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FINAL REPORT OF A MISSION
CARRIED OUT IN DENMARK
FROM 12 TO 15 JANUARY 2004
REGARDING ANIMAL WELFARE
ON HOLDINGS WITH LAYING HENS, AND DURING TRANSPORT

Please note that factual errors in the draft report have been corrected in bold, italic, type. Clarifications provided by the Danish Authorities are given as footnotes, in bold, italic, type to the relevant part of the report.



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Abbreviations & special terms used in the report

CA	Competent Authority
CCA	Central Competent Authority
DPC	Danish Poultry Council
DVFA	Danish Veterinary and Food Administration
EEC	European Economic Community
EC	European Community
<i>ERFA</i>	<i>Group, with two veterinarians from each region, created to facilitate exchange of experience</i>
EU	European Union
FVO	Food and Veterinary Office
MFAF	Ministry of Food, Agriculture and Fisheries
MJ	Ministry of Justice
PD	The Plant Directorate
VFCA	Veterinary and Food Control Authority

1. INTRODUCTION

The mission, the first in a series of missions, took place in Denmark from 12 to 15 January 2004 as part of the planned mission programme of the Food and Veterinary Office (FVO). The inspection team comprised four inspectors from the FVO.

An opening meeting was held on 12 January with representatives of the central competent authority (CCA), i.e. the Ministry of Justice (*Justitsministeriet, idem* MJ) and the Ministry of Food, Agriculture and Fisheries (*Ministeriet for Fødevarer, Landbrug og Fiskeri, idem*, MFAF). At this meeting, the objectives of, and itinerary for the mission were confirmed, and additional information required for the satisfactory completion of the mission requested by the mission team.

Throughout the mission, the mission team was accompanied by representatives of the Danish Veterinary and Food Administration (*idem*, DVFA) and MJ.

2. OBJECTIVES OF THE MISSION

The primary objective of the mission was to evaluate the measures put in place, and their application giving effect to:

- (1) Council Directive 1999/74/EC ^(1,2) on the protection of laying hens;
- (2) Commission Directive 2002/4/EC ⁽³⁾ which establishes a system for tracing eggs for human consumption to the method of production;
- (3) Commission Decision 2000/50/EC ⁽⁴⁾ which establishes a system for reporting the results of inspections.

The second objective of the mission was to get an update on actions taken to implement the recommendations made following a mission carried out in 2002 on checks of animal welfare during transport ⁽⁵⁾ and at time of slaughter ⁽⁶⁾, and to evaluate documents relating to long distance transport.

In pursuit of these objectives, the following meetings were held and sites visited:

CA meetings		Comments
Central	2	Opening and closing meetings
Regional	2	Veterinary and Food Control Authorities (VFCAs) in Vejle and Herning.
Live animal sites		Comments
Holdings	4	Two caged (one enriched) systems and two alternative systems.

⁽¹⁾ Legal acts quoted in this report refer, where applicable, to the last amended version.

⁽²⁾ Council Directive 1999/74/EC of 19 July 1999, laying down minimum standards for the protection of laying hens OJ L 203, 3.8.1999, P.53 (hereafter: Directive 99/74/EC).

⁽³⁾ Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC OJ L 30, 31.1.2002, p.44 (hereafter: Directive 2002/4/EC).

⁽⁴⁾ Commission Decision 2000/50/EC concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes OJ L 19, 25.01.2000, p. 51 (hereafter: Decision 2000/50/EC)

⁽⁵⁾ Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC, OJ L 340 of 11.12.1991, p. 17 (hereafter: Directive 91/628/EEC)

⁽⁶⁾ Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, OJ L 340 of 31.12.1993, p.21. (hereafter: Directive 93/119/EC)

3. LEGAL BASIS FOR THE MISSION

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

- Art. 9 of Directive 1999/74/EC
- Art. 10 of Directive 1991/628/EEC
- Commission Decision 98/139/EC ⁽⁷⁾

4. PREVIOUS FVO INSPECTIONS

The previous FVO mission in Denmark to evaluate checks of laying hens was carried out from 20 to 25 June 1999 as part of a mission on poultry products (reference number: DG SANCO1063/1999).

