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FINAL REPORT OF A SPECIFIC AUDIT
CARRIED OUT IN
BULGARIA
FROM 26 TO 30 APRIL 2010
IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT
IN THE CONTEXT OF A GENERAL AUDIT

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) specific audit in Bulgaria, which took place between 26 to 30 April 2010 as part of the general audit carried out under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.

The specific audit evaluated the implementation of national measures for animal welfare on farms and during transport.

It is concluded that there has been little improvement in the performance of the CA since the last mission in 2009. In particular, in the laying hen sector poor enforcement action to prevent restocking of non-compliant cages and non dissuasive administrative sanctions means that cages which are not in compliance with minimum animal welfare requirements are still being used. Regarding the pig sector, official controls do not ensure compliance with the requirements regarding manipulable material, feed for pregnant sows and gilts and mutilations.

The system for approval of long distance means of transport is not effectively administered by the CA. Plans for the development of control facilities at the port used as exit point have been prepared, but there are still weaknesses in the official controls.

The report makes a number of recommendations to the Bulgarian competent authorities, aimed at rectifying the shortcomings identified and enhancing the implementing and control measures in place.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
CA	Competent Authority
CCA	Central Competent Authority
DG(SANCO)	Health and Consumers Directorate-General
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
GA	General Audit
MANCP	Single Integrated Multi-Annual National Control Plan
MS	Member State
NVS	National Veterinary Service
OV/OVs	Official Veterinarian/s
RVS	Regional Veterinary Service
SA	Specific Audit

1 INTRODUCTION

The Specific Audit formed part of the FVO's planned mission programme. It took place in Bulgaria from 26 to 30 April 2010 ¹. The audit team comprised two inspectors from the Food and Veterinary Office (FVO) and one expert from a European Union (EU) Country. Representatives from the central competent authority (CCA) accompanied the audit team for the duration of the audit. An opening meeting was held on 26 April 2010 with the CCA. At this meeting, the objectives of, and itinerary for, the specific audit were confirmed by the audit team and the control systems were described by the authorities.

2 OBJECTIVES OF THE MISSION

The **objectives** of the specific audit were to:

- verify that official controls are organised and carried out in accordance with relevant provisions of Regulation (EC) No 882/2004, and the multi-annual national control plan (MANCP) prepared by BG;
- evaluate the implementation of national measures for the control of animal welfare in accordance with the requirements of EU legislation for animal welfare on farms and during transport, taking into account the follow-up of previous FVO missions as detailed below.

In terms of **scope**, the audit concentrated primarily on:

- As regards Regulation (EC) No 882/2004, the organisation of official controls (Articles 3-7), control and verification procedures and methods (Articles 8-10), enforcement (Articles 54-55), MANCP (Articles 41-42) and registration and approval of food business operators (Article 31);
- The animal welfare legislation concerning the protection of animals kept for farming purposes (Council Directive 98/5 8/EC), the minimum standards for pigs (Council Directive 2008/120/EC), and laying hens (Council Directive 1999/74/EC) and the protection of animals during transport and related operations (Council Regulation (EC) No 1/2005);
- The implementation of corrective actions undertaken in response to recommendations made in the reports of previous FVO animal welfare missions: DG(SANCO)/2008/7678 (15 to 18 January 2008) and DG(SANCO)/2009-8263 (16 to 24 June 2009) concerning animal welfare of laying hens and the protection of animals during long distance transport.

The table below lists sites visited and meetings held in order to achieve that objective:

MEETINGS/VISITS		n	COMMENTS
COMPETENT AUTHORITIES	Central	1	Opening and closing meeting
	Regional	2	Regional Veterinary Services in Stara Zagora and Plovdiv
FARMS		2	1 Pig farm (industrial, closed cycle) and 1 laying hen farm
ESTABLISHMENTS		2	1 Assembly centre for horses, 1 slaughterhouse for red meat
OTHER SITES		1	Meeting with the border inspection post Veterinary Officers in Burgas (during the opening meeting)

¹The mission, originally foreseen from 20 to 29 April 2010, was rescheduled due to the travel disruptions caused by the Icelandic volcano ash cloud.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, and in particular:

- 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;

A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

4.1 CONTRIBUTION TO THE GENERAL AUDIT

Article 45 of Regulation (EC) No 882/2004 requires the Commission to carry out general and specific audits in Member States. The main purpose of such audits is to verify that, overall, official controls take place in Member States in accordance with the multi-annual national control plans referred to in Article 41 and in compliance with Community law.

This Specific Audit was carried out as a component of a General Audit to Bulgaria. Section five below contains findings and conclusions relating to the implementation of Regulation (EC) No 882/2004; section six below contains findings and conclusions relating to sector specific issues.

4.2 SUMMARY OF PREVIOUS FVO MISSION RESULTS

The most recent missions concerning animal welfare in BG were carried out in 2008 and 2009, and their results are described in reports DG(SANCO)/ 2008-7687 (which was the first FVO mission concerning animal welfare since the accession of Bulgaria to the EU) and DG(SANCO)/2009-8263. The reports on these missions (hereafter referred to as reports 2008-7687 and 2009-8263 respectively) have been published on the website of the Directorate-General for Health and Consumers:

http://ec.europa.eu/food/fvo/ir_search_en.cfm

Prior to accession the FVO carried out two animal welfare missions in the framework of the accession preparations of Bulgaria, in order to assist and monitor progress with the adoption of the relevant EU requirements.

