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FINAL REPORT OF A MISSION
CARRIED OUT IN HUNGARY
FROM 18 TO 22 SEPTEMBER 2006
TO REVIEW THE SYSTEM OF CONTROLS
CONCERNING ANIMAL WELFARE ON FARM

Please note that factual errors in the draft report have been corrected



EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Hungary, from 18 to 22 September 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, which has improved since the last two missions: inspections are carried out in representative samples of farms, according to a harmonized method, by trained staff, and are reported, and to some extent supervised, at regional and central level. Although checks are not yet based on risk criteria, there is a high frequency of inspection which provides a good basis for detecting problems. However, the system is weakened by inadequate supervision and the lack of appropriate enforcement actions taken when infringements are reported. As a result, major deficiencies, in particular in the laying hen sector, such as insufficient height of unenriched cages, are not corrected.

The report makes a number of recommendations addressed to the competent authorities of Hungary, 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 Hungary from 18 to 22 September 2006, as part of the planned mission programme of the Food and Veterinary office (FVO). The inspection team comprised two inspectors from the FVO and a national expert.

An opening meeting was held on 18 September 2006 with representatives of the central competent authority, the Ministry of Agriculture and Rural Development (hereafter: CCA). At this meeting, the objectives of, and itinerary for the mission were confirmed and additional information requested for the satisfactory completion of the mission.

Throughout the mission, the mission team was accompanied by representatives of the central and local Competent Authorities.

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)/7237/2004- MR – final and DG(SANCO)/9052/2003- MR – final), hereafter: reports 7237/2004 and 9052/2003). Report 7237/2004 is available under this reference on the DG Health and Consumer Protection website: http://ec.europa.eu/comm/food/index_en.htm. Report 9052/2003 was made prior to Accession of Hungary to the EU and was not published.

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

VISITS			Comments
Competent authority	Central	2	Opening and final meeting at the CCA headquarters, the Ministry of Agriculture and Rural Development
	County (including districts)	2	One meeting at the office of the County Animal Health and Food Control Stations of Heves and one meeting at the office of County Animal Health and Food Control Stations of Hajdu-Bihar.
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 each county visited. Both farms were selected by the inspection team from lists provided by the CCA.

3. BACKGROUND

Previous FVO missions to Hungary concerning animal welfare were carried out in 2003 and 2004. Report 7237/2004 concluded that although there was an adequate system for carrying out farm checks, the lack of enforcement strategy means that systematic overstocking in laying hen farms was accepted. The recommendations made to the CA in reports 9052/2003, not all aspects were verified at the subsequent

mission, and 7237/2004 and the comments of the CA are detailed 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 on animal welfare of pigs and laying hens has been transposed into national legislation.

A review of the Hungarian legislation was not performed by the inspection team but, in relation to legal aspects, the inspection team noted that Hungarian legislation has requirements that go further than EU requirements such as:

- All large scale pig and laying hen holdings must be inspected once a year. Article 7 of Directive 91/630/EEC requires that a representative sample of pig farms must be checked every year and Article 8 of Directive 1999/74/EC requires that the competent authority carry out inspections.
- Regarding pigs, the prescription for farrowing crates of a minimum length of 2.10 m, a minimum width of 0.70 m and a minimum space of 0.60 m behind the sow, whereas there are no specific requirements in this regard in Directive 91/630/EEC.
- Regarding laying hens, the obligation of farmers to register their holdings if they have more than 50 laying hens, whereas Directive 1999/74/EC requires registration for laying hen holdings with more

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 1999/74/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 N°882/2004).

than 350 laying hens. Additionally, there is a clear legal prohibition of the practice of forced moulting.

However, the requirement to have an alarm system when artificial ventilation is used (Annex (13) of Directive 98/58/EC) was transposed following a recommendation in report 9052/2003 and it came into force on 14 May 2004. In several pig farms (both those visited and others from the files studied), this requirement was not yet implemented as no alarm system was installed.

