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**DG(SANCO) 2007-7238 – MR Final**

**FINAL REPORT OF A MISSION  
CARRIED OUT IN DENMARK  
FROM 21 TO 25 MAY 2007  
CONCERNING ANIMAL WELFARE ON FARMS  
AND DURING TRANSPORT**

*Please note that factual errors in the draft report have been corrected.  
Clarifications provided by the Danish 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 Denmark, from 21 to 25 May 2007.*

*The main objective of the mission was to verify the implementation of EU animal welfare legislation applicable to pig and laying hen farms and to follow up the recommendations from reports 1098/2000 and 7208/2004 concerning respectively pigs and laying hens. A secondary objective was to assess how the CCA has adapted the system of controls on transport of live animals during long journeys in order to take into account the entry into force of Council Regulation (EC) No 1/2005.*

*The report concludes that the system of controls in laying hen and pig farms is comprehensive, has improved since the last missions and overall ensures good animal welfare standards. However, improvements need to be made in the area of supervision as the system currently in place failed to identify the lack of detection by official veterinarians of deficiencies such as inadequate perches and stocking densities in alternative laying hen farms. Regarding transport, the CA are progressively implementing the new requirements of Regulation (EC) No 1/2005 so that a more full compliance will be achieved by 31.12.2007.*

*The report makes a number of recommendations addressed to the Danish 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 Denmark from 21 to 25 May 2007, as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the Central Competent Authorities of Denmark, the Ministry of Justice (hereafter: MJ) and the Danish Food and Veterinary Administration (hereafter: DVFA) on 21 May 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 a trainee, and was accompanied throughout the mission by representatives from the Central Competent Authorities (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<sup>12</sup>, 98/58/EC<sup>3</sup>, 99/74/EC<sup>4</sup>, Commission Directive 2002/4/EC<sup>5</sup> and Commission Decision 2000/50/EC<sup>6</sup> and to follow up the recommendations from report DG (SANCO)/1098/2000 – MR Final regarding pigs and report DG (SANCO)/7208/2004 – MR Final regarding laying hens (hereafter: reports 1098/2000 and 7208/2004). The mission also looked at how measures taken in relation to the above are being integrated with the requirements of Regulation (EC) No. 882/2004 of the European Parliament and of the Council<sup>7</sup>.

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

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</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, 31.1.2002, p. 44 (hereafter: Directive 2002/4/EC).

<sup>6</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). This Decision will be repealed and replaced by Commission Decision 2006/778/EC as of 1.1.2008

<sup>7</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, 30.4.2004 corrected and republished in OJ L 191, 28.5.2004, p.1 (hereafter: Regulation (EC) No 882/2004).

A secondary objective was to assess how the CCA has adapted the system of controls on transport of live animals during long journeys in order to take into account the entry into force on 05.01.2007 of Council Regulation (EC) No 1/2005<sup>8</sup>.

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

VISITS			Comments
Competent authority	Central level	2	Opening and closing meetings with the CCA.
	Local level	2	These meetings were held in the Control Enforcement Offices of Aalborg, Region North and of Odense, Region South, where checks made by the local CAs were evaluated.
Farms		4	A local inspector carried out a check of a laying hen farm (alternative systems) and a pig farm in each region. The farms were selected by the inspection team from a list of farms in the control and enforcement offices visited.

### 3. BACKGROUND

Previous reports 1098/2000 and 7208/2004 concerned respectively the welfare of pigs and laying hens. Report 1098/2000 concluded that Danish legislation on pigs went beyond the requirements of Directive 91/630/EEC and that a system of animal welfare controls in farm was in place. Report 7208/2004 indicated that the measures adopted and the system of inspection to ensure that the requirements of Directive 99/74/EC on laying hens are respected, were generally satisfactory and that checks of long distance transport were satisfactory.

Both reports are available under their reference number at the DG Health and Consumer Protection (DG SANCO) website:

[http://ec.europa.eu/food/fvo/ir\\_search\\_en.cfm](http://ec.europa.eu/food/fvo/ir_search_en.cfm)

The responses to the recommendations from the above mentioned reports are mentioned under the relevant headings in Section 5.

### 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.

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<sup>8</sup> Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, OJ L 3, 5.1.2005, p.1(hereafter: Regulation (EC) No 1/2005)

## 5. MAIN FINDINGS

### 5.1. Legislation

In assessing control systems for animal welfare during the mission, the mission team noted that national legislation goes beyond the EU requirements on certain issues such as:

Regarding laying hens

- The requirements for space allowance, feeding troughs and drinking nipples in cage systems, are above the minimum standards of Directive 99/74/EC. The Danish legislation also requires that there are no more than six birds per unenriched cage or ten birds per enriched cage in order to enable the hens to establish a social group.
- The requirements in alternative systems limiting the number of levels to a maximum of three and defining the minimum size of popholes to have access to open runs (50x50 cm instead of 40x40) are above the minimum standards of Directive 99/74/EC.
- Beak trimming is allowed before birds are ten days old but is limited to one third of the beak.

