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FINAL REPORT OF A SPECIFIC AUDIT
CARRIED OUT IN
THE UNITED KINGDOM
FROM 02 TO 18 SEPTEMBER 2009
IN ORDER TO EVALUATE THE IMPLEMENTATION OF RULES ON ANIMAL WELFARE
IN THE CONTEXT OF A GENERAL AUDIT

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a specific audit carried out by the Food and Veterinary Office (FVO) in United Kingdom, from 2 to 18 September 2009.

The objective of the mission was to verify that official controls are carried out in accordance with the multi-annual national control plan (MANCP) referred to in Article 41 of Regulation (EC) No 882/2004 and in compliance with Community law. In addition, the audit sought to specifically verify the implementation of EU animal welfare legislation applicable to pig and laying hen farms, during transport, and to follow up certain recommendations from previous FVO missions.

The report concludes that many outstanding recommendations from previous missions have not been addressed yet. The position of the CA regarding perches in alternative systems and extended cage fronts in battery cage systems remain unchanged and thus non-compliant with Directive 1999/74/EC. Moreover, previously only conventional unenriched cages had been seen with extended fronts, now also enriched cages seen in England had extended cage front installed to increase the number of birds per cage.

Regarding the recommendations from previous reports to have adequate facilities for unloading of animals in the vicinity of Port of Dover, the situation remained the same. Moreover, also the port of Felixstowe which is now used for sending slaughter animals to other Member States has no facilities to unload the animals in the vicinity of the port. Transport of livestock from Shetland and Orkney islands to Aberdeen in the newly designed livestock containers was found to be satisfactory, including the facilities and operational procedures in ports and on ferries.

The report makes a number of recommendations addressed to the United Kingdom competent authorities, aimed at rectifying the identified shortcomings and further enhancing the control measures in place.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AH	Animal Health
AHDO	Animal Health Divisional Office
AHRO	Animal Health Regional Office
AMES	Animal Health & Welfare Management & Enforcement System
CA	Competent Authority
CCA	Central Competent Authority
CVO	Chief Veterinary Officer
DG SANCO	Health and Consumer Protection Directorate General of the European Commission
EC	European Community
EMI	Egg Marketing Inspectorate/Inspector
EU	European Union
FBO	Food Business Operator
FVO	Food and Veterinary Office

1 INTRODUCTION

The specific audit took place in United Kingdom from 2 to 18 September 2009 as part of the planned mission programme of the Food and Veterinary Office (FVO).

An opening meeting was held with the competent authorities of United Kingdom on 2 September 2009. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the mission team. The mission team comprised three inspectors from the FVO and was accompanied throughout the mission by representative from the Animal Health (AH), the Executive Agency of the CCA, Department for Environment, Food and Rural Affairs (Defra).

The Specific Audit formed part of the FVO's planned mission programme and was carried out as a component of a General Audit, as prescribed in Article 45 of 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.

This report focuses on the sector specific issues identified during the audit. It does not necessarily include aspects relating to Regulation (EC) No 882/2004; these aspects will be addressed in the subsequent General Audit report.

2 OBJECTIVES OF THE MISSION

As part of the general audit, the main objective of each specific audit is to verify that official controls are carried out in accordance with the multi-annual national control plan (MANCP) referred to in Article 41 of Regulation (EC) No 882/2004 and in compliance with Community law.

The more specific objectives of the mission were to evaluate the measures taken to implement the requirements for EU legislation for animal welfare on laying hen and pig farms and during transport. Progress with the implementation of recommendations from previous FVO reports was also assessed.

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

Visits		Comments	
Competent authority	Central	2	Opening and closing meeting with the CCA, devolved administrations and representatives from the Freight Transport Association and the Local Authorities.
	Regional	2	Meetings with CA in one AHRO in England and one AHDO in Scotland.
	Local authorities	2	Meetings with representatives of the Local authorities in England and Scotland.
Laying hen farms		3	Two laying hen farms (one with enriched cages and one with alternative system) were visited in England and one with enriched cages in Scotland. The sites were selected by the inspection team.
Pig farms		2	One pig farm in England and one in Scotland have been visited.
Ports		4	Ports of Felixstowe, Dover, Aberdeen and Lerwick had been visited

		where procedures of animal welfare controls had been discussed.
Holding of origin	1	A holding in England from where sheep were sent to intra/Community trade had been visited.
Approval of vehicles	1	A meeting with the representative of the body responsible for the approval of vehicles in England, where the approval procedures had been discussed.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

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

4 BACKGROUND

The most recent previous missions concerning animal welfare on farms and during transport in United Kingdom were carried out in 2006 and 2008, the results of which are described in reports DG (SANCO)/8044/2006 – MR Final and DG (SANCO)/2008/7690– MR Final (hereafter referred to as report 8044/2006 and report 2008/7690 respectively).

