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FINAL REPORT OF A SPECIFIC AUDIT
CARRIED OUT IN
SWEDEN
FROM 12 TO 21 OCTOBER 2010
IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT
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 Food and Veterinary Office (FVO) specific audit in Sweden carried out from 12 to 21 October 2010, as part of the general audit of Sweden carried out under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.

The specific audit evaluated the implementation of national measures aimed at the control of animal welfare on farm and during transport.

It is therefore concluded that the system of official controls on animal welfare is still in a transitional phase. As a result of the recent administrative re-organisation, reduced numbers of official controls on animal welfare on farm and very few controls during livestock transport are being undertaken. However, deficiencies are mostly being satisfactorily detected during these on farm controls but enforcement, although generally effective, can be very slow to achieve results.

Swedish national animal welfare legislation goes beyond EU minimum standards in a number of important areas such as banning tail docking of pigs and unenriched cages for laying hens.

Recurrent deficiencies in the pre-approval system for farm premises have important implications for actual overstocking in laying hen premises and potential overstocking in pig premises. Nevertheless the standards of animal welfare seen on farms and during transport were satisfactory to good.

The SBA system in place for transporter authorisations and vehicle approvals relies upon information supplied by the CABs which was not always accurate. Approved vehicles seen were of a high quality although not always fully compliant with all the requirements for all of the species for which they were approved.

Satisfactory follow up to the previous FVO inspection mission in 2007 was demonstrated for four out of seven of the recommendations made. Two of the remaining three cannot be addressed at present due to insufficient planning to provide a sufficient legal basis for regulating the recently changed roles of the SBA and the CABs in relation to audit and verification of controls. Action has been taken to investigate ways to address these issues. For one recommendation to ensure alternative premises fully comply with all requirements of Directive 1999/74/EC, this is being addressed, but too slowly.

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

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

| Abbreviation | Explanation |
|---------------------|---|
| AWA | Swedish Animal Welfare Act |
| AWO | Swedish Animal Welfare Order |
| AWI | Animal Welfare Inspector |
| CA | Competent Authority |
| CAB | County Administrative Board |
| CCA | Central Competent Authority |
| CO ₂ | Carbon dioxide |
| DG(SANCO) | Health and Consumers Directorate-General |
| DSK | <i>DjurSkyddsKontrol</i> - SBA and CAB Shared management information system on animal welfare |
| EC | European Community |
| EU | European Union |
| FBO | Food Business Operator |
| FVO | Food and Veterinary Office |
| GA | General Audit |
| MANCP | Single Integrated Multi-Annual National Control Plan |
| MS | Member State |
| NH ₃ | Ammonia |
| NFA | National Food Administration of Sweden |
| OV | Official Veterinarian |
| PPM | Parts Per Million |
| SBA | Swedish Board of Agriculture |
| SNS | Satellite Navigation System |

1 INTRODUCTION

The Specific Audit formed part of the FVO's planned mission programme. It took place in Sweden from 12 to 21 October 2010. The audit team comprised two inspectors from the Food and Veterinary Office and one national expert. Representatives from the central competent authority, the SBA, accompanied the audit team for the duration of the audit. An opening meeting was held on 12 October 2010 with the CCA and representatives from the Regional CA. At this meeting, the objectives of, and itinerary for, the specific audit were confirmed by the audit team and the control systems were described by the authorities.

2 OBJECTIVES OF THE MISSION

The objectives of the specific audit were to:

- Verify that official controls in the sector currently being audited are organised and carried out in accordance with relevant provisions of Regulation (EC) No 882/2004, and the multi-annual national control plan (MANCP) prepared by Sweden;
- Evaluate the implementation of national measures, aimed at the control of animal welfare in accordance with the requirements of EU legislation for animal welfare on farms and during transport. Attention was paid to examining the implementation of corrective actions undertaken in response to recommendations made in the report of a previous FVO animal welfare mission to Sweden (DG (SANCO)/ 7336/2007) on animal welfare on farms.

In terms of scope, the audit concentrated on:

- As regards Regulation (EC) No 882/2004 for the sector currently being audited, the organisation of official controls (Articles 3-7,) control and verification procedures and methods (Articles 8-10), enforcement (Articles 54-55), MANCP (Articles 41-42) and registration and approval of establishments (Article 31);
- The following animal welfare legislation concerning the protection of animals kept for farming purposes (Council Directive 98/58/EC), the minimum standards for pigs (Council Directive 2008/120/EC) and laying hens (Council Directive 1999/74/EC) and the protection of animals during transport and related operations (Council Regulation (EC) No 1/2005).

The table below lists sites visited and meetings held in order to achieve that objective:

| MEETINGS/VISITS | | n | COMMENTS |
|-----------------------|----------|---|---|
| COMPETENT AUTHORITIES | Central | 2 | Opening and closing meetings with SBA,NFA and CAB representatives. |
| | Regional | 2 | Meetings with Regional authorities in Östergötlands län and Södermanlands län. |
| FARMS | | 9 | Four holdings rearing pigs for fattening and reproduction and two holdings rearing laying hens in enriched cages and three in alternative production systems. |

| MEETINGS/VISITS | n | COMMENTS |
|------------------------------|----------|--|
| ESTABLISHMENTS | 2 | Two slaughterhouses for cattle and pigs; to assess the system of controls on transport at destination. |
| TRANSPORTERS PREMISES | 2 | Two vehicles approved for long distance journeys: to assess the system of vehicle approvals. |

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of European Union 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. A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

4.1 CONTRIBUTION TO THE GENERAL AUDIT

Article 45 of Regulation (EC) No 882/2004 requires the Commission to carry out general and specific audits in member States. The main purpose of such audits is to verify that, overall, official controls take place in Member States in accordance with the multi-national control plans referred to in Article 41 and in compliance with European Union law.

This Specific Audit was carried out as a component of a General Audit to Sweden. Section 5 below contains findings and conclusions relating to the implementation of Regulation (EC) No 882/2004; Section 6 below contains findings and conclusions relating to sector specific issues.

4.2 SUMMARY OF PREVIOUS FVO MISSION RESULTS

Official controls on farm were last inspected by the FVO in March 2007 (DG(SANCO)/ 7336/2007-MR Final). The report of this mission (henceforth referred to as report 7336/2007) has been published on the website of the Directorate - General for Health and Consumers: http://ec.europa.eu/food/fvo/ir_search_en.cfm

Report 7336/2007 concluded that the system of approval of farms was a useful tool to safeguard animal welfare; however, inspectors tended to rely on this system with the result that not all the necessary checks were made. In addition once approval had been given, there was no system to ensure that older buildings met the requirements of subsequently adopted legislation.

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

5 FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) NO 882/2004

5.1 COMPETENT AUTHORITIES

5.1.1 Designation of Competent Authorities

Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls.

Findings

The structure, organisation and designation of competences of the CAs are described in detail in the Multi-Annual National Control Plan (MANCP) of Sweden, accessible on the CA website: www.jordbruksverket.se and in the FVO report DG(SANCO)/8115/2009 Country Profile for Sweden: http://ec.europa.eu/food/fvo/country_profiles_en.cfm. Since the previous FVO inspection in 2007, responsibility for control of animal welfare has been transferred from municipalities to the CABs on 1 January, 2009.

Designations of competence for animal welfare tasks for the SBA, NFA and CABs are given under Articles 24-26 of the Animal Welfare Act (AWA) and Articles 58-63 of the Animal Welfare Ordinance (AWO). The Police authorities are designated under Article 27 of the AWA with providing assistance to the control authorities.

It was noted that:

- The National Food Administration (NFA) is responsible for animal welfare controls (inspection tasks) in slaughterhouses and during slaughter that Official Veterinarians (OVs) and official auxiliaries perform under Article 5(1)(c) of Regulation (EC) No 854/2004, including checks on transported animals. The NFA is also responsible for inspecting transported animals at the slaughterhouse and for welfare controls on individual animals that are performed in conjunction with *ante-mortem* inspection under Article 5(1)(b). CABs are responsible for enforcement of animal welfare controls in slaughterhouses in accordance with the provisions laid down in the AWA and AWO, including unloading, lairaging, stunning and killing. The CABs are responsible for conducting audits on slaughterhouses pursuant to Article 4(9) of Regulation (EC) No 854/2004.
- Although the SBA had issued a clarification document on the roles of the NFA and the CAB at slaughterhouses, there were still ongoing misunderstandings regarding responsibilities for follow-up to official controls on animal welfare at slaughterhouses and own checks on animal welfare were not being verified by any CA as there were no instructions specifying who was responsible for this;
- In small slaughterhouses not all OVs are responsible for carrying out inspection tasks relating to planned controls on animal welfare (such as welfare checks upon arrival and unloading) in accordance with the requirement in Article 5(1)(c) and Annex I [Section 1] Chapter I, part C of Regulation (EC) No 854/2004 where it states that OVs in slaughterhouses should verify compliance with rules on animal welfare such as the protection of animals at the time of slaughter and during transport; see Section 6.2.3.2 for further details. The NFA is responsible for inspecting transported animals at the slaughterhouse. At some small slaughterhouses, OVs specifically tasked to do so who have greater experience of animal welfare controls, perform the controls that are referred to under

point C¹;

- SBA Inspection Division is carrying out inspections of laying hen premises for the marketing and labelling of eggs, and these will in future include verification of compliance with animal welfare rules².