Regarding pigs, the requirements are more comprehensive than the minimum standards of Directive 91/630/EEC in the following areas:

- The length of pens for group housed sows, compulsory showering systems for pigs above 20 kg, an area of solid floor in front of the feeding trough in individual crates used for gilts and sows, and for pigs kept outdoors, compulsory access to grass, huts and either a wallowing pit or a shaded area with a misting system.
- Tail docking can be performed but no more than half of the tail can be docked. Reduction of corner teeth can only be performed by grinding; clipping is forbidden.

However, the mission team noted that the Danish legislation did not fully comply with some requirements of Directive 91/630/EEC. The Danish legislation includes the requirements of point 2(b) of Article 3 of Directive 91/630/EEC concerning the maximum width of the openings and the minimum slat width only for fully concrete slatted floors for pigs kept in groups, whereas this requirement of the Directive applies to all concrete slatted floors. The CCA declared that:

- They were aware of this non compliance but argued that this requirement had been conceived by the EU legislator on the basis of a scientific report on fully concrete slatted floors, and that fully concrete slatted floors are banned according to their national legislation. However, the ban on fully concrete slatted floors is subject to periods of transition. In the case of farms which keep a group of pregnant sows and gilts indoors in buildings which were taken into use before 15 May 2003, there is a transitional period for the ban until 1 January 2013. In the case of farms which keep piglets, breeding pigs and porkers indoors in buildings which were taken into use before 1 July 2000, there is a transitional period for the ban until 1 January 2015.
- This requirement is not compatible with the Danish legislation (in force since 1999 for pregnant sows and 2000 for rearing pigs), which requires that the floors of pens where pigs are kept in groups should be made of at least one third of continuous solid floor or drained floor with a maximum of 10% used for drainage

or a combination of the two and should be covered with litter. These additional requirements to those of Directive 91/630/EEC resulted in practice in farms with wider openings on the slatted part of the concrete floors to prevent their clogging by the litter.

- Their current requirements on floors provide comfortable lying area to the pigs and that according to their experience, the wider openings used by the Danish pig industry are not harmful to the animals.

Consequently, OV's did not measure the width of the openings of concrete slatted floors used for pigs kept in groups in buildings built after 01.01.2003. In the farm visited in Odense, in the pen where pregnant sows and gilts were kept in groups, the size of the openings was more than 20 mm, which does not comply with Article 3(2)(b) of Directive 91/630/EEC. In the farm visited in Aalborg, in the pen for rearing pigs, the size of the openings was more than 18 mm, which does not comply with Article 3(2)(b) of Directive 91/630/EEC. The CCA explained that OV's were not asked to check this EU requirement regarding the width of the openings as under Danish law it does not apply to pens with partly solid or drained floors.

Regarding Regulation (EC) No 1/2005

- The Danish legislation granted a transitional period till 01.03.2007 for the authorisation of long journeys by transporters which at the time the regulation came into force (5 January 2007) had been authorised during the period 1 July 2002 to 30 September 2006 under the previous Danish rules on authorisation, and which wished to be authorised to carry out long journeys in future. The Danish legislation also granted a transitional period till 31.12.2007 for approval of road vehicles for long journeys which were not foreseen in Regulation (EC) No 1/2005 which became applicable as from 05.01.2007.
- The CCA explained that this had been considered necessary to ensure a better and progressive implementation and that their vehicle approval companies would have been inundated if these steps had not been taken.

## **5.2. Competent Authority**

### **5.2.1. Organisation and Coordination**

The organisation of the Competent Authorities (hereafter: CA) and how this generally applies to animal welfare controls is described in a report concerning the country profile of Denmark on food and feed safety, animal health, animal welfare and plant health (ref. DG(SANCO)/7456/2007- MR – draft) which is available under this reference on the DG Health and Consumer Protection website [http://ec.europa.eu/food/fvo/country\\_profiles\\_en.cfm](http://ec.europa.eu/food/fvo/country_profiles_en.cfm).

The following are some of the changes which occurred in relation to the organisation of the CA and tasks related to animal welfare:

Within the Danish Veterinary and Food Administration:

- The fifth division (Division of Chemical Food Safety, Animal Welfare and Veterinary Medical Products) at central level is now responsible for national Animal Welfare issues. This division issues instructions and guidances for official veterinarians, organises training and participates in meetings with the regions.

- The ninth division (Division for legal affairs and international Co-ordination) at central level is in charge of international Animal Welfare issues and participates in meetings at EU levels or at the Council of Europe.
- The contact point for transport of live animals, required by Article 24 of Regulation (EC) No 1/2005, is a mail box which is read either by officials of the 5<sup>th</sup> division.
- The Animal Welfare Task Force Unit (taskforceenheden for dyrevelfærd), which was established in June 2006, has horizontal tasks. It is responsible for organising campaigns of information targeted towards official veterinarians (hereafter: OVs) and practising veterinarians but also towards the pig industry, farmers and agricultural consultants. It is directly involved in transport checks as the OVs of this Unit are systematically present during the planned road checks and always available during the other road checks performed by the Police. It will also be responsible to ensure a better harmonisation of the animal welfare controls carried out by the Control Enforcement Offices (hereafter: local CAs).
- The task of authorising transporters, as required by Articles 10 and 11 of Regulation (EC) No 1/2005, has been decentralized and is now carried out by the three local CAs of Esbjerg, Viborg and Ringsted.

