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Dr Bernard van Goethem  
Director  
European Commission  
DG Health and Consumers  
Rue de la Loi 200  
Office B232 3/85  
B-1049 Brussels  
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30 June 2010

Dear Bernard

**COUNCIL REGULATION (EC) No. 1/2005**

I attach the United Kingdom's return of enforcement activity (Annex A) as required by Article 27 of the Regulation, along with a breakdown of enforcement action taken (Annex B).

Also enclosed are details of the United Kingdom's Action Plan on enforcement activity (Annex C) together with a breakdown of the reported numbers of compliance checks and non compliances (Annex D) for each Animal Health Office in Great Britain, and for Northern Ireland.

I am copying this letter and enclosures to Agneta Norgren.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nigel Gibbens". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Nigel Gibbens  
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**ANNEX B**

**Breakdown of Enforcement Action Taken by the  
United Kingdom in 2009**

	<b>Total</b>
Oral Warnings	1,888
Written Warnings	683
Statutory Notices Issued	472
Home Office Cautions	8
Prosecutions	22
Authorisation suspended	1
Authorisations made conditional	2
Authorisations refused	2

*Figures regarding enforcement action taken may relate to more than one infringement discovered during the same inspection.*

## **ANNEX C**

### **COUNCIL REGULATION (EC) No. 1/2005 ANALYSIS AND ACTION PLAN ON UNITED KINGDOM'S 2009 REPORT ON ENFORCEMENT ACTIVITY**

Along with this Return of Enforcement Activity, Article 27 requires Member States to identify the major deficiencies found and an action plan to address them.

The enforcement data in our annual report is produced by the Animal Health agency collating information from a variety of sources including their Divisional Offices, who in turn manually collect the information from Local Authorities in their area to consolidate with their own enforcement activity. This is a time consuming exercise.

The overall picture for 2009 is that non compliances, including from documentary checks, have fallen to 2.57% from 2.85% in 2008.

An analysis of Annex A shows that, excluding 539 documentary infringements, there were 3,177 (2.29%) welfare non compliances out of 138,986 inspections. Looking at the reported enforcement actions taken, Annex B, and comparing with reported non-compliances in Annex A, no action was considered necessary in only 110 (4%) of the reported infringements. Of the remaining 3,067 infringements where some form of action was taken, 1,888 (62% of all infringements) were fairly minor cases requiring only oral warnings to be given, leaving 1,179 infringements warranting more formal action ranging from written warnings to ( ) prosecutions. This more formal action represents just 1% of all inspections carried out.

Annex D is a breakdown of the reported numbers of compliance checks and non compliances for each Animal Health Divisional Office in Great Britain and for Northern Ireland. This shows that whilst the overall United Kingdom non compliance rate is low, the observed non-compliance rates are relatively high (taken as being 5% or over) in the areas covered by the Animal Health Divisional Offices at Bury St Edmunds, Carlisle, Chelmsford, Galashiels, Leeds, Perth, Taunton, Truro and Worcester.

As a result, Local Authorities in these areas were contacted to provide a more detailed breakdown of the types of infringements found during inspection and to indicate what actions they were planning to reduce the non compliance rate observed in their areas.

Examples of actions taken by individual offices include:

1. On each occasion where infringements were found, oral advice was given in addition to any written advice. Other actions taken included follow up visits to farms as necessary according to risk.
2. Hauliers were interviewed to remind them of the need to carry certificates of competence and make sure that they have the correct documentation including Animal Transport Certificates where required. This helped to make drivers aware of the current legislation but also highlighted that not all had obtained the Certificate of Competence.
3. At each market, the Local Authority inspected a number of livestock carrying vehicles and gave verbal advice for minor infringements. This is usually sufficient

action to rectify the problem. During 2010, the Local Authority is continuing with this policy but is planning to carry out more road stops during transport.

4. A business plan has been created which includes the identification of those who are at the highest risk of failing to comply with Trading Standards law secondly, putting measures into place to increase their compliance. Any new hauliers are visited to ensure they are aware of their responsibilities.

The offices with a high non compliance rate are aware of the problems with compliance and are dealing with them and are all very confident that their rate will reduce during 2010. Overall the enforcement actions taken under 1/2005 in the UK resulted in 8 Home Office Cautions issued and 22 prosecutions (24 offences). The prosecution offences included animals transported in a manner that caused or was likely to cause injury or unnecessary suffering (10 offences), animals unfit to be transported (5 offences), containers too small or otherwise in breach of IATA Regulations (5 offences), transporter had no Authorisation (1 offence), no Article 4 documentation (1 offence), journey time exceeded (1 offence) and failure to have trained and competent personnel transporting animals (1 offence). Of the 22 prosecutions, seventeen transporters were fined between £100 and £6,000. Two transporters were given 3 year conditional discharges, one an 18 month conditional discharge, one accepted a formal caution and one was given an absolute discharge.

Defra Animal Welfare Division  
June 2010