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FINAL REPORT OF A MISSION
CARRIED OUT IN AUSTRIA
FROM 4 TO 8 SEPTEMBER 2006
CONCERNING ANIMAL WELFARE ON FARMS

Please note that a number of modifications have been made following the comments made by the Austrian Competent Authorities on the draft version of the report. Clarifications provided by the Competent Authorities of Austria are given as footnotes, in bold, italic, type to the relevant part of the report.



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EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Austria, from 4 to 8 September 2006.

The main objective of the mission was to verify the implementation of EU animal welfare legislation applicable to pig and laying hen farms in particular, the measures put in place to give effect to Council Directives 91/630/EEC, 98/58/EC, 99/74/EC, Commission Directive 2002/4/EC and Commission Decision 2000/50/EC and to follow up the recommendations from the report DG SANCO/1099/2000 regarding laying hens and calves. The mission also looked at how measures taken in relation to the above have been integrated into the requirements for control laid down in Regulation (EC) No. 882/2004.

Significant progress has been made since report 1099/2000 with the adoption of national legislation which did away with the necessity for each region to independently adopt legal provisions and which provides a more significant role for the central Competent Authority with regard to training and co-ordination of the reports on the outcome of inspections by the regions, areas where there have been significant non-compliances. Since the adoption of the Federal Act on Animal Welfare the programming of checks has also begun to be more adequately carried out by the regions. Where regional Competent Authorities have prioritised issues for enforcement, effective measures have been imposed, but checks have not always been sufficient to ensure that all requirements were adequately assessed. It is too early to assess the effect of the new manuals and checklists provided by the central Competent Authority, but these would help to fill gaps in the instructions provided by regional level and result in better enforcement of the requirements for the welfare of animals on farms.

The report makes a number of recommendations addressed to the Austrian 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 Austria from 4 September to 8 September 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 Austria on 4 September 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 was accompanied throughout the mission by a representative from the Central Competent Authority (hereafter: CCA).

2. OBJECTIVES OF THE MISSION

The main objective of the mission was to verify the implementation of EU animal welfare legislation applicable to pig and laying hen farms, in particular the measures put in place to give effect to Council Directives 91/629/EEC^{1,2}, 91/630/EEC³, 98/58/EC⁴, 99/74/EC⁵, Commission Directive 2002/4/EC⁶ and Commission Decision 2000/50/EC⁷ and to follow up the recommendations from report DG SANCO/1099/2000 (hereafter: report 1099/2000) regarding pigs and calves. The mission also looked at how measures taken in relation to the above are being integrated into the approach required by Regulation (EC) No. 882/2004 of the European Parliament and of the Council⁸.

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

¹ Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves and amended by Council Directive 97/2/EC of 20.1.1997 and Commission Decision 97/182/EC of 24 February 1997.

² Legal acts quoted in this report refer, where applicable, to the last amended version.

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

⁴ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.98, p. 23, (hereafter: Directive 98/58/EC).

⁵ Council Directive 99/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, OJ L 203, 3.8.99, p. 53, (hereafter: Directive 99/74/EC).

⁶ Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC, OJ L 30, 31.1.2002, p. 44 (hereafter: Directive 2002/4/EC).

⁷ 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).

⁸ Regulation (EC) No 882/2004 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 OJ L 165, 30.4.2004 corrected and republished in OJ L 191, 28.5.2004, p.1 (hereafter: Regulation (EC) No. 882/2004).

VISITS			Comments
Competent authority	Central level	2	Opening and closing meetings with the CCA and Competent Authorities (hereafter: CAs) of Lower Austria and Burgenland.
	Regional level	2	One regional office in each of the two regions (Lower Austria and Burgenland) was visited.
Farms		4	A laying hen farm and a pig farm in each region were selected by the inspection team from a list of farms provided by the CAs.

