

Enforcement of EU Regulation 1/2005

How effective was the enforcement by the Animal & Plant Health Agency in relation to the export of live farm animals from the UK for slaughter and fattening outside the UK via ports in Kent during 2014?

A report by Pru Elliott and Compassion in World Farming based on information obtained by Freedom of Information enquiries.

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CONTENTS

INTRODUCTION	5
METHOD	6
SUMMARY OF KEY FINDINGS.....	7
RECOMMENDATIONS	10
FINDINGS IN GREATER DETAIL.....	10
1.0 Unrealistic completion of paperwork	12
1.1 Journey plans section 1: proposed journeys.....	12
1.2 Unrealistic journey times on Health Certificates (ITAHC)	13
2.0 Failure to complete paperwork.....	14
2.1 Missing ET54 forms.	14
2.2 Important date and time records left blank.....	15
2.3 Missing anomaly reports.....	15
2.4 Failure to explain reason for difference in proposed vs actual duration of journey.....	16
3.0 Inaccurate, Illegible and ambiguous completion of paperwork.....	17
3.1 Inaccurate recording of information	17
3.2 Illegible handwriting.....	17
3.3 Ambiguous recordings of stocking density	18
4.0 Legislative breaches implied by paperwork.....	19
4.1 Approval of journey plans that do not, or may not meet EU regulations on stocking density	19
4.2 Returned Journey Logs and completed WIT32 forms which suggest a breach or possible breach of the legislation on stocking densities.	20
4.3 Possible breach of legislation on journey times.....	21
5.0 Contradictory completion of paperwork	22
5.1 Contradictory time recordings for first animal loaded.....	22
5.2 Contradictory numbers of animals loaded and evidence that animals may have been exported without proper health checks	22
6.0 Other areas of concern	24
6.1 Inspection of fully enclosed trailers	24
6.2 Unsatisfactory loading inspection leading to the animal suffering and/or the issuing of statutory notices at portal inspections	25
6.3 Excessive redactions.....	26
Appendix 1: The enforcement process	27



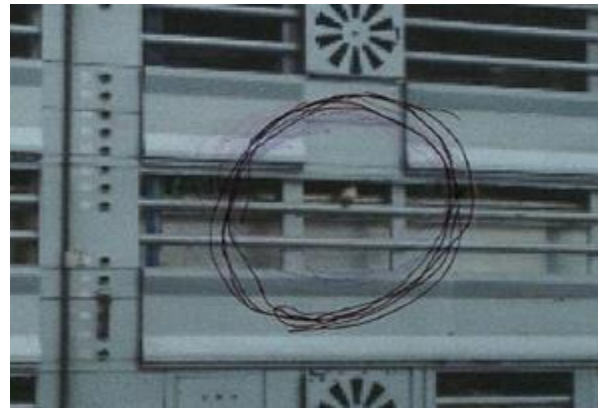
INTRODUCTION

The export of live animals from the UK is monitored by the Animal and Plant Health Agency (APHA) (Formerly known as the Animal Health and Veterinary Laboratories Agency, AHVLA). It is this body which is responsible for ensuring that the European regulation on the protection of animals during transport (regulation 1/2005) is properly enforced.

Following the assessment of paperwork provided by APHA Compassion in World Farming is concerned that this trade is not being properly monitored, and that some exporters, keepers, inspectors and Official Veterinarians are routinely failing to accurately complete, or thoroughly check the paperwork that is instrumental in ensuring effective enforcement of the legislation. This can and does cause unnecessary and unacceptable animal suffering.

Currently, ports in the UK (including Ramsgate and Dover) are unable to refuse shipments of livestock under the Harbours, Docks and Piers Clauses Act 1847 which states that:

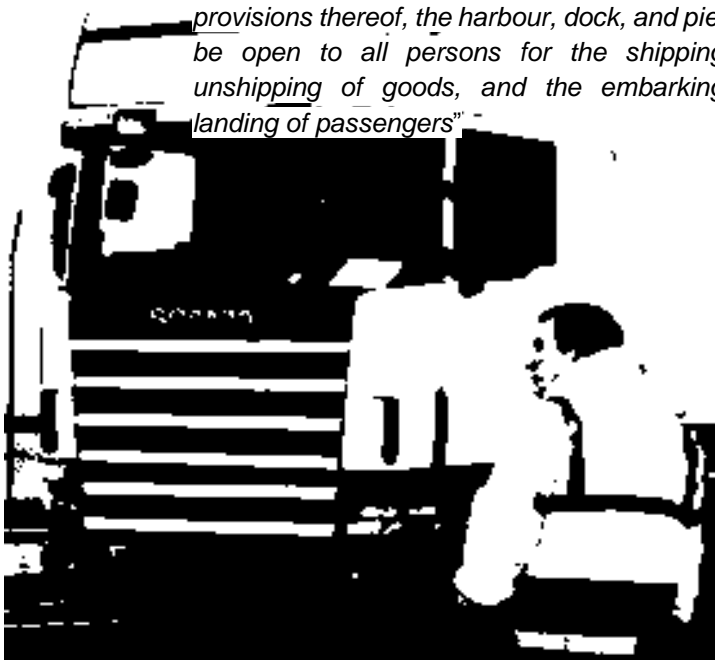
"Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers"



Essentially, these ports cannot refuse any lawful trade. However, the authorities are in a position to ensure that the trade is enforced properly, that the animals and trucks are properly inspected, that the forms are properly filled in and that the trade is conducted in a professional manner.

The issue of live animal exports for fattening and slaughter is one on which the general public holds a clear and strong opinion; a YouGov poll from 2012 showed that just 6% of the UK public believe that animals should be exported alive. With the above in mind, Compassion in World Farming is calling for amendments to be made to the Harbours, Docks and Piers Clauses Act 1847 to allow ports to refuse this trade and so remove themselves from a trade which both causes unnecessary suffering to farm animals and which is not being regulated to acceptable standards.

Until such a time as ports can refuse this trade, we call on the Animal & Plant Health Agency to take urgent action to address the problems outlined in this report and to consider and enact our recommendations for stricter enforcement of the regulations.



METHOD

Through Freedom of Information requests Compassion in World Farming - with the support of volunteers - has obtained the paperwork from each of the 74 individual consignments of live animals exported for fattening and slaughter from the ports of Dover and Ramsgate in 2014.

For each truck involved in these shipments, the following paperwork has been obtained (where available from APHA)¹.

