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DG(SANCO)/8052/2006 – MR Final

FINAL REPORT OF A MISSION  
CARRIED OUT IN IRELAND  
FROM 29/09/2006 TO 06/10/2006  
TO REVIEW THE SYSTEM OF CONTROLS  
CONCERNING ANIMAL WELFARE ON FARM

*Please note that factual errors have been corrected following the comments made by the Irish Competent Authorities to a draft version of this report. Clarifications provided by the Competent Authorities 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 Ireland, from 29 September to 6 October 2006.*

*The main objective of the mission was to verify the implementation of EU animal welfare legislation applicable to pig, calf and laying hen farms and to follow up the recommendations from report 3383/2001 on the same subject. The mission also assessed how measures taken in relation to checks of the welfare of animals on farms have been integrated into the requirements for control laid down in Regulation (EC) No. 882/2004.*

*Commitments given following the previous mission were implemented and as a result legislation was amended, considerable information provided to the sectors and training to inspectors. The CA had also taken measures to implement Directive 99/74/EC and amendments to Directive 91/630/EEC, which entered into force since the previous mission. Guidance provided by the CCA to inspectors in this regard was generally sufficient, with the exception of issues such as perches for laying hens, where guidance was lacking, and the area in cages with extended fronts, where it was inaccurate.*

*The system of recording and reporting the outcome of inspections has improved; however, as there were limited procedures to verify the effectiveness of controls, inspections and follow-up actions were not always satisfactory.*

*Co-operation between the services of the CCA is generally good, but coordination was not yet sufficiently effective between the Animal Health and Welfare Division and the Poultry and Eggs Section of the Meat Policy Division, which have worked more closely together since the implementation of Directive 99/74/EC.*

*The report makes a number of recommendations addressed to the competent authorities of Ireland, 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 Ireland from 29 September to 6 October 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 legal advisor from the Directorate General Health and Consumer Protection (DG SANCO)/D2.

An opening meeting was held on 29 September 2006 with representatives of the central competent authority, the Department of Agriculture and Food (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 a representative of the CCA and by representatives of the local Competent Authorities (hereafter: local CAs).

## 2. OBJECTIVES OF THE MISSION

The primary objective of the mission was to verify the application of EU requirements in the field of animal welfare in relation to the keeping of animals on farm. The scope included the legal and administrative measures in place regarding requirements for pigs, calves and laying hens. A secondary objective was to follow-up the actions taken to address the recommendations made in a previous report with the same subject (ref. DG(SANCO)/3383/2001, hereafter: report 3383/2001).

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 in Dublin.
	Regional and Local (district)	2	Meetings with Regional and District Veterinary Officers of the Animal Health and Welfare Inspectorate (hereafter: regional CAs and local CAs, respectively) in the South-West and North-West Regions.
Holdings with pigs		2	One holding in each region visited. Both farms were selected by the inspection team from lists provided by the CCA.
Holdings with calves		2	One holding in each region visited, selected by the inspection team from lists provided by the CCA.
Holdings with laying hens		2	One holding in each region visited. One with hens kept in unenriched cages and one alternative system, which were selected by the inspection team from lists provided by the CCA.

## 3. BACKGROUND

A previous FVO mission to Ireland concerning animal welfare on farm was carried out in 2001 (ref. DG(SANCO)/3383/2001).

Report 3383/2001 concluded that the late transposition of all the relevant EC Directives represented a risk of a substantial number of holdings not being in

compliance. The inspections carried out by the CA during the mission were generally performed in a competent way. However, there was a lack of emphasis on avoiding unnecessary suffering, in particular on pig farms. The system of recording inspections was generally satisfactory. A well co-ordinated system of follow up had been adopted where extreme deficiencies had been detected; however follow-up of the more commonly occurring deficiencies was less satisfactory. The industry had not been adequately informed of certain legislative requirements by the CCA.

The CCA action plan satisfactorily indicated how the recommendations of report 3383/2001 would be addressed. The actions taken by the CCA are indicated at the relevant sections of the present report.

#### **4. LEGAL BASIS FOR THE MISSION**

The mission was carried out under the general provisions of Community legislation<sup>1</sup> and in particular Article 9 of Council Directives 99/74/EC<sup>2</sup>, 91/629/EEC<sup>3</sup> and 91/630/EEC<sup>4</sup> respectively; Article 7 of Council Directive 98/58/EC<sup>5</sup> and Article 45 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council<sup>6</sup>.

#### **5. MAIN FINDINGS**

##### **5.1. Competent authority**

###### Structure and responsibilities

The CA for animal welfare is described in report 3383/2001, available under its reference number at the DG SANCO website:

[http://ec.europa.eu/food/fs/inspections/vi/reports/ireland/index\\_en.html](http://ec.europa.eu/food/fs/inspections/vi/reports/ireland/index_en.html)

With respect to the description in report 3383/2001, relevant changes made in the past five years include the following:

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

<sup>2</sup> Council Directive 1999/74/EC of 19 July 1999, laying down minimum standards for the protection of laying hens, OJ L 203 of 3.8.1999, p. 53 (hereafter: Directive 99/74/EC).