3. BACKGROUND

A previous mission concerning the welfare of farm animals took place in Austria from 19 to 23 June 2000. Report 1099/2000 of that mission concluded that the CCA had no legal basis for monitoring and ensuring that legislation made by the regions is in compliance with EU legislation and that the adoption of the animal welfare legislation was not always adequately done by the nine regions. The implementation of the legislation differed from one region to another and while some criteria were controlled satisfactorily others were not. The information in the reports of the CCA sent to the Commission did not accurately reflect the results of inspections carried out. Actions taken in response to the recommendations made in report 1099/2000 are indicated in the relevant part of the current report.

4. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, in particular Artt. 9 of Directives 99/74/EC and 91/630/EEC, Art. 7 of Directive 98/58/EC and Art. 45 of Regulation (EC) No. 882/2004.

5. MAIN FINDINGS

5.1. Legislation

Report 1099/2000 recommended that measures were taken to ensure national adoption of the relevant EU animal welfare legislation. A Federal Act on Animal Welfare entered into force on 1.1.2005 and subsequent regulations, in particular concerning the keeping of animals (*1. Tierhaltungsverordnung BGBl. II Nr. 485/2004*), overcomes the previous problems with insufficient adoption by the regions.

The Act gives the responsibility to the CCA for the incorporation into Austrian law of EU legislation and allows the CCA to demand reports on the implementation of the provisions from the regions. It also requires sufficient professional qualifications from persons performing the checks and provides a legal base for the animal welfare training programme for official veterinarians (hereafter: OVs).

The Act establishes an Animal Protection Council which is an advisory body to the Federal Minister for Health and Women. The membership of the Council includes also members from the regions, which are represented by Animal Welfare Ombudsmen. The role of the Ombudsmen is to represent the interests of animal protection and in certain regions they participate in the system for approving plans to construct or renovate farming establishments.

On several topics, Austrian legislation goes further than EU requirements, such as:

- Regarding perches in alternative systems the national legal requirement is that 20 cm of perching space have to be provided for each hen, whereas Art. 4.1(d) of Directive 99/74/EC requires 15 cm per hen. The CA consider that part of a slatted floor can be considered as a perching area, with 1 m² of slatted floor considered equivalent to 3 metres of perching space. Directive 99/74/EC does not explicitly indicate that perches must be raised above the floor but in the Recommendations of the Council of Europe for poultry kept in other intensive systems (non cage) to produce eggs for consumption it states that “when determining the stocking rate, consideration shall be given to (...) the number of perches or other suitable installations available in the third dimension (see website: www.coe.int). According to a representative of the Ministry for Agriculture, the 20 cm of perching area per hen is required so that at least a percentage of the perches would be aerial, as slatted floor alone would not be sufficient to provide this in commercial systems. In addition, if at least 7 cm/hen of elevated perch are offered, stocking density can be increased from 7 to 7.5 hens/m² of floor area.
- The maximum stocking density is seven laying hens per m² of usable area in holdings with one level, whereas Art. 4.4 of Directive 99/74/EC allows a maximum of nine hens per m². This figure can increase to eight hens per m² if feeding troughs are elevated or if laying hens have access to open runs. In the case that both requirements are fulfilled stocking density can be increased to nine hens per m². If the system is used where birds can move between different levels a stocking density of nine birds per m² is permitted.
- Conventional battery cages are banned from 31 December 2008, while enriched cages can continue to operate until 15 years from the date when they were first put into operation. Directive 99/74/EC bans the use of conventional battery cages as of 1.1.2012.

The basis for inspections is also established by legislation (*Tierschutz-Kontrollverordnung BGBl. II Nr. 492/2004*) which specifies that checks are to be carried out on 2% of farms and criteria for the selection of farms are provided (type of animals, type of holding, type of production, size of holding, participation in system of "own checks", outcome of previous checks). It also gives details on training of the OV's and it lists the data which should be collected during the checks.

5.2. Competent Authority

The organisation of the Competent Authorities (hereafter: CA) and the control system for animal welfare is described in report DG(SANCO)7652/2005. Further information on the CA can be obtained at the website: <http://www.bmgf.gv.at>

The CCA coordinates the work with regional CAs through regular meetings. Heads of regional CAs and CCA meet three times per year where problems are discussed.

