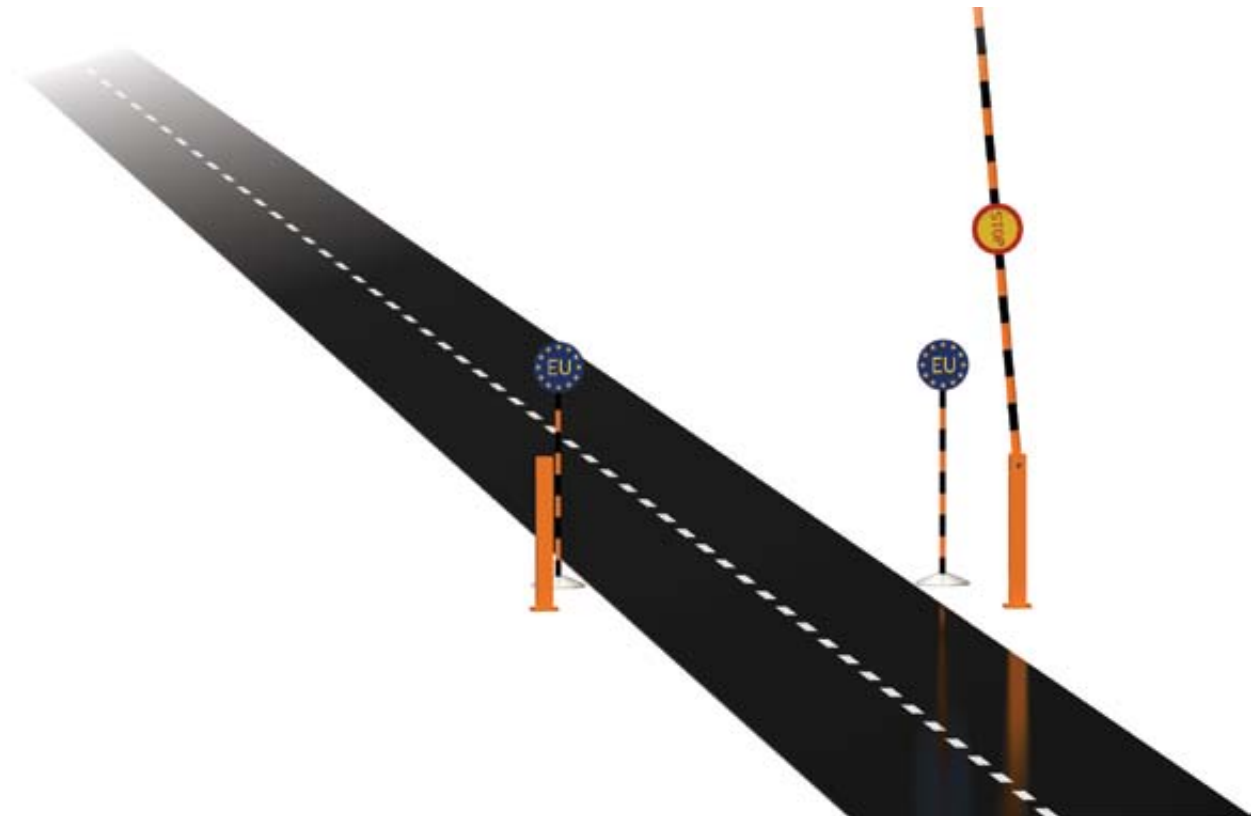


An Affair of Animal Welfare

Is BiH willing to keep hurting its economy?



**An Affair of Animal Welfare:
Is BiH willing to keep hurting its economy?**

Think tank PPOPULARI

Center for socio-economic studies

Zagrebacka 55

SARAJEVO, 71000

Bosnia and Herzegovina

info@populari.org

www.populari.org

Authors:

Vesna Malenica

Vedrana Čović

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AN AFFAIR OF ANIMAL WELFARE

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Executive Summary

It has become bad publicity to ignore animal welfare as the humane treatment of farm animals becomes a global phenomenon and a prominent ethical issue. However, animal welfare is not only about ethical considerations, it is also a driving force in the market, with the ever-increasing demand for organic, healthy and ethical foods generating profit. The European Union (EU) recognized this over 40 years ago, and even though animal welfare was not as strong of a market force as it is today, the issue of animal welfare was first introduced as both a trade issue and an international concern in the 1970s by the EU. As some EU countries adopted national animal welfare regulations before others and/or applied more stringent criteria, the EU intervened by including animal welfare into the Acquis Communautaire to level the playing field and avoid trade distortions. Today, the EU has a sizeable body of legislation related to animal welfare. However, only the regulations on the protection of animals at slaughter, most notably Council Directive 93/119/EC and more recently Regulation No. 1099/2009 supplementing the 1993 Directive, must be transposed and implemented, not only by EU member states but by all third countries wishing to export to the EU.¹

