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FINAL REPORT OF A MISSION

CARRIED OUT IN SPAIN

FROM 10/09/01 TO 14/09/01

IN ORDER TO EVALUATE ANIMAL WELFARE CHECKS CARRIED OUT ON
HOLDINGS WITH PIGS, CALVES AND LAYING HENS

Please note that clarifications provided by the Spanish authorities are given as footnotes in bold, italic type in the relevant part of the report.

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

BSE	Bovine Spongiform Encephalopathy
CCAA	Autonomous Communities (<i>Comunidades Autónomas</i>)
EC	European Community
EEC	European Economic Community
FMD	Foot and Mouth Disease
FVO	Food and Veterinary Office
MAPA	Ministry of Agriculture, Fisheries and Food (<i>Ministerio de Agricultura, Pesca y Alimentación</i>)

1. INTRODUCTION

The mission took place in Spain from 10/09/01 to 14/09/01. The mission team comprised 2 inspectors from the Food and Veterinary Office (FVO), and 1 Member State expert.

The mission was undertaken as part of the FVO's planned mission programme.

The inspection team was accompanied during the entire mission by a representative from the central competent authority, Spanish Ministry of Agriculture, Fisheries and Food (*Ministerio de Agricultura, Pesca y Alimentación, MAPA*).

An opening meeting was held on 10 September with MAPA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team.

2. OBJECTIVES OF THE MISSION

The objective of the mission was to evaluate the system of animal welfare inspections on holdings with pigs, calves and laying hens. This was the first mission undertaken to Spain regarding welfare inspections of pig and calf holdings, a previous FVO mission to Spain, from 18 to 19 October 1999, included aspects relating to the welfare of laying hens. The current mission forms part of a wider series of missions to all Member States evaluating control systems and operational standards in these three livestock sectors.

Table 1. Visits carried out in pursuit of mission objective.

COMPETENT AUTHORITY VISITS		Comments
Central level	2	Opening and closing meetings.
Autonomous Community level (<i>Comunidades Autónomas</i>)	2	3 <i>Comunidades Autónomas</i> (CCAA) were visited: The applicable legislation and the organisation of inspections were discussed with representatives of <i>Navarra and Castilla y Leon</i> . Reports of previous inspections carried out were also reviewed at these meetings.
Provincial level	1	In the third CCAA visited, <i>Castilla - La Mancha</i> , representatives from one of its provinces, Toledo, attended this meeting.
FARM VISITS		
Holding with pigs	2	A veterinarian from the local veterinary unit carried out an inspection during each visit, apart from the first visit to a holding with calves, where the inspection was carried out by a veterinarian responsible for animal welfare at the CCAA level.
Holding with calves	2	
Holding with laying hens	2	

3. LEGAL BASIS FOR THE MISSION

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

Commission Decision 98/139/EC¹ of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.

Article 7 of Council Directive 88/166/EEC² laying down minimum standards for the protection of laying hens in battery cages.

Article 9 of Council Directive 91/629/EEC³ of 19 November 1991 laying down the minimum standards for the protection of calves.

Article 9 of Council Directive 91/630/EEC⁴ of 19 November 1991 laying down minimum standards for the protection of pigs.

Article 7 of Council Directive 98/58/EC⁵ of 20 July 1998 concerning the protection of animals kept for farming purposes.

In addition, the implementation of certain aspects of the following EC legislation was evaluated:

Commission Decision 2000/50/EC⁶ of 17th December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes.

Council Directive 93/119/EEC⁷ of 22 December 1993 on the protection of animals at the time of slaughter or killing.

4. BACKGROUND

A previous FVO mission to Spain concerning poultry, from 18 to 19 October 1999, included visits to farms with laying hens. This report concluded that the legislation had been properly implemented and checks organised, but that a general conclusion could not be reached regarding the level of compliance of all farms, see report: http://europa.eu.int/comm/food/fs/inspections/vi/reports/spain/vi_rep_spai_1213-1999_en.pdf

The FVO also carried out a mission between 29 May and 2 June 2000 regarding animal welfare during transport, see published report:

http://europa.eu.int/comm/food/fs/inspections/vi/reports/spain/vi_rep_spai_1104-2000_en.pdf.