Other previous FVO missions concerning animal welfare on pig and calf holdings from 8 to 12 May 2000 (ref: DG SANCO 1098/2000) and concerning animal welfare during transport and at slaughter from 9 to 13 September 2002 (ref: DG SANCO 8676/2002), are also relevant. The report of these missions (hereafter: reports 1063/1999, 1098/2000 and 8676/2002) are available on the DG Health and Consumer Protection website, at:

http://europa.eu.int/comm/food/fvo/index_en.htm

Report 1063/1999 concluded that battery cage systems for laying hens were adequately supervised and requirements ensured. At the time of mission 1063/1999, only cage systems for laying hens were covered by specific EU legislation on animal welfare ⁽⁹⁾.

5. MAIN FINDINGS

5.1. Competent Authority

The MJ has responsibility for implementing legislation concerning animal welfare and delegates responsibility for inspections to DVFA. DVFA is also responsible for registration of establishments keeping laying hens (Directive 2002/4/EC).

Further information regarding responsibilities for animal welfare issues and the roles of the various committees established by MJ, are described in FVO reports 1098/2000 and 8676/2002. Since mission 8676/2002 a further change in the structure of DVFA, relevant to the operation of controls for animal welfare, was the merger of two VCFAs, so that there are now 10 such offices. Veterinarians from VCFAs:

- Carry out approval visits of all farms with cage systems.
- Annual checks of all farms with cage systems.
- Checks of alternative systems on the basis of marketing requirements ⁽⁸⁾ and from February 2003 on the basis of Directive 99/74/EC.

⁽⁷⁾ Commission Decision 98/139/EC 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 OJ L 38 of 12.02.1998, p. 10

⁽⁸⁾ Commission Regulation (EC) No. 2295/2003 of 23 December 2003 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs, OJ L 24.12.2003, p.16 (hereafter: Regulation 2295/2003).

The Plant Directorate (PD) of MFAF is responsible for checking and approving organic farms. An inspection protocol has just been agreed so that joint inspections of this category of farm with veterinarians from VCFAs will begin in early 2004.

5.2. Legislation

The requirements of Directive 99/74/EC entered into force on 1 September 2002, rather than 1 January 2002. The CCA are aware that at least two holdings with alternative systems were established between 1 January and 1 September 2002 and have obtained transitional periods from all of the requirements until 2007. This would not have been the case if this Directive had been transposed on time.

Although a comprehensive check of the national legislation was not carried out, it was noted that it interprets several EU requirements as follows:

- For laying hens in alternative systems, perches must be raised above the level of the floor or usable area.
- In enriched cages, if the scratching area is not permanently accessible, it can not be included when calculating the usable area.

And goes beyond EU requirements on other aspects:

- No more than three tiers (cages) or three levels (alternative systems)
- In traditional cages, a minimum stocking density of 600 cm² per hen for light and medium heavy breeds and 900 cm² for heavy breeds.

A representative of DVFA reported that recent legislation of 8 January 2004 transposes Directive 2002/4/EC concerning the registration of holdings. This should have been transposed by 31 March 2003 and registration should have been completed by 31 May 2003. It was noted that registration of holdings had already been completed for other purposes, however, the CCA were aware that this did not contain a code or the address of the keeper, as required by Directive 2002/4/EC.