#### Within the Ministry of Justice:

- A Division in the MJ is now exclusively dedicated to Animal Welfare.
- The Police Services, which are responsible for carrying out road checks of live animal transports and of handling cases with animal welfare infringements, have been restructured from 54 to 12 Districts. This allows a better coordination between the Police Districts and the local CAs, and between the MJ and the Police Districts.

#### Under the Ministry of Transport and Energy

- In Denmark the market for the inspection of vehicles has been liberalized since 1 January 2005, and vehicles are now inspected by private companies licensed by the Road Safety and Transport Agency. The Road Safety and Transport Agency determines the detailed rules regarding the conditions for obtaining a license to carry out inspections. If a station approves a vehicle after inspection, this may involve approval of the actual vehicle (brakes, lights, steering, chassis, etc.) and/or approval for specific use/journey, where approval is given in respect of specific regulations (transport of animals, hazardous goods, emergency services, etc.)

Coordination between the different Competent Authorities at central and local levels exists, as required by Art 4 (3) and (5) of Regulation (EC) No 882/2004. At central level, the DVFA and the MJ collaborate regularly during the drafting of legislation and guidelines.

Coordination and regular exchange of information between the central and the local levels of the DVFA are ensured through meetings, documented procedures, reports and technical questions of interpretation referred by the local CAs to the central level.

Examples of effective coordination were seen in the two local CAs visited by the inspection team:

- Regarding the laying hen sector, visits to organic farms, which had been selected for an Animal Welfare inspection, were performed jointly by the OV and a representative of the Plant Directorate, which is the Directorate responsible for the inspection of livestock carried out under Commission Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs.
- Regarding infringements and sanctions, OVs who had reported animal welfare infringements to the Police were kept informed of the actions taken and of the decisions issued by the Court.

#### 5.2.2. Documented procedures

Regarding inspection in farms:

The DVFA have documented procedures, as required by Art 8 (1) of Regulation (EC) No 882/2004, which are comprehensive, detailed and revised regularly. They include the following documents:

- Programme of inspections to be carried out (lists of farms that must be inspected by each control enforcement office);
- Letter explaining the objectives of the programme of inspections in laying hen and pig farms and the criteria chosen for risk assessment;
- Detailed check lists and template of inspection reports for laying hen and pig farms;
- Template of letter to be given to the laying hen and pig farmers informing them about the inspection procedure and its legal basis;
- Comprehensive guidelines on how to control and interpret legal requirements regarding laying and pig farms;
- Guidelines on which actions should be taken when deficiencies are detected;
- Templates of warning letters to be sent to farmers when deficiencies have been detected;
- Templates of letters to inform the Police when serious deficiencies have been detected.

Regarding transport:

In order to help OVs in implementing Regulation (EC) No 1/2005 which became applicable as from 05.01.2007:

- In December 2006 the Ministry of Justice issued an order in respect of training in the transport of animals and an order on the protection of animals during transport, both of which supplement the rules in the Regulation, and a general guide to the Regulation;
- The previous specific guideline on fitness for transport to the regions has been revised by the DVFA;

- A draft revised guideline on journey logs has been sent to the local CAs.

### 5.2.3. Training

Inspectors are trained as required by Article 6 of Regulation (EC) No 882/2004. Training of OV's is provided mainly through in-service training courses, ERFA meetings, and theme days.

- In-service training courses are proposed every year on transport of live animals. Police officers can participate in these training courses both as trainees or trainers. In-service training courses on laying hen and pig farms have not been organised in the last three years; the CCA stated that they will be offered in 2007.
- ERFA meetings where OV's from the local CAs and from the central level of the DVFA discuss animal welfare issues are organised at least once or twice a year on each specialized topic (transport, laying hens or pigs).
- Theme days are also organised when necessary. Two theme days were held in January 2007 on transport of live animals to discuss the main changes introduced by the entry into force of Regulation (EC) No 1/2005.

The inspection team noted that OV's performing inspections in farms had overall a good knowledge of the legal requirements, that they had participated to ERFA meetings when they were related to their field of inspections. The OV performing laying hen and pig farms inspections in Aalborg had not participated in any in-service training courses on laying hen or pig farms.<sup>9</sup>

### 5.2.4. Reporting, supervision and audits

Reports and check lists of the inspections carried out in farms are recorded in a computer database.

Quarterly reports on the number of inspections carried out in pig and laying hen farms are sent by the local CAs to the DVFA so that the central level can verify the progressive implementation of inspection programmes in farms.

Yearly reports with the number and types of infringements detected in pig and laying hen farms are sent by the local CAs to the DVFA, who then synthesise the data and send it to the Commission every other year via the Ministry of Justice, as required by Decision 2000/50/EC.

Supervision of the local regions and CAs is performed by the second division (Division of Control Co-ordination) of the DVFA; the objective of this supervision is to ensure that the administrative procedures and instructions in different areas, including animal welfare, are followed. The results of supervision are published in a report on the DVFA

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<sup>9</sup>*In their response to the draft report the Danish Authorities (DVFA) noted that the vet in question attended a course on the behaviour and welfare of animals organised by the then Royal Danish College of Veterinary Science and Agriculture (now the University of Copenhagen) in January 2005. The course consisted of a general section on the behaviour and welfare of animals (3 days), a section on methods (2 days), and one day on each of the following topics: cattle/pigs, poultry/furred animals, horses and dogs/cats. The vet in question enrolled for all of the sections in the course.*

website. The latest published report relates to supervision in 2005. Supervision for 2006 was deferred until 2007, and the resultant reports are currently under consideration.