5.2. Competent Authority

Structure and responsibilities

The Competent Authority for animal welfare is the Ministry of Agriculture and Rural Development. It includes:

- At central level, the Animal Health and Animal Welfare Unit, which is part of the Department of Food Chain Safety, Animal and Plant Health. 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 N°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 N°882/2004). In order to do so, the Animal Health and Animal Welfare Unit wrote documented procedures such as check lists, inspection programmes, guidelines for follow up of inspections and formats to report inspections.
- At regional level, there is one Animal Health and Food Control Station in each of the 19 counties and one in the capital. In each Station, 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.
- At district level, there are District Veterinary Offices headed by a District Veterinary Officer. Each district is divided in different geographical area where one official veterinarian performs inspections, including animal welfare checks on farms.

Coordination between the central, county and district levels (as required by point 3 of Article 4 of Regulation EC N° 882/2004) exists through quarterly meetings organised between the counties and the districts, and between the counties and the central level.

Cooperation with other services

The Ministry of Agriculture and Rural Development has signed a national working agreement with the Agricultural and Development Agency, in

charge of implementing rural development programmes (Council Regulation (EC) N°1257/1999⁶), to ensure that information regarding legal requirements is available to farmers through the County Agricultural and Development Agencies and that applications for subsidies granted through National Rural Development Programmes are checked by official veterinarians.

Training of inspectors

The CCA organises training for inspectors performing animal welfare checks in farms, as required by Article 6 of Regulation EC N°882/2004.

Every year the CCA writes a programme of training covering different topics such as the welfare of animals on farms, during transport and at slaughterhouses. Training on these topics is given during the quarterly meetings between the central level and the counties.

At county level, the county official veterinarian responsible for animal welfare organises training of the staff on animal welfare. Every year, a training programme is written in each county which must at least include the topics proposed by the CCA but can also cover other topics if there is a need expressed by county or district officials. Training is provided during the quarterly meetings held between the counties and the districts.

Training was organised by the CCA in 2004, 2005 and 2006 and took place in the counties of Hadju and Heves. Training on animal welfare in farms and, in particular, a practical training for laying hens farms have been provided by the CCA. Lists of attendance were signed at each training. Moreover, during the farm visits, the inspection team noticed that the official veterinarians were overall well trained.

Supervision and audits

At central level, the Animal Health and Animal Welfare Unit supervises the counties and the county official veterinarians responsible for animal welfare supervise the work of the districts which are under their responsibility. The supervision is based on the documents provided by each level and mainly ensures that the objectives of the inspection programmes are fulfilled and that the data on inspections are collected and reported.

Since August 2006 and in order to comply with point 6 of Article 4 of Regulation EC N°882/2004 which requires that the CA carries out internal audits, the CCA indicated that they had set up a new audit unit within the Ministry of Agriculture and Rural Development. This audit unit is not yet fully operational but, in their comments during the final meeting, the CCA said that they had for several years a working group which was discussing issues regarding animal welfare and that the new audit unit will benefit from the information gathered previously by this group.

⁶ Council Regulation (EC) N° 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) OL J 160, 26.6.1999, p.80. Regulation as last amended by Regulation (EC) N° 2223/2004, OJ L 379, 24.12.2004, p.1.

Sanctions

The different administrative and penal sanctions and the competence of the different services involved in case of animal welfare infringements are described in the Hungarian legislation as required by Article 55 of Regulation EC N° 882/2004.

Cases of cruelty against animal are considered a crime and have to be reported to the Police and communicated to the Public Prosecutor. 400 to 500 cases are reported every year and are dealt with by the Ministry of Justice.

For other animal welfare infringements, official veterinarians, notaries of municipalities and animal welfare associations can impose sanctions to farmers. Official veterinarians can make a recommendation to the county to impose a fine and the county notifies this decision to the farmer who can appeal in court. Additionally, notaries of the municipalities can impose any measure judged necessary for the appropriate keeping of animals by the farmers, including retrieving animals from farmers if necessary.

29 sanctions regarding animal welfare of pigs, laying hens, and calves kept in farms were imposed in the whole country in 2005. In the two counties visited, no sanctions had been imposed in 2005 and 2006. The CCA indicated that the low number of sanctions was due to the fact that the administrative procedure was long and that, after Accession, their general policy had been to apply sanctions as a last resort. The CCA also indicated, at the final meeting, that the number of sanctions had slowly increased over the last two years.

5.3. Measures supplementary to inspections

Information and training

Information on animal welfare requirements is regularly provided by official veterinarians during inspections and is available through village officers who work for the local Agricultural and Development Agencies, in charge of the subsidies granted through the national rural development programmes.

