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FINAL REPORT OF A MISSION
CARRIED OUT IN LITHUANIA
FROM 16 TO 20 OCTOBER 2006
CONCERNING ANIMAL WELFARE ON FARMS

Please note that a number of modifications have been made following the comments made by the Lithuanian authorities on the draft version of the report.



EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Lithuania, from 16 to 20 October 2006.

The objectives of the mission were to verify the implementation of EU animal welfare legislation applicable to pig and laying hen farms, and to follow up the recommendations from previous reports on the same topic.

The report concludes that the CA has a comprehensive system for animal welfare controls in farms: an adequate level of inspections is carried out with a reasonable amount of training and guidance provided. However, the system is weakened by inconsistent reporting, limited supervision and the lack of appropriate enforcement actions taken, in particular in the laying hen sector. As a result, major non compliances, such as insufficient height of unenriched cages which was also indicated in previous reports, have not been corrected.

The report makes a number of recommendations addressed to the Lithuanian competent authorities, aimed at rectifying the identified shortcomings and further enhancing the control measures in place.

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1. INTRODUCTION

The mission took place in Lithuania from 16 to 20 October 2006, as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the competent authorities of Lithuania on 16 October 2006. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team and additional information required for the satisfactory completion of the mission requested.

The inspection team comprised two inspectors from the FVO and a Member State expert, and was accompanied throughout the mission by a representative from the Central Competent Authority (hereafter: CCA), the State Food and Veterinary Service (SFVS) of Lithuania.

2. OBJECTIVES OF THE MISSION

The primary objective of the mission was to verify the application of EU requirements for animal welfare on farms. The scope included the legal and administrative measures in place regarding requirements for pigs and laying hens. A secondary objective was to follow-up the actions taken to address the recommendations made in previous reports concerning animal welfare of laying hens and pigs (ref. DG(SANCO)/9020/2003- MR – final (hereafter: report 9020/2003) and ref. DG(SANCO)/7306/2004- MR – final (hereafter: report 7306/2004)). Report 7306/2004 is available under this reference on the DG Health and Consumer Protection website: http://ec.europa.eu/food/fvo/index_en.htm

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

VISITS			Comments
Competent authority	Central level	2	Opening and closing meetings with the CCA were held in Vilnius.
	Regional level	2	The county offices of Vilnius and Utena were visited. Reports of inspections where infringements had been detected and the subsequent actions taken were reviewed.
Holdings with pigs		2	One holding in each county visited. Both farms were selected by the inspection team from a list of farms provided by the CCA.
Holdings with laying hens		2	One holding with unenriched cages in Vilnius and one with alternative system of production in Utena both farms were selected by the inspection team from lists provided by the CCA.

3. BACKGROUND

Previous missions concerning the welfare of farm animals took place in Lithuania in 2003 and 2004. Report 7306/2004 of this mission concluded that certain undertakings given by the CCA, following report 9020/2003 regarding several non compliances such as the continuing use of inadequate cage systems for laying hens, the register of holdings not containing all the information required and the inadequate labeling of eggs, had not been implemented. Actions taken in response to the recommendations made in reports

9020/2003 and 7306/2004 and the comments of the CA are indicated in the relevant part of the report.

4. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation¹ and in particular Article 9 of Council Directives 1999/74/EC² and 91/630/EEC³; Article 7 of Council Directive 98/58/EC⁴; Article 45 of Regulation of the European Parliament and of the Council (EC) No 882/2004⁵.

5. MAIN FINDINGS

5.1. Legislation

The CCA informed the inspection team that the relevant EU legislation has been transposed into national legislation and that most of it has been in force since 26 January 2003.

A comprehensive review of the Lithuanian legislation was not performed but, in certain legal aspects, which were relevant to the discussion on controls, the inspection team noted that Lithuanian legislation has requirements that go further than EU requirements such as:

- The installation in the farms of measurement devices of ammonia, humidity and temperature.
- Regarding laying hens, an authorization is required for carrying out beak trimming, whereas Directive 99/74/EC allows beak trimming if it is performed before the laying hens are ten days old.

However, the inspection team noted that some legal requirements regarding laying hens were not adequately transposed:

- The prohibition on building or bringing into service for the first time unenriched cages from the date of Accession, as required by Article 5(2) of Directive 99/74/EC, is not clearly transposed in Lithuanian legislation as the so called

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 of 3.8.1999, p. 53 (hereafter: Directive 99/74/EC).

³ Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs, OJ L 340 of 11.12.1991, p. 33 (hereafter: Directive 91/630/EEC).

⁴ Council Directive 98/58/EC concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.98, p. 23 (hereafter: Directive 98/58/EC).

⁵ Regulation of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (EC) No 882/2004, OJ L 165 of 30.04.2004, p. 1. Corrected and republished in OJ L 191, 28.05.2004, p.1(hereafter: Regulation (EC) No 882/2004).

“old-type” cage is an unclear formulation that does not exactly mean “unenriched cage” as laid down in this Directive.

During the final meeting a CCA representative indicated that next month an update of the legislation will be published.

5.2. Competent Authority

Structure and responsibilities

The organisation of the Competent Authorities (hereafter: CA) and the control system for animal welfare are described in report 7306/2004 and in report concerning the country profile of Lithuania (ref. DG(SANCO)/8030/2006- MR – final) which is available under this reference on the DG Health and Consumer Protection website http://ec.europa.eu/food/fvo/country_profiles_en.cfm.

The competent authority for animal welfare is the SFVS. It includes:

- At central level, the Animal Health department which has four specialized animal welfare officers. It is responsible to ensure that animal welfare inspections in farms are carried out and reported in a uniform way throughout the country, as required by points 4 of Article 4 and point 1 of Article 8 of Regulation (EC) No 882/2004 and that when infringements are found during inspections, they are followed up or sanctioned, as required by Article 8(3)(b) and Article 55 of Regulation (EC) No 882/2004.
- At County level, a County Animal Welfare Inspector has been designated and his main tasks are to organize training and to supervise the work of official veterinarians in the districts. The Department of Animal Health supervises the work of the official veterinarians in the districts. It ensures that inspection programmes are achieved and that inspection results are reported by each district.
- At district level, the official veterinarians of the Department of Animal Health carry out inspections on farms.

Coordination between the central, county and district levels, as required by point 3 of Article 4 of Regulation (EC) No 882/2004, exists between the central level and the counties through monthly meetings and weekly video conferences and between the counties and the districts levels through monthly meetings. Legislation and instructions are available to each level via an intranet site.

The Food Department of SFVS is responsible for controlling the labelling of eggs, as required by Commission Regulation (EC) No 2295/2003⁶.

Further information on the CA can be obtained at the website: www.vet.lt

Cooperation with other services

The CCA cooperates with the Ministry of Agriculture which is the authority responsible for the implementation of Council Regulation (EC) No 1782/2003⁷ on cross compliance.

⁶ Commission Regulation (EC) N° 2295/2003 of 23 December 2003 introducing detailed rules for implementing Council Regulation (EEC) N° 1907/90 on certain marketing standards for eggs, OJ L 340, 24.12.2003, p.16.

A working agreement has been signed between the SFVS and the National Paying Agency (NPA), under this agreement its Department of control issues a monthly list of establishments to be checked by County, Districts and Cities, in order to verify if the minimum requirements of Directive 98/58/EC are fulfilled.

Guidance

Documented procedures have been provided to staff carrying out animal welfare checks on farms (Article 8(1) of Regulation (EC) No 882/2004) such as check lists, inspection programmes, guidelines for follow-up of inspections and formats to report inspections. These documented procedures have been part of a Quality System Programme since July 2006 and were up dated in October 2006 in order to integrate the requirement for carrying out inspections on a risk basis, as required by point 1 of Article 3 of Regulation (EC) N° 882/2004, and to improve harmonisation in the way the results of animal welfare inspections are reported, as required by Decision 2000/50/EC⁸.

Animal Welfare checks have been gradually incorporated into the Quality System Programme and the CA expect this part to be certified by 2007.

Training of inspectors

The CCA organises training for inspectors performing animal welfare checks on farms, as required by Article 6 of Regulation (EC) No 882/2004.

Concerning continuing education, the CCA organises training in cooperation with the Centre for Continuing Education of the Lithuanian Veterinary Academy. Every year the CCA produces a training programme covering different topics including the welfare of animals on farms. Several training courses were given in 2004 but not in 2005 or 2006. The CCA indicated that more training on this topic is foreseen for 2007.

