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FINAL REPORT OF A MISSION
CARRIED OUT IN SWEDEN
FROM 19 TO 23 MARCH 2007
CONCERNING ANIMAL WELFARE ON FARMS

*Please note that factual errors in the draft report have been corrected.
Clarifications provided by the Swedish Competent Authorities are given as footnotes in bold,
italic, type, to the relevant part of the report.*



EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Sweden, from 19 to 23 March 2007.

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/1101/2000 regarding pigs 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.

The report concludes that the system of approval of farms is a useful tool to safeguard animal welfare; however, inspectors tended to rely on this system with the result that not all the necessary checks were made. In addition once approval has been given, there was no system to ensure that older buildings meet the requirements of subsequently adopted legislation.

The insufficiency of procedures for carrying out checks meant that the quality of inspections was often unsatisfactory as deficiencies were often not detected such as overstocking in laying hen farms with alternative system of production. Although there is a good framework for taking enforcement actions, limited actions were taken to address shortcomings which had been detected such as poor welfare conditions on pig farms. Measures taken by the CA to address a recommendation in report 1101/2000 were not effective for monitoring the performance of inspectors.

The report makes a number of recommendations addressed to the Swedish 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 Sweden from 19 to 23 March 2007, as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the competent authorities of Sweden on 19 March 2007. 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 one national expert, 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, 91/630/EEC^{1,2}, 98/58/EC³, 99/74/EC⁴, Commission Directive 2002/4/EC⁵ and Commission Decision 2000/50/EC⁶ and to follow up the recommendations from report DG SANCO/1101/2000 (hereafter: report 1101/2000) 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 Council⁷.

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

² 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).

³ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, OJ L 221, 8.8.1998, p. 23, (hereafter: Directive 98/58/EC).

⁴ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, OJ L 203, 3.8.1999, p. 53, (hereafter: Directive 99/74/EC).

⁵ 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).

⁶ 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).

⁷ 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).

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

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	2	Opening and closing meetings.
	Regional	1	County office in Jönköping County was visited where meeting was held with the responsible officials.
	Local	2	One Municipality office in each of the two Counties (Västra Götaland and Jönköping) was visited where meetings were held with the responsible officials.
FARMS			Comments
Pig holdings		2	A laying hen farm and a pig farm in one Municipality in each County were selected by the inspection team from a list of farms provided by the CAs.
Laying hen holdings		2	

3. BACKGROUND

A previous mission concerning the welfare of farm animals took place in Sweden from 27 to 31 March 2000. Report 1101/2000 of that mission concluded that even though Swedish legislation goes beyond the requirements of the EU legislation in many points, there are some provisions, such as requirements for the alarms and space allowances for some categories of pigs which are not in line with EU legislation. The system of farm approval by the CA significantly contributes to ensuring that the buildings comply with legislative requirements. While the overall level of competence of the inspectors was satisfactory, some local inspectors had difficulties in interpreting the legislation and written material available on the spot to the inspectors frequently did not clarify the issue. Actions taken in response to the recommendations made in report 1101/2000 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

In spite of a recommendation in report 1101/2000 regarding the failure of Swedish legislation to require that an alarm is provided when the welfare of the animals is dependent on artificial ventilation, as required by point 13 of the Annex to the Directive 98/58/EC, it was noted that the Swedish legislation is still not in compliance with EU legislation because it provides for a derogation for certain categories of animals, indicating that the alarm is not needed for holdings with less than 2000 laying hens and for holdings with less than 20 adult pigs or 150 pigs weighing less than 20 kg.

In response to a recommendation in report 1101/2000 regarding the failure of Swedish legislation to require that the unobstructed floor area for pigs complies with the requirements of EU legislation the necessary amendments had been introduced into national legislation.

Although a comprehensive check of the national legislation was not carried out, during the course of the evaluation of controls, the mission team noted that in addition to the legislative points which go beyond the EU requirements already described in report 1101/2000, the national legislation also goes beyond the EU requirements on certain other issues such as:

- Whereas Directive 99/74/EC permits a stocking density of 9 hens per m² for all alternative systems, in Swedish legislation aviary systems allows a maximum of 7 hens per m² (although if the farmer is participating in a quality control programme, validated by SAWA, the number of birds allowed per m² could be higher up to the level set in the quality control programme).
- Whereas Directive 98/58/EC requires that gas concentrations must be kept within limits which are not harmful to the animals, the national legislation defines these parameters (10 ppm for NH₃, 3000 ppm for CO₂).