Report 8044/2006 concluded that although the legal transposition of most of the recent EU requirements for pigs and laying hens was late, the pig sector had generally responded well to comply with the legal provisions. The laying hen sector has not had as much time to adjust to the changes introduced in legislation and major non-compliances remained more common. The system of CA instructions for inspections and enforcement activities was well developed and generally comprehensive; however, the effect of follow-up actions taken following a previous FVO mission on laying hens had been limited. Overall inspections were competently performed; however, although procedures for enforcement were well defined, these were not sufficiently followed.

Report 2008/7690 on animal welfare during transport concluded that the documented procedures, which have been provided by the CCA, were extensive and training has also been useful in ensuring that the practical consequences of the legal requirements are understood by officials. However, certain procedures and training had not been updated to take into account some of the new requirements introduced by Regulation (EC) No 1/2005 with the result that the implementation of these requirements is not being adequately assessed. Major developments had taken place to implement the requirements for the authorisation of transporters, but there was not a complete assurance that vehicles had been approved as required or that transporters have developed adequate contingency plans. The lack of a facility to unload animals in the vicinity of Dover port was a major limitation on the options available to transporters and the CA for dealing with emergencies or delays at this important point of transfer.

These reports are accessible at: http://ec.europa.eu/food/fvo/index_en.cfm.

A detailed description of the Competent Authorities (CA) can be found in the report DG(SANCO)/7713/2008 country profile for United Kingdom which is accessible at: http://ec.europa.eu/food/fvo/country_profiles_en.cfm and in the Multi-Annual National Control Plan (MANCP) of United Kingdom.

5 FINDINGS AND CONCLUSIONS

5.1 ANIMAL WELFARE ON FARMS

5.1.1 Inspections of laying hen farms

Legal requirements

Article 8.1 of Directive 1999/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of this Directive. Article 4.1.1(e) of Directive 1999/74/EC requires that all alternative systems are equipped in such way that all laying hens have at least 250 cm² of littered area per hen with the litter occupying at least one third of the ground surface.

Article 4.1(d) of Directive 1999/74/EC – requires all alternative systems are equipped with adequate perches.

Article 6.2 of Directive 1999/74/EC – requires that systems with enriched cages are equipped with feed troughs, which may be used without restrictions and the length must be at least 12cm multiplied by the number of hens in the cage.

Article 5.2 requires that member States shall ensure that rearing in unenriched cage systems is prohibited from 1 January 2012.

Findings

The CA provided the following information regarding different rearing systems in UK at the time of mission:

	No. of holdings with unenriched cages (% from total no. of holdings)	No. of birds in unenriched cages (% from total number of birds)
England	278 (10.77%)	12,892,820 (46.33%)
Wales	15 (4.79%)	575,380 (34.40%)
Scotland	n/a	1,776,301 (47.26%)
N. Ireland	n/a	1,823,180 (65.5%)

The CA had sent letters to egg producers in June 2009 reminding them about the deadline of 2012, when unenriched cages will be banned. The CA explained that meetings between VOs and EMIs had been held to discuss proper enforcement and that withdrawal of the registration number in order

to prevent eggs from being placed on the market has been considered as an option. No final decision has been adopted yet.

In response to a recommendation from report 8044/2006 requesting that the monitoring of compliance in the laying hen sector (Directive 1999/74/EC, Article 8) also takes account of the requirements of Article 3.1 of Regulation 882/2004, the programme of checks was prepared using risk criteria which include results of previous checks and the time elapsed since last inspection, but this was not the case in England, where no checks of farms with cage production systems (both unenriched and enriched) had been planned or performed.

Report 8044/2006 recommended that regarding perches, a common position is adopted throughout the UK, in line with Article 4 (1) (1) (d) of Directive 1999/74/EC (i.e. perches have to be considered as installations available in the third dimension). In response to this the CCA indicated that Directive 1999/74/EC does not contain a definition of a perch, or require to be aerial.