5.3. Measures supplementary to checks

The Ethical Committee and Animal Welfare Council, which were both established by MJ as described in report 1098/2000, have discussed and evaluated various aspects:

- The Ethical Committee provided a report in 2001, which facilitated discussions during the adoption of the legal texts transposing Directive 99/74/EC.
- The Animal Welfare Council, after analysis of statistical data from *the only slaughterhouse in Denmark slaughtering end-of-lay hens*, found that transport of end-of-lay hens from traditional cages was the biggest risk for animal welfare (almost 4% wing fractures and more than 3% dead on arrival, on average). ***On the basis of the opinion of the Animal Welfare Council, in July 2003 the regional VFCAs were advised that spent hens from traditional cages cannot be considered fit for transport.*** This Council also gave a negative opinion on forced moulting of hens, which led ***to advice to the regional VFCAs and veterinary practitioners that allowing more than one laying period must be considered irresponsible in terms of animal welfare.***

In order to relay information to the laying hen sector, the CA relies on industry bodies (i.e. the Danish Poultry Council, *idem*, DPC), to inform their own members of the new requirements, following their involvement during consultations on the draft legislation. DPC has evaluated some of the new devices on the market and has consulted the CCA

on their findings before advising their members. There was a generally high level of awareness on the farms visited, however:

- The CA has not yet provided additional information on the interpretation of the new requirements to persons regularly on farms, such as agricultural consultants.
- Egg collection centres were regarded by certain farmers as the main source of information on the standards required, and this network has not been fully utilised by the CA as a way of providing information on the new requirements to the laying hen sector⁹.

5.4. Marketing standards

EU marketing requirements provide a means whereby the consumer is informed of the farming method for all purchases of eggs. Although marketing requirements were not evaluated on this mission, a representative of DVFA explained that most eggs and egg packs are now being marked and labelled so that the farming method was indicated. A few smaller egg-packing stations have not yet implemented the requirements of Regulation 2295/2003¹⁰.

5.5. System of inspections

5.5.1. Training and guidance

Training for DVFA inspectors has taken place and a group, with *two veterinarians* from each region, subsequently created *to facilitate exchange of experience (so-called ERFA group)*. It was noted that:

- The *ERFA* group has met once and discussed certain difficulties with interpretation arising from inspections. Further meetings of this group are planned.
- This group discusses all aspects of control on farms with laying hen farms. In one regional office, it was pointed out that as a different veterinarian deals with *Salmonella* control and only one veterinarian is entitled to attend these meetings, the necessary expertise is not guaranteed for the meetings or subsequently to transfer the information in detail back to the office¹¹.
- Instructions have been issued and comprehensive checklists have been drawn up for carrying out inspections of the different systems.

5.5.2. Selection of farms

An *Order* from MJ of 19.12.2003 requires DVFA to carry out checks on 5% of all animal holdings¹². An official involved in developing the Central Husbandry

⁽⁹⁾ *In their response to the draft report, the Danish Authorities indicated that the National Committee on Farm Animals, inter alia, directly provides information to the central agricultural organisations (Danish Poultry Council), who then disseminate it to their consultants and members.*

⁽¹⁰⁾ *In their response to the draft report, the Danish Authorities noted that the delay is due to problems with the delivery of labelling equipment. The last remaining small collection centres were expected to shortly receive such equipment and start labelling eggs.*

⁽¹¹⁾ *In their response to the draft report the Danish Authorities indicated that since the FVO mission, two veterinarians per region instead of one would attend ERFA group meetings.*

⁽¹²⁾ *In their response to the draft report the Danish Authorities noted that this Order has been followed up with a circular on the procedure for sampling, dated 6.1.2004, to all regional VFCAs.*

Register to include all the required information on laying hens, indicated that there are 316 holdings with laying hens. Inspection team noted:

- Cage systems cannot be used without a prior inspection and the subsequent issuing of a permit from the VFCA. All 73 farms with cages are inspected every year.
- A target of 5%, with a minimum of 50 flocks, has been established as a representative sample of flocks in alternative systems. The database used for selecting alternative flocks was operated by the DPC and developed for control of *Salmonella*. Apart from some errors in the farm selection arising from erroneous information in the database, these targets for 2003 had been met in the regions visited. The CA was aware of such errors in the DPC's database.
- One of DVFA's selection criteria was holdings with more than 350 hens. This is the minimum number to which Directive 99/74/EC applies. In one VFCA visited, a farm with 100 laying hens had been mistakenly included on the list. Two of the six farms on the list for one VFCA and one of the six on the other VFCA's list, were not located in these regions.

