



EUROPEAN COMMISSION
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL
Directorate F - Food and Veterinary Office

DG(SANCO)/7230/2004 – MR Final

FINAL REPORT OF A MISSION
CARRIED OUT IN SPAIN
FROM 09 TO 13 FEBRUARY 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 Spanish Authorities are given as footnotes, in bold, italic, type to
the relevant part of the report*



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	OBJECTIVES OF THE MISSION	1
3.	LEGAL BASIS FOR THE MISSION.....	2
4.	BACKGROUND INFORMATION.....	2
5.	MAIN FINDINGS.....	2
5.1.	Competent authority	2
5.2.	Legislation	3
5.3.	Measures supplementary to checks	4
5.4.	Marketing standards	4
5.5.	Registration of farms	5
5.6.	System of inspections	5
5.7.	Controls of route plans	7
6.	CONCLUSIONS	8
6.1.	Legislation	8
6.2.	Measures supplementary to inspections	8
6.3.	Registration of farms	8
6.4.	System of inspections	9
6.5.	Controls of route plans	9
6.6.	Overall conclusion.....	9
7.	CLOSING MEETING.....	9
8.	RECOMMENDATIONS	10
9.	ADDENDUM TO MISSION REPORT DG(SANCO)/7230/2004	10

ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

ANIMO	Animal Movement System adopted following Commission Decision 91/398/EEC of 19 July 1991, OJ L 221 of 9.8.1991, p. 30
CA	Competent Authority
CCA	Central Competent Authority
AR	Autonomous Regions (<i>Comunidades Autónomas</i>)
EC	European Community
EEC	European Economic Community
EU	European Union
FVO	Food and Veterinary Office
MAPA	Ministry of Agriculture, Fisheries and Food (<i>Ministerio de Agricultura, Pesca y Alimentación</i>)

1. INTRODUCTION

The mission took place in Spain from 9 to 13 February 2004, as part of the planned mission programme of the Food and Veterinary Office (FVO). The inspection team comprised two inspectors from the FVO and one Member State expert.

An opening meeting was held on 9 February 2004 with representatives of the central competent authority (CCA), the Ministry of Agriculture, Fisheries and Food (*Ministerio de Agricultura, Pesca y Alimentación, - Subdirección general de ordenación de explotaciones, MAPA*). 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 MAPA and the competent authority (CA) of the autonomous regions visited (*Comunidades Autónomas, AR*).

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 registering every production site in relation to the method of production;
- (3) Commission Decision 2000/50/EC⁴, which establishes a system for reporting the results of inspections.

The second objective of the mission was to evaluate controls of route plans for long distance transport of animals.

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

CA meetings		Comments
Central	2	Opening and closing meetings
Regional and Provincial	2	Agriculture and Fishery Department (<i>Consejería de Agricultura y Pesca</i>) of the Autonomous Region of Andalucía, and Provincial Delegation of Seville – Animal Health Service. Agriculture, Fishery and Food Department (<i>Conselleria de Agricultura, Pesca y Alimentación</i>) in the Autonomous Region of Valencia, and provincial delegation of Valencia – Animal Production and Health Service.
Local	1	A local veterinary office where documentation concerning previous checks was evaluated.
Live animal sites		Comments
Holdings with laying hens	3	Three farms with cage systems. A fourth farm with alternative system, selected by the mission team before the mission, was non-operational.

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 1999/74/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 of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes, OJ L 19, 25.1.2000, p. 51 (hereafter: Decision 2000/50/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 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 (hereafter: Directive 91/628/EEC)⁵;
- 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 States⁶.

4. BACKGROUND INFORMATION

The previous FVO mission in Spain to evaluate checks of laying hens was carried out from 10 to 14 September 2001 as part of a mission on animal welfare on farms (reference number: DG SANCO3344/2001). 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 report concluded that battery cage systems for laying hens were satisfactorily inspected, but that there was a lack of follow-up when infringements were detected.

Other previous FVO missions concerning poultry meat (ref: DG SANCO 1213/1999 and 1198/2000), and animal welfare during transport and at slaughter (DG SANCO 8553/2002 and 9215/2003) are also relevant. Reports 3344/2001, 8553/2002 and 9215/2003 highlighted the shortcomings in the enforcement of animal welfare legislation, as a consequence of a lack of legal basis in a number of autonomous regions.

The reports of these missions are available under their reference number on the DG Health and Consumer Protection website, at:

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

5. MAIN FINDINGS

5.1. Competent authority

The structure of MAPA was described in report 3344/2001. Further information on the CCA and on the CA of Andalucía and Valencia is available in report 1213/1999.

⁵ OJ L 340 of 11.12.1991, p. 17

⁶ 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

The ARs are the competent authority for the full implementation of Directive 1999/74/EC, Commission Regulation (EC) No. 2295/2003⁸ and Directive 2002/4/EC. Registration of farms at regional level is under the responsibility of the Agriculture Departments.

Co-ordination meetings on animal welfare issues are held between the CCA and the CA of the ARs *about* every three months. These meetings have the aim of informing and updating on EU matters such as proposals for new legislation and results of the FVO inspections. Guidelines can be proposed and discussed at these meetings, although ARs are not obliged to follow them.

5.2. Legislation

The requirements of Directives 1999/74/EC and 2002/4/EC have been transposed (*Real Decreto 3/2002* and *Real Decreto 372/2003*) and entered into force within the required deadlines. Although a comprehensive check of the national legislation was not carried out by the FVO mission team, it was noted that:

- the provision for sanctioning infringements of Royal Decree 3/2002 refers to a law on consumer protection and to a Royal Decree on epizootic diseases. The CCA explained that these would be applicable in a case where an infringement involves both consumer protection and animal welfare aspects or both animal health and animal welfare aspects. In case of infringements purely on animal welfare, only the regional legislation for sanctioning would apply.

A representative of the CCA indicated that *the legal departments of the ARs had been consulted on the procedure for sanctioning infringements regarding animal welfare and hoped to clarify the issue fully in a short delay.*

- The CA in Andalucía clarified that *Ley 11/2003*, entered into force in December 2003, although intended mainly for pets, does not exclude explicitly farm animals⁹ and gives the competency for imposing sanctions for infringements regarding farm animals to the Agriculture Department. This legislation is considered as a framework that needs further specific regulations. For the time being it may be applied but the administrative procedure may not be accepted by the Courts.
- In contrast, *Ley 6/2003* of March 2003 of the AR of Valencia clearly includes animal welfare on farm and during transport. A representative of the CA explained that as it only provides general requirements, it needs to be developed through more detailed regulations. If a deficiency were detected during an inspection, an order to correct it within a certain

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 340 of 24.12.2003, p. 16 (hereafter: Regulation 2295/2003)

⁹ *In their response to the draft report, the CA for Andalusia noted that farm animals fall within the scope of its legislation and all the infringements and penalties apply.*

deadline would be issued by the provincial CA, on the basis of the inspection report. For the time being, a sanction can only be initiated for non-respect of this order.

The CCA indicated that *work is still in hand on* a national *bill* on infringements in farming and agriculture.

5.3. Measures supplementary to checks

Both the CCA and all the levels of CAs of the ARs visited had provided general information to the egg producers sector.

- At central level, meetings with national and regional associations and representatives and the CCA are held every two months and in particular, during the process of transposition of the legislation, drafts were submitted to representatives of the sector. Information was provided also at agriculture fairs and at conferences.
- A meeting is planned for 2004 in the region of Andalucía with the Agriculture Department, the Veterinary Faculty of Cordoba and the regional federation of egg producers. In the Province of Seville a meeting was organised in 2003 with the provincial association of laying hen farmers, in order to provide information on the recent requirements for farm registration and egg stamping. The farmers also received direct information from the association.
- In the region of Valencia meetings are held quarterly with the regional association of poultry farmers, that signed a co-operation agreement with the Agriculture Department. A section of this department, in charge of organising specialised training for farmers, provided three animal welfare courses in the second semester of 2003, and five more are foreseen for the first semester of 2004. The new requirements for the laying hens were among the issues presented. The trainers (officials from the agriculture departments of the region and the provinces) received training from MAPA in collaboration with *teachers from various Veterinary Faculties* and Veterinary Associations.

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 Commission Regulation (EC) No. 2295/2003 was not evaluated during this mission, in one farm visited where eggs were also packed, the farming method was indicated on the eggs but not on the boxes.

The responsibility for the enforcement of marketing regulation of eggs belongs to the Food Safety Agency (*Agencia de Seguridad Alimentaria*) of the Ministry of Health and to two sub-directorates (*ordenación de explotaciones ganaderas* and *explotaciones intensivas*) of the General Directorate for Livestock (*Dirección General de Ganadería*) of MAPA.

5.5. Registration of farms

Directive 2002/4/EC establishes that all laying hen holdings covered by the scope of Directive 1999/74/EC are registered and identified by a unique number, including a distinguishing number indicating the farming method. The Directive set a deadline of 31.05.2003 for completing this registration.

- In the region of Andalucía a computerised register included all the details regarding the establishments, the owners and the keepers as set out in the Annex to Directive 2002/4/EC. However, the CA had not a complete list of the farms registered because the updating from the provinces was still ongoing.
- In the region of Valencia the registration had been completed and in April 2003 the CA sent a letter to the farmers allocating the distinguishing number inclusive of the code indicating the farming method (point 2 of the Annex to Directive 2002/4/EC). However, the information required by point 1 of the Annex to Directive 2002/4/EC (i.e. the data regarding the farm, the owner and the keeper) was contained in different registers.
- Additionally, to further enhance farm registration and to achieve this on a national basis, the CCA intends to replace the national register for livestock *holdings* currently in place by a computerised database (*Registro de Explotaciones Ganaderas – REGA*).

5.6. System of inspections

5.6.1. Training and guidance

Training on different issues of animal welfare and, in Andalucía, on the administrative procedures regarding reporting and sanctioning, had been provided to the veterinary inspectors of the regions visited. Although guidelines were general and neither MAPA nor the regional or provincial CA issued detailed instructions, the regional CAs had provided comprehensive checklists for the farm inspections. The veterinary inspectors met during the mission were fully aware of the requirements.

5.6.2. Selection of farms

A guideline of April 2003 from MAPA indicated:

- a target of 5% of all farms in each region to be inspected;
- the selection of farms to be made at regional level, in order to ensure representative sampling;
- this selection preferably made 50% random and 50% targeted on the basis of certain criteria, such as: changes regarding either the owner or the number of animals or major refurbishment; previous non-compliance with either animal welfare or animal health legislation.

The regional plans for animal welfare inspections in 2003 had been issued before the MAPA guideline, and the regional plans of inspection for 2004 were not yet established at the time of the FVO mission. It was noted that:

- In the region of Andalucía, the plan for animal welfare inspections in 2003 set a monthly target of 10% of farms (including all species), although there was no specific guidance on how this selection for each of the sectors was to be made. A representative from the provincial CA of Seville stated that eight inspections had been carried out in one year in the 38 laying hens farms of this province (21%). As the CA was expected to have checked all farms in this sector during this period, it was explained that the target was not met because of staff turnover and understaffing (40% of posts not filled).
- The regional CA of Valencia set a minimum number of inspections to be performed in each province, with an average target of 6.6% for the laying hen farms in 2003. In the province visited (Valencia) seven inspections were carried out, which exceeded the target. There was similarly no specific guide on the farm selection.

5.6.3. *Inspections of farms*

During the farm visits the inspection team noted that:

- ***In both regions*** the approach to inspections was methodical, with use of checklists that covered the requirements of Directive 1999/74/EC. The checks performed were generally satisfactory. In the region of Valencia the veterinary inspectors had ***better*** tools for measuring cages and the floor slope.
- The feed troughs and the non-waste deflection plates were included in the measurements of the cage area in Andalucía region. These elements were excluded by the inspectors in Valencia region.
- There were some inconsistencies in the results of inspections performed by two different inspectors on the same farm in Andalucía in July 2003 and in January 2004, respectively. The second inspector was not aware of the previous visit and of the shortcomings highlighted.

5.6.4. *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 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 1999/74/EC, is April 2004. The inspection team noted that:

- MAPA indicated in their guideline that the summary of reports from the regions must contain, at least, the information required by Decision 2000/50/EC.
- The summaries of the inspections are sent from each local veterinary office to their respective provincial offices and from these to the regional offices. The regional CA of Valencia set a deadline of 15/1/04 and at the time of the mission the feedback from the provincial CAs had been completed.

- In Andalucía, although the regional CA requested a monthly account on the number of the reports with deficiencies detected, the provinces had not supplied this information and the results of the 2003 inspections for the whole region were not available. For this reason it was not possible to determine if the information will comply with the criteria laid down in Decision 2000/50/EC.
- In Andalucía, although required corrective actions were indicated in the inspection reports, the CA had not set deadlines for their completion.
- In Valencia, the results of the inspections were sent to the provincial offices, where a notification to take action within a certain deadline (usually 21 days) was sent to the farmer. The procedure for this notification took from one to six months.
- Sanctioning proceedings had not been initiated for infringements of the requirements of Directive 1999/74/EC in either region.
- The CCA will have the results of the inspections performed in 2003 for caged systems, which still account for ca. 98% of farms in Spain, when reporting from regions is completed, the deadline for which is 1 April 2004.

5.7. Controls of route plans

MAPA issued a guideline in February 2003 on the controls of route plans. It provides good support for officials dealing with route plans, summarising the requirements of Directive 91/628/EEC at this regard and highlighting in particular their responsibilities:

- To approve the route plan presented by the transporter only after having examined it, consulting in case of doubt the route planners available on internet and indicated.
- To notify the existence of the route plan via the ANIMO system, in the “comments” field.
- To keep a copy of the route plan together with the copy of the health certificate.
- To instruct the transporter about the correct handling of the route plan, i.e.: the person responsible of the animals during the journey shall take care that the route plan is stamped by the official veterinarian of the staging point and / or the point of exit from EU; he shall indicate the stops and the date and time of arrival at final destination, and sign it; the original of the route plan duly filled will be returned and a copy will be kept by the transporter.
- To control the route plans issued in order to link them with the health certificates, the transporters and other relevant data, and the date of return.

- Eventually, to send a reminder to the transporter in case route plans are not returned within a set deadline, and to take adequate measures if no reply is received.

The FVO team selected a random sample of consignments at the provincial office in Valencia and at a local office in Andalucía and noted that:

- Important details of the route plans examined in Andalucía, relevant for checking the feasibility of the journey, were missing. The CA said there were difficulties in dealing with foreign transporters, who are the majority and do not speak Spanish, in particular regarding the proposed itinerary. The only route plan examined in Valencia, for pigs transported to a Portuguese slaughterhouse by a Spanish transporter, respected the requirements of Directive 91/628/EEC.
- In Valencia the existence of the route plans was not notified via the ANIMO system. The mission team did not check this requirement in Andalucía.
- In Andalucía copies of the route plans issued were kept, but not in Valencia.
- In the local office in Andalucía, only ca. 5.5% of the route plans issued had been returned after the completion of the journey, although they contained a notice informing the transporters to send back the completed document to a fax number of the office, and that in case of failure further consignments could be prevented. In the province of Valencia, the CA had not detected that route plans for two of the three consignments selected, regarding horses sent to slaughterhouses in France, had not been returned by the French transporters.

6. CONCLUSIONS

6.1. Legislation

Although according to CCA the legal framework for sanctioning infringements is in place in most autonomous regions, in those visited the legal basis is still insufficient.

6.2. Measures supplementary to inspections

In both regions, measures such as meetings, workshops, training courses and direct contact with the farmers have provided adequate information to the laying hen sector.

6.3. Registration of farms

The lack of accurate information on the number of operating laying hen farms in Andalucía and, to a lesser extent, the fragmented registration in Valencia, creates problems for the organisation of animal welfare checks.

6.4. System of inspections

- (1) Even though MAPA guidance was not available when checks for 2003 started, the regions were already carrying out more checks than the targets subsequently set by the CCA. The system of farm selection by the regions had not yet adopted elements of risk analysis as proposed by the CCA.
- (2) Inspections were adequately performed. However, some requirements were inconsistently interpreted *as a consequence of lack of uniform guidelines. As a result, compliance with stocking densities is not evaluated uniformly.*
- (3) The administrative procedures for ensuring that corrective actions are taken were in some cases inadequate. As a consequence, a number of cage systems may still not be in compliance with the requirements of Article 5 of Directive 1999/74/EC.
- (4) In Valencia the reporting system worked as established, while in Andalucía this did not work as foreseen.

6.5. Controls of route plans

- (1) Although the guidelines issued by the CCA have an advisory value, they represent a good means for co-ordinating the activities in the ARs. However the regional CAs did not follow the guidelines issued by the CCA in regard to control of route plans, as they have autonomy to organise controls as they wish. Consequently, controls on the route plans and the measures to ensure their return were inadequate.
- (2) The lack of information of the existence of route plans through the ANIMO system in the region of Valencia did not comply with Article 5(A)(2)(c) of Directive 91/628/EEC.

6.6. Overall conclusion

Implementation and surveillance of the requirements of Directive 1999/74/EC were mostly adequate although measures aimed at correcting deficiencies were not fully satisfactory. The incomplete legal basis in the regions visited to sanction infringements undermines the ability of the regional CA to enforce the requirements. Controls on documentation regarding long distance transport of animals (route plans) were inadequate.

7. CLOSING MEETING

A closing meeting was held on 13 February 2004 with the CCA, the Spanish MAPA. At this meeting, the representatives of MAPA did not express disagreement with the main findings and conclusions of the mission presented by the inspection team and provided some further clarifications.

8. RECOMMENDATIONS

To the competent authority of Spain

The competent authority should ensure that:

Regarding animal welfare on holdings with laying hens

- (1) Registration of the establishments covered by Directive 1999/74/EC is completed in Andalucía and is organised in Valencia so that all information is easily accessible to those organising and carrying out checks, accordingly to Directive 2002/4/EC.
- (2) More detailed guidance is provided on the interpretation of the requirements of Directive 1999/74/EC.
- (3) Regarding the imposing of sanctions, when deficiencies are detected, adequate timely corrective measures and follow-up action are taken if necessary.
- (4) Steps are taken to provide an adequate legal basis to penalise infringements of EU legislation on animal welfare throughout Spain (Article 13 of Directive 1999/74/EC).

Regarding controls of route plans

- (5) Adequate controls on route plans are performed to ensure compliance with Article 5(A)(2) of Directive 91/628/EEC, and effective measures are taken to ensure their return. Information on the existence of route plans is provided through the ANIMO system (Article 5(A)(2)(c) of Directive 91/628/EEC) to the CAs of destination.

9. ADDENDUM TO MISSION REPORT DG(SANCO)/7230/2004

In their initial reaction to the recommendations, the central competent authority indicated that an action plan has been placed on the agenda of the coordination meeting of 17 June 2004.

In relation to recommendation (1) the CCA pointed out that since the mission the register of livestock holdings (REGA) is fully operational and covers all laying hen farms in Valencia, and that in Andalucía all laying hen farms are included in a register.