The following recommendation was made to the competent authorities of Spain in this report:

¹ OJL 38, 12.02.1998, p. 10;

² OJL 74, 19.03.1988, p. 83;

³ OJL 340, 11.12.1991, p. 28;

⁴ OJL 340, 11.12.1991, p. 33;

⁵ OJL 221, 08.08.1998, p.23;

⁶ OJL 19, 25.01.2000, p. 51;

⁷ OJL 340, 31.12.1993, p. 21;

- To ensure that all parts of Council Directive 91/628/EEC are transposed and implemented into Spanish legislation, including the possibility of penalising any infringements as laid down in Art.18 of the Directive in all Autonomous Regions.

Provisions for penalising infringements is also a requirement of Council Directive 91/629/EEC, 91/630/EEC and 98/58/EC, part of the legal basis of this mission.

In response to the above recommendation, the Spanish Competent Authority informed the FVO that malpractice during the transportation of animals could be classified as an administrative infringement and those CCAA which do not have their own specific legislation to penalise infringements could apply Law 50/1998 of 30 December 1998 on Financial, Administrative and Social Measures (*la Ley 50/1998 de medidas fiscales, administrativas y del orden social*).

4.1. The pig sector

Spain has the second largest number of pigs in the European Union (Report of the Scientific Veterinary Committee 1997 – the welfare of intensively kept pigs). The following data, concerning pig production in Spain and in the three CCAA visited, was provided by MAPA during the mission.

Table 2. Pigs	<i>Navarra</i>	<i>Castilla-Leon</i>	<i>Castilla-La Mancha</i>	All Spain
Number of pig farms	1.543	22.979	3.094	237.248
Number of pigs	485.689	2.808.824	1.094.586	22.418.238

4.2. The calf sector

In Spain, calves, which are weaned from their mothers after several months or are younger animals from the dairy herd, are transported for further production on holdings specialising in beef production. Veal production is not a significant part of the calf sector in Spain. In the CCAA visited, it was reported that the majority of calves were transported to holdings in Cataluña for finishing. The following data, concerning holdings with calves in Spain and in the three CCAA visited, was provided by MAPA during the mission.

Table 3. Calves	<i>Navarra</i>	<i>Castilla-Leon</i>	<i>Castilla-La Mancha</i>	All Spain
Number of farms with cattle < 6 months old	1,813	20,118	2,831	97,589
Number of cattle < 6 months old	19,563	213,272	50,168	796,144

4.3. The laying hen sector

The following data, concerning holdings with laying hens in Spain and in the three CCAA visited, was provided by MAPA during the mission.

Table 4. Laying hens	<i>Navarra</i>	<i>Castilla- Leon</i>	<i>Castilla- La Mancha</i>	All Spain
Number of farms with laying hens	29	182	129	800
Number of laying hens	922,050	7,973,766	7,998,360	40,000,000
Number of farms using battery cage systems	29	Not available	128	98%

Enriched cages, which would reportedly comply with Chapter III of Council Directive 99/74/EC, are commercially available in Spain. On one farm visited, the owner had plans to establish such a system.

5. MAIN FINDINGS

5.1. Competent authority

The Central Competent Authority (*MAPA*) is responsible for transposing the EC legislation into national legislation. Within *MAPA*, the Directorate General for livestock (*Dirección general de ganadería*) is responsible for animal health and animal welfare issues. The Subdirectorate-General for farm planning (*Subdirección General de Ordenación de Explotaciones*) is specifically responsible for Animal Welfare. Every two years *MAPA* communicates to the Commission Services the results of the inspections carried out in Spain. All of the CCAA in Spain were included in the report of inspections carried out in 1998 and 1999, except for *Pais Vasco, La Rioja* and *Canarias*.

The 17 CCAA in Spain are responsible for both implementing the national legislation and for making legislation, in particular the penalties applicable within the CCAA. In the three CCAA visited, the Animal Health Department (*Servicio de Sanidad Animal*) was responsible for animal welfare. This department came under the Department of Agriculture, livestock and food (*Departamento de Agricultura, Ganadería y Alimentación*) in *Navarra* and *Consejería de Agricultura y Ganadería* in *Castilla y Leon*. The animal welfare section within *Servicio de Sanidad Animal* has drawn up model checklists and has sent these to the Provincial Offices (*Secciones Provinciales*). The number of Provinces in *Castilla y Leon, Castilla - La Mancha*, and *Navarra* are nine, five and one respectively.

It was reported that the Director Generals in both *Castilla y Leon* and *Castilla - La Mancha* meet regularly with the Directors of their provincial services. There is only one Province in *Navarra*, therefore the Department of Agriculture, livestock and food also performs the functions of the provincial services in this CCAA. The provincial services in Toledo, which is one of the provinces of *Castilla - La Mancha*, reported that they are contacted by the local veterinary units (*Unidades Veterinarias Locales*) whenever they have questions regarding animal welfare requirements.