- | | |
|---|-------------------|
| 1. Journey plan and log | (WIT07) |
| 2. Vehicle/Livestock Inspection Report from loading | (WIT32) |
| 3. Vehicle/Livestock Inspection Report from port | (WIT32) |
| 4. Intra Trade Animal Health Certificate(s) | (ITAHC) |
| 5. Statutory notices served | (WIT08 and WIT09) |
| 6. Completion of ITAHC (Rejected Animals) | (ET54) |

See Appendix 1 for an overview of the formal enforcement process upon which this analysis is based.

¹It should be noted that this paperwork is supplied in a heavily-redacted form



SUMMARY OF KEY FINDINGS

In processing the documents for the 74 consignments, we found errors, contradictions, omissions and other discrepancies that affect the ability of the authorities, or any independent investigator, to assess compliance with the law.

There was clear evidence of:

1. Inspections not being carried out properly.

- Inspections of lorries for suitability for transport.
On 11 July 2014 at Ramsgate, more than 13 hours into the journey, the RSPCA reported that the legs of sheep were stuck, protruding from the side of a vehicle. A statutory notice was issued requiring transfer to a new vehicle. The unsuitability of the vehicle should have been picked up at the inspection before loading.
- Stocking densities being too high.
On one consignment sent on 11/7/14, sheep were recorded as “under 26kg.” These sheep were unloaded following a statutory notice. From pictures taken, illustrated later in this document, experts from the National Sheep Association estimated the weights as in the high 30s. If this estimate is correct, the animals should have had over 0.2 m² of space each; in fact they were provided with 0.175 m².
The inspector should have picked this up. There may be many other examples of this, but the forms generally do not document whether the cargo is sheep or lambs and whether over 26kg, making it hard to audit compliance.
- Failure to cross-check the documents.
On 15 occasions, there are discrepancies between the number of animals recorded on the Journey Log and those in the inspector’s WIT32. More seriously, on three of these occasions, the inspector recorded a larger number of animals in the consignment than the Official Veterinarian had issued health certificates for in the ITAHC documents. If the inspector’s figure is correct, then up to 247 animals will have been exported with unknown health and welfare status. In any case, this demonstrates a failure on the part of the inspector properly to check that all the animals being exported had proper health certificates and were properly fit for travel without a risk of spreading communicable diseases.
The wider discrepancies suggest a lack of proper cross-checking, as required, between the documents.
- The requirement to check the vehicle before loading.
The inspector has to check that the animals are fit for transport and that the vehicle is suitable for the transport. This includes checking for sharp projections in the vehicle and the suitability of ramps. None of these can be properly assessed once the animals have been loaded. Nevertheless, on 20 occasions, the inspector’s WIT32 form was filled in at the same time or after the first animal was loaded.

This suggests either poor record keeping or, more seriously, poor inspection practice.

- The inspection of fully enclosed trailers at border inspection points.
To ensure proper inspection, the WIT32 form asks whether it is possible to gain access to all the animals. On lorries which were fully enclosed this question was answered “yes” each time.
We question whether this is possible and, therefore, whether the inspection was carried out correctly.

2. Official Veterinarians not being properly acquainted with the length and nature of journeys.

Government advice to veterinarians and inspectors carrying out checks is that they should acquaint themselves properly with the length and nature of the journey since this could have a bearing on the animals' fitness to travel. A quick check with the journey plan would enable the veterinarian to check this.

Nevertheless, on 26 forms (more than 30% of the total), the veterinarian's estimate of the journey time recorded on the ITAHC certificate was both less than half the time estimated on the Journey Plan and the time actually taken.

3. Approval of non-compliant journey plans.

Article 14 of the EU Regulation states that “*the competent authority of the place of departure ... must carry out appropriate checks to verify that ... the Journey Log submitted by the organiser is realistic and indicates compliance with this Regulation.*”

Despite this, we have identified eight occasions on which the proposed stocking density was not compliant and where the journey plan should not have been approved according to the requirements of the Regulation. On many additional occasions it was not possible to confirm that the plan was compliant since the form does not require essential information about the age and weight of the animals and whether any sheep are unshorn which is required to determine legal stocking densities.

4. Changes to plans.

We have calculated that on 92% of occasions there is a substantial discrepancy between the planned journey and the actual journey (50 or more animals, 10 or more square metres or 5 or more hours). In 14 cases, the number of animals carried increased by more than 50.

The process of approving journey plans in advance depends on professional accurate planning which is clearly not taking place in some cases.

5. Required documentation not completed.

When an Official Veterinarian rejects animals as unfit for travel, the rules require that an ET54 form is filled in as part of the TRACES process in order to alert the authorities through which the consignment will be travelling to the issue.

In 22 out of 34 incidents where animals were rejected, no form was filled in.

6. Poor completion of forms, missing information essential for confirming compliance.

- 62% of consignments from 2014 have dates or times missing from the paperwork that relate to when animals were loaded, consignments departed or consignments arrived at their destination.
- In 84% of Journey Logs, stocking density is recorded and/or calculated inaccurately.
- There are frequent discrepancies between information in different parts of the Journey Log and with the WIT32 forms filled in by the inspectors.
- Many entries were illegible.

7. Excessive and erratic redactions on some forms supplied via FOI.

We fully appreciate the need to protect the identity of individuals, but redactions of times of departure, journey durations, number of animals and Member State of destination make no data protection sense and hamper proper analysis of compliance with regulatory requirements.

RECOMMENDATIONS

Compassion in World Farming shares the view, expressed by many including government sources, that animals should be reared and slaughtered as close as possible to where they are born and that the trade in animals should be replaced by a trade in meat.

Whilst the trade continues, we believe that the authorities should ensure that it is conducted, monitored and supervised with professionalism and transparency.

To achieve this, the following steps should be taken:

1. Inspection must be carried out to a consistent high standard:

- a. *Incidents such as those where the feet of sheep become trapped outside the vehicle must not be repeated.*
- b. *Inspectors should record stocking densities as well as, in the case of sheep, details of age, weight and whether shorn to prove compliance with stocking density requirements (rather than just ticking a box).*
- c. *Numbers of animals carried should be checked both against the Journey Log and against the ITAHC to ensure consistency and that there is no possibility of animals being carried for whom there are no health certificates.*
- d. *Inspections of the vehicle should be carried out before loading commences. Forms should be monitored to ensure that this is taking place.*
- e. *It is not acceptable that essential ET54 forms are not completed as these are part of the TRACES communication².*

It is possible that some errors may be occurring on the loading inspection paperwork because officers are repeatedly attending inspections in the middle of the night. 82% of inspections took place between 6pm and 9am with 35% taking place between 11pm and 5am.