Mission report 2009-8263 concluded that there was very little progress since the previous mission on the same subject carried out in January 2008 and most of the commitments made by the CCA to correct deficiencies had not been implemented.

In particular in relation to laying hens, the main issues identified were the overstocking of the cage systems visited and the CA tolerance of cage systems which did not meet the minimum EU structural standards and accounted for 38% of the total number of laying hens. The main problem remained the lack of enforcement but even when penalties were applied these were not dissuasive, effective or proportionate. In relation to transport, welfare checks were inadequate, in particular prior to long journeys for *equidae*, of both the journey logs and stocking densities, and in relation to

animals exported to Third Countries. The report made a number of recommendations addressed to the competent authority of Bulgaria, aimed at rectifying the identified shortcomings and further enhancing the control measures in place.

5 FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) NO 882/2004

5.1 COMPETENT AUTHORITIES

5.1.1 Designation of Competent Authorities

Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls.

Findings

- The CA for animal welfare is well designated and it is the National Veterinary Service (NVS);
- An overview of how control systems are organised in Bulgaria, based on information supplied by them, is provided in the Country Profile for Bulgaria and is available under the tab "Control Systems" at:

http://ec.europa.eu/food/fvo/last5_en.cfm?co_id=BG .

- Official controls on animal welfare in farm and during transport are carried out by Official Regional and Municipal Veterinarians (hereafter called OVs), who are part of the NVS;
- Bulgaria has 28 Regional Veterinary Services (RVSs) and 265 Municipalities (in each Municipality there is at least one OV).

5.1.2 Co-operation between Competent Authorities

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination and co-operation between competent authorities.

Findings

The NVS has a formal agreement (Ordinance issued by the Ministry of Agriculture and Ministry of the Interior, signed in February 2010) for collaboration with the Police during official controls on veterinary matters, including joint inspections on animal welfare.

5.1.3 Co-operation within Competent Authorities

Legal Requirements

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective co-ordination

and co-operation shall be ensured between the different units.

Findings

- There is a reporting system from Municipal Veterinarians, to RSVs and CCA: monthly reports on veterinary activity (including the results of official controls on animal welfare) are sent from the RVSs to the CCA;
- However, the mission team noted examples of poor communication between the CCA and RVS regarding updating of lists of laying hens farms and records of transporters authorised for long journeys (see points 6.1.1 and 6.2.1 for additional details);
- Concerning the contact point in accordance with Article 24 of Regulation (EC) No 1/2005, the mission team saw evidence of communication of non-compliances detected in other Member States from the CCA to RVS for subsequent action/investigation.

5.1.4 Delegation of specific tasks related to official controls

Legal Requirements

Article 5 of Regulation (EC) No 882/2004 sets out the scope of possible delegation to control bodies, the criteria for delegation, and the minimum criteria which must be met by control bodies. Where such delegation takes place, the delegating competent authority must organise audits or inspections of the control bodies as necessary. The Commission must be notified about any intended delegation.

Findings

No official task concerning animal welfare has been delegated by the CA .

5.1.5 Contingency planning

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 also requires that competent authorities have contingency plans in place, and are prepared to operate such plans in the event of an emergency. Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to present a serious risk.

Findings

Not applicable to this specific audit.

Conclusions on Competent Authorities

The CA for animal welfare is clearly designated and there is a system of reporting between Municipal OV's, RVS and CCA. However, weaknesses in the exchange of relevant information on data required for the registration of laying hen premises and details of authorisation of long distance transporters, undermines the effectiveness of controls in these sectors.

5.2 RESOURCES FOR PERFORMANCE OF CONTROLS

5.2.1 Legal basis for controls

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires that the necessary legal powers to carry out controls are in place and that there is an obligation on food business operators to undergo inspection by the competent authorities. Article 8 of the above Regulation requires that competent authorities have the necessary powers of access to food business premises and documentation.

Findings

The CA and its staff have the necessary legal powers to: carry out official controls; have access to food business premises and documentation; and to take enforcement measures in accordance with the national legislation (Law on Veterinary Activity).

5.2.2 Staffing provision and facilities

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available; and that staff performing controls are free of any conflict of interest.

Findings

- An overview of CA staff resources is included in the relevant section of the Country Profile for Bulgaria (under the tab "Control Systems");
- Staff from different levels of the CA stated that there are financial problems due to the economic crisis and this has resulted in limits on the resources available to perform certain tasks (such as verification of checks due to petrol rationing);
- CA staff do not have equipment to measure environmental parameters in laying hen and pig farms, such as air temperature, relative humidity, light intensity and gas concentrations for which the national legislation sets limits. In this regard, in the laying hen farm visited the light intensity was insufficient to properly inspect the hens without using a torch; in the pig farm visited by the mission team there was a strong smell of ammonia, but there was no way of measuring the gas levels. The checklists of the inspections performed by OVs indicated that such verifications (light intensity and gas concentration) were not possible due to lack of equipment (see points 6.1.1 and 6.1.2);
- Regarding the port used as an exit point, the CA has prepared a proposal for the refurbishment of a holding with EU funding to create a control post in line with Regulation (EC) No 1255/97 to carry out official controls on exported consignments. However, there are no intermediate facilities for inspecting animals at the port and deficiencies were noted in official controls (see point 6.2.3 for additional details);
- All staff from the CA have to sign an annual declaration in relation to their freedom from

conflict of interest.