During the farm visits, in particular pig farms, the inspection team noticed that the official veterinarians were overall well trained.

Supervision

The counties supervise the districts which are under their responsibility, supervision based on the documents provided is done by the designated county animal welfare officer and mainly ensures that the objectives of the inspection programmes are fulfilled and that the data on inspections are collected and reported. District offices report to counties at least once a year and monthly meetings are carried out. However, the inspection team noted conflict of interest in the case of Districts named as the County due to the fact that the same official is acting as District and County Officer and he is responsible for the implementation of animal welfare inspection programme specific for the County and for

⁷ Council Regulation (EC) N° 1782/2003 of 29 September 2003 establishing common rules for direct support schemes for farmers and amending Regulations (EEC) N°2019/93, (EC) N°1452/2001, (EC) N° 1453/2001, (EC) N°1454/2001, (EC) N° 1868/94, (EC) N° 1251/1999, (EC) N°1254/1999, (EC) N°1673/2000, (EEC) N°2358/71 and (EC) N°2529/2001, OJ L 270, 21.10.2003, p.1.

⁸ 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).

his own District. A CA representative indicated that this duplication of tasks will be corrected and that the number of staff will be increased.

Audits

Internal audits of the animal welfare control activities of the County and District services are organised as required by points 6 of Article 4 and 3 of Article 5 of Regulation (EC) No 882/2004 and are the responsibility of the Department of Internal Audit. This department carries out two types of audits: scheduled audits on specific topics which are planned according to a multi annual programme and unscheduled audits which are carried out to address complaints or requests from farmers or other institutions.

The CA indicated that in the period 2005-2006 until the date of the mission there were no scheduled audits on farms performed but several were foreseen for the end of 2006. They added that unscheduled audits on animal welfare on farms had been carried in 2005 and 2006 following complaints from farmers and requests for clarifications on the compliance of farms from the National Payment Agency.

Sanctions

The CA indicated that in most cases where deficiencies were detected the following steps would be followed:

- A warning would be issued and an action plan with the deadlines for the removal of the infringements would be prepared by the owner of the animals and submitted to County or District CA for approval.
- If the deadlines foreseen in the action plan are not respected or in cases of repeated infringements a fine may be issued according to an administrative procedure. Additionally, cases with repeated infringements of animal welfare may be submitted to the Court.

For most infringements, official veterinarians can impose sanctions to farmers like on the spot fines of up to 100 Lt. They can also make a recommendation to the county to impose a higher fine and in that case the county will notify this decision to the farmer.

Cases of cruelty against animals are considered a crime and have to be reported to the Police and communicated to the Public Prosecutor.

The mission team noted that in pig farms most warnings were followed by a fine and most deficiencies were corrected with an action plan.

5.3. Measures supplementary to inspections

Information on animal welfare requirements is regularly provided to stakeholders of animal holdings by official veterinarians during inspections and through the employees of The Agricultural Advisory Service, who are in charge of the rural development programmes.

The Centre for Continuing Education of the Lithuanian Veterinary Academy provides the training for pig keepers, as required by Article 5a of Directive 91/630/EEC and also for laying hen farmers; courses were available in each county. In the farms visited, documentation on training was available and the keepers had a basic knowledge of animal welfare requirements.

5.4. Pigs

Registration

Pig farms are included in two different registers, the CCA and the National Payment Agency registers. The CA indicated that its register includes mostly commercial farms that reported movement of pigs and is the one used for the programme of inspections. Subsistence pig farms, which represent around half the pigs in Lithuania, are not yet in this register unless there was a movement of pigs reported. The CA indicated that the National Payment Agency register includes the subsistence farms and the commercial farms.

Programme of inspections

The inspection programme set up by the CCA requires that 100 % of the SFVS registered commercial holdings must be inspected every year and does not include subsistence farms. However, the National Payment Agency selects each year 10 % of subsistence farms and requests that the CA check them to ensure that the requirements of Directive 98/58/EC are fulfilled.