5.1.2 Co-operation between Competent Authorities

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination and co-operation between competent authorities.

Findings

Sweden has two contact points, one at the Ministry of Agriculture and one at the SBA. Information (e.g. concerning the suspension of transporters) which reaches the contact point at the SBA is forwarded both to other relevant Divisions at the Board as well as to the CABs. There are a number of other coordination mechanisms between CAs involved in animal welfare controls:

- A Council of Cooperation has been put in place between SBA Heads of Department and four Deputy Governors from the CABs (one of whom is the spokesperson for the CABs on animal welfare);
- Once a year, SBA arranges a conference attended by the CABs to address various topics including animal welfare (animal welfare was on agenda for 2009 but not 2010³);
- A contact group for animal welfare consisting of SBA policy staff and four appointed CAB animal welfare managers has phone conferences three to four times per year;
- A coordination group on animal welfare in slaughterhouses consisting of the SBA, NFA and CABs is planned but has not started yet.

It was noted that:

- There is a lack of coordination and communication in the operation of the SBA laying hen register and the information available to CABs on maximum capacities of laying hen premises, see section 6.1.2 for further details;
- CABs were not aware of their responsibilities for the verification of returned journey logs, see section 6.2.2.1.

1 *“In their response to the draft report the Competent Authority commented that the SBA is working on a special project to develop a more reliable system for classifying risk in terms of animal welfare at slaughterhouses.”*

2 *“In their response to the draft report the Competent Authority commented that routines for communicating information to the CABs on deficiencies in animal welfare discovered during these inspections will be improved”.*

3 *“In their response to the draft report the Competent Authority commented that no ‘Control days’ were held in 2010 because the CA wanted to wait for the findings of the General Audit. Control days were held in February 2011.”*

5.1.3 Co-operation within Competent Authorities

Legal Requirements

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective co-ordination and co-operation shall be ensured between the different units.

Findings

The two CABs visited were part of a seven county cooperation group based on their shared borders. They meet twice per year and cooperate on various issues including animal welfare.

There are distinct organisational units in each individual CAB involved in official controls on animal welfare and there was good coordination noted between individuals in these units.

5.1.4 Delegation of specific tasks related to official controls

Legal Requirements

Article 5 of Regulation (EC) No 882/2004 sets out the scope of possible delegation to control bodies, the criteria for delegation, and the minimum criteria which must be met by control bodies. Where such delegation takes place, the delegating competent authority must organise audits or inspections of the control bodies as necessary. The Commission must be notified about any intended delegation.

Findings

It was noted that:

- The SBA is in discussions with a private company (formerly a state body) for them to take over, in 2011, responsibilities for the technical inspection of livestock transport vehicles prior to their approval by the SBA. The issue of the precise role of this company and the contractual arrangements are still being developed⁴. The SBA is aware of the implications for delegating control tasks.

5.1.5 Contingency planning

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 also requires that competent authorities have contingency plans in place, and are prepared to operate such plans in the event of an emergency. Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to present a serious risk.

Findings

⁴ *"In their response to the draft report the Competent Authority noted that this company has withdrawn from cooperation with the SBA. Inspection of vehicles will remain the task of the CABs."*

Not applicable to this specific audit.

Conclusions on Competent Authorities

The CAs performing official controls within the scope of this specific audit are designated. Their responsibilities are mostly clearly defined. However, despite additional clarification from the SBA, there are still problems in coordination between the respective roles of the NFA and the CABs in the implementation of official controls on animal welfare in slaughterhouses, their follow up, the responsibility for the evaluation of “own checks” relating to animal welfare in slaughterhouses and the responsibility for carrying out official controls on animal welfare in small slaughterhouses.

Although regular meetings facilitate co-ordination and co-operation between the CAs, there is a lack of coordination between SBA and CABs in sharing information on the maximum capacity of laying hen premises and a lack of communication from the SBA to CABs on the latter's role in the verification of returned journey logs. This is not in compliance with Article 4(3) of Regulation (EC) No 882/2004.

5.2 RESOURCES FOR PERFORMANCE OF CONTROLS

5.2.1 Legal basis for controls

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires that the necessary legal powers to carry out controls are in place and that there is an obligation on food business operators to undergo inspection by the competent authorities. Article 8 of the above Regulation requires that competent authorities have the necessary powers of access to food business premises and documentation.

Findings

The legal powers for access and inspection to carry out animal welfare controls are contained in Articles 24-26 of the AWA and 58-63 of the AWO. The authority to provide assistance to the CAs with these tasks is given to the Police under Article 27 of the AWA.

It was noted: that

- The legal powers of entry were well known to the CAs and used effectively to allow access to the mission team when a reluctant operator did not wish to allow the mission team to enter his premise for the purposes of inspection during the mission.

5.2.2 Staffing provision and facilities

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available; and that staff performing controls are free of any conflict of interest.

Findings

The changeover in responsibility for animal welfare controls from municipalities to CABs involved a large administrative re-organisation and reallocation of resources from approximately 290 municipalities to 21 CABs. The SBA had also been tasked during this period by the government to come up with proposals to reduce the administrative burden by at least 25% on animal welfare rules and their application by 2010. The SBA report on Controls on the Food Chain for 2008 and 2009 and the SBA transport report to the Commission for 2009 indicate that much of the last two years has been spent organising a new system of controls and the necessary reporting and informatics and the training of staff in their use. Routine official controls on animal welfare have been sidelined due to this, and to a large backlog transferred from the municipalities and resource constraints in handling all of the above, see section 6.1.1 for more details.

It was noted that:

- The budget for 2010, announced in October, foresees a one-off increase in the budget of the SBA for staff resources, training and organisation of CAB and NFA controls of five million Swedish Crowns (SEK) (approximately €540,000). In addition, the CABs are to receive an additional one-off payment of 25 million SEK (approximately €2,691,000) in 2011 for implementation of animal welfare controls;
- There is no specific system in place to evaluate the staffing needs for official controls on animal welfare and there has been no analysis of staffing requirement at SBA or CAB levels;
- The legal competency requirements that CAB animal welfare inspectors (AWI) must fulfill are contained in Article 24 of the AWA and in SBA Regulation L44 Article 10 which require staff to be trained and have the necessary expertise in animal welfare legislation and in the assessment of non-compliances. There are no specific requirements laid down for the recruitment of AWIs. Animal welfare managers had mainly transferred from the municipalities and had differing backgrounds such as environmental and public health inspectors, biologists, agricultural graduates and farm economists. Veterinary staff were mainly responsible for prosecuting injunctions, prohibitions etc;
- There were appropriate and properly maintained facilities and equipment (including measuring equipment for gas concentrations of ammonia (NH₃) and carbon dioxide (CO₂) available to the staff in the CABs and which were used during the mission;
- National legislation namely the Public Employment Act, the Criminal Code and Administrative Procedures Act, lay down provisions to avoid and address any conflict of interest, including an advisory guideline from the Ministry of Finance to CAB staff. CAB staff were aware of these requirements and Södermanlands län CAB had a formal written procedure to record how potential conflicts of interest are dealt with: the other CAB in Östergötlands län stated that a pragmatic approach was taken on a case by case basis e.g. transferring duties to another staff member when family or relatives were to be inspected;
- Though not designated as an official control, the requirement for private veterinary practitioners to report non-compliances with welfare standards on their clients' pig farms to the CABs under the terms of the Pig Animal Welfare Declaration system⁵ is an area with

5 *"In their response to the draft report the Competent Authority stated that Veterinarians who draw up pig animal welfare declarations can be either private practitioners or employed by the state district veterinary organisation (with the SBA as employer). It is important to point out that veterinarians are engaged by pig producers who want to be able to administer drugs under certain circumstances i.e. to have a conditional right to treat animals with certain symptoms with certain drugs after the keeper has undergone certain training. This procedure is a voluntary option offered to farmers and must not be considered as an official control carried out by competent*

clear potential to be a conflict of interest. See Section 5.3.2 in relation to the use of such reports in prioritising the planning of official controls.