5.2.3 *Staff qualifications and training*

Legal Requirements

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Findings

- A system for the assessment of training needs and for the regular training of staff is presently not in place; the CA is planning a system for post-graduate training programmes to be detailed in an Ordinance, which is at a draft stage;
- The mission team received an overview of training courses followed by the CA staff in 2009 and 2010; these training courses include six SANCO training courses "better training for safer food", with a total of 13 participants from the CCA and from some RVSs .
- At the two RVSs visited, records of training for animal welfare veterinarians and details of training on animal welfare given to Municipal OV's were available. At the exit point visited, no individual training records were available.
- In response to a recommendation from report 2009-8263 (recommendation n.1) the CA has planned for the six months following the mission, training courses which will include animal welfare in the framework of a twinning project ². This project will include training OV's in satellite navigation systems and reading tachographs of transport vehicles used for long journeys with live animals.
- There were gaps in staff awareness concerning certain animal welfare legal requirements, such as drinking needs of horses during transport and fitness of animals (see points 6.2.2 and 6.2.4).

Conclusions on Resources for Performance of Controls

Staff from the CA have the necessary legal powers to carry out official controls on animal welfare, but the lack of equipment to verify certain parameters does not ensure that checks are performed efficiently and effectively, contrary to Article 4(2) (d) of Regulation (EC) No 882/2004.

Although a system for the regular training of staff is not in place, evidence of staff training was seen and training for animal welfare officials is planned in the near future.

5.3 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.3.1 *Registration / approval of food business operators*

² Ref. BG/2007/IB/AG/03/UE/TWL , "Strengthening of National Veterinary Service and Regional Veterinary Services capacity in enforcement and implementation of EU animal health and animal welfare legislation and standards in Bulgaria".

Legal Requirements

Article 31 of Regulation (EC) No 882/2004 requires Member States to establish procedures for the registration/approval of food and feed business operators, for reviewing compliance with conditions of registration and for the withdrawal of approvals.

Findings

There are procedures in place for the registration of laying hen farms. Details are described in section six of this report.

5.3.2 Prioritisation of official controls

Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning. Controls shall be applied with the same care to exports from the Community, imports into the Community and to product placed on the Community market.

Findings

- The planning of official controls on animal welfare is carried out at RVS level. There are no specific criteria set by the CCA for the prioritisation of official controls on animal welfare on a risk-based approach. The CCA indicated that, in principle farms with non-compliances would be revisited, which was the case in both the RVS visited by the mission team.
- Regarding laying hen farms, in both RVS all the holdings had been inspected for animal welfare in 2009.
- According to the CCA Bulgaria has approximately 350, 000 backyard pig farms. In principle, all industrial farms and pig farms with biosecurity measures in place (for Classical Swine Fever) are to be inspected at least once a year. However, the mission team noted that in one of the RVS the biggest pig farm (31,150 pigs) had never been assessed for animal welfare issues and no inspection report was available. The RVS CA explained that this farm had not been visited because it has been under refurbishment since 2008, after an ownership change.
- Controls are not routinely carried out without prior warning.

5.3.3 Control activities, methods and techniques

Legal Requirements

Article 10 of Regulation (EC) No 882/2004 specifies the control activities, methods and techniques that should be deployed.

Findings

- OVs carry out inspections at farms and during transport using the check-lists supplied by the CCA and available on the CA website. Although Commission Decision 2006/778/EC allows the CA to select a number of criteria to inspect at each farm visit, all the legal requirements are assessed during on-site inspections .
- An OV during a pig farm visit had relied for his conclusions on data provided by the farmer without carrying out his own verification (e.g, gas concentration, measurement of pen size) (see point 5.2.2 and 6.1.3).
- In the official controls at departure, OVs use route planners available on the internet in order to verify whether journey times for long journeys are realistic.

5.3.4 *Sampling and Laboratory analysis*

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires competent authorities to have, or to have access to, adequate laboratory capacity. Article 11 of the Regulation establishes requirements for sampling and analysis and Article 12 requires the competent authority to designate laboratories that may carry out analysis of samples taken during official controls. It also lays down accreditation criteria for laboratories so designated.

Findings

Not applicable to this specific audit.

5.3.5 *Procedures for performance and reporting of control activities*

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Findings

- The CA has check-lists to carry out on site inspections and procedures to carry out official controls. In response to a recommendation in report 2009-8263 , comprehensive procedures have been recently developed for approval of means of transport and for transport checks (see point 6.2.1), including checks at exit points. However, these were not available to the OVs carrying out the checks at exit points and they were not consequently implemented (see point 6.2.3);
- Regarding the pig sector, the CA check-list for official controls does not accurately reflect

the legal requirements for: manipulable material (only required in cases of aggression); feed for pregnant sows and gilts (insufficient guidance is provided) and mutilations (systematic tail docking and tooth clipping tolerated without sufficient investigation or environmental improvement) (see point 6.1.3);

- Inspection reports are laid down after each visit; a copy of these reports is sent to the FBO ; in case of detection of shortcomings, the food business operator is notified with a deadline given for the rectification of the shortcomings identified. However, insufficient enforcement action in case of shortcomings was observed (see point 5.4).