- The mission team noted that the CCA has not changed their position regarding perches as they consider that a slatted floor is in line with the requirements for perches as per Article 4.1 (d) of Directive 1999/74/EC. The mission team visited a house with an alternative production system in England, which had a slatted floor but no perches above this level. The slatted floor was included by the CA in calculating useable area, and the same area was again used to calculate perching area. In Scotland the CA does not consider this approach as adequate and requests that the perches are installed in a third dimension above the slatted floor.

Report 8044/2006 recommended that cages meet the requirements of Directive 1999/74/EC, in particular that the height is at least 35cm at any point (Directive 1999/74/EC, Article 5.1.1). The mission team noted that:

- The CCA has not changed their position regarding extended cage fronts in unenriched cages. Moreover, enriched cages with extended fronts had now been seen on a farm visited in England, while on the farm in Scotland the enriched cages seen by the mission team were without extended fronts.
- On the farm visited in England the extended cage fronts (2.5 cm on each front side of the cage) were installed with the intention of providing additional area for two birds (44 instead of 42 birds in the cage). Although in the case seen the additional area provided by the extended fronts was not significantly increased, the space provided by these extended fronts was not regarded as cage area by the mission team. In addition, the length of the feed trough had not been calculated correctly. The feed trough in front of the nests had been included although it was completely inaccessible to the birds. The actual length of the feed trough which could be used without restriction (including additional feeder inside the cage) was only enough to accommodate 42 birds and as a result both houses visited had been almost 7% overstocked when populated.
- The feed in the troughs inside the cages described above was contaminated with faeces, contrary to point 17 of the Annex to Directive 98/58/EC, which requires that the feeding equipment is designed, constructed and placed so that contamination of food is minimised. In addition, in one of the two houses visited no feed had been delivered to the inside feeder and some feeders were damaged, and as a result were not able to contain feed.

Report 8044/2006 recommended that procedures for enforcement are followed, particularly in relation to the follow-up of cases of overstocking in battery cage farms (Regulation 882/2004, Article 55). It was noted that:

- In England there was no CA who would check battery cage farms (unenriched or enriched). EMI stated that they are not competent for these checks, while VOs stopped checking these

farms in 2007. Since the restructuring of the CA services, EMI are now a part of AH and the CA stated that EMIs are now responsible for checks, including animal welfare, on all laying hen farms, but as no training has been provided to EMIs, they had not started these checks yet.

- In England the farm visited by the mission team was last checked by a VO in 1997, well before Directive 1999/74/EC became applicable. EMI visited the farm yearly but only with regard to the egg marketing standards, as they had no competence for checking the cage production systems. As a result the enriched cages which had been installed in 2003 had not been checked prior to this mission.
- In Scotland EMI assessed all production systems and if they found welfare non-compliances they informed AH, who performed welfare checks. Evidence of such checks being performed in 2008 and 2009 was provided to the mission team.

The alternative farm visited by the mission team was checked by the VO four weeks before the mission, following a complaint. No non-compliances had been detected during the visit and as a result score A, indicating highest compliance was given to the farm. The VO who performed the check was not present during the visit by the mission team. The mission team noted that:

- There was no littered area for birds on this farm as the whole usable area was covered with a slatted floor. The VO had not addressed this during his previous check.
- Severe feather pecking causing injuries and potential suffering to the birds had not been recognised and therefore not adequately addressed. In the check list from the last check, it was assessed as "friendly feather pecking".
- Regarding mechanical ventilation, the VO during his check filled in the relevant box on the check list as "not applicable"; however, the use of mechanical ventilation was essential for animal welfare on that farm and despite the ventilation fans being in full operation during the mission team visit, the quality of the air was poor in some parts of the house.
- EMI checked the farm four month before this mission and no deficiencies were detected. The farm was considered to be in compliance with the egg marketing regulation (Regulation (EC) No 589/2008 which also provides cross references to Directive 1999/74) for free range farms, even though it did not have a littered area at all, contrary to Article 4.1.1(e) of Directive 1999/74. The EMI indicated that although there is no littered area the birds were allowed to access the outdoor area at all times.