5.2.3 Staff qualifications and training

Legal Requirements

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Findings

Training in the last two years at CAB level has mainly concentrated on the use of IT systems and data entry of official controls. However, specific training on general animal welfare inspection activity and on ensuring uniformity of the same in DIRF (*Djurskyddsinspektörernas Riksforening*-National Association of Animal Welfare Inspectors) courses has been undertaken by CAB staff and 188 of them attended training in 2010 on the Pig Animal Welfare Declaration system (see section 6.1.3 for more details).

A two-day course in animal welfare was held for all NFA OV's in March 2009. The course focused on the handling and welfare of animals for slaughter and stunning/killing. Both mammals and poultry were included in the programme.

Training courses scheduled for 2010 include management of IT systems and two specific programmes on official controls on transport. Further courses on welfare of cattle and for the remaining veterinarians and CAB staff who did not attend the Pig Animal Welfare Declaration courses in 2010 are planned for 2011.

Report 7336/2007 recommended that staff performing checks are kept up to date in their area of competence, as required by Article 6 (b) of Regulation (EC) No 882/2004. The SBA had responded that SBA Regulation L44 required CABs to provide individual skill development plans for their staff and ensure that staff must receive special training in the types of animal husbandry carried out within their geographical spheres of activity.

It was noted that:

- In the CABs visited training needs were discussed between staff and management at annual or bi-annual staff evaluation meetings. Individual staff members are responsible for identifying suitable training activities. Records of training were available for all staff in the CABs. A CAB document on the formal assessment of training needs and training undertaken was available in Södermanlands län CAB but the training evaluation process is only just starting in the CABs;
- Most staff in the CABs were experienced and official controls on farm were carried out in a mainly satisfactory manner, see section 6.1.2 and 6.1.3 for more details. Some staff were not

authorities pursuant to Article 4 of the Official Controls Regulation or as a task delegated in relation to official controls in accordance with Article 5 of the Official Controls Regulation. The SBA does not, however, refute the assertion that conflicts of interest may arise between veterinarians and customers (keepers) when animal welfare declarations are drawn up.”

sufficiently competent in the assessment of means of transports for long distances⁶, see section 6.2.1 for more details.

Conclusions on Resources for Performance of Controls

The CAs have satisfactory legal powers, facilities and equipment to carry out effective official controls. There is a potential conflict of interest in the reporting requirements for private practitioners in the Pig Animal Welfare Declaration system.

Although the CCA has not been able to ensure that staff have been provided with much specific animal welfare training since the previous FVO inspection due to preparations for changeover in animal welfare responsibilities from Municipalities to CABs, the majority of staff met demonstrated sufficient competence in performing official controls on farm as required by Article 6 (b) of Regulation (EC) No 882/2004. The FVO recommendation on training from the previous inspection is starting to be addressed but has not been complied with for official controls on transport.

The shortfalls in the ability of CABs to perform sufficient numbers of routine controls on farms and transport has been attributed by the CA to difficulties in carrying these out with the existing staff resources while also dealing with the backlog arising from the handover in responsibilities for animal welfare from the Municipalities.

5.3 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.3.1 *Registration / approval of food business operators*

Legal Requirements

Article 31 of Regulation (EC) No 882/2004 requires Member States to establish procedures for the registration/approval of food and feed business operators, for reviewing compliance with conditions of registration and for the withdrawal of approvals.

Findings

There has been no change to the system of farm building approval since the previous FVO mission on farms in 2007. The mission team noted similar deficiencies in the recording of information and the approval of certain farm buildings to those reported in report 7336/2007. See sections 6.1.2, 6.1.3 and 6.1.4 for more details on this issue.

5.3.2 *Prioritisation of official controls*

Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the

⁶ *"In their response to the draft report the Competent Authority stated that training with regard to the inspection of animal transport vehicles and official controls on transport will be carried out in 2011. The first session was scheduled for 30-31 March 2011. Two further training events are scheduled for autumn 2011."*

production and processing chain and, in general, are to be carried out without prior warning. Controls shall be applied with the same care to exports from the European Union, imports into the Union and to product placed on the Union market.

Findings

The SBA is currently working on a joint project with the Swedish University of Agricultural Sciences, spanning several years (2008 – end of 2010). In an initial report, the SBA presented a risk classification model comprising various modules that take into account the criteria laid down in Article 3 of Regulation (EC) No 882/2004 (Official Controls Regulation). The model is currently under development and will be completed in 2011 so it can then be used in classifying premises/operators/rearing systems during official controls. The intention is that the official controls will mainly be risk-based. Some controls will, however, be selected on a random basis. The results of inspections by the NFA and the CABs will be evaluated using this system, in all likelihood from 2013 onwards.

The Care Programme for laying hens run by a national egg producers' association and the system of Animal Welfare Declarations for Pigs will feed into the planned CAB risk assessment of holdings as registered flocks and herds will be regarded as low risk, provided no problems are reported to the CABs by the Care Programme assessor or the private and SBA District veterinarians respectively administering these programmes.

It was noted that:

- The SBA has detected problems in the implementation of these programmes as the company assessors do not include the results of official controls in their assessment (points classification) of operators;
- The CABs are required to implement their work and inspection programmes according to Government Letters of Instruction and the MANCP. More specific work programmes for animal welfare were then drawn up by the two CABs visited. Östergötlands län CAB's work programmes concentrates on thematic areas such as controls on pig premises or laying hen premises for a short period i.e. three months but do not set an inspection frequency or percentage for the year nor are they determined by risk. Södermanlands län CAB intends to inspect 12% of control objects (the main part of which are farm animals, but it also includes pet shops, zoos, dog kennels and slaughterhouses) in 2011 and 2012 using their own risk based model (which is the one previously used by the municipalities), while awaiting guidelines from the SBA;
- The number of official controls on pig and poultry premises in the two CABs has been rising from approximately 6.5-7.5% of premises inspected in 2009 to a level approaching 10% in 2010. See section 6.1 for further details on official controls;
- Routine official controls on farm were said to be generally announced but with usually only quite short notice of a matter of hours and usually within the same day. However, official controls following complaints were made without warning.
- There is no national programme for checks on animal welfare during transport. However, five CABs carried out official controls on transport in 2009 with 40 inspections on horses, one control on other species but only one control on livestock (pigs). The CA stated that several CABs had focused on transport controls in 2010. The number of controls on transport in 2010 (till end September) was 26 but no breakdown of the type or where these controls were carried out was available at the time of the mission.

5.3.3 Control activities, methods and techniques

Legal Requirements

Article 10 of Regulation (EC) No 882/2004 specifies the control activities, methods and techniques that should be deployed.

Findings

It was noted that:

- The official controls for animal welfare by CABs followed standardised checklists and were based on comprehensive guidelines (DNR 31-2401/09 revised in July 2010 by the SBA);
- Although it could be slow to achieve results in some cases, follow up action was prioritised and appropriate and could take the form of documented telephone conversations with written notes, visits to premises, and requests for operator confirmation of the rectification of deficiencies;
- SBA chose an appropriate method of controls by giving a provisional approval of a four tier vehicle for transporting pigs until such time as the vehicle could be seen in operation as the CA had no experience in assessing this type of vehicle for pigs;
- Appropriate use of sampling methods in checking environmental parameters (NH₃) was carried out by CAB staff on pig and laying hen premises;
- Approval documentation is used as the major reference tool in the inspection of laying hen premises, and measurements are rarely taken on farm. There was a lack of substantiating documentation to support the calculation of stocking densities and thus maximum capacities in four out of five approval files for laying hen premises seen in two CABs.

5.3.4 Sampling and Laboratory analysis

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires competent authorities to have, or to have access to, adequate laboratory capacity. Article 11 of the Regulation establishes requirements for sampling and analysis and Article 12 requires the competent authority to designate laboratories that may carry out analysis of samples taken during official controls. It also lays down accreditation criteria for laboratories so designated.

Findings

Not applicable to this specific audit.

5.3.5 Procedures for performance and reporting of control activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for

staff performing official controls.

Article 9 of the above Regulation requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Findings

Report 7336/2007 recommended that adequate inspections be carried out to meet the requirements of the relevant EU legislation for official controls on pig and laying hen premises and that these be made using appropriate documented procedures.