5.3.6 Transparency and confidentiality

Legal Requirements

Article 7 of Regulation (EC) No 882/2004 requires that competent authorities carry out their activities with a high degree of transparency, in particular by giving relevant information to the public as soon as possible. However, information covered by professional secrecy and personal data protection is not to be disclosed.

Findings

The CA website includes a section on animal welfare with details on the relevant legislation; however, at present information on official controls on animal welfare and on their effectiveness are not made publicly available.

Conclusions on Organisation and Implementation of Official Controls

Official controls for animal welfare are not implemented in line with the criteria of Article 3 of Regulation (EC) No 882/2004. However, a high number of inspections have taken place, such as in the laying hen sector. In relation to procedures, the CCA has addressed the recommendation from the previous report regarding the approval of means of transport. However, gaps in the guidelines lead to farms not being correctly assessed for compliance with important legal requirements for animal welfare. Official controls are not routinely carried out without prior warning, contrary to Article 3 of Regulation (EC) No 882/2004.

Information on official controls on animal welfare and on their effectiveness is not made publicly available, contrary to Article 7(1) of Regulation (EC) No 882/2004.

5.4 ENFORCEMENT MEASURES

5.4.1 Measures in the case of non-compliance

Legal Requirements

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation.

Findings

- In the response to report 2009-8263 (recommendation n. 4), the CCA had indicated that farms with non compliant unenriched cages would not be permitted to introduce new stock after the last batch of hens had been removed. However, the mission team observed that both the RVSs visited allowed the restocking of non-compliant unenriched cages;
- Furthermore, deficiencies such as: the use of non-compliant unenriched cages, overstocking and lack of claw shortening devices were repeatedly reported in the same farms. In the RVSs visited, although the CCA has the legal power to revoke authorisations, this measure has never been taken;
- One transporter had been verbally informed of the limitation of his vehicles to short journeys. However, the written enforcement notice to this effect was issued for only two of his vehicles when the limitation referred to all of his means of transport (see point 6.2.1).

5.4.2 Sanctions

Legal Requirements

Article 55 of Regulation (EC) No 882/2004 states that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other EU provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

- In response to a recommendation of report 2009-8263 (n. 2) the CA indicated that a draft piece of legislation for the amendment of sanctions was under preparation. For the time being, the legislative process is still to be finalised and the CCA could not provide a time frame for its adoption.
- Regarding laying hen farms, the sanctions imposed were not effective, proportionate or dissuasive; the maximum fine foreseen by the current legislation (Article 417 of the Law on Veterinary Activity) is 600 BGN if the owner is a legal person: overstocking and other non-compliances were repeatedly reported, in the same farms, where two fines, the first one of 50 BGN (circa 25 €) were issued (see point 6.1.2).
- Criminal sanctions are applicable only in cases of specific cruelty cases.
- No guidelines were available to OVAs for deciding on action to be taken in case of non-compliance and no instructions for the level of sanctions on animal welfare have been issued by the CCA.
- No sanctions for animal welfare non-compliances during transport were issued at the RVS visited by the mission team in 2009 and 2010.

Conclusions on Enforcement Measures

The CA has not addressed the recommendations from report 2009-8263 regarding action to be taken in case of non-compliance: enforcement action by the CA is insufficient to ensure that the operator remedies the situation and sanctions are not effective, proportionate and dissuasive, contrary to the provisions of Articles 54 and 55 of Regulation (EC) No 882/2004.

5.5 VERIFICATION AND REVIEW OF OFFICIAL CONTROLS AND PROCEDURES

5.5.1 Verification procedures

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Findings

The mission team was informed that in principle each Municipal Veterinarian has an assessment of his activity by the RVS every three months. The mission team saw evidence of verification of the activity of OV's, including on the spot assessment in a laying hen farm by the staff from the RVS.

At one of the RVSs visited, a plan for verification of official controls was in place in 2008, but it has not been followed due to resource constraints.

In response to a recommendation of report 2009-8263 (n. 8) the CA has adopted a check-list which includes the assessment of the effectiveness of animal welfare controls; however, as this check-list was introduced two months before the mission not all the Municipal Veterinarians had been assessed with the new form: in one of the RVS visited, which has 11 Municipalities, two reports were available (dated March 2010).

The verification activity performed by the CA had not pointed out cases in which shortcomings were not identified and consequently not reported and followed up by OV's, as follows:

- The pig farm visited by the mission team had been inspected by the CA four times in 2009; the four inspection reports did not highlight any non-compliance, while several shortcomings were present during the inspection (see point 6.1.3);
- In relation to documentary checks for long journeys, inaccuracies in journey logs of live bovines exported to third countries and of horses sent to a MS were not noted, and consequently no further action or investigation was undertaken by OV's (see points 6.2.2 and 6.2.3).