The CA of both counties indicated that the number of 100% of commercial farms targeted in the national annual control programme in 2005 had not been met. They explained that in practice, each county drew an annual programme of inspections in commercial pig farms using the risk basis approach proposed by the CCA to target farms for animal welfare checks, as required by Article 3(1) of Regulation (EC) No 882/2004; criteria such as infringements found during the previous checks, number and density of animals, farming systems and mechanical equipment used, animal health status and mortality rates, the frequency of animal movement are used to assess the risk of holdings. Following this risk analysis, a list of commercial pig holdings to be visited was obtained and was in fact the annual inspection programme of the county; in both counties, not all the pig farms selected on the lists were visited. The CA indicated that resources for inspections were diverted to fulfil the request of the National Payment Agency to inspect 10% of subsistence farms.

Performance of inspections

Regarding routine tail docking, report 7306/2004 recommended to ensure that routine tail docking of pigs is not permitted (Directive 91/630/EC Annex, Chapter I point 8). The CA indicated that information has been provided to farmers and that only those who have been granted an authorisation by the local CA can perform tail docking. In one of the farm visited, where tail docking was performed, the official veterinarians had granted this authorisation after requesting evidence from the owner that he had tried to avoid mutilations by other measures such as providing manipulable material and that this procedure is necessary to avoid cannibalism. In one farm the farm visited, tail docking was not performed.

Both farms visited had undergone reconstruction after the date of Accession. The CA indicated that in case of rebuilding the owner has to provide a time table to the CA for approval. In both farms, official veterinarians carried out overall comprehensive checks using the check lists provided by the CCA. It was noted that:

- In both farms visited, space allowance for all the categories of pigs were checked adequately and were in compliance with Art 3(1)(a) and Annex Chapter II A of

Directive 91/630/EEC, except in the farm visited in Utena the official veterinarian did not detect that the boar pens were less than the 6 m², as required by Chapter A of the Annex of Directive 91/630/EEC.

- In both farms visited, castration of piglets was performed before they were 7 days old as required by Annex Chapter I (8) of Directive 91/630/EEC.
- Group housing of sows, which already applied to the two farms visited, was implemented as required by Article 3(4)(a) of Directive 91/630/EEC.
- Manipulable material was provided to all categories of animals in both farms visited as required by the Annex Chapter I (4) of Directive 91/630/EEC.

However, because some technical points had not been sufficiently clarified by the CCA, or because the official veterinarians were not provided with appropriate measuring equipment, some deficiencies were not detected such as:

- Environmental parameters such as the intensity of light and noise were not measured. The CA indicated that equipment to check these two parameters was foreseen.
- In one farm the official veterinarian did not check if the feed provided to the animals were appropriate to their age and species to maintain them in good health and satisfy their nutritional needs, as required by point 14 of Annex to Directive 98/58/EC, and in particular in the case of the pregnant sows and gilts, to check if the feed given to them were sufficient concerning bulky or high fibre food as required by Article 3(7) of Directive 91/630/EEC. The CCA had not provided any guideline to the official veterinarians, such as a minimum percentage of fibre, as to what can be considered bulky feed.
- In the farm visited in Utena, mortality records for the last 3 years were not available as required by points 5 and 6 of the Annex to Directive 98/58/EC.
- The inadequate length of the feeder of one pen in one farm as some pigs, which were not fed ad libitum, did not have access to the feed at the same time as the others in the group as required by point 6 Chapter I of the Annex of Directive 91/630/EEC.
- Insufficient space available for the piglets to suck their mother contrary to point 2 section C Chapter II of the Annex of Directive 91/630/EEC in the farm visited in Vilnius.

The inspection team noted that the supervision was not always sufficient since the county animal welfare inspector did not notice that official veterinarians were not detecting some deficiencies.

Records and follow up

Files with infringements in 2005 kept in County offices were provided and showed that when deficiencies such as routine tail docking or as castration of piglets older than 7 days old were detected by the official veterinarians they were corrected in a timely way as requested by the CCA and required by Art 8 (3) (b) of Regulation EC N°882/2004.

Where deficiencies were serious, such as in one case in Utena County, a protocol was issued by the District imposing a fine to the farmer of 200 Lt. for infringements such as dirty facilities, no bedding, bad ventilation, inadequate feeding arrangements, no manipulable material, improper records keeping and inadequate floors. Deadlines were given and the farmer presented an action plan to stop activities and slaughter the pigs one month later. A follow up visit was carried out in a timely way in October 2006 where the same deficiencies were found and the farmer was fined again and gave a new commitment to slaughter the pigs.