We understand that the Dutch authorities require exporters to load animals only during office hours so that thorough inspections can take place at a reasonable time of day. This model of working could improve the current situation.

Portal inspections should be carried out on all vehicles, not just 1 in 3. It is clear from the case of the consignment that was refused on July 11th 2014 that important details can be missed during loading inspections and these can result in considerable stress and suffering for the animals involved if the consignments go unchecked.

2. Official Veterinarians must ensure that they are familiar with the journeys for which they are completing health checks, in line with government guidelines.

It is not acceptable that in over 30% of cases, veterinarians are underestimating journey times by over 50%, potentially impacting on their judgement of the fitness of animals for transport, despite

² We are not opposed to streamlining of the processes, provided that communication takes place. However, the following of such procedures should be monitored and enforced.

the information being readily available on the Journey Plan. This should be monitored and action taken where veterinarians continue to make this basic mistake.

- 3. Journey Plans should not be approved unless they are properly filled in, legible and compliant with the legislation.**

Additional information should be required to ensure that this can be fully checked. If substantive changes are made to journeys, a new form should be submitted – it should not be considered acceptable to increase the number of animals on the original form.

- 4. The forms should be improved to ensure inclusion of key information required to check compliance in Journey Plans and to monitor subsequent compliance.**

For example, in the case of sheep, information about whether the consignment is of sheep or lambs, whether lambs are above or below 26kg and whether sheep are shorn or unshorn would permit a determination as to whether the stocking density is, was or will be compliant. This information should be required both in the Journey Plan and in the WIT32.

- 5. Fully enclosed trailers should not be permitted if they prevent careful inspection of the animals. If there is video surveillance inside it must be possible to inspect all animals for fitness.**

- 6. The trade should be thoroughly monitored and statistics collected for:**

- a. Comparison of planned journey times with actual journey times*
- b. Comparison of key parameters such as animal numbers, space availability, stocking densities etc. between journey plans, actual journeys, ITAHCs and WIT32s to ensure consistency*
- c. The weights of individual consignments should be routinely measured and monitored. This is particularly important if inspectors are employed who are not experienced in assessing the weights of sheep and where there are consignments close to the 26kg borderline.*

- 7. The above information should be used by the authorities to improve compliance including:**

- a. Proof that animals are not being exported without health certificates*
- b. Checking compliance with stocking densities*
- c. Checking compliance with journey times*
- d. Checking that estimation of journey times is realistic*

- 8. The authorities should also check that journey plans are fully filled in.**

Forms should be properly filled in. Failure to do so in good time should affect the approval of future journey plans.

- 9. Whilst we fully appreciate the need to protect the identity of individuals, key information about journeys should not be redacted from information published in FOIs.**

- 10. Statistics for journeys including journey times, animal numbers, stocking density and sufficient information to prove compliance should be published online to inform the public and prove levels of compliance.**

FINDINGS IN GREATER DETAIL

1.0 Unrealistic completion of paperwork

1.1 Journey Plans Section 1: Proposed Journeys

Exporters are required by law to submit a journey plan to the APHA prior to any export of livestock. EU Regulation 1/2005 on the protection of animals during transport states:

(Article 14.1) *“the competent authority of the place of departure shall (a) carry out checks to verify that (ii) the journey submitted by the organiser is **realistic** and complies with this Regulation.”* [our emphasis]

and

(Annex II Section 3. b.) *“[Section 1 of the Journey Log must be] properly completed except as regards the veterinary– certificate numbers,”*

Despite this, it appears that the journey plans which are submitted can include sections that differ vastly from the actual journeys subsequently taken.

In some cases it appears as though the same template journey plans are submitted to the APHA time and time again. They are not ‘realistic’, and as such we do not consider these forms to have been ‘properly completed’.

By reviewing journey time, number of animals, weight of animals and space availability it was found that 92% of journeys varied significantly³ from the journey plan. Some examples include:

30th September (trailer OD 39 DD) proposed 17 hours, actually took 93 hours (in this case the “Client” wasn’t ready for the sheep when they arrived).

12th September (trailer WZ64RT) proposed 19 hours, actually took 28 hours.

12th September (trailer OD39DD) proposed 220m² of space, actually gave 99m².

11th July (trailer OF68RN) proposed 500 sheep, actually took 804 sheep.

24th July (trailer 08WPHJ33) proposed 250 sheep, actually took 558 sheep.

24th September (trailer OJ40PN) proposed 200 sheep in 150m², actually took 450 sheep in 105m².

5th September (trailer OF68RN) proposed 1,400 sheep, actually took 612 sheep.

In 14 cases, the number of animals carried increased by over 50.

Journey plans need to demonstrate compliance with transport legislation to meet the requirements of the Regulation 1.2005. For this to be effective, the plans need to be accurate.

³ Significant in this instance refers to a difference of 50 or more animals, 10 or more m², 5 or more hours.

1.2 Unrealistic journey times on Health Certificates (ITAHC)

Certificates for exported livestock are completed by an Official Veterinarian (OV) prior to loading. These ITAHC forms often fail to give any realistic representation of journey time.

The reason for this incorrect-estimating is unclear. Sometimes it appears to be linked to the estimation on the Journey Log but other times it is not. Additionally, the amount of time given by the OV is not always clear as it is commonly expressed as a decimal without any indication as to whether that decimal is an expression of minutes or a fraction of the full hour (the decimals sometimes go above 59).

In 26 cases the journey time on the ITAHC is less than half the actual journey time *and* the journey time estimated on the journey plan.