5.5.2 Audit

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

Findings

Internal audits are carried out by the General Directorate on control of Veterinary Medical Activities, which is part of the NVS. The plan for audit foreseen for 2010 includes ten RVSs. Nine RVS were also audited in 2009. No shortcomings were detected and no recommendations for corrective action in relation to animal welfare have been given.

Animal welfare was not clearly indicated in the scope and objective of the last audit report for one of the RVS visited. No specific findings or recommendations were issued in regard to animal welfare.

Conclusions on Verification Procedures

The plan for the verification of the effectiveness of official controls has not been followed due to financial constraints; although the CCA has planned to carry out audits in the RVS, the objectives and scope of such audits do not clearly include animal welfare issues. The recommendation from report 2009-8263 regarding verification of the effectiveness of the official controls and audit on the sector of animal welfare has not yet been fully addressed.

5.6 MULTI ANNUAL NATIONAL CONTROL PLAN

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires that each Member State prepares a single integrated multi-annual national control plan (MANCP). According to Article 42 it should be implemented for the first time no later than 1 January 2007 and be regularly updated in light of developments. Details on the type of general information on the structure and organisation of the systems of feed and food control and of animal health and welfare control in the Member State concerned are provided.

Findings

The current version of the MANCP gives a general description of the responsibilities of the CA on animal welfare, but it does not contain information on the general organisation and management of official controls in place for animal welfare at national, regional and local level as required by Article 42, 2 of Regulation (EC) No 882/2004.

Conclusions on Multi-Annual National Control Plan

The current version of the MANCP is not fully compliant with the provisions of Article 42, 2 of Regulation (EC) No 882/2004.

6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS

6.1 ANIMAL WELFARE ON FARMS

6.1.1 *Registration of laying hen farms*

Legal Requirements

Directive 2002/4/EC requires Member States to establish a system for registering every production site falling within the scope of Directive 1999/74/EC. The last paragraph of point 1 of the Annex to Directive 2002/4/EC requires registration of the maximum capacity of an establishment in number of birds present at one time.

Findings

- In response to report 2009-8263 (recommendation n. 3) , the CA has issued instructions to all the RVS, requesting them to update and to notify the CCA within seven days regarding any change in the data entered in the register of laying hen farms. However, the mission team noted inconsistencies in the maximum capacity between the CCA and RVS lists.
- A farm with 92, 000 hens in enriched cages populated on 27 September 2009 was not registered in accordance with Directive 2002/4/EC; the eggs produced in this holding were placed on the market under the registration number foreseen by the previous national legislation. The CCA explained that the registration of this farm had been delayed by the relevant CA due to their uncertainty on the criteria to determine its maximum capacity.
- A number of shortcomings had been identified before the mission in the laying hen farm visited and a fine had been issued on 9 April 2010 (two weeks before the beginning of the mission). However, on the same date the farm had been issued a registration number and a certificate stating that the farm was in compliance with the animal welfare legislation (which was not the case).

6.1.2 *Official controls on laying hen farms*

Legal Requirements

Article 8(1) of Directive 1999/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of that Directive.

Findings

The CCA has provided the following data regarding laying hen sector:

Rearing system	2009 ³			2010		
	No of holdings	No of birds	%	No of holdings	No of birds	%
Unenriched compliant cages	25	804 702	26.48	27	790 582	26.43
Unenriched non-compliant cages	34	1 162 291	38.25	24	1 116 206	37.32
Enriched cages	11	373 152	12.29	13	257 370	8.61
Alternative (barn)	53	698 274	22.98	61	826 613	27.64
Total	123	3 038 419	100	125	2 990 771	100

In addition, in accordance with data provided by the CCA, 26 farms out of a total of 51 holdings of unenriched cages have business plans for phasing them out by 1 January 2012. The CCA stated that the laying hen sector is relying on financial aid from the central government, which is expected to be provided in the near future.

Regarding the laying hen sector the mission team noted insufficient enforcement action, in particular regarding:

- Non-compliant unenriched cages (not in compliance with the minimum requirements of Article 5 of Directive 1999/74/EC): although the CCA has stated in its reply to a recommendation (n.4) of report 2009-8263 that farmers who do not have a plan for the placing into service of compliant cages must cease operating at the end of the cycle, this requirement is not enforced: the mission team saw that the restocking of non-compliant cages was permitted in both the RVS visited;
- Overstocking: heavy overstocking (30% to 80%) was repeatedly reported and sanctioned with non-dissuasive fines: in one of the RVSs visited four laying hen farms had been given a fine for overstocking in 2009: these fines were between 50 and 200 BGN (circa 25 to 100 €). Three out of these were revisited in 2010 and the CA re-issued an administrative sanction for the same non-compliances (heavy overstocking and a lack of claw shortening devices);
- In addition, in one farm poor enforcement action was noted regarding the use of cages which were not appropriately enriched and seriously overstocked, contrary to the minimum requirements of Article 6 of Directive 1999/74/EC. The OV had visited the farm two weeks before the mission and he had correctly identified a number of non-compliances, such as the lack of nests, litter area and claw shortening devices, and overstocking. However, the maximum capacity had been set without having all the limiting factors available, in particular the usable area. A deadline of one year was set for the improvement of the cages and a report establishing an administrative sanction for overstocking had been issued. The amount of the fine had not been established at the time of the mission, but the maximum foreseen by the national legislation is 600 BGN (circa 300€, which is not dissuasive for a farm producing about 20 000 extra eggs per day, equivalent to approximately 3, 200 BGN/day (circa 1, 630 €)). In addition, in the laying hen premise the light intensity was

³ Data from report 2009-8263.

extremely low; the OV had not assessed light intensity because of the lack of measurement equipment (see point 5.2.2).

