

Clarification and justification with regard to reporting animal transport operations

Animals transported

- The data requested in this section of the report are registered by the Commission, TRACES department. The certificates are only available on paper in NL (approx. 80 000 per year) and are entered in TRACES after the departure of the transport. TRACES has been used since 2007 and the certificates are registered centrally in NL. NL retrieved data from TRACES in order to be able to complete this section of the report.
- The data under "export" relate to all live animals (whether for slaughter, production or breeding) and relate to exports to third countries (thus not intra-Community trade in animals).
- The data under "import for breeding" relate to imports from third countries (thus not intra-Community trade in animals coming from other EU countries).
- The data under "slaughtered" relate to the number of animals slaughtered. This will be a slight under-estimation as a small proportion of the animals transported to the slaughterhouse are not actually slaughtered¹.

Number of inspections

- The data under "during transport by road" are purely for the number of means of transport (total and broken down by animal category). It is not possible to provide data on the numbers of animals as the inspections are carried out on the means of transport. In these inspections it is not standard procedure to record the number of animals in each means of transport. This is only done in about half of the inspections (see below). The data in the report thus relate to the numbers of means of transport per animal category. This must be taken into account when considering the calculations in the report.
- The data under "at the place of destination" relate to:
 - Veterinary checks (tracking and tracing whether the animals did actually arrive at the place of destination in line with the data furnished in TRACES). Animal welfare is an element of these checks. These are random rather than systematic checks.
 - Checks at the slaughterhouse. These are permanent checks in which all animals undergo an ante mortem inspection. In every case, fitness for transportation and other welfare aspects are examined. These data are the same as "animals transported – slaughtered" (row 6). Inspection of the means of transport is not a standard element of these checks, although random inspections are carried out.
 - Complaints forwarded by the duty veterinarian to the AID (*Algemene Inspectiedienst* / General Inspection Service) relating to animal transport at slaughterhouses and export assembly centres.
- The data under "at place of departure" consist of a number of types. All animal shipments to destinations outside the Netherlands, whether direct from the farm or from export assembly centres, are inspected before a health certificate is issued. In the Netherlands these inspections take place during or immediately before loading, and the vehicle too is always checked at the same time. The data are recorded, however, on the basis of the number of animals and not on the basis of the number of vehicles. The number of vehicles is therefore not known. In addition to the veterinary certification inspection, there are also inspections carried out by joint AID-VWA teams (VWA = the Dutch Food and Consumer Product Safety Authority). In 2008 these joint teams inspected 93 vehicles at the departure point, hence the figure of 93.

¹ Translator's note: Would this not give a slight OVER-estimation rather than a slight UNDER-estimation??

- NL has no active staging points, hence there are no inspections carried out.
- No or virtually no animals for human consumption are transported to or from the Dutch transfer points, hence there are no inspections carried out. However, animals for top sport (specifically horses) may be transported.
- The data under "documents checked" relate to the journey logs. It is not possible to provide the data per animal category as this would demand manual examination of the approximately 8000 log books per year. Nevertheless, for the most part the data relate to pigs. Moreover, this is not a complete overview of all document checks. The number given here relates only to post-journey log checks, as all transport operations are inspected prior to departure (see comment at "at place of departure"), including all the documentation. Once again, this is registered per animal and not per transport or per document.

Number of infringements

- Under "at place of departure" there are only 5 infringements noted. These relate only to the 93 checks by the joint AID-VWA teams in connection with farm certification. This is not to say that no further infringements are observed during the export certification inspections, but that these are not recorded. All cross-border transport operations, whether direct from the farm or from export assembly centres, are inspected before a certificate is issued. The transporter is refused an export certificate if the means of transport and/or the animals fail to meet the requirements (and thus has no permission to depart). However, no record is kept of the number of certificates refused and the number of certificates issued after corrective measures have been taken. As NL enters the information in TRACES *a posteriori*, there is also no way of retrieving this information from a computer system with pre-notifications or the like.
- Under "at place of departure" there are 5 no infringements².
- The inspections at markets were focused on the transporter and are included under the "number of inspections during transport by road". Infringements by transporters at the markets are included under the "number of infringements at place of departure".
- There are no infringements under "at staging points" and "at transfer points". No or virtually no animals for human consumption are transported to or from the Dutch transfer points. NL has no active staging points. In addition, the same system applies as that applying under "at place of departure".
- The data under "documents checked" cannot be broken down by animal category.

² Translator's note: This makes no sense. Are there 5 infringements or no infringements? As the previous paragraph also relates to "at place of departure" I wonder whether this present paragraph should appear at all.

