



*Ministero del Lavoro, della Salute
e delle Politiche Sociali*

DIPARTIMENTO PER LA SANITA' PUBBLICA VETERINARIA,
LA NUTRIZIONE E LA SICUREZZA DEGLI ALIMENTI
DIREZIONE GENERALE DELLA SANITA' ANIMALE E
DEL FARMACO VETERINARIO - UFFICIO V I

Prot. 0009654-P-25/05/2009 DGSA

**AI SERVIZI VETERINARI DELLE REGIONI
E PROVINCE AUTONOME
SEDE**

O g g e t t o: Regolamento (CE) n. 1/2005 sulla protezione degli animali durante il trasporto –
*segnalazioni di irregolarità relative all'idoneità al trasporto degli animali affetti da
lesioni o patologie.*

Sono pervenute segnalazioni relative al riscontro di animali che nonostante abbiano evidenziato lesioni o patologie ricadenti nelle condizioni di intrasportabilità previste dal regolamento (CE) n. 1/2005, risultavano essere anche accompagnati da certificati di idoneità al trasporto allo scopo modificati rispetto al modello indicato nella nota prot. DGSA/VI/3782 del 08.05.2007 di questo Ministero.

A tal proposito, nel sollecitare una più attenta vigilanza da parte dei Servizi Veterinari territorialmente competenti in merito alla problematica segnalata, è opportuno ribadire che la trasportabilità di un animale malato o con lesioni, ai sensi dell' Allegato I, Capo I del regolamento (CE) n. 1/2005, è possibile solo in caso di lesioni o malattie *lievi*; nei casi dubbi è necessario ricorrere al parere di un veterinario che deve attestarne l'idoneità al trasporto verso il macello mediante la compilazione, in ogni sua parte, dell' apposito ed unico modello di *"attestazione di idoneità al trasporto verso il macello di animali affetti da malattie o lesioni lievi"* allegato alla nota del Ministero della salute testè citata.

L'impossibilità di un animale di spostarsi autonomamente senza sofferenza o di deambulare senza aiuto è causa assoluta di esclusione dal trasporto e di conseguenza, nessun tipo di certificato di idoneità al trasporto può essere utilizzato per accompagnare l'animale al macello ne tanto meno, nel caso specifico, nessuno strumento di ausilio al carico (barelle, rampe pneumatiche, ecc.) può essere utilizzato per facilitarne la trasportabilità.

Il veterinario ispettore dello stabilimento di macellazione, in caso di arrivo al macello di animali affetti da lesioni o patologie, deve porre particolare attenzione nella valutazione del rispetto delle condizioni di trasportabilità previste dal regolamento (CE) n. 1/2005 e nella valutazione, ove richiesta, della conformità e corrispondenza di quanto dichiarato nell'attestazione di idoneità al trasporto. In caso di riscontro di irregolarità, deve darne pronta comunicazione ai servizi veterinari del luogo di partenza del carico affinché venga messa in atto una più adeguata vigilanza nei luoghi di carico degli animali e possano essere accertate eventuali responsabilità.

Ringraziando per la collaborazione, si inviano distinti saluti.

G. LOSACCO

IL DIRETTORE GENERALE

Si ritiene utile inserire di seguito l'allegato alla Nota SANCO D5 DS/eu D(2010)450003 del 24 febbraio 2010 che si propone di richiamare l'attenzione degli Stati Membri all'importanza delle ispezioni ante-mortem al macello con particolare riferimento al benessere degli animali.

La stessa invita all'applicazione di adeguate procedure di gestione degli animali a terra, sia per motivi di sicurezza alimentare, che di benessere animale.

24.02.2010



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Deputy Director-General

Brussels,
SANCO D5 DS/eu D(2010)450003

Dear colleague,

The Commission receives regular complaints on animals arriving at slaughterhouses in conditions which should not have allowed to transport them from the start.

The purpose of this letter is to draw your attention to the importance of the *ante-mortem* and animal welfare inspections in slaughterhouses and the need of implementing a harmonised procedure regarding the treatment of animals arriving in bad welfare conditions both for food safety and animal welfare reasons.

Information on which animals are at risk of being unfit for transport arriving at slaughterhouses and what to do with them is developed in Annex 1 to this note. Corresponding legal references are listed in Annex 2.

Due to the serious implications for the health and welfare of horses and culled animals, I would be grateful if you could give priority to the application of these measures and inform me of any difficulties you may encounter in implementing them.