In addition the CCA explained that no laying hen holdings with unenriched cages were put in operation in Sweden after 1988. In the holdings which already had these kind of cages those could be replaced up to 1 January 1998, when unenriched cages were banned. The implementation of the ban was effectively further postponed until the end of 2003 as there were no commercial alternatives. At present there are still 65,200 laying hens in unenriched cages in Sweden. In Directive 99/74/EC, unenriched cages will be prohibited from 1 January 2012.

5.2. Competent Authority

The CCA in the animal welfare sector, the Swedish Animal Welfare Agency (*Djurskyddsmyndigheten*) (hereafter: SAWA), will cease to exist on 30 June 2007. After this date, the central responsibility for animal welfare legislation and control will be taken over by the Swedish Board of Agriculture (*Jordbruksverket*).

SAWA coordinates the activities of the other supervisory authorities and gives advice and assistance in connection with these activities and has the overall responsibility for animal welfare in accordance with the Swedish Animal Welfare Act and in particular is responsible for developing and central control and enforcement of the animal welfare legislation.

The organisation of regional CA which comprise 21 County Administrative Boards (hereafter: CABs) and local CA which comprise 290 Municipalities is described in the report 1101/2000.

Further information on the CA can be obtained at the following website: <http://www.djurskyddsmyndigheten.se>

Cross compliance

The CA for cross compliance is the Swedish Board of Agriculture. The CA stated that the checks for cross compliance for animal welfare, implementing Regulation (EC) No 1782/2003⁸ started to be carried out in January 2007; however, in both Municipalities visited the CAs stated that they have not yet started with the checks as they are waiting for further guidance and instructions from the CCA, including the basis for selecting the farms.

Training and guidance

A broad variety of training for Animal Welfare Inspectors (hereafter: AWI's) is organised by the CAs and academic and professional institutions, such as SAWAs' education and information programme for all staff involved in official controls of animal welfare, biannual animal welfare meetings in the CABs and training about evaluation of farm buildings.

The Swedish Board of Agriculture published a handbook for inspectors on animal welfare of farm animals for inspectors in March 1995.

The mission team noted that:

- The AWI in the Municipality visited in Västra Götaland County attended farm animal welfare training in 1997, while the AWI in Municipality visited in Jönköping County did not yet attend any special training on farm animal welfare; however, both regularly attended biannual meetings organised by their CABs.⁹
- In the Municipality visited in Jönköping County the AWI was not aware of the legislative requirements for alternative laying hen systems, which had entered into force on 1.1.2007 (Article 4.1 of Directive 99/74/EC) and stated that no information about those changes had been recently received from any level of the CA. This topic had not been discussed during the biannual meetings organised by CAB nor was any written information sent to AWIs in Municipalities on this issue.¹⁰

⁸ 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) 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, (hereafter: Regulation (EC) No 1782/2003).

⁹ *In their response to the draft report, the Swedish Authorities noted that in the municipality in Jönköping County that was inspected its animal welfare inspectors have undergraduate training in the field of domestic livestock which includes an examination in animal agronomy.*

¹⁰ *In their response to the draft report, the Swedish Authorities noted that written information concerning amendments to the administrative provisions has been available to all the municipal inspectors since 2005 in the form of species-specific pamphlets distributed by the Swedish Animal Welfare Agency, available for order by telephone or via the Animal Welfare Agency's website by both animal welfare inspectors and egg producers.*

Supervision and Audits

Regarding the recommendation from report 1101/2000 to devise a mechanism whereby the performance of the local inspectors can be monitored effectively, the CCA stated that they requested additional specific information and statistics about calves, pigs and laying hens from the Municipalities, while reporting on official animal welfare control. CABs have been given access to these data via the internet where they can check the reported information and statistics.

In accordance with the SAWA recommendations, Municipalities should be audited at least every three years. In both Municipalities visited CABs had already performed such audits where the performance of the AWIs should be checked including the supervision of the AWIs during field work. In the Municipality visited in Västra Götaland County the audit took place in 2003, while the Municipality visited in Jönköping County was audited in 2006.