Training courses for pig keepers (as required by Article 5a of Directive 91/630/EEC) and for laying hen farmers are given by private veterinarians on farms. Official veterinarians check during their farm inspections that documentation regarding the training of staff employed in the farms exists. In the four farms visited, the relevant documentation on training was available and the keepers had a basic knowledge on animal welfare requirements.

Subsidies

The Hungarian national rural development programmes include measures to improve the compliance of EU requirements regarding the welfare of pigs and laying hens in farms. The Ministry of Agriculture and Rural Development has signed a working agreement with the Agricultural and Development Agency to ensure that applications for subsidies made by farmers are checked by official veterinarians.

In practice, farmers send their application for subsidies at the county. An official veterinarian performs a visit and has to approve the request for subsidies. The inspection team saw two applications approved by official veterinarians for two laying hen farms (one in Hadju County and the other in Heves County) where farmers had asked subsidies to change unenriched cages into enriched cages. One application approved by the official veterinarian was also seen for the pig farm visited in Heves County, where the farmer had applied for subsidies in order to change his ventilation system and the floors.

5.4. Pigs

Programme of inspections

The inspection programme set up by the CCA requires that 100 % of large scale holdings, these are holdings with more than 100 pigs (according to the Hungarian legislation), and that 1% of small scale holdings must be inspected every year. This ensures that a representative sample of pig holdings is checked every year as required by Article 7 of Directive 91/630/EEC. The CCA indicated that although risk assessment (Article 3 (1) of Regulation EC N°882/2004) has not been carried out for animal welfare in farms, pig holdings with identified infringements are checked with a higher frequency.

In each county visited, a general programme of inspections for the Animal Health and Food Control Stations has been written for the year 2005 and included inspections in large scale and small scale pig farms. The county then wrote an annual control programme for each of the districts they supervised. In both counties, the number of farms targeted in the annual control programme in 2005 was met.

Performance of inspections

In both county offices, official veterinarians carried out overall comprehensive checks using the check lists provided by the CCA. Report 9052/2003 indicated that certain issues had not been satisfactorily checked. It was noted that, in both large scale 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; 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 was already implemented although this requirement will apply only from 01.01.2013 in the two farms visited.

However, because some technical points had not been sufficiently clarified by the CCA, or because the official veterinarians did not always use the latest versions of the check lists, some deficiencies were not detected such as:

- The lack of manipulable material provided to all categories of animals in both farms visited contrary to the requirement of Annex Chapter I (4) of Directive 91/630/EEC. Files studied in the county of Heves, showed that this deficiency was sometimes detected by the

official veterinarians but accepted as no deadlines to correct this were given to the farmers. The inspection team noted that the CCA had not provided official veterinarians with practical examples of manipulable material that can be used.

- The lack of bulky feed given to dry pregnant sows and gilts in both farms visited contrary to the requirement of 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.
- The presence of sharp edges in the gates separating the pens of pregnant sows in Heves County or the presence of a protruding piece of iron used to open the sewage system in the sick pens in Hadju County, contrary to the requirement of Annex (9) of Directive 98/58/EC.
- The lack of permanent access to water to gilts and sows housed in individual crates before insemination in both farms contrary to the requirement of Annex Chapter I (7) of Directive 91/630/EEC. The official veterinarians explained that this was acceptable considering that all the other categories of animals had permanent access to water and that the staff regularly checked that troughs were filled.
- The insufficient levels of light provided to weaners and fatteners in the farm visited in Hadju County contrary to the requirements of Annex Chapter I (2) of Directive 91/630/EEC. In Heves County, the official veterinarian detected this deficiency. The inspection team noted that in both counties, official veterinarians did not have a luxometer nor had the CA provided any practical guideline to measure or assess the intensity of light.
- The lack of bedding provided to sick animals in both farms visited contrary to the requirements of Annex (4) of Directive 98/58/EC.
- Farrowing crates used in both farms did not comply with the minimum measurements in length and width and for space left behind the sows required by the Hungarian legislation. The inspection team noted that the official veterinarians had used check lists that were not updated and on which the required measurements were not written. The CCA confirmed that several check lists had been issued for pigs due to several changes in the legislation and that from now on they will repeal all the old check lists.