Conclusions

Several recommendations from previous reports, including those on extended cage fronts and perches in alternative systems, have not been adequately addressed and in addition the CA now tolerates overstocking in enriched cages equipped with extended cage fronts, which should not be considered as providing additional cage area and which do not provide enough feeding space for the number of birds allowed. The lack of checks on farms with caged systems of production and the poor performance of the checks in alternative systems additionally contributed to the fact that the situation in the laying hen sector in England continues to be non-compliant with the EU animal welfare requirements. The situation in Scotland is more favourable as the CA requires aerial perches and checks on farms with cages had been performed more consistently.

5.1.2 Inspections on pig farms

Legal requirements

Article 7.1 of Directive 2008/120/EC requires the CA to carry out inspections on a representative sample of the different rearing systems.

Findings

- The mission team inspected files of checks performed in both regions visited and noted that inspections were carried out as cross-compliance checks, in response to complaints and at random. Follow up checks were performed where non-compliances had been detected.
- Checks performed on both pig farms visited in England and Scotland were carried out in a satisfactory manner; however, in the farm visited in England, a boar was kept in an isolated pen, contrary to Chapter II.A of the Annex to Directive 2008/120EC, which requires that boar pen must be sited and constructed as to allow the boar to see other pigs, and this was not detected by VO; and in the farm visited in Scotland routine tail docking of pigs, although assessed by the VO during previous check, had still been practiced. (Chapter I.8 of the Annex to Directive 2008/120/EC).

Conclusions

Inspections on pig farms were planned and performed in a satisfactory way; however, some non-compliances observed by the mission team were not detected by VOs.

5.1.3 Registration of laying hen farms

Legal requirements

Directive 2002/4/EC requires Member States to establish a system for registering every production site covered by the scope of Directive 1999/74/EC. The last paragraph of point 1 of the Annex to this Directive requires the registration of the maximum capacity of an establishment in number of birds present at one time. Article 1(4) of Directive 2002/4/EC requires that member States shall ensure that the changes concerning registered data are notified to the CA without delay and that the register is updated immediately when such information is received.

Findings

Report 8044/2006 recommended that the maximum capacity of the establishment is included in the register of each laying hen establishment (Directive 2002/4/EC, Annex, point 1). It was noted that:

- There was a parallel system of keeping laying hen registers, as they were kept separately by VOs and EMIs in both England and in Scotland. There was no exchange of information between VOs and EMIs regarding data in the registers.
- All registers were incomplete or not updated and there was no procedure in place for updating data from the time of approval.
- In England, the maximum capacity of the holdings with both unenriched and enriched cages was not assessed and therefore not recorded adequately in the register. In Scotland the maximum capacity of the holdings with unenriched cages had been assessed, but this was not the case for the holdings with enriched cages.
- In England and Scotland the maximum capacity had been recorded in the EMI registers for the holdings with alternative systems, but it was based on the declaration of the owner and this information had not been cross-checked by the EMIs.
- In England, the VOs register did not contain all farms, including the two farms visited by the mission team. The EMI register included these two farms, but this did not contain two

houses with enriched cages, which were both put in use after 2004, when the registration had taken place.

Conclusions

The system in place for the registration of laying hen premises does not ensure that maximum capacity is adequately assessed and recorded and that changes concerning registered data are notified to the CA without delay and that the register is updated immediately when such information is received, contrary to Article 1(4) of Directive 2002/4/EC. Parallel keeping of registers and lack of exchange of data from the registers between VOs and EMIs does not enable the inspectors to get valuable information before they perform the inspections.¹

5.2 ANIMAL WELFARE DURING TRANSPORT

5.2.1 Authorisation of transporters

Legal requirements

Article 10 of Regulation (EC) No 1/2005 lays down the requirements for authorising transporters carrying out journeys up to eight hours. In particular, the applicants must demonstrate that they have sufficient and appropriate staff, equipment and operational procedures to comply with this Regulation and that they do not have criminal records of infringements in relation to animal welfare.

Article 11 of Regulation (EC) No 1/2005 laying down the provisions for authorising transporters carrying out long journeys, in addition to the documentation mentioned in Article 10, requires further documents, such as the certificates of approval of vehicles, procedures to trace and record the movements of vehicles and to contact drivers, a contingency plan in the event of emergency, and the certificates of competence for drivers and attendants.

Article 18 of Regulation (EC) No 1/2005 lays down the requirements for CAs to grant certificates of approval of means of transport by road for long journeys.