The table below shows some examples which show how unrealistic these estimates can be:

Date and vehicle registration	Proposed journey time on JL	OV estimated journey time on ITAHC	Actual journey time on JL
10/01/14 OJ72JZ	78h	'32.9h'	84h45
05/09/14 OK16YN	20h	'6.52h'	18h
05/09/14 OJ79RV	20h	'6.25h'	19h25
24/9/14 DK55RMX	9h30	'3.04h'	12h15
30/9/14 OJ40PN	17h	'5.29h'	96h
30/9/14 OD39DD	17h	'5.29h'	93h

If OVs are unaware of the length of journey an animal is to be sent on, this raises the question of whether they can make an informed judgement on the fitness of animals for these journeys. In some cases the times stated fall under 8 hours - a point at which EU legislation recognises welfare impacts change significantly for the animals involved. However, the proposed time on the Journey Log, as well as the actual time, are well beyond 8 hours. These estimations suggest the OVs are not fully aware of the actual time it takes for animals to be transported on these long journeys

A similar point was made in a very useful Defra document on pre-inspection, certification and

related procedures. It urges OVs and inspectors to ensure they are familiar with the details of the journey and be aware of "the length and nature of the journey on which the animals are to be transported because this could have a bearing on the animals' fitness to travel on the intended journey"⁴. This leads us to ask whether vets and inspectors pay sufficient attention to their guidelines.

Estimates of journey times on ITAHC forms should be monitored to ensure that the Official Veterinarians are sufficiently acquainting themselves with the journeys for which they are approving the fitness of animals.

⁴ Defra, 2011, latest update 2016.. <http://ahvla.defra.gov.uk/documents/traces/sheep-goats/pre-export-procedure.pdf>

2.0 Failure to complete paperwork

Without completion of the necessary paperwork, it is not possible to keep accurate records which may be important in determining issues of compliance with the legislation as well as animal welfare concerns.

2.1 Missing ET54 forms.

When an inspector refuses the loading of an animal or animals, an ET54 form should be completed.

In 22 out of 34 incidents (65%) where animals were rejected as 'not fit to travel' by the Official Veterinarian, ET54 forms could not be provided by APHA. In one case where an ET54 was provided when animals were rejected, the ET54 lists "zero" animals.

5. If any animals were refused loading, the ET45 form.
Details of rejected animals can be found on the Journey Log and the Inspection Report, therefore no ET54 was completed.

When these forms were requested via FOI request, the APHA stated that they did not receive this from the veterinarian. In at least one case, the APHA claimed (in an FOI response) that an ET54 was not needed because rejected animals were recorded on other documents (APHA comments in blue above):

On the ET54 the following is stated clearly:

A copy of this document, a copy of the Part I of the ITAHC and a completed copy of Part II of the ITAHC must be delivered, faxed or emailed on the same day on which the ITAHC is signed to Carlisle Specialist Service Centre (SSC).

(Carlisle Specialist Service Centre is part of the APHA)

The use of the word 'must' makes it very clear that ET54 forms should always be completed and returned to the authorities. The authorities should insist that this paperwork is completed. Information about rejected animals on other paperwork - such as the Journey Log - should not be accepted as substitute. The Journey Log is not completed by the Official Veterinarian.

2.2 Important date and time records left blank

When assessing the dates and times on which inspections took place when animals were loaded, and when consignments departed and arrived, sections of paperwork are sometime incomplete.

62% of consignments from 2014 have important dates or times missing - often multiple - from the Journey Log and WIT32 in relation to when animals were loaded, consignments departed or consignments arrived.

In addition, dates and times appear to be recorded incorrectly in some places and there is no consistency between the use of a 12 hour or 24 hour clock making the times recorded ambiguous.

Poor recording of the dates and times at which key parts of the journey take place can undermine authorities' ability to properly enforce regulations and to check for compliance with the law.

The authorities should pick up on inaccuracies in record keeping as part of the process of ensuring compliance with the law.

2.3 Missing specimen anomaly reports

At Annex 2 of Regulation 1/2005 the following is stated:

1. A person planning a long journey shall prepare, stamp and sign all pages of the journey log in accordance with the provisions of this Annex.
2. The journey log shall comprise the following sections:
 - Section 1 — Planning;
 - Section 2 — Place of departure;
 - Section 3 — Place of destination;
 - Section 4 — Declaration by transporter;
 - Section 5 — Specimen anomaly report.**The pages of the journey log shall be fastened together.
Models of each section are set out in the Appendix hereto.

And the Anomaly Report itself, within the Journey Log, states the following:

Section 5 – Anomaly Report
This section is for recording any non-compliance found during the transport. Use BLOCK letters. Once completed a copy should be sent to the AHVLA office at the address at Section 1

Despite the above, the anomaly report was not completed on any of the 7 cases where a statutory notice, reporting a non-compliance, was issued.

In each case the notice was served because the inspector in question believed that the shipment was in contravention of Regulation 1/2005.

2.4 Failure to provide an explanation for the difference in proposed vs actual duration of journey

The table demonstrates instances where the actual journey durations exceeded the proposed journey durations by 5 hours or more, and the reason given (or lack thereof) for the difference.

Date and vehicle registration	Proposed duration of journey	Actual duration as shown on Journey Log	Reason given for difference
12.09.2014/77 WF NT	12	"20.85"	None
12.09.2014/WZ 64 RT	19	28	None
12.09.2014/OF 68 RN	23	28h30	'Straight to destination in animals best interest'
19.09.2014/03 WF BP	19.5	25h45	None
19.09.2014/03 WG NK	12	18	None
24.09.2014/OF 68 RN	23h30 ²	29	'Animals taken straight to destination in their own interest'
24.09.2014/WY 97 ZT	12	18h15	None
30.09.2014/OF 68 RN	23h30	27	'Animals could be taken straight to destination - so in their interest this was done saving un/re loading and travel time'
30.09.2014/OJ 40 PN	17	96	'Client wanted sheep no earlier thus animals taken to a hotel' and 'lost 1h30 due to sit down in port'
30.09.2014/OD 39 DD	17	93	'Client wanted sheep no earlier thus animals taken to a hotel' and 'lost 1h30 due to sit down in port'
02.10.2014/WZ 64 RT	19h30	25h10	None
26.11.2014/DK 55 RMX	10h30	15h45	None

² There is no objection to a journey being shorter than planned, however overestimation of journey length to increase chance of meeting proposed journey time is not an acceptable practice

Within the Journey Log, there is a section where transporters should fill the 'Reason for any difference between actual and proposed itinerary/other observations'. In half of the cases where duration of journeys varied widely (upwards of a 5 hour difference) no

reason was given for the difference in the itinerary.

Any significant increase in journey times should be properly recorded and monitored to check that proposed plans are realistic.

3.0 Inaccurate, illegible and ambiguous completion of paperwork

3.1 Inaccurate recording of information

Omissions and errors throughout the paperwork in question are too numerous to list. However, it should be noted that there are many cases across all different fields of paperwork where quantities, times, dates, and space allowances contradict one another. Where such contradictions exist it is clear that at least one answer given is inaccurate.