<sup>3</sup> Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves, OJ L 340 of 11.12.1991, p. 28 (hereafter: Directive 91/629/EEC).

<sup>4</sup> 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).

<sup>5</sup> Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221 of 8.8.98, p. 23 (hereafter: Directive 98/58/EC).

<sup>6</sup> 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 of 30.04.2004, p. 1. Corrected and republished in OJ L 191, 28.5.2004, p.1 (hereafter: Regulation (EC) No. 882/2004)

- In July 2006 all the competences for animal welfare, except animal welfare at slaughter, have been brought under the Animal Health and Welfare Division of the CCA.
- One additional district veterinary office has been created in 2004; currently there are 28 local CAs in the Country.

#### Collaboration with other authorities or services

The CCA is assisted with advice, upon request, by the Farm Animal Welfare Advisory Council (FAWAC), which has representatives from all the significant stakeholders and provides advice in relation to EU and national legislation or any other farm welfare issues, and has produced guidelines and booklets for farmers concerning animal welfare in different species.

The Poultry and Eggs Section of the Meat Policy Division of the CCA is the competent authority in charge of registration of holdings with more than 350 laying hens (Commission Directive 2002/4/EC<sup>7</sup>). Inspections of egg producers in relation to egg marketing regulations are performed by Technical Agricultural Officers (TAOs) from the Poultry and Eggs Section. The CCA indicated that there is no formal mechanism to exchange information between the two authorities involved. A representative from the Meat Policy Division explained that if animal welfare deficiencies are detected by officers from the Poultry and Eggs Section, the information is firstly passed to their hierarchy, who in turn inform the Animal Health and Welfare Division who subsequently inform the local veterinary CA and that all of this is done over the telephone.

Cross compliance checks are under the responsibility of the Integrated Controls Division of the CCA. A representative from the CCA indicated that cross compliance checks for animal welfare will be organised after 1.1.2007, as required by Council Regulation (EC) No 1782/2003<sup>8</sup>.

In 2004 an animal welfare early warning system was set up by the CCA to deal with cases of neglect which have mostly arisen for social or economical reasons. A steering group at central level includes representatives from the various stakeholder groups. Representatives and contact persons at local level were nominated at the beginning of 2006. The CCA indicated that they have received a good feedback from the regional CAs on its effectiveness.

#### Training and procedures for official veterinarians

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<sup>7</sup> 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 of 31.1.2002, p. 44 (hereafter: Directive 2002/4/EC).

<sup>8</sup> Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001, OJ L 270, 21.10.2003, p.1.

Training of official veterinarians (OVs) is organised by the CCA as required by Article 6 of Regulation (EC) No. 882/2004, and includes both induction and refresher courses. The CCA indicated that additionally, every year a number of OVs attend specific animal welfare courses outside of Ireland. Attendance is on a rotation basis and those who attend are expected to share their experience with their colleagues. Four out of five OVs met had received on-the-job training.

There are specific inspection forms issued by the CCA for calves, pigs and laying hens (cage and alternative systems) and one general on farm welfare inspection form for carrying out routine visits and investigations for all species kept for farming purposes and covered by Directive 98/58/EC. Animal welfare inspection reports are entered into a specific database that can be consulted by all the levels of the CA. Inspection forms, relevant legislation, instructions and guidelines produced for farmers and presentations given during the training are available through the CA's intranet.

Following the detection of deficiencies, in addition to discussing the issue with the farmer concerned, actions available to OVs include:

- Sending an official letter to the farmer indicating the deficiencies and deadline for remedial actions;
- Serving a notice which within the Irish administrative and legal framework is a stricter demand for corrective action by the CA as it allows the possibility to later impose a legal sanction. Failure to comply with a notice may lead to a fine of up to €2,500 and/or imprisonment.
- To work in co-operation with the Police and the Department of Justice in cases of serious animal welfare offences.

Nationally in 2004, there were 16 legal notices served or legal actions taken resulted in a court case. By way of example of the types of cases which resulted in legal actions, each regional CA visited had been involved in a court case in 2005 concerning cattle farms, where there had been major problems with the management of the animals.

#### Verification procedures and audits

Local CAs and regional CAs report monthly to their superior level on the activities carried out by their OVs. The CCA explained that in relation to animal welfare inspections the current system of supervision is based on a periodical review of the number of inspections achieved. This is made both at local and regional levels, where there is monitoring of the number of inspections which have been entered in the database. The results are discussed at the quarterly meetings organised at both local and regional levels. The CCA highlighted that supervision on the activities of individual OVs is performed by organising joint inspections with the participation of the director of the local CA and occasionally a representative from the CCA. However in both regions visited, the regional CAs pointed out that supervision was based on monitoring the achievement of targets set for the local CA and not on the performance of joint inspections.

The CCA indicated that the current auditing system is under review and a system of internal audits, which will assess the full range of official veterinary controls as required by point 6 of Article 4 of Regulation (EC) No 882/2004, is not yet operational.