Individual supervision of OV is also carried out through a system of "quality supervision" which foresees that approximately every second year the inspectors are evaluated by their coordinator. The evaluation includes joint inspections carried out by the coordinator and the inspector in one of the topics usually covered by the inspector and the performance of the tasks is assessed for compliance with the quality requirements specified for the inspections. This current system of supervision failed to detect, in the two local CA visited, some deficiencies in the performance of inspectors; in Aalborg, the OV performing farm inspections, who did not take accurate measurements, had been evaluated on the basis of a joint inspection made concerning milking hygiene in herds of dairy cows.

The DVFA declared that this supervision issue was recognised. It is intended to examine and improve the quality strategy. The DVFA also stated that one of the objectives of the Animal Welfare Task Force Unit (taskforceenheden for dyrevelfærd) is to improve the quality and the harmonisation of inspections at local level. Finally, it was stated that the audit division, which ensures compliance with the requirements of point 6 of Article 4 of Regulation (EC) No 882/2004, will in future also include audits in the area of the animal welfare in their work.

### **5.3. Information to the professional sectors**

Diffusion of information to the professional sectors on legal requirements is organised; specific structures, such as the National Committee for farm Animals, the Animal Welfare Council, the Animal Welfare Task Force Unit (taskforceenheden for dyrevelfærd), are in place; informatics tools, such as the website of the DVFA, exist; regular exchanges of information and meetings are organised between the professional sectors and officials.

- Regarding the laying hen sector, a meeting was held by the Danish Meat Association in September 2006 where officials from the CCA were invited to remind farmers that from 01.01.2007 all alternative farms with more than 350 laying hens will have to comply with the requirements of Article 4 of Directive 99/74/EC. Articles on this issue were also published in professional reviews.
- Regarding the pig sector, numerous guidelines and publications on specific topics such as shoulder wounds, hernias, reducing mortality have been written by the industry and training courses are available through agricultural institutions, as required by point 2 of Article 5a of Directive 91/630/EEC. In both pig farms visited, the farmers were aware of animal welfare requirements, which they had learnt during their initial training in agricultural studies and kept themselves updated through professional publications and meetings organised by the industry. Farmers also ensured that their employees were trained by sending them to attend courses or by providing on the spot training, as required by point 1 of Article 5a of Directive 91/630/EEC.
- Regarding the transport of live animals, in order to comply with Article 17 of Regulation (EC) No 1/2005 which requires that training courses shall be available for personnel of transporters and assembly centres, and that certificates of competence shall be delivered to trained drivers and attendants of road vehicles, the CCA has passed a ministerial order which establishes an "official education"

system on the transport of live animals. This official education consists of a basic education of three days which must be completed by two additional training days for those who need a certificate of competence. The certificate of competence will be delivered only after passing an exam. These training courses will be available to the whole public through continuous education schools. The CCA declared that they will soon approve the contents of the courses and the questions of the exam.

#### **5.4. Laying hens**

##### 5.4.1. Registration

Report 7208/2004 recommended that Directive 2002/4/EC is implemented.

The CCA has established a system for registering holdings with more than 350 laying hens, as required by Article 1(1)(a) of Directive 2002/4/EC. It includes two databases, the Central Husbandry Register where data regarding the establishments, the keepers, the owners, the farming methods and the maximal capacity are registered and the Danish Meat Association database where the distinguishing numbers of holdings are registered. The DVFA at central level has access to the database of the Danish Meat Association.

##### 5.4.2. Inspection programme and selection of farms

The inspection programme is designed by the DVFA. It foresees:

- That 100 % of laying hen holdings using cages are inspected every year, as this rearing system is considered a higher risk for the welfare of animals;
- And that at least 5 % of holdings with at least 10 laying hens with a minimum of 50 holdings using alternative systems are inspected every year. The CCA select every year the holdings using alternative systems which must be inspected and send the inspection programme and corresponding list of selected farms to each local CA.

The inspection team noted that in both local CAs visited, the inspection programmes were fulfilled.

##### 5.4.3. Permits for cage systems and approvals for egg marketing standards

Additionally to the above:

- Holdings using alternative systems are also inspected for approval regarding egg marketing standards either by the OVs in the case of barn and free range farms or by inspectors from the Plant Directorate in the case of organic farms. During these approval visits for egg marketing standards, OVs check that the animal welfare requirements of Article 4 of Directive 99/74/EC are fulfilled and write the total capacity for which the farm is approved on the basis of the measurements made.
- Holdings using cage system need a permit prior to operation. Permits are delivered for 5 years in case of enriched cage systems. Extensions until 31.12.2011 will be issued to permits for existing unenriched cage systems.

#### 5.4.4. Performance of inspections

The inspection team assessed the performance of inspections only for laying hens raised in alternative systems, as it is the main rearing system used in Denmark and as all the requirements of Article 4 of Directive 99/74/EC apply to all alternative systems from 1 January 2007.