5.5.3. Inspections

The approach to inspections was methodical, with as much information as possible obtained before going on farm. In relation to requirements common to all production systems, inspection team noted that:

- Deadlines for operating under transitional periods are emphasised and this should help to overcome potential difficulties with farmers failing to adequately plan and carry out the necessary modifications in time.
- Technical parameters of ventilation are sometimes not fully understood by the inspecting veterinarian and in case of doubt the farmer is referred to his agricultural consultant to evaluate the functioning of such equipment. Alarms are not mandatory for alternative systems, but where birds were dependent on this for their well being, i.e. point 13 of the Annex of Directive 98/58/EC ⁽¹³⁾, the veterinarian did insist that one be installed.
- Standard checklists were used, although veterinarians did not always strictly follow the checklist criteria. In one case, it was indicated that dead hens were removed every second day, instead of daily and in another "mortality records kept" was indicated although none existed. There were consequently no actions taken for these deficiencies. Findings are later summarised to fulfil the reporting requirements of Decision 2000/50/EC, but there is no supervisory check of whether details on checklists have been accurately recorded.

Cage systems

In relation to checks of traditional and enriched cages, it was noted that:

- Checks seen were generally satisfactory. One veterinarian successfully adapted the instruction for measuring traditional cages to check the different parameters applicable to enriched cages. Another veterinarian had some

⁽¹³⁾ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes. OJ L 221 , 8.8.1998 p. 23

difficulties in taking all the required measurements. It was explained that normally this would have been done at a time when the cages were empty. In addition, that due to recent changes in personnel, this was the veterinarian's first inspection and although he had the DVFA instructions had not received training prior to this visit.

- Apart from one case of overstocking in traditional cages in Århus region in 2000, which was referred for sanction, deficiencies detected have been minor. Lack of a claw-shortening device is a common deficiency detected in the last year. This requirement was introduced by Directive 99/74/EC. Results of DPC trials on claw-shortening devices have been passed on to DVFA and DVFA are content with DPC making recommendations to their members on the best way of meeting this requirement.
- Enriched cages did not fully prevent hens escaping and it was likely that the subsequent random distribution of escaped birds into different cages had given rise to the one overstocked cage seen. The veterinarian advised that cages from which dead birds had been removed should be marked and used to re-house escaped birds. The manufacturer was seeking to address the problem of birds escaping.
- It was difficult to fully inspect the upper tier in both the traditional and enriched systems. Point 6 of the Annex to Directive 99/74/EC requires devices or appropriate measures to ensure easy inspection when there are more than two tiers of cages, but this point was not covered in the checklist provided by DVFA and subsequently not detected as a deficiency.

Alternative farms

Random inspections of alternative farms according to the requirements of Directive 99/74/EC have taken place from February 2003. In relation to these checks, the mission team noted that:

- Veterinarians reacted differently to the lack of documents indicating the number of birds on farm. One accepted the farmer's estimate; the second asked for these to be submitted so that an accurate calculation of the stocking density could be made.
- The CA was still considering whether the area available to the birds, which was restricted during their first week to ensure use of feeders, drinkers and future use of nesting areas, was in line with the legal requirements. Specific requirements of Directive 99/74/EC only apply when birds reach laying maturity, before this, the general requirements of Directive 98/58/EC apply.
- The CA was also considering whether to accept drinker and feeder lines as "perches". The inspection team noted that, when given the opportunity, birds used both feeders and drinkers for this purpose and on one farm visited, an electrified wire was used to deter the birds from doing so. A representative of DVFA pointed out that if birds were allowed to perch on the drinker lines, contamination of water would not be minimised (point 17 of the Annex to Directive 98/58/EC).
- Clear actions and recommendations were made to modify the fittings within the house when a bird was discovered caught between the strings suspending the drinkers and the electrified wire.