## **5.2. Legislation**

The CCA informed the inspection team that the relevant EU legislation is incorporated into national legislation. Two legal transposition deficiencies identified during mission 3383/2001 have been corrected as follows:

- The deadline for requirements for calf pens passed into national law in January 2002 and required all facilities to be compliant by December 2003.
- Concerning the lighting regime for pigs an amendment was made which specifically requires that light be provided for ... ‘at least eight continuous hours each day’.

Although a comprehensive check of the national legislation was not carried out, several issues were identified from a review of a selection of legal texts:

- The use of tethers for sows and gilts is allowed for examination, tests, treatment or operations carried out for veterinary purposes, for service and for artificial insemination. This was also mentioned in the booklets with advice for the pig sector provided by the CCA and in the training courses. In one of the farms visited the farmer justified the presence of tethers indicating that he used them during artificial insemination. Article 3(3) of Directive 91/630/EEC prohibits tethering in all situations.
- The CCA explained seeming contradictions in the requirements for the castration of pigs, where in one piece of legislation castration without anaesthesia is allowed up to two months of age whereas a more recent piece of legislation only allows it until the seventh day of life, as required by point 8 of Chapter I of the Annex to Directive 91/630/EEC. Although the older act should have been withdrawn when the newer one was enacted, in such a situation the newer act would be the only valid one. In any case, castration of pigs is not routinely carried out in Ireland.
- Concerning alternative systems for laying hens, the headroom between levels must be 54 cm according to national legislation, which is more generous than the minimum distance of 45 cm required in Article 2(d) of Directive 99/74/EC. A representative of the CCA indicated that it was possibly an error in transposition, but that in any case, they were not aware of any problems in implementing the higher requirement.

## **5.3. Measures supplementary to inspections**

The CCA have taken several initiatives to inform farmers on animal welfare requirements, such as meetings with sectors’ associations, publication of advertisements on newspapers, notification of letters to individual farmers, production and distribution of information booklets and guidelines.

Article 5a of Directive 91/630/EEC requires Member States to ensure that appropriate training courses, which include welfare standards for pigs, are available. In 2003 the CCA obtained an agreement with *Teagasc*<sup>9</sup> to organise this training through their network of local offices. Between November 2003 and May 2006 28 one-day workshops were held. The training material provided was quite comprehensive and dealt in some detail with the requirements of Directive 91/630/EEC, providing useful guidance. The trainers indicated that a high proportion of the persons responsible for the larger pig farms had taken part in these workshops.

Regarding the laying hen sector, 91% of egg producers participate in a Quality Assurance Scheme. It was noted that the standard of this scheme were last revised in 2004, but were not updated with all the current EU and national requirements. As an example, claw shortening devices are not required; stocking densities for certain alternative systems are higher; there is no requirement for a minimum of 250 cm<sup>2</sup> of littered area per hen; the length of feeder per bird is lower; in relation to perches, in barn systems this is only required for 55% of the flock, while in free range systems perches are only required if birds do not have access to a scratching area or veranda on a continuous basis. Official controls are required to include activities such as controls put in place by food business operators (Regulation (EC) No 882/2004, Article 10(2)(a)).

#### **5.4. Programme of inspections**

The CCA explained the approach to inspections:

- Targets for inspections are established annually by the CCA, assigning a number of inspections to be carried out by each local CA. These figures, which have remained the same since 2004, take into account the number of holdings for each species and the farming systems that are characteristic of the area of each local CA.
- Following a recommendation in report 3383/2001 to take measures to ensure that the selection of farms meets the requirements of Article 7 of Directives 91/629/EEC and 91/630/EEC, the CCA instructed the local CAs to visit both the most intensive systems and the small-medium sized units in order to obtain a statistically representative sample of farms.
- Although in some cases checks may be exclusively for animal welfare, often checks were carried out in conjunction with other checks, as allowed by Article 7(1) of both Directives 91/629/EEC and 91/630/EEC, to maximise the use of resources. At local level it is up to the OV to select the holdings for inspection. Inspections of intensive holdings incorporate a check of medical treatments to ensure animal welfare issues are not being disguised by excessive or irregular usage of medicines.

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<sup>9</sup> *Teagasc* is the Irish Agriculture and Food Development Authority, a national body providing training, research and advice for the Agri-Food Industry in Ireland. It is a semi-state organisation established under legislation enacted by the Irish government. The 11 member Board is appointed by the Minister for Agriculture and Food and has representatives from the farming organisations, the food industry, the universities, the Department of Agriculture and Food, and from *Teagasc* staff.

- Routine inspections are usually announced, while inspections following complaints and follow-up visits are carried out without prior announcement. Article 3(2) of Regulation (EC) No 882/2004 requires checks without prior warning unless it is necessary to notify the food business operator for checks such as audits.
- The current inspection policy is under review to take account of Article 3 of Regulation (EC) No 882/2004 which requires risk based checks. A pilot project is ongoing in one local CA to identify at risk cattle farms using different sources of information: knackery returns, laboratory reports, background history, type and size of enterprise, compliance with identification and registration of animals.