In Lower Austria private veterinarians are trained and certified by the regional CA to assist official veterinarians (hereafter: OV's). The OV's are responsible for carrying out the programme of inspections and, according to the CA, do 75 to 80% of the checks; the approved veterinarians perform the remainder and send their reports to the OV's. The inspection team saw several cases where similar deficiencies had been detected and recorded by both approved veterinarians and OV's. A representative of the regional CA indicated that there was no difference in the rate of detection of deficiencies between approved veterinarians and OV's.

In relation to the registration of laying hen farms the Austrian Poultry Quality Association (*Österreichische Qualitätsgeflügelvereinigung*) is in charge of the registration of laying hen holdings and holds a central database where all this information is registered. The database is accessible to the OVs via internet.

Guidance and training

Report 1099/2000 recommended that adequate guidance be provided to inspectors to enable them to carry out satisfactory checks. New handbooks and checklists for animal welfare of cattle, pigs, sheep, goats and poultry (including laying hens) have been recently produced by the CCA to assist the regions in this respect. It is up to the regions to decide whether or not to adopt using the new handbooks and checklists issued by central level.⁹ They give detailed information on the requirements and implementation of the animal welfare legislation and will also be delivered to farmers, as they are also intended to provide the necessary information to farmers so that they can carry out a self evaluation of their farm. Participation in self evaluation is one of the criteria laid down in national legislation which will have to be considered when setting up future inspection programmes. According to a representative of the CCA this system is already in existence for some time in Vorarlberg.

Report 1099/2000 also recommended that the provisions from Directive 98/58/EC, many of which had not been adopted into legislation at that time, were included in training and subsequently checked on farms. Both regions visited had produced their own checklists, which were a comprehensive list of questions relating to the legal requirements. Meetings were held to outline the use of these checklists and how the results should be reported. However, guidance had not always been provided on what could be considered suitable to meet the listed requirements. In addition several OVs in Burgenland had misunderstood that for certain questions on their checklist a negative response should not be recorded as a deficiency and this had led to mis-recording of results. No specific training on animal welfare has been provided by the CCA. A 60 hours course to train the OVs on the new national legislation is in preparation and will start in 2007.

At regional level, animal welfare issues were discussed at courses and meetings and in addition training took place on the new Federal Act on Animal Welfare when it entered into force in 2005.

Supervision

Report 1099/2000 recommended that adequate supervision be established for checks of animal welfare. In both regions a computer database had been set up for recording the outcome of inspections and the regional CAs indicated that this allowed checking of reports and consulting OVs as necessary. In Lower Austria, the data had been accurately filled in and the system was user friendly allowing the regional CA to have a good picture of the level of compliance and enabling them to review the reports and actions taken by OVs. In Burgenland the computer database was not fully operational and it was

⁹ *In their response to the draft report, the Austrian Authorities noted that at the last meeting of veterinary directors (21.-23.11.06), all nine veterinary directors were in favour of using the central authority's new handbooks and checklists when carrying out checks.*

only during the mission that the regional CA became aware that findings indicated as deficiencies, were actually not deficiencies and had been mis-recorded.

Audits

None of the levels of the CA were familiar with the requirements of Art. 4 of Regulation (EC) No. 882/2004 and there were no arrangements for internal audits in any of the regions visited.

5.3. Measures supplementary to checks

Operating permits for farm establishments

When new holdings are being set up or existing buildings converted, there is a procedure applicable in each region where various experts are consulted including the OV and, since the new Act on Animal Welfare entered into force, the regional Ombudsman for animal welfare. Each of the experts gives a written opinion on the plan submitted by the livestock keeper. In Burgenland the inspection team saw several examples where animal welfare issues had been taken into account as part of this procedure:

- OV opinion given on the plans for an establishment for laying hens, where floor areas, drinkers, nest areas had been assessed and comments made that perches could not be assessed from the plan.
- In another case, levels of lighting were specified and conditions of keeping where birds must have access to all areas 10 days after their arrival specified.
- The authorisation of a pig unit was initially refused because the requirements for floor areas had not been respected. Changes were made in a subsequent submission and approval given, but with conditions imposed regarding the lighting regime and the need to document the reasons for tail docking and on how materials for manipulation would be provided.

