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FINAL REPORT OF A MISSION
CARRIED OUT IN ITALY
FROM 10 TO 14 MAY 2004
REGARDING ANIMAL WELFARE
ON HOLDINGS WITH LAYING HENS,
DURING TRANSPORT AND AT SLAUGHTER

Clarifications provided by the Italian Authorities are given as footnotes, in bold, italic, type to the relevant part of the report



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ABBREVIATIONS AND SPECIAL TERMS USED IN THE REPORT

ASL	<i>Azienda Sanitaria Locale</i> (local health agency)
CA	Competent Authority
CCA	Central Competent Authority
EC	European Community
EEC	European Economic Community
EU	European Union
FVO	Food and Veterinary Office
NGO	Non Governmental Organisation
UVAC	<i>Uffici Veterinari per gli Adempimenti CEE</i> (Veterinary Offices for the application of the EU legislation)

1. INTRODUCTION

The mission took place in Italy from 10/05/04 to 14/05/04. The FVO team comprised three inspectors from the Food and Veterinary Office (FVO). This was the sixth and last mission of a series on welfare of laying hens and was part of the FVO planned mission programme.

The FVO team was accompanied during the whole mission by two representatives from the central competent authority (CCA), the Italian Ministry of Health (*Ministero de la Salute*).

An opening meeting was held on 10 May 2004, where the objectives of, and itinerary for the mission were confirmed by the FVO team, and additional information required for the satisfactory completion of the mission was requested.

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/EC³, which establishes a system for tracing eggs for human consumption to the method of production;
- (3) Commission Decision 2000/50/EC⁴, which establishes a system for reporting the results of inspections.

The second objective was to get an update on actions taken to implement EU requirements regarding animal welfare in long distance transport⁵.

In pursuit of these objectives, the following sites in Italy were visited:

Competent authority		Comments
Central	1	Closing meeting
Regional	1	Combined opening meeting with CCA and regional authorities of Emilia-Romagna.
Provincial and Local Veterinary Offices:	2	ASL ; AUSL In Sicily combined meeting with provincial/ regional authorities where reports were evaluated and the system of checks discussed.

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 Directive 1999/74/EC OJ L 30, 31.1.2002, p.44 (hereafter: Directive 2002/4/EC)

⁴ Commission Decision 2000/50/EC of 17 December 1999 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 Council Directives 90/425/EEC and 91/496/EEC, OJ L 340 11.12.1991, p. 17 (hereafter: Directive 91/628/EEC)

Live animal sites		Comments
Horse slaughterhouses	2	Where checks on transport and slaughter were evaluated and the system of checks discussed.
Holdings with laying hens	3	Three farms, two with caged and one with alternative systems.

3. LEGAL BASIS FOR THE MISSION

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

- Article 9 of Directive 99/74/EC
- Article 10 of Directive 91/628/EEC
- Commission Decision 98/139/EC⁶, laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States

4. PREVIOUS FVO INSPECTIONS

Concerning laying hens, the FVO mission from 4 to 15 October 1999 on poultry production (reference number DG SANCO/1212/1999) included an evaluation of checks on welfare of laying hens. At this time, only battery cage systems were covered by specific EU animal welfare requirements for laying hens as set out in Council Directive 88/166/EEC⁷. The results of the inspections showed that a low percentage of the inspected farms did not comply with the minimum requirements, although the absence of detailed instructions for the organisation of inspections led to unreliable results.

A more specific FVO mission from 22 to 26 October 2001 on animal welfare on farms (ref: DG SANCO 3385/2001), concluded that not all the requirements of the EC legislation concerned were properly checked and there has been a lack of adequate follow-up when infringements have been detected. It was recommended to provide adequate guidance and training and to further develop and harmonise the system for carrying out inspections. Subsequently the CCA did not give adequate guarantees that such measures would be taken.

The FVO mission from 6 to 10 November 2000 concerned transport and slaughter (ref: DG SANCO 1105/2000). In response to the recommendations the CCA wrote to ASLs to pay attention to, among other aspects: the fitness of the animals in

⁶ 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

⁷ Council Directive 88/166/EEC of 7 March 1988 complying with the judgement of the Court of Justice in Case 131/86 (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens kept in battery cages) OJ L 74 of 19.3.1988, p. 83

relation to the journey being undertaken and on legal framework for enforcement of penalties and the administrative framework for the reporting of deficiencies, in particular where the transporters were from outside Italy. However, a system which authorises transporters from third countries was not adopted as the CCA indicated that they were awaiting EU guidelines before changing the existing arrangements.