In both regions visited the regional CAs pointed out that for budgetary reasons OVs are encouraged to adopt a multitask approach to inspections. In particular as cattle farms are visited several times a year for other reasons animal welfare is usually included in some of these checks. The criteria applied for selection of farms include their previous welfare history, the number of animals, the type of animals present on the holding or the method of farming system used (intensive or extensive production).

Following a review of the results of inspections by region, the inspection team noted that:

- In the South-East region in 2005, although 15 infringements were detected on 28 pig holdings (c. 54% infringement rate), no infringements were detected from 120 inspections of holdings with calves and four inspections of holdings with laying hens.
- The average infringement rate in the other three regions was c. 100% in the pig sector, c. 13 % of calf holdings and c. 30% of laying hen holdings in 2005.

The CCA, having identified these regional differences, were not in a position to offer an immediate explanation, as a final conclusion had not been reached as to their significance, or otherwise, at that time.

## **5.5. Pigs**

Slightly more than 8% of pig holdings have been inspected each year in the whole country.

In the South West region, 108 out of 632 (17%) holdings had been allocated for inspection and 61 inspections were carried out in 2005 (9.6% of holdings). The regional CA explained that the target had not been met due to the unanticipated demands in relation to surveillance for Avian Influenza, but that good progress had been subsequently made during the first three quarters of 2006: for example, 20 of the 25 checks allocated in the district visited had already been carried out in the first nine months of 2006.

In North-West region in 2005, 36 out of 415 (8.7%) holdings had been allocated for inspection and 32 (7.7% of holdings) had been performed. In

the district visited, where there were 93 holdings, the CA had carried out three inspections (3.2%), instead of the five allocated (5.4%).

In both districts (where half of the farms were small units) the local CA indicated that in selecting farms more attention is given to checking the bigger units, holdings not yet visited and account is also taken of their previous history.

#### Guidance and training

A recommendation from report 3383/2001 highlighted the need to provide support to OV's on the course of action to take when deficiencies are detected. The training on inspections in pig farms offered by the CCA in the past three years was comprehensive and included also issues such as care of sick and injured pigs and corrective measures and a discussion of the findings of mission 3383/2001.

The inspection form issued by the CCA was updated in 2004. This inspection form is generally comprehensive but does not highlight two specific requirements: the provision of material for manipulation and investigation (Chapter I, point 4 of the Annex to Directive 91/630/EEC); the provision of bulky or high fibre food and high energy food for pregnant sows and gilts (Article 3(7) of Directive 91/630/EEC). These two issues however have been further explained during training and are detailed in the information booklet produced by the CCA and distributed to farmers. During the farm visits in both local districts, the OV's sometimes referred to the checklist provided by the CCA but also used either the information booklet issued by the CCA or the national legislation as an aide-memoire during their inspections.

In relation to materials for manipulation by sows and gilts, according to Article 3(5) of Directive 91/630/EEC this is applicable only to holdings built/rebuilt or brought into use for the first time after 1.1.2003 and is applicable to all holdings after 2013; however, point 4 of Chapter I of the Annex to the same Directive requires such materials to be provided to all categories of pig. Following Article 3(5), in relation to sows and gilts, the CCA indicated, in both their information booklet and in training, that where sows and gilts are kept in buildings which were in use before 1.1.2003, such materials do not have to be provided until 2013<sup>10</sup>.

- In the farm visited in the South West region, the OV did not notice that material for manipulation and investigation was lacking for all categories of pigs (Chapter I(4) of the Annex to Directive 91/630EEC). While in the North West region the OV, who did not strictly follow the checklist, noted that only some materials were available to some categories of pigs.
- In one farm the OV, who had received on the job training but had not attended any formal training course, identified two major problems concerning the killing of sick pigs, as required by Article 12 of Directive

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<sup>10</sup> *In their response to the draft report, the Irish Authorities noted that the apparent anomaly within EU legislation was notified by Ireland to the Commission in Dec 2002/Jan2003.*

93/119/EC<sup>11</sup>, i.e. the bad state of maintenance of the captive bolt pistol and the fact that euthanasia was carried out twice a week on fixed days, regardless of the condition of the animals. However, he did not stress to the farmer that a captive bolt pistol alone is insufficient to ensure the killing of an adult pig, whereas the CCA had adequately highlighted during training that for such a method to be used for killing, it had to be followed by bleeding or pithing.

- On both farms visited, although obstructions in the pens did not result in the minimum space requirements being infringed, measurements of pens did not take into account the areas obstructed by feeding and drinking equipment. Article 3(1) of Directive 91/630/EEC indicates minimum unobstructed floor areas, and the area occupied by such equipment should therefore not be included. In North West region, in one case, out of the eight files reviewed of infringements previously detected by the CA, insufficient floor space had been detected and a letter had been sent to the farmer to rectify this deficiency.
- Regarding the farm visited in the North West region, a previous inspection of this farm by the CA in July 2005 had not identified deficiencies such as the general bad state of repair (point 9 of the Annex to Directive 98/58/EC), insufficient light (point 11 of the Annex to Directive 98/58/EC and Chapter I(2) of the Annex to Directive 91/630/EEC) and the insufficient space allowance for the boar (Chapter II(A) of the Annex to Directive 91/630/EEC). A review of previous checks of other holdings in this region indicated that such issues, i.e. poor state of repair of buildings or insufficient space for boars had been detected on other farms and corrective actions had been requested. In this district, the CA had also found a case where buildings had been poorly maintained and repair work had been subsequently requested and started.