In both Municipalities the reports made after the audits made reference to various topics such as lack of personal resources, managing conflict of interest, frequency of animal welfare checks; however there was no evidence that the AWIs had been supervised on how they perform their checks and regarding the follow up and enforcement of legislation.

During reviews of the CABs' Municipality audits, certain deficiencies in relation to the work of the Municipalities were noted by SAWA, such as:

- Insufficient resources for official controls and that a large number of Municipalities have not been able to reach the minimum frequency of checks referred to in SAWA's general advice.
- Deficiencies in carrying out official controls.
- A number of Municipalities only have time for handling complaint cases and do not carry out planned on-farm checks at the required frequency.
- Several Municipalities have deficient documentation, legal knowledge and skills in administrative procedures within the animal welfare sector.

SAWA audited the CAB in Jönköping County in 2005 while CAB in Västra Götaland County was audited in 2007. Some deficiencies detected by SAWA's audit of the CAB in Jönköping County, regarding shortcomings in animal welfare checks performed by the Municipalities, discrepancies in building approval procedures and incomplete document filing and handover system, had not been adequately addressed yet as they were also noted by the mission team.

5.3. Measures supplementary to checks

Building approval for farm establishments

The national requirement, in place since 1974, lays down that all new farm buildings and all refurbishments to farms with more than 10 adult pigs, 50 fattening pigs, 100 piglets or 500 poultry have to be pre-evaluated from an animal health and welfare perspective by the CAB before any such work can commence.

CAB must give prior approval before refurbishment or new construction works are undertaken and upon completion verifies that the new facilities comply with the legislation. During that visit CAB also perform measurements to establish the maximum capacity of the farm and stocking densities of individual pens or cages.

The mission team noted that:

- In both Municipalities visited, AWIs when inspecting the farms relied on the approval procedure regarding stocking densities and did not perform the measurements to verify themselves the space and other requirements provided on the farm.
- The national legislation requires the approval of farms with more than 500 laying hens and as a consequence the maximum capacity is not established by CABs for farms with less than 500 birds, while Article 1 of Directive 2002/4/EC requires that every farm covered by the scope of Directive 99/74/EC, which apply to the holdings with more than 350 laying hens, is registered. The CCA has not provided any instructions or guidance to AWIs that in such cases they have to determine maximum capacity by themselves.
- When an approval is granted, it remains valid until an application for refurbishment is made. There is no mechanism to ensure that older buildings are checked against and brought into compliance with more recent legislative requirements.
- A laying hen farm in the Municipality visited in Jönköping County, which was built in 1995, had not been approved and no level of CA was aware of that fact until the visit of the mission team, even though the farm had been inspected by the AWI six weeks before the mission.

Information to the livestock sectors

Training courses for pig stockpersons had been made available by educational institutions and professional associations as required by Article 5a of Directive 91/630/EEC. SAWA has published brochures for owners or keepers regarding keeping of farm animals and these are also available via the internet site of the CCA.

5.4. Inspections

Registration of laying hen holdings

Article 7 of Directive 99/74/EC and Directive 2002/4/EC requires all farms with more than 350 laying hens to be registered. The competent authority responsible for registration of laying hen holdings and controlling the labelling of eggs is the Agriculture Register Division of the Swedish Board of Agriculture.

- All checks for registration purposes are done by two inspectors who are responsible for the registration of laying hen holdings in the entire country. As stated by the CCA the measurements to establish the limiting factor for the maximum capacity of the holding are performed during the visits to the farms. Reports of such visits are sent to the Municipality office which is responsible for the animal welfare checks on that holding.
- AWIs in Municipalities do not have direct access to the laying hen register. The CCA explained that they can get the information on request.

The mission team noted that:

- During the visit to the Municipality in Västra Götaland County not all reports on checks for registration purposes by the Agriculture Register Division were available in the office.
- The AWI in the Municipality visited in Västra Götaland County explained that he had never asked for information from the laying hen register and that he uses the local database for checking laying hen holdings, relying exclusively on the information on maximum capacity in the files for the building approval of the farm.
- In the registration documents for the farm in the Municipality visited in Jönköping County, the maximum number of birds allowed on the farm had been determined under old legislative requirements and had not been updated when new requirements had entered into force on 1.1.2007. As a consequence almost 100% more birds were present on the farm than allowed by Article 4.1 of Directive 99/74/EC.
- In four out of 11 laying hen farms in Jönköping County, the same deficiency as above (overstocking) was detected by the mission team on reviewing the available documentation.