The FVO mission from 25 February to 1 March 2002 (ref: DG SANCO 8556/2002), also concerned transport and slaughter. In response to the recommendations the CCA indicated that they had issued guidelines establishing the type and frequency of control.

The reports of these missions (hereafter: reports 1212/1999, 3385/2001, 1105/2000 and 8556/2002) are available under their reference numbers on the DG Health and Consumer Protection website, at:

http://europa.eu.int/comm/food/fs/inspections/vi/reports/italia/index_en.html

5. MAIN FINDINGS

5.1. Competent Authority

Reports 3385/2001 and 1105/2000 give a general outline of the structure of the Competent Authority.

In relation to Directive 2002/4/EC, the registration of farms is the responsibility of local health boards ASLs (*Azienda Sanitarie Locali*). The CA for implementation of Regulation (EC) No. 2295/2003 has not been agreed as an inter-ministerial consultation is still ongoing between the Ministries of Agriculture and Health⁸.

5.2. Legislation

The transposition of Directive 99/74/EC and 2002/4/EC in Italy as included in *Decreto Legislativo* n° 267 of 2003 is not fully in line with the Directive 99/74/EC. Prior to the adoption of this text, the Director General of DG SANCO notified the CCA by letter of 24 July 2003 (ref. D(2003)120697)⁹, of the following:

- Unenriched cages can be brought into service until 5 October 2003, instead of 1 January of 2003. In addition, cages ordered before 31.12.2002 can still be brought into service even after 5 October 2003.
- In Annex C, 1, the non-waste deflection plate (*bordi deflettori antispreco*) will not be taken into consideration in the calculation of

⁸ *In their response to the draft report the CCA stated that the competent authority for the implementation of Regulation No 2295/2003 is primarily the Ministry for Agriculture and Forestry Policy (MAFP,) although the Health Ministry is also involved. The national legislation implementing the Regulation was prepared jointly by the two Ministries.*

⁹ *In their response to the draft report the CCA stated that the Italian government drew up a letter of response, which was sent through the Italian Permanent Representation on 9 June 2004.*

usable area in traditional cages. However, further in the same paragraph, in the calculation of the 550 square centimeters of cage area the same area under the deflection plate [*bandina salvauova (sic)*] can be included provided that it does not exceed eight centimeters measured in a horizontal plane.

- Claw shortening devices have to be approved by an “EU body” before being placed on the market.
- Technical requirements for litter area and nests have not been adopted.
- The previous stocking densities for caged systems can continue for a production cycle after 5 October 2003.
- Alternative systems which were operating a stocking density of 12 hens/m² before 5 October 2003 can continue to do so until 01.01.2007. Directive 99/74/EC only allows this for systems operating at this stocking density on 3 August 1999.
- The CA can suspend the sanctions if the animal welfare status is not seriously compromised.

On 19 April 2004, the Director General of DG SANCO sent a reminder on this issue to the Italian authorities.

Legislation transposing Directives 91/628/EEC and 93/119/EC have been explained in previous reports.

5.3. Measures supplementary to checks

Information has been provided to the farmers through professional associations (*Assalzo*), seminars and direct contact. The CCA sets aside one hour twice a week to allow such associations time to consult on issues concerning them. In Emilia-Romagna, relevant information is provided by the Regional services and in Sicily, ASLs have met producers.

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 Regulation 2295/2003¹⁰ was not evaluated in the course of this mission, the CCA stated that a draft inter-ministerial decree has already been drawn up jointly between the Ministry of Health and the Ministry of Agricultural and Forestry Policy, laying down arrangements for implementing Community law for the marketing of eggs and Legislative Decree 267/2003. This includes provisions for a national register at central level of egg producers with a breakdown by husbandry systems.

¹⁰ 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 340 of 24.12.2003, p. 16

Currently farmers who applied for a distinguishing number before 4 January 2003, can continue marketing eggs without a code until 4 April 2004, instead of the deadline stated in Regulation: 1 January 2004.

5.5. Registration of farms

Directive 2002/4/EC establishes that all laying hen holdings covered by the scope of Directive 99/74/EC should be registered, and identified by a unique number, including a distinguishing number indicating the farming method, by 31 May 2003.

The FVO team noted that:

- According to Italian legislation local level (ASL) alone has responsibility for maintaining a registration of these farms. However, in Emilia-Romagna and recently in Sicily, regional level had also the information from each ASL. The CCA do not have the final number of farms with laying hens with a breakdown by type of husbandry practice.
- Registration commenced at the beginning of 2004 in order to comply with EU marketing regulations. This registration was dependent on an inspection of each farm in both of the regions visited.