Current enforcement instruments

1. Under criminal law:

The AID (*Algemene Inspectiedienst* / General Inspection Service) investigators are responsible for detecting infringements of the Regulation. The Public Prosecutor's Office decides on whether or not to prosecute, basing its decision on, *inter alia*, the Guidelines on Criminal Proceedings with respect to the rules of the Ministry of Agriculture, Nature and Food Quality.

The infringements are regarded as economic offences within the meaning of the Economic Offences Act (*Wet op de Economische Delicten*).

The maximum penalty for infringement of the Regulation is, in principle, six months' imprisonment or a fine of up to €16 750.

If the infringement has resulted in a large economic profit a fine of up to €67 000 can be imposed.

Finally, if the offender is a legal person on whom the maximum penalties are not deemed likely to have a deterrent effect the judge may decide to impose a fine of up to €670 000.

2. Under administrative law:

The Minister for Agriculture, Nature and Food Quality is competent for laying down administrative measures. These measures are intended to put a stop to an infringement or rectify any shortcomings in accordance with the Regulation. The implementation of these measures is delegated to the AID and the VWA (*Voedsel en Waren Autoriteit* / Dutch Food and Consumer Product Safety Authority).

Supplementary measures:

1. Journey log checks

All returned journey logs are checked. Where deemed necessary, additional information is requested (GPS lists, temperature records, etc.).

The checking of transport operations carried out by foreign transporters departing from the Netherlands remains problematic. Many foreign transporters do not return the journey logs even after being sent reminders. Also, transport operations carried out by Dutch transporters in other countries are difficult to detect. The Member State in which the transporter has his authorisation has no access to the TRACES data if that Member State does not feature in the route plan. The Member State in question then has no knowledge that the transport operation has taken place and cannot fulfil its obligations as the competent authority.

2. Quality systems

The sector launched a private quality system in 2008, with the involvement of an outside agency specialising in the evaluation of quality systems. Participants in the quality system enjoy a number of privileges, which they can lose if they do not adhere to the agreements or the legislation. The system is being further developed in 2009, for example with the aim of extending it to other animal categories (the pilot system applied only to pigs).

In 2008 work also began on developing a quality system for the export assembly centres. Improvements are being made in 2009 as the system developed in 2008 did not have enough substance.

3. Joint AID-VWA teams ("flying brigades")

The AID checks animal transport operations for compliance with the provisions of the Transport Regulation. The checks are carried out during transit, but also on delivery of animals to an assembly point or slaughterhouse. They focus, *inter alia*, on the correctness and completeness of the paperwork, overloading and the transportation of unfit animals. Animal transport checks cover both domestic operations and international operations.

Since 2007 the AID has been augmenting its standard transport checks with checks conducted by "flying brigades", i.e. teams which consist of an AID inspector and a VWA veterinarian. These teams have proved a success in 2008 and 2009, having been used to check compliance with the Transport Regulation at assembly centres (arrivals and departures), at slaughterhouses, in connection with farm certification and during transit.

In 2008 the politicians again devoted much attention to the question of the welfare-friendly transportation of animals. This led to a doubling of the deployment of the "flying brigades". These "flying brigades" consist of an AID investigator and a VWA veterinarian. They carry out risk-based checks on the welfare of animals during transport, at slaughterhouses and at assembly centres. In 2008 they conducted over 2500 checks. Due to these checks being more frequent and more risk-based, the number of penal measures increased. The number of written warnings issued in respect of animal transport operations more than doubled compared with 2007. The shortcomings detected mainly involved transporting unfit animals, overloading and having incorrect or incomplete paperwork.

Within the brigades, efforts have been invested in ensuring that the welfare standards are applied as uniformly as possible. This has led to an increase in the number of veterinary irregularity reports by the VWA and, as a corollary, an increase in the number of infringement reports issued by the AID.

The VWA and the AID have employed enforcement information tools in connection with their checks. A flyer has been produced on the rules governing animal transport. Also, journalists have accompanied the "flying brigades" on their checks and articles on this subject have subsequently appeared in various publications, including the trade journal "de Boerderij".

4. Welfare at the slaughterhouse

A welfare checklist has been introduced for both red-meat and poultry slaughterhouses. For slaughterhouses with permanent supervision the checklist must be completed for every slaughter day. For slaughterhouses with periodic supervision it must be completed at set intervals.

Animals are also checked at the ante-mortem inspection to confirm whether they were fit to be transported. If they are found not to have been, this fact is reported and appropriate measures are taken.