Selection of farms and programme of checks

In response to a recommendation in report 1101/2000 to ensure that the inspections carried out are representative of the different rearing systems, the CCA indicated that all types of farms, regardless of rearing system shall be checked at least once every three years. Annual control programmes for the above mentioned checks shall be prepared by the Municipalities, and as stated by SAWA, in 2005 88 % of Municipalities (256 out of 290) had drawn up a proper control programme including animal welfare checks.

No risk based approach to the checks, as required by Article 3.1 of Regulation (EC) No 882/2004 is currently being applied. During the mission the CCA presented a draft proposal for new general advice for monitoring, which includes a risk based approach to animal welfare checks.¹¹

¹¹*In their response to the draft report, the Swedish Authorities noted that the recently adopted administrative provisions on official animal welfare checks contain elements of a risk-based approach to checks in the form of annexes on monitoring frequencies, comprising general advice based on known risks and proven experience. However, an integrated system for risk-based official controls has not yet been established.*

In 2005 there were 687 pig farms in Västra Götaland County and animal welfare checks were performed on 157 farms (22.8%) and there were 125 pig farms in Jönköping County and 16 out of them were checked (12.8%) which is in both cases less than the CCA target of one third of farms to be visited every year.

In 2005 there were 196 laying hen farms in Västra Götaland County and animal welfare checks were performed on 24 farms (12.2%). There were 126 laying hen farms in Jönköping County and 14 out of them were checked (11.1%) which is in both cases well below the CCA recommended target of one third of farms to be visited each year.

The mission team noted that:

- In the Municipality visited in Västra Götaland County 22.8% of pig farms and 12.2% of laying hen farms had been checked in 2005. Overall the target of 100% of farms had been checked in the three year period from 2004 until 2006.
- In the Municipality visited in Jönköping County the abovementioned approach is not followed, because, as stated by the municipal CA, they have to prioritise the checks due to the lack of staff. One third of large farms and one fifth of small farms were planned to be checked in 2005 and 2006; however out of 21 pig farms only two were checked in 2005 and two in 2006. Ten out of 17 pig farms from the current list of farms had not had any animal welfare inspection in the last ten years or more and the only laying hen farm in this Municipality with more than 350 birds was visited several weeks before this mission; the last inspection having taken place 10 years earlier.

Documented procedures

Documented procedures used for the checks were prepared independently by the Municipalities themselves, without guidance from the CCA. These were check lists which were similar in both Municipalities visited and were very general and not species specific and did not give sufficient guidance to the AWIs on how to check many of the requirements. Farmers had been informed of the outcome of previous inspections as they had been given a copy of the completed check list at the end of each visit.

The mission team noted that:

- Some requirements, such as records of medical treatment and mortalities and training of farmers had not been indicated on the check lists and thus had not been checked on all farms visited.
- Even though included in the check lists, some requirements, such as method of castration of piglets had not been checked by AWIs on both pig farms visited. Previous reports for other farms indicated that the AWIs had not decided on the adequacy of certain other requirements included on the check lists, such as ventilation.

- Even though check lists included the general provision to check the feeding requirements, on one farm visited access to the food at the same time, as required by Chapter I.6 of the Annex to Directive 91/630/EEC, was not possible for all fattening pigs in the group and this had not been detected by AWI.
- In the records of medical treatments examined by the mission team on two pig farms visited, withdrawal periods were not always indicated, contrary to the requirements of Article 10 of Directive 96/23/EC¹².

Although the check lists indicated that the stocking density was to be checked the mission team noted that:

- In the pig farm in the Municipality visited in Västra Götaland County, the AWI did not have the necessary equipment to take measurements and could not conclude whether a pen for sows was overstocked. Both AWI and farmer were not aware how many animals were in the pen at the time of visit and what is the maximum allowed number of animals for that pen.
- The assessment of the stocking density on the pig farm in the Municipality visited in Jönköping County was performed visually and the AWIs relied on the information from the farmer on how many animals should be in each pen. Even though the AWI carried out some measurements on the farm at the time of the visit, the boar pen, which the farmer indicated is also used for natural service, was not measured until requested by the mission team, and thus the AWI did not note that the unobstructed floor area available was insufficient to meet the requirement of Chapter II.A of the Annex to Directive 91/630/EEC.
- On the laying hen farms in both Municipalities, both AWIs stated that they relied on the building approval documents and information from the owner and that measurements to establish the maximum capacity are not performed routinely. The fact that the farm visited in Jönköping County, which had been built in 1995, had never been approved was not discovered until the visit of the mission team. Even though some measurements to verify the legal requirements were performed by one AWI during the visit of the mission team, these had not been made during previous visits to the farm.

