



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health and food audits and analysis

DG(SANTE) 2017-6107

FINAL REPORT OF AN AUDIT  
CARRIED OUT IN  
GERMANY  
FROM 26 JUNE 2017 TO 30 JUNE 2017  
IN ORDER TO  
EVALUATE ANIMAL WELFARE DURING TRANSPORT TO NON-EU  
COUNTRIES

*In response to information provided by the competent authority, any factual error noted in the draft report has been corrected.*

## ***Executive Summary***

*This audit took place in Germany from 26 to 30 June 2017 to evaluate the suitability and effectiveness of the measures in place to prevent causing any unnecessary pain, suffering or injury to animals during long distance transport by road to non-EU countries. In particular, the audit sought to identify the measures taken by competent authorities, organisers and transporters to allow the export of live animals to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned.*

*The measures in place provide satisfactory assurances that exports of live animals until the final place of destination in the non-EU country operate smoothly, and that these journeys are correctly planned and carried out in line with animal welfare requirements, preventing unnecessary pain, suffering or injury to the animals.*

*The Länder have agreed on a Handbook that provides information and implementing instructions for official controls and is a good tool to help in having effective and consistent performance of official controls throughout Germany and to provide better animal welfare during transport. The Handbook includes some points that are considered good practice, including some that go beyond EU requirements. These points have a positive impact on animal welfare during transport. However, some of the guidance that goes beyond EU requirements is not applied in all Länder.*

*The Handbook requirement to carry out inspections of 100% of consignments for export at the moment of loading was correctly implemented and performed, and enables the competent authority to verify a much wider number of requirements in addition to the animals' fitness for transport. This is considered a good practice.*

*While the systems in place minimise the probability of unexpected long delays at the EU's external border, these delays may still happen for reasons beyond the control of the authorities at the place of departure. In the event of such delays, the transporters' contingency plans do not provide adequate assurances to meet the animals' needs for rest, food and water when blocked at the border, and that these animals are not caused unnecessary suffering.*

*Currently the certificates of approval issued in Germany do not indicate whether a vehicle is suitable for the transport of unweaned calves. As a result, there is the risk that unweaned calves do not have access to liquids nor be fed, if necessary, during long distance journeys starting from some Länder in Germany, or another Member State.*

*The report makes recommendations to the German authorities aimed at rectifying the shortcomings identified and enhancing the implementation of control measures.*

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## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

<b>Abbreviation</b>	<b>Explanation</b>
BMEL	Federal Ministry of Food and Agriculture <i>(Bundesministerium für Ernährung und Landwirtschaft)</i>
BVL	Federal Office for Consumer Protection and Food Safety <i>(Bundesamt für Verbraucherschutz und Lebensmittelsicherheit)</i>
CA	Competent authority
EU	European Union
NCP	National Contact Point for issues related to animal welfare during transport.
SNS	Satellite Navigation System
Traces	Trade Control and Expert System

## **1 INTRODUCTION**

This audit took place in Germany from 26 to 30 June 2017 as part of the planned audit programme of DG Health and Food Safety. An opening meeting was held with the German competent authorities on 26 June 2017. At this meeting, the objectives of, and itinerary for, the audit were confirmed by the audit team and additional information required for the satisfactory completion of the audit was requested.

The audit team comprised two auditors from DG Health and Food Safety and a national expert from Greece. Representatives from the Federal Office for Consumer Protection and Food Safety (BVL - *Bundesamt für Verbraucherschutz und Lebensmittelsicherheit*), Germany's national contact point (NCP) within the meaning of Regulation (EC) No 1/2005, accompanied the audit team throughout the audit.

## **2 OBJECTIVES AND SCOPE**

The objective of the audit was to evaluate the suitability and effectiveness of the measures in place to prevent causing any unnecessary pain, suffering or injury to animals during long distance transport by road to non-EU countries.

In particular the audit sought to identify the measures taken by competent authorities, organisers and transporters to allow the export of live animals to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned.