In response to a recommendation in Report 7208/2004, the CCA had issued guidelines on inspection of laying hen farms where interpretation of requirements applicable to alternative systems is given and instructions on how to calculate stocking densities or do follow up inspections are provided.

In the two alternative farms visited, OVs performed overall comprehensive inspections using the documented procedures provided by the CCA but missed some deficiencies due to lack of accuracy when taking measurements of the usable area or assessing perches:

- They both calculated the stocking densities using the number of birds initially put in place according to the records, as it had been indicated in their instructions; However, in the farm visited in Aalborg, the OV had taken inaccurate measurements of the usable area in 2004 (at the time the farm was approved for marketing purposes) and had not verified these measurements since. As a result, the stocking density of nine laying hens per m<sup>2</sup> usable area was exceeded, contrary to the requirement of point 4 of Article 4 of Directive 99/74/EC and the total number of laying hens for which the farm had been approved in 2004 was too high. In the farm visited in Odense, the OV did not retrieve the space obstructed by the feeders on the slatted area to calculate the usable area.
- Both farms visited did not comply with the requirement of point 1.1(d) of Article 4 of Directive 99/74/EC regarding perches, as there was not at least 15 cm of perching space per hen and some of the perches were mounted above the litter. In the farm visited in Odense, the OV had wrongly considered as perches a wooden bar not raised above the floor (contrary to the instruction of the CCA) or frames with tubes placed above the litter. In the farm visited in Aalborg, the OV had wrongly considered a wooden bar mounted along the slatted area and above the litter as a perch; moreover, the OV had not measured accurately enough the horizontal distance between the perches which was in some places less than 20 cm. The CCA explained that, according to their interpretation, perches can be placed above the litter provided that the space underneath the perches is not included when calculating the littered area available per hen. The inspection team pointed out that in the second farm, where some of the perches were placed above the litter in front of the slatted area, part of the littered area was hard and did not remain friable enabling the hens to satisfy their ethological needs, as indicated in point (c) of Article 2 of Directive 99/74/EC and such compacted litter would also contribute to a worsening of air quality.
- In Aalborg, the OV did not detect that the number of drinking nipples had changed since the last visit in 2004 and was no longer in compliance with the requirements of point 1.1(b) of Article 4 of Directive 99/74/EC.
- In Odense, the OV did not detect that the removal of dead birds was not performed on a daily basis, contrary to point 4 of the Annex to Directive 99/74/EC.

#### 5.4.5. Follow-up procedures

The CA declared that they were few cases of infringements or sanctions due to the high frequency of visits. The inspection team noted that when infringements were detected, follow up actions were taken in a timely way.

### 5.5. Pigs

#### 5.5.1. Inspection programme and selection of farms

The inspection programme is designed by the DVFA.

- It foresees that at least 5% of holdings with at least 10 pigs are checked every year. Some of these 5%, which have hitherto constituted a least half of the herds, are selected at random from the Central Husbandry Register (CHR), and the rest are selected according to a risk analysis. The risk criteria chosen till 2006 were herd size and type and use of veterinary medicines. A list of holdings which must be visited is sent every year to each local CA and the inspection team noted that in both local CAs visited, the programme was fulfilled.
- This inspection programme does not strictly comply with Article 7 of Directive 91/630/EEC which requires that a statistically representative sample of the different rearing systems are inspected, as holdings with less than 10 pigs are excluded. The CCA explained that there were only 1542 holdings with less than 10 pigs out of a total of 12884 (approximately 12%) and that some of them were not professional holdings but holdings with pet pigs which were registered for animal health purposes.
- This inspection programme does not strictly comply with Article 3 of Regulation (EC) No 882/2004 which requires that official controls are carried out on a risk basis including the operator's past record of compliance with animal welfare rules. The CCA explained that they were currently working on including other risk criteria and would like to integrate information on previous animal welfare infringements addressed to the Police, data from rendering plants and data from slaughterhouses such as shoulder wounds, lame pigs, tail biting injuries, hernias, undersized animals, stomach ulcers.

#### 5.5.2. Performance of inspections

In response to recommendations in Report DG(SANCO)/1098/2000 that inspecting veterinarians receive adequate supervision, information, training or other forms of support to assist them in assessing all the requirements of Directive 91/630/EEC, that they take measures to ensure that tail docking and tooth clipping of piglets are not carried out routinely, that persons using a captive bolt pistol are appropriately trained and that killing immediately follows stunning where this method is used, the CCA had issued guidelines. The inspection team noticed that OVs in both local CAs performed inspections taking into account these previous recommendations. In particular, OVs checked that mutilations and interventions were performed in compliance with point 8 of Chapter I of the Annex to Directive 91/630/EEC and that farmers were trained to kill pigs humanely.

OVs also checked:

- That farmers monitored shoulder wounds. In the two farms visited, OV's detected mild shoulder wounds on sows kept in farrowing crates and they ensured that the farmers had treated the sows and had taken preventive measures such as putting a rubber mat in the farrowing crates;
- That rooting and manipulable materials were provided to pigs as required by point 4 of chapter I of the Annex of Directive 91/630/EEC.