Conclusions on laying hen sector

Progress in achieving better compliance is very slow, mainly because of a lack of enforcement action. As a consequence, heavy overstocking is tolerated and one third of the population of laying hens is kept in cages which do not meet the minimum requirements of Article 5 of Directive 1999/74/EC. The information in the list of laying hen holdings is not accurate. In addition, there has been no progress in phasing out cages to meet the 2012 deadline.

6.1.3 Pig farms

Legal Requirements

Article 8 of Directive 2008/120/EC requires Member States to ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive are being complied with.

Findings

- In the farm visited (built before January 2003) sows were kept in groups as required by Article 3, point 4 of Directive 2008/120/EC.
- With regard to the requirement for the provision of fibrous and high energy food for dry pregnant sows and gilts (Article 2, point 7 of Directive 2008/120/EC): as no specific guidance was provided to OVs to enable them to verify whether feed was adequate in order to satisfy the physiological needs of these animals, in particular in relation to their hunger and their need to chew, they cannot effectively assess legal requirements during inspections.
- Manipulable material (Annex I, Chapter I, point 4 of Directive 2008/120) is not considered as a legal requirement by the CA and is foreseen only in the case of aggression.
- Mutilations, in particular systematic tail docking and tooth clipping, are tolerated by the CA; the OVs accepted that mutilations were necessary to prevent tail biting, but there was no evidence of investigation by the CA if efforts had been made by the farmer in the improvement in environmental conditions or management system, as required by Annex I, Chapter I, point 8 of Directive 2008/120/EC. Manipulable material was not available and the ventilation in the fattening sections was poor, resulting in a strong smell of ammonia, but these factors had not been sufficiently assessed by the OV (see point 5.2.2);
- In addition, the OV had not measured the size of the boar pens, but he had marked the relevant point of the check-list as "compliant". However, when measured the pens were not in line with Annex I, Chapter II of Directive 2008/120/EC; poor ventilation had not been sufficiently assessed due to the lack of the relevant measuring equipment (see point 5.2.2). This farm had been visited four times in 2009, and none of the non-compliances mentioned above had been mentioned in the inspection reports (see point 5.5.1).

Conclusions

The CA check-list for official controls does not accurately reflect the legal requirements for manipulable material, feed for pregnant sows and mutilations. As a consequence, farms are not

properly assessed against animal welfare standards (Directive 2008/120/EC) and the relevant shortcomings are not identified.

6.2 ANIMAL WELFARE DURING TRANSPORT

6.2.1 Records of authorisations and of means of transport for long journeys

Legal Requirements

Article 13(3) of Regulation (EC) No 1/2005 requires the competent authority to record authorisations in a manner enabling to identify transporters rapidly. Articles 13(4) and 18(3) of Regulation (EC) No 1/2005 require the competent authority to record authorisations for long journeys and certificates of approval of means of transport in an electronic database, and to make the transporters' name and authorisation number publicly available during the period of validity of the authorisation.

Findings

In response to recommendations (n. 10 and 12) from mission report 2009-8263, the CA has recently elaborated extensive procedures for issuing of transporters' autorisations (Article 10 of Regulation 1/2005) and for approval of means of transport by road for long journeys (Article 18 of Regulation 1/2005).

Furthermore, in response to recommendation n. 11 from the same report, the CA has issued an order (on 9 July 2009) requesting the RVS to re-inspect all means of transport approved for long journey in order to verify their compliance with the requirements of Regulation 1/2005 (in particular in relation with the requirement of a satellite navigation system).

However, this provision had not been correctly implemented, as the following was observed:

- At one of the RVS visited, the mission team assessed the documents concerning the authorisation of a transporter for long journeys in accordance with Article 11 of Regulation 1/2005; this transporter and several of his approved vehicles were on the list made available to the public on the CCA website at the time of the mission. However, in 2008 the relevant RVS had issued an order limiting these vehicles' authorisation to short journeys because the water tanks in the vehicles had been removed. The RVS had not notified these restrictions on the use of these vehicles to the CCA and had not revoked the certificates of approval of these trucks for long distance transport;
- Six of seven means of transport belonging to one long distance transporter had their certificate of approval withdrawn in August 2009 by the CA because they were not equipped with a satellite navigation system. However, they were still on the list of the CCA website.
- At the slaughterhouse, the mission team saw a vehicle which had a certificate of approval for long journeys, but it did not fulfill the minimum requirements of Regulation 1/2005, Annex I, Chapter IV regarding drinking devices, ventilation and temperature recording device.