Information to the livestock sectors

Different courses had been organised for farmers mainly by the Agricultural Chambers, including those for pig stockpersons, as required by Art. 5a of Directive 91/630/EEC, and the norms for animal welfare had been widely promoted.

In relation to beak trimming of laying hens, the poultry sector has been informed on the requirements for beak trimming. According to the CA this is not commonly practiced as cage systems are being phased out and as stocking densities are lower than the requirements for alternative systems in Art. 4.4 of Directive 99/74/EC.

5.4. Programme of inspections and design of checklists

Selection of farms

Implementation of the legislation is the competency of the regions. There are variations in how the programme of checks is set up in the nine regions, ranging from no programmed checks in Salzburg or Vorarlberg, with the exception of checks of calves at the same time as the annual survey of cattle holdings by the animal health service in Vorarlberg, to programmes to ensure a target of 2% of farms. The CCA indicated that their role is limited in ensuring that checks are carried out. Following the adoption of the

federal legislation in 2005, they have been in contact with the regions to clarify and co-ordinate issues relating to the reports of inspections and there is also a certain amount of pressure on the regions to organise a satisfactory programme of inspections, as the CCA intend to publish these reports.

In both regions visited the CA had a target of 2% of farms to be inspected. Selection of farms for both regions was made by a research institute and currently the sample is stratified by type of animals and size of the farm; a greater percentage of larger farms are selected. Other criteria specified in the legislation (*Tierschutz-Kontrollverordnung BGBl. II Nr. 492/2004*) are not yet included in the selection process. The 2% sample does not include follow up inspections or checks made on the basis of suspicion of non observance. The inspection team noted that where a selected farm has no animals present, another farm in the vicinity is chosen and the change notified to the regional CA.

5.5. Pigs

The use of the regional checklist and recording of the results were discussed at meetings at regional level, and in Lower Austria specific emphasis was given to ensuring that the requirements for castration of pigs and in relation to tail docking were respected.

Regarding the programme of checks, the inspection team noted that:

- There were 11,235 pig farms in Lower Austria in 2005 and programmed animal welfare checks were performed on 135 farms (1.2%), less than the target of 2%. The total number of deficiencies found during these checks was 94.¹⁰
- There were 684 pig farms in Burgenland and 101 out of them were checked in 2005 (14.7%) which is well above the target, seven deficiencies reported were mostly mis-recordings so that almost no deficiencies had been found.

In relation to tail docking and the provision of materials for manipulation, it is a national requirement that farmers carrying out tail docking must document the use of such materials. The objective of the CA is to get documentation from fattening farms to establish whether cannibalism is a problem and to what extent material for investigation and manipulation activities were provided, as required by Directive 91/630/EEC, Annex, Chapter 1, point 4. However, tail docking is generally tolerated by the CA where pigs are destined for fattening farms. The regional CA explained that pigs are marketed by large scale organisations, so a pig producer will not know the destination of the pigs, and therefore it is impossible to know in advance whether to dock or not. An OV in Lower Austria explained that where straw was not compatible with the slurry system, they recommended hanging material such as pieces of wood above the pens and this has resulted in a reduction in problems with cannibalism. During the farm visit the OVs did not ask for this documentation.

¹⁰ *In their response to the draft report, the Austrian Authorities noted that during the random check, the statutory requirements were interpreted in such a way that farms were taken as the total population, 2% of the farms were calculated and a weighting was applied to animal species, and given that 492 checks were actually performed regarding the keeping of pigs, cattle and laying hens, 2% of all farms were checked, broken down according to species.*

Regarding certain other issues, the inspection team noted that:

