

PART 3

1. ANALYSIS OF THE MAJOR DEFICIENCIES DETECTED DURING THE NON-DISCRIMINATORY INSPECTIONS

Inspections

A total of 224 385 inspections were carried out at the place of departure in the case of long international journeys and after unloading at the slaughterhouse (after all journeys) (inspections under point 1). This involved checking 206 839 043 animals, plus 15 119.496 tonnes of fish. These inspections also involved 153 833 checks on means of transport and 152 852 checks on accompanying documents.

A further 181 199 inspections were carried out during transport, including inspections at the slaughterhouse and during unloading (inspections under point 2). This involved checking 252 674 114 animals, plus 10 560.910 tonnes of fish, and 128 938 checks on means of transport and 82 395 checks on accompanying documents were also carried out.

In addition, 26 991 inspections of accompanying documents were carried out after completion of transport without examining the animals or means of transport.

The data on bovine animals include all animals of the bovine family kept as domestic animals, including bison, wisent and water buffalo. Equidae comprise all domestic equine animals (horses and ponies), asses, mules and hinnies. The data on poultry include ducks, pheasants, geese, chickens, ratites (ratitae), guinea fowl, partridges, pigeons, turkeys and quail. The other species were mainly zoo animals, birds other than poultry (both inspected in 12 *Länder*) and dogs (inspected in 11 *Länder*), followed closely by cats (9) and lab animals (also 9). Transports of new world camels (6), small pet animals (5), farmed game (3) and other vertebrate species (3), such as newts, are inspected and are included in the data in the last column 'Animals: other'.

The number of inspections under points 1 and 2 has risen significantly compared with the previous year. There has been a slight decrease in the number of animals covered by these inspections, mainly due to a change in how the figures are recorded. Up to and including the 2015 reporting period, for practical reasons, the total number of animals present on the inspected animal transport was recorded regardless of whether all the animals were actually examined. However, since the 2016 reporting period, only animals which have actually been examined are included in the figure.

The number of animal transport inspections covering the means of transport and the accompanying documents varies depending on the animal species and type of inspection. For instance, the means of transport was checked in 99% of the inspections of fish transports under point 1 but in only 20% of the inspections of fish transports under point 2. This suggests that the inspections of fish transports under point 2 were mainly inspections at the place of destination, where it was no longer possible to inspect the means of transport.

As regards the accompanying documents, there are differences depending on the animal species. While documents accompanying poultry, fish and equidae transports were usually checked as part of the inspections, this was not routine practice during inspections of transports of bovine, porcine, ovine and caprine animals.

Unlike the inspections under points 1 and 2, the number of inspections under point 3 has decreased by more than 50%. The reason for this is not known.

It may result from the interpretation that it is not the number of accompanying documents that is requested here but the number of retrospective checks, each using as many accompanying documents as needed.

Cases of non-compliance

During inspections of animal transports carried out in Germany, a total of 6 920 cases of non-compliance in the categories 1-6 were detected, with any given inspection potentially having detected cases of non-compliance in several different categories. 51% of the cases of non-compliance were recorded during the inspections under point 1. 44% of the cases of non-compliance were detected during the inspections under point 2, and 5% during the inspections under point 3.

In the case of the bovine animal transports inspected, as in previous years, by far the greatest number of cases of non-compliance concerned the animals' fitness for transport. The most common reasons for infringements of the requirements relating to fitness for transport were sick/injured bovine animals (even more common than in the previous year) and, to a far lesser degree, bovine animals at an advanced stage of pregnancy $\geq 90\%$. Cases falling within the other categories of non-compliance were much less common. The most commonly identified causes within category 2 were problems relating to loading densities and separation/tethering. The majority of cases in the third category of non-compliance concerned deficiencies relating to bedding, whilst most of the cases of non-compliance falling within category 4 concerned journey times, followed by deficiencies relating to watering. Within category 5, deficiencies relating to the transport documentation referred to in Article 4 of Regulation (EC) No 1/2005 were detected. Other cases of non-compliance (category 6) encompassed, *inter alia*, incorrect identification of animals and rough handling of animals when moving and loading them.

The cases of non-compliance identified during inspections of pig transports related primarily to the rules on fitness for transport (of sick/injured animals in particular). The second most common category of non-compliance was transport practices; space allowances; internal height (and overcrowding in particular). Far fewer cases of non-compliance falling within the other categories were detected, and of these most were again in category 5 (documents).

As regards transports of sheep and goats, most of the cases of non-compliance detected during inspections concerned insufficient space allowances. The problems identified during inspections of equidae transports related above all to transport documentation and also to sick/injured animals.

In the case of poultry transports, the most common category of non-compliance was transport practices; space allowances; internal height (and overloading in particular), followed by infringements of the rules on fitness for transport (of sick/injured animals in particular).

Most of the cases of non-compliance identified during inspections of fish transports fell within category 1 (dead fish and fish whose general condition is impaired, e.g. swimming in a lateral position), followed by category 3 (loss of water from the bags, damaged polystyrene boxes, turbid contaminated water, too little water in the bags, too little oxygen in the bags, non-transparent lined or multi-layered water bags).

Cases of non-compliance concerning other species were detected mainly during inspections of dog transports: Cases of non-compliance were detected in six of the eleven *Länder* in which such inspections were carried out. Cat transports constituted a second priority: Four of the nine *Länder* which carried out these controls reported cases of non-compliance. Far fewer cases of non-compliance were detected during inspections of transports of other species (such as birds and zoo animals), which were also carried out by many *Länder*.