Many inaccuracies are noted throughout this report, however this report only considers certain sections of the export paperwork and it is not possible to assess the accuracy of many of the fields within the paperwork.

Accurate recording of data that is required to determine compliance with the law is essential in order to maintain proper records and ensure compliance with the law.

3.2 Illegible handwriting

When assessing this paperwork it was found that some of the handwriting is almost illegible, leaving it open to interpretation by authorities. Clear and legible records are important for thorough enforcement and should be a basic requirement.

Below are some examples:

7.2 Arrival 7.2 Aankomst		7.3 Departure 7.3 Vertrek		7.4 Length (hours) 7.4 Duur (in uren)
Date Datum	Time Tijd	Date Datum	Time Tijd	
10-01	18.00	10-01	20.15	2 1/4 uur
11-1-14	21.10	12-1-14	02.15	30 uur
11-01	09.00	11-01	10.30	1 1/2 uur
13-01	15.00	13-01	16.15	1 1/2 uur

10/1/14 OJ 72 JZ Journey Log

4.4 Average space allowance per animal (m ²)
125 square 40 m ²

5/9/14 OF 68 RN Journey Log

5. Total journey duration (hours)
32.80 22.30

29/8/14 03 WG NK Journey Log

5. Total journey duration (hours)
10 hrs.

30/9/14 OK 16 YN Journey Log

Leaving some of these figures and words open to interpretation runs the risk of misunderstandings that could result in failure to properly recognise breaches of the law.

3.3 Ambiguous recordings of stocking density

The keeper is required to record the 'average space allowance per animal (m²)' on Section 3, 4.4 of the Journey Log.

The instruction is clear; requiring the keeper to calculate the average space available to *each individual animal* (presumably to provide a check that it complies with the parameters set down in Regulation 1/2005 Chapter VII on stocking density).

This measure was provided in the correct format in only 12 out of 74 cases and completely blank on 3 occasions. Of these cases, 8 also appear to be incorrectly calculated when compared with data from the associated vehicle and livestock inspection reports.

In the remaining 62 cases, the question is answered instead with ambiguous or inaccurate answers such as those shown below. These answers do not show space allowance per animal, and answering the question in this way suggests that no attempt has been made to check that the stocking density is compliant with the legislation. Despite this failure to calculate the stocking

density, the box provided to confirm compliance is always still ticked.

Furthermore in 26 of the 74 consignments the paperwork shows a different amount of space available to animals on the Journey Log and on the WIT32 Vehicle/Livestock Inspection report. Most often, the Journey Log records a higher space allowance than the WIT32.

4.4 Average space allowance per animal (m²)
No / 449
4.5 Journey log records and journey time limits

4.4 Average space allowance per animal (m²)
140 / 668
4.5 Journey log records and journey time limits

4.4 Average space allowance per animal (m²)
311 / 100 / 15 * 12
4.5 Journey log records and journey time limits

4.4 Average space allowance per animal (m²)
653 / 100
4.5 Journey log records and journey time limits

4.4 Average space allowance per animal (m²)
98 112
4.5 Journey log records and journey time limits

4.4 Average space allowance per animal (m²)
100 / 443 * 237
4.5 Journey log records and journey time limits

Poor records of space allowance on the Journey Log make it difficult or impossible to check compliance with rules on stocking density. This suggests the individual completing the Journey Log has not taken sufficient care to check for compliance with these rules.

4.0 Legislative breaches implied by paperwork

4.1 Approval of journey plans that do not, or may not, meet EU regulations on stocking density.

In 2014 there were multiple cases where a journey plan proposed specifics that would constitute a breach in the legislation by overstocking animals, but despite this the plans were approved.

Weight in kg	Area in m ² /animals
< 55	0.2 to 0.3
>55	>0.3
<55	0.3 – 0.4
>55	>0.4

Stocking density rules as set down by Regulation 1/2005 for sheep being transported by road:

For sheep weighing over 26kg, Regulation 1/2005 clearly states that a minimum of 0.2m² must be provided per animal. If the animal is unshorn, this increases to 0.3m².

It is not possible to tell from the Journey Plan whether sheep are shorn or not, nor whether the animals are sheep or lambs, so it is often not possible for authorities to check that the proposed stocking densities are legal when approving the plan prior to inspections.

This also means that it is often not possible to determine whether stocking densities were compliant from the export paperwork, but we can say that journey plans which proposed to export animals over 26kg should not have been approved where proposed space allowances fell below 0.2m².

*On Journey Logs 8362 (24/6/14 BX HH 50) and 8363 (24/6/14 OF 68 RN) section 1 proposes journeys with 600 animals, weighing 36kg, in trucks that provided 110m² of space for the animals. **These plans were approved despite giving a stocking density of 0.18m² per animal.***

*On Journey Logs 8586 (5/9/14 OF 68 RN), 8589 (5/9/14 OK 16 YN), 8699 (30/9/14 OF 68 RN) and 8591 (5/9/14 OJ 79 RV) section 1 proposes journeys with 650 animals, weighing 36kg, in trucks that provided 110m² of space for the animals. **These plans were approved despite giving a stocking density of 0.17m² per animal.***

In addition to Journey Logs that propose to breach stocking density rules *if sheep are*

shorn, there are a great number of proposals that would break the regulation *if sheep are unshorn*.

We have identified that in 59 out of 74 cases (80%), the proposed stocking density would constitute a breach *if animals were unshorn* such that it would have been impossible for the authorities to determine whether the proposed journey plan was compliant. This highlights the need for additional information to be required in the journey plan form. From observations at Ramsgate port it appears that unshorn sheep are exported.

In total it is clear that 8 journey proposals were approved despite the figures suggesting a plan which would breach the legislation, even if sheep were shorn. Over stocking animals can lead to serious suffering especially in the summer months. APHA should not approve consignment applications that do not propose legal space allowances.

The forms should be adjusted to include whether animals are sheep or lambs, shorn or unshorn, and above or below 26kg, so that the legality of the proposed journey plan can be properly checked in advance.

4.2 Returned Journey Logs and completed WIT32 forms which suggest a breach, or possible breach, of the legislation on stocking densities.

In the previous section we outlined that the lack of information about the weight of sheep, their age and whether they are shorn makes it impossible for the compliance of journey plans to be checked in advance.

The same lack of information makes it impossible to confirm from the paperwork whether the actual journey was compliant with rules on stocking density.