6.2.2 *Checks at departure*

Legal requirements

Article 14 of Regulation (EC) No 1/2005 requires the competent authority, at places of departure, to verify before long journeys that transporters have valid authorisations, the valid certificate of approval for the means of transport and valid certificates of competence for drivers and attendants and that the journey log submitted by the organiser is realistic and indicates compliance with this Regulation.

Point 8 of Annex II to Regulation (EC) No 1/2005 requires transporters to return a copy of the completed journey log to the competent authority of the place of departure within one month after the completion of the journey.

Article 15(1) of Regulation (EC) No 1/2005 requires the competent authority to carry out checks at any stage of a long journey to verify that journey times are realistic and that the journey complies with this Regulation and in particular with that travelling times and resting period have complied with the limits set out in Chapter V of Annex I.

Findings

- Regarding horses destined for long journeys, the mission team saw documentary evidence that the CA had verified that journey times were realistic and inspection reports for the means of transport were available. However, section one of journey logs for horses destined for long journey to a MS were not stamped by the CA for approval.
- Journey logs were not systematically returned as required by Point 8 of Annex II to Regulation (EC) No 1/2005, but no action was taken by the CA.
- Concerning the two returned journey logs available, the CA did not notice that section four had not been fully completed. Furthermore, the CA was not aware of the legal requirements for horses to be given water at least every eight hours; therefore, they had not noted that for two of the journey logs this requirement had not been complied with.
- At the assembly centre approved for intra-community trade for horses record keeping was very poor: the register on animal entering and leaving the premises was not in compliance with Article 11, point 2 of Directive 64/432/EEC (as foreseen by Article 7 of Directive 90/426/EEC), as it did not include sufficient details to trace the origin of the animals and their destination.

6.2.3 *Checks at exit point*

Legal requirements

Article 21 of Regulation (EC) No 1/2005 requires official veterinarians at exit points to check that animals are transported in compliance with this Regulation. The official veterinarians must in particular verify the validity of the transporters' authorisation, the certificate of competence of drivers, the fitness of animals to continue their journey, the compliance of the means of transport with the requirements of this Regulation.

Point 2 of Article 21 of Regulation (EC) No 1/2005 requires that official veterinarians of exit points and border inspection posts perform and record the checks listed in Section 3 'Place of destination' of the journey log in Annex II. Records of those checks and the check provided for in paragraph 1 shall be kept by the competent authority for a period of at least three years from the date of the checks, including a copy of the corresponding record sheet or print-out of drivers' records (as

referred to in Annex I or Annex IB to Regulation (EEC) No 3821/85).

Point 3 of Article 21 of Regulation (EC) No 1/2005 requires that animals which are not fit to complete the journey shall be unloaded, watered, fed and rested.

Article 22 of Regulation (EC) No 1/2005 requires the competent authority to take the necessary measures to prevent or to reduce to a minimum any delay during transport or suffering by animals when unforeseeable circumstances impede the application of this Regulation. The competent authority must ensure that appropriate arrangements are made for the care of animals and, where necessary, their feeding, watering, unloading and accommodation.

Findings

In response to report 2009-8263 (recommendation n.14), the CCA has prepared a project (financial contribution approved by Commission Decision 2009/979/EU) for the reconstruction of an existing farm to create a facility for unloading, checking and resting of animals to be exported via roll-on-roll-off vessels.

At the time of the mission, no consignments of live animals were present at the exit point visited. The mission team assessed the documentation regarding records of official controls on five consignments of live bovines which were recently (the week before the beginning of the mission) exported to a third country and observed:

- Although the records regarding travelling and resting times were realistic, there was no retention of tachograph records, contrary to Article 21 of Regulation (EC) No 1/2005;
- Insufficient investigation by the CA on inaccuracies of the journey logs such as: the presence, in the documents for two out of five consignments, of two different version of section four of the journey log, with slightly different data regarding the time of departure of the animals.

In addition:

- There were no facilities for inspecting animals at the port;
- There was no CA involvement to guarantee arrangements between ferry company and transporter, to minimise the length of the journey and waiting time of the animals at the port as foreseen by Article 3 (a) of Regulation (EC) No 1/2005 (e.g. by ensuring the ferry company and the transporter coordinate the departure of the animals from the control post where the animals had been rested).

6.2.4 Controls at destination and transport of unfit animals

Legal requirements

Article 27(1) of Regulation (EC) No 1/2005 requires the competent authority to check that the requirements of this Regulation have been complied with by carrying out non-discriminatory inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of animals transported each year within the Member State and may be carried out at the same time as checks for other purposes.

Chapter II(C) of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council requires the official veterinarian at slaughterhouses to verify compliance with Community and national rules on animal welfare during transport.

Article 3(b) of Regulation (EC) No 1/2005 requires that animals transported are fit for the journey. Article 6(3) of Regulation (EC) No 1/2005 requires transporters to transport animals in accordance

with the technical rules set in Annex I, which includes provisions for the fitness for transport.