Follow up and sanctions

Report 9052/2003 recommended that the CA should take actions to ensure the correction of deficiencies on pig farms. The CCA, then, issued a guideline to the counties where it recommended that, where deficiencies were detected, a pig farmer had to submit action plan including the correction of deficiencies and deadlines and that county CA should verify that this had been done.

The farm visits and the files showed that the following deficiencies were regularly detected by the official veterinarians but were not corrected in a timely way as requested by the CCA and required by Art 8 (3) (b) of Regulation EC N°882/2004:

- The lack of an alarm for the ventilation system (Annex (13) of directive 98/58/EC) was detected in both farms visited by the official veterinarians and was recorded as a deficiency in three files in Hadju County and two files in Heves County. In four cases out of five, this deficiency was recorded on the report but no deadlines were given and the farmers did not present an action plan contrary to the procedure prescribed by the CCA. Follow up visits were carried out in a timely way but afterwards the official veterinarians reported again the same deficiency and did not give any deadlines for correction. The CA explained that the frequency of this deficiency and the reluctance of official veterinarians to ensure its compliance were due to the fact that the requirement to have an alarm system came into force only in May 14 2004 and that official veterinarians still consider, as it was previously written in the Hungarian legislation, that if a person lives near the building this is equivalent to an alarm system. In addition, in the farm visited in Heves County, the owner had submitted a demand for receiving subsidies from the rural development scheme and the replacement of a new ventilation system with an alarm was included.
- Poor state of repair of concrete slatted floors (Annex Chapter I (5) of Directive 91/630/EEC) were detected in the two farms visited and reported in two files in Hadju County and one file in Heves County. In two cases, this deficiency was recorded in the report but no deadlines were given and no action plans were presented by the farmers to repair the floors contrary to the procedure prescribed by the CCA. Follow up visits were carried out in a timely way but the official veterinarians reported the same deficiency at subsequent visits and again did not give any deadlines. In the farm visited in Heves County, the owner had included the mending of floors in his request for subsidy through the rural development scheme.
- Castration of piglets older than 7 days not performed by a veterinarian and without anesthesia (Annex Chapter I (8) of Directive 91/630/EEC) was detected and recorded as a deficiency in 2 files of small scale holdings seen in Hadju County but no actions or deadlines were given to the farmers to comply with this requirement. The CA explained that this deficiency was noted mainly in small scale holdings managed by older producers.

The inspection team noted that the correction of deficiencies after farmers received subsidies could take several years. Moreover, no fines or penal sanctions were imposed in 2005 or in 2006 in either county.

Supervision

The county animal welfare inspector supervises the work of the district officers and official veterinarians. His supervision is mainly based on

documentary checks and information gathered during the quarterly meetings organised for training and programming of checks. He ensured that inspection programmes were carried out by checking the monthly reports sent by the districts on the inspections carried out and addressed problematic issues during the quarterly meetings.

However, the inspection team noted that the supervision was not always sufficient since the county animal welfare inspector did not notice the fact that official veterinarians did not use updated check lists and did not know that deficiencies were not detected or not followed up as no procedure was in place to assess the quality of inspections carried out by district officers or official veterinarians in pig farms.

5.5. Laying hens

Registration and marketing of eggs

Regarding registration of laying hens, report 7237/2004 notified the CA that the format used for registration did not contain all the information required, since the information recorded did not distinguish between owner and keeper or if there were several establishments under the same management.

Regarding marketing of eggs, report 9052/2003 recommended to the CA to establish a marketing system for eggs and the CA had committed to transpose and implement EU regulations on marketing of eggs.

During the mission, the national register provided by the CCA, the registration documents of the two farms visited and the marking of eggs in one farm were examined. The inspection team noticed that:

- All laying hen holdings with more than 50 laying hens were registered, whereas Commission Directive 2002/4/EC⁷ only requires the registration of holdings with more than 350 laying hens. The CCA explained that the data entered in the register were modified in 2006 following an amendment to the Hungarian legislation which obliged farmers to register all laying hen holdings with more than 50 laying hens instead of the 350 previously required. This change had been made in order to give a producer number to all holdings with more than 50 laying hens and therefore enable small producers to sell eggs stamped with a producer number.
- The register was still missing the information to distinguish between owner and keeper or if there are several establishments under the same management, so the situation remains the same as described in report 7237/2004 and contrary to point 1 of the Annex of Commission Directive 2002/4/EC.
- The way maximal capacity was estimated for the two farms visited was different in the two counties visited. In both counties the legal