In relation to actions taken when deficiencies had been identified, it was noted that:

- No notices were served in relation to the 139 infringements detected in the entire country in 2005; either oral advice was given or a letter was sent to the farmer. In South West region two notices had been served in 2006, both related to the major deficiency of keeping pregnant sows tethered. In North-West region no notices had been served for this period. Although this was not normal practice, a notice was served regarding the deficiencies detected during each farm visit carried out for the purposes of this mission.
- Oral advice was given in South West and no written notification was given to the farmers, contrary to Article 54(3) of Regulation (EC) No. 882/2004, and follow-up visits were not consistently made. In North-West remedial actions and deadlines were routinely indicated in a letter to the farmer and follow-up visits were carried out.

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<sup>11</sup> Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, OJ L 340, 31.12.1993, p 21

## 5.6. Calves

In response to a recommendation in report 3383/2001 to inspect a statistically representative sample of the different farming systems (Article 7 of Directive 91/629/EEC), the CCA had provided an instruction to the local CA to ensure that a statistically representative sample of the holdings were covered, so that although priority should be given to the larger units, the small-medium sized units should also be included. Farms are still selected by the OVs themselves and the regional CA in South West indicated that animal welfare inspections are mostly carried out while performing other visits. The outcome of checks was as follows:

- Slightly more than 0.8% of holdings with calves had been checked in the whole country each year.
- In North-West region checks of c. 8% of holdings were allocated and the local CAs had achieved more than this target.
- In South West region, where there are many more cattle holdings, 1.8% of holdings had been scheduled for an inspection, but 16% fewer checks were carried out.
- Both local offices visited were representative of their region in this regard.

In response to a recommendation in report 3383/2001, to provide assistance to OVs on the course of action to take when deficiencies are detected such as unsuitable accommodation and tethering of calves, two training sessions in 2004 and in 2006 concerned calf welfare inspections. A specific inspection form for calf holdings was updated in 2004. In relation to checks carried out it was noted that:

- At national level in 2004 11 legal notices were served or legal actions taken in court. In 2005, notices were served in three cases, two in South West and one in North West, and sanctions were imposed.
- Both OVs used the national legislation as guidance to ensure all requirements were checked and thorough inspections were carried out on both farms visited, and although not normally issued for the type of deficiencies seen, both OVs served a legal notice requiring corrective action.
- In both regions the actions taken in response to complaints from the public or the Police had been effective. The local CA not only took steps in relation to administrative and legal steps, but also to ensure that animals were adequately cared for, with written information provided to farmers and frequent follow-up visits to monitor the situation.
- A review of files of programmed checks in the regions visited indicated a difference in approach regarding the actions taken when deficiencies were detected. In North-West a request for corrective action was made in writing and follow-up visits were consistently carried out, whereas in

South West only oral recommendations were given and follow-up visits were not as consistently performed.

## **5.7. Laying hens**

### Registration of holdings

Although the register is available to OV's from the Poultry and Eggs Section of the CCA upon request, this information was not available to OV's for their inspections. The inspection team noted that the register was inconsistent in relation to several issues:

- Different maximum capacities had been established by the OV's and the Poultry and Eggs Section of the CCA for four farms out of six of one district, and four out of nine farms in another district visited.
- One farm still registered had not been operating for several months, whereas another operational farm had been taken out of the register in error.
- The maximum capacity indicated in the register for one farm was 10,000 birds, whereas this did not reflect the actual capacity of 14,000 birds, which had been recorded at both TAO and OV inspections. Point 1 of the Annex to Directive 2002/4/EC requires that the maximum capacity of the establishment is registered and Article 1(4) of this same Directive requires that changes concerning registered data are notified and the register updated immediately.

### Inspections

In response to a recommendation in report 3383/2001 to provide assistance to OV's on actions to take when deficiencies are detected, several instructions were issued by the CCA to remind OV's on the requirements of Directive 99/74/EC and on the actions to be taken following identification of deficiencies, in particular:

- Specific inspection forms, one for caged systems and one for alternative systems, were issued and training on the performance of inspections of the different systems for keeping laying hens was organised in 2004, 2005 and 2006.
- A note from 2003 outlined the procedures to be followed when overstocking was detected and pointed out that a notice should be served and a follow-up visit organised. Another note indicated that, although it is up to the producer to find a solution to overstocking problems, the requirement can be achieved either by reducing the number of birds or by fitting an extended cage front, if possible, depending on the type of cage.
- In relation to perches, representatives from the Poultry and Eggs Division indicated that perches integrated into slatted surfaces are considered adequate; however, representatives from the Animal Health

and Welfare Division pointed out that they had not yet provided any interpretation to their OV's on this issue.

In South West region the target allocated by the CCA to the seven local CAs in 2005 was for 15 inspections out of 31 farms (the proportion of alternative and cage farms being adjusted so that they were representative of the local production systems); however only two thirds of the scheduled inspections were completed. In the district in the South West, three of the six holdings had been inspected, as targeted, in 2005 and all six farms had been inspected in 2006, in the two months prior to this mission.