The CCA stated that they had already prepared draft new check lists for farm animals, which are to be used in connection with the cross compliance checks.

Follow up

From the documents checked in the Municipalities visited it was seen that even though follow up visits in case of non-compliances were generally planned, they were not always performed.

¹² Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products, and repealing Directives 85/358 /EEC and 86/469/ EEC and Decisions 89/187/EEC and 91/664/EEC, OJ L 125, 23.05.1996, p. 10, (hereafter: Directive 96/23/EC).

The system in national legislation to enforce requirements requires the CA to notify the operator of the actions to be taken to correct the non-compliance and when the non-compliance has obvious animal welfare effects or if voluntary correction is not achieved written decisions, such as official injunctions are issued. The mission team noted that this was not always followed:

- The pig farm visited in Jönköping County had been visited four times in the last six years by OVs; however, even though severe animal welfare deficiencies were found during these checks, no progress has been observed when comparing the documents from the first visit in 2001 and the current situation found on the farm. Pigs continued to be kept in very poor welfare conditions and ill and injured animals, which should be treated or humanely killed to spare them unnecessary suffering, were present on the farm, what is not in accordance with Article 3 of Directive 98/58/EC and there was no evidence that a veterinary practitioner had ever visited the holding, what is contrary to the requirements of point 4 of the Annex to Directive 98/58/EC.
- No actions were taken during the mission visit nor during a visit by the AWI six weeks previously, regarding the fact that the owner of a laying hen farm always overstocks (about 10%) the holding when birds are delivered to the laying hen farm in the Municipality visited in Jönköping County. The AWI was satisfied with the farmer's explanation that, by the time the farm is depopulated, there are fewer birds on the farm than the maximum allowed and as a consequence the average stocking density on the farm meets the requirements.
- The ventilation on the laying hen farm in the Municipality visited in Jönköping County was inadequate and the atmosphere was bad. The lack of an alarm system in case of a break down of the artificial ventilation was also discussed during a previous recent visit to this farm, when the AWI accepted the explanation that the farmer would reduce the number of birds below 2000 birds when the next production cycle would start, which is the threshold under which an alarm system according to national legislation is not necessary, and did not take any measures. That is contrary to point 13 of the Annex to Directive 98/58/EC, which requires that the alarm system must be provided when the health and well-being of the animals is dependent on an artificial ventilation system, regardless of the number of birds.
- Some written inspection reports did indicate that corrective action should be carried out "as soon as possible" but in certain cases, even though the follow-up inspection was carried out after three years, corrections had not been made.

5.5. Reporting

An internet database has been developed for the reporting of animal welfare checks from the Municipalities, which includes instructions and guidance on how to fill in the reports and what data are required for reporting.

SAWA is responsible for collating the reports on animal welfare checks from the Municipalities and submitting a national report to the Commission in accordance with Decision 2000/50/EC. All 21 CABs and 284 out of 290 Municipalities sent the reports on official animal welfare controls in 2005 to SAWA. The representative of SAWA stated that they do not do any checks of the reports which are sent from the CABs and Municipalities to verify their correctness.