5.6. Inspections of farms

5.6.1. Training and guidance

The CCA issued a general instruction on 5.11.2001 indicating:

- That there should be an inspection of each laying hen farm at least once a year.
- The use of a checklist, based on the Annex of Commission Decision 2000/50/EC, but the specific requirements are related to previous legislation for laying hens.

Training coordinated by the CCA has not been provided. They are preparing to do so as part of the general continuous education programme (*Educazione continua in Medicina*) in cooperation with the Zooprophyllactic Institute of Brescia and the University of Milano¹¹.

In both regions the CA had prepared their own checklists for inspection:

- In Emilia-Romagna two meetings were held and guidelines and checklists were subsequently provided.
- In Sicily a meeting was held at provincial level and following this a checklist was prepared.

¹¹ *In their response to the draft report the CCA stated that the regions and autonomous provinces, through the veterinary services of the local health agencies, may organise vocational training courses for persons working in the sector.*

5.6.2. Inspection of farms

The CCA have received results from four out of twenty regions for inspections carried out on laying hen holdings in 2002-2003. An overview of the level of compliance with Directive 1999/74/EC in the whole national territory should have been available for 1 April 2004, but the CCA does not know when it will have the information to comply with Article 2 of Commission Decision 2000/50/EC.

Both regions visited have reported the results of inspections for 2002 and 2003, as required by Decision 2000/50/EC. In Emilia-Romagna and Sicily all the registered laying hen farms have not been inspected.

A round of inspections of all farms was undertaken by the CAs of Emilia-Romagna and by the province in Sicily as part of the procedure for farm registration. Due to the pressure to implement egg marking it was necessary to issue the codes and not all the farms had yet been inspected.

5.6.2.1. Caged systems

In Emilia-Romagna, the ASL visited had detected that 100 % of cage farms were overstocked. Sanctions were suspended until after the end of the production cycle, as provided for in Italian legislation only if the welfare of the animals is not compromised. However, two of the farms had been restocked after the entry into force of the Italian legislation (1/10/2003), but again a suspended penalty had been applied.

In Sicily, the regional level did not have an overview of the extent of overstocking of laying hen farms. In Catania province 80% of the laying hen farms were overstocked. These farms were stocked according to the previous requirements.

During the farm visits, although the inspections were methodical in so far as they had received training and guidance, the FVO team noted:

- In Emilia-Romagna, where a complete checklist had been developed, all the relevant criteria were checked. The area under the non-waste deflection plate was included in the measurement of the cage area and in the design of the cages seen, the birds could easily get their toes into this area.
- In Sicily, the checklist was incomplete. The veterinarian did not therefore accurately measure the floor slope or cage height, which had considerable variation due to the age of the cages. Normally the manufacturer's specifications were accepted. He also did not identify that 25% of the cages had only one nipple and that there were two periods of darkness.

5.6.2.2. Alternative systems

The CAs priority has been to check cage farms, which is the predominant system. The farm visited, came into use in December 2002, which would mean that all requirements of Article 4 of Directive 99/74/EC should apply.

However, as national legislation allows farms operating before 5 October 2003, to operate at 12 laying hens/m² instead of 9/m²:

- The farm was overstocked.
- The perches were insufficient and
- No immediate corrective action was proposed as the Italian legislation allows such premises to continue to operate until 01.01.2007.

5.7. Inspections of transport

CCA guidelines of 4 July 2004 indicates:

- The main issues to consider when carrying out checks at different locations.
- A target of at least 5% should be achieved for random checks at departure.
- A format for reporting on the results of checks.
- An administrative framework for the reporting of deficiencies, in particular where the transporters are from outside Italy.

The mission team noted:

- Seven out of the twenty regions have provided the CCA with the information from 2002 required by Article 8 of Directive 91/628/EC. So far only two regions have supplied the equivalent information for 2003. A representative of the CCA indicated that they have written to the regions to request this information.
- The CA in Emilia-Romagna has recently further developed the CCA guidelines, in particular to comply with the new reporting system proposed by the Commission services.
- For 2002, where comparable data was available in the regions visited, Emilia-Romagna has an overall deficiency detection rate of 0.8%, whereas in Sicily, although 17,687 checks were carried out no deficiencies were detected.
- In Sicily, ASL did not carry out checks according to the CCA guidance of 4 July 2002 as this was seen as applicable to UVAC only.

Checks at departure

From Emilia-Romagna, adult hens had been transported to Romania and young turkeys to Greece, i.e. journeys exceeding 12 hours. The CA had accepted that apples or beetroot placed in the transport cages were suitable substitutes for food and water, although it is questionable whether the birds would be able to make use of these during commercial transport conditions (Directive 91/628/EEC Annex, Chapter II point 31).

Checks during transport

Most consignments to Sicily are first sent to a dealer or marshalling centre. In Sicily, an investigation had been initiated following a complaint from a NGO regarding a consignment of horses from Romania transiting through a marshalling centre. The horses were not there when this location was visited. A representative of the CA indicated that they would spend up to 30 days at such centres before being sent to a slaughterhouse. The certificate for such consignments does not indicate a time limit for slaughtering animals passing through such a marshalling centre, thus making it difficult to know how long animals will stay there. According to the investigation this transporter, who was from outside the EU, did not return.

The CA subsequently investigated a consignment of cattle from France at the same location. The CA had been suspicious of one of the signatures on the route plan, but had not detected that the time of departure was not indicated.

Checks at destination

Checks at a slaughterhouse in Emilia-Romagna, had detected an unfit horse in a consignment from Bulgaria in May 2002, however the excessive journey time, evident from the route plan, had not detected. In May 2004, a problem in a consignment of horses from Serbia had also been detected. This time both the unfit animal and the incomplete route plan had been detected and subsequently notified to the Slovenian embassy, responsible for the BIP, where the consignment had entered the EU.

5.8. Inspections at slaughter

Following recommendations in previous reports 1105/00 and 8556/2002, the CCA indicated that information had been sent to the other levels of the CA to address the deficiencies: inappropriate string halters; lack of water for animals not brought directly to slaughter; ineffective stunning equipment and lack of a back-up device. However, no guidelines from the CCA had been circulated on these requirements.

In Emilia-Romagna, the veterinarian used a locally developed aide-memoir which provided details of what to check. In Sicily, the aide-memoir used gave only a general indication that animal welfare should be checked referring to the legal basis.

The mission team noted:

- Three out of the fifteen horses seen in the slaughterhouse in Emilia-Romagna were wearing inappropriate string halters.
- In this slaughterhouse, the veterinarian had detected that water was not constantly available to horses in the lairage, which does not comply with point 9 of Annex A of Directive 93/119/EC. He accepted this situation as he considered the regime where the horses were offered water four times a day as preferable, given that the previous feeding and watering regime

of the horses was unknown. Water was also not immediately available to animals in Sicily when they were not brought directly to slaughter¹².

- In Emilia-Romagna, stunning was effective. However in Sicily three out of seven horses were shot twice and the back-up equipment was not used when necessary.

6. CONCLUSIONS

6.1. Legislation

- (1) Legislation was transposed 22 months late and allows further time for non-compliant systems to operate. As a result all farms had overstocked cages and the welfare of laying hens continues to be compromised.
- (2) Several requirements of the national legislation do not comply with the EU text, notably that unenriched cages ordered before 31 December 2002, can still be installed. Legislation is also contradictory as to whether to include the area below the non-waste deflection plate in the usable area.
- (3) Regarding Commission Regulation (EC) 2295/2003 on the marketing of eggs, the Ministry of Health and Ministry of Agriculture and Forestry Policy have not made a formal agreement on division of duties.

6.2. Registration of farms

Efforts were made to complete registration of farms, as required by Directive 2002/4/EC, in order to comply with egg marketing regulations, but this has still not been completed.

6.3. Inspections of farms

- (1) The CCA does not have an overview of the level of compliance with Directive 1999/74/EC in the whole national territory as required by Article 2 of Commission Decision 2000/50/EC and is not a position to further develop inspection policy and enforcement of the requirements.
- (2) In the absence of CCA guidelines and training, the other levels have developed their own methodologies, affecting the accuracy of inspections, such as in Sicily where an incomplete checklist was provided.
- (3) Enforcement of the requirements is weak as the CAs do not consider overstocking to give rise to an immediate welfare problem if the previous legal requirements for space allowances

¹² *In their response to the draft report the CCA stated that the non-availability of water was caused by a temporary malfunction of the automatic water dispensers.*

are met. This is also the case even if the farm was stocked after the date of entry into force of the Italian legislation.

- (4) Alternative systems have been given a low priority as they represent a small percentage of laying hen farms. Due to its late transposition, the Italian legislation does not yet apply to many of these establishments.

6.4. Inspections of transport

- (1) Since the majority of regions fail to report the outcome of checks as required by Article 8 of Directive 91/628/EEC, the CCA does not have the required information to identify major/common deficiencies and to assist the regions in subsequently developing an enforcement strategy.
- (2) As a result of several CCA guidelines, there has been some improvement in the surveillance of long distance transport especially in Emilia-Romagna. In Sicily, where there were a high number of checks without detection of any deficiencies, the quality of checks is questionable.
- (3) Despite previous recommendations the CA do not authorise transporters from third countries as required by Article 5A. 1 (a) (ii) of Directive 91/628/EEC in a way in which they can be rapidly identified. As a result, follow-up investigations of the activities of such transporters who fail to comply are limited.
- (4) The indefinite time allowed to slaughter horses transiting a marshalling centre makes it difficult for the CA to organise inspections of such consignments.

6.5. Inspections at slaughter

The CCA have made insufficient efforts to address previous recommendations for an adequate level of surveillance; in particular, effective stunning of animals is not ensured.

6.6. Overall conclusion

The several guidelines produced by the CCA on welfare during transport have contributed to some progress in this sector. However, the absence of adequate guidance and training regarding inspections of farms and at slaughter contributes to an inadequate level of surveillance. In particular, regarding laying hens, the late and incorrect transposition of Directive 99/74/EC hampers proper enforcement of EU requirements.

7. CLOSING MEETING

A closing meeting was held on 14 May 2004 with representatives of the CCA. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. In relation to the inclusion of 8 cm of the width of the non-waste

deflection plate in the cage area, the representatives of Ministry of Health were of the opinion that this was in compliance with EU legislation.

8. RECOMMENDATIONS TO THE COMPETENT AUTHORITY

8.1. Regarding laying hens:

- (1) Amend legislation to comply with Directive 1999/74/EC, in particular to:
 - Prohibit bringing into service for the first time unenriched cages, even if they have been commissioned before 31 December 2002.
 - Bring stocking densities in line with Article 5 of Directive 99/74/EC and clarify contradictory requirements regarding cage area and area below the non-waste deflection plate.
 - Require claw shortening devices in cages and that this requirement should not depend on approval by an EU body.
 - Require litter and nests for alternative systems and only allow those systems operating before 3 August 1999 to operate at the higher stocking density of 12 birds/m².
- (2) Registration of farms in compliance with 2002/4/EC is completed in all the regions.
- (3) Provide adequate guidelines, instructions and training to carry out checks.
- (4) Deficiencies such as overstocking are promptly corrected, not just at the end of the production cycle, and dissuasive measures are applied.
- (5) Take measures to ensure that each region submits results of inspections in compliance with Decision 2000/50/EC.

8.2. Regarding animal welfare during transport

Take further measures to obtain from the regions the information required by Article 8 of Directive 91/628/EEC. In addition, this information should be used by all levels of the CA to monitor the quality of checks and ensure an adequate level of surveillance and enforcement.

8.3. Regarding animal welfare at slaughter

- (1) Adequate training and instructions are provided regarding welfare at slaughter.
- (2) All levels of the CA are involved in monitoring the quality of checks and ensuring an adequate level of surveillance and enforcement.

9. ADDENDUM

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

9.1 Regarding recommendation 8.1(1),

- An explicit exclusion of such cages is already being examined by the Italian parliament.
- Italian legislation concerning non-waste deflection plates is not contradictory. The Italian government is awaiting the European Commission's response to their letter of 9 June 2004.
- Claw shortening devices used experimentally up to now in Italy are detrimental to hens' health and do not perform the required function satisfactorily.
- The adoption of a decree containing details of the technical characteristics of nests and litter areas is foreseen.

(2) Regarding recommendation 8.1(2), no national list is available, but this will be provided for by an inter-ministerial decree, adopted in cooperation with the MAFP, on the subject of egg marketing (explanatory decree relating to Regulation (EC) No 2295/2003).

(3) Regarding recommendation 8.1(3),

- On 8 July 2004 they wrote to the health departments of the regions and autonomous provinces to obtain a general picture of the level of compliance with the legislation.
- In addition a new ministerial circular is being prepared, which will provide precise information on inspection procedures, including a complete checklist. This new circular will also cover alternative systems.

(4) Regarding recommendation 8.1(5), a report on the 2002–2003 period based on the available data is now being compiled and will be sent to the European Commission as soon as possible.

9.2 Regarding recommendation 8.2, a report based on the available data is now being prepared, covering the year 2002, and will be sent to the European Commission as soon as possible. Information covering 2003 is also being collected.

9.3 Regarding recommendation 8.3, the CCA will take action to prepare a circular containing appropriate instructions on this subject in order to ensure compliance with Community legislation.