For the 24 farms in North West region, 11 inspections were allocated, but less than one third were carried out. Of the nine farms in the district visited, the target for 2005 was to do two inspections, and one was carried out.

In relation to the checks carried out it was noted that:

- At national level, in 2004, following 35 inspections, seven infringements were detected and sanctions were imposed in two cases. In 2005, there were 56 inspections, with 11 infringements and no sanctions. In South West region 10 inspections were carried out in 2005, with six infringements detected, which were followed by oral advice. In the district visited in this region, problems such as lack of medical records and lack of alarms and back-up equipment for ventilation systems were detected in 2006 and oral advice was given and follow-up visits had been performed. In North West region three infringements were detected following three inspections carried out in 2005 and oral advice was given. One farm where illegal mutilations had been detected subsequently closed down.
- During the visit to a farm with caged birds, the inspection by the OV was generally thorough; however the CA considered that an extension to the front of the cage provided additional cage area. The inspection team did not accept that the area in the extension could be considered as cage area, as it only provides space above the level of the feeding trough and it is without a floor area. If it were considered to provide additional cage area, then this would have to be at least 35 cm at any point, which it was not, contrary to Article 5(4) of Directive 99/74/EC. According to a representative of the CCA, such cages are present on c. 80% of farms with caged systems and significant grants were provided to the sector in the late 90s to upgrade cages in this way, as it was envisaged that this would meet the new space requirements in advance of the introduction of the requirements of Directive 99/74/EC. As a consequence of this modification the number of birds per cage had not been changed from that prior to the entry into force of Directive 99/74/EC<sup>12</sup>.
- During the visit to the alternative system, the OV, who had not attended a training course but had received on the job training, was unable to

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<sup>12</sup> Council Directive 88/166/EEC of 7 March 1988 complying with the judgement of the Court of Justice in case 131/86 (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens kept in battery cages), OJ L 074 of 19.03.1988 p. 83

make conclusions on whether the requirements had been respected without seeking further expert advice, and none of the levels of the CA present could clarify whether all requirements had been met, and a telephone call was made before the conclusions were presented. In any case, regarding the usable area, this had been calculated including areas which were not always available to birds (so-called winter gardens) and it was the inspection team that concluded that it was insufficient for the number of hens housed. Article 2(d) of Directive 99/74/EC indicates that areas not always available to the birds, e.g. nesting area, should not be included in usable area.

- Regarding perches, in one local CA an inspection report of a holding indicated that perches were insufficient. Although it had been noted that these would have to be increased, this was not recorded as an infringement. In the farm visited, when this was approved in December 2005 a TAO included areas of the slatted floor when calculating perches. However, an inspection by a TAO in September 2006 had only included the three-dimensional perches, with the result that the perching area was only two thirds of that indicated in the approval. During the visit the OV also measured only the three-dimensional perches and concluded that these were insufficient, and served a notice.

## **5.8. Reporting**

Decision 2000/50/EC<sup>13</sup> requires Member States to report 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 have put in place a system that includes:

- Inspection forms, that must be used by the OVs; such inspection forms have been designed to be compatible with the animal welfare inspections database;
- An animal welfare inspections database, where data from the handwritten inspection forms must be entered, including infringements, comments, date of follow-up visit if necessary, notices served and other possible outcomes from the inspection;
- An automatic summary produced from the database, where the 30 infringements listed in the inspection forms are grouped into the nine categories of infringements listed in the Annex to Decision 2000/50/EC.
- A manual on the use of this database is available to all staff through the CA's intranet web pages and has been the subject of specific training organised by the CCA in 2004 and in 2005.

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<sup>13</sup> Commission Decision 2000/50/EC of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes OJ L 19, 25.01.2000, p. 51 (hereafter: Decision 2000/50/EC). From 1 January 2008 Commission Decision 2000/50/EC will be repealed and Decision 2006/778/EC of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes OJ L 19 L 314 15.11.2006, p.39 will be applicable.

In reviewing files of infringements in both regions it was found that the data had generally been satisfactorily inputted, however, minor inconsistencies were noted:

- In South-West region, the lack of an alarm for automated ventilation systems, which is required by point 13 of the Annex to Directive 98/58/EC, had not been recorded on the database as an infringement but the deficiency had been indicated in the comment box, with the result that this was lost in the summarised information.
- In North-West region, one OV had recorded in the database that the lack of an alarm for a natural ventilation system was an infringement. However point 13 of the Annex to Directive 98/58/EC only requires such an alarm where the health and well being of the animals is dependent on an automatic ventilation system. The other levels of the CA had not picked up this error, and indicated to the inspection team that perhaps this point had been badly phrased in the inspection form.