The scope of the audit included:

- National measures and, where relevant, any national policies on the welfare of animals during transport, in particular in the context of exports from the EU; and
- Official controls on the welfare of ruminants (cattle, sheep and goats) during transport to non-EU countries, including the system for certifying the health status of such animals, and their outcomes, in particular controls prior to and after the journey; and
- Other activities having an influence on the welfare of ruminants (cattle, sheep and goats) intended for transport to non-EU countries.
- A review of documents relevant to reach the objectives of the audit for the period January 2015 – April 2017.

The main legal requirements are included in:

- Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations;
- Council Directive 96/93/EC on the certification of animals and animal products, where applicable;
- Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

In pursuit of the objectives, the following meetings were held:

<b>Meetings with Competent Authorities</b>			<b>Comments</b>
Competent authority	Central	2	Opening and closing meeting
	Other	4	<i>Länder</i> and local authorities of North Rhine-Westphalia and Brandenburg
<b>Site visits</b>			
Transporter's company headquarters		1	Regularly carrying out long distance transports to non-EU countries
Assembly Centre		1	Frequent departure point of live cattle to non-EU countries

### **3 LEGAL BASIS**

The audit was carried out under the general provisions of EU legislation and in particular Article 28 of Regulation (EC) No 1/2005 on the protection of animals during transport and related operations, and Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

EU legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.

### **4 BACKGROUND**

Enforcement of animal welfare requirements during transport remains a challenge. There have been several reports to the Commission of long delays of live animal transports at the EU land border with Turkey. After a sudden drop in exports to Turkey between 2012 and 2013 this trade has been increasing significantly in recent years. The number of live ruminants exported to Turkey in 2016 (more than 290,000) has surpassed the numbers for 2011 (more than 280,000). In response to these reports, complaints from non-governmental organisations and following a meeting with national contact points, the Commission services wrote to all Member States in June 2016 (hereafter: "letter to the CVOs of June 2016") urging them to improve official checks in this area. The letter emphasised the importance of proper planning of long distance journeys, with particular focus on: adequate contingency planning; temperature requirements; and the provision of sufficient water, feed and bedding for the duration of these long journeys.

To follow up on this issue, DG Health and Food Safety planned a series of audits for 2017 and 2018 to identify activities that are suitable and effective in improving animal welfare during long distance transport to non-EU countries. The Commission will share the outcomes from these audits with all Member States in order to help with the uniform application of Regulation (EC) No 1/2005. This audit to Germany is the third in the series.

The table below shows data about live animal exports from Germany recorded in the Commission's Trade Control and Expert System (Traces).

<b>Number of long journey consignments for export from Germany</b>		
January 2015 to April 2017	Cattle	5,552
January 2016 to April 2017	Sheep	24
	Goats	7
<b>2016</b>		
Cattle consignments for export		2,537 (38 % to Turkey)
Subjected to animal welfare checks (%) – anywhere along the journey but mostly at the exit point from the EU		>2,200 (>87%)
Transported by	transporters authorised by Germany	49.2%
	transporters authorised by Poland	17.9%
	transporters authorised by Hungary	13.9%
	transporters from 15 other Member States	19%
Total consignments reported with animal welfare non-compliance (%)		103 (4.1%)
Main non-compliances reported, by category:		
Other		55
Travel times exceeded		33

Traces includes a list of specific non-compliances that can be selected for inclusion in this reporting, e.g.: stocking density exceeded; problems with the means of transport; mishandling/ negligence/unfit/dead animals; and a few more. "Other" non-compliances is the option available to report about animal welfare non-compliances not specified on the list. Checks at the Bulgarian exit point have to use this option most of the time, mainly to indicate: inadequate bedding and/or travel time likely to be exceeded before the end of the ongoing journey.

The two *Länder* selected for the audit (Brandenburg and North Rhine-Westphalia) were responsible for over a third of the total consignments of cattle exported from Germany in 2016.

Previous audits to Germany on animal welfare during transport (reports reference nr: DG(SANCO)/2008/7764 and 2012/6380) identified a few shortcomings and made recommendations to address them and enhance the control systems in place. Those recommendations have since then been addressed and auditors from DG Health and Food Safety and national experts from other Member States have identified good practices on official controls on transport during these, and later<sup>1</sup>, visits to Germany.