It was noted that:

- The SBA addressed this recommendation by drafting a new set of comprehensive procedures and checklists since assuming responsibility for animal welfare. These are available on the SBA website and were downloaded by CAB staff and used to carry out official controls on farms and on transport. The SBA procedures provide detailed guidance for the planning, performance and enforcement of official controls, see section 5.4 for more details on the latter;
- The SBA and CAB have developed an information management system (DSK-*DjurSkyddsKontrol*) for the registration of control objects (DSK Register for SBA) and (DSK Control for CABs) for recording the results of official controls on animal welfare. DSK provides different reports to SBA and CAB according to a legal agreement between them which means that the two CAs are only able to view certain categories of report data relating to their respective legal competences, see also section 5.1.2;
- Reports were drawn up after most official controls by CABs and requests for rectification of deficiencies were sent to operators but these did not routinely indicate explicit deadlines for corrective action, or the submission of a corrective action plan from operators, although the inclusion of a return visit date could be taken to imply such a request, see section 5.4 for more details;
- There are no procedures for carrying out animal welfare inspections in slaughterhouses (including inspections of transported animals and vehicles). Verification of food business operators' (FBO) own checks on animal welfare are not performed consistently in slaughterhouses. Procedures are being drafted, in the form of a guide, by the SBA, in consultation with the NFA and CAB, on the controls to be carried out relating to animal welfare inspections in slaughterhouses. The NFA's inspections are carried out with the aid of checklists and cover the condition of transport vehicles, the stocking density in the vehicles, unloading, lairaging, stunning and killing. These checklists do not, however, contain any guidelines on assessment.

5.3.6 Transparency and confidentiality

Legal Requirements

Article 7 of Regulation (EC) No 882/2004 requires that competent authorities carry out their activities with a high degree of transparency, in particular by giving relevant information to the public as soon as possible. However, information covered by professional secrecy and personal data protection is not to be disclosed.

Findings

The SBA makes the MANCP, the Annual Report on the MANCP, reports to the Commission on the results of official controls on welfare on farm and during transport available on its website <http://www.jordbruksverket.se/>. It also publishes a range of free brochures on animal welfare for stakeholders and the general public. The SBA has assisted in the production of an animal transport manual for transporters and the public which can be downloaded from the internet. CABs occasionally provide articles on animal welfare in their regular information leaflets to the public.

All documents handled by CAs are made available to the public on request under the Freedom of the Press Act (1949:105). At each request, the information may be assessed and classified under the Publicity and Secrecy Act (2009:400) and the Personal Data Act (1998:204) to ensure that the party concerned will not suffer economic damage arising from disclosure of information.

Conclusions on Organisation and Implementation of Official Controls

The system in place for the approval of holdings is not in compliance with the requirements of Article 31 of Regulation (EC) No 882/2004 as they do not adequately provide for reviewing these approvals when changes are made to the original specifications.

Official controls on transport are performed at a very low frequency. Official controls on farms and transport are performed without an underlying standard risk assessment and routine controls are generally not carried out without prior warning.

Official controls are performed in compliance with the requirements of Article 8 of Regulation (EC) No 882/2004. Reports of official controls are also generally compliant with the requirements of Article 9 of the same Regulation except that they do not provide explicit deadlines, or request the business operator to establish an action plan for correction of the shortcomings reported.

5.4 ENFORCEMENT MEASURES

5.4.1 Measures in the case of non-compliance

Legal Requirements

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation.

Findings

The CABs are responsible for enforcement action on animal welfare complaints, and non-compliances on farms, transport, farm building approvals and animal welfare issues in slaughterhouses that OVs cannot deal with on-the-spot. In most cases the CAB inspector visits the premises but enforcement action may also include taking written notes of telephone discussions with owners, or the requirement to send photographic evidence of the rectification of deficiencies.

The CABs primarily make use of administrative penalties in the form of prohibitions and injunctions pursuant to Section 26 of the AWA. In many cases, it is decided that decisions will take immediate effect. In some cases, decisions are combined with fines. Cases are followed-up on an ongoing basis and new decisions are issued if the deficiencies are not addressed or new ones arise. It takes a long time, however, before the fines are imposed and in many cases it becomes clear that

the keeper lacks the means to pay and the fine becomes ineffective.

If animals are subjected to suffering, the CABs always have the option of immediately removing the animals on the basis of Section 32 of the AWA, regardless of whether the keeper has been issued with a prohibition on keeping animals or not.

It was noted that:

- Report 7336/2007 recommended that when non-compliances are detected, appropriate actions be taken so that the operator remedies the situation, The SBA addressed this recommendation in the context of the previous organisational system and referred to previous instructions and enforcement powers of municipalities who were at that time carrying out official controls on animal welfare;
- Paragraph 5.6 of the SBA enforcement guidelines specifies that a date for rectification of deficiencies should be clearly stated and that the recipient should not misunderstand what is required of him/her but deadlines for action were not always clearly stated in letters to operators;
- The SBA has issued extensive detailed guidelines for enforcement for the CABs to supplement the existing County Management Handbook which cover the majority of situations encountered;
- The CAB *Platina* IT system can record the date of projected follow up visits. This data entry is the responsibility of individual AWIs and in Östergötlands län examples were seen which had not been marked forward for follow up action;
- For most cases seen in both CABs enforcement action was being taken but it took a long time to be effective or in some cases the deficiencies had still not been rectified e.g.:
 - In Södermanlands län the approval for a barn premises had involved multiple visits to inspect the premises over a seven year period to detect if corrective actions had been taken to rectify deficiencies noted after the holding had been put into use for the first time. Other than letters advising the farmer to rectify the deficiencies between flocks there was no other enforcement action taken over this seven year period;
 - Similarly for another laying hen premises in Södermanlands län with enriched cages a similar pattern of repeat visits and letters over a three year period had not resulted in rectification of all the deficiencies;
 - In the small slaughterhouse visited in Södermanlands län a recurrent problem with the stun-to-stick time and management issues with handling pigs for stunning had not been effectively rectified over a three year period despite visits by the Municipality, CAB and NFA during this time;
 - In Östergötlands län a number of follow-up visits to deficiencies detected in slaughterhouses and followed up by CABs had resulted in rectification of deficiencies but in one case only after three years of repeated visits, letters and a court case;
- However, the CABs had taken immediate action and carried out follow up within six months to investigate the large number of welfare complaints from a non-governmental organisation in 2009 in relation to alleged conditions on pig farms in Sweden.

5.4.2 Sanctions

Legal Requirements

Article 55 of Regulation (EC) No 882/2004 states that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other Union provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

If an operator fails to comply with orders for corrective action (injunctions) issued by a CAB the Board may propose to the Administrative Court of First Instance the issuing of a fine. The level of administrative fines is proposed by the legal section of the CAB based on case law and covering the amount of money needed to cover the enforcement action and administrative costs: administrative fines are not a punishment *per se*. Injunctions may be combined with fines. This sequence of events may be repeated a number of times to reach compliance or in serious cases the CAB may progress to removing the animals or resort to a criminal ban on keeping animals. However, the farmer is entitled to appeal which may lead to long delays before the case is settled.

Sanctions under Criminal Law (Ref: SFS nr:1962:700) can be proposed by the CAB with fines calculated on a daily basis and in relation to earnings. Minor offences would incur 30-50 days fine with an amount ranging from 50-1000 SEK (€5,4-108) per day, rising to up to 150 days fine and then prison for a maximum of two years. Prison sentences can be imposed under Article 36 of the AWA and under Criminal Law. If convicted under criminal law, the CAB are required to carry out checks to see if the person should be banned from keeping animals.

It was noted that:

- In both CABs visited examples of injunctions, fines, and banning orders together with reasons for the decisions were provided:
 - In Södermanlands län in 2009 there were 42 decisions (10 relating to livestock) under the AWA resulting in 17 decisions on the custody of animals, 10 prohibitions on the keeping of animals and no criminal prosecutions. In Östergötlands län in 2009 there were 28 decisions under the AWA resulting in eight decisions on the custody of animals, three prohibitions on the keeping of animals and two criminal prosecutions. The majority of the sanctions above did not relate to livestock;
- There are no procedures for how criminal prosecutions should be undertaken by CABs which is still an area of concern for them due to the high levels of appeals and resources which these cases consume;
- The SBA annual report contains information on sanctions in various sectors. SBA considers the level of sanctions until now for animal welfare non-compliances to be too low. The latest figures for Sweden show that in 2008, there were 60 criminal prosecutions for animal welfare for which three offenders were imprisoned with the longest prison term imposed for six months. The maximum penalty for breaches of the AWA is two years' imprisonment. .