6. CONCLUSIONS

- (1) Swedish national legislation goes beyond the minimum standards of Directive 99/74/EC and Directive 91/630/EEC on several aspects; however, the requirement of point 13 of the Annex to Directive 98/58/EC for the alarm system which must be provided when the health and well-being of the animals is dependent on an artificial ventilation system, has not been correctly transposed, despite a recommendation on this issue in report 1101/2000.
- (2) While a variety of training courses had been made available by the CAs as required by Article 6 of Regulation (EC) No 882/2004, attendance at courses on farm animal inspections was a low priority for the local inspectors. Also documented procedures, as required by Article 8.1 of Regulation (EC) No 882/2004, were not adequate to enable local inspectors to perform comprehensive animal welfare checks of the farm and as a result certain requirements were never checked or not satisfactorily assessed.
- (3) Although the measures taken in the response to a recommendation in report 1101/2000 to devise a mechanism whereby the performance of the local inspectors can be monitored effectively have resulted in a certain degree of monitoring of the performance of the AWIs, this has not been sufficient to ensure that official controls put in place are effective and that corrective actions are taken when necessary as required by Article 8.3 of Regulation (EC) No 882/2004.
- (4) The system of internal audits, as required by Article 4.6 of Regulation (EC) No 882/2004, performed by different levels of CA is useful for detecting shortcomings in the system of animal welfare controls; however, its effectiveness is limited by the fact that the corrective actions were not always taken to address these shortcomings in a timely manner.
- (5) The national requirement for building approval of new and refurbished buildings is a good tool to ensure that the legislative requirements are fulfilled, but AWIs tended to rely on these procedures rather than check the requirements themselves and in some situations farms had not even been the subject of an approval.
- (6) As the CA had not checked farms which were in existence before 2003 according to the requirements which have been applicable to laying hen farms with alternative system of production since 1.1.2007, they had not detected that these farms were now overstocked. Similarly as these requirements had not been taken into account for registration purposes, the data for many laying hen farms indicate maximum capacities in excess of those allowed by Article 4.1 of Directive 99/74/EC.
- (7) Programmes were prepared in both Municipalities visited taking into account most of the recommendations from the CCA regarding the regularity and frequency of the checks as required by Article 3.1 of Regulation (EC) No 882/2004, however the checks were not always carried out in accordance with those programmes and not all planned checks were performed.

- (8) Although an appropriate system for remedial actions exists, and farmers were generally notified of the need for corrective actions, this was not always sufficient to ensure that deficiencies were remedied, contrary to Article 54 of Regulation (EC) No 882/2004.

6.1. Overall conclusion

The system of approval of farms is a useful tool to safeguard animal welfare; however, inspectors tended to rely on this system with the result that not all the necessary checks were made. In addition once approval has been given, there was no system to ensure that older buildings meet the requirements of subsequently adopted legislation.

The insufficiency of procedures for carrying out checks meant that the quality of inspections was often unsatisfactory as deficiencies were often not detected such as overstocking in laying hen farms with alternative system of production. Although there is a good framework for taking enforcement actions, limited actions were taken to address shortcomings which had been detected such as poor welfare conditions on pig farms. Measures taken by the CA to address a recommendation in report 1101/2000 were not effective for monitoring the performance of inspectors.

7. CLOSING MEETING

A closing meeting was held on 23 March 2007 with representatives of the CCA, Regional CAs and Municipal CAs. At this meeting, the main findings and conclusions of the mission were presented by the FVO team. The representatives of the CAs provisionally accepted the findings and conclusions presented, provided further clarification, in particular regarding the registration of laying hen holdings and stated that they will provide written comments to the draft report when received.

8. RECOMMENDATIONS

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 take measures to ensure that:

- (1) The requirement of point 13 of the Annex to the Directive 98/58/EC that an alarm is provided when the welfare of the animals is dependent on artificial ventilation, is correctly transposed into national legislation and enforced.
- (2) The staff performing checks is kept up to date in their area of competence, as required by Article 6 (b) of Regulation (EC) No 882/2004.
- (3) Adequate inspections are carried out to meet the requirements of the relevant EU legislation as required by Article 7 of Directive 91/630/EEC and Article 8 of Directive 99/74/EC and that these are made following appropriate documented procedures, as required by Article 8 of Regulation (EC) No 882/2004.
- (4) Verification of the effectiveness of inspections is carried out, as required by Article 8.3 of Regulation (EC) No 882/2004 to ensure the quality and consistency of controls.
- (5) Appropriate measures are taken in the light of the results of the audits as required by Article 4.6 of Regulation (EC) No 882/2004.

- (6) Appropriate measures are taken that all registered laying hen farms with alternative system of production comply with Article 4.1 of Directive 99/74/EC.
- (7) When non-compliances are detected, appropriate actions are taken so that the operator remedies the situation, as required by Article 54 of Regulation (EC) No 882/2004.

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_sweden_7336_2007.pdf