The country profile of Germany describes the structure of the competent authorities and the organisation of official controls on animal welfare during transport. It is accessible at: [http://ec.europa.eu/food/audits-analysis/country\\_profiles/details.cfm?co\\_id=DE](http://ec.europa.eu/food/audits-analysis/country_profiles/details.cfm?co_id=DE)

## 5 FINDINGS AND CONCLUSIONS

### 5.1 DESCRIPTION OF OFFICIAL CONTROLS

#### Legal requirements

Regulation (EC) No 882/2004, Regulation (EC) No 1/2005, Directive 96/93/EC.

#### Findings

1. The Federal Ministry of Food and Agriculture (BMEL - *Bundesministerium für Ernährung und Landwirtschaft*) is the central competent authority for animal welfare but the implementation of animal welfare legislation on animal transport is the responsibility of the competent authorities of each *Länder*.
2. BMEL has provided funding for a number of workshops by the World Organisation for Animal Health which took place in Russian speaking countries along the German export routes, aimed at competent authorities of those countries with the theme of animal welfare on long journeys.
3. The Animal Welfare Working Group (*Arbeitsgruppe für Tierschutz*) of the working groups for Consumer Health Protection (*Länderarbeitsgemeinschaft Verbraucherschutz Arbeitsgruppen*) is the major driver in the development of inter-*Länder* documented procedures for official controls on animal welfare. The presidency rotates according to the selection of a new presidency *Land*, with the Federal level invited to the working group meetings.
4. The Animal Welfare Working Group has developed detailed implementing instructions for Regulation (EC) No 1/2005 (and national legislation) in the form of a Handbook for Animal Welfare during Transport (hereafter "Handbook"). The Handbook can assist *Länder* officials in carrying out their tasks correctly and consistently as required by Art. 4(4) of Regulation (EC) No 882/2004. The Handbook is available online through a federal database.
5. The Animal Welfare Working Group periodically updates the Handbook with the most recent update in November 2015 and exchanges are currently ongoing for another update. The main changes in 2015 concerning the approval of long-distance vehicles, were on availability of drinking devices suitable for the species transported, permissible loading space height, requirements for direct access to the animals during transport (lateral access openings) and the professional assessment of elevations in the floor surface (wheel arch covers). In addition an annex to the chapter on transport accidents

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<sup>1</sup> See also the overview report DG(SANCO)/2014-7350 on Study visits to improve Member State controls on animal welfare during transport.



was included in the form of a checklist. A few points of particular interest from the Handbook (see also paragraphs 12, 13, 23) were the instructions relating to:

- Procedures to be followed for contingency planning for emergency situations involving animals, such as road accidents. This includes detailed checklists, step-by-step instructions, material required for an emergency kit, contact lists and reporting forms. This was considered a good practice;
  - Procedures and checklists for vehicle approval, which gave detailed specifications supported by scientific evidence, when appropriate, provided by one of the national research centres for animal health (*Friedrich-Loeffler-Institut*). This was also considered a good practice.
6. The Handbook is a consensus document agreed between the *Länder* which contains implementing instructions on the checking and clearance of animal transports that is not in itself a binding document. For it to be binding and enforceable it needs to be incorporated into *Länder* level legislation, this had been done in one of the two *Länder* visited. The Handbook also includes some instructions for procedures/actions which go beyond the requirements of Regulation (EC) No 1/2005 that are not a 'must' but a suggested procedure/action. Two such Handbook instructions that were not followed in the *Länder* visited were:
- Using the drivers' social hours/rest times as another way to confirm the plausibility (sufficient drivers allocated to respect their social hours for the whole journey and competence certificates for all of them, 45 minutes stop for driver rest after 4h30 unless switching with second driver, third driver added at 20h and so on) of the journey (in both *Länder*).
  - Journey plans for long distance transport of unweaned calves were approved, contrary to the indication in the Handbook that long transport of unweaned calves (lambs and kids) should be refused during the required rest/feeding period as long as current technology does not allow for them to be fed adequately during transport (in one *Länder*).