5.2. Legislation

The relevant EC Directives have been transposed into Spanish national legislation as follows:

Table 5. National legislation transposing most of the EC legal requirements.

Council Directive	National Spanish Legislation
88/166/EEC	<i>Orden de 21.10.87, (B.O.E. n° 269 de 10.11.87), amended by Orden de 29.1.90, (B.O.E.n° 29 de 02.02.90) and Orden de 21.6.91, (B.O.E.n° 152 de 26.6.91)</i>
91/629/EEC (amended by 97/2 and Commission Decision 97/182)	<i>Real Decreto 1047/1994 amended by 229/1998</i>
91/630/EEC	<i>Real Decreto 1048/1994</i>
93/119/EEC	<i>Real Decreto 54/1995</i>
98/58/EC	<i>Real Decreto 348/2000, amended by 411/2001.</i>

The above national legislation, however, does not provide a legal basis for penalties when infringements of the national legislation are detected. This is the responsibility of each CCAA. MAPA has a co-ordinating role in the implementation of legislation by the CCAA, but MAPA had no influence on the transposition of legislation regarding the sanctions applicable in the CCAA. Each CCAA visited had enacted additional legislation on the welfare of animals, including applicable penalties (see table 6).

Table 6. Legislation, which includes provisions for sanctions.

CCAA	Legislative act applicable in the CCAA
<i>Navarra</i>	<i>Ley Foral 7/1994 de 31 de Mayo de protección de los animales, Ley foral 11/2000</i>
<i>Castilla y Leon</i>	<i>Ley de Sanidad Animal de Castilla y Leon 6/1994</i>
<i>Castilla – La Mancha</i>	<i>Normativa que regula la proteccion de animales domesticos en Castilla - La Mancha, Ley 7/1990</i>

The legislation applicable in *Navarra* and *Castilla y Leon* has provisions which meets the requirements of Article 11 of Council Directives 91/629/EEC and 91/630/EEC and Article 10 of Council Directive 98/58/EC. The legislation applicable in *Castilla - La Mancha*, provided a limited legal basis to impose sanctions for infringements of the EC minimum standards concerning animal welfare on farms. General offences are established in this legislation such as mistreatment or abandonment, but the offences listed

mainly referred to pet animals⁸. A representative from the legal service in the province of *Toledo, Castilla La Mancha*, reported that the veterinary services had not yet referred a case to their services, which involved a breach of the EC minimum standards for animal welfare.

In addition to the legislation transposing the Directives, there is also legislation in *Navarra* and *Castilla y Leon*, which can assist the competent authorities in ensuring that the Directives are respected. The Animal Health Act of 16 November 2000 (*Ley foral 11/2000 de sanidad animal*) in *Navarra*, and the Rural Development Act 1257/99 in *Castilla y Leon* make certain financial aid to farmers conditional to their compliance with the minimum EC standards for animal welfare. This financial aid is available to farmers when they participate in certain health schemes or in certain cases when they install or modify farm buildings.

5.3. Information provided to the various livestock sectors

The main policy for achieving compliance in all three CCAA was to provide education to farmers. In *Navarra*, a meeting had been scheduled with cattle farmers regarding both animal identification and animal welfare. In *Castilla y Leon* courses had been arranged for farmers on a whole range of veterinary issues. The basis for these courses was laid down in legislation (*Orden de 7 de Septiembre de 2001 de la Consejeria de Agricultura y Ganderia*), presentations on the applicable standards for pig and poultry farms were, however, attended on a voluntary basis.

5.4. System of supervision

In all three CCAA, animal welfare inspections were carried out by veterinarians, who were full time civil servants. According to information received from MAPA, inspectors in *Navarra* dedicate approximately 16 % of their time to animal welfare inspections. MAPA supplied the figures in the following table regarding the number of veterinarians, who carry out checks of animal welfare in addition to their other duties, such as disease eradication and residue control.