Conclusions on Enforcement Measures

The Swedish legislation provides a broad legal basis with several ways of imposing enforcement measures in cases of non-compliance. In general, enforcement measures were taken but they were not always effective in rectifying the deficiencies and their implementation can be very slow, which

together with the non-dissuasive nature of administrative fines, reduces the deterrent effect of the sanctions and is not fully in compliance with Article 55 of Regulation (EC) No 882/2004.

5.5 VERIFICATION AND REVIEW OF OFFICIAL CONTROLS AND PROCEDURES

5.5.1 Verification procedures

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Findings

Report 7336/2007 recommended that verification of the effectiveness of inspections be carried out to ensure the quality and consistency of controls. The SBA addressed this recommendation in the context of the previous organisational system and referred to previous instructions and audits by CABs on Municipalities who were at that time carrying out official controls on animal welfare.

It was noted that:

- Section 63 of the Animal Welfare Ordinance (1988:539) states that the SBA should carry out official controls by coordinating other control authorities and providing support, advice and guidance to them. Chapter 5 Section 2 and 3 of the Swedish Order 2009:1386 on Activities in the field of Animal Health Care lays down that SBA must coordinate the supervision carried out by the CABs and provide support, advice and guidance to the CABs and that the SBA must communicate regulations on how the supervision must be carried out;
- There is no system in place for the SBA to verify the effectiveness of the official controls performed by the CABs nor is there one for the CABs to verify the effectiveness of the official controls performed by their own staff;
- However, SBA has compiled templates and instructions in a project for 2011 intended to make it easier for CABs to evaluate the effectiveness of their own controls in 2010 and also to provide an overall view of quantifiable results leading to an initial benchmarking of the results of CAB official controls. In addition, SBA intend to operate a one year project of supervisory inspection and training visits to CABs to improve the consistency of official controls in field assessments, notifications, monitoring of controls, documentation, corrective measures, administrative procedures, fees for inspections and administrative support; the project is due to start in November 2010;
- CABs have or are developing procedures to assist with the consistency of legal enforcement decisions and have SBA templates in this regard.

5.5.2 Audit

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

Findings

Report 7336/2007 recommended that appropriate measures be taken in the light of the results of audits. The SBA addressed this recommendation in the context of the previous organisational system and referred to previous instructions and audits by CABs on Municipalities which were at that time carrying out official controls on animal welfare.

After an administrative legal investigation concluded that the SBA has no legal basis for the audit of other bodies such as the CAB, the Ministry of Agriculture has set up a committee to look at audits under Regulation (EC) No 882/2004. The Committee is due to present its report in February 2011⁷.

It was noted that:

- There were no audits carried out by SBA on animal welfare in 2009 or 2010. There were no external, internal or inter-county audits conducted in the CABs visited by the mission team.

Conclusions on Verification Procedures

The competent authorities do not have any systems of verification (including internal and external audits) to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls which is not in compliance with Articles 4 and 8 of Regulation (EC) No 882/2004. However, the SBA is planning to carry out supervisory visits which, if implemented, will, together with other measures, partially address the requirement of ensuring the consistency and quality of official controls and help to guarantee their effectiveness and appropriateness.

5.6 MULTI ANNUAL NATIONAL CONTROL PLAN

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires that each Member State prepares a single integrated multi-annual national control plan (MANCP). According to Article 42 it should be implemented for the first time no later than 1 January 2007 and be regularly updated in light of developments. Details on the type of general information on the structure and organisation of the systems of feed and food control and of animal health and welfare control in the Member State concerned are provided.

⁷ *In their response to the draft report the Competent Authority stated that the investigation report was presented on 10 March 2011.*

Findings

The MANCP contains information on the structure and organisation of official controls on animal welfare. There is no information in the MANCP on the role of the egg labelling team in the SBA Inspection Division which is carrying out inspections of laying hen premises for the marketing and labelling of eggs and which the SBA states will in future include verification of compliance with animal welfare rules. In addition the role of the producer organisations' programmes (for breeding and production and slaughter requirements) whose assessments may be included in the ongoing risk categorisation of premises and hence prioritisation of official controls are not included.

Conclusions on Multi-Annual National Control Plan

Although the MANCP is drafted in accordance with Article 41 of Regulation (EC) No 882/2004, it has not been updated to reflect all the actors and mechanisms involved in the planning and implementation of animal welfare controls and how these affect the prioritisation of controls and the allocation of resources as required in Article 42 (2) (a) and (b) of the same Regulation.

6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS

6.1 ANIMAL WELFARE ON FARMS

6.1.1 Farm inspections in general

Legal Requirements

Article 8(1) of Council Directive 2008/120/EC requires the CA to carry out inspections on a representative sample of the different rearing systems for pigs.

Article 8(1) of Council Directive 1999/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of this Directive for laying hens.

Article 6 of Council Directive 98/58/EC requires Member States to ensure that the CA carries out inspections to check compliance with the provisions of this Directive, which applies to animals kept or bred for farming purposes.

Commission Decision 2006/778/EC lays down the rules for the harmonisation of the collection of information during on farm inspections and for reporting their results to the Commission.

Findings

It was noted that:

- For the whole of Sweden, the CABs have been unable to complete the number of their planned official controls on pig and laying hen premises in 2009 and were behind target for 2010:

| | Controls carried out/planned by CAB in 2009 | Controls carried out/planned by CAB in 2010 (till 9 September) |
|-------------|---|--|
| Laying Hens | 76/220 | 46/214 |
| Pigs | 147/267 | 90/188 |

- Östergötlands län carried out inspections⁸ on 15 out of 232 pig premises in 2009, increasing to 25 inspections by end September 2010 and four inspections out of 60 laying hen premises in 2009, with that number increasing to 6 by the end of September 2010.
- Södermanlands län carried out 10 inspections⁹ out of 137 pig premises in 2009, 13 in 2010, no inspections of the 66 poultry premises in 2009, but 8 of these establishments in 2010;
- Whilst the CABs are carrying out inspections on cattle and some sheep premises, they have not yet started to consistently check other species as defined in Annex IV of Commission Decision 2006/778/EC and required in Article 8 of the same decision;

Conclusions

The CABs are carrying out regular inspections on laying hen premises and pig farms but have not been able to meet their inspection targets in 2009 and 2010. The CCA has not started to organise checks on other species as required in Article 8 of Commission Decision 2006/778/EC and defined in Annex IV of the same decision.

6.1.2 Registration of laying hen farms

Legal requirements

Commission Directive 2002/4/EC requires Member States to establish a system for registering every production site covered by the scope of Council Directive 1999/74/EC. The last paragraph of point 1 of the Annex of this Directive requires the registration of the maximum capacity of an establishment in number of birds present at one time.

Findings

Report 7336/2007 had demonstrated deficiencies in the systems used by CAB for calculating and by SBA for registering the maximum capacity of laying hen premises and at that time CAB did not have access to the SBA laying hen register which was not in compliance with Article 1(3),(4) of Commission Directive 2002/4/EC. CABs still do not have access to the laying hen farm register in the DSK information system¹⁰: similarly, SBA is not informed by CABs of the actual measured capacity of these premises from the approval files.

The holding operator is responsible for notifying the data concerning his holding (including the maximum capacity) to the SBA for inclusion in their section of the DSK. There is no requirement for SBA to notify the CABs if/when this is done or for verification by the CAB of whether the data provided by the owner is correct. The CABs keep their own register of poultry holdings for *Salmonella* control purposes.

It was noted that:

- There are discrepancies between the information contained in the laying hen register and information available at the CABs. SBA is responsible for maintaining this system and intends to grant access to the CABs in autumn 2010. Not all premises with laying hens are registered in the SBA system;

8 *"In their response to the draft report the Competent Authority stated that many of the pig herds are smaller herds containing one or two pigs for domestic purposes. This is also true of some laying hen flocks".*

9 *"In their response to the draft report the Competent Authority stated that many of the pig herds are smaller herds containing one or two pigs for domestic purposes. This is also true of some laying hen flocks".*

10 *"In their response to the draft report the Competent Authority stated that the CABs have had access to the laying hen register via the Regina-PLATS IT system for some years now. This was not, however, known at the CABs that were visited. The CABs can also see the maximum capacity for a laying hen farm in DSK from v 44 2010 onwards."*

- The calculation of maximum capacity of an alternative laying hen premises during the approval process is subject to the Swedish national legislative limit of seven birds/m². However, the Care programme run by a Swedish egg producers' association, and approved by the SBA, foresees progressive increases in stocking densities up to the EU limit of nine birds/m². There is no mechanism in place for informing the CAB or SBA of the updated maximum capacities which may have changed according to the assessment of maximum capacity allowed under the Care programme.