The local competent authorities (CAs), and *Länder*, stated that these two instructions in the Handbook were not a 'must'. Additionally they stated that the drivers are the ones responsible for respecting the social hours, and the police for enforcement.

7. Specific provisions of the Turkish authorities for export of live cattle from the EU are in the 'Veterinary health certificate for the exportation of domestic bovine animals intended for breeding from EU Member States to the Republic of Turkey'. Export certificates that are agreed between Germany and non-EU countries, or officially notified by those countries to Germany, are placed in the central Animal Disease Reporting System and are consulted there as part of export processing.
8. For some countries there are no government level agreed or notified certificates and it is the importer from that country that provides the model health certificate to be issued.

9. Official veterinarians at local level issue and stamp the veterinary certificates. Any relevant information on export restrictions (e.g. in the case of animal diseases) and decrees/orders is sent to the local CA through official channels.
10. The table below lists the activities carried out by the German competent authorities during the transport of animals over long journeys to non-EU countries:

Necessary certification before a journey can be planned	Local CA: Transporter authorisation; Driver's certificate of competence; Vehicle approval.
Planning a journey	Done by the organiser and submitted to the local CA
Evaluation of the organiser's request to export animals	Local CA: Journey plan and relevant documents; Animal health documentation.
Prior to departure	Local CA: Stamping the journey log; Signing animal health certification; Inspection for fitness for transport; Vehicle inspection.
Retrospective checks	Local CA: Returned journey logs; Returned Satellite Navigation System (SNS) data.
Communication of issues with other countries and organisations	BVL: NCP for issues related to animal welfare during transport for EU member states and Switzerland. BMEL: For non-EU countries including animal health during export.

11. The documented procedures for the authorisation of transporters, vehicle approval, animal health certification for export, evaluation of journey plans, inspection prior to departure and retrospective checks are detailed enough and generally suitable in achieving the requirements of Article 8(1) of Regulation (EC) No 882/2004.

## 5.2 TRANSPORT CONDITIONS

### Legal requirements

Articles 14, 15, 18 and 26 and Chapters II, III and VI, Annex I of Regulation (EC) No 1/2005.

### Findings

12. According to the Handbook, fitness for transport is to be checked at the moment of loading for 100% of the consignments destined to non-EU countries. The audit team saw evidence that the local CAs carry out these checks in both *Länder* visited. Always checking fitness at the moment of loading is considered a good practice and goes beyond the requirements of Article 15 of Regulation (EC) No 1/2005 under which it is not mandatory to carry out systematic checks at the moment of loading.

13. Another good practice is that the Handbook requires that a supervising official veterinarian is present at 100% of loadings for export and checks the:

- Maintenance conditions of the vehicle and if there is sufficient space above the animals (Annex I, Chapter II, points 1.1 and 1.2 of Regulation (EC) No 1/2005);
- Handling of the animals (Annex I, Chapter III of Regulation (EC) No 1/2005);
- Presence of an adequate supply of water and feed, and appropriate bedding for the animals (Annex I, Chapter VI, points 1.2, 1.3, 2.1 and 2.2 of Regulation (EC) No 1/2005).

The audit team saw an on-site demonstration of how these checks are performed, accompanied by correct explanations of how each point of relevance is verified.

14. The validity and correctness of the transporters' authorisations, the vehicles' approvals and the drivers' certificates of competence (Article 14(1)(a)(i) of Regulation (EC) No 1/2005) are verified by the local CA when the application for the journey is received. It is also confirmed during the verification at the moment of loading