Table 7.	<i>Castilla y Leon</i>	<i>Castilla – La Mancha</i>	<i>Navarra</i>
Total number of inspectors available	423 veterinarians in 99 units (between 2 and 9 veterinarians in each unit).	144 veterinarians	18 veterinarians in 11 units. 3 veterinarians deal with animal welfare at the level of CCAA

Most animal welfare inspections are carried out at the same time as other checks, such as residue monitoring or disease eradication. In addition,

⁸ *In their response to the draft report, the CA of Castilla La Mancha pointed out that their law on the protection of domestic animals requires animals to be kept in a hygienic and healthy state and to be given any “treatment” required by law. Failure to meet these requirements is subject to penalties and “treatment” could refer to the provisions of Community legislation.*

checks were carried out whenever new buildings were brought into use and when complaints about a farm were received.

In each CCAA, checklists had been issued to the veterinarians who carry out the inspections. The use of checklists is not obligatory, but a summary report of each inspection must be written. There is no written guidance on how to use the checklists. In *Castilla y Leon* and *Navarra* the original format of the checklists had been revised following analysis of the results of previous inspections in order to improve the collection of information. A copy of an inspection report and a completed checklist, if this is used, are left with the farmer.

Apart from the checklists, no written instructions or guidance had been provided to the veterinarians. A representative of the CCAA in both *Castilla y Leon* and *Navarra* expressed their opinion that the veterinarians, who carry out the checks, are professional people and that such a global instruction would be unnecessary⁹. The policy in both of these CCAA was to leave it to the veterinarian to use his/her professional judgement to assess each situation.

A target of 10% of farms to be inspected in 2001 had been set in *Navarra*. The representatives of this CCAA admitted that they did not expect to achieve this target as resources had been diverted to deal with both the FMD and BSE crises earlier this year. The local veterinary units selected the farms to be inspected, most of the inspections were done at the same time as other checks. Representatives from the veterinary services of one Province in *Castilla y La Mancha* explained that 90% of pig holdings and 100% of holdings with laying hens would be liable for a check. Integrated checks of cattle farms were not fully in place in this Province and therefore, up until the time of the mission, a holding with calves was less likely to be checked than checks of holdings with pigs or poultry.

5.5. Results of previous inspections

In each CCAA, results of previous inspections indicated that the majority of farms inspected complied with EC legislation. Where infringements were detected, the main policy was to give oral warnings. Where deficiencies were recorded, frequently no follow-up action was indicated. The most commonly recorded deficiency in the reports seen related to the failure to keep adequate medical records.

In *Navarra* most of the inspection reports seen referred to inspections carried out since June 2001. All the other reports seen were of inspections carried out in 1999. One report from 1999, indicated that there was overstocking on a battery cage unit, but that this would be rectified in a period of three months. In addition, there was no alarm on this holding to indicate failure of the ventilation system. The CCAA had accepted that an alarm was not

⁹ *In their response to the draft report, the CA of Navarra pointed out that while it is true that veterinarians apply the various legal provisions in a manner appropriate to the nature of the holding, documents on legislative amendments and other important aspects are periodically issued to veterinarians.*

needed on this holding and had taken no further action regarding the reported overstocking. One report of an inspection of a pig holdings in this CCAA indicated that due to overcrowding not all the pigs had access to feed at the same time, again there was no evidence of any follow-up action.

In *Castilla y Leon*, the results of inspections were analysed once every two years, in order to fulfil the requirements of reporting the outcome of inspections to the Commission. The most recent inspection results had not been fully analysed, but an analysis was underway to comply with the reporting requirements of Commission Decision 2000/50/EC. Preliminary analysis in the calf and pig sectors indicated the most commonly reported deficiencies were lack of cleanliness of feed and equipment, and in the case of pigs, boars were not able to see other pigs. The representatives from the CCAA and from MAPA were unable to decipher the figures for infringements detected on holdings with laying hens. The representatives of the CCAA had not received information on whether any detected deficiencies had resulted in legal sanctions being imposed, as this information would only be available in each Province. Equally, during the visit to the holding with laying hens, the inspecting veterinarian stated that he had never had any feedback on any actions taken by the Provincial services.

In one Province in *Castilla - La Mancha*, most of the checks carried out had been to newly established pig holdings. A proposal had been made to withhold financial aid from one pig farmer who had not respected the requirements for medical records. In the same Province, several reports indicated that the boar pen was smaller than the requirement, but “good” was indicated on the overall assessment of each of these farms. One report of an inspection carried out on 21/5/01 indicated that there were too many pigs and it was necessary to reduce the stocking density, but no follow-up action had been taken. A report of an inspection of a laying hen farm indicated that 40% of cages were overstocked, however, there was no indication that follow-up action had been taken. A lawyer from this Province indicated that they had not received an instruction from the veterinary services to take legal proceedings in any cases where overstocking had been detected. She confirmed that the offences detailed were more focused on pet animals, but that it was applicable to farm animals where an offence of mistreatment could be proven.