Croatia, Bosnia and Herzegovina's (BiH) next-door neighbor and most important trade partner, is to join the EU as a full member on 1 July 2013, which will cause considerable economic losses for BiH meat producers. The focus so far has been on unmet hygiene, laboratory and disease control standards when it comes to meat export, however, not much attention has been paid to the required animal welfare component necessary to export to the EU. Animal welfare as a legal concept is largely misunderstood in BiH, and not taken very seriously. What legislation regarding the issue has been transposed thus far, leaves its enforcement lackluster. Although BiH adopted the Law on the protection of animals and animal welfare in 2009, it seems that authorities in BiH are more interested in ticking off boxes in the EU accession process than in the actual introduction and implementation of EU standards. As a result of BiH's trivial numbers of adopted EU laws² and their implementation, exporting to the EU is out of the question for producers, and when Croatia becomes an EU member next year, its accession will leave a dent in BiH's foreign trade balance sheet. BiH's civil servants are largely unaware of the animal welfare requirements, and even if by some miracle, BiH manages to fulfill all hygiene, disease and laboratory

1 Populari Interview with Terrence Cassidy and Desmond Maguire, Officers in the Animal Health and Welfare Department in the Food and Veterinary Office (FVO), 10 May 2012.

2 During this year so far they have adopted only 15 laws, and last year only 12. Just to get a picture: only in two sessions, the Serbian Parliament adopted 27 laws, while Croatia was even better with 101 laws in 2 months.

standards, animal welfare will catch them off guard. This is another illustration of BiH's unpreparedness and limited knowledge of EU rules and procedures, and a symptom of BiH's economy.

This policy paper examines the situation in BiH's poultry sector, with a view to identifying the problems within the animal welfare sector and proposing solutions for the time BiH is able to export to be ready with animal welfare and not be caught off guard, as well as to encourage public debate about animal welfare and its implications for the economy, health and food safety. It focuses more specifically on the production of broilers because it is one of the main agricultural subsectors in BiH and has an enormous growth potential though it currently only contributes 1.3% to GDP (a small percentage considering the country's favorable conditions for poultry production). Although chicken farming is still considered to be a family business, there are a few large and 10-15 medium-sized commercial poultry producers. Chicken meat makes up a significant portion of the country's exports, especially to Croatia. With the increase in demand for chicken meat in the last six years due to price and health concerns, this makes the sector one of the most economically sound investments in meat production and therefore one of the most beneficial to BiH's economy.

One of the central problems identified was a chaotic animal welfare sector with unclear definitions of the term, a lack of division of competencies in the Law, no real central authority that will issue the certificate accompanying meat for export, and most troubling of all, an ineffective inspection system. These issues are examined in detail with recommendations for both policy makers and producers to make positive steps towards the implementation of EU requirements and their own nation's legislation. Despite BiH's focus on continuing export to Croatia through adopted road maps and action plans, their failure to identify animal welfare in any of these will cause problems, as without that checkmark beside animal welfare they will not be able to export to the EU, even if all sanitary, labeling and packaging standards have been met. The failure to maintain access to the entire EU market should leave BiH's politicians considering whether they are prepared to lose out on millions.

This policy brief is based on field research, including visits to slaughterhouses, farms, industrial facilities, and on extensive interviews with EU animal welfare officials, BiH civil servants working in the veterinary sector, BiH administration at all levels, representatives of BiH producers and other individuals related to the matter.

The End of a Local Success Story?

As one enters Dokso d.o.o., a state of the art broiler farm in Visoko, a town near Sarajevo with a long tradition of meat curing, it is clear that there is little room for human error. Everything is automated—feeding, water supply, temperature, ventilation – controlled by a computer which enables the farm of 33,000 chickens to operate with only three employees. They take good care of them: the chickens stroll freely around with no fences and cages in sight, eat only the best plant-based food and vitamins, which in 41 days makes them grown broilers ready for the slaughterhouse. The owner of the



farm, Edin Doksa, is rightly proud – he receives the biggest return on his investment – and is already building a new farm next to the existing one. As a country with a long tradition of farming, BiH's farmers were good to their animals knowing that better treatment equals better returns. BiH's farmers tend to respect animal welfare in the grand scheme of things, even if they themselves are not aware that they do or do not know what the prescriptions are. Farms like Dokso are a little more informed due to the cooperant system,³ but most importantly, know that healthy chickens mean higher profits⁴ – which is the force that runs the sector. The problem lies not in the farms; rather, one of the weakest points in the production process are slaughterhouses, a far newer concept and one with much higher outputs than a farm of 33,000 chickens.

3 Dokso is one of hundreds of BiH farmers who have entered into a contractual agreement with a large producer to provide the producer with chicken. This is done through extensive contracts which outline all the terms and conditions, including regulations on feed, infrastructure, hygiene and others. They are educated through this system.

4 Cooperants are fined per chicken if they arrive bruised, underweight or unhealthy. Companies like Brovis lay these specificities out in their contracts with the cooperants. They know that healthy chickens are sellable, and through fines ensure that all cooperants are making sure to implement the highest standards, which are also laid out in the contracts.