Conclusions

The SBA is not able to verify the accuracy of its information on the laying hen register and any subsequent updates and is therefore not fully informed on whether operators are compliant with the requirements of Articles 1(3) and (4) of Commission Directive 2002/4/EC.

6.1.3 Inspections of laying hen farms

Legal Requirements

Article 8(1) of Council Directive 1999/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of this Directive.

Findings

The mission team visited two holdings rearing laying hens in enriched cages and three in barn alternative production systems.

It was noted that:

- In general the condition of the birds in the premises visited was satisfactory. However there were reported problems in the environmental conditions of all the alternative premises with regard to breaches of the national legislative requirements for ammonia levels.
- SBA Regulation L100 defines parameters for certain gas concentrations in animal holdings which go beyond the requirements of Council Directive 98/58/EC, such as 10 parts per million (ppm) for NH₃, 3000 ppm for CO₂ in poultry premises and that in premises with single tier alternative systems laying hens may only occasionally be exposed to NH₃ levels above 25 ppm in the surrounding air. The mission team noted that a number of follow up inspections and general consensus opinion among inspectors and advisers was that levels over 10 ppm but under 25 ppm were acceptable which undermines the legitimacy of the original specification given in the national legislation.
- Recommendations were seen in the approval of alternative premises that perches should be elevated from the floor but this was stated to not be enforced due to a lack of clear legal basis;
- Production records were not always requested by AWIs nor assessed against maximum capacity of the house to verify if houses were overstocked. In one case when requested these were not available and the AWI was not aware that they were a legal requirement and how they could be used as part of the official control to check stocking densities, feeding and water consumption and mortalities.

6.1.3.1 Approval of laying hen premises

Report 7336/2007 recommended that appropriate measures be taken to ensure that all registered alternative laying hen farms comply with Article 4(1) of Council Directive 1999/74/EC. In response the SBA wrote to all CABs in 2007 outlining the potential consequences for these alternative laying hen premises of changes in stocking densities, feeders, perches etc. when the requirements of Article 4(1) came fully into force in 1 January 2007. Since then the CABs have inspected 37% of these premises in three years.

It was noted that:

- Since the maximum capacity stated in the initial approval documentation is relied upon heavily in controls on laying hen premises, the mission team assessed five pre-approval files of laying hen premises. For four of these, very limited information was available and although maximum capacities were indicated and legislative restricting factors were correctly identified, the pre-approval files did not routinely include any data on the measurements of feed troughs, perches, number of drinkers or litter areas that supported the determination of the maximum capacity and compliance with EU requirements. A fifth approval file from 2010 did show all the relevant data which had been used correctly to calculate the maximum capacity for this application;
- In one laying hen farm with an alternative production system, measurements taken at the request of the FVO team showed that although the litter area was not the required one third of the ground surface (it was 15.5%) nevertheless it complied with the requirement of 250cm² of litter/hen. This shortcoming concerning the litter area had not been detected since the original approval eight years earlier;
- In another region, the original approval documentation for one premises incorrectly stated the maximum capacity as 2096 when it should have been 1935. According to the usable area measurements made on the day of the FVO visit, the stocking density was 9.75 birds/m² (maximum permitted under EU legislation is 9 birds/m²). During a previous visit in 2002 the municipality authorities had detected that the requirement concerning the length of feeding troughs was not in compliance. The next visit, carried out jointly by CAB and the Care Programme assessor in 2010 noted that this was now corrected. However measurements made on the day of the FVO visit showed that the birds still did not have 10 cm of feeding trough length per hen. The existing feeding trough length should only have permitted a maximum capacity of 1837 birds. This house had therefore been 8% and 14% overstocked for usable area and feeding trough length respectively for more than three years (since 1 January 2007 when the requirements for these parameters entered fully into force);
- Information on the extended part of the buildings in an alternative laying hen premises for various criteria except the litter area was available. No information for the other section of the building with the original approval was available on file. There was no mention of litter area despite a new visit in 2008, after this requirement had come into force for alternative premises;
- In all of the above cases visits performed for verification of compliance with the approval conditions would not be capable of establishing if non-compliances found on site with regard to the measurement requirements were due to non-detection of shortcomings at the time of the initial approval because of a lack of recorded information on the approval file, or because of later changes made by the owners.

6.1.3.2 *Approval of premises with enriched cages*

It was noted that:

- From the approval documentation on one enriched cage laying hen premises it was not possible to determine if the cages complied with enrichment requirements and what would be the maximum number of birds per cage and the overall maximum capacity of the premises. Nevertheless during the on-site visit it was confirmed that the cages complied with legal requirements but one house was currently overstocked by approximately 5.5%. It was not possible to confirm the overstocking at the time the houses were populated, as there were no production records available.

6.1.3.3 *Marketing and labelling of eggs*

SBA Inspection Division is carrying out inspections in laying hen establishments on the marketing and labelling of eggs. The SBA stated that these inspections will in future include verification of compliance with animal welfare rules¹¹. An animal welfare checklist is being developed for use. A team of four inspectors is projected to carry out 80 visits per person per year which should result in all laying hen premises being visited in a four year cycle.

Conclusions

The CAs have taken action to address the recommendation in report 7336/2007 but the CABs have not yet assessed all the premises in routine inspections. In addition the mission team found that two out of three alternative laying hen premises where measurements were taken did not comply with one or two of the requirements of Article 4(1) of Council Directive 1999/74/EC leading to overstocking in the order of five to fifteen percent.

There was a lack of substantiating documentation to support the calculation of stocking densities and thus maximum capacities in four out of five approval files seen in two CABs. As approval documentation is used as the major reference tool in the inspection of laying hen premises, and measurements are rarely taken on farm, the ability of the CA to effectively ensure that welfare requirements relating to space parameters are assessed during inspections is compromised.

Problems noted in environmental conditions on farms are not being satisfactorily addressed as the CABs are not complying with their own national parameters defined to control them.

6.1.4 *Inspections of pig farms*

Legal Requirements

Article 3(7) of Council Directive 2008/120/EC requires Member States to ensure that all dry pregnant sows and gilts, in order to satisfy their hunger and given the need to chew, are given a sufficient quantity of bulky or high-fibre food as well as high-energy food.

Article 6 of Council Directive 2008/120/EC requires Member States to ensure that appropriate training courses, focusing in particular on welfare aspects, are available.

Point 2 of Chapter I of Annex I to Council Directive 2008/120/EC requires that pigs must be kept in

¹¹ *"In their response to the draft report the Competent Authority stated that reports from compliance checks carried out will be sent to the CAB concerned, which must comment on how any deficiencies in animal welfare will be rectified."*

light with an intensity of at least 40 lux for a minimum period of eight hours per day.

Point 4 of Chapter I of Annex I to Council Directive 2008/120/EC requires that pigs have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities, such as straw, hay, wood, mushroom compost, peat or a mixture of such, which do not compromise the health of the animals.

Point 8 of Chapter I of Annex I to Council Directive 2008/120/EC requires that neither tail-docking nor reduction of corner teeth are carried out routinely but only when there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred, and that before carrying out these procedures, other preventive measures are taken.

Findings

Report 7336/2007 recommended that the requirement of point 13 of the Annex to Council Directive 98/58/EC that an alarm is provided when the welfare of the animals is dependent on artificial ventilation, is correctly transposed into national legislation and enforced. The SBA has addressed this issue by drafting an administrative provision in Regulation L100, Article 23 containing a general guideline linked to Article 2 of the AWA, according to which mechanically ventilated livestock buildings, which are not required to have an alarm according to Swedish law, must also be fitted with an alarm system if a loss of ventilation is deemed to be able to cause suffering to the animals.