5.6. Farm visits

The inspection procedures in the three CCAA visited, were demonstrated on two calf, two pig and two laying hen holdings. The farms were selected by the CCAA. Apart from one occasion, where the inspection was carried out by the responsible official from the CCAA, all inspections were carried out by the official veterinarians from the local veterinary units. During the visits to the holdings with laying hens, private veterinarians, who were employed to provide health and medical advice, were also present. A specialist advisor on pig management was also present during one of the visits to the pig holdings. All the inspectors used a checklist issued by the respective CCAA to assist them when carrying out the checks. The inspecting veterinarians covered most of the applicable requirements of EC legislation during the

inspections, but in varying depth. The following findings mainly concentrate on those requirements, which were not covered adequately during the visits.

5.6.1. Pig holdings visited

Two pig holdings in two different CCAA were visited during the mission. On the first holding, there were 280 sows, 900 growing pigs and 900 finishers in buildings constructed in 1993 and 1997. Three animal keepers were responsible for the farm. The second pig farm visited had 550 sows together with around 2800 growing and 2200 fattening pigs. The farrowing unit on this second farm was constructed in 1987. Six people were responsible for the care of the animals, but not all on a fulltime basis¹⁰.

Care of sick and injured pigs

On the first farm, several lame animals remained in fully slatted pens without bedding and without access to water. The majority of pigs on this farm received their feed and fluid requirements via a wet feeding system, without an independent source of water. However, sick and injured animals, which were not eating would remain in the same pens and these pigs would not have been able to satisfy their fluid intake. The inspecting veterinarian did not require sick or injured animals to be isolated or for them to be provided with supplementary water.

On the second farm, a number of sick and injured pigs were accommodated in pens located outside the main buildings and which were fully bedded with straw. However, a lame boar remained in a fully slatted pen and one sow with chronic mastitis and injuries to her knees remained in a conventional crate. The stockman explained that the latter animals would remain in their pens until he had at least twelve such animals before he would transport them to the slaughterhouse. The hospital pens were occupied by smaller pigs. The inspector expressed doubts about the appropriateness of the water supply and the appropriateness of the shelter for wintertime in these pens. The inspector gave general advice that such pigs should not be left to suffer unnecessarily if they were not showing signs of recovery. The inspecting veterinarian did not ask the stockman to explain how euthanasia was carried out. The mission team pointed out to the inspector that he should have given a clear instruction to the farmer that two pigs, which were in a very poor condition, should be killed without delay. Subsequently the stockman explained that he himself would ensure that this was done and explained that his method was a blow to the skull with subsequent bleeding.

Medical treatments

The inspecting veterinarians checked that a register was kept on the use of veterinary medicines. The inspecting veterinarian on the first farm concluded that the treatment books were satisfactory, although the stockman stated that treatment with anti-inflammatory drugs had been given to several lame pigs and this had not been recorded.

¹⁰ *In their response to the draft report, the CA pointed out that this arrangement was only for the holiday period.*

Although in the second farm there was clinical evidence of mange, the inspector did not ask what treatment regime was in place against parasites¹¹. On this second farm, the inspecting veterinarian commented that the overgrown claws of several sows should be clipped. This was a widespread problem throughout the unit, however, the inspecting veterinarian did not require any investigation of the underlying cause.

Mutilations and substrates providing enrichment

Tooth clipping and tail docking were carried out on both farms visited. In both cases, the inspecting veterinarian asked the age at which these procedures were carried out, but accepted that these were routine husbandry practices. On one farm, the stockman had declared he did not tail dock female pigs kept for breeding. However, all the pigs present on the farm had been tail docked and the stockman explained that this was due to temporary staff carrying out this task during the holiday period. On neither farm did the inspecting veterinarian ask the stockman to justify either tail docking or tooth clipping.

On both farms, all the finishing pigs were kept on fully slatted floors. Although there were clear signs of ear biting in the first farm the inspector was satisfied that the farmer provided empty paper feedbags, which satisfied the pigs behavioural needs. On the second farm, cut lengths of plastic pipe were provided. The inspecting veterinarian was again satisfied that this met the requirements of point 16 of Chapter I of the Annex of Council Directive 91/630/EEC.

