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FINAL REPORT OF AN AUDIT
CARRIED OUT IN
BELGIUM
FROM 27 JUNE TO 01 JULY 2011
IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT

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) audit which took place in Belgium from 27 June to 1 July 2011. The audit evaluated the implementation of national measures for the control of animal welfare on farms, during transport and at slaughter and followed up certain outstanding recommendations from reports DG SANCO/2009-8255 and DG SANCO/2008/7688 (hereafter: reports 2009-8255 and 2008/7688).

It is concluded that animal welfare controls on laying hen, broiler, and pig farms were carried out to a generally satisfactory standard on the farms visited and the CA continues to improve the consistency of enforcement of controls on farm and at slaughter. Approximately one third of the recommendations outstanding from the previous FVO report have been satisfactorily addressed, a third are in the process of being actively addressed and one third remain outstanding.

The CA has drafted a strategy to address the ban on unenriched cages for laying hens from 1 January 2012 and is pursuing a positive, pro-active approach to the issue of group housing for pregnant sows and gilts by liaising with the industry ahead of the implementing deadline of 1 January 2013.

The Belgian CA has used the results of controls of commercial quality standards organisations to put in place a system for monitoring the requirements of Council Directive 2007/43/EC. The system does not fully comply with all the reporting requirements of Annex V of the Directive and does not give satisfactory assurances of the reliability of the information.

Problems with the assessment of measures taken to prevent tail-docking, the provision of suitable manipulable material and suitable diets for pregnant sows and gilts were noted during the audit. This has not changed since the previous audit and is still not in compliance with, respectively, Chapter I, point 8, second paragraph of Annex I, Chapter I, point 4 of Annex I and Article 3(7) of Directive 2008/120/EC.

Recommendations on animal welfare during transport from previous FVO audits are slowly being addressed but the approval of long distance means of transport is not in compliance with the requirements of Chapter VI of Annex I to Regulation (EC) No 1/2005.

The CA was unsuccessful in its efforts to address the recommendation on ritual slaughter and has not yet addressed the recommendation on the issue of guidance on the strength and duration of current used in waterbath stunners.

The report makes a number of recommendations to the Belgian 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
AV	Authorised Veterinarian
AC	Assembly Centre
CA	Competent Authority
CAF	FAFSC Commissioner for Administrative Fines
CCA	Central Competent Authority
DG(SANCO)	Directorate General for Health and Consumers
EC	European Communities