Findings

Report 2008/7690 recommended that transporters, including those already authorised, have suitably approved vehicles, as required by Article 18 of Regulation (EC) No 1/2005 and the contingency plans, required by Article 11 (1)(b)(iv) of Regulation (EC) No 1/2005 and which transporters gave an undertaking to produce at the time of authorisation, were assessed in relation to their appropriateness for dealing with emergencies.

1In their response to the draft report, the UK Authorities noted that the maximum capacity of the establishment is now included in all new registration requests and inspections to assess maximum capacity have been commissioned. As is already the practice in Scotland, measures have been put in place in England to verify the information on maximum capacity provided by the owner at registration by carrying out a physical measurement at the initial site inspection. In addition, the registration letter for each establishment will include a requirement for each house that any changes to the house or the site are notified to Animal Health immediately. These changes would then be reflected in the register on completion of a site inspection.

The CA also indicated that communications between EMI and veterinary staff are now regarded by Animal Health as satisfactory. Issues of concern are being reported and discussed with joint visits resulting and corrective action being taken.

Finally they also indicated that the registration of laying hens will be addressed at a training event for all enforcement staff.

- The mission team noted that no actions had been taken by the CA following the recommendation regarding contingency plans and these were not required before authorising the transporters. The CA stated that instructions to Animal Health field staff will be amended to ensure that contingency plans for long journeys will be scrutinised as part of documentary checks during supervised loadings and inspections.
- The approval certificates for means of transport were issued by a body designated by Defra, after the inspection of the mean of transport. If during the inspection prior to approval deficiencies regarding a means of transport were detected, the approval document was not issued until the transporter informed the issuing body in writing that the shortcomings had been rectified. This does not guarantee that the approved vehicles were actually in compliance with Regulation (EC) No 1/2005, as a new inspection is not carried out. VOs rely on the fact that the vehicle had been approved by the designated body and they do not perform checks on structural requirements of the means of transport. The CA stated that this would be checked during re-approval check after the expiry of the present approval certificate, which is in most cases after five years.
- In response to a recommendation from report 2008/7690 that the vehicles should meet the requirements of Regulation (EC) No 1/2005 in relation to the inclination of ramps the CCA replied that all vehicles approved from January 2009 must be compliant with the legal requirements and that they expect that full compliance will only be achieved by the requirement for vehicle re-approval after the expiry of the current authorisations, which were in most cases issued for five years.

Conclusions

The CCA has not adequately addressed the issue on the contingency plans in case of emergency which had to be provided to the CA before authorising the transporters. The system put in place for approval of the vehicles does not ensure that the means of transport, for which the corrections had been requested, actually comply with the legal requirements when authorisation is issued. Vehicles approved before 2009 with ramp angles which do not comply will continue to be in operation until next re-approval.

5.2.2 Checks at departure and at ports

Legal requirements

Article 27.1 of Regulation (EC) No 1/2005 requires that the CA shall carry out non-discriminatory inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of the animals transported each year within each Member State and may be carried out at the same time as checks for other purposes.

Findings

Checks at loading were planned and performed by AH using risk based selection, which included records of previous non-compliances and number of consignments that had been dispatched from a place of departure. The OVs would check the animals before the loading for certification purposes and for fitness for travel, but they would not usually be present during loading.

It was noted:

- The consignments on the places of departures to be checked by the AH staff were planned by the AH office in the port of Dover, using risk criteria, such as records of previous non-compliances and quantity of movements from the place of departure.

- On the holding of origin visited, from which one consignment of sheep was sent to intra-Community trade each week, no checks during loadings had been performed by AH staff in 2009. The VO stated that in 2008 one supervised loading had been carried out and that holding and the consignments had been considered as low risk and that there was no reason why they should perform more checks. As the same risk assessment was done by the same AH staff for the checks at the port of Dover, the consignments and means of transport departing from this particular holding were not checked at the port when exiting the country.
- The appropriate stocking density can not be verified if the AH staff is not present at loading. As no such supervised loadings had been performed on the holding visited during 2009 the stocking density had not been assessed. The certifying OV stated that he could not assess if the stocking density on the truck will be adequate when he checked the animals for fitness for transport, as he did not know in advance which trucks will be used for transporting the animals, because different foreign trucks come for each loading. In the ports of exit from UK (Dover and Felixstowe) the stocking densities were assessed only visually and the AH officer stated that they have not had any instructions on how to assess the loading densities.