DG SANCO will soon present these elements at the Standing Committee on the Food Chain and Animal Health. For further information concerning this note you can contact Mr. Denis Simonin at denis.simonin@ec.europa.eu or SANCO-ANIMAL-TRANSPORT@ec.europa.eu

Yours sincerely,

Paola Testori Coggi

Addressed to CVO's of all Member States

Cc.: Mr K. Van Dyck, Mr M. Flueh, Mr A. Laddomada, Mr D. Vryonides, Ms C. Garau, Mr T. Cassidy, Mr D. Simonin

Annex 1

Treatment of animals unfit for transport arriving at slaughterhouses

1. Which animals are particularly at risk of being presented at slaughter in poor welfare conditions?

Experience indicates that animals which are more likely to arrive at slaughterhouses in poor welfare conditions are those which have not been primarily bred and kept for meat production purposes. The slaughter of such animals at the end of their productive life represents a marginal economic value for the farmer.

An additional problem is that because such animals have not been primarily bred for the production of meat, they may not be suitable for slaughter in the nearest slaughterhouse as common slaughter lines may not be appropriate. As a consequence these animals are often collected throughout large geographical areas, hence increasing the risk of exhaustion and neglect during transport to suitable slaughterhouses.

Horses are the species which are most likely to be subjected to poor welfare conditions during transport and slaughter. It should be noted that in the EU, very few horses are specifically bred for meat and very few slaughterhouses are interested in receiving them. The tradition of eating horse meat is limited to a small number of Member States.

In addition horses, whether for sport, recreation or work, are largely kept alone, badly prepared for transport in groups, in some cases with medical reasons for sending them for slaughter (like lameness) and consequently unfit for long distance transport.

Risks are also high with animals to be culled such as dairy cows, breeding sows and laying hens. Those animals represent a higher food safety risk due to their weaknesses, possible chronic diseases and previous medical treatment (as for emergency slaughter).

2. What to do?

At Member States level

It is desirable to establish a policy to increase checks at slaughterhouse level in order to discourage the transport of unfit animals to slaughterhouses.

Some slaughterhouses are known to receive a high number of either horses, dairy cows, sows or laying hens. Such establishments should be subject to specific attention as they represent a higher risk in terms of animal welfare and food safety.

The relevant competent authority should also try to identify the operators that are most commonly involved in the trade of such groups of animals.

Member States should also develop and implement policies which help technically and economically farmers/owners of unfit animals to be killed on farm or slaughtered nearby.

It should be also reminded here that Regulation (EC) No 853/2004 allows the emergency slaughter outside slaughterhouse (Chapter VI of Annex III).

Some Member States have also banned the slaughter of some categories of animals in their slaughterhouses (like laying hens), developing alternative solutions which make compulsory or favour the killing of animals on farm.

At slaughterhouse level

Ante-mortem inspection should be targeted to animals which present serious risks as previously mentioned (i.e. horses and culled animals).

When animals unfit for transport as defined in Regulation (EC) No 1/2005 are found at the slaughterhouse, **they should be killed on the spot without delay with the most humane available means** as prescribed by Directive 93/119/EC.

The option of transporting animals on a trolley or a moveable platform which is also foreseen by Directive 93/119/EC should remain exceptional and never performed without previous assessment by a veterinarian. In particular large animals for which the live weight exceeds the possibility of manual handling (i.e. more than 50 kg) can only be moved through mechanical means.

It should be also noted that the option of transport animals on a trolley or a moveable platform is not available in the future legislation on the protection of animals at the time of killing (Regulation (EC) No 1099/99) and it would be a good practice to anticipate its application.

The use of mechanical means must be avoided as it is likely to involve major additional pain and suffering. It is also important to remember here that practice to suspend animals before stunning (except poultry and rabbits) is totally forbidden (point 2 of Annex B to Directive 93/119/EC).

In addition to ensure that unfit animals are killed on the spot, the official inspector must initiate prosecution against the transporter and possibly the keeper at the place of departure if it appears that their responsibility in breaching EU rules is confirmed. When animals are accompanied with a health certificate, a veterinarian has signed the document certifying that animals were fit for transport. Responsibility of the veterinarian must therefore also be investigated and appropriate action taken (in particular notification to another Member States as foreseen by Article 26 (3) of Regulation (EC) No 1/2005).

Annex 2

Legal references on the arrival of unfit animals at slaughterhouses

Emergency slaughter (outside slaughterhouses)

Chapter VI of Section I of Annex III to Regulation (EC) No 853/2004 laying down specific hygiene rules for food animal origin provides the circumstances for allowing the carcasses from emergency slaughter animals to go for human consumption after they have been killed on farm.

This possibility is available for an otherwise healthy animal which suffered an accident that prevented its transport to the slaughterhouse for welfare reasons.

Slaughterhouse operators

Regulation (EC) No 853/2004 laying down specific hygiene rules for food animal origin, specifies that slaughterhouses operators have the obligation in particular to put in place specific HACCP procedures which:

"must guarantee that each animal or, where appropriate, each lot of animals accepted onto the slaughterhouse premises (...)

(e) is healthy as far as the food operator can judge, and

(f) is in a satisfactory state as regards welfare on arrival at the slaughterhouse."

(Extract from point 2, Section II, Annex II to Regulation (EC) No 853/2004).

Food chain information and medical treatments on horses

Equidae which are eligible for human consumption, when treated with pharmacologically active substances listed in Table 1 in the Annex to Commission Regulation (EU) No 37/2010, must have this treatment recorded in a medicines record kept on the farm as required by Article 10 of Council Directive 96/23/EC and Annex I, part A, III, point 8 (b) to Regulation (EC) No 852/2004.

There is also more specific Community legislation governing the administration of veterinary products to such animals. Commission Regulation (EC) No 1950/2006 lists certain pharmacologically active substances which are deemed to be essential for the treatment of equidae and even though they are not listed in Table 1 in the Annex to Commission Regulation (EU) No 37/2010, these substances may also be used to treat equidae intended for human consumption. Such treatment must be recorded in Part 3 of Section IX of the equine passport and a period of six months from the date of last treatment to time of slaughter must be observed. The format of the passport (identification document) is laid down in Commission Regulation (EC) No 504/2008 which requires that all equidae must be accompanied by an identification document.

If equidae are treated with a substance which is neither listed in Table 1 in the Annex to Commission Regulation (EU) No 37/2010 nor defined as an essential substance by

Commission Regulation (EC) No 1950/2006, such a treatment permanently excludes the animal from the food chain. Exclusion from the food chain must be declared by the horse owner under Part 2 of Section IX of the equine passport.

Official veterinarians

Regulation (EC) No 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption makes clear in its Article 5 that the official veterinarian (and official auxiliaries) shall carry out inspections tasks in slaughterhouses as regards, in particular, *ante-mortem* inspection and animal welfare.

It is later specified in Section C, Chapter II of Annex I to Regulation (EC) No 854/2004 that:

"The official veterinarian is to verify compliance with relevant Community and national rules on animal welfare, such as rules concerning the protection of animals at the time of slaughter and during transport."

Member States

Article 3 of Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules states that:

"Member States shall ensure that official controls are carried out regularly, on risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation taking account of:

(a) identified risks associated with animals, feed or food, feed or food businesses, the use of feed or food or any process, material, substance, activity or operation that may influence feed or food safety, animal health or animal welfare (...)"

Transport rules

Fitness for transport is defined in Chapter I of Annex I to Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and in particular includes the following:

"Animals that are injured or that present physiological weaknesses or pathological processes shall not be considered fit for transport and in particular if:

(a) they are unable to move independently without pain or to walk unassisted;

(b) they present a severe open wound, or prolapse;

(...)"

Animal welfare rules at slaughter

Animal welfare rules at slaughter are laid down in Directive 93/119/EC. As regards the arrival of animals unfit for transport, point 6 of Section I of Annex A to the directive states that:

"Without prejudice to the provisions laid down in Chapter VI of Annex I to Directive 64/433/EEC¹, animals which have experienced pain or suffering during transport or upon arrival at the slaughterhouse, and unweaned animals, must be slaughtered immediately. If this is not possible, they must be separated and slaughtered as soon as possible and at least within the following two hours. Animals which are unable to walk must not be dragged to the place of slaughter, but must be killed where they lie or, where it is possible and does not entail any unnecessary suffering, transported on a trolley or movable platform to the place of emergency slaughter"

¹ This chapter refers to *ante-mortem* health inspection. This Directive has been repealed by Directive 2004/41/EC repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption (OJ L 157, 30.4.2004, p. 33–44)