⁷ 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, p.44 (hereafter: Directive 2002/4/EC).

procedure for registration was followed where farmers provided certain information and that this information was checked by the official veterinarian during a visit and then sent to the County. In Heves County, the maximal capacity registered for the farm was based on the number of cages actually present in the holding at the time of the visit, whereas in Hadju County, the maximal capacity registered was based on a future extension of the farm. As a result, in Hadju County, the farm visited which had a real maximal capacity of 2880 laying hens was registered with a maximal capacity of 6000 laying hens. This does not comply with the requirement of point 1 of the Annex of Commission Directive 2002/4/EC.

- In one of the farms visited, in Heves County, eggs were stamped with a producer code, which was identical with his registration number and was in compliance with Article 8 (3) (b) of Commission Regulation (EC) N° 2295/2003⁸, which had been the subject of a recommendation in report 9052/2003.

Transitional period

At the time of Accession of Hungary to the European Union, twenty one laying hens holdings with unenriched cages were granted a transitional period till 31 December 2009 to comply with the requirements of Article 5 (1) (4) and (5) of Directive 1999/74/EC regarding the height and the slope of the cages. Farms with unenriched cages which were not on the list had to be in compliance with all the requirements of Article 5 of Directive 1999/74/EC at the date of Accession on 01.05.2004.

Out of the initial twenty one farms, which were granted a transitional period, only nine are still operational. Eleven farms closed and one farm had been renovated to fulfill the requirements of Directive 1999/74/EC. The nine farms still in operation had to submit an action plan to the CA to ensure that they will comply with the requirements of height and slope of the cages before the 31.12.2009.

In Hadju County, the action plan of one farm in transitional period seen by the inspection team proposed a progressive change of all unenriched cages to enriched cages in 2007 and 2008 so that the farm will be in compliance before the end of the transitional period.

Programme of inspections

The inspection programme set up by the CCA requires that 100 % of large scale laying hen holdings with more than 350 laying hens must be inspected every year. The CCA indicated that although risk assessment has not been

⁸ 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 corrected by Corrigendum, OJ L 72, 11.3.2004, p.91 (Hereafter Regulation EC N°2295/2003).

carried out for animal welfare in farms (Article 3 (1) of Regulation N°882/2004), laying hen holdings with identified infringements are checked with a higher frequency.

In each county visited, a general programme of inspections for the Animal Health and Food Control Stations has been written for the year 2005 and included inspections of laying hen farms. Each county CA had written an annual control programme for each of the districts they supervised. In both counties, all laying hen holdings were visited at least once in 2005 as planned in their annual control programme.

Performance of inspections, follow up and sanctions

Performance of inspections was evaluated by the inspection team distinguishing between the three technologies used for rearing laying hens: unenriched cage, enriched cage or alternative system.

Regarding unenriched cages, which is the main technology used to raise laying hens in Hungary, it was noted that:

- Report 7237/2004 recommended that the calculation of maximal capacity respected the minimum space requirement per hen, that stocking rates were re-evaluated and that actions were taken to address problems of overstocking. The CCA addressed these recommendations by sending written instructions and a protocol to the counties and also highlighted these points during the national training meetings. A practical demonstration on how to measure cages and holding capacities was made and the procedure to address the correction of deficiencies, where the farmer must submit an action plan and implementation is checked during a follow up visit, was described.
- During the two farm visits, the official veterinarians used the comprehensive part of the check list on laying hens dedicated to unenriched cages provided by the CCA. They took appropriate measurements for height and surface and calculated correctly the total number of cages present in the holdings. However, major deficiencies such as overcrowding in one of the farm visited or insufficient height of cages in both farms visited were either not detected or detected but not corrected.
- Regarding overcrowding, in the farm visited in Heves County, the official veterinarian miscalculated the stocking density (as he had concluded that three hens could be placed in one type of cage instead of two if the requirement of 550 cm² per hen of Article 5 (1) (1) of Directive 1999/74/EC was to be respected) and therefore did not detect that the holding was approximately 33% overcrowded.
- Regarding the height of the cages, in the farm visited in Hadju County, the official veterinarian detected that the height of the cages did not comply with the requirements of Article 5 (1) (4) of Directive 1999/74/EC due to the presence of a 5 cm wide water trough placed underneath the nipple drinkers which left less than 35 cm of height to