Checks at ports were performed by AH staff targeting 30% of all consignments, on the basis of risk factors, which also included intelligence information from LAs. These checks include documentary check and visual assessment of fitness for travel and stocking densities.

Four ports had been visited. The port of Dover had been used for sending consignments of slaughter animals to intra – Community trade until recently; now this port is used only for breeding animals while for slaughter animals the port of Felixstowe is being used. The ports of Lerwick and Aberdeen were used as port of departure (Lerwick) and port of arrival (Aberdeen) for transport (mostly seasonal) of sheep and cattle from Shetland island to the mainland Scotland.

AH at the port of Dover in 2008 checked 129 out of a total of 362 vehicles (35.6%) transporting fattening and production cattle and sheep. 22 vehicles were found not to comply with legal requirements either due to operation or structure and 11 notices were served. In six instances the problems were resolved at the port and the vehicle allowed to continue, one of which was ordered to return to the premises of origin, two were ordered to go to a control post to resolve the problems, and three were allowed to continue as the AH did not consider the problems sufficient to halt the journey.

Regarding the recommendation from a report 2008/7690 concerning the arrangements to deal with non-compliances detected and delays at ports, as required by Article 22 (2) and 23 (2)(e) of Regulation (EC) No 1/2005, the CA has taken no action to ensure that suitable facilities to unload the animals were provided. In addition to the lack of unloading places within two hours drive from Dover, the CA at the port of Felixstowe, which is being used for consignments of slaughter animals from UK to other Member States, does not have contingency plan for unloading animals in the vicinity of the port.

During the mission three cases where the consignments had been rejected in the port of Dover in 2008 were examined:

- In one case there was a heavily overstocked truck with two dead sheep, one trapped by its head between the partition and side of the vehicle, and five animals unable to stand. In this case the two dead animals were removed and the consignment still overstocked and with the downer animals on board, was sent back to the place of origin in Wales, more than 440 km away. No action was taken against the transporter as the CA felt that the prosecution would be unsuccessful as it would be difficult to explain to the judge that the return journey, ordered by the CA, did not cause further unnecessary suffering.
- A consignment of unweaned calves from Northern Ireland which was just about to reach its maximum journey time (18:30 hours out of a maximum of 19 hours), but which also had a

non-functioning watering system and unsatisfactory documents, was sent by the CA to an assembly centre 300 km away in Somerset.

- A consignment of calves without sufficient headroom and without a journey log was sent for unloading at a control post in Bristol, 320 km away.

In the port of Felixstowe 29 checks had been performed in 2009 and no non-compliances had been detected during these checks. However, in three trucks checked on the day of visit of the mission team, all three had deficiencies. The CA explained that the technical and structural requirements of the means of transport were not routinely checked as they had been approved by the CAs in UK or in other Member States. It was noted that:

- One driver was not able to prove that the temperature monitoring and recording device had been fitted in the trailer, and the AHO was satisfied that the driver did not possess the key to access it. As a result it was not possible to assess whether the ventilation system was efficient when animals were loaded on three decks on a truck designed for four decks, because the side openings of the trailer and the fans were covered by the movable floor platforms. Eventually the AH officer issued a notice to the transporter.
- When the mission team checked the watering supply on two trucks which had already been assessed by the AH officer, who had not found deficiencies during the check, both trucks were found to be without any water in the tanks. Despite this the consignment was left to continue the journey on the ferry without any action taken by the AH officer, who explained that they do not check the trucks, but only documents and animals and that they rely on the approval documents which prove that the trucks had been checked during the approval process and as such they have to comply with the legal requirements. The CA explained that the guidance on checks of animal welfare during transport does not include assessment of watering devices.

Transport of livestock from the Shetland and Orkney Islands to Aberdeen is performed with specially designed livestock containers which are loaded on a ferry. The CA before approving the livestock containers requested the manufacturer to make changes they considered necessary for the containers to comply with the requirements of Regulation (EC) No 1/2005. The CA also accompanied journeys to assess the travelling conditions, including monitoring of temperature and behaviour of the animals. The mission team noted that facilities, including lairages and loading and unloading facilities, and procedures put in place to check the consignments at ports of departure and at the port of arrival were satisfactory. The livestock containers were equipped with the system which provided water to animals at all times during the sea journey and the feed was provided to animals before loading the containers onto the ferry. The containers are fitted with double floor to allow drainage of the liquid from the floor; however, on a consignment seen at Aberdeen port the floors of all containers were wet and animals dirty as not enough bedding was provided before loading the animals.

