



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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[REDACTED]
{By Email}

Our Ref: ATIC0953

24 October 2016

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about a live animal export which we received on 26 September 2016. Your request has been handled under the Freedom of Information Act 2000.

The information you requested and our response is detailed below:

“Subject Live animal export, Transport and shipping, Wednesday October 5th 2016

I require under the FOI act to obtain evidence based answers to my concerns about the welfare of the livestock being transported . I am aware that APHA has specific and legal obligations with respect to such transportation and the welfare of these animals whilst preparing for and in Transit.

I understand that the consignment was transported in the following vehicle:

DA 902 FN

Please note APHA have no record of vehicle DA 902 FN, but have supplied information relating to vehicle DA 802 FN, to which we have a record of.

1. At what time was the first animal loaded at the point of departure and how many were loaded in total?
2. Was loading at the departure point supervised by qualified AHVLA directly employed staff?
3. Were any of those staff veterinary qualified staff?

In relation to question 1 to 3, APHA do not hold this information as a supervised loading was not carried out by APHA Inspectors.

4. Was the journey time to first appropriate feed/Water stop listed as being in excess of 8 hours?

Yes.

5. Was the transporter inspected for suitability and safety prior to departure?

APHA do not hold this information as a supervised loading was not carried out by APHA Inspectors.

6. Did the transporter have more than one qualified driver?

No.

7. If the Journey time was in excess of 8 hours was the journey log submitted and approved for the journey? Please supply a copy of this data.

Yes, please see Appendix 1 attached for section 1 of the planned journey.

8. For the pre departure inspection at Dover, please advise how many veterinary qualified inspectors were present.

None.

9. Please supply copies of the inspection report and journey log and, if issued, I require copies of any statutory notices.”

Please see Appendix 1 for section 1 of the Journey Log (WIT07).

Please see Appendix 2 for the WIT32 Portal Inspection report.

No statutory notices served during the portal check at Dover.

Information has been redacted on the attached Appendices under Section 38, Section 40(2) and 40(3)(a)(i) of the Freedom of Information Act (2000).

Section 38 refers to the exemption from the duty to provide information if it would, or would be likely to affect anyone's health or safety.

We recognise that there is a general presumption in favour of transparency and openness concerning our work, and providing the general public with the right to request access to information held by public authorities.

We also recognise that there is a public interest in disclosure of this specific information in order to increase this transparency and aid well-informed debates concerning the welfare and transportation of animals, and the individuals associated with them.

However, we feel that there is a stronger public interest in withholding the information as the full addresses, including the county of origin, the destination and/or rest stops, transporter details and individual names would identify further information and would, or would be likely to, endanger the health and safety of staff. This poses a substantial risk to the health and safety of individuals associated with the transportation of animals that would be of significant severity and is likely to occur in some cases. We consider this to be a significant factor in favour of maintaining the exemption.

APHA has balanced the real threat to the health and safety of individuals which disclosure of the requested information would be likely to cause, against the public interest arguments in favour of disclosure. In this instance the APHA does not consider that disclosing the information requested in order to inform public debate and to promote accountability and transparency would justify the risk to individuals' health and safety.

Section 40(2) and 40(3)(a)(i) refers to other people's personal information. Some of the information contained within the requested documents has been withheld under section 40(2) and 40(3)(a)(i) (third party personal data) of the FOIA as the information constitutes personal data relating to a third party. Section 40(2) and 40(3)(a)(i) of the FOIA provides that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA).

APHA consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 of the DPA, which relates to the fair and lawful processing of personal data, in two ways. First, disclosure would not constitute 'fair' processing of the personal data, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA. Therefore, we have concluded that this information is exempt from disclosure under section 40(2) of the FOIA.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

I attach an Annex which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gsi.gov.uk

Annex

Copyright

The information supplied to you is Crown copyright, unless otherwise stated, and is protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including for the purposes of news reporting. You can find details on the arrangements for re-using Crown copyright information at:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/open-government-licence.htm>

Information you receive which is **not** subject to Crown Copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third party (non Crown Copyright) information.


Complaints

If you are unhappy with the result of your request for information you may request an internal review within 40 working days of the date of this letter.

If you wish to request an internal review, please contact: The Access to Information Team at enquiries@apha.gsi.gov.uk or at the postal address at the top of this letter, who will arrange for an internal review of your case.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted APHA's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<p>Council Regulation EC No. 1/2005 on the protection of animals during transport. JOURNEY LOG</p>		<p>APHA office address for submissions and returns of Journey Logs</p> <p>Welfare in Transport Team Centre for International Trade Eden Bridge House Lowther Street Carlisle CA3 8DX</p>		 <p>Animal & Plant Health Agency</p>	
<p>During the journey the consignment of animals MUST be accompanied by THIS journey log</p>					
<p>Section 1: Planning</p>					
<p>1.1 Organiser's Name and address ^(a)/_(b)</p> <p>[REDACTED]</p>		<p>1.2 Name of the person in charge of the journey</p> <p>[REDACTED]</p>		<p>1.3 Telephone/Fax</p> <p>[REDACTED]</p>	
<p>2 Total expected duration (hours/days) 19H</p>					
<p>3.1 Place and country of departure</p> <p>[REDACTED] UK</p>		<p>4.1 Place and country of destination</p> <p>[REDACTED] FRANCE</p>			
<p>3.2 Date</p> <p>05/10/2016</p>	<p>3.3 Time</p> <p>9H</p>	<p>4.2 Date</p> <p>06/10/2016</p>	<p>4.3 Time</p> <p>4H</p>		
<p>5.1 Species</p> <p>BOVINS</p>	<p>5.2. Number of animals</p> <p>7</p>		<p>5.3 Veterinary certificate(s) number(s)</p>		
<p>Weaned <input checked="" type="checkbox"/> Unweaned <input type="checkbox"/></p>					
<p>5.4 Estimated total weight of the consignment (in kg):</p> <p>4200</p>		<p>5.5 Total space provided for the consignment (in m²):</p> <p>32 m²</p>			
<p>6 List of scheduled resting, transfer or exit points:</p>					
<p>6.1 Name of the place where animals are to be rested, or transferred (including exit points)</p>		<p>6.2 Arrival</p>		<p>6.3 Length (in hours)</p>	<p>6.4 Transporter's name and authorisation No (if different from the organiser)</p>
<p>PORT OF DOVER - P&O</p>		<p>Date</p> <p>05/10/16</p>	<p>Time</p> <p>14:55</p>	<p>45MIN</p>	<p>[REDACTED]</p>
<p>CALAIS</p>		<p>Date</p> <p>05/10/16</p>	<p>Time</p> <p>17H10</p>	<p>1H15MIN</p>	<p>[REDACTED]</p>
<p>7. I, the organiser, hereby declare that I am responsible for the organisation of the abovementioned journey and I have made suitable arrangements to safeguard the welfare of the animals throughout the journey in accordance with the provisions of Council Regulation (EC) No 1/2005</p> <p>[REDACTED]</p>		<p>Official stamp</p>			
<p>8. Signature of the</p> <p>[REDACTED]</p>		<p>APHA Journey Log Reference</p> <p>JL10877</p>			

^(a) Organiser: see definition in Article 2(q) of Council Regulation (EC) No 1/2005
^(b) If the organiser is a transporter the authorisation number shall be specified.

APPENDIX 2

Department for Environment, Food and Rural Affairs
Scottish Government
Welsh Government



Council Regulation EC 1/2005

Vehicle/Livestock Inspection Report

AMES Reference 1276672

Before completing this document you must be familiar with the Guidance Notes (WIT35)

Please complete a separate report for each vehicle inspected

General Details

Name of Inspector(s) [redacted] APHA office DOVER
Inspection Date 5-10-16 Arrival Time 16:30 Inspection Start Time 16:30
Inspection Type Supervised Loading Market Roadside Portal BIP
Risk Level (if appropriate) Low Medium High
Location of inspection FRONTIER CONTROL - EASTERN DOCKS, DOVER
Is Transport in scope of Regulation? Yes No

Consignment Details

Species BOVINE Weaned Unweaned If Ovine, Shorn Unshorn
Accompanying Docs Health Certificate Ref Number(s)* EN1A.SB.2016.0625248
Journey Log Ref Number(s)* JL10877
Passport Ref Number(s)* NOT RECORDED
Registered Unregistered
Use continuation sheet (page 4) if more space needed DOCOM Ref Number(s)

Animal Transport Certificate (ATC) Horse/Pony Welfare Declaration or AHA
Total number certified by OV (N/A if no certification) [redacted] ¹Total number rejected by OV (N/A if no certification) [redacted]
¹Total number presented for loading [redacted] Total number loaded 7
¹Were animals rejected as not fit to travel recorded on the ET54 by the certifying Official Veterinarian? Yes No N/A
¹Was the location of the rejected animals established? Yes No N/A
If yes, please specify location [redacted]

Note: If all the certified/animals presented for loading were not actually loaded onto the vehicle, give explanation in comments box (page 2) e.g rejected due to lameness or lack of space and if a WIT8 or WIT9 Notice was served or a WIT52 completed etc.

¹To be completed for supervised loadings only

Transport/Driver Details

Transporter Name [redacted] Authorisation Number [redacted]
Type Type 1 Type 2 Transporter Address [redacted]
Authorisation Expiry Date 21-5-17
Authorisation Valid for Species Yes No
Full name of all driver(s) [redacted]
Competency Certificate Number(s) [redacted]
Competency certificate expiry date(s) [redacted]
Competency valid for species carried? Yes No N/A

Journey Details

Date and time first animal on to vehicle

Can journey be completed within limits laid down in Annex I, Chapter V of 1/2005? Yes No N/A

Vehicle Details

Vehicle Registration Number (Front) Trailer Reg/Chassis Number (Back)

Is Vehicle Approval required for the journey being undertaken? Yes No

Vehicle Approval Certificate Number (if required) Certificate Expiry Date

Additional Vehicle Approval Certificate Number (if required for Road Trains) Certificate Expiry Date

Is the Vehicle Approval valid for the journey type and the species being transported? Yes No

Vehicle Type Rigid Artic Road Train Other

Note: For Road Trains, use the first box below to record details for the rigid vehicle and the second box for the trailer.