the hens. He had already reported this deficiency on the check lists in 2005 and 2006 but had not requested an action plan from the farmer. In the farm visited in Heves County, the official veterinarian detected that the height of the cages (one type of cages was 39 cm high at the front and 32.5 cm at the back of the cage) did not comply with the requirements of Article 5 (1) (4) of Directive 1999/74/EC. He had already reported this deficiency in 2005 and given a deadline to the farmer to submit an action plan. The action plan was provided within the deadline and the CA accepted the corrective actions proposed though the farmer agreed to change his cages only as soon as he received subsidies or, if not, to start changing them at the beginning of the year 2008.

- Moreover in the farm visited in Heves County, the use of a ladder and a torch was considered as an adequate means to inspect the laying hens housed in three tiers of cages which is not compliant with point 6 of the Annex of Directive 1999/74/EC. Therefore, the action taken by the CCA to deal with deficiencies, following the recommendation of report 9052/2003 that appropriate devices should be used to inspect and remove birds, had not been totally effective.

Regarding enriched cages, one file in Heves County indicated that deficiencies regarding equipment had been detected and reported by the CA in 2005. The official veterinarian checked this farm six times between 2005 and 2006. Each time he detected and reported on the check list provided by the CCA that the enriched cages were not fitted with nests, litter, and perches and therefore did not comply with Article 6 (1) (b) (c) and (d) of Directive 1999/74/EC. However, after each visit, he concluded in the report that these enriched cages were acceptable until “the date of derogation”, did not give any deadlines for the farmer to comply with the requirements and even let additional non compliant enriched cages be installed in a new building. The official veterinarian was not aware that no derogation exists for enriched cages and that holdings with enriched cages should comply with all the requirements of Article 6 of Directive 1999/74/EC since the date of Accession on 01.05.2004. The confusion regarding the dates of application of the legal requirements on enriched cages is due to the lack of clarification by the CCA of the complex Hungarian legislation regarding the dates of entry into force. The dates of applicability of the requirements on enriched cages were not specified on the check list for laying hens provided by the CCA.

Regarding alternative systems, one file in each County indicated that deficiencies had been detected and reported by the CA in 2005. The official veterinarians used the check list provided by the CCA and checked all the requirements of Article 4 of Directive 1999/74/EC regardless of whether they already applied, as in the case of alternative farms built after the date of accession, or will apply from 01.01.2007, as in the case of farms built before the date of Accession. They detected deficiencies regarding perches and length of feeder but the follow up of inspections was not coherent between the two Counties.

- In Hadju County, the official veterinarian made three inspections between 2005 and 2006 in a farm which started to operate after

Accession. Each time the absence of perches (Article 4 (1) (d) of Directive 1999/74/EC) was detected but no deadlines for correction were given or an action plan requested from the farmer.

- In Heves County, the official veterinarian made six visits between 2005 and 2006 in a farm operating before Accession. Each time deficiencies with the length of the feeders and perches had been detected. An action plan had been requested from the farmer to increase the length of the feeder although this requirement would only be applicable from 01.01.2007. The dates of entry into force of the requirements for alternative system are complicated in Hungarian legislation and had not been clarified on the check list by the CCA for the official veterinarians.

The inspection team noted that in the two counties visited, no fines or penal sanctions have been imposed on farmers in 2005 and 2006.

Supervision

In both counties, the county animal welfare inspector ensured that inspection programmes were carried out by checking the monthly reports sent by the districts on the inspections carried out and addressed problematic issues during the quarterly meetings.

However, the inspection team noted that this supervision was mainly based on documentary checks and was insufficient since the county animal welfare inspectors were not aware of the issues raised by the inspection team regarding the height of the cages or overcrowding in unenriched cages or of the difficulties experienced by the official veterinarians regarding the dates of entry into force of requirements for enriched cages and alternative systems.

5.6. Reporting

Commission Decision 2000/50/EC requires that the CCA reports to the Commission every two years on the results of inspections of holdings with pigs, calves and laying hens.