5.5. Laying hens

Registration

Regarding registration of laying hens, report 7306/2004 recommended that the register of holdings should contain all the information required by the Annex to Commission Directive 99/74/EC⁹, since details regarding the keeper, the owner and the maximum capacity of the establishment were not indicated at this time. The inspection team noticed that:

- The register available on the internet for the purposes of Directive 2002/4/EC, did not have the information to distinguish between owner and keeper or if there were several establishments under the same management or the maximum capacity of the establishments contrary to point 1 of the Annex to Directive 2002/4/EC, so the situation is the same as described in report 7306/2004.
- After further request of the inspection team, the CCA provided a paper register which included the maximum capacity of the establishments. However, the inspection team noted that the data in this paper register were still incomplete and sometimes inconsistent with those contained in the internet register: they were five holdings more in the register available on the internet as some breeding farms had been included. The CCA indicated that they were in the process of updating the internet register and that the mixing of laying hen and breeding hen establishments was an informatics error. Moreover, on the paper register, for Vilnius county, only one registration code has been given for two establishments although they were on different locations and one holding was registered although it was not in operation anymore.

Labelling of eggs

Regarding labelling of eggs, report 9020/2003 recommended that labelling of eggs meet the requirements of Directive 2002/4/EC, and report 7306/2004 recommended that a distinguishing number is stamped on the egg as required by point 2 of the Annex to Directive 2002/4/EC. The CCA had committed that from 01.05.2004 holdings non compliant with the requirements of Directive 99/74/EC would not be able to market eggs and that the distinguishing number of approved laying hen establishments would be stamped on eggs.

The inspection team visited the packaging centres of the two farms visited; in Utena County, some of the eggs were not stamped with the distinguishing number of the

⁹ 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

establishment as required by point 2 of the Annex of Directive 2002/4/EC. In Vilnius County, eggs coming from unenriched cages which did not comply with requirements for the height of the cages of Article 5(1)(4) of Directive 99/74/EC were stamped with the distinguishing number of the establishment contrary to point 1 of Annex III of Commission Regulation (EC) No 2295/2003 and were put on the market.

Programme of inspections

The CCA requests than 100% of laying hen farms with more than 350 laying hens are checked every year. In both counties visited, all laying hen farms had been inspected in 2005. Each county had its own programme of inspections according to their risk assessment; In Vilnius County, the CA had set a target of two inspections a year which was fulfilled, although in the farm visited not all the buildings had been checked ; in Utena County the CA decided to inspect every poultry farm once a quarter and realised its objectives.

Performance of inspections

Report 7306/2004 recommended the CA to enforce the prohibition on forced moulting of laying hens (points 15 and 16 of the Annex of Council Directive 98/58/EC). The CA indicated that instructions had been given to the official veterinarians and the mission team noted that in both farms visited forced moulting was not used to lengthen the production cycle.

Laying hen holdings with cages

90% of registered laying hen holdings in the country are using cages and report 7306/2004 had recommended to the CA to ensure that these holdings meet the cage specifications of Directive 99/74/EC. The CCA had committed in its action plan to increase the number of checks in holdings with non compliant cages and to suspend veterinary approval of those that would not meet the requirements from 01.04.2005. A CCA representative stated during the opening meeting that following the implementation of this action plan all the cages in the country should now comply.

The inspection team visited a laying hen farm with unenriched cages in Vilnius County which had already been visited during previous missions in 2003 and 2004; report 7306/2004 had notified the CA that the cages in some buildings of this farm were overstocked, had insufficient height and were not equipped with claw shortening devices and that the CA had approved the producer's proposal to gradually renovate the houses, which were not in compliance, by 2007 whereas all the requirements of Directive 99/74/EC were already applicable from 01.05.2004.

The visit of two houses in this farm, the study of its lay out and of the action plan of the farmer, showed that deficiencies such as insufficient height of the cages, lack of claw shortening devices, overstocking or the introduction of unenriched cages after the date of Accession had either not been detected or tolerated by the CA:

- Regarding the height of the cages, the first house visited was still equipped with cages measuring less than 35 cm at some points contrary to the requirement of Article 5(1)(4) of Directive 99/74/EC. The CA had detected this deficiency in this house and in other houses of this farm where similar cages were in place. The local CA had approved the action plan of the farmer which foresees the progressive replacement of these cages in only some of these houses over several

years, tolerating therefore the use of non compliant cages after the date of Accession and not fulfilling the commitments given following report 7306/2004.

- Regarding the introduction of unenriched cages after the date of Accession, in the second house visited, the official veterinarian did not detect that unenriched cages had been installed in May 2006 contrary to the prohibition of building or bringing into service such cages after the date of Accession as stated in Article 5(2) of Directive 99/74/EC. The county official who supervised the official veterinarian had not detected this deficiency either. The inspection team found out that this shortcoming was due to the fact that the wording of the national legislation regarding the prohibition of the introduction of unenriched cages was not clear.
- Regarding stocking density, the method used by the official veterinarian was inadequate as she assessed the maximum capacity of each house using the cage specifications provided by the producer and compared this number with the actual number of laying hens present on the day of inspection. During the visit of the first house, the official veterinarian realised that the cage length was in fact 20 cm less than the length given by the producer. After recalculating the maximum number of hens per cage, she concluded that the house was overstocked, as laying hens had less than 550 cm² per hens as required by Article 5(1)(1) of Directive 99/74/CE. Moreover, the CA admitted that during more than 6 months, overstocking had been tolerated in several houses to absorb the excess of production of birds following Avian Influenza protection measures. Additionally in the files of two establishments where deficiencies were reported in Vilnius County in 2005, the inspection team noted that the official veterinarian miscalculated the stocking density in several buildings as he overestimated the maximum number of birds allowed in certain types of cages (e.g. 2.5 birds per cage instead of 2) not respecting the minimum space requirement per hen of 550 cm² of Article 5(1)(1) of Directive 99/74/EC, and therefore he did not detect that these buildings were approximately 29% overstocked.
- Regarding claw shortening devices required by Article 5(6) of Directive 99/74/EC, the official veterinarian admitted that they were missing in several houses and the CA explained that these devices were difficult to find on the market.
- Finally although some deficiencies were detected and incorporated into the action plan of the farm, this document, which had been approved at county level, was incomplete as it did not give the date on which all the houses of the farm would be in full compliance. The local CA explained that this action plan had been drawn taking into account the financial capacities of the manager of the farm.

Regarding the visit of the farm with unenriched cages, a CA representative of Vilnius County indicated during the final meeting that after the visit of the mission some actions have been already taken in particular, to conduct an audit after which only the marketing of eggs which comply with the EU requirements will be permitted, an action plan for 2007-2012 had been already proposed by the manager of the farm in order to guarantee that when new flocks arrive they will be located only in compliant cages and that by 2012 all the cages of this farm will comply with the requirements of Directive 99/74/EC.

Laying hen farms using alternative systems

Regarding alternative systems, in the farm visited in Utena County, the official veterinarian checked all the requirements of Article 4 of Directive 99/74/EC thanks to the check list provided by the CCA. However, the inspection team noted that the official veterinarian did not know how to interpret the results of the checks, due to inadequate guidance and supervision or did not always ask for corrective actions when deficiencies were detected:

- Regarding stocking density, the official veterinarian could not identify what was the limiting factor as only the usable area was used.
- Regarding nesting area, the CA had accepted that it was sufficient to have nesting area for 80% of the hens whereas Artt 2(2) (a) and 4(1)(c) require that nesting surface is calculated using the number of hens which have reached laying maturity. As a result, the nesting area was insufficient for the total number of birds.
- Regarding perches, official veterinarians from District and County levels made several inspections of this farm between 2005 and 2006, each time the absence of perches contrary to Article 4(1)(d) of Directive 1999/74/EC was detected but this newly refurbished farm was none the less approved for operation and no deadlines for correction were given or an action plan requested from the farmer.
- The official veterinarian did not detect that feed in the feeding troughs was contaminated by droppings contrary to point 17 of the Annex of Directive 98/58/EC, as the hens used them as perches.
- The supervision had been insufficient since none of the deficiencies identified by the inspection team had been seen during the supervising inspection made on the spot by the County over the District official veterinarian.

5.6. Reporting

The county animal welfare inspectors verify and compile the data sent to them by the districts. The CCA then summarises the data sent by the counties in a format which is compliant with Decision 2000/50/EC.

Although the CCA provided templates where results of inspections have to be recorded, no explanation was provided on the way the information should be recorded by the inspectors in the districts. The inspection team noted that the data collected were not always accurate and figures were not always consistent:

- Regarding laying hens, there was a mistake in the total number of laying hen holdings recorded in the table for 2005 for Lithuania and in Utena county, infringements reported included also those found in breeding farms instead of reporting only infringements in farms producing eggs for human consumption.
- Regarding pigs, the total number of pig holdings in the country recorded for 2005 was lower than the number of holdings reported by the counties; moreover, the way the total number of pig holdings was reported differed between counties: in some counties, only commercial pig holdings were reported as pig holdings; in other counties, all pig holdings, commercial and subsistence farms, were reported and in others only commercial pig farms identified as presenting a higher risk were reported. As a result, the total number of pig holdings for the country was

inaccurate and the meaning of the percentage of inspections performed per pig holdings was inconsistent between counties and unreliable at country level.

The CCA explained that they were partly aware of these inaccuracies and that new procedures will address this issue.

6. CONCLUSIONS

6.1. Legislation

- (1) Lithuanian legislation has requirements that go further than EU legislation such as, the requirement for the installation of measurement devices for ammonia, humidity and temperature on farms, and for requiring an authorisation to perform beak trimming of laying hens.
- (2) Although a comprehensive review of legislation was not carried out, the prohibition on the installation of unenriched cages after the date of Accession was not sufficiently precise contrary to Article 5(2) of Directive 99/74/EC. As a result, unenriched cages had been put into service in 2006.

6.2. Competent Authority

- (1) Coordination between the central and local levels is satisfactory thanks to regular meetings and the designation of one official veterinarian responsible for animal welfare issues in each county.
- (2) The centralised system of controls, documented procedures and training of inspectors has overall ensured that animal welfare requirements in farms were checked and reported. The effectiveness of the system of supervision of the Counties over the Districts is limited as it is based mostly on documentary checks and in particular where the same official is acting at District and County level with a resultant conflict of interest, contrary to Article 4(4) and 8(3)(a) of Regulation (EC) No 882/2004.
- (3) The CCA has set up a system of internal audits to analyse the results of inspections as required by point 6 of Article 4 of Regulation (EC) No 882/2004 and internal audits on the welfare of animals on farms are scheduled for the end of 2006.
- (4) The instructions to official veterinarians are now more comprehensive thanks to the new procedures and describe how the controls should be performed, followed up and, if necessary sanctioned as required by Article 8 points (1) and (3)(b) and Article 55 of Regulation (EC) 882/2004. The CCA has been working on integrating a risk based approach in the organisation of inspections on animal welfare as required by point 1 of Article 3 of Regulation (EC) No 882/2004.

6.3. Measures supplementary to inspections

- (1) Following a recommendation in report 7306/2004, the CCA has ensured that training on animal welfare requirements is available to pig keepers as required by Article 5a of Directive 91/630/EEC.
- (2) Additionally, farmers willing to raise animal welfare standards in pig and laying hen farms have access to subsidies granted through the Rural Development Programmes provided that the demand of subsidies is approved by an official veterinarian.

6.4. Pigs

- (1) The central and local CA include only commercial pig holdings in their annual inspection programmes. Neither the target defined at central level of 100% commercial pig holdings inspected every year or the annual inspection programmes in commercial pig holdings drawn at county level following a risk assessment were implemented due to a lack of resources which were used to inspect the 10% of subsistence pig farms selected by the National Paying Agency.
- (2) Official veterinarians generally performed comprehensive checks thanks to the guidance and training provided by the CCA. Moreover, appropriate follow up actions were carried out to ensure that when deficiencies had been detected and recorded, they were corrected in a timely way.
- (3) Supervision based mainly on documentary checks was not sufficient to ensure the effectiveness of inspections as, the other levels were not aware that deficiencies were not satisfactorily detected where insufficient equipment or guidance had been provided to inspectors.
- (4) The system of authorisation implemented by the CA, following a recommendation in report 7306/2004, ensures that tail docking is not routinely performed and that before it is carried out environment, stocking and management measures have been taken, as required by point 8 of Chapter I of the Annex to Directive 91/630/EEC.

6.5. Laying hens

- (1) Registration of the farms was not satisfactory as there were two different registers and, although the CA had changed the format of one of the registers, as previously recommended in report 7306/2004, they were not accurate or complete contrary to Annex (1) of Directive 2002/4/EC.
- (2) Despite commitments following previous missions, the CA has not ensured that a distinguishing number is stamped on the eggs as required by point 2 of the Annex of Directive 2002/4/EC and continues to permit the marketing of eggs that come from holdings with cages of insufficient height contrary to point 1(c) of Annex III to Regulation (EC) No 2295/2003.

- (3) Although all holdings with more than 350 laying hens were inspected at least once a year, these have been insufficient to assess the level of compliance.
- (4) Regarding holdings equipped with unenriched cages, although official veterinarians detected major deficiency such as insufficient height of cages, the CA did not ensure that this was corrected in a timely way as it approved incomplete action plans which would take several years to implement. As a result cages with insufficient height, contrary to the requirement of Article 5(1)(4) are still in use. Additionally, due to insufficient supervision or guidance, official veterinarians did not detect or tolerate overcrowding (Article 5 (1) of Directive 99/74/EC) and did not realise that unenriched cages had been introduced after the date of Accession contrary to Article 5 (2) of Directive 99/74/EC.
- (5) Regarding laying hens kept in alternative systems, although the official veterinarian followed a check list which included the requirements of Article 4 of Directive 99/74/EC, an assessment was not made of which factor limited the number of birds allowed, and as a result overcrowding was not detected. Additionally, although the official veterinarian detected deficiencies such as the lack of perches (Article 4(1)(1)(d) of Directive 1999/74/EC) in newly refurbished buildings, the establishment was approved without corrective actions being required.

6.6. Reporting

- (1) The CA has set up a system to report the results of inspections carried out in pig, laying hen and calf farms as required by Decision 2000/50/EC. However, the data collected and reported are not always consistent regarding the number of infringements and the number of holdings, since no precise instruction was given to the inspectors on how to fill up the templates.

6.7. Overall conclusion

The CA has a comprehensive system for animal welfare controls in farms: an adequate level of inspections is carried out with a reasonable amount of training and guidance provided. However, the system is weakened by inconsistent reporting, limited supervision and the lack of appropriate enforcement actions taken, in particular in the laying hen sector. As a result, major non compliances, such as insufficient height of unenriched cages which was also indicated in previous reports have not been corrected.

7. CLOSING MEETING

A closing meeting was held on 20 October 2006 with representatives of the CCA and one county CA. At this meeting, the FVO inspection team presented the main findings and conclusions. The CCA made comments which were included in the report and committed to address the issues raised during the mission, in particular one County CA indicated that they had already taken some actions regarding laying hens.

8. RECOMMENDATIONS

To the competent authorities of Lithuania

Within 25 working days of receipt of the report, the Competent Authorities are requested to present a plan of actions, including a timetable for their completion, to address the following recommendations.

The Competent Authorities should ensure that measures are taken so that:

- 1) The prohibition to built or brought into service for the first time unenriched cages from the date of Accession of Article 5(2) of Directive 99/74/EC is adequately transposed into the Lithuanian legislation and official veterinarians are aware of this requirement.
- 2) The system of supervision is improved, in particular, so that official veterinarians carry out more consistent and effective official controls in pig and laying hen farms as required by Articles 4(4) and 8 (3)(a) of Regulation (EC) No 882/2004.
- 3) Audits of the system of inspection of animal welfare on farms are carried out as required by Article 4(6) of Regulation (EC) No 882/2004.
- 4) Programmes for inspections taking account of identified risks as required by Article 3 of Regulation (EC) No 882/2004 are implemented.
- 5) The register for laying hen holdings contains all the data required by point 1 of the Annex to Directive 2002/4/EC and is updated and accessible to the CA of the Member State for the purpose of tracing eggs put on the market for human consumption as required by Article 1 of Directive 2002/4/EC.
- 6) When deficiencies are detected in pig or laying hen farms, corrective actions are taken when needed as required by Article 8 (3)(b) of Regulation (EC) No 882/2004 and in particular that measures are taken so that housing systems for laying hens comply with the requirements of Articles 4 and 5 of Directive 99/74/EC.

9. COMPETENT AUTHORITY RESPONSE TO THE RECOMMENDATIONS

Once the report has been published, the competent authority response to the recommendations can be found at the following link:

http://ec.europa.eu/comm/food/fvo/ap/ap_lithuania_8046_2006.pdf