Space allowance

On both farms, the inspecting veterinarians considered that space allowances had been respected. However, on the second farm, the mission team pointed out that very fat sows in several crates had difficulty getting up and down and one such animal had bruising on her back due to the restricted space when lying. A few gilts were accommodated in crates in which a wooden pallet had been placed to restrict their ability to turn around. These pallets had not been secured and made it difficult for these animals to get up and lie down. The inspecting veterinarian did not conclude that there was any problem with this arrangement.

Ventilation systems and alarms

On the two farms visited, the back-up system for the ventilation system consisted of the windows automatically dropping open in the case of a power failure. An alarm was present only on one farm and on the other farm, the inspector advised the farmer to install one.

¹¹ *The CA, in their response to the draft report, pointed out that the CA veterinarian and the private veterinarian in charge of the farm disagreed with the diagnosis of mange, considering it as a case of parakeratosis caused by something other than mange.*

5.6.2. Calf holdings visited

One calf holding was visited in *Castilla-La Mancha* and another in *Navarra*. On the first farm, there were 340 calves between four and twelve months of age, which were accommodated in buildings constructed 13 years ago. The second farm visited had 1200 calves between 1-12 months of age, which were accommodated in buildings constructed 10 years ago. All the calves originated from other farms.

Care of sick and injured calves

The inspecting veterinarians checked pens reserved for sick or injured animals. On the first farm, this pen was empty and on the second, there were some convalescent calves in a pen with bedding and water.

On the second farm, a lame animal was in a pen with younger calves. The inspecting veterinarian did not make any remarks regarding this animal. However, on questioning by the mission team, the stockman explained that he had not transported this animal with its cohorts to a slaughterhouse, and instead had placed it with younger calves to allow it to recover. On neither farm, did the inspector ask the stockman to explain how severely injured animals were killed. Representatives in both CCAA stated that their policy was that animals could not be killed on farm if the meat was going to be used for human consumption. All animals going for human consumption must arrive alive at the slaughterhouse.

Medical treatments

The keeping of medical and mortality registers was addressed by the inspecting veterinarians.

Feeding and space allowance

The rearing systems seen provided greater space allowances and quantities of fibrous food than laid down in the minimum levels prescribed by EC legislation. Straw was provided in mangers as a source of fibre for all calves and was available from 2 weeks of age.

Floors and fixtures

On the second farm visited the inspector did not identify a few injurious fittings and relied on the farmer's answer that the floors and fixtures within the pen were appropriate when completing this point on his checklist.

5.6.3. Holdings with laying hens visited

Two laying hen holdings in two CCAA were visited and had around 44,000 and 80,000 laying hens in battery cages.

Inspection of hens

On the first holding, each house had five tiers of battery cages. The inspecting veterinarian did not make any remarks on the arrangement for inspecting the hens in the upper and lower tiers. In one house, there was an

appropriate device to facilitate inspection of the upper tiers but in a second house, the mission team considered that the trolley available for this purpose was unsuitable. A proper inspection of the hens in the lower cages in both houses visited was impossible without additional lighting, which had not been requested by the inspecting veterinarian.

On the second holding in another CCAA, there were four tiers of cages with an appropriate means for inspecting the upper tier of cages and the inspecting veterinarian requested additional lighting to inspect the lowest tier of cages.

Mortality and medical records

On both farms, the owners stated that no medical treatments were carried out. A cursory check of mortality records was made by the inspecting veterinarians.

Feeding and lighting

In one of the houses on the first holding visited, the hens were in a second laying period. The owner, together with the private veterinarian explained that they had adjusted the feeding and lighting regime over a period of days and thereby brought about moulting and induced the birds into a second egg laying period.

Space allowance and cage properties

On both holdings, measurements of cage dimensions and an assessment of stocking density by the inspecting veterinarians was an integral part of the check. On the first holding, the inspector measured one cage in the house and assumed that these measurements would apply throughout that house. On the second holding, the inspector explained that he would check approx. 15 cages throughout the house and if deficiencies were detected he would increase the number of cages inspected. On both holdings visited, the inspecting veterinarians did not notice the overstocking of a small number of cages.

Ventilation systems and alarms

On one holding there was an alarm to indicate failure of the system, On the second farm, the inspecting veterinarian accepted that in case of a breakdown of the system the natural air circulation would be sufficient.