In at least one case, it appears that stocking density rules have been breached. On one consignment that was due for export on 11/7/2014 (registration AN647CS) the sheep were recorded as “under 26kg” and were stocked at 0.175m²/animal⁵.

These images show the sheep when they were unloaded after being refused for export (for reasons unrelated to stocking density).

Considering the images, the weight given in the documentation appear to be incorrect. The National Sheep Association were provided with these photographs and asked for an opinion on the weight of the animals. They estimated that the sheep weighed in the high 30kg's. This was also confirmed by an individual who works closely with animal transport companies across the EU. If these sheep did in fact weigh more than 26kg, a stocking density of 0.175 m²/sheep is a clear breach of the Regulation. An inspector should have been able to pick this up. **Consignments should be routinely weighed to monitor compliance.**



⁵ This is based on 627 animals being loaded in 110m² of space. At the point of arrival this is marked as 589 (however the figure, though repeated three times, is almost illegible). The recorded space for the animals is 100m². Whatever the figure for the number of animals, the stocking density is non-compliant.

We found 15 consignments that appear to break rules on stocking density, based on the figures in the completed Journey Log(s) and/or WIT32 and the estimated body weight of the sheep (where available). In each of these cases stocking density is below 0.2 animals/m² as required by legislation. However, because the actual weight of animals is not recorded as standard on the paperwork, it is not possible for us to make a clear assessment.

There does not appear to be any record of checks carried out regarding the weight of the animals. We are not aware of the use of weigh bridges to assess total weight of animals and we have been advised by protestors who attend all export shipments at Dover or Ramsgate that the weigh bridge facilities there are not used. Instead it seems that we must rely entirely on the word of the exporter/keeper

and the eye of an inspector who may or may not be a good judge of the animals' weight. In the 2012 case where 40+ sheep died at Ramsgate port it became clear that inspections are not always carried out by individuals with experience in livestock transport.

In cases where sheep are carried at higher stocking densities than would be legal for animals weighing 26kg, evidence should be provided that the animals are lighter. This should involve weighing the animals.

The Journey Logs and the WIT forms should record the weights of the animals (in particular whether over or under 26kg), the age of the animals (whether sheep or lambs) and, in the case of sheep, whether they are shorn or unshorn. This information should form part of reviews of compliance.

4.3 Possible breach of legislation on journey times

This example may just be one of sarcasm.

8. Reason for any difference between actual and proposed itinerary/other observations
Client wanted sheep no earlier than animals have taken to a hotel

It was noted on the form that the “*client wanted sheep no earlier ... thus animals were taken to a hotel.*” We cannot tell if the animals were taken to a place to be unloaded, or left unloaded on the truck at the driver's hotel, since the information was redacted on the form.

If the latter, then the law was breached.

5.0 Contradictory completion of paperwork

5.1 Contradictory time recordings for first animal loaded

On the day of the journey, prior to loading, an Animal Health Inspector from APHA or a vet visits the farm to check the fitness of both the animals and the vehicle and to supervise loading.

- The time of inspection, which should be before loading, is recorded on the inspectors WIT32 form.
- The time of departure and of the first animal being loaded are recorded on the Journey log.

Regulation 1/2005 makes it very clear that a journey officially starts when the first animal is loaded. In cases where the departure time and the time the first animal was loaded are the same there is no way to know whether animals were loaded and waiting on the truck for a long period of time before departure, and so no way to know the absolute length of the journey.

On 10 consignments, the time the first animal was loaded is recorded as the same as departure time.

Furthermore, on 20 consignments the WIT32 was carried out at the same time or after the first animal was loaded. It is of course unreasonable for an inspector to make a thorough inspection of any truck once it has animals on board or if loading has begun.

This suggests poor record keeping, but it could also be evidence that inspections are not being carried out properly.

5.2 Contradictory numbers of animals loaded and evidence that animals may have been exported without proper health checks

On 15 occasions the number of animals listed on a consignment differs between the Journey Log and the WIT32 Loading Inspection.

These contradictions may make it impossible for APHA to hold accurate records about the number of animals being exported.

Of additional concern is animals which appear to be missing from ITAHC inspections. On 3 occasions, the number of animals listed on the ITAHC is lower than that listed on the WIT32 loading inspection. In these cases, the figures

on the Journey Logs match those on ITAHCs, but the WIT32 filled in by the inspector suggests that larger numbers were carried.

If the inspectors' figures were correct, then a total of 247 animals were transported across the Channel without proper health checks. If the mistake was on the part of the inspector, then this suggests that part of the checking process is not working properly since the inspector has failed to ensure that all the

animals being transported have proper health checks.

The ITAHC identifies animals as being fit for transport and it is on this form that the identity numbers of animals being exported are listed. The ITAHC is sent to the recipient member state for their records.

The ITAHC approves animals for export on the following conditions (excerpt from the ITAHC):

Excerpt 1

- II.2. The animals:
- II.2.1. have been inspected today (within 24 hours prior to loading) and show no clinical sign of disease;
 - II.2.2. are not animals which are to be destroyed under a scheme to eradicate a contagious or infectious disease;
 - II.2.3. come from holdings which have been free from any official prohibition on health grounds, for the last 42 days in the case of brucellosis, for the last 30 days in the case of rabies, for the last 15 days in the case of anthrax, and, have not been in contact with animals from holdings which did not comply with these conditions;
 - II.2.4. do not come from a holding nor have been in contact with animals from a holding in a protection zone which has been set up under Union legislation and which animals are prohibited to leave;
 - II.2.5. are not the subject of animal health measures pursuant to Union legislation on foot-and-mouth disease nor have been vaccinated against foot-and-mouth disease.
 - II.3. Based on the written declaration made by the keeper or an examination of the holding register and movement documents kept in accordance with Council Regulation (EC) No 21/2004, in particular in Sections B and C of the Annex to that Regulation, the animals have remained on a single holding of origin for a period of at least the last 30 days, or on the holding of origin since birth where the animals are less than 30 days old, and no animal of the ovine and caprine species has been introduced into the holding of origin during the last 21 days and no biungulate animal imported from a third country has been introduced into the holding of origin during the last 30 days, unless those animals were introduced in accordance with Article 4a(1) of Council Directive 91/68/EEC.

Excerpt 2

- II.8.1. At the time of inspection the animals covered by this health certificate were fit to be transported on the intended journey in accordance with the provisions of Council Regulation (EC) No 1/2005(3).