Two kilometers away from Dokso's farm, one of the largest registered slaughterhouses in BiH is located, Brovis – a final destination for chickens from over 135 cooperant farms throughout BiH, including Dokso. They arrive daily in the Brovis depot, with more than 10 chickens per cage squished together as they roll down the assembly line from the truck. 33,000 beaks a day, 430 workers and 135 cooperants. The system is in fact efficiently flawless. Once the chickens are on the line, they are stunned, killed, de-feathered and washed within minutes. The process is impressively effective and lacks images of brutality often associated with slaughterhouses. That is because Brovis was built to EU specifications in 2006, and it is one of the few companies that can boast such sophisticated technology: the premises were built so as to facilitate production according to EU standards – a pioneering move at the time which would pay off well soon. Salahudin Strujic, Brovis's slaughterhouse manager, proudly states:

“What they have in Western Europe, we have also installed here, as far as processing of the poultry is concerned. What companies in, let's say, the Netherlands have, we have in Brovis, too.”⁵

Since 2006, the management has taken additional steps forward in order to catch up with similar companies in Western Europe, and the company soon introduced Hazard Analysis and Critical Control Points (HACCP),⁶ ISO 9001–2008,⁷ ISO 14001–2004⁸ and Halal.⁹ Modern technology, as well as sanitary and production certificates, enabled the company to raise the quality of its products. Each week around 30 tons of BiH chicken meat processed in Brovis crosses the border, ending up on Croatian supermarket shelves and satisfying a large part of the demand of Croatian consumers for fresh chicken products. This makes Brovis one of the largest exporters of chicken meat in BiH and a local success story so far. With Croatia joining the EU in 2013, trade with its neighbor and biggest trading partner will not be possible without compliance with all EU Directives and Regulations, including those on animal welfare. With the political and hygienic problems surrounding export from BiH, animal welfare is not a priority

5 Salahudin Strujic, Brovis slaughterhouse manager, <http://www.youtube.com/watch?v=9sEz2Au0Xnl>.

6 HACCP is a management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw material production, procurement and handling, to manufacturing, distribution and consumption of the finished product.

7 ISO 9001:2008 sets out the criteria for a quality management system. Using ISO 9001:2008 helps ensure that customers get consistent, good quality products and services.

8 ISO 14001:2004 is an international standard describing the specification and requirements for an environmental management system (EMS). The purpose of this standard is to help all types of organizations to protect the environment, to prevent pollution, and to improve their environmental performance.

9 Halal standard is based on the proactive preventive method; it is compatible with other international standards that regulate the area of quality production management (ISO, HACCP and others).

either to the State or producers which are dealing with the possibility of great financial losses as a consequence of terminated export. Will this particular local story remain successful after 1 January?



Broilers entering the Brovis slaughterhouse from the depot

Given the last negative report¹⁰ of the Food and Veterinary Office (FVO) following an audit conducted in BiH to evaluate the systems in place governing the production of poultry meat intended for export to the EU, Brovis justifiably fears losing the Croatian market. FVO's role as an auditor and monitor of the legislation and implementation of EU regulations on the ground is essential in developing and maintaining a system which enables exports to the EU market. As a response to the report and the recommendations given by the FVO, BiH authorities developed a set of pre-emptive activities¹¹ in order to set in a system that will meet the requirements of EU legislation and enable Brovis to continue export in the shortest period possible. However, despite over 30 foreseen measures, none concern animal welfare. Judging by the envisaged activities in the Action Plan, BiH authorities have not yet realized that link and even if they meet all the conditions listed, they will still miss the animal welfare check box which becomes

10 FVO works to assure the control system in the veterinary sector and evaluate compliance with EU standards within the EU and in third countries exporting to the EU. The FVO does this through inspections. The last inspection in BiH was conducted during January and February 2012.

11 These activities came as a response to the final FVO report conducted in BiH in January and February 2012 which deemed the poultry sector in BiH not aligned with the EU regulations and standards and denied the permission to export poultry meat to the EU. The final report finishes with 12 recommendations aimed at competent BiH authorities. As a response to recommendations, the authorities drafted and adopted an Action Plan listing around 30 activities to be conducted in order to address all the deficiencies and missing mechanisms in the poultry sector which will enable the export into the EU.

mandatory as of 1 January 2013¹² for all member states and third countries, such as BiH, wishing to export to the EU. With a chicken population of 18.7 million,¹³ it is evident where profit lies: BiH has 18.7 million means of creating economic gains. Once Croatia's borders turn blue, not a single one of those 18.7 million feathered dollar signs will be able to cross the border. This accounts for a 7 million BAM loss for BiH.

	Croatia 2009		Croatia 2010		Croatia 2011	
	EX in KM	IM in KM	EX in KM	IM in KM	EX in KM	IM in KM
Total	4,091,729	6,829,290	5,773,590	5,310,857	7,016,762	6,591,272

Table 1: BiH's chicken export to and import from Croatia in BAM from 2009-2011

While we see an increase in exports to Croatia over the past 3 years, the stress of losing the market is not only the loss of 7 million BAM through direct financial gains from the exported chicken, but also the loss of jobs when businesses scale down, which leads to a strain on the state budget, social programs and expenditures and an increase in unemployment in a country where it is already at rocket heights. An even more alarming problem is the fact that companies are unable to produce business trajectories and strategies because they are insecure about the future. If they assume that export to Croatia will be no more from January 2013, they will need to cut production now by 20%. However, if they do that and BiH does end up being able to export to the EU, they will have lost out on a big potential market. Preparing for a future market takes several months and if production is not cut by 20% now, they will have a surplus of 20%. Brovis's Director of Operations Bulaja Nirves is extremely frustrated with the situation, as it puts him in the hot seat of being unable to make a decision regarding the future. However, he is not very optimistic:

*"The situation is really tough and I am not sure what will happen in January."*¹⁴

12 Although Croatia is scheduled to officially join the EU on 1 July, it has to prepare for the EU entry long before. 1 January rather than 1 July is the date Bosnia should worry about losing Croatia as 1 July is only the formal signing of the contract between the EU and Croatia. Croatia will be preparing itself for EU entry long before then and directives will be implemented in the deadlines specified to all EU member states. Croatia is already returning some goods from BiH, and will be closing the border on 1 January, 6 months prior to membership because it needs 6 months to sell all products imported from third countries off of its shelves and therefore meet all EU criteria on 1 July.

13 Feasibility Study of BiH's poultry sector conducted by the Kuwait Investment Fund and UNDP, "Investment in Poultry Production in Bosnia-Herzegovina".

14 Populari Interview with Bulaja Nirves, Director of Operations at Brovis, 4 October 2012.

Although the hygiene package has been adopted as recently as 29 October 2012, implementation is still a big factor. Adoption of laws does not inherently result in implementation.



Brovis packing station

What the EU expects?

Concern about animal welfare has been growing in Europe for decades. No longer limited to animal rights activists, the humane treatment of animals has become important to the overall European population with 62% of respondents in a Eurobarometer survey that covered all 27 member states, Turkey and Croatia, saying that they would change their shopping habits in order to access more animal welfare friendly goods. No longer satisfied with simply consuming safe and clean animal products, Europeans now are willing to pay the price. While farm-gate costs might increase by 5-10% for welfare-friendly chicken, retail prices can increase by as much as 50%, sometimes even more,¹⁵ with some sources claiming that it can cost up to five times as much if it's the real deal.¹⁶ As social consciousness over the matter grows, so does the impact animal welfare can have on trade and the market, leading the EU to begin implementing even more and stricter regulations requiring producers and processors of animal products to satisfy basic requirements guaranteeing the humane treatment of the animals that

¹⁵ James Moynagh, *EU Regulation and Consumer Demand for Animal Welfare*, The Journal of Agrobiotechnology Management and Economics, 3(2&3) Article 6.

¹⁶ Robert Plamondon, Robert Plamondon's Poultry Pages, website: http://www.plamondon.com/faq_welfare.html.

they handle. It is not simply about kittens and puppies; rather, farm animal welfare has become a growing concern in the EU as consumers increasingly take into consideration the products' origin when making purchasing choices.

It is evident that the EU has come a long way in terms of standards in this field, and has taken a very concrete approach to animal welfare, especially in the last two decades. Over 30 EU Directives regulate the animal welfare sector currently, and after almost 40 years since the first Directive on the protection of animals at slaughter was passed in the EU, the Treaty of Lisbon¹⁷ in 2009 made animal welfare one of the fundamental principles of European policy. Because of this and the interconnectedness of our world, farm animal welfare has become both a concern to be addressed and legislation to be respected.

Until 1 January 2013 animal welfare at slaughterhouses is regulated by the Council Directive of 22 December 1993 on the protection of animals at the time of slaughter or killing.¹⁸ The Directive has not been substantially amended since its adoption and for that reason the EU drafted and adopted the Regulation on the protection of animals at the time of slaughter, which clearly declares that national law concerning the protection of animals at slaughter has an impact on competition and, as a result, on the operation of the internal market in products of animal origin. Therefore common rules are necessary in order to protect the internal market and ensure its natural development.¹⁹

The rules established in this regulation cover stunning methods, the use of restraining and stunning equipment, slaughterhouse procedure/design and the appointment of animal welfare officers in each slaughterhouse. Business operators or producers must designate a certified²⁰ animal welfare officer for each slaughterhouse who is a qualified person to coordinate and ensure the implementation of animal welfare operating procedures in slaughterhouses. He/she is under the authority of the producer but should have sufficient authority to provide guidance to the rest of the

17 "In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage." Article 13 of the Treaty of Lisbon.

18 Council Directive 93/119/EC.

19 "National law concerning the protection of animals at the time of slaughter or killing has an impact on competition and, accordingly, on the operation of the internal market in products of animal origin in Annex I to the Treaty establishing the European Community. It is necessary to establish common rules in order to ensure the rational development of the internal market in those products." Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

20 According to Article 17 of the Regulation, the animal welfare officer shall hold a certificate of competence issued for all operations taking place in the slaughterhouse for which he/she is responsible for by the competent authority, i.e. the country's Veterinary Office.

personnel and authorize personnel to carry out corrective actions in order to achieve compliance with the Regulation. While there are a lot of transitional periods for the infrastructure outlined,²¹ the training of people and treatment of animals does not have any transitional periods and will have to be adhered to by 1 January 2013.

The new Regulation further stipulates that the health certificate accompanying meat imported from third countries must be supplemented by an attestation certifying that requirements at least equivalent to those laid down in Chapters II and III of the Regulation are met. These certificates are then checked at Border Inspection Points (BIPs) by the importing country. Before a country's seal can be formally recognized, the EU comes and physically checks and confirms that all producers wishing to export to the EU are up to par. The EU, more specifically, FVO's Department for Animal Health and Welfare, needs to be confident that producers and the competent authorities know what the EU requirements are. In other words, ticking off the EU box by transposing Directives and not implementing them in practice means nothing to the FVO inspectors who come to check the sector implementation in person.

BiH may have some serious problems fulfilling these requirements. Among the key problems, BiH's lack of EU knowledge is cited multiple times in DG SANCO's FVO Audit of BiH's poultry sector between January and February 2012:

"A further problem encountered was the lack of knowledge of EU requirements among the staff of competent [BiH] authorities, laboratories and food business operators."²²

Suggestions regarding animal welfare were communicated less formally to producers and civil servants.²³ While member states such as Spain relax once they enter the EU and despite undergoing an infringement procedure²⁴ in October 2011 they will not be thrown out of the EU, while BiH, only an EU hopeful, cannot afford to relax. With Croatia becoming the 28th EU member state in July 2013, the threat of losing the Croatian market becomes a reality. However, the urgency of complying with EU standards is much bigger than losing one neighbor; it is as big as losing 27. The importance of

21 Construction and equipment of slaughterhouses will only apply to new slaughterhouses until 8 December 2019.

22 European Commission, DG SANCO, Final Report of an Audit Carried out in Bosnia and Herzegovina from 31 January to 8 February 2012: „In order to evaluate the control systems in place governing the production of poultry meat, poultry meat products and table eggs intended for export to the European Union”.

23 Populari Interview with Suljo Kartal, Ze-Do Canton Veterinary Inspectorate, 20 June 2012.

24 Spain is currently undergoing an infringement procedure for not respecting Directive 93/119/EC on the protection of animals at slaughter (October 2011).

implementing EU standards for animal welfare for the BiH poultry sector is explained by Ovako²⁵ veterinarian, Emir Huskic:

“If we lose Croatia it is going to be horrible. It does not only mean that we are going to lose that single market, it means that we are not going to have room to expand our market and develop the sector.”²⁶

BiH Animal Welfare Legal Chronicle

On 26 February 2009, BiH lawmakers gathered in the Blue Hall of the state Parliament building for the 25th session of the House of Peoples – a historical one in terms of animal welfare in BiH. During this session, BiH’s Parliament adopted the first Law on animal protection and animal welfare, following the short-term recommendation²⁷ of the European Partnership (EP) for BiH, adopted in 2008. Unlike other laws adopted in post-war BiH, this one was adopted unanimously by unusual agreement in the House of Peoples, and on time. Since then, the necessary bylaws²⁸ have been adopted to ensure further harmonization with EU provisions concerning animal welfare. National legislation in the animal welfare domain has been sorted out, and proclaimed (partially)²⁹ harmonized with EU legislation. Yet another EU box ‘successfully’ ticked off.

However, and not surprisingly, the unanimous adoption of the law in BiH’s institutions has not secured smooth implementation on the ground. While animal welfare now encompasses specific legislation per animal species, there is still no understanding in BiH on what exactly animal welfare means, nor is there any recognition of the added value and competitiveness on the market animal welfare brings. Considering that profit should be producers’ number one concern, the fact that this message is missed by them shows how far BiH is behind other regions in Europe.

25 Ovako is one of the leading exporters of meat and meat by-products in BiH.

26 Populari Interview with Emir Huskic, Veterinarian for Quality Control at Ovako, 18 May 2012.

27 Ensure adoption of legislation compliant with European standards in the food safety, veterinary and phytosanitary sectors and start to implement it. (3.1. SHORT TERM PRIORITIES, Sectoral Policies, Agriculture and Fisheries).

28 11 Rulebooks of which four are transposing EU legislation: The Rulebook on the protection of animals at slaughter, Rulebook on the conditions farms need to comply with and conditions for the protection of animals on farms, Rulebook on the protection of animals during transport and transport related actions, Rulebook on the protection of experimental animals and the conditions to be met by legal entities engaged in conducting experiments on animals.

29 Four Rulebooks have been adopted with transposed EU legislation. In terms of Veterinary expertise the EU rulebooks have been transposed, however the non-mandatory provisions have not and are not mandatory to be transposed until BiH joins the EU (i.e. reports, specific data, and statistics). They have been harmonized in terms of the technical, the veterinary, aspect.

The explanation is generally that the Western Balkans are still lagging behind other regions and animal welfare is not something they are familiar with. BiH struggles with this model as it insists on outdated understandings of the concept, still mainly limited to cats and dogs. This is not only common amongst the general public; rather, even producers in the sector are finding it difficult to differentiate between animal rights and animal welfare and, more shockingly, animal welfare and sanitary standards. Chief Veterinary Inspector for the ZE-DO Canton, Suljo Kartal, clarifies perceptions of animal welfare:

“Only with the adoption of the animal welfare law did we get a taste of the West, and we still do not know exactly what it means, three years later. This law was the first time the moral aspect of that subject matter was touched upon... People misunderstand animal welfare. When you say ‘animal welfare’ in BiH people get angry claiming that dogs have more rights than invalids, and that is a very good indicator of where things stand.”³⁰

While producers such as Brovis are aware of national legislation concerning animal welfare at slaughter, they do not fully implement it right now. Brovis is one of the few with a developed integrated management system based on the EU principle ‘from farm to fork’ which enables full control over the production process from the beginning to the end. In practice this means – from the hatching egg to the final product, packaged and shipped to stores. Brovis holds all the necessary certificates³¹ to guarantee that all technical production parameters are met, but regulated by national legislation and not by standards, the issue of animal welfare has not yet gained the importance HACCP has.³² Asmir Smajlovic, veterinarian for quality control at Brovis is honest:

“Standards, HACCP and ISO, are more important to me.”³³

The general agreement amongst producers in BiH is that animal welfare equals sanitary standards. Producers are under the impression that if they keep their farm clean and sanitized this is as good as respecting related EU regulations. HACCP and ISO

30 Populari Interview with Suljo Kartal, Ze-Do Canton Veterinary Inspectorate, 20 June 2012.

31 ISO 9001-2008, ISO 14001-2004, HACCP.

32 The importance of HACCP for food processors stems from the changes made through the first EU agricultural policy reform implemented almost two decades ago, in 1993/1994. HACCP implies quality control and certification of the whole food chain. In practice, it means that products of animal origin are now checked from the beginning to the end; an effective food control system based on integration of an entire food chain called ‘from farm to fork’. Legislation stopped being the only factor, as the key became standards agreed upon and implemented to ensure traceability, hygiene, and better consumer protection. This is why effective standards such as HACCP can exist.

33 Populari Interview with Asmir Smajlovic, Veterinarian in charge of quality control at Brovis, 15 May 2012.

certificates are omnipresent, plastered all over the walls of offices and used as shields against any criticisms. It seems that the state Law on animal welfare is not a priority. There is no recognition amongst producers that even if all administrative, hygiene and sanitary standards are met, export to the EU will not be possible without that check mark beside “animal welfare” as well, because HACCP is not concerned with whether or not a baby chick was kicked; instead, it is concerned with whether it was kicked with a clean foot.

Although there have been attempts at developing HACCP-based approaches to animal welfare, where the emphasis is focused on systematically identifying and controlling the key threats to animal welfare throughout the entire production system, no standard exists to monitor animal welfare. Therefore, Directives and Regulations in this domain apply. Until awareness of this is developed, producers in BiH will continue to rely heavily on HACCP and other international standards.

Perfect Legislation Lacking Implementation

“This theme – animal welfare on farms – has been imposed on us because of the EU, but it is not a relevant topic, especially not now, when it is completed. No one talks about it. It is a done deal. The regulations have been in effect for two years now, but everyone has taken them for granted. I cannot say that implementation is satisfactory.”³⁴

While the general lack of knowledge concerning what animal welfare actually consists of is a serious problem, an even greater problem lies within the state institutions designated to implement animal welfare policy. The Dayton peace agreement failed to provide the legal framework for a central Ministry of Agriculture and instead delegated responsibility for agricultural policy to BiH’s two entities, the Federation of BiH and Republika Srpska, and Brcko District (BD). It is not unusual that these two levels of administration sometimes have laws and regulations that are not in line with national legislation, confusing the responsibilities of inspectors, one of the most important links in this chain. In practice, this results in inspectors working according to state level legislation one day, and according to entity level legislation the next.

Animal welfare law is regulated by six different administrative channels: the state Veterinary Office, with the entity Ministries of Agriculture being responsible for implementation, while state, entity, cantonal and municipal inspectorates are in charge

34 Populari Interview with Inga Dujmovic, State Veterinary Inspector for Animal Welfare, 4 May 2012.

of monitoring. With so many stakeholders involved, it is not surprising that there is a great lack of coordination and clear division of competences between administrative units. Chief Federal Veterinary Inspector, Nermin Smajlagic, explains the drawbacks of this:

“The Law does not define, does not regulate responsibility well enough. It is divided between many bodies, and as soon as you divide the responsibility of one thing between many then there is no responsibility. In this case, it can be the cantons, but also the municipalities, as well as the Veterinary Office, every level of government can be responsible for implementation so that in the end, nobody is.”³⁵

There is no system in place to produce chains of command and communication between administrative units. This results in a lack of routine reporting essential for monitoring animal welfare. Inspectors, producers, and public servants do not send regular updates to each other, or, more importantly, to the Veterinary Office. The Veterinary Office is the seat of the sole animal welfare officer in the country, and has been nominally elected as the Competent Authority. Despite this role, the administrative make-up of BiH prevents it from doing its job. It has a mandate without any real powers, acting as a coordinating body, a secretary. The mantra: *“The Veterinary Office is not a body central and competent enough”* is repeated amongst public institutions throughout BiH, and worse, the EU.³⁶ This problem of having no system in place is viewed by Nermin Smajlagic as especially troubling for BiH:

“Without systemic solutions, it comes down to improvisation. We as a country do not follow through on our actions, and if something is not systematically solved, then it is not finished.”³⁷

The failure to properly designate responsibility over animal welfare and the lack of coordination and communication between administrative units has resulted in overlapping competences. Essentially, different levels of administration often do the same job twice. For example, the Veterinary Office, instead of checking the work of entity inspectors, can often be found on the field overseeing the same operations that an entity inspector has just checked. The frustration is felt as Smajlagic asserts:

35 Populari Interview with Nermin Smajlagic, Chief Federal Veterinary Inspector, 5 June 2012.

36 European Commission, DG SANCO, Final Report of an Audit Carried out in Bosnia and Herzegovina from 31 January to 8 February 2012: “In order to evaluate the control systems in place governing the production of poultry meat, poultry meat products and table eggs intended for export to the European Union.”