6. CONCLUSIONS

6.1. Legislation

The requirements of the relevant Directives have been mainly transposed through national legislation applicable throughout Spain. The remaining requirements (Article 11 of Council Directives 91/629/EEC and 91/630/EEC and Article 10 of Council Directive 98/58/EC) had been transposed into legal provisions by the CCAA of *Navarra* and *Castilla y Leon*. However, the legislation in force in *Castilla – La Mancha* is insufficient for penalising

many breaches of EC legislation and does not comply with Article 11 of Council Directives 91/629/EEC and 91/630/EEC or with Article 10 of Council Directive 98/58/EC.

The legislation in *Navarra* and *Castilla y Leon*, which makes certain financial aid to farmers conditional on their compliance with the minimum EC standards for animal welfare, is an effective additional measure to ensure that the requirements are respected¹².

6.2. Competent authority performance

6.2.1. Information provided to the various livestock sectors

In all CCAA visited, the policy of improving compliance by providing education had been developed to a varying extent. In enacting a legal framework for training and education *Castilla y Leon* had taken the most pro-active role. The format for reporting checks, whereby a copy of the completed checklist was left with the farmer, also represented an effective means of disseminating information to each of the three livestock sectors.

6.2.2. System of supervision

As the previous checks carried out were mostly of farms, which participated in health schemes or which had been granted financial aid, certain farms, which are not involved in these schemes, are unlikely to be checked.

The issuing of checklists by each CCAA has assisted inspecting veterinarians to ensure that most criteria are covered. The revision of checklists by the CCAA indicates that analysis of the performance of inspections has been carried out. During the farm visits, the inspecting veterinarians covered most of the applicable requirements of EC legislation, but in varying depth. The lack of instructions contributed to a weak assessment of certain criteria. Equally, the lack of instructions to inspecting veterinarians on what action to take when deficiencies are detected has led, on some occasions, to unclear or missing orders for corrective action being given by the inspecting veterinarians. No evidence was provided in any of the CCAA visited, that legal sanctions had ever been applied following detection of failures to meet the EC requirements for animal welfare. To date, withholding financial aid when a farmer fails to comply with the legislative requirements for animal welfare has not been widely applied.

6.2.3. Inspections of pig holdings

Although on both farms the inspecting veterinarians clearly focused on the care of sick and injured pigs, this did not address the failure of wet feeding systems without supplementary water to meet the needs of sick pigs. Equally the inspecting veterinarian's instructions to avoid unnecessary suffering pigs, where these animals were not showing signs of recovery, were not clearly given.

¹² *In their response to the draft report, the CA pointed out that this condition has been laid down in EU regulations and its implementation concerns the whole of the European Union.*

The provision of paper bags or plastic tubes did not satisfy the behavioural needs of pigs e.g. for rooting material (point 16 of Chapter I of the Annex of Council Directive 91/630/EEC) as there was evidence of ear biting on both farms visited. The inspecting veterinarians did not seek a justification for the routine mutilations carried out, which does not comply with point 4 of part III of Chapter II of the Annex of Council Directive 91/630/EEC.

The responsible competent authorities accepted to varying degrees the necessity, in certain situations, for the stockman to kill animals on the farm. However, the lack of guidelines from the CCAA, meant that the inspecting veterinarians and indeed the farmers themselves were not aware of the policy on this issue.

6.2.4. Inspections of calf holdings

On the farms visited during the mission, there was adequate space and fibrous food available for the calves.

The policy, whereby if the meat is going for human consumption the animals must be killed at a slaughterhouse, may, on occasion result in the transport of severely injured animals. This does not comply with Article 12 of Council Directive 93/119/EEC, which requires such animals to be killed on the spot.

6.2.5. Inspections of holdings with laying hens

A proper inspection of the hens in the upper and lower tiers of cages was not carried out on one farm visited. Overstocking was a problem on both farms, albeit in a low number of cages, but was not detected by the inspecting veterinarians. In two CCAA, previous reports of inspections indicated that systematic overstocking of a high percentage of cages had been detected. While it is acknowledged that Council Directive 88/166/EEC on the welfare of laying hens does not explicitly require Member States to adopt procedures for imposing sanctions, the policy of giving oral warnings, particularly where there is systematic overstocking, and allowing the situation to continue until the houses are emptied at the end of the production cycle, is insufficient to ensure that Article 3 of Council Directive 88/166/EEC is respected.