The mission team visited four holdings rearing pigs for fattening and reproduction. It was noted that:

- In general the conditions under which the pigs were raised in the four premises were mainly satisfactory to good and the inspections were carried out in a competent manner and most non-compliances were detected and communicated to owners with requests for follow up action;
- However, there were some problems in the first premises visited where the ventilation in certain pens was not effective and led to high levels of NH₃ accumulating. This was a recurring problem which had been noted in previous inspections but had not been resolved despite letters from the CAB to the operator. The AWI stated at the end of the visit that the CAB would issue a decision to force the owner to rectify the ventilation problems and require him to take immediate action regarding tail biting which had been noted during the inspection. However, there was no suggestion of a follow up visit to the farm supplying the sows and gilts to investigate an issue of healed shoulder lesions and the owner was not advised to pay special attention to the feeding of the sows and gilts which were thin;
- The mission team identified only additional minor deficiencies which had not been noted by the AWIs on the next two farms and the inspection carried out on the last farm was very thorough with good advice being offered to the farmer by the AWI upon his detection of minor deficiencies;
- There was bulky feed available to pregnant sows and gilts in the form of straw in all four farms. However, the SBA had not given any guidance to the CABs on what constituted a sufficient quantity of bulky or high-fibre food as well as high-energy food and this was not routinely assessed by AWIs or discussed with operators;
- The requirement to ensure that training courses are available to operators as required in Article 6 of Council Directive 2008/120/EC has been implemented by the SBA. However, none of the operators of the four farms visited by the mission team had records of or had attended any specific welfare courses, or were aware of these courses, nor were they aware

of the welfare related elements on the Pig Animal Welfare Declaration or the pig slaughterhouse certification system which include welfare elements in their approval requirements;

- There were no problems with the levels of light and sound intensity on any of the farms visited;
- There were satisfactory amounts of manipulative material in three out of the four farms visited, while in one farm there were only small amounts of hay/straw in a few pens;
- Sweden has implemented a ban on tail docking and there was none or very minimal tail biting in three out of the four farms visited. It was notable that the farm with tail biting was the one with environmental issues, high NH₃ levels and problems with medical treatment of pigs i.e. general management issues.
- In relation to tooth grinding, the SBA has set out the following instructions in its guidelines for inspection staff: “Tooth grinding must not be performed routinely, but only where experience has shown that injury to other animals occurs and it is done before the animal is one week old. AWIs must make an assessment in each individual case whether tooth grinding for piglets is acceptable in the case in question.” The CA stated that in practice, tooth grinding for piglets is primarily performed in larger litters, and most commonly when the number of piglets is 14 or more, but its use varies between different herds. At the four farms visited, tooth grinding was not performed routinely.
- The Pig Animal Welfare Declaration system lays down a number of management standards that pig farmers agree to comply with and are inspected upon regularly by their practitioner or local SBA district veterinarian who must report deficiencies to the CAB. Pig farmers are allowed to buy veterinary medicines and treat their animals for a range of conditions between these veterinary visits. This system is not an official control system but nonetheless includes elements of animal welfare assessment in its application.
- The measurements and diagrams in the farm approval documentation for two files examined were unclear and very difficult to understand for the CA. There are very few subsequent measurements being performed on farm by the CABs to assess if approval documentation is accurate and if premises comply with requirements of Council Directive 2008/120/EC. However, when space measurements were taken in two premises visited they were found to easily comply with the EU requirements as Swedish National provisions provide for larger space allowances for fattening pigs.

Conclusions

The CCA has effectively implemented the requirements of Council Directive 2008/120/EC on the provision of training courses, the provision of manipulable material and the provisions relating to tail-docking (through a ban), and the minimisation of operators practising tooth grinding. The CCA has not provided sufficient guidance and interpretation on the requirements of Article 3(7) of Council Directive 2008/120/EC to enable staff to effectively ensure compliance relating to fibre and energy requirements for pregnant sows and gilts.

The CCA has taken action to comply with the recommendation to correctly transpose the requirements relating to the provision of alarms into national legislation.

CABs perform very few measurements of legislative parameters on pig farms, and they are not always able to easily access reliable information on the accuracy of measurements from approval documentation. Although there were no problems with stocking densities noted, the system of

inspections on pig farms does not allow for easy detection of possible overstocking and non-compliance with the space requirements of Council Directive 2008/120/EC.

6.2 ANIMAL WELFARE DURING TRANSPORT

6.2.1 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 records of serious infringements in relation to animal welfare in the three years preceding the date of application.

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 13 of Regulation (EC) No 1/2005 requires CAs to record authorisations in a manner enabling the CA to identify transporters rapidly, and to make publicly available the name and authorisation number of transporters authorised for long journeys, during the period of validity of the authorisation.

Article 17 of Regulation (EC) No 1/2005 requires that training courses are made available for the personnel of transporters and of assembly centres, and lays down the rules for granting certificate of competence.

Findings

Authorisation of transporter for short and long distances is given by the SBA based on information supplied by the applicant and the results of an inspection of vehicles by the CABs. The SBA may request additional information from the applicants or CABs. There are three different types of applications: standard transporter authorisation; authorisation for transporters who do not own vehicles i.e. drivers and thirdly, rental companies.

Applicants must indicate if they have any criminal convictions in the preceding three years. SBA has no access through the Justice Ministry to details of any applicant's convictions. However, SBA receives copies of all rulings concerning animal welfare from the country's courts and has also received pertinent information from CABs which has led to the refusal of two applications.

The SBA publishes the list of authorised transporters for short and long distances on its website and information on approvals of means of transport is available to other CAs through the contact points in the SBA.

The SBA has approved five institutions for training personnel of transporters in five different species of animals. The courses vary in numbers of species covered and in duration but all trainees must pass the examinations after the course. Modular training via websites is also available for certain courses. The SBA approve the course structure, materials, activities, teachers and examinations. The institutions issue the certificates of approval using a template supplied by the

SBA conforming with Chapters III and IV of Annex III of Regulation (EC) No 1/2005.

It was noted that:

- There are no specific requirements in the application and approval process regarding documents for the tracing and recording of movements, and contingency planning for authorising transporters for long distances which are required by Article 11(1)b(iii) and (iv) of Regulation (EC) No 1/2005, although there is information relating to this in the transport guidance.

Conclusions

The SBA have ensured that approved training courses are available for the personnel of transporters and of assembly centres, and have laid down the rules for granting certificate of competence as required by Article 17 of Regulation (EC) No 1/2005 .

The SBA have put in place an approved centralised system for the authorisation of transporters which covers the majority of the requirements of Articles 10 and 11 of Council Regulation (EC) No 1/2005 except those of Article 11(1)b(iii) and (iv) of the same Regulation relating to tracing and recording of movements, and contingency planning.

6.2.2 Approval of means of transport for long journeys

Legal Requirements

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

Approval of means of transport for long distances is given by the SBA based on information supplied by the applicant and the results of a physical control of the vehicle by the CABs. The SBA may request additional information from the applicants or CABs. It was noted that:

- Two out of three examples seen of documentation concerning the inspections of vehicles and the measurements made by the CABs would not allow the SBA to correctly establish the total surface area of the inspected vehicles. None of the three approval certificates for means of transport stated the total loading area. The SBA stated that information on loading areas should be available from the approval documentation which should be carried with vehicle, but in the approval documentation seen only the measurements were given but no deck areas were calculated. In addition, there was no feedback from the SBA to the CAB regarding documentation filled out incorrectly or lacking the relevant measurements;
- Of the three multi-species approvals for vehicles seen, no consideration was given to the specific requirements of all the different species listed in the approvals. Vehicles seen were all of a high structural and maintenance standard. Vehicles which clearly did not comply with the requirements for temperature sensors and satellite navigation systems (SNS) were proposed for approval by one CAB. In addition the SBA issued an approval for a vehicle where the lack of an SNS had been clearly mentioned in the approval documentation sent from the CAB. It was noted on the application that the SNS had been ordered but no follow up inspection had taken place to verify if it had been installed. The SBA have recommended to the CABs that if there is no suitable SNS system in place, that a geographical positioning system and tachograph should suffice which is not in line with EU requirements;

- Guidance for vehicle approvals was comprehensive but nevertheless inspectors reported that it was difficult to verify compliance with ventilation requirements and measuring ramp angles. Both of the inspectors performing approval of vehicles stated that they were not comfortable performing assessments and were not well aware of the information in the guidelines. Some training on vehicle assessment had been given in 2002 but no recent training had been put in place though training on official controls on transport is planned for late 2010.

Conclusions

The system for approval of vehicles is not compliant with the requirements of Article 18 of Regulation (EC) No 1/2005. The lack of information on vehicle approval certificates and supporting documentation means that it is not possible to perform meaningful official controls on those vehicles as the information supplied on the approval certificates did not contain the loading areas of the vehicles and vehicles were approved without SNS systems. Approved vehicles seen were of a high quality although not always fully compliant with all the requirements for all of the species for which they were approved.

6.2.3 Checks on transport

Legal requirements

Article 14(1)(a)(ii) of Regulation (EC) No 1/2005 requires that, before long journeys, the CA of the place of departure carries out appropriate checks to verify that the journey log submitted by the organiser is realistic and indicates compliance with this Regulation.

Article 15(1) of Regulation (EC) No 1/2005 requires that the CA carries out at any stage of the long journey appropriate checks on a random or targeted basis to verify that declared journey times are realistic and that the journey complies with this Regulation and in particular that travel times and rest periods have complied with the limits set out in Chapter V of Annex I.