15. Regarding the vehicle's conditions:

- The stocking density (Annex I, Chapter III, point 2.1 of Regulation (EC) No 1/2005) is checked during the administrative checks, and verified during loading;
- Local competent authorities generally require a technical opinion from vehicle test engineers from semi-private accredited vehicle inspection and certification bodies and, taking into account the specialised technical knowledge required this is considered a good practice. In the two *Länder* visited all local CAs except one, followed this procedure. BVL confirmed that the local authorities in some other *Länder* inspect and approve vehicles without this specialised technical opinion. When renewing the 5-year approval (Article 18 of Regulation (EC) No 1/2005) the full range of checks carried out for a new vehicle approval is also performed;
- Neither of the *Länder* visited had issued vehicle approval certificates with a distinction between categories of bovine animals (e.g. Adult cattle, weaned/unweaned calves). Approval certificates state simply "Bovine animals" without indicating if the vehicles are appropriate for unweaned calves. Therefore unweaned calves may be transported on vehicles that are inadequate for this category of animal, with the biggest risk being their inability to access liquids due to unsuitable drinking devices (Annex I, Chapter VI, point 2.2 of Regulation (EC) No 1/2005);
- However, one of the *Länder* visited provided evidence of making that distinction between categories of pigs (approval certificate was for 'pigs and piglets');
- The main section of the Handbook about vehicle approval also does not refer to unweaned calves. One annex to the Handbook does explicitly mention unweaned

calves in connection with approval while this distinction is not made in the Handbook template for the vehicle certificate.

16. Regarding temperature, the audit team saw evidence that the local CA:

- Checks the predicted temperatures at the place of destination when evaluating the journey plan (as indicated in the letter to the CVOs of June 2016) and requires the organiser, where appropriate, to reduce the planned stocking density (Annex I, Chapter VII, point B of Regulation (EC) No 1/2005) accordingly;
- Takes temperature at the place of destination into consideration also during the on-site inspection at the time of loading, requiring, if needed, that the loading be delayed in order to avoid excessively high temperatures.

#### **Conclusions on transport conditions**

17. The policy of carrying out inspections of 100% of consignments for export at the moment of loading enables the competent authority to verify a much wider number of requirements in addition to the animals' fitness for transport. This systematic official verification at the moment of loading was correctly implemented and performed and is an additional contribution to prevent unnecessary pain, suffering or injury to animals during long distance transport by road.
18. The current system for certification of approved vehicles does not sufficiently distinguish the types of vehicle appropriate for different categories of bovine animals. As a result unweaned calves may be transported in vehicles with unsuitable drinking devices and may not have access to liquid nor be fed, if necessary, during long distance journeys.

### **5.3 RESTING**

#### **Legal requirements**

Articles 14, 15 and 26 and Chapter V, Annex I of Regulation (EC) No 1/2005.

#### **Findings**

19. Proper planning of long journeys is essential to ensure respecting the time limits and rest periods for animals on long journeys. BVL sends the *Länder* information of relevance for the local CAs to evaluate and approve the planning of long journeys. The audit team saw information sent concerning namely: working hours of the Turkish border control point, expected high temperatures in Bulgaria, closure of a control post in Bulgaria used by transporters exporting animals to Turkey.
20. The Handbook indicates that the journey plan should be submitted to the local CA at the latest two working days before loading (Annex II, point 3(b) of Regulation (EC) No 1/2005), and checked for plausibility. This plausibility check includes authorisation of

the transporter, approval of the specified means of transport, the qualifications of the driver(s) and the details of the transport journey (route and resting times as well as the planned stops in control centres). If inconsistencies or non-compliances with EU requirements are identified during this review, the competent authority requires the organiser to modify the journey planning (Article 14 of Regulation (EC) No 1/2005).