However, some requirements were not checked accurately enough:

- OV's assessed the unobstructed floor area available for each category of pigs by relying on their experience and the plans of the buildings and not always by taking measurements during the farm visits. In most cases, their rough assessment was correct; however, in the farm visited in Odense, one pen with rearing pigs around 20 kg was slightly overcrowded, contrary to Article 3(1)(a) of Directive 91/630/EEC and one boar pen was less than 6 m<sup>2</sup>, contrary to point A Chapter II of the Annex to Directive 91/630/EEC; moreover, in the farm visited in Aalborg, the OV did not initially retrieve the surface obstructed by the automatic feeders in the pens where pregnant sows were kept in groups and calculated the percentage of drainage in the floor only upon request by the inspection team. As a result, the OV had not detected that each sow kept in groups did not have 1.3 m<sup>2</sup> of continuous solid floor of which a maximum of 15% is reserved for drainage openings contrary to the requirements of Article 3(2) of Directive 91/630/EEC. In both cases, the OV's had not followed the guidelines of the CCA on the way measurements should be taken.
- OV's did not ensure that adequate measures were taken to minimize aggression in groups of gilts contrary to the requirements of point B.1 of Chapter II of the Annex to Directive 91/630/EEC.

### 5.5.3. Follow up procedures

In both local CAs, when infringements were detected, OV's applied the guidelines issued by the CCA on follow up:

- They issued reports and letters of warning in a timely way, in which they informed the farmer of the infringements found, as required by Article 9 of Regulation (EC) No 882/2004.
- They decided, according to the level of gravity of the infringements found as defined in the guidelines, which cases must be followed up and which cases should be referred to the Police for sanctions.
- They prioritised their follow up visits according to the seriousness of the infringements; in case of minor deficiencies, they used alternative follow up strategies to farm visits, such as requesting documents from the farmers or information from the private veterinarian of the farm.
- They referred cases to the Police systematically, in case of serious infringements or when corrective actions had not been taken. They had a good collaboration with the Police, which kept them informed on the outcomes of the cases referred to them.

## 5.6. Transport

### 5.6.1. Authorisation of road vehicles for long journeys

Article 18 (1) of Regulation (EC) No 1/2005 requires that the CA or body designated by a Member State grant a certificate of approval for means of transport by road used for long journeys. The CCA explained that prior the entry into force of Regulation (EC) No 1/2005, they had already a system of approval of vehicles for the transport of animals and that they have taken the following steps to integrate the changes introduced by the new Regulation:

- Transporters who had road vehicles approved for journeys in the previous system were granted a transitional period, by ministerial order, which will expire on 31.12.2007. Before 01.01.2008, all long journey vehicles will have to be re-inspected and re-approved by one of the private companies licensed by the Road Safety and Transport Agency to ensure that they comply with the additional requirements introduced by Regulation (EC) No 1/2005, such as fitting vehicles with temperature sensors/monitoring devices, navigation systems and the capacity of the ventilation system.
- The CCA explained that although this transitional period was not fully compliant with Regulation (EC) No 1/2005, the private companies responsible for approving vehicles could not approve all the vehicles immediately, when this Regulation came into force.

### 5.6.2. Authorisation of transporters

Article 11 of Regulation (EC) No 1/2005 requires that the CA grant authorisations to transporters carrying out long journeys. The CCA explained that they have taken the following steps to integrate the changes introduced by the new Regulation:

- Previously authorised transporters were granted a transitional period which expired on 01.03.2007, to obtain a new authorisation for long journey transports.
- New authorisations are delivered upon submission by the transporters of a file containing an application form, a letter where they declare that they will inform the CA of any significant changes, certificates of approval of vehicles, emergency procedures and certificates of competence of drivers when this requirement will come into force on 01.01.2008, to one of the three local CAs responsible for delivering authorisations.
- An electronic database listing the authorised long journey transporters, as required by Article 13 (4) of Regulation (EC) No 1/2005 is available on the internet.

OVs checked the information provided in the files submitted by transporters; when it was incomplete (such as missing certificates of vehicles) or inconsistent (such as no vehicle approved for one of the species for which the authorisation is requested), they did not grant authorisations.

However, the inspection team noted that new authorisations were granted to transporters for long journeys even when the vehicles they were using had not been

yet re- approved as the transitional period granted for approval of vehicles was longer than the one granted for authorisation of transporters.

The CCA explained that transporters had the obligation to send the new certificates of vehicle approval as soon as they obtain them and at the latest by 01.01.2008.

### 5.6.3. Inspection programme

Article 27 of Regulation (EC) No 1/2005 requires that inspections of animals, means of transport and accompanying documents are carried out on an adequate proportion of the animals transported each year. Transport checks are carried out by the Police and by OVs of the DVFA according to a programme designed by the CCA.

The Police has a yearly planning programme of road checks. OVs from the Animal Welfare Task Force Unit (taskforceenheden for dyrevelfærd) are present during these planned road checks to assess the fitness of animals for transport. In 2006, the Police spent 82 days checking the transport of live animals and checked 1026 consignments.

The DVFA planned 250 targeted transport checks each year for the whole country. These checks are targeted on "loading situation", mainly when animals are loaded in assembly centres or in farms. Each local CA has a number of checks to do and chooses the places where these targeted checks take place.