Measures

A total of 6 165 measures under categories A and B were implemented, with a single inspection potentially encompassing several measures. Penalties accounted for 76 % of measures, while implementing measures and exchanges of information accounted for 24 %. This roughly corresponds to the breakdown for the previous year. 55 % of the measures were taken as a result of inspections under point 1, 41 % as a result of the inspections under point 2, and 4 % as a result of the inspections under point 3. This also roughly corresponds to the share of cases of non-compliance identified in each type of inspection.

Most of the penalties (around 78%) consisted of cautions. There were also administrative infringement procedures with and without financial penalties (approx. 20 %). Administrative decrees or orders were issued much less frequently, and criminal proceedings were the least commonly used penalty. The latter were initiated as a result of 41 inspections (20 inspections of bovine animal transports, 9 inspections of pig transports and 8 inspections of dog and/or cat transports).

Within category of actions B, how often enforcement on the one hand and exchanges of information on the other are applied depends on the animal species. While enforcement measures were used much more frequently than exchanges of information with regard to bovine animal transports, the opposite was true of pig transports. For poultry transports, exchanges of information were used almost exclusively. In the case of transports of sheep, goats, equidae and fish, there were only slight differences.

Examples

Some examples of serious cases of non-compliance and the measures taken in response to each case are given below.

- It was noted in one bovine animal transport inspection that the ceiling was not sufficiently high, and criminal proceedings were initiated.
- In another case (also concerning an insufficient ceiling height in a bovine animal transport), an order to transfer the animals to other means of transport was issued and a fine imposed.
- At least three cases concerning the transport of severely injured animals to slaughterhouses were referred to the Public Prosecutor's Office.
- During inspections of lab animal transports, cases of non-compliance relating to feeding, watering and journey times were recorded. Administrative infringement proceedings were initiated and other competent authorities informed.
- There was also one serious case of non-compliance - involving the falsification by a transport vehicle driver of his expired certificate of competence - which resulted in the initiation of criminal proceedings.

2. Action plan to address the deficiencies described under point 1

The action plan to address the main deficiencies identified varies from region to region, depending on the types of non-compliance identified. The following measures going beyond the measures referred to in the previous section (penalties, enforcement and exchanges of information) have been provided for in some *Länder*:

- continuation and, in some cases, stepping-up of inspections at the place of departure and at the place of destination, in particular at slaughterhouses;
- and also *ad hoc* inspections where appropriate;
- systematic presence of the official veterinarian during the clearance of long bovine animal transports;
- consideration of social legislation during clearance - issues in this regard should be dealt with prior to loading so that, where necessary, breaks can taken before loading rather than afterwards;
- in hot weather, animals may be loaded only in the evening, and the loading density must be reduced by 20%;
- presentation of written confirmation for authorised milking breaks prior to loading;
- night-time loading inspections for poultry;
- implementation of measures depending on the severity of the non-compliance;
- clearance given only after deficiencies have been rectified;

- effective administrative action, including the measures referred to in Article 23 of Regulation (EC) No 1/2005, such as ordering the transfer or unloading of a consignment or part of it;
- bringing measures into line with the outcome of prosecutions;
- initiation of more thorough testing of animals assessed as unfit for transport at the slaughterhouse;
- improvement of documentation relating to findings at the slaughterhouse or other inspections in order to provide the establishment of origin and/or the contact point with specific details of the non-compliance identified;
- improvement of feedback from slaughterhouses to veterinary offices and/or the police (e.g. in the event of overloading);
- targeted checks on specific motorway routes (in cooperation with the police) and at slaughterhouses at *Land* level;
- cross-*Länder* targeted inspections twice a year in the area of commercial freight and passenger transport (which encompasses animal transports) in cooperation with the police (in line with the Europe-wide TISPOL inspections);
- further cooperation with the police during traffic checks and as the first official point of contact for the receipt and referral of notifications and complaints;
- further cooperation with the veterinary authorities, the Federal Office for Goods Transport and customs authorities;
- dialogue with transport undertakings/drivers/organisers, further training and/or systematic warning letters where necessary;
- inspection of the establishment of origin as a result of a non-compliance detected during an inspection of a transport;
- assessment regarding the restitution of profits in individual cases;
- exchanges of information with other authorities in Germany as well as via the national contact points in other Member States;
- exchanges of information with the police and customs authorities;
- training measures for official veterinarians (e.g. veterinarians in slaughterhouses and those present during poultry loading inspections), for farmers (on handling sick and injured animals, for instance) and for police officers;
- addressing specific previously identified deficiencies during specialist courses;
- training event on inspections of animal transports on public roads in collaboration with the police and the Animal Welfare Foundation;
- addressing critical issues during service meetings of the *Länder* and municipal veterinary authorities
- tighter checks on administrative proceedings (e.g. through visits to assembly centres or inspection posts, or as regards journey log entries);

- continuous updating and development of the quality management system as an inspection tool;
- updating of the Animal Transport Manual (for instance, by including instructions
- on how to look after unweaned calves during long transports); and
- inclusion of the guidelines on carrying out inspections of dog and cat transports in the Animal Transport Manual (moreover, EU-wide provisions are deemed necessary in order to facilitate the imposition of penalties in respect of transports of puppies and kittens which fail to comply with animal welfare legislation).