In order to fulfil this obligation, the CCA provided templates to the counties where results of inspections are recorded. The county animal welfare inspectors verify and compile the data sent to them by the districts. The CCA then synthesizes the data sent by the counties in a general table, the format of which is compliant with Decision 2000/50/EC and reports the results to the Commission.

In 2005, all counties sent data in the adequate format to the CCA and the CCA reported the results to the Commission. However, the data reported were not always consistent as, for example, in the general table sent to the Commission the total number of holdings given for pigs is the number of large scale holdings, but the infringements reported occurred in large scale and small scale holdings. This makes it difficult for the CCA to draw conclusions on the frequency of infringements in pig holdings. Another example of inconsistency, as regards the way infringements were classified

in the nine categories listed in Decision 2000/50/EC, was, for example, in Hadju County, where a case of infringement concerning the transport of laying hens was reported by the official veterinarian as an infringement of freedom of movement of animals kept on farm.

The CCA acknowledged that there were inconsistencies and indicated that the necessary corrections will be made as soon as a new format of reporting, which has been recently agreed by Member States, will be adopted at EU level.

6. CONCLUSIONS

6.1. Legislation

- (1) Hungarian legislation has requirements that go further than EU legislation such as the obligation for the CA to inspect all large scale pig and laying hen holdings once a year, the prescription of minimum measurements for pig farrowing crates, the obligation of farmers to register all holdings with more than 50 laying hens or the prohibition of forced moulting of laying hens.

6.2. Competent Authority

- (1) The CA has an adequate structure at central and local levels with a clear chain of command and adequate coordination between the central and local levels thanks to regular meetings and the designation of one official veterinarian responsible for animal welfare in each county. The centralised system of controls, documented procedures and training of inspectors has overall ensured that animal welfare requirements in farms were checked and reported.
- (2) However, as the system of supervision of the Counties over the Districts and of the Central level over the Counties was based only on documentary checks, consistency and effectiveness of official controls at all levels was not ensured contrary to Article 4 (4) and 8 (3) (a) of Regulation EC N°882/2004
- (3) Although a unit has been set up at central level to meet the requirements of Article 4 (6) of Regulation EC N°882/2004, internal audits have not yet been carried out in the area of animal welfare.

6.3. Measures supplementary to farm inspections

- (1) The CA ensures that pig (as required by Article 5a of Directive 91/630/EEC) and laying hen farmers are aware of animal welfare requirements by checking during farm visits that farmers and their staff had received trainings and by collaborating with the Agricultural Rural Development Agency, which had a network of local officers disseminating information to farmers.
- (2) Additionally, farmers willing to raise animal welfare standards in pig and laying hen farms have access to subsidies granted through the

Hungarian National Rural Development Programmes provided that the demand of subsidies is approved by an official veterinarian.

6.4. Pigs

- (1) Thanks to the annual control programmes set up at local and central levels and to the system of supervision at each level, a representative sample of pig farms is checked every year as required by Article 7 of Directive 91/630/EEC and all large pig holdings are inspected at least once a year. Although risk assessment, as required by Article 3 (1) of Regulation EC 882/2004, is not yet included in these programmes, the high number of inspections provides a good basis to detect problems.
- (2) As a result of training provided to them, official veterinarians performed comprehensive checks using the check lists provided by central level.
- (3) Deficiencies were not satisfactorily detected where insufficient equipment had been provided to inspectors, where the CA had not provided sufficient guidance or clarification, or where out of date check lists were still in use. This confirms that supervision based only on documentary checks is not sufficient to ensure the effectiveness of inspections.
- (4) Deficiencies which were appropriately detected by official veterinarians, were not corrected or sanctioned as required by Article 8 (3) (b) and 55 of Regulation EC N°882/2004 because the CCA has a general policy of using sanctions as a last resort and because official veterinarians do not follow the enforcement procedure which had been set up by the CCA following recommendation in report 9052/2003. As a result, deficiencies such as the lack of an alarm for the ventilation system (Annex (13) of Directive 98/58/EC), or inadequate floors (Annex (5) of Directive 91/630/EEC) or castration of piglets older than 7 days without anaesthesia (Annex (8) of Directive 91/630/EEC) remained for several years in pig farms.