- In Lower Austria the OV relied on the procedure of building approval and did not assess most floor areas. On the farm visited the plan did not exactly correspond to the actual building, as boar pens had been redesigned and there were two group pens which had not been included in the plan. The OV measured one pen, but a feeding trough, which obstructed the floor area, was included in the measurement. A representative of the regional CA stated that the OVs had been orally instructed not to include such obstructions in measuring floor area. The inspection team noted that guidance on carrying out such checks is included in the new manual.
- OVs and farmers indicated that cutting the cord with a scalpel when castrating pigs does not give a problem with haemorrhage and that the requirement to avoid tearing of tissues was therefore respected (Directive 91/630/EEC, Annex, Chapter 1, point 8). Immediate corrective action had been requested in those cases where pigs had been castrated after the limit of seven days.
- Although attention to sick animals features on the regional checklists and remarks have been made in previous checks in Lower Austria to set up pens for sick animals, during the farm visit minimal attention was given to the care of sick animals. Here a chronically lame sow was kept in a crate and a fattening pig was unable to use its back legs but there was no investigation of whether the level of care provided was appropriate to these conditions.
- The requirement for feeding pregnant sows and gilts with a sufficient quantity of bulky or high fibrous feed was not adequately assessed. Although there were no instructions to OVs on what should be required on this issue, the new CCA manual recommends > 6% fibrous feed in the ration.
- Cases where tethered sows had been detected led to the imposition of an immediate sanction and corrective actions were demanded in parallel with the procedure for sanctioning.
- The alarm system on the farm that was visited in Lower Austria was recently installed, as a result of the OVs' check on the same farm last year, when the farmer was given a deadline to install the alarm.

5.6. Laying hens

Regarding the programme of checks, the inspection team noted that:

- There were 10,282 laying hen farms in Lower Austria in 2005 and programmed animal welfare checks were performed on 82 farms (0.8%) which is less than the target of 2%. The total number of deficiencies found during these checks was 82.
- There were 28 laying hen farms in Burgenland in 2005 and nearly all were checked twice in the year. This high level of checking, much more than targeted, was in response to complaints from a NGO.

The check lists used were quite comprehensive and included most of the requirements from legislation including the requirements for alarm systems where the welfare of animals is dependent on artificial ventilation, but they do not remind the OV to check certain criteria, such as the maximum capacity of the holding. The CA explained that

when giving out the check lists there was a discussion on how the inspections would be performed and recorded, and in particular in Lower Austria the CA indicated that OVs were specifically instructed on measuring cages. Further more comprehensive instructions on measurements are included in the new manual.

The inspection team noted that:

- On neither farm did the OV assess the maximum capacity of the farms and as a consequence the assessment of possible overstocking at the time birds were delivered was not made.
- On both farms OVs tended to rely on the information from the farmer, rather than measuring nesting areas and counting the number of nipple drinkers. Although the CA indicated that there was only one such device between four inspectors, the OV in Lower Austria used a laser device for measuring internal dimensions within the building whereas the OV in Burgenland used a measuring tape, but here the measurements were not performed accurately.¹¹
- There was confusion at the different levels of the CA in relation to which provisions benefited from transitional periods. In Lower Austria the OV indicated that requirements for perches would not be applicable until 2012. In Burgenland the OV was not aware of whether there was a transitional period or not. The CCA later indicated that there was no transitional period for perches and, as required by Directive 99/74/EC, Art. 4.1 1(d), these would be applicable from 1.1.2007.¹²
- The absence of an alarm had not been noted on the checklist for the previous visit of the farm in Burgenland. The OV was satisfied an alarm was not needed as the farmer indicated that there was almost always someone at home; however Directive 98/58/EC, Annex, point 13 requires an alarm to be present where the welfare of the animals is dependent on an artificial ventilation system, which was the case on both farms. Several reports were seen where the absence of an alarm had been detected; however follow-up actions were not always consistent as in Lower Austria a transitional period until 2012 had been permitted, even though the EU legislation does not provide for such a transitional period.
- Regarding mutilations, a case reviewed during the office visits indicated that beak trimming had been carried out after the age allowed in national and EU legislation. Actions taken by the CA resulted in the farmer being sentenced in court.