Point 8 of Annex II to Regulation (EC) No 1/2005 requires that a copy of the completed journey log is returned to the CA of the place of departure within one month after completion of the journey, unless the systems referred to in Article 6(9) of this Regulation were used.

6.2.3.1 Checks on journey logs

Findings

Applicants are required to fax journey logs to the SBA two working days before the projected journey. Journey logs are checked using computer programmes to assess if they are realistic and if satisfactory are stamped and returned to transporters. Contact is taken with transporters to discuss routes and times where plans are not satisfactory.

It was noted that:

- A number deficiencies in the approval of some of the journeys log were seen: plans were approved for double tier vehicles carrying adult ruminants that would not give sufficient headroom for the animals; weights of different consignments from the same transporter to different destinations were identical and incomplete information was submitted and approved for certain journeys involving ferry crossings;

- Journey logs are supposed to be returned for reconciliation to the CAB of departure. However, neither CAB visited knew anything about journey logs or if they had any role in this process.

Conclusions

The SBA has put in place a satisfactory centralised system for verifying whether the planning information in journey logs is realistic but some deficiencies in its application were noted. The two CABs visited were not aware of their responsibilities for verifying the information contained in returned journey logs and they were therefore not being assessed which is not in compliance with the requirements of Point 8 of Annex II to Regulation (EC) No 1/2005.

6.2.3.2 Checks at roadside and destination

Findings

It was noted that:

- Compared to other Member States, the statistics for the transport of breeding animals out of Sweden is quite low: 1102 breeding bovines transported for intra-Union trade in 2009, with 336 (up to the end of August 2010). However, there is a sizeable trade in slaughter pigs: 14,608 in 2009 increasing (in proportion) to 14,156 (up to the end of August 2010).
- There is no national programme of transport checks in place nor any programme of transport checks in place at the two CABs visited. Five CABs carried out checks on transport during 2009, a reduction of 50% on the number of counties checking in 2008. The majority of the controls were on consignments of horses for transport within Sweden, there was only one check on livestock (piglets) performed in 2009. In 2010, there were 26 official controls completed in Sweden by the 9 September but no detailed breakdown of where these checks took place was available;
- The NFA has a programme of checks in slaughterhouses which is proportionate to the capacity of the establishments, including transport checks. A large slaughterhouse would be subject to 140 hours per year, resulting in approximately 40 inspections;
- In the large slaughterhouse visited, routine checks on transport were carried out by the OV during his *ante-mortem* inspection on the unloading of animals. The animal welfare conditions observed during the unloading and lairaging of animals in this slaughterhouse were satisfactory. When the OV had previously detected unfit animals arriving at the slaughterhouse, this information had been passed to the CAB for follow-up action. Follow up action taken was generally satisfactory except for one case where it was rather delayed, with a number of letters being sent before the farmer eventually complied with the CAB requests for corrective action;
- In the smaller slaughterhouse visited, none of the responsible veterinarians on site were responsible for planned risk-based animal welfare controls (see section 5.1.1). The NFA OV was responsible for *ante-mortem* inspection when animals were unloaded but stated that she was not responsible for specific animal welfare controls. A different NFA OV performed *post-mortem* inspection. CAB staff had visited the premises twice in the last three years. The NFA inspection service visited the premises twice in 2010 but their reports made no mention of checks upon unloading;
- Instructions are being drafted by SBA and NFA for carrying out transport checks at

slaughterhouses and the SBA is also drafting guidance for OV's and CABs on the assessment of pigs with hernias for fitness to transport.

Conclusions

There are very few checks of livestock during transport taking place in Sweden compared to the number of consignments which is not in compliance with Article 15(1) of Regulation (EC) No 1/2005.

7 OVERALL CONCLUSION

The system of official controls on animal welfare is still in a transitional phase. As a result of the recent administrative re-organisation, reduced numbers of official controls on animal welfare on farm and very few controls during livestock transport are being undertaken. However, deficiencies are mostly being satisfactorily detected during these on farm controls but enforcement, although generally effective, can be very slow to achieve results.

Swedish national animal welfare legislation goes beyond EU minimum standards in a number of important areas such as banning tail docking of pigs and unenriched cages for laying hens.

Recurrent deficiencies in the pre-approval system for farm premises have important implications for actual overstocking in laying hen premises and potential overstocking in pig premises. Nevertheless the standards of animal welfare seen on farms and during transport were satisfactory to good.

The SBA system in place for transporter authorisations and vehicle approvals relies upon information supplied by the CABs which was not always accurate. Approved vehicles seen were of a high quality although not always fully compliant with all the requirements for all of the species for which they were approved.

8 CLOSING MEETING

A closing meeting was held on 21 October 2010 with representatives of the CCA. At this meeting, the audit team presented the main findings and preliminary conclusions of the mission. The representatives of the CCA acknowledged the findings and conclusions presented, and provided clarifications on some of the issues discussed.

9 RECOMMENDATIONS

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this specific audit report.

| N°. | Recommendation |
|-----|--|
| 1. | The CCA should take measures to ensure that the responsibility for official controls on animal welfare in small slaughterhouses and the responsibility for the evaluation of |

| N°. | Recommendation |
|-----|--|
| | “own checks” relating to animal welfare in all slaughterhouses are clearly designated as required under Article 4(1) of Regulation (EC) No 882/2004 and Article 5 and Annex I, Section1, chapter II (C) of Regulation (EC) No 854/2004. |
| 2. | The CCA should take measures to ensure that coordination and cooperation is improved in order to effectively communicate information and updates on the maximum capacity of laying hen premises between the CABs and SBA and to ensure the CABs' active role in the verification of journey logs as required by Article 4(3) of Regulation (EC) No 882/2004. |
| 3. | The CCA should take measures to ensure that the systems in place for the approval of holdings provide for reviewing these approvals when changes are made to the original specifications as required in Article 31 of Regulation (EC) No 882/2004. |
| 4. | The CCA should take measures to ensure that official controls on farms and transport are carried out on a risk basis as required in Article 3 of Regulation (EC) No 882/2004. |
| 5. | The CCA should take measures to ensure that reports of official controls provide explicit deadlines or request business operators to establish an action plan for correction of the shortcomings reported as required in Article 9 of Regulation (EC) No 882/2004. |
| 6. | The CCA should take measures to ensure that sanctions are dissuasive in nature as required in Article 55 of Regulation (EC) No 882/2004. |
| 7. | The CCA should take measures to ensure that verification of the effectiveness of inspections is carried out to ensure the quality and consistency of controls, as required by Article 8(3) of Regulation (EC) No 882/2004 and as recommended in the previous FVO report. |
| 8. | The CCA should take measures to ensure that audits are implemented in relation to official controls on animal welfare as required by Article 4(6) of Regulation (EC) No 882/2004, and as recommended in the previous FVO report. |
| 9. | The CA should take measures to ensure that official controls of animal welfare of other species as required in Article 8 of Commission Decision 2006/778/EC and defined in Annex IV of the same decision are put in place. |
| 10. | The CCA should take measures to ensure that changes to registered data of establishments keeping laying hens are notified without delay as required by Article 1(4) of Commission Directive 2002/4/EC. |
| 11. | The CA should take measures to ensure that inspections as required by Article 8 of |

| N°. | Recommendation |
|-----|---|
| | Council Directive 1999/74/EC adequately address the recommendation on alternative laying hen premises made in the previous FVO report and that they also include periodic verification of the accuracy of initial approval documentation to ensure that overstocking is prevented and laying hen premises comply with all the requirements of the Directive. |
| 12. | The CCA should take measures to ensure that sufficient guidance and interpretation on the requirements of Article 3(7) of Council Directive 2008/120/EC is provided to enable staff to effectively ensure compliance relating to fibre and energy requirements for pregnant sows and gilts. |
| 13. | The CCA should take measures to ensure that procedures for the authorisation of transporters for journeys over eight hours comply with all the requirements of Article 11 of Regulation (EC) No 1/2005 in particular in relation to contingency planning and Article 18 of the same Regulation in relation to vehicle approvals especially with regard to satellite navigation systems. |
| 14. | The CCA should take measures to ensure that appropriate checks are performed on journey logs as required by Article 14 of Regulation (EC) No 1/2005. |
| 15. | The CCA should take measures to ensure that appropriate checks on transport on a random or targeted basis are put in place in accordance with Article 15(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_se_2010-8391.pdf

ANNEX 1 - LEGAL REFERENCES

| Legal Reference | Official Journal | Title |
|------------------|--|---|
| 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. 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. 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 |
| 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 |
| Dec. 2006/778/EC | OJ L 314, 15.11.2006, p. 39-47 | 2006/778/EC: Commission Decision of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes |
| 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 |