The ITAHC assures that animals have been inspected and are free of disease; that the holding from which they originate does not have any issues relating to disease; that they have been held at that holding for a set period of time prior to export; and that the animals are fit to be transported.

Failure to properly record the identity of animals being exported is extremely worrying from a disease control perspective. It is also a concern if it means that some animals are not being health checked by the Official Veterinarian for their fitness for transport.

Discrepancies in the number of animals loaded onto a vehicle could also make the difference between the law being complied with, or broken.

Inspectors need to compare figures in the journey plan and the ITAHC forms to ensure they tally with each other and with the number they record in the WIT32. All three forms should all be reviewed later for all consignments to check that animals have not been exported without proper health certificates.

6.0 Other areas of concern

6.1 Inspection of fully enclosed trailers

The EU Transport Regulation requires that, when animals are presented at exit points or border inspection points, official veterinarians shall check that the animals are transported in compliance with the Regulation and, amongst other requirements, that they are fit to continue their journey.

To ensure that the animals can be properly inspected, on the Inspection Checklist on WIT32 forms it asks “14. Is it possible to gain access to all the animals?”

It would seem unrealistic to tick the ‘yes’ box against this question when a fully enclosed trailer is being used.

On 8 occasions, animals were transported in fully enclosed trailers on which it must be questioned whether a proper inspection of the animals could have been carried out. Despite this, in instances where a fully enclosed trailer was used, this question was answered ‘yes’.



Above: Trailer OK 16 YN is fully enclosed and was used seven times in 2014



Above: Trailer OL 43 HY is also fully enclosed and was used once in 2014.

Fully enclosed trailers should not be permitted to pass unless it is possible to inspect all the animals. The box on the form indicating that it was possible to gain access to all the animals should not be ticked unless this is the case.

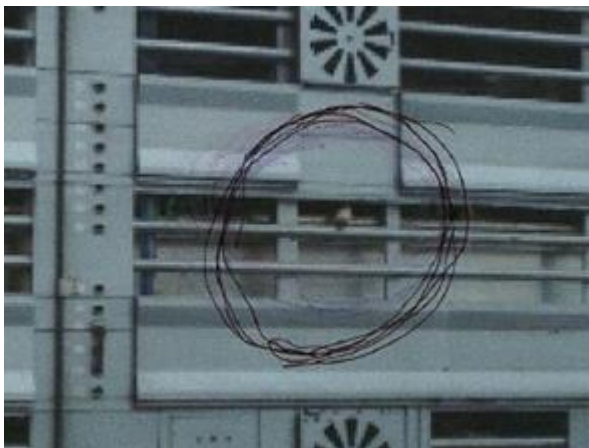
6.2 Unsatisfactory loading inspection leading to animal suffering and/or the issuing of statutory notices at portal inspections

On one occasion a statutory notice was served at the exit port relating to issues that should have been addressed prior to the point of loading. Had the loading inspection been carried out thoroughly these issues could have been rectified before animals went on to endure a long journey to the exit port which subsequently resulted in the consignment being refused and animals unloaded at a holding facility for export at a later date.

The vehicle in question was stopped at the port of Ramsgate at 11am on the 11th of July 2014, 13 hours and 20 minutes into its journey after it was noticed by the RSPCA that the legs of some sheep were stuck, protruding from the vehicle.

This will certainly have caused considerable pain and fear for the animals involved.

When the Vehicle Inspection Report (loading) was completed, it was stated on the form that the vehicle was free of gaps which could cause injury to animals. Clearly, this was incorrect. It is a serious concern that these gaps were overlooked by the inspector/veterinarian in question given the risk this presented to the animals loaded onto the vehicle. The gaps could clearly be seen by even a layperson, as illustrated in the photographs below, which were taken by protesters as the truck passed into the port.



On 20 occasions, the time of inspection is listed as at the same time, or after, the first animal was loaded. If these times have been recorded correctly it suggests that inspections may not have been sufficiently thorough. In the case mentioned here, the inspection clearly failed to ensure that the vehicle was suitable for the transport.

6.3 Excessive Redactions

When providing responses to Freedom of Information requests made by citizens and organisations concerned about the welfare of animals involved in live export APHA has repeatedly redacted documents in an excessive fashion. The below are just some examples where the reason for redaction is completely unclear and which we believe to be excessive in nature.

Some examples of redactions, for which there is no clear reason, include:

- 30.09.14 - OL 43 HY - Time of departure on ITAHC
- 29.08.14 - OF 68 RN - Time of departure on ITAHC
- 08.08.14 - OL 08 YZ - Total journey duration on Journey Log
- 24.07.14 - OF 68 RN - Partial redaction on date of arrival on Journey Log
- 06.05.14 - OF 68 RN - Date and time of first animal loaded on Journey Log
- 02.10.14 - OF 68 RN - Number of animals on ITAHC
- 02.10.14 - WV 40 LV - Number of animals on ITAHC
- 11.07.14 - OF 68 RN - estimate of journey time on ITAHC

Some of the additional instances noted where redactions appear excessive:

WIT32 associated with 29.08.14 OD 39 DD
The language in which a sign on the truck was written

Compliance Please provide details of any non-compliances on page 1.	No indication of Animals Board on Vehicle Sign in [redacted]
---	--

ITAHC associated with 30.9.2014 - OL 43 HY
The member state for which the animals were destined.

1.19. Transporter	
Name	[redacted]
Approval number	[redacted]
Address	[redacted]
Postal code / Region	Member state [redacted]
1.20. Number/Quantity	1.21. Number of packages

Journey Log associated with 10.01.14 - OJ 72 JZ
The name of the boat used for export was redacted - only one boat is used for these exports.

6.1 Shipping Company/Airline	6
6.1 Sheepvairt- /	6
[redacted]	
7.1 Full postal address, including po	

In the interest of transparency, where requests are made under the Freedom of Information Act it is inappropriate to redact information to such excess.

Appendix 1: The Enforcement Process

The inspection and certification process is laid out by Defra⁶. A simplified description, including all the key opportunities for enforcement, is provided below.

- 48 hours

**AHPA
office**

The exporter submits the Journey Log with page 1 filled in at least 48 hours before the journey to enable the authorities (the APHA) to check the following before the journey takes place:

- a. Whether the planned journey times including resting points are compliant with the legislation.
- b. Whether the planned stocking densities are legal.
- c. Whether requirements for feed, water and rest are in accordance with the legislation
 - i. The APHA stamps the office journey log and sends it to the Official Veterinarian once all these details have been checked.