21. The planning of long distance transport covers the entire transport process until the final place of destination (Article 14 of Regulation (EC) No 1/2005), even if it is a non-EU country, as indicated in the Handbook and in line with the European Court of Justice ruling of 23 April 2015 in Case C-424/13.
22. Local CAs check the plausibility of the proposed journey plan using an online route planner with proper consideration of the speeds achievable by a 40 ton vehicle on the type of roads travelled.
23. The Handbook also indicates that:
  - Booking confirmation of the control post(s) shall be submitted with the journey plan, as additional evidence of proper planning of the journey. This was being requested and checked by the local CAs met by the audit team, and is considered a good practice;
  - 1h30 shall be considered for controls at EU exit points when the transport reaches these places during working hours. The local CAs stated that when evaluating the journey planning for Turkey they allocated instead between five to eight hours. This is in line with information provided to the Commission that the border checks between Bulgaria and Turkey require at least six hours.
24. Regarding retrospective checks to verify that the travelling and resting times to provide water, feed and rest to the animals have been respected (Articles 15(1) and (4) of Regulation (EC) No 1/2005):
  - 100% of the journey logs are requested to be returned for checks. One local CA indicated that a lot of effort is made to have all the journey logs returned, that over 90% are indeed obtained, and that these checks generally do not reveal non-compliances with travelling and resting times;
  - This same local CA stated that all notifications of non-compliances registered via Traces are followed-up. However, this CA also stated that the non-compliance data as reported in Traces frequently does not provide sufficient details to allow it to properly identify the non-compliance, investigate the cause and take enforcement measures if relevant;
  - SNS data is requested and checked in an ad-hoc manner. Namely, when there is missing information in the journey log, or non-compliance is detected or notified.
25. With regard to exchanges with other Member States linked to retrospective checks (Article 15 of Regulation (EC) No 1/2005) or because of non-compliances (Article 26 of

Regulation (EC) No 1/2005) during transports for export, for the period January 2015 – April 2017:

- Most of the notifications sent by the German NCP to other Member States' NCPs related to:
  - a. transporters (mainly from Poland followed by Hungary) that had not returned the completed journey log and/or SNS data after one or more requests from the German local CA of departure. The NCPs' activities generally resulted in obtaining the requested journey logs/SNS data; and
  - b. requests for information or clarification (mainly to Bulgaria followed by Poland). Also generally obtaining the requested information/clarification;
- Most of the notifications (approximately 70%) received by the German NCP from other Member States' NCPs came from Bulgaria;
- The notifications from Bulgaria originated from checks carried out at their EU exit point to Turkey (exit point for approximately 1/3 of the cattle consignments exported from Germany during this period). The notifications were sent to Germany because it was the departure point for the consignments and/or because the transporter was authorised by Germany. These notifications related mainly to: travel times that had been exceeded and dirty bedding.

### **Conclusions on resting**

26. The system in place provides satisfactory assurances that there are planned arrangements to provide feed, water and rest to the animals until the final place of destination in the non-EU country to prevent causing unnecessary suffering to animals during long distance transport by road.
27. The retrospective checks performed on journeys with reported non-compliances generally confirmed that the planned arrangements could meet animals' needs for rest, feed and water and reported non-compliances had not been caused by inadequate planning.

## **5.4 UNEXPECTED DELAYS AT THE BORDER**

### **Legal requirements**

Articles 3 and 11 of Regulation (EC) No 1/2005,  
Articles 3, 4, and 5 of Directive 96/93/EC.

### **Findings**

28. The official veterinarians demonstrated, during a loading inspection, that the system in place provided all the information and certificates (e.g. laboratory tests, animal insemination certificates, veterinary pre-export certificates, etc) necessary to sign the veterinary health certificates, in line with the principles of Directive 96/93.
29. Local CAs have no indications that any delays occurred at the border because of problems with animal health certificates. BMEL stated that from January 2015 to April 2017 it had received a total of one notification related to animal health in connection with cattle, sheep or goats exported.
30. A template contingency plan for long journeys is included in the Handbook. This same template was used by a transporter as the basis to draft a plan for his company and was overall a good contingency plan. The contingency plan is carried in the transport vehicle which is a good practice.
31. The contingency plan (Article 11(1)(b)(iv) of Regulation (EC) No 1/2005) nevertheless did not adequately deal with unexpected long delays at the border, in particular, how to obtain and provide bedding, feed and water to animals at this location. This is not requested by the local CAs when evaluating the transporters' contingency plans, contrary to what is also suggested by the Commission in its letter to CVOs of June 2016. Arrangements to meet the animals' needs in the case of unexpected long delays at the border are therefore not adequately in place contrary to Article 3(a) of Regulation (EC) No 1/2005.
32. The transporter explained that it was possible (and how) to obtain water and buy feed even if the truck was blocked for an extended period in no-mans' land between Bulgaria and Turkey. The transporter also stated that, when transporting animals to Turkey, the timing of the journey is organised in order to have the animals rested and present for the border controls before the opening time of the Turkish veterinary controls (as indicated in the letter to the CVOs of June 2016). This is considered a good practice that provides for more time for these checks and attempts to avoid the hottest part of the day.