## **6. CONCLUSIONS**

### **6.1. Competent Authority**

- (1) There is adequate exchange of information and good co-operation with most other services within the CCA, although the coordination between the Animal Health and Welfare Division and the Poultry and Eggs Section of the Meat Policy Division was not sufficiently efficient and effective, as required by Article 4(5) of Regulation (EC) No. 882/2004.
- (2) Adequate training and guidance had been provided by the CCA, as recommended in report 3383/2001 and as required by Article 6 of Regulation (EC) No 882/2204. However, the dissemination of this information through on-the-job training was not always effective.
- (3) Although training does contribute to the quality and consistency of official controls as required by Artt. 4.2(a) and 4.4 of Regulation (EC) No 882/2204, procedures for the verification of the effectiveness of inspections and corrective actions were not sufficient to meet the requirements of Article 8(3) of the same Regulation. In particular, as supervision was generally limited to assessing whether targets had been met, the various levels of the CA had not sufficiently identified inconsistencies in providing written notification of deficiencies, or follow-up actions and its subsequent reporting and were unable to explain major regional differences in the outcome of inspections.
- (4) Internal audits of controls of animal welfare on farms have not been planned, as the CCA is reviewing its system to implement the requirements of Article 4(6) of Regulation (EC) No. 882/2004 in relation to all activities covered by this Regulation.

## **6.2. Legislation**

- (1) As recommended in report 3383/2001, the CCA have corrected the two legal gaps in relation to lighting regimes for pigs and accommodation for calves.
- (2) Exemptions to the prohibition of tethering sows and gilts are allowed under Irish legislation, whereas Article 3(3) of Directive 91/630/EEC prohibits the use of tethers in all situations. The potential abuses of such exemptions by farmers are difficult to control.

## **6.3. Measures supplementary to inspections**

- (1) The initiatives taken by the CCA to keep stake holders informed of legal requirements and involve them in advisory bodies provides good dissemination of information on the legal requirements.
- (2) Appropriate training courses, and written guidance, have been made available in relation to the welfare of pigs, as required by Article 5a of Directive 91/630/EEC.
- (3) As standards referred to in a quality assurance scheme for the laying hen sector, where there is a high participation by egg producers, were not always sufficient to meet EU requirements, this could mislead such producers regarding the minimum standards which apply and Official controls had not sufficiently included the scheme put in place, contrary to Article 10(2)(a) of Regulation (EC) No 882/2004.

## **6.4. Programme of inspections**

- (1) The instruction issued by the CCA in response to a recommendation in the previous report has helped to achieve checks of a statistically representative sample of calf and pig farms, as required by Article 7(1) of both Directives 91/629/EEC and 91/630/EEC.
- (2) Article 3(2) of Regulation (EC) No 882/2004 requires checks to be carried out without prior warning and targeted inspections were carried out without prior announcement. Although routine checks are announced, Article 3(2) of Regulation (EC) No 882/2004 allows a derogation to notify the person being inspected for checks such as audits, and it may be acceptable to extend this derogation to routine farm checks in order to maximise the use of resources.
- (3) Although a risk analysis has not been established as part of the programming of farm inspections, steps are being taken to meet this requirement of Article 3(1) of Regulation (EC) No. 882/2004.

## **6.5. Pigs**

- (1) In response to a recommendation in the previous report, comprehensive training and guidance has been made available to OV's, so that the quality of checks was overall satisfactory. However, certain requirements were still not adequately checked such as the provision of bulky or high fibre and high energy food for pregnant

sows and gilts (Article 3(7) of Directive 91/630/EEC) and material for manipulation and investigation (Chapter I(4) of the Annex to Directive 91/630EEC). Although these aspects were highlighted during training, they were absent from the checklist used by the inspecting veterinarians, and the on the job training provided had been insufficient to adequately cover all such aspects of inspection.

- (2) Adequate actions were taken for major deficiencies, such as where tethered systems for sows were in use and as required by Article 55(1) of Regulation (EC) No. 882/2004, but in general follow-up visits were less consistently made in South West as compared to North West, which indicates that procedures were not always adequate to ensure effectiveness of controls and corrective actions, contrary to Article 8(3) of Regulation (EC) No. 882/2004.

## **6.6. Calves**

- (1) Inspections were generally organised so that a statistically representative sample of the different rearing systems were covered, as required by Article 7 of Directive 91/629/EEC, and which meets a recommendation made in the previous report. The targets for inspection were better achieved in North West than South West, although the latter region had a higher number of farms to inspect.
- (2) The training and guidance provided to OV's, as required by Article 6 of Regulation (EC) No. 882/2004, contributed to satisfactory inspections of farms with calves, with appropriate follow-up actions. In particular effective actions had been taken where there were major problems with the herd management.