- 24 hours
before
loading

On farm

The Official Veterinarian (OV), chosen by the exporter from an approved list, visits the farm up to 24 hours in advance of the journey, inspects all the animals for health status and fitness to travel, and fills in Intra Trade Animal Health Certificate(s) (ITAHC) forms. This provides an opportunity to check that all animals to be transported are fit to travel. The OV also notes the likely duration of the journey which should help them to consider whether all animals are robust enough for such a journey. The identities of all animals are checked and their identification numbers noted on the ITAHC form.

The OV is required to fill in an ET54 form listing animals which were not fit for travel to the intended destination and the reasons for this.

The rules state that the OVs should not inspect the animals until they are aware of the time and place of loading, the journey details and the destination for the animals. Defra guidelines state that the OV must be aware of “the length and nature of the journey on which the animals are to be transported because this would have a bearing on the animals’ fitness to travel on the intended journey.”⁷

**On the day
of loading**

On farm

On the day of the journey, prior to loading, an **Animal Health Inspector from APHA or a veterinarian** (inspector) visits the farm to check the animals before loading. This includes an opportunity to check:

- a. That all animals are still fit to travel.
- b. That the vehicle is suitable for the journey.
- c. That there is sufficient space for them.

⁶ Defra, 2011, latest update 2016. Trade from GB of cattle, sheep and pigs destined for fattening, production or slaughter in other EU member States Pre-export inspection, certification and related procedures. <http://ahvla.defra.gov.uk/documents/traces/sheep-goats/pre-export-procedure.pdf>

⁷ Defra, 2015, op cit.

**On the day
of loading**

**On farm
(cont.)**

The inspector fills in a **Vehicle/Livestock Inspection Report (WIT32)** which requires the inspector to confirm after checking the vehicle, the animals and the Journey Log that the proposed journey will be compliant with the legislation.

The **WIT32** form requires the inspector to carry out a range of checks including:

a. Check the vehicle for:

- ii. Floor area per tier.
- iii. An absence of sharp projections or gaps which could cause injury to the animals.
- iv. Sufficient lighting and adequate access to all animals for inspection
 - 1. Are animals able to stand naturally with room above for free air movement
- v. Adequate protection from adverse weather conditions.

b. Check that the animals appear fit for the journey

c. Journeys of over 8 hours the inspector should also check:

- i. That the watering system is in full working order and that the water level can be checked.
- ii. That the system is positioned so the animals can drink.
- iii. That sufficient feed is carried and is protected from contamination.
- iv. That the stocking density is compliant with legislation.
- v. That the vehicle has a navigation system.

d. Certain shipments are selected for an inspection during loading. In these cases, the inspector notes:

- i. The time the first animal is loaded and the estimated journey time.
- ii. Numbers of animals to go on each tier (from which s/he can determine whether the proposed stocking density on each tier is legal).
- iii. The number present for loading and the number loaded.
- iv. Whether rejected animals were identified on the ET54 form by the OV.

The inspector should also note whether rejected animals were noted on the **ET54 form** by the OV and what has become of these animals.

If there are problems, the inspector serves a statutory notice. There are two of these:

- **WIT08 Statutory Notice (Animal Welfare)**
- **WIT9 Statutory Notice (Means of Transport & Containers)**

In some cases, where a non-compliance with the transport container causes an animal welfare issue, e.g. gaps in the side through which the legs of animals may get trapped, both forms are filled in.

The following paperwork is, or may be, filled in for each lorry:

1. Journey Plan and Log (WIT07). Sections are filled in:

- a. Page 1 by the organiser (exporter) at least 48 hours in advance of a journey including information about
 - vi. *Numbers of animals, their estimated weights, whether weaned or unweaned.*
 - vii. *The space available for all the animals.*
 - viii. *The address and times of departure, scheduled resting points and destination.*
 - ix. *The estimated journey time.*
- b. Page 2 by the “keeper” after loading the animals at the point of departure and also by the inspector/veterinarian. The keeper notes:
 - x. *Date and time of first animal loaded.*
 - xi. *Number of animals loaded.*

The inspector/veterinarian also signs this page confirming that s/he has checked the fitness of the animals for transport and that the vehicle and transport practices were compliant with the EU Regulation. The inspector does not have to stay for loading (unless the shipment has been selected for inspection at loading).

- c. Page 3 by the “keeper” at the point of destination or by an Official Veterinarian. This confirms compliance with the Regulation during the journey including
 - xii. *Journey Log records including recorded journey times.*
 - xiii. *Space allowances.*
- d. Page 4 by the driver during the journey;
 - xiv. *Places and times for all rest stops, points of embarkation including all times of arrival and departure.*
 - xv. *Reasons for any changes to the original journey plan.*
 - xvi. *Numbers of animals who have died and reasons for death.*
- e. Page 5 is a specimen anomaly report filled in to log any non-compliances eg animals rejected as unfit for travel.

The journey plan is returned to Animal Health after the journey.

Sometimes more than one Journey Plan is filled in for different groups of animals on the same lorry.

2. Intra Trade Animal Health Certificate(s) (ITAHC) is filled in by the Official Veterinarian in advance of the journey. This includes:

- a. A list of all the animals and their ID codes
- b. A check on their fitness to travel
- c. An estimate of the journey times

3. Vehicle/Livestock Inspection Report from loading (WIT32) by the inspector (either an Animal Health employee or a veterinarian) just before loading to check:

- a. Fitness of animals for travel.
- b. Fitness of the vehicle for the journey.
- c. To check that the stocking density is compliant with the law.

4. Completion of ITAHC (Rejected Animals) (ET54).

These should be returned by the OV's in the event that they refuse some animals to be transported either because they are unfit to travel and/or due to their health status.

5. A second vehicle/Livestock Inspection Report from port (WIT32) is filled in on occasions when an additional check is made by and inspector or veterinarian at the port from which the animals are exported.

6. Statutory notices served (WIT08 and WIT09) are filled in when the inspector observes a non-compliance.

In these cases, an anomaly report should also be written up by the inspector in the Journey Log. WIT08 is for animal welfare infringements. WIT09 is for transport and container infringements. Examples of both are filled in on 11.07.14 for vehicle AN 647 CS due to a vehicle being used which risked trapping the limbs of the animals.