The inspection team noted that in both local CAs visited, targeted transport checks at loading situation were carried out in farms which directly exported live animals or in assembly centres, where OVs checked in particular whether animals were fit for transport and had adequate space.

### 5.6.4. Checks at place of departure

Regarding checks of journey logs for long distance road transport of pigs:

- Before the journey, in both local CAs, OVs checked if the space allowances, driving distances and time were compliant with point D chapter VII and point 1 of Chapter V of Regulation (EC) No 1/2005, and ensured, when appropriate, that the staging points listed for resting animals, had enough capacity to receive consignments at the date foreseen in the journey log.
- After the journey, OVs ensured that journey logs were returned, as required by point 8 of Annex II of Regulation (EC) No 1/2005. However, they either did not check the returned journey logs accurately or frequently enough. In the local CA of Odense, the inspection team noted that the returned journey logs for two consignments of pigs sent to Germany and the Netherlands were both incomplete; important information such as date and time of arrival, reasons for stops and length of stops, signatures of transporter and/or driver were missing. Because of this missing information, the OV could not assess if the travel times and rest periods of Chapter V of Annex I of Regulation (EC) No 1/2005 had been respected. In the local CA of Aalborg, the OV declared that they checked returned journey logs every four months; the same deficiencies as those noted in Odense were found on journey logs for regular consignments of pigs transported to Germany and had not been detected since the OV had not checked the journey logs returned over the last five months.

- The inspection team noted that insufficient actions were taken by the local CA when they detected deficiencies; in Odense, the OV was informed by the transporter that consignments of pigs were regularly waiting in the trucks upon arrival at the slaughterhouse in the Netherlands and the CCA had not been informed so they could not contact the CA of the Netherlands to request corrective actions.

## 6. CONCLUSIONS

### 6.1. Legislation

- (1) The Danish legislation has requirements regarding laying hen and pig farms that go beyond the requirements of Directive 99/74/EC and 91/630/EEC. However, the Danish requirements for the provisions of continuous solid or drained floors with litter, which provide a benefit for animal welfare, are not compatible with the requirements of point 2 (b) (i) of Article 3 of Directive 91/630/EEC for concrete slatted floors.<sup>10</sup> As a consequence, this EU requirement regarding the maximum width of openings between slats is not implemented in pig farms with partially slatted concrete floors.
- (2) Although transitional periods for authorising long distance transporters and for approving road vehicle for long journeys are not foreseen in Regulation (EC) No 1/2005, the provisions allowed in Danish legislation are reasonable to bring about a progressive implementation of these requirements with full implementation by 31.12.2007.

### 6.2. Competent Authority

- (1) The system of controls is well structured with adequate coordination between the different CA involved, detailed documented procedures and reliable reporting of the results of inspections.
- (2) Training activities are organised and ensure that OVs have overall an adequate knowledge of the requirements for animal welfare during transport and on pig and laying hen farms.
- (3) The system of supervision does not ensure, as required by point 3 (a) of Article 8 of Regulation (EC) No 882/2004, the effectiveness of the official controls carried out, as it concentrates mainly on administrative procedures and does not detect technical deficiencies

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<sup>10</sup> *In their response to the draft report, the Danish Authorities noted that they consider Article 3(2)(b) of Directive 91/630/EEC to only apply for fully slatted concrete floors. Such floors are being phased out in Denmark. The Ministry of Justice also adds that the wider openings that are currently in use in Denmark allow the use of straw, which is favourable from an animal welfare point of view.*

in the way inspections are performed by OV's in laying hen and pig farms and during long journey transport.<sup>11</sup>

- (4) Audits on animal welfare issues which are required by point 6 of Article 4 of Regulation (EC) No 882/2004 are proposed for 2007.

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

- (1) Thanks to an adequate network for diffusing information set up by the CCA and the professional sectors, pig and laying hen farmers are well informed of legal requirements. Regarding the pig sector, training courses are available as required by Article 5a of Directive 91/630/EEC. Regarding the live animals transport sector, training courses will be available in June 2007 as required by Article 17 of Regulation (EC) No 1/2005.

### **6.4. Laying hens**

- (1) The CCA has established, as recommended in report 7208/2004, a system for registering farms with more than 350 laying hen farms which is compliant with Directive 2002/4/EC.
- (2) The programme of inspection and the documented procedures, which took into account the recommendations of report 7208/2004, ensures a high frequency of comprehensive inspections in laying hen farms using either cage or alternative systems. However, due to erroneous interpretation of legal requirements regarding perches, farms using alternative systems were not compliant with point 1.1. (d) of Article 4 of Directive 99/74/EC. Additionally, due to imprecise assessments, the total capacity of farms was over estimated resulting in stocking densities above those allowed by points 1.1.(b) and 4 of Article 4 of Directive 99/74/EC.<sup>12</sup>

### **6.5. Pigs**

- (1) Although the inspection programme does not strictly comply with the requirements of Article 7 of Directive 91/630/EEC, as holdings with less than ten pigs are not included, its implementation ensures that controls are carried out both in a representative sample of commercial pig farms and farms selected according to the risk