### **Conclusions on unexpected delays at the border**

33. The system in place to issue animal health certificates provides sufficient support for official veterinarians tasked with signing veterinary health certificates. It helps the export of live animals to operate smoothly, preventing problems with certificates, which could cause rejections or delays in entering non-EU countries.
34. Contingency plans set up by transporters do not include adequate measures to provide bedding, feed and water to the animals in the eventuality of unexpected long delays at the border and the competent authorities do not require for that to be included. There are, therefore, inadequate assurances that the needs of animals blocked at the border can be met and that these animals are not caused unnecessary suffering.

## **6 OVERALL CONCLUSIONS**

The measures in place provide satisfactory assurances that exports of live animals until the final place of destination in the non-EU country operate smoothly; and that these journeys are correctly planned and carried out in line with animal welfare requirements; preventing unnecessary pain, suffering or injury to the animals.

The *Länder* have agreed on a Handbook that provides information and implementing instructions for official controls and is a good tool to help in having effective and consistent performance of official controls throughout Germany and to provide better animal welfare during transport. The Handbook includes some points that are considered good practice, including some that go beyond EU requirements. These points have a positive impact on animal welfare during transport. However, some of the guidance that goes beyond EU requirements is not applied in all *Länder*.

The Handbook requirement to carry out inspections of 100% of consignments for export at the moment of loading was correctly implemented and performed, and enables the competent authority to verify a much wider number of requirements in addition to the animals' fitness for transport. This is considered a good practice.

While the systems in place minimise the probability of unexpected long delays at the EU's external border, these delays may still happen for reasons beyond the control of the authorities at the place of departure. In the event of such delays, the transporters' contingency plans do not provide adequate assurances to meet the animals' needs for rest, food and water when blocked at the border, and that these animals are not caused unnecessary suffering.

Currently the certificates of approval issued in Germany do not indicate whether a vehicle is suitable for the transport of unweaned calves. As a result, there is the risk that unweaned calves do not have access to liquids nor be fed, if necessary, during long distance journeys starting from some *Länder* in Germany, or another Member State.



## 7 CLOSING MEETING

A closing meeting was held on 30 June 2017 with representatives of the competent authorities, at which the main findings and preliminary conclusions of the audit were presented by the audit team. The competent authorities provided some comments concerning Traces and difficulties with using it, the approval of vehicles and identification of categories of animals, and on the implications of the wording in German used in the Handbook with regards to the verification of the social hours for the drivers.

## 8 RECOMMENDATIONS

The competent authorities are invited to provide, within 25 working days of receipt of the report, an action plan containing details of the actions taken and planned, including deadlines for their completion, aimed at addressing the recommendations set out below:

No.	Recommendation
1.	<p>To correct the current system for approving vehicles for transport of bovine animals so that the suitability of the vehicles' drinking systems for different categories of bovines (weaned versus unweaned calves), required by Annex I, Chapter VI, point 2.2 of Regulation (EC) No 1/2005, is identifiable from the vehicle approval certificates.</p> <p>Recommendation based on conclusion 18.</p> <p>Associated finding: 15, 3<sup>rd</sup> bullet.</p>
2.	<p>To ensure that contingency plans of transporters exporting live animals include measures to meet the animals' needs for bedding, feed and water in the eventuality of unexpected long delays at the border as required by Articles 3(a) and 11(1)(b)(iv) of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion 34.</p> <p>Associated finding: 31.</p>

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

[http://ec.europa.eu/food/audits-analysis/rep\\_details\\_en.cfm?rep\\_inspection\\_ref=2017-6107](http://ec.europa.eu/food/audits-analysis/rep_details_en.cfm?rep_inspection_ref=2017-6107)

## ANNEX 1 – LEGAL REFERENCES

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
Dir. 96/93/EC	OJ L 13, 16.1.1997, p. 28-30	Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products