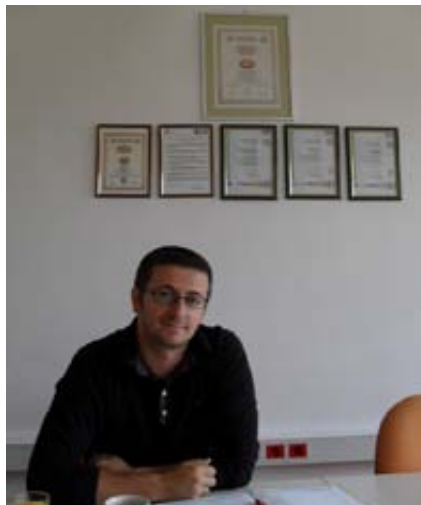
37 Populari Interview with Nermin Smajlagic, Chief Federal Veterinary Inspector, 5 June 2012.

“The Veterinary Office is supposed to oversee my work, not to double-check the same thing I just checked. We are all doing the same jobs different ways, and with that we are hurting ourselves.”³⁸

Yet another problem stems from the inappropriate relationship between producers and inspectors. Each morning, instead of going to the Inspectorate headquarters, the veterinary inspector employed in the Zenica–Doboj Canton Inspectorate does his job at the Brovis slaughterhouse. There, the inspector is constantly present, and even has his own office. As the line between friendship and professionalism fades, so does the authority of inspectors. Inspectors are often pressured to turn a blind eye and not be so rigorous, ostensibly because they do not have enough capacity to check everything, but in reality, largely due to their personal relationship with producers and BiH’s tendency to let things slide. Asmir Smajlovic, Veterinarian for quality control at Brovis, makes this clear:

“HACCP or ISO means a lot more to me. I have no problems when an inspector comes. I am familiar with the procedure more or less. But when the auditor for standards comes, then I know that I have to do a lot of things... they require more and they are slightly more stringent.”³⁹

This administrative chaos allows producers to largely ignore animal welfare regulations as it is deemed secondary and does not provide any incentives to view both hygiene standards and national legislation as equally important. Brovis, despite being the largest poultry producer, has an average of 15 veterinarians employed and only 6 veterinarians and technicians working in the field covering over 135 cooperants across all of BiH and a surface area of 51,210 sq. km. None of them are specialized in animal welfare. Despite it being a requirement under national legislation⁴⁰ in accordance with EU’s new slaughterhouse regulation, Brovis does not have an animal welfare officer, an animal



*Asmir Smajlovic,
veterinarian at Brovis*

38 Ibid.

39 Populari Interview with Asmir Smajlovic, Veterinarian in charge of quality control at Brovis, 15 May 2012.

40 Article 7 in the Rulebook for conditions slaughterhouses have to fulfill.

welfare monitoring system or a system in contact with the breast of the birds to calm them down until they enter the water bath stunner. However, Nirves insists that those are minor issues and they can address them within two weeks.

Inspectors, if they were doing their job properly, would report Brovis as a violator of its legal obligations, however they first 'warn them' rather than sanction them formally. However, a lack of sufficient human resources,⁴¹ combined with completely inefficient implementation, prevents this from happening. This highlights just how low of a priority animal welfare is for the overloaded veterinary sector. The sole animal welfare inspector in the country, Inga Dujmovic, admits:

"If you have to choose, as an inspector in the slaughterhouse, between food safety (i.e. human health) and the welfare of animals, you will always choose the safety of food, and you will go first to inspect the final product. That is important. And as for the conditions in which it takes place... that is less important in that moment."⁴²

Even though national animal welfare legislation is in harmony with the EU Acquis on paper, the animal welfare law and accompanying bylaws must now be properly implemented. Although animal welfare standards are not fully implemented by producers, the real problem lies within the passive State Veterinary Office, which stretched the implementation of the Road Map and Action Plans over 4 years, and offer little encouragement to producers to implement national legislation on animal welfare. Without incentives for a bright exporting future, expecting producers to implement legislation is an unrealistic demand. Is BiH really ready to lose millions?

Europe at the Front Door

With economic concerns related to animal welfare, the European Union (EU) developed an animal conscious market in the '70s and continued to expand on that indefinitely. Although animal welfare is not often linked to profit, the added cost in production and the increased quality of meat clearly justify it as such. The market plays a big role in this process and countries need to recognize the significance of that. Granted, BiH has checked off another EU box through the adoption of the Law on the protection of animals and animal welfare, but without any system in place to ensure implementation,

41 There are only 8 veterinary inspectors in the Zenica-Doboj Cantonal Veterinary Inspectorate. They cover 12 municipalities and are responsible for over 230 producers in total, including three major meat/food processing companies in BiH: Brovis, Perutnina, and Jami.