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<sup>11</sup> *In their response to the draft report, the Danish Authorities indicated that a project group under the DVFA is currently working on guidelines for quality supervision and FVO's comments will be included. The project group's work is expected to be complete by 30 November 2007. As regards supervision of the regions for 2008, the topics which will be included in supervision have not yet been determined. A check on how well the regions comply with the guidelines for animal welfare inspections will be included in the considerations about this.*

<sup>12</sup> *In their response to the draft report, the Danish Authorities stated that on 8 June and 3 August 2007, the DVFA sent notices to the regions containing further information and instructions for the regions on carrying out inspections on herds, both generally and specifically for herds of pigs and herds of laying hens. Amongst other things the instructions contain special notices on inspection with the introduction of perches for laying hens.*

criteria chosen and revised yearly by the CCA. The risks which influence animal welfare on farms have not been fully identified by the CCA, as required by Article 3 of Regulation (EC) N° 882/2004.<sup>13</sup>

- (2) Thanks to the documented procedures provided to them, OVs performed comprehensive inspections in pig farms taking into account the previous recommendations of report 1098/2000. However, OVs did not always follow the technical instructions of the CCA when taking measurements of floors; as a result slight overcrowding was not detected contrary to the requirements of Article 3(1)(a) and of point A Chapter II of the Annex to Directive 91/630/EEC and pregnant sows did not have enough continuous solid floor, contrary to point 2(a) of Article 3 of Directive 91/630/EEC.
- (3) The follow up procedures put in place by the CCA ensure that corrective actions are taken when infringements are detected.

## **6.6. Transport**

- (1) The CCA has adapted its previous system of controls on transport in order to comply with the new requirements of Regulation (EC) No 1/2005 regarding authorisation of long distance transporters, approval of long journey vehicles, and training for transporters and their personnel.
- (2) The system of road checks carried out by the Police combined with the targeted checks at places of departure ensure, as required by Article 27 of Regulation (EC) No 1/2005, that appropriate inspections are carried out on an adequate proportion of the animals transported each year. However, as checks on journey logs were incomplete, it has not been ensured that long distance transport of pigs by road comply with the travel times and rest periods of Chapter V of Annex I of Regulation (EC) No 1/2005.<sup>14</sup> Moreover, because the contact point, as required by Article 24 of Regulation (EC) No 1/2005, has not been involved in relaying information to other Member States, the welfare of pigs transported to slaughterhouses in other Member States can be compromised.<sup>15</sup>

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<sup>13</sup> *In their response to the draft report, the Danish Authorities indicated that the DVFA is working to answer the technical and legal questions which must be clarified in order to use agreed penalties, judgements, police reports and injunctions as a basis for the risk based selection of herds for welfare inspections.*

<sup>14</sup> *In their response to the draft report, the Danish Authorities indicated that according to the Government's notice of 8 June 2007 to the regions, the regions must inspect returned journey logs at approximately monthly intervals. However, the Government has since tightened things up further, and the regions were informed in a Government notice of 15 August 2007 that inspection of returned journey logs must take place at the earliest opportunity after receipt and no later than one month after receipt.*

<sup>15</sup> *In their response to the draft report, the Danish Authorities explained that the DVFA wishes to define in detail the procedures for the use of the contact point. When the detailed guidelines have been prepared, the Government will draw up guidelines for the regions on how to use the point of contact.*

## **6.7. Overall conclusion**

The system of controls in laying hen and pig farms is comprehensive, has improved since the last missions and overall ensures good animal welfare standards. However, improvements need to be made in the area of supervision as the system currently in place failed to identify the lack of detection by official veterinarians of deficiencies such as inadequate perches and stocking densities in alternative laying hen farms. Regarding transport, the CA are progressively implementing the new requirements of Regulation (EC) No 1/2005 so that a more full compliance will be achieved by 31.12.2007.

## **7. CLOSING MEETING**

A closing meeting was held on 25 May 2007 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.

## **8. RECOMMENDATIONS**

### **To the competent authorities of Denmark**

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

The Competent Authorities should take measures to ensure that:

- (1) The Danish legislation on pig farms comply with the requirements of point 2 (b) (i) of Article 3 of Directive 91/630/EEC regarding width of the openings in partially slatted systems.
- (2) The system of supervision is improved and verifies the effectiveness of the official controls, as required by point 3 (a) of Article 8 of Regulation (EC) No 882/2004, in pig and laying hen farms and on journey logs.
- (3) The risks which influence animal welfare on farms are identified and are taken into account when inspections are carried out, as required by point 1 of Article 3 of Regulation (EC) No 882/2004.
- (4) Documented procedures, as required by point 1 of Article 8 of Regulation (EC) No 882/2004, provide adequate guidance for the assessment of all the requirements of Directive 99/74/EC concerning alternative systems for laying hens, in particular regarding perches.
- (5) Long journey of pigs by road comply with the travel times and rest periods of chapter V of Annex I of Regulation (EC) No 1/2005.
- (6) Effective use is made of the contact point, required by Article 24 of Regulation (EC) No 1/2005, to exchange relevant information with other Member States.

## **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\\_denmark\\_7238\\_2007.pdf](http://ec.europa.eu/food/fvo/ap/ap_denmark_7238_2007.pdf)