Animal Health in carrying out checks of animal welfare during transport. The role of Animal Health staff in Dover in coordinating checks at places of departure is a good approach and allows targeting of inspections in order to reduce the risk of problems occurring during transport.
4. National legislation on animal welfare at markets provides requirements for certain issues which overlap with those in Regulation (EC) No 1/2005. Overlapping requirements do complicate issues for both the industry and for controls, such as the different minimum ages for calves at markets; however, this did not result in non-compliance. Although, national legislation contains specific requirements for the provision of water at markets, which are different from Regulation (EC) No 1/2005, these were considered to comply.
5. Although a reasonable approach has been taken to implement the requirements for the authorisation of transporters, which had to be implemented at the same time as other elements which were necessary for the authorisation, a large number of transporters have been authorised on the condition that they subsequently have their vehicles approved and develop an appropriate contingency plan for long distance journeys. The implementation of these requirements has not been systematically checked as part of subsequent CA controls.
6. Although the implementation of the requirements of Article 6 (5) of Regulation (EC) No 1/2005 regarding certificates of competence has been delayed by four months beyond the EU deadline, its implementation is already well underway.
7. The derogation granted by the CCA for the steepness of ramps means that it will be five years after the EU deadline before transporters will need to comply with this requirement. Where means of transport are used on long journeys and have undergone the procedure for vehicle approval, this has ensured that the majority of the requirements of Regulation (EC) No 1/2005 have been assessed. However vehicles which do not have sufficient watering equipment, contrary to Regulation (EC) No 1/2005 Annex I Chapter VI point 2.3, may have been approved as a result of CCA guidance on this requirement.
8. There is a good system for assessing that journey logs are realistic as required by Article 14(1) point (a)(ii) of Regulation (EC) No 1/2005. There have been problems in getting certain transporters to return journey logs after the journey, but measures are being proposed to improve the level of compliance with this requirement. Although report 7019/2004 concluded that there was non-compliance with the use of control posts during long distance transport and the CCA have indicated that

resting on board the vehicle at other secure locations is the preferred option of the pig industry, procedures for approving journey logs have ensured that, in the vast majority of cases, appropriate stops have been made during long distance transport.

9. Although adequate controls have been carried out at ports and the CA have taken actions to achieve compliance, the lack of a facility in the vicinity of Dover port to unload animals presents difficulties for the CA to ensure that when non-compliances are detected that both they and the transporters can take sufficient corrective measures, as required by Article 23 of Regulation (EC) No 1/2005. When it is necessary to detain animals and unload them until the issues are resolved, as foreseen in Article 23 (2) (e) of Regulation (EC) No 1/2005, it is questionable if sending the animals to a control post some three hours drive away is an appropriate arrangement for dealing with such circumstances.
10. CA procedures for dealing with rough weather at sea do bring to the attention of the master of the ferry their responsibilities in relation to animal welfare. However, such warnings have had little effect in preventing sailings taking place when there was a high risk of an incident occurring and the lack of a nearby unloading facility again limits the options available to the CA, in particular to comply with Article 22 (2) of Regulation (EC) No 1/2005. The CCA is developing their procedures further and have met with the industry to develop best practice for dealing with such situations.
11. Roadside inspections at various locations throughout the UK are a useful check both of consignments of UK origin and those from other Member States and have, on occasion, provided a useful verification of the quality of checks which have taken place at departure.
12. There was good co-operation between the CA and operators of assembly centres, including livestock markets, to ensure that animals were handled in accordance with the relevant requirements of Regulation (EC) No 1/2005.
13. There are practical difficulties in applying the journey times from Regulation (EC) No 1/2005 for consignments transiting a market. Although the CCA is working on further guidance in relation to livestock markets, they already indicated in general guidance that time spent at a market does not need to be included; however, for many journeys through a market, time spent there should be included in the journey, which is defined in Article 2(j) of Regulation (EC) No 1/2005.
14. Satisfactory assurances have been received in response to the majority of recommendations made in report 7337/2007 in relation to checks at slaughterhouses; however, the interpretation by the Scottish CA on the movement of animals from slaughterhouses does not comply with point 8 of Chapter III of Section II of Annex I to Regulation (EC) No 854/2004, which is directly applicable to slaughterhouse operators. In relation to crates for transporting poultry, the requirement of Regulation (EC) No 1/2005 Annex I, Chapter II point 1.2 in relation to poultry may need to be looked at within the context of the proposed review of this Regulation in relation to journey times and space allowances.
15. Prosecutions require significant CA resources and have been initiated when major infringements have occurred. However these usually do not proceed unless the CA

is sure of successfully proving that unnecessary distress occurred and therefore effective, proportionate and dissuasive penalties, as required by Article 25 of Regulation (EC) No 1/2005, have not always been applied for less extreme infringements. The enforcement policy, which is soon to be implemented, should allow greater use of administrative measures to provide effective sanctions in such cases.

16. There has generally been sufficient verification of the effectiveness of the official controls of animal welfare during transport, as required by Article 8 (3)(a) of Regulation (EC) No 882/2004.
17. Internal Audits as required by Article 4 (6) of Regulation (EC) No 882/2004 are planned in relation to controls of animal welfare during transport.

6.1 OVERALL CONCLUSION

The documented procedures which have been provided by the CCA, are extensive and cover a wide range of situations where animals are transported and help to ensure that there is a consistent approach to inspections. Training has also been useful in ensuring that the practical consequences of the legal requirements are understood by officials. However, certain procedures and training had not been updated to take into account some of the new requirements introduced by Council Regulation (EC) No 1/2005 with the result that the implementation of these requirements is not being adequately assessed.

Major developments have taken place to implement the requirements for the authorisation of transporters, but partly due to the need to implement at the same time several requirements which are conditions for the granting of an authorisation, there is not a complete assurance that vehicles have been approved as required or that transporters have developed adequate contingency plans. The lack of a facility to unload animals in the vicinity of Dover port is a major limitation on the options available to transporters and the CA for dealing with emergencies or delays at this important point of transfer.

7 CLOSING MEETING

A closing meeting was held on 22 February 2008 with representatives of the CCA. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. The representatives of the CCA indicated that work was in progress to further develop guidance, particularly in relation to the design of drinking devices on board the means of transport which are used on long journeys and in relation to journey times where the animals transit a market.

8 RECOMMENDATIONS

Within 25 working days of receipt of the report, the Competent Authorities are requested to present a plan of actions, including a timetable for their completion, to

address the following recommendations.

The Competent Authorities should take measures to ensure that:

No.	Recommendation
1	Exchange of information with other Member States is effective, as required by Directive 89/608/EEC and as indicated in Article 24 of Regulation (EC) No 1/2005.
2	Training, as required by Article 6 of Regulation (EC) No 882/2004, is updated to take account of the requirements introduced by Regulation (EC) No 1/2005 and to ensure that CA staff are trained to check drivers records as required by Article 16 of Regulation (EC) No 1/2005.
3	Transporters, including those already authorised, have suitably approved vehicles, as required by Article 18 of Regulation (EC) No 1/2005 and the contingency plans, required by Article 11 (1)(b)(iv) of Regulation (EC) No 1/2005 and which transporters gave an undertaking to produce at the time of authorisation, are assessed in relation to their appropriateness for dealing with emergencies.
4	Means of transport, including those which have been approved for long journeys by road, have appropriate watering equipment, and as required by Regulation (EC) No 1/2005 Annex I Chapter VI point 2.3 that drinking devices are connected to the water tanks. Vehicles should meet the requirements of Regulation (EC) No 1/2005 Annex I Chapter III point 1.4(a) in relation to the inclination of ramps.
5	Arrangements are in place so that where there are delays at ports or emergency measures are needed to deal with non-compliances detected, the CA can take any necessary actions to safeguard animal welfare, including the possibility to unload animals in suitable accommodation, as required by Article 22 (2) and 23 (2)(e) of Regulation (EC) No 1/2005.
6	A system is in place so that journey times through livestock markets comply with the requirements of Chapter V of Annex I to Regulation (EC) No 1/2005.
7	The movement of animals from slaughterhouses, in particular in Scotland, complies with point 8 of Chapter III of Section II of Annex I to Regulation (EC) No 854/2004.
8	That there are effective ways of imposing sanctions which are proportionate and dissuasive as required by Article 25 of Regulation (EC) No 1/2005.

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

http://ec.europa.eu/food/fvo/ap/ap_the_united_kingdom_7690_2008.pdf

ANNEX 1 - LIST OF LEGISLATION REFERENCED IN THE REPORT

Reference	OJ Ref.	Detail
Regulation (EC) No 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
Regulation (EC) No 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
Decision 98/139/EC	OJ L 38, 12.2.1998, p. 10–13	98/139/EC: Commission Decision 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