Findings

- Checks at destination in slaughterhouses are performed as part of the *ante-mortem* inspections by the CA. These checks are reported in check-lists which include animal welfare requirements for transport and handling.
- At the slaughterhouse visited, the consignments of animals originated from local farms and transport conditions, and unloading and handling of animals were adequate. However, calves were transported in a vehicle which had a certificate of approval for long distance but it did not comply with the relevant requirements of Regulation 1/2005;
- Regarding fitness for transport (Annex I, Chapter I to Regulation 1/2005) at the slaughterhouse visited there was a system in place for the notification in case of transport of unfit animals. The mission team assessed the records of the ante-mortem inspection for the last year and there was no documentary evidence of any transport of unfit animals. However, the OV was not fully aware of the provisions concerning the categories of animals which can be transported.

Conclusions on transport

The register of transporters for long journeys is made publicly available, as required by Article 13.4 of Regulation (EC) No 1/2005. However, the information contained therein was not kept up to date and the CA has not enforced the withdrawal of the certificate of approval for long distance for non-compliant means of transport. While checks at arrival are performed in line with EU requirements, official checks on journey logs are insufficient to ensure compliance with Regulation (EC) No 1/2005. Official controls at exit points do not fully comply with the provisions of Article 21 of Regulation (EC) No 1/2005 with regards to checks of drivers' records and arrangements are not in place to minimise delays during transport.

7 OVERALL CONCLUSION

There is little evidence of improvement in the performance of the CA since the last mission in 2009. In spite of the large number of inspections of laying hen premises, enforcement action has not been sufficient to prevent restocking of non-compliant cages and cages which are not in compliance with minimum animal welfare requirements are still being used and severely overstocked. Regarding the pig sector, official controls do not ensure compliance with the requirements regarding manipulable material, feed for pregnant sows and gilts and mutilations.

The system for approval of long distance means of transport is not effectively administered by the CA. Plans for the development of control facilities at the port used as an exit point have been prepared, but there are still weaknesses in the official controls.

8 CLOSING MEETING

A closing meeting was held on 30 April 2010 with representatives of the central competent authority. At this meeting, the audit team presented the main findings and preliminary conclusions of the mission. The authorities did not express major disagreement on the findings and provided

additional documentation the subject of the mission.

9 RECOMMENDATIONS

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this specific audit report.

N°.	Recommendation
1.	The CCA should ensure that all of its staff are kept up to date in their area of competence and receive regular additional training as necessary, as required by Article 6 (b) of Regulation (EC) No 882/2004, in order to allow the inspectors to properly assess all the requirements of Directives 98/58/EC, 2008/120/EC, 1999/74/EC, and of Regulation (EC) No 1/2005.
2.	The CCA should ensure that their staff avail of appropriate and properly maintained equipment for carrying out official controls on animal welfare effectively, as required by Article 4 (2) of Regulation (EC) No 882/2004, so that assessment is made of all the requirements of Directives 98/58/EC, 2008/120/EC, 1999/74/EC and of Regulation (EC) No 1/2005.
3.	The CCA should ensure that official controls on animal welfare are carried out on a risk basis and without prior warning, in accordance with Article 3 of Regulation (EC) No 882/2004.
4.	The CCA should ensure that documented procedures, as required by Article 8 of Regulation (EC) No 882/2004, provide sufficient guidance to inspectors to assess all the requirements of Directives 98/58/EC, 2008/120/EC, 1999/74/EC, and of Regulation (EC) No 1/2005.
5.	The CCA should ensure that the public have access to information on their control activities and on their effectiveness, as required by Article 7 of Regulation (EC) No 882/2004, with regard to controls performed pursuant to Directives 98/58/EC, 2008/120/EC, 1999/74/EC and Regulation (EC) No 1/2005.
6.	The CCA should ensure that appropriate actions are taken as required by Article 54 of Regulation (EC) No 882/2004, when non-compliances with Directives 98/58/EC, 2008/120/EC, 1999/74/EC and with Regulation (EC) No 1/2005 are identified.
7.	The CCA should ensure that the MANCP complies with the requirements of Article 42(2) of Regulation (EC) No 882/2004.
8.	Recommendations number 2, 3, 4, 5, 7, 8, 10, 12, 14 are outstanding from the previous

N°.	Recommendation
	report 2009-8263, and require urgent action.

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

http://ec.europa.eu/food/fvo/ap/ap_bg_2010-8383.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 98/58/EC	OJ L 221, 8.8.1998, p. 23-27	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes
Dir. 2008/120/EC	OJ L 47, 18.2.2009, p. 5-13	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs
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
Reg. 854/2004	OJ L 139, 30.4.2004, p. 206, Corrected and re-published in OJ L 226, 25.6.2004, p. 83	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
Dir. 64/432/EEC	OJ 121, 29.7.1964, p. 1977-2012	Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine
Dir. 1999/74/EC	OJ L 203, 3.8.1999, p. 53-57	Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens
Dir. 2002/4/EC	OJ L 30, 31.1.2002, p. 44-46	Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC
Dir. 90/426/EEC	OJ L 224, 18.8.1990, p. 42-54	Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae
Dec. 2009/979/EU	OJ L 336, 18.12.2009, p. 52-54	Commission Decision of 17 December 2009 approving the national programme presented by Bulgaria for controlling and monitoring transport conditions of live bovine animals exported from the

Legal Reference	Official Journal	Title
		Union via Bourgas port and the financial contribution from the Union for 2010
Reg. 3821/85	OJ L 370, 31.12.1985, p. 8-21	Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport