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FINAL REPORT OF A MISSION  
CARRIED OUT IN THE UNITED KINGDOM  
FROM 26 TO 30 JANUARY 2004  
REGARDING ANIMAL WELFARE  
ON HOLDINGS WITH LAYING HENS AND  
DURING LONG DISTANCE TRANSPORT

*Please note that factual errors in the draft report have been corrected in bold, italic, type. Clarifications provided by the United Kingdom 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

A,B,C,D (SCORING SYSTEM)	Levels of farm compliance, where A is full compliance and D is unnecessary pain or distress.
ADAS	Agriculture Development and Advisory Service
CA	Competent Authority
CCA	Central Competent Authority
DEFRA	Department for Environment, Food and Rural Affairs
EC	European Community
EEC	European Economic Community
EMI	Egg Marketing Inspectorate
EMIs	Egg Marketing Inspectors
EU	European Union
FVO	Food and Veterinary Office
SVS	State Veterinary Service
UPUD	Unnecessary pain, unnecessary distress
VETNET	Database used for recording checks.
VI	Veterinary Inspector



## 1. INTRODUCTION

The mission took place in the United Kingdom from 26/01/04 to 30/01/04. The FVO team comprised two inspectors from the Food and Veterinary Office (FVO) and one Member State expert. This was the second mission in 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, the Department for Environment, Food and Rural Affairs (DEFRA).

An opening meeting was held on 26 January 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 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<sup>1,2</sup> on the protection of laying hens;
- (2) Commission Directive 2002/4/EC<sup>3</sup>, which establishes a system for tracing eggs for human consumption to the method of production;
- (3) Commission Decision 2000/50/EC<sup>4</sup>, 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 transport<sup>5</sup>

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

Competent authority		Comments
Central	2	Opening and closing meetings
<i>Divisional</i> Veterinary Offices	2	Where reports were evaluated and the system of checks discussed.
Live animal sites		Comments
Holdings with laying hens	3	Three farms, both with caged and alternative systems. In one of the farms, selected by the CCA, a house used for <i>demonstration</i> purposes had different designs of enriched cages.

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<sup>1</sup> Legal acts quoted in this report refer, where applicable, to the last amended version.

<sup>2</sup> 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)

<sup>3</sup> 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)

<sup>4</sup> 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)

<sup>5</sup> 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)

### 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/EC<sup>6</sup>, 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

The previous FVO mission to evaluate checks of laying hens was carried out from 21 to 25 August 2000 as part of a mission on poultry meat (reference number DG SANCO/1196/2000). 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/EEC<sup>7</sup>. The report indicated that during 1999, 23% of random checks and 51% of other inspections carried out by the CA found evidence of non-compliance<sup>8</sup>.

A previous FVO mission evaluating checks of animal welfare in pigs and calves farms was carried out from 28 February to 3 March 2000, (ref: DG SANCO 1102/2000).

A previous FVO mission evaluating checks of welfare during transport was carried out from 12 to 16 February 2001, (ref: DG SANCO 3245/2001). Concerning route plans, the report indicated that both the involvement of the CCA in approving routes and in verifying that the plan is followed led to an efficient standardised approach

The reports of these missions (hereafter: reports 1196/2000, 1102/2000 and 3245/2001) 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/index\\_en.html](http://europa.eu.int/comm/food/fs/inspections/vi/reports/index_en.html)

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<sup>6</sup> 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

<sup>7</sup> 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

<sup>8</sup> *In their response to the draft report, the UK Authorities noted that the non-compliance levels for inspections, by enterprise type, for caged hens has changed considerably since 1999: was 9.9% in 2000; was 3% in 2001 (but foot and mouth disease severely reduced welfare inspections); was 21% in 2002; and was 18.5% in 2003.*

## 5. MAIN FINDINGS

### 5.1. Competent Authority

The State Veterinary Service (SVS) described in report 1102/2000, is now under DEFRA<sup>9</sup>.

DEFRA's Egg Marketing Inspectorate (EMI) has responsibility for the enforcement of the EU Egg Marketing Regulations (Commission Regulation (EC) No. 2295/2003<sup>10</sup>) at all marketing stages up to, but excluding, retail level. There are currently 36 Egg Marketing Inspectors (EMIs), working in five different regions, which are not always identical to those of the SVS<sup>11</sup>.

EMIs have the authority to enter at all reasonable times and carry out inspections in registered or unregistered premises (including wholesale outlets, places of import and, when requested, retail outlets) in which any activity regulated by the Community provision is being, or is reasonably suspected of being undertaken.