- One veterinarian indicated that there were some difficulties with agricultural consultants interpreting “perch” differently from DVFA, resulting in conflicting messages to farmers.

Regarding checks made under marketing regulations:

On one farm, 7.4% overstocking had been detected in July 2002 and 6.6% overstocking again in July 2003. On both occasions, this finding had been indicated in a letter to the farmer, but without any further consequences. A representative of DVFA indicated that even prior to Directive 99/74/EC, staff had been instructed that failure to respect these requirements of marketing rules should not be tolerated.

One organic farm had been approved by the Plant Directorate, but lacked a sufficient outdoor area. It was not possible to ascertain how this had arisen as the system of inspection by the Plant Directorate was not evaluated during this mission.

5.5.4. Reporting system

Decision 2000/50/EC requires a report to the Commission every two years on the results of certain farm inspections, including laying hens. The CCA have submitted a report of checks in 2000 and 2001, which included checks of hens in battery cages. The deadline for the submission on the outcome of checks made in 2002 and 2003, which include for the first time those on the basis of Directive 99/74/EC, is April 2004. The inspection team noted that:

- DVFA has provided a format for VFCAs to annually summarise the results of inspections.
- The VFCAs had summarised the result of checks, with cross references to both the point in the checklist and the legal requirement. DVFA were subsequently able to categorise the findings according to the nine criteria laid down in Decision 2000/50/EC.
- MJ have established a reporting system through the Police so that they are aware of the outcome of any sanctions imposed¹⁴.

5.6. Update on report 8676/2002 on transport and slaughter

Regarding animal welfare during transport and at slaughter, although the CCA did not provide an action plan as requested in the final report 8676/2002, they gave commitments to implement six out of seven of the recommendations. A representative of MJ indicated that the remaining issue regarding space allowance for pigs on journeys of less than four hours, was still being discussed at a political level and an action plan would be finalised and sent as soon as possible.

5.7. Long distance transport

From a random sample of consignments selected by the inspection team at VCFAs:

⁽¹⁴⁾ *In their response to the draft report, the Danish Authorities indicated that the Director of Public Prosecutions issued new guidelines regarding animal welfare infringement cases, where Police must forward any information to the Director of the Public Prosecutions.*

- In approving route plans, journey times to assembly centres were considered as part of the total travel time. One route plan had been returned to a transporter several times before approval because insufficient details had been supplied.
- A high percentage of route plans had been returned after the journey, as required. Although one veterinarian indicated that the time of arrival was the main point checked on returned route plans, there was no arrival time for one consignment of calves to the Netherlands, which had not been noted by the CA. Another route plan lacked details of events during the journey for a consignment of heifers to Portugal and had similarly not been noted.
- A regional veterinarian explained that there had been a high mortality detected at the farm of destination in Italy for a consignment of piglets. The CA had investigated this incident and concluded that the piglets had not been unloaded as required at a staging point in France. A representative of the CCA pointed out that prosecution in this case may be difficult as a veterinarian at the staging point had confirmed, by stamping the route plan, that requirements had been respected.

6. CONCLUSIONS

6.1. Legislation

- 6.1.1. Danish legislation transposing Directive 99/74/EC includes appropriate interpretation of certain EU requirements, which provide useful clarification for the inspecting veterinarians. Certain other requirements of Danish law exceed those laid down in the EU minimum standards. However, by their late transposition of Directive 99/74/EC, the CA has extended the availability of transitional periods, allowing certain farms, established after 1 January 2003, to operate without meeting all the requirements of Directive 99/74/EC.
- 6.1.2. The late transposition of Directive 2002/4/EC with resultant incomplete implementation and errors in the database, has led to the inspection of fewer alternative holdings than the original selection indicated for those regions¹⁵.

6.2. Measures supplementary to inspections

- 6.2.1. The official structures in place, other than the inspection services, have provided an information network, which has promoted a high level of awareness of most requirements. Since adoption of the legislation other key stakeholders have dictated the agenda on which issues require further clarification, as a result the opinion of the CA on other issues has not yet been fully understood and uniform application is not yet ensured. The work of the *ERFA group*, set up to review practical implementation, should give rise to a more uniform approach.

⁽¹⁵⁾ *In their response to the draft report, the Danish Authorities indicated that the reduced number of inspections at alternative farms was due to a mistake in entering data in the poultry database by the regional VFCAs.*

6.3. System of inspections

- 6.3.1. Training and guidance is satisfactory and as a result inspections are generally thorough and methodical. Apart from failing to indicate the necessity for devices for inspection where there are more than two tiers of cages (Point 6 of the Annex of Directive 99/74/EC), checklists were comprehensive.
- 6.3.2. The few inconsistencies noted were mostly a result of the veterinarian not obtaining accurate data or not exactly following instructions. Supervision was not always sufficient to ensure that all points on the checklists were confirmed or that stocking densities were respected, in particular those from marketing regulations.
- 6.3.3. In adopting a joint inspection protocol between DVFA and the Plant Directorate, the CCA is improving the level of control of animal welfare on organic farms.
- 6.3.4. The reporting system meets the requirements of Commission Decision 2000/50.

6.4. Long distance transport and update on report 8676/2002

- 6.4.1. Control of route plans was generally satisfactory.
- 6.4.2. The CCA has not yet resolved what action to take regarding the issue of space allowance for pigs on journeys of less than four hours. The CCA has given satisfactory commitments to the other six recommendations.

6.5. Overall conclusions

- 6.5.1. Measures adopted and the system of inspection to ensure that the requirements of Directive 99/74/EC are respected are generally satisfactory.
- 6.5.2. Checks of long distance transport are satisfactory.

7. CLOSING MEETING

A closing meeting was held on 15 January 2004 with representatives of the CCA (MFAF and MJ). At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the CCA did not disagree with these, but provided some further clarifications, in particular to highlight that certain checks and approvals were carried out by services other than DVFA.

8. RECOMMENDATIONS

To the competent authorities of Denmark

Regarding animal welfare on holdings with laying hens, to ensure that:

- (1) Directive 2002/4/EC is implemented.
- (2) Complete the deliberations on requirements applicable to alternative systems so as to ensure uniform application by producers and official services.

- (3) There are devices or measures for inspecting cage systems of more than two tiers (Point 6 of the Annex of Directive 99/74/EC).
- (4) It is advisable when checking alternative farms to ensure that stocking densities are accurately calculated and appropriate action taken where deficiencies detected.

Regarding animal welfare during transport and slaughter:

- (5) To complete internal discussion on space allowances for pigs and indicate what actions have been taken in response to the recommendations made in report 8676/2002 as a matter of urgency.

9. ADDENDUM TO MISSION REPORT DG(SANCO)/7208/2004

In their comments on a draft version of this report, the central competent authority provided the following initial reaction to the recommendations:

- (1) In relation to recommendation 1, the VFA issued Order No 7 of 8.1.2004, amending the Order on combating salmonella in laying hens, thus implementing the requirements of Directive 2002/4/EC.
- (2) To address recommendations 2, 3 and 4, the VFA issued a letter on 26.3.2004 to the regional VFCAs indicating:
 - (a) Further interpretation of the new rules.
 - (b) The need for equipment to inspect the third tier of cages and examples of solutions.
 - (c) Guidance on calculating stocking densities on alternative farms.
 - (d) Guidelines on the actions to be taken in case of non-compliance.
- (3) In relation to recommendation 5, discussions on space allowances for transporting pigs are still ongoing and the CCA will inform the Commission as soon as they are concluded. An update of the actions taken in response to recommendations in report 8676/2002 was provided.