¹¹ *In their response to the draft report, the Austrian Authorities acknowledges that there was only one laser measuring device shared between four inspectors at the time of the inspection visit; however, they pointed out that a further 25 laser devices have already been acquired, with the aim that every OV has a device for his/her personal use.*

¹² *In their response to the draft report, the Austrian Authorities noted that the confusion regarding the transitional periods can also be attributed to the fact that a new Animal Welfare Act [Tierschutzverordnung] was not issued in Burgenland until 2003 and the transitional periods for this Act still run concurrently with some of the existing Federal regulations.*

5.7. Reporting

Report 1099/2000 recommended that reports sent to the Commission, in accordance with Decision 2000/50/EC, accurately reflect the inspections that have taken place. The new Act on Animal Welfare shifts the responsibility for sending the reports to the Commission from the regional CAs to the CCA. Before that the reports were sent individually from each region and on to the Commission without any input from central level.

For the first time in April this year the CCA contacted the regions to clarify the way the reports were drawn up, as they had been done in different ways in the different regions. The CCA stated that following this they will provide assistance on meeting the reporting requirements and in order to have a more timely overview of the work of the regions they will require the regions to send the reports every year, Decision 2000/50/EC requires a report every two years. In addition it is the CCA's intention to publish these reports.

From the reports seen the inspection team noted that:

- Lower Austria and Upper Austria had reported in the column "Total number" the number of inspections carried out instead of the number of deficiencies and in addition Upper Austria did not report the total number of pig and calves farms.
- Burgenland reported deficiencies which when checked during the mission were found not to be deficiencies.
- Styria reported 120 deficiencies found during the checks and subsequently two sanctions were applied and no advice given; by contrast, in Tyrol, 127 deficiencies were reported and for each of them it was reported that an advice was given or other sanction applied.

In the regions visited it was noted that the results of the checks and follow-up were entered in a computer database which could be accessed via Internet and that summary reports were cross referenced to the checklists and the format allowed data to feed through to the summary sheet and subsequently into the nine categories requested by Decision 2000/50/EC. This system gives a framework for different queries, and this could be interrogated in a fast and user friendly way in Lower Austria; however in Burgenland, the database could not be interrogated as easily and there was a need for a lot of cross checking.¹³

6. CONCLUSIONS

6.1. Legislation

Major progress has been achieved with the adoption of a Federal Act on Animal Welfare and subsequent secondary legislation. This solves the problem with legal gaps which existed at the time of the previous mission when each region had its own

¹³ *In their response to the draft report, the Austrian Authorities noted that deficiencies related to recording in electronic database in Burgenland had already been rectified and the database amended.*

legislation covering this area and there was wide variation in the adoption of EU requirements.

6.2. Competent Authority

- (1) OV's have received an introduction to the new requirements of the legislation during training sessions but this had not been sufficient to ensure that some of the more complex legal arrangements were understood such as in relation to the various transitional periods and also in relation to perching space. A recommendation in Report 1099/2000 to provide guidance or training for inspectors has been acted on in a limited way by regional level; however central level has recently provided more extensive guidance and more thorough training is also planned.
- (2) Although a recommendation from Report 1099/2000 regarding checklists had been acted on by both regions visited and checklists with comprehensive lists of questions relating to the legal requirements had been produced, the phrasing of some questions had contributed to mis-recording of results.
- (3) In the two regions visited the system of supervision of the OV's relies on the data from the computer database. There was variation between the regions in this regard and supervision was insufficient where the database was not fully operational.

6.3. Measures supplementary to inspections

- (1) The procedure whereby experts on animal welfare are consulted prior to granting approval for the construction or renovation of buildings is a good preventative measure to ensure that certain structural norms are respected.
- (2) Stockpersons had appropriate knowledge and courses were available as required by Directive 91/630/EEC, Art. 5a.

6.4. Programme of inspections

- (1) Both regions visited had a satisfactory system of farm selection; however, not all regions have a programme of inspections to ensure checks on a statistically representative sample of pig and calf farms, contrary to Artt. 7 of Directives 91/630/EEC and 91/629/EEC and steps taken by the CCA to remedy this have so far been limited.
- (1) Although criteria for risk based checks, as required by Art. 3 of Regulation (EC) No. 882/2004, are laid down in national legislation, a system to include these criteria in a programme for checks at regional level remains to be developed.

6.5. Pigs

- (1) The target for checks was not met in Lower Austria in 2005; however, the number of deficiencies found here was significantly higher than in Burgenland, which had reached its target. Here the quality of some aspects of the checks is questionable

as the CA had not identified problems with the way information had been recorded.