6.3. Overall assessment of the competent authority

The competent authorities visited, have dedicated resources and organised checks regarding animal welfare on holdings with pigs, calves and laying hens. In general, the inspections seen were carried out in a competent way, however, from the results of inspections previously carried out there has been a lack of adequate follow-up when infringements have been detected. The application and monitoring of sanctions is a principal area of enforcement, which has not been adequately addressed in the CCAA visited. The limited basis for imposing legal sanctions in *Castilla – La Mancha* fails to fully transpose the requirements of several EC Directives.

7. CLOSING MEETING

A closing meeting was held on 14 September 2001 with the central competent authority, MAPA. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. Regarding the majority of the findings, a MAPA representative indicated that they would wait until they had received the draft report and would provide their comments in writing. However, concerning the legal framework for penalties, it was pointed out that Council Directive 88/166/EEC on the welfare of laying hens did not explicitly require Member States to adopt procedures for imposing sanctions.

Regarding the failure to comply with Article 12 of Council Directive 93/119/EEC, a MAPA representative commented that animal welfare requirements appeared to be in conflict with those for public health and better co-ordination with public health veterinarians in Spain was needed if this situation was to be resolved.

8. RECOMMENDATIONS

8.1. To the competent authorities of Spain

The competent authorities are requested to inform the Commission Services of the actions taken and planned to address the following recommendations and to provide a timetable for the completion of these actions. This should be done within 1 month of receipt of the final mission report.

- (1) The Central Competent Authority should ensure that requirements regarding penalties (Article 11 of Council Directives 91/629/EEC and 91/630/EEC and Article 10 of Council Directive 98/58/EC) have been adequately transposed into the applicable legislation in all 17 CCAA in Spain.
- (2) The competent authority in *Castilla La Mancha* should ensure that there are adequate legal provisions to impose sanctions for breaches of any of the EC minimum requirements regarding animal welfare on farm, and as required by Article 11 of Council Directives 91/629/EEC and 91/630/EEC and Article 10 of Council Directive 98/58/EC.
- (3) Each CCAA should insure that inspections covering a representative sample of the different systems of farming are carried out each year (Article 7 of Council Directive 91/629/EEC and 91/630/EEC). Those CCAA visited should ensure, when selecting farms for inspection, that all farms on which the Directives are applicable should be considered.
- (4) The Central Competent Authority, together with each CCAA, should ensure that inspecting veterinarians receive adequate supervision, information, training or other forms of support to assist them in assessing the applicable requirements of Council Directives 91/629/EEC 91/630/EEC and 93/119/EEC. In particular, to ensure that tail docking and tooth clipping of pigs is only carried out where it is justified, to ensure that sick or injured animals receive

appropriate care and to assess the method of killing casualty animals on large intensive units.

- (5) Each CCAA should ensure that, where necessary, corrective and follow-up action is taken when a deficiency is detected and measures are put in place to ensure the effective application of sanctions, as required by Article 11 of Council Directives 91/629/EEC and 91/630/EEC and Article 10 of Council Directive 98/58/EC.
- (6) The Central Competent Authority should address the difficulties reported in slaughtering unfit animals on farm as required by Article 12 of chapter III of Council Directive 93/119/EEC.

8.2. To the Commission Services

The Commission Services should consider initiating infringement procedures against the Spanish authorities for failing to adopt adequate legal provisions to meet the requirements of Article 11 of Council Directives 91/629/EEC and 91/630/EEC and Article 10 of Council Directive 98/58/EC. Action by the Commission services should take into account any assessment provided by MAPA in response to recommendation 8.1 (1).

ADDENDUM TO MISSION REPORT DG (SANCO)/3344/2001

The CCA of Spain (MAPA) submitted comments on 12 February 2002 on a draft version of this report. These were taken into consideration prior to the preparation of the final report.

Regarding recommendation (1), the CCA indicated that they, together with the CCAAs, are studying the possibility for a law on animal welfare, including provisions for penalties, which would be applicable throughout Spain. This would complement the legislation on penalties already existing in certain CCAA, but would be of fundamental importance in other CCAAs where there is little legislation on this matter.

Regarding recommendation (2), the CA of *Castilla la Mancha* provided an opinion on the applicable legal provisions in this Autonomous Community for the application of penalties for infringements of Community legislation concerning pigs, calves and laying hens.

Regarding recommendation (3) (5) and (7), the CCA indicated that they, together with the Autonomous Communities, will address these issues through the co-ordination committee of the CCAAs (*Mesa de coordinación con las Comunidades Autónomas*).

Regarding recommendation (4), the CCA indicated that training courses aimed at both veterinarians and persons within the industry have taken place and further training is being organised.