42 Populari Interview with Inga Dujmovic, State Veterinary Inspector for Animal Welfare, 4 May 2012.

this is purely ceremonial. Taking into consideration the lack of a central authority, overlapping competencies and most shocking of all, the absence of knowledge of the benefits animal welfare brings, the mayhem this sector is in seems logical.

The biggest shortcoming, however, is in the fact that neither competent BiH officials nor producers understand it. If both producers who are supposed to comply with the standards and the public servants responsible for overseeing implementation do not understand *what* they are supposed to be implementing, then *how* can one expect them to do so?

Because animal welfare is put on the back burner due to a lack of resources and interest, BiH currently only has one government official specializing in animal welfare in a country with a population of 4 million. The fact that Article 17 of slaughterhouse regulation No 1099/2009 calls for an animal welfare officer in every slaughterhouse is familiar to the Veterinary Office. EU requirements and adhering to national law goes out the window as the Office's officials nonchalantly say that producers will have to go through the trainings for an animal welfare officer sooner or later, but when they choose to do so is up to them. This, in essence, is true; however, it seems like a weak stance. Attitudes like this could be why the Veterinary Office is so often criticized by other institutions as showing no interest in animal welfare and taking no action towards implementing it. Thus, further halting exports.

The downside of these trainings is that they are not mandatory and different people go every time, leaving people educated at various levels with nobody knowing every part of the story. They have all learned bits and pieces but nobody can put the entire puzzle together.

“Education is the key to the problem. We lack education for producers, owners of farms, inspections and veterinarians. Every single one of them needs training because nobody knows 100% what is going on in this sector and what is required. We need practical education; every training is so abstract and impractical... They talk about Articles and Laws but people do not understand what that means... A Law can not just be read, it must be seen!”⁴³

EU regulations have a big intimidation factor, but instead of understanding them, BiH took the road most travelled – ignoring them. Not knowing what the EU requirements are hurt BiH in its last FVO inspection evaluating the control systems in place for the production of poultry intended for export to the EU. Amongst the inability of the

43 Populari Interview with Suljo Kartal, Chief Inspector for ZE-DO Canton, 20 June 2012.

Competent Authority (CA) to give guarantees required in the model certificate for exporting meat, one of the most often cited problems and one of the central conclusions of the report, is that all levels of the food chain were lacking an understanding of EU legislation.

Based on the previously presented, and in order to motivate main stakeholders to engage in a more serious manner towards animal welfare, Populari has come up with recommendations aimed at two target groups: policy makers and producers.

Although we recognize the positive step BiH took in the adoption of the hygiene package, there are still many factors which remain on the agenda regarding export to the EU, and the implementation of the hygiene package itself is something that is yet to be seen. The EU and the FVO are concerned with implementation, not just adoption, and only time will tell how far BiH is willing and able to take the adoption of new measures.

Recommendations for Policy Makers:

- Before considering inviting another FVO inspection of the poultry sector, make sure you also implement national regulations on animal welfare because the FVO will check that as well, especially considering it is transposed from EU legislation.
- The Veterinary Office backed up by entity ministries and inspections at all levels should understand that animal welfare is a concern in terms of export and should promote the concept as such. Moreover, the State Veterinary Office needs to be more concrete concerning the matter, and stop being passive, including field visits, going to farms and ensuring on-ground implementation of national legislation.
- Both state authorities and producers need to understand that the BiH Veterinary Office is the central authority concerning this matter. This means taking responsibility and creating a system in which chains of command are clearly defined without overlapping competencies. In order to ensure this, the Veterinary Office needs to initiate more communication and cooperation amongst all sectors and departments, which will often this mean *demanding* actions from various institutions.
- Training for civil servants, inspectors and the private sector should be mandatory and formalized as January 2013 approaches. Trainings should be more frequent, at least once a year, mandatory and practical, meaning field trainings at slaughterhouses or farms.

- A clear division of work between the different levels of inspections should be created and the implementation of the surprise visits by inspections should be conducted with clear repercussions for violating animal welfare law. The state/entity/canton also needs to invest in hiring more inspectors, especially those specializing in animal welfare, and divide them into regions with constant rotations to prevent them getting too friendly with companies in their area.

Recommendations for Producers:

- As animal welfare is not covered by Hazard Analysis and Critical Control Points (HACCP) and ISO, companies should educate themselves on clear specifications and responsibilities laid out in ISO, HACCP, and animal welfare standards to avoid confusion in implementing national legislation. However, the priority for producers should be to familiarize themselves with national laws and by-laws covering animal welfare and start implementing them, regardless of the existing international standards. By implementing national laws, they will have prepared themselves for the EU regulation on animal welfare at slaughter coming into effect in January 2013.
- Attending trainings, cooperating with BiH and international institutions, as well as using the experience of its foreign partners should help with the fulfillment of EU animal welfare standards.
- Producers need to invest more money in hiring animal welfare officers, especially those with knowledge of EU requirements and the benefits to health, competitiveness and profit animal welfare brings.
- Producers should organize themselves and start exerting pressure on the Veterinary Office through the association of producers to intensify and ensure fast and effective implementation of all activities, included in the Road Map in order to continue exporting to Croatia.



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