- (2) Even though the system of operating permits for farms gives a solid basis that the legislative requirements for the buildings are fulfilled, the OV's relied too much on this rather than verifying the actual situation.
- (3) The importance given by the regional CA to issues such as late castration of piglets or tethering of sows has led to good enforcement actions where these requirements had not been respected.
- (4) Attention by the various levels of the CA on the issue of tail-docking, which although still widely tolerated, is allowing some progress to be made in reducing it through the provision of manipulative materials. However, certain other requirements, apart from being listed on checklists, have not been adequately clarified or emphasised and as a result the requirement for bulky or high fibrous feed for pregnant sows was not assessed and variable actions were taken in relation to sick animals.

6.6. Laying hens

- (1) The targeted level of checks was not met in Lower Austria. However, the number of deficiencies found during the checks in Lower Austria was significantly higher than in Burgenland, which suffered from the same problem as with the pig sector in relation to the recording of inspection results.
- (2) Inspections were satisfactory for most of the criteria, although measurements were more accurate in Lower Austria than in Burgenland and for certain criteria verifications were either not made or this was inaccurately done. Guidance has been limited to date but the new manual provides OV's with more practical details on the various requirements.
- (3) In relation to perches, the CCA interpret their legislation so that part of the perching space should be raised above the floor.
- (4) Where major deficiencies have been detected actions have been taken, in relation to issues which are of less immediate consequences but nevertheless have significant implications for animal welfare, such as an alarm to indicate failure of a ventilation system, follow-up actions were not always consistent.

6.7. Reporting

- (1) There has been some progress with the system of reporting from Report 1099/2000, in particular with the development of databases for this purpose. Where these were operational they allowed not only accurate reporting but a certain level of supervision to be carried out. The usefulness of such databases has been undermined where inputting of data has been incorrect.
- (2) Co-ordination and advice on reporting from the CCA is relatively recent and has not yet been effective in harmonising the approach in the different regions to meet the requirements of Decision 2000/50/EC. The current situation has resulted in a certain amount of errors such as over-reporting, mis-reporting or under-reporting of the results of the inspections.

6.8. Overall conclusion

Significant progress has been made since Report 1099/2000 with the adoption of national legislation which did away with the necessity of each region having to independently adopt legal provisions and which provides a more significant role for the central Competent Authority with regard to training and co-ordination of the reports on the outcome of inspections by the regions, areas where there have been significant non-compliances. Since the adoption of the Federal Act on Animal Welfare the programming of checks has also begun to be more adequately carried out by the regions. Where regional Competent Authorities have prioritised issues for enforcement effective measures have been imposed, but checks have not always been sufficient to ensure that all requirements were adequately assessed. It is too early to assess the effect of the new manuals and checklists provided by the central Competent Authority, but these could help to fill gaps in the instructions provided by regional level and result in better enforcement of the requirements for the welfare of animals on farms.

7. CLOSING MEETING

A closing meeting was held on 8 September 2006 with representatives of the CCA and regional CAs. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. The representatives of the CA had no comments on the presentation and stated that they will provide written comments to the draft report when received.

8. RECOMMENDATIONS

To the competent authorities of Austria

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 take measures to ensure that:

- 1) Each region establishes a programme for inspections as required by Artt. 7 of Directives 91/629/EEC, 91/630/EEC and Art. 8 of Directive 99/74/EC. In addition there should be inspections which are based on identified risks, as required by Art. 3 of Regulation (EC) No. 882/2004.
- 2) Inspectors are familiar with the requirements of national legislation in particular in relation to any transitional periods for requirements and that sufficient guidance or training is provided to allow adequate assessment of each requirement, as required by Art. 6 of Regulation (EC) No. 882/2004.
- 3) There is adequate verification of the effectiveness of inspections and any corrective actions taken as required by Art.8 3 of Regulation (EC) No. 882/2004.
- 4) Infringements and actions taken are accurately reported as required by Decision 2000/50/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/food/fvo/ap/ap_austria_8049_2006.pdf