## **6.7. Laying hens**

- (1) Insufficient exchange of information between the two authorities involved in inspections of this sector, particularly in relation to access to database information, had resulted in changes concerning registered data not being notified and the register not being updated, contrary to Article 1(4) Directive 2002/4/EC, and had led to different, sometimes erroneous, conclusions regarding the maximum capacity of establishments.
- (2) The actions taken by the CCA in response to a recommendation in report 3383/2001 and actions subsequently taken following the transposition into national legislation of Directive 99/74/EC, have resulted in generally thorough inspections of caged premises; however, the extension of the front of the cage does not provide additional cage area as considered by the CA. Even if the extension would be regarded as cage area, as laid down in Article 5 (1) (1) of Directive 99/74/EC, then the extension did not in any case provide the required height (Directive 99/74/EC, Article 5 (1) (4)).
- (3) As requirements had been insufficiently clarified by the veterinary side in relation to various aspects of alternative systems for laying hens, usable area (Article 2(d) of Directive 99/74/EC) was not

correctly assessed and there were major inconsistencies in assessing perching area, particularly as standards had not been fully harmonised with the Poultry and Eggs Section. The position of the Poultry and Eggs Section that certain slatted surfaces can be considered as perching area (Article 4(1)(1)(d) of Directive 99/74/EC), does not adequately take into account the recommendation of the Council of Europe<sup>14</sup>.

## **6.8. Reporting**

- (1) The CCA have put in place a well-designed system of reporting which meets the requirements of Decision 2000/50/EC. Although checklists had been designed with this reporting system in mind, their layout limited their usefulness for practical on the spot inspections as OV's frequently had to rely on other aide-memoires during inspections.
- (2) Although data had generally been satisfactorily recorded, some minor inconsistencies had not been detected indicating that procedures for the verification of the outcome of inspections were not always adequate, contrary to Article 8(3) of Regulation (EC) No. 882/2004.

## **6.9. Overall conclusion**

Commitments given following the previous mission on animal welfare on farms were implemented and as a result legislation was amended and considerable information provided to the sectors and training to inspectors. The CA had also taken measures to implement Directive 99/74/EC and amendments to Directive 91/630/EEC, which entered into force since the previous mission. Guidance provided by the CCA to inspectors in this regard was generally sufficient, with the exception of issues such as perches for laying hens, where it was lacking, and the area in unenriched cages with extended fronts, where it was inaccurate.

The system of recording and reporting the outcome of inspections has improved; however as there were limited procedures to verify the effectiveness of controls, inspections and follow-up actions were not always satisfactory.

Co-operation between the services of the CCA is generally good, but the coordination between the Animal Health and Welfare Division and the Poultry and Eggs Section of the Meat Policy Division, which have worked more closely together since the implementation of Directive 99/74/EC, was not yet sufficiently effective.

## **7. CLOSING MEETING**

A closing meeting was held on 6 October 2006 with the CCA. At this meeting the FVO inspection team presented the main findings and conclusions. The CCA

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<sup>14</sup> <http://www.coe.int>

indicated that corrective measures would be taken, but nevertheless, strongly disagreed with the findings in relation to perches and usable area in alternative systems. In relation to cages with extended fronts, a representative of the CCA indicated that they would await the outcome of the discussion with the other Commission services on this issue.

## **8. RECOMMENDATIONS**

### **To the competent authorities of Ireland**

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) There is efficient and effective coordination and co-operation between authorities carrying out official controls, as required by Article 4(5) of Regulation (EC) No. 882/2004, in particular in relation to those inspecting holdings with laying hens.
- (2) All staff performing official controls receive appropriate training enabling them to carry out inspections in a consistent and competent manner as required by Article 6 of Regulation (EC) No. 882/2004. In particular, regarding the requirements for alternative systems for laying hens in Article 4 of Directive 99/74/EC,
- (3) Adequate verification procedures are in place to ensure the effectiveness of controls, as required by Article 8(3) of Regulation (EC) No. 882/2004. In particular that following the detection of deficiencies, written notification of the corrective actions are provided to the owner or keeper of the animals concerned, as laid down in Article 9(3) and Article 54(3) of Regulation (EC) No. 882/2004 and the outcome of inspections are correctly recorded and reported, as required by Decision 2000/50/EC.
- (4) Internal or external audits are organised to include controls of animal welfare, as required by point 6 of Article 4 of Regulation (EC) No 882/2004.
- (5) The national legislation concerning tethering of sows and gilts is amended in line with the requirements of Article 3(3) of Directive 91/630/EEC.
- (6) Official controls shall include control schemes operated by the producers themselves, as required by Article 10(2)(a) of Regulation (EC) No 882/2004.
- (7) A risk analysis is included as part of the programming of official controls of animal welfare on farms, as required by Article 3(1) of Regulation (EC) No. 882/2004.
- (8) Documented procedures for the performance of inspections, as required by Article 8(1) of Regulation (EC) No. 882/2004 and that these are sufficiently comprehensive to include all aspects of Directives 91/630/EEC and 99/74/EC.

- (9) Changes in the register of establishments keeping laying hens are notified and the register is updated, as required by Article 1(4) of Directive 2002/4/EC.
- (10) Cage area for laying hens, as laid down in Article 5 (1) (1) of Directive 99/74/EC, is also an area which provides the minimum height required by Article 5 (1) (4) of Directive 99/74/EC.

## **9. COMPETENT AUTHORITY RESPONSE TO RECOMMENDATIONS**

The competent authority's response to the recommendations and CA action plan can be found at:

[http://ec.europa.eu/food/fvo/ap/ap\\_ireland\\_8052\\_2006.pdf](http://ec.europa.eu/food/fvo/ap/ap_ireland_8052_2006.pdf)