	Temperature °C per tier	Floor area per tier m ²	No of animals per tier	Area in m ² per animal
Tier 4 (top)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tier 3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tier 2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tier 1 (bottom)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Is the space allowance within the maximum permitted in Annex I, Chapter VII of 1/2005? Yes No

Non-compliance and Regulatory Action

Are animals being transported in a way causing or likely to cause unnecessary suffering? Yes[†] No

Is transport compliant? Yes No[†]

† If you have ticked either of these boxes above or answered 'no' to any of the questions on the 'inspection checklist', please provide detail below.

Details of any WATO non-compliance and action taken (†attach Article 24 Notice/WIT52/anomaly report if applicable)

General Comments

Inspection Checklist

DA 802 RN - 5.10.16

All journeys (including those up to 8 hours)

1. Do all the animals appear fit for their intended journey?*	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	2. Is the vehicle clearly and visibly marked indicating the presence of animals?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Has the vehicle been adequately cleansed and disinfected prior to the commencement of loading?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	4. Is the vehicle capable of protecting animals from inclement weather, extreme temperatures and adverse changes in climatic conditions?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. If travelling via ferry, is the vehicle fitted with sufficient and adequate securing points?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	6. Does the vehicle have sufficient lighting to adequately inspect the animals?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
7. Is the vehicle free of sharp projections or gaps which could cause injury to animals?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	8. Are animals able to stand naturally with room above for free movement of air?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
9. Is the vehicle fitted with partitions that create suitable pen lengths?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	10. Are the gradients of any and all ramps satisfactory?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
11. Do ramps have adequate foot batons?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	12. Are all floor surfaces non-slip?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
13. Are gates/barriers fitted to rear pens and loading ramps to prevent animals escaping/falling?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	14. Is it possible to gain access to all the animals to allow them to be inspected or cared for?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
15. Do the animals have adequate space allowance and comply with the specifications laid down in Chapter VII of Annex I of Council Regulation (EC) No 1/2005?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	16. Are the animals properly segregated in accordance with 1.12 of Chapter III of Annex I of Council Regulation (EC) No 1/2005?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Additional Provisions for Long Journeys

17. Is the vehicle equipped with a water supply?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	18. Are the watering devices in good working order?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
19. Is water tank fitted with a means to allow water level to be checked?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	20. Is water tank fitted with a drain to enable tank to be cleaned?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
21. Are the watering devices appropriately designed and positioned for the types of animals being transported?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	22. Are the animals provided with appropriate bedding capable of providing for their comfort and adequately absorbing urine and faeces?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
23. Is the vehicle carrying a sufficient quantity of appropriate feedingstuff for the feeding requirements of the animals during the journey?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	24. Is the feedingstuff protected from weather and contaminants such as dust, fuel, exhaust gases and animal dung and urine?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
25. Is the vehicle fitted with partitions adjusted to suit the size of animals carried and provide all animals with free access to water?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	26. Does the vehicle appear capable of regulating the temperature inside the animal compartments e.g. are all the fans fully operational?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
27. Is the ventilation system capable of operating independently of the vehicle engine?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	28. Is the vehicle fitted with a warning system to alert the driver when temperatures in animal compartments reach maximum or minimum limits?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
29. Is the vehicle fitted with a Navigation System? (Not applicable to registered horses).	Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	No <input type="checkbox"/>			

Additional requirements for Equidae

30. Are all animals over 8 months old wearing halters?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	31. If on long journeys, are all horses broken?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
32. If on long journeys, are all animals over 4 months old (unless with dam or registered)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	33. For long journeys or transport on-board Ro/Ro ferries are all animals individually stalled?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you have answered 'No' to any of the questions above, please provide details on page 2. An Article 24 Notice (WIT08 or WIT09) must be served on the transporter detailing the non-compliance and any remedial action necessary. In the case of export journeys, record details in Section 5 'Anomaly Report' of the Journey Log.

*Exception: If you have answered "no" to point 1 and you have rejected animals as being unfit to travel you must complete a Notice (WIT52). If the keeper/transporter disputes this decision, you should serve an Article 24 Notice (WIT08).

Certification

Please complete a separate report for each vehicle inspected

Documentary Check

	ITAHC/DOCOM Number	No. of animals certified	No. of animals loaded	Passport Number*	Reg. Or ID Passport?*	Journey Log or ATC number (if applicable)	Horse/Pony Welfare Declaration or AHA Number (if applicable)
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
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17.							
18.							
19.							
20.							
21.							
22.							
23.							

*These sections to be completed for horses only