6.5. Laying hens

- (1) Laying hen holdings are registered as required by Directive 2002/4/EC and this has been extended to include smaller holdings. However, the CA has not changed the format of the register as notified in report 7237/2004 and, therefore, information allowing to distinguish between the owner and the keeper of holdings, or if several establishments are under the same management, is still missing contrary to the requirement of Annex (1) of Directive 2002/4/EC. Moreover, the maximal capacity was not correct in all counties which does not comply with Annex (1) of Directive 2002/4/EC.
- (2) As recommended in report 9052/2003, the CA has implemented Article 8 (3) (b) of Regulation EC N° 2295/2003 on the marketing of eggs and the producer number was stamped on eggs.

- (3) Thanks to the annual control programmes set up at local and central levels and to the system of supervision at each level, all holdings with more than 350 laying hens are inspected at least once a year. Although risk assessment, as required by Article 3 (1) of Regulation EC N°882/2004, is not yet included in these programmes, there is already a high frequency of inspections.
- (4) Regarding laying hens kept in unenriched cages, the CA have taken measures to ensure that farms granted a transitional period at the time of Accession will comply with requirements by 2009. The CA has also followed the recommendation in report 7237/2004 by providing practical training to official veterinarians on how to measure cages and calculate the maximal capacity of farms. As a result, the quality of checks performed by official veterinarians has improved and they detected most of the deficiencies. However, because the CCA has a general policy of using sanctions as a last resort and because, in any case, official veterinarians do not follow the enforcement procedure set up by the CCA, no deadlines to correct deficiencies and no sanctions are applied as required by Articles 8 (3) (b) and 55 of Regulation EC N°882/2004. This lack of enforcement resulted in cases of 33 % overcrowding and cages of insufficient height remaining for several years without any corrective action.
- (5) Regarding laying hens kept in enriched cages and alternative systems, because the dates of applicability of the requirements of Articles 4 and 6 of Directive 1999/74/EC are not clear in the Hungarian legislation and were not detailed in the check list provided by the CA, official veterinarians did not know which requirements already applied and did not ask for corrective actions when they detected deficiencies such as the lack of nests, perches or littered area in enriched cages (Article 6 (1) (b) (c) (d) of Directive 1999/74/EC) or of perches in alternative systems (Article 4 (1) (1) (d) of Directive 1999/74/EC).
- (6) As none of the above issues were identified by the county animal welfare inspectors supervising the District official veterinarians, the system of supervision, which is based only on documentary checks, was not sufficient to ensure the effectiveness of inspections and corrective actions contrary to Article 8 (3) of Regulation N°882/2004.

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 or regarding the way official veterinarians classify the infringements in the nine categories of Decision 2000/50/EC.

6.7. Overall conclusion

The CA has a comprehensive system for animal welfare controls in farms, which has improved since the last two missions: inspections are carried out in representative samples of farms, according to a harmonized method, by trained staff, and are reported, and to some extent supervised, at regional and central level. Although checks are not yet based on risk criteria, there is a high frequency of inspection which provides a good basis for detecting problems. However, the system is weakened by inadequate supervision and the lack of appropriate enforcement actions taken when infringements are reported. As a result, major non compliances, in particular in the laying hen sector, such as insufficient height of unenriched cages, are not corrected.

6.8. Closing meeting

A closing meeting was held on 22 September 2006 with the CCA. 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.

7. RECOMMENDATIONS

To the competent authorities of Hungary

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 CCA should ensure that measures are taken so that:

- (1) 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 N°882/2004.
- (2) Audits of the system of inspection are carried out as required by Article 4 (6) of Regulation EC N°882/2004.
- (3) Risk assessment on animal welfare is taken into account in the inspection programmes as required by Article 3 (1) of Regulation EC N°882/2004.
- (4) The format of the register for laying hen holdings and the maximal capacity data comply with the requirements of point 1 of the Annex of Directive 2002/4/EC.
- (5) 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 N°882/2004 or sanctions are imposed when necessary as required by Article 55 of Regulation EC N°882/2004.
- (6) Official veterinarians are aware that the requirements of Article 4 of Directive 1999/74/EC apply to all alternative farms which started to operate after the date of Accession and that the requirements of Article 6 of Directive 1999/74/EC apply to all laying hen farms with enriched cages.

8. COMPETENT AUTHORITIES RESPONSE TO RECOMMENDATIONS

The Competent Authorities response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/ap/ap_hungary_8050_2006.pdf