### 5.2. Legislation

In England, where the mission took place, Statutory Instruments 2002/1646 and 2003/3100 are the legislative texts transposing Directives 1999/74/EC and 2002/4/EC respectively. A comprehensive check of this legislation or of the relevant legal instruments applicable in the rest of the UK was not carried out. However, it was noted that transposition *of Directive 2002/4/EC* has not been carried out in Wales, where the corresponding legislation is expected to be in place by the end of May 2004.

### 5.3. Measures supplementary to checks

Several initiatives have been adopted to ensure the dissemination of information on the legislative requirements and to promote compliance:

- A code on the welfare of laying hens, which is approved by UK Parliament, was widely distributed both to veterinary inspectors (VI) and farmers. This code provides further guidance and interpretation on the legislation.

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<sup>9</sup> *In their response to the draft report, the UK Authorities noted that DEFRA's State Veterinary Service (SVS) has responsibility for carrying out welfare inspections on agricultural holdings in England. The SVS is now organised as part of DEFRA's Operations and Service Delivery Directorate General, whereas the veterinary staff in HQ London are part of DEFRA's Animal Health and Welfare Directorate General.*

<sup>10</sup> 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. (hereafter: Regulation 2295/2003).

<sup>11</sup> *In their response to the draft report the UK Authorities noted that as this mission took place in England only, the findings refer to information received from DEFRA's SVS and facts found during visits to Animal Health Divisional Offices (AHDO) and during inspections carried out by Veterinary Officers (VOs) of the State Veterinary Service.*

- Divisional Veterinary Managers are expected to hold animal welfare liaison group meetings twice a year with local representatives of farming, veterinarians and different sectors involved. In the offices visited during the mission no evidence was found of such meetings where the welfare of laying hens had been discussed.
- *A series of on farm observations, including those made by the SVS* was carried out by the Agriculture Development and Advisory Service (ADAS), which is a private consultancy, on the performance of a variety of claw shorteners from different *manufacturer's*, and relevant information has been passed on to DEFRA VIs.
- DEFRA also funded two *campaigns* aimed at briefing the industry and helping them meet the requirements of Directive 1999/74/EC. One dealt with the welfare of laying hens in small flocks, with the intention of providing advice and guidance to small flock owners who might not have access to the normal channels of information enjoyed by their larger counterparts. *In a second campaign, a series of workshops were held on the subject of the practical management of feather pecking and cannibalism without beak trimming. Another round of workshops on this topic concentrating on cage and barn egg production is scheduled for spring 2004.*

#### 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 2295/2003 was not evaluated in the course of this mission, a representative of the Egg Marketing Inspectorate explained that *not all* eggs are not yet being marked and labelled with the reference to the farming method. Full compliance with this requirement is expected by the end of 2004, although some packaging centres are already stamping eggs as required.

#### 5.5. Registration of farms

Directive 2002/4/EC establishes that all laying hens holdings covered by the scope of Directive 99/74/EC are to be registered, and identified by a unique number, including a distinguishing number indicating the farming method. This should have been done by 31 May 2003. The FVO team noted that:

- Up to the time of the mission, the CA had received 70-75% of the expected applications, and farmers who have not done so, are being contacted. The CCA expects, with the exception of Wales, to complete registration of holdings by the end of March 2004<sup>12</sup>.
- Separate flocks on the same farm are being registered under the same identification number, provided they all have the same farming method.

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<sup>12</sup> *In their response to the draft report the UK Authorities noted that additional information is that 95% of all known holdings have been registered by the end of March 2004.*

- The information available to VIs during the mission did not exactly follow Directive 2002/4/EC as it includes the average number of laying hens kept, rather than the maximum capacity of birds. This information is being recorded in the application forms used for farm registration. After completion of the mission, the CCA provided a list of holdings for one region with all relevant data.
- In one of the farms visited, the actual number of birds did not match with the number indicated in the existing list of holdings, held by the Egg Marketing Inspectorate. VIs explained that currently, they do not know exactly how many laying hen farms in their area, as the existing list is not yet fully accurate *as it still being compiled*.

## 5.6. System of inspections

### 5.6.1. Training

Different training courses on animal welfare have been provided to VIs, including specific training on the welfare of laying hens and cage measuring.

### 5.6.2. Inspection and selection of farms

The CCA has set a national target of 147 annual checks on laying hens holdings (including Wales and Scotland), following statistical and epidemiological criteria. This national sample is allocated to regions using stratification on the basis of number of holdings by region.

During visits, compliance is assessed according to the following criteria:

- A: Full compliance with legislation and code
- B: Full compliance with legislation but not with code
- C: Failure to comply with legislation, no Unnecessary Pain or Unnecessary Distress (UPUD) seen
- D: UPUD seen

The FVO team noted:

- Inspections were generally conducted in a methodical way, with emphasis on legislative deadlines. Checklists and aide-memoires covering all relevant points, which had been drawn up by the CCA, were available to VIs.
- For reporting purposes, checks are counted as number of houses inspected, even if these are on the same holding.
- In one of the two offices visited during the mission, the inspection targets had been achieved. Excessive workload was the reason given for not achieving the target in the second office<sup>13</sup>.

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<sup>13</sup> In their response to the draft report the UK Authorities noted that overall the number of inspections done for laying hens in GB met the specified target.

### 5.6.3. Caged systems

VIs from the SVS are responsible for inspecting caged systems. Because of recent requirements on egg stamping and labelling, the CCA has envisaged that EMIs may in future also perform checks of caged systems, but no decision has yet been taken.

In 2003, a total of **106** inspections were carried out on battery hens. 29% of these detected failures to comply with legislation (C + D scores). 2 prosecution procedures were launched, in both cases because of inadequate provision of feed and water to the birds.

Clear instructions have been provided by the CCA on how to measure cages. A minimum of three cages of any one type must be measured, and if the measurements are consistent, these can then be run through a computer programme which indicates *the* maximum number of hens allowed in that cage. The CCA has set up a maximum slope for non-wire mesh floors of 21,3% or 12 degrees, including plastic-coated wire mesh. There is an accepted tolerance level for slope equals of 0.49 degrees. During the visits VIs were familiar and competent in taking cage measurements.

In order to achieve compliance with space density requirements of Directive 99/74/EC (550 cm<sup>2</sup> per hen) the CA has approved the modification of the *some types of* existing cages providing an extended front to the cages, moving the cage gates 5 cm or more forward. Neither the feed troughs nor the deflection plates are moved<sup>14</sup>. Consequently, the floor area remains the same. In the Regulatory Impact Assessment of Directive 99/74/EC, it was estimated by the CCA that new space requirements would be met for about 7.5 million birds by moving forward the cage front (hereafter: extended front).

The FVO team noted that:

- The extended front was the system in use on the farms visited. Some birds were seen sitting down on the lip of the food trough, with the neck stretched through the cage front. Use of the deflection plate was restricted because of the steep slope. The limited additional space provided on the inner lip of the food trough where the birds must perch, leads to a restricted use of this space. Measurements are carried out calculating depth of the cage from the extended front. In one case the calculated total, including extended front as usable area, was 2755 cm<sup>2</sup>, and accommodated 5 birds. Without inclusion of the extended front a maximum of 4 birds would have been allowed.

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<sup>14</sup> *In their response to the draft report the UK Authorities noted that it should also be noted that there is a make of cage which has been on the market in the UK for over 10 years which is manufactured with an extended front, and this was assessed on the same basis. [The veterinary services have made very careful studies of hen behaviour, and come to the conclusion that hens do use the area under the deflection plate without restriction]. It is not a modified cage. Other cage makes which are modified have very short, flat deflection plates on which the hens stand comfortably without restriction.*

- In the bottom tier of a hen house the VI detected that light intensity was 2-3 lux. This is under the minimum required in the DEFRA code for the protection of laying hens (at least 5 lux, preferably 10), interpreting point 3 of the Annex to Directive 99/74/EC. The VI indicated this to the farmer, although later accepted that to solve this could imply further risks regarding feather pecking or cannibalism.
- In one farm check the VI did not verify the existence and content of records, relying on the farmer's declaration, *although this item for inspection was included in her aide-memoir checklist which she was working from during the visit.*
- In one office a case of non-severe overstocking was classified as B instead of C, because the VI accepted that it could be promptly solved. This did not follow CCA policy and could lead to underreporting of deficiencies. There were no supervisory checks or audit by a higher level of the CA of the basis for these scores.
- A representative of the CA explained that overstocking problems should be addressed by the time of the arrival of the next flock, as redistributing birds to other cages could potentially create more animal welfare problems<sup>15</sup>.
- The reports examined showed that when deficiencies had been detected, the farmer was advised by letter on the actions to be taken, and a follow up visit was carried out to ensure compliance. Examples included adequate follow up after a case of non-severe overstocking was detected on one farm.

#### 5.6.4. *Alternative systems*

These are inspected by EMIs on a routine basis. Target for EMIs is to visit every producer twice a year *but barn systems are inspected once a year.* This target has been met as a national level. Checks are carried out on flock size, availability of land (for free range), internal stocking densities and records of production and sales. If EMIs detect that the criteria for free-range or barn eggs are not being met, notices could be served to prevent the eggs being marketed as free-range or barn, until compliance with the criteria had been achieved. A representative of the CCA explained in the opening meeting that although the primary role of EMI is not to assess animal welfare conditions, their inspectors *have been trained to* spot problems and refer these to the SVS. Subsequently, a VI would inspect the farm and take action, as necessary.

EMIs carry out inspections using a centrally prepared checklist, which focuses on premises and equipment, including references to: pop-hole dimensions, stocking densities, feeders and drinkers length.

The FVO team noted that:

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<sup>15</sup> *In their response to the draft report the UK Authorities noted that overstocking problems would always be dealt with immediately if there was any evidence of unnecessary pain or distress.*

- According to information provided by the CCA, in 2003, 77 programmed inspections throughout the United Kingdom were performed by VIs in alternative systems, 6% of them detecting breaches of legislation (C + D scores).
- In all the offices visited, VIs had not carried out any visits to farms with alternative systems. They explained that they would only do so if a private or official complaint were lodged against a particular farm. They also indicated that, under normal procedures, they were not expected to check alternative systems. Therefore, no alternative farms had been visited in the past and no programmed inspections were planned.<sup>16</sup>
- EMI checklist does not include a reference to requirements specified in the Annex of Directive 99/74/EC or Council Directive 98/58/EC<sup>17</sup>, such as adequate facilities for daily inspections and care of sick or injured birds.
- EMIs have started measuring empty houses built pre-2002, for which the requirements of Article 4.1 of Directive 99/74/EC will come into force in 2007, in order to evaluate readiness.
- In the SVS offices visited, no cases had been referred by EMI during 2003.
- In one farm set up before 1999, the VI accepted the stocking density indicated by the company, which underestimated by 2.7 % the actual figures given to the FVO team.
- Regarding perching, the CCA has interpreted in the Code for the welfare of laying hens that perforated floors can be considered as perching space when they have perches incorporated within the floor structure or attached on top of the floor. It is also specified in the instructions provided by the CCA that perforated floors can be counted if they incorporate correctly spaced adequate perches, at least 30 cm apart. As a consequence, in the farms with slatted floors visited, part of the slats was considered as a perch space. The remainder was considered as floor area, although there was no physical differences between the two areas. Therefore the CA accepted that installation of aerial perches was not necessary even after 2007, as the slats were already considered as perching space. The FVO team noticed that laying hens in the farms visited were commonly perching on drinkers and feeder lines. These,

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<sup>16</sup> *In their response to the draft report the UK Authorities noted that although in the two offices visited VIs had not carried out inspections on farms with alternative systems, such inspections had been done during 2003, 159 being listed on the information given to the inspectors with 18% compliance failure. Over 70% of egg production is in caged systems, and those alternative systems which are being used were already in use before 1 January 2002. Therefore the date for full compliance with Directive 99/74 is 1 January 2007. Until that date only the general requirements of Directive 98/58 apply. As the experience of the CCA is that hens in caged systems are at higher risks of welfare problems, that is where we have concentrated our inspection activities.*

<sup>17</sup> 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 (hereafter Directive 98/58/EC)

however, would not be counted as perching space, as the CCA instructions specified that in order to be counted as perches, they must be designed as such, and not as an alternative use of another structural material. A specification of the objective pursued by Article 4.1.d of Directive 99/74/EC regarding perches can be found in the Recommendations of the Council of Europe for poultry kept in other intensive systems (non cage) to produce eggs for consumption”. Here it is stated that “when determining the stocking rate, consideration shall be given to ... the number of perches or other suitable installations available in the third dimension”. The above mentioned Recommendations were issued in accordance with the European Convention for the Protection of Animals kept for Farming Purposes ratified by the United Kingdom, and by the European Union on 18 October 1988, (see website: www.coe.int)<sup>18</sup>.

#### 5.6.5. Reporting system

After every check relevant data are introduced in a database (VETNET). Afterwards data are collected, processed and extracted by CCA, and classified according to the requirements of Decision 2000/50/EC. Checks of different houses on the same farm are classified as individual checks, and advice on each issue detected is recorded individually.

The FVO team randomly selected several checks and noted that the relevant information had been introduced correctly in VETNET.

### 5.7. Long distance transport

The system of control of route plans remains the same as described in report 3245/2001. For approving a new route and calculating journey times, the staff at central level studies traffic restraints, rest periods, and loading time. If animals from different places of departure are travelling on the same means of transport to the final destination, a different route plan is required for each place of departure.

The FVO team noted that:

- In the offices visited most approved route plans complied with EU legislation. In the cases studied, the animals had not transited through a market. Nearly all route plans had been returned, with the exception of those from an Italian transporter who had repeatedly failed to do so. This case was communicated by letter to the Italian authorities, **and the exporter has stopped using the Italian transporter**. A CA representative

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<sup>18</sup> *In their response to the draft report the UK Authorities noted that the Directive 99/74 does not contain any definition to assist Member States interpret what is a perch. Neither does it state that perches should be aerial, only that they should not be over litter. As all the slatted floor areas, which provide the facility for perching, are raised over manure dropping pits, then these perches are fulfilling the requirement of “an installation in the third dimension”. They also contest that this [slatted floors] also meets the requirement of the Council of Europe recommendations.*

explained that it would not have been possible for legal reasons to refuse approval for further route plans to this transporter.

- Several consignments of breeding pigs were not rested at an approved staging point, as required. The approved route plan indicated that the 24-hour rest took place at other places, such as petrol stations. A CA representative explained that this was standard policy, as the health status of breeding pigs could be compromised if they were unloaded at a staging point. Additionally, it was indicated that transport companies would avoid resting in petrol stations or centres that were close to other farms. CA representatives also indicated that there is an informal agreement with the Commission on this issue. The FVO team, following consultation with other relevant Commission services, have been subsequently unable to find any evidence to justify this claim<sup>19</sup>.

## 6. CONCLUSIONS

### 6.1. Legislation

- (1) Transposed legislation complies with EU legislation.
- (2) Directive 2002/4/EC has not yet been transposed in Wales and therefore cannot be applied<sup>20</sup>.

### 6.2. Measures supplementary to checks

Measures such as the publication of a code on the welfare of laying hens, training courses, workshops and distribution of research studies have ensured an adequate level of knowledge and distribution of information.

### 6.3. Registration of farms

Registration of farms as required in Directive 2002/4/EC is taking place. However the deadline foreseen in this Directive has not been respected. Lack of updated information to VIs on the maximum capacity of birds could make monitoring of overstocking more difficult. Additionally, lack of accurate information on number of operating laying hen farms presents problems for the organisation of animal welfare checks. This should be solved in the near future once the registration process has been finished.

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<sup>19</sup> *In their response to the draft report the UK Authorities noted that the serious implications for the UK breeding pig exporters had been recognised by the Commission who tabled a draft Council Decision (10633/98) permitting breeding pigs to be kept on board vehicles at staging points. Contacts between the UK and other Member States had indicated that UK exporters could expect to be able to continue this practice until the Decision was in place. However, the Decision was delayed, not picked up in subsequent Presidencies and was never ratified. This practice has therefore continued.*

<sup>20</sup> *In their response to the draft report the UK Authorities noted that although the legislation in Wales has not yet been transposed, administrative actions have already been taken to register premises.*

#### 6.4. System of inspections

- (1) The reporting system to meet the requirements of Decision 2000/50/EC over records the number of holdings inspected. Although it is useful at local level, especially in the context of follow-up actions, to record the results of each building separately, by including in the summary each building as one inspection, the number of holdings inspected is not accurately represented.
- (2) As a consequence of adequate training and guidance inspections were generally thorough and methodical. However, some aspects of the instructions do not fully respect EU requirements.
- (3) Cage measurements were detailed and accurate with regard to the instructions provided by the CCA. However the extended cage front, while an improvement from previous unenriched cages, is not an area without restriction and therefore cannot be included as part of the 550 cm<sup>2</sup> per hen.
- (4) Although instructions were clear these were not always followed. For example the lack of verification of on farm records and in one case, inaccurate recording of the overall outcome of the inspection. This could lead to underreporting of deficiencies, as the higher level within the CA does not audit the completed checklists on which the overall score for a given holding is based.
- (5) The current system of inspections for alternative systems does not ensure that all requirements of Directive 99/74/EC and Directive 98/58/EC are evaluated. Firstly, the contradictory information provided on the role of VIs in checking alternative farms by the CCA and VIs themselves, indicates confusion on who is verifying these requirements as part of the programmed inspections. Secondly, surveillance by EMI cannot be considered complete, as they do not emphasise aspects such as farmer's inspections, existence and content of farm records and care of sick or injured birds. Their checklist does not draw attention to requirements in the Annex to Directive 99/74/EC or Directive 98/58/EC.
- (6) The acceptance of slatted floors as perching space may not enable the birds to satisfy their behavioural need for perches, which are not at floor level<sup>21</sup>.
- (7) Deficiencies detected receive generally an adequate follow up.

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<sup>21</sup> *In their response to the draft report the UK Authorities drew attention to document SANCO/1063/2001 where consideration by the Commission was given to a number of questions. Point 2 of this text recognises that, as long as conditions Article 4.1.2[4.2] are met, the slatted floors can be calculated as useable area (as defined in Article 2.2.d) even if perches are integrated. Aerial perches are likely to cause droppings to fall onto the level below which will lead to possible build up of manure in the slats, creating a hygiene problem.*

## **6.5. Long distance transport**

- (1) Controls of route plans are generally satisfactory
- (2) The approval of route plans in which the 24-hours rest period is to take place other than in an approved staging point is contrary to provisions in Directive 91/628/EEC and Regulation (EC) No. 1255/97<sup>22</sup>. Additionally, this does not allow verification of whether an actual rest period took place<sup>23</sup>.

## **6.6. Overall conclusion**

- (1) Directive 2002/4/EC is not yet fully implemented.
- (2) Implementation and surveillance of the requirements of Directive 1999/74/EC is mostly adequate, although CCA interpretation on the use of extended fronts for cages is not fully in compliance with Directive requirements and is questionable regarding the use of perches in alternative systems. The system of checks for alternative systems does not ensure comprehensive checks.
- (3) The system of approval and monitoring of route plans is adequate, with the exception of not including the use of staging points, where necessary.

## **7. CLOSING MEETING**

A closing meeting was held on 30 January 2004 with representatives of the CCA, DEFRA. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. The representatives of DEFRA expressed the opinion that their interpretation of cage area in relation to the use of extended fronts in cage systems and perches in relation to alternative systems is fully in compliance with EU legislation.

## **8. RECOMMENDATIONS TO THE COMPETENT AUTHORITY**

To ensure that:

- (1) Directive 2002/4/EC is transposed in Wales, and its implementation is completed in the United Kingdom.
- (2) Data required by Directive 2002/4/EC, including maximum capacity of birds, are available to VIs as well as to EMIs.

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<sup>22</sup> Council Regulation (EC) No. 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC, OJ L174, 2.7.1997, p.1.

<sup>23</sup> *In their response to the draft report the UK Authorities noted that to comply would be seriously detrimental to the health status of UK pigs [see point 5.7, second indent]*

- (3) Measures are taken to ensure that the summarised information provided for the purposes of Decision 2000/50/EC is accurate, in particular each visit to each holding is recorded as one inspection and that all deficiencies are recorded.
- (4) All laying hens in unenriched cage systems have access to at least 550 cm<sup>2</sup> of cage area, measured in a horizontal plane, which may be used without restriction, as required by Article 5.1.1 of Directive 99/74/EC.
- (5) Records, including existing numbers of birds, are verified systematically.
- (6) The organisation of inspections of alternative laying hen holdings takes full account of all relevant animal welfare requirements, as required by Article 8.1 of Directive 99/74/EC.
- (7) The rest period for all animals after completing the maximum journey time takes place in an approved staging point, as required by Article 2.c and Chapter VII of the Annex to Directive 91/628/EEC, as well as provisions in Regulation (EC) No. 1255/97.

To consider:

- (8) Measures to ensure that, in all newly built or rebuilt alternative systems, and in all buildings from 2007, laying hens should have access to perches enabling them to perform their natural behaviour.

## 9. ADDENDUM

The CA provided the following initial reaction to recommendations in the draft report:

- 9.1 The CCA is confident that the information provided for the purposes of Decision 2000/50/EC is accurate. The pro-forma required by this Decisions is unclear, a matter raised with the Mission at the time of their inspection. Holdings with more than one enterprise type would have a separate record for each enterprise but the number of holdings visited would indicate one holding.
- 9.2 The CCA considers that its assessment of cage area for unenriched cage systems complies with the Directive 99/74. All the area available has been carefully assessed and can be used without restriction. It would not be appropriate to revisit this interpretation in the light of the considerable care applied in reaching this conclusion