Conclusions

The situation regarding the unloading facilities at the ports for consignments leaving and arriving to the UK remained the same as during the previous mission which also indicated inadequate arrangements to deal with three incidents which occurred at the port of Dover. Although the checks carried out by the CA at this port have been satisfactory, the ability of the CA to deal with the three further significant incidents at this port does not comply with the requirements of Article 23.1 of Regulation (EC) No 1/2005 where a competent authority shall take, or require the person responsible for the animals to take, any necessary action required to safeguard the welfare of the animals.

In addition as the port of Felixstowe is now being used by consignments of slaughter animals, the lack of facilities to unload animals would give rise to similar problems here in cases when animals

will have to be unloaded. In addition the CA checks here were not satisfactory and much less complete than those that had been carried out at Dover.

Facilities and procedures put in place for transport of livestock from Shetland and Orkney Islands were found to be satisfactory.

The CA guidance does not require that means of transport are checked for compliance with the Regulation (EC) 1/2005, as they consider that the approval certificate is sufficient guarantee to ensure that the mean of transport is compliant with legal requirements and as a result the non-compliances of trucks remained undetected. Similar situation was found with the loading density which was only visually assessed and no guidance was provided to the inspectors on how to calculate if the number of animals is adequate for the floor area of the truck available.

6 OVERALL CONCLUSIONS

Many outstanding recommendations from previous missions have not been addressed yet. The position of the CA regarding perches in alternative systems and extended cage fronts in battery cage systems remain unchanged and thus non-compliant with Directive 1999/74/EC. Moreover, previously only conventional unenriched cages had been seen with extended fronts, now also enriched cages seen in England had extended cage front installed to increase the number of birds per cage.

Regarding the recommendations from previous reports to have adequate facilities for unloading of animals in the vicinity of Port of Dover, the situation remained the same. Moreover, also the port of Felixstowe which is now used for sending slaughter animals to other Member States has no facilities to unload the animals in the vicinity of the port. Transport of livestock from Shetland and Orkney islands to Aberdeen in the newly designed livestock containers was found to be satisfactory, including the facilities and operational procedures in ports and on ferries.

7 CLOSING MEETING

A closing meeting was held on 18 September 2009 with the CCA. At this meeting, the main findings and preliminary conclusions of the mission were presented by the FVO team. The representatives of the CCA acknowledged the findings and conclusions presented, and provided further clarification on some of the issues discussed.

8 RECOMMENDATIONS

It is recommended that the Competent Authority

Nº.	Recommendation
1.	Take measures to ensure that all recommendations regarding laying hens from report 8044/2007, for which actions taken had not been adequate are effectively addressed and to ensure that the checks are performed on laying hen holdings with all systems of production in order to ensure compliance with the requirements of Directive

N°.	Recommendation
	1999/74/EC, in accordance with Article 8.1 of Directive 1999/74/EC.
2.	Take measures to ensure that enriched laying hen cages comply with the requirements of Article 6.1 and 6.2 of Directive 1999/74/EC.
3.	Take measures to ensure that all recommendations regarding animal welfare at transport from report 2008/6970, for which actions taken had not been adequate, are effectively addressed.
4.	Take measures to ensure that the system put in place for approval of the vehicles ensure that the means of transport, for which the corrections had been requested, actually comply with the requirements set in Article 18.1(b) of Regulation (EC) No 1/2005, before authorisation is issued.
5.	Take measures to ensure that when carrying out the checks of consignments with live animals, they also include the checks of the means of transport, to ensure their compliance, as required by Article 27.1 of Regulation (EC) No 1/2005.

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/ap/ap_gb_2009-8268.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	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
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	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
Reg. 589/2008	OJ L 163, 24.6.2008, p. 6-23	Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs
Dir. 2008/120/EC	OJ L 47, 18.2.2009, p. 5-13	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs
Dir. 1999/74/EC	OJ L 203, 3.8.1999, p. 53-57	Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens
Dir. 98/58/EC	OJ L 221, 8.8.1998, p. 23-27	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes
Dir. 2002/4/EC	OJ L 30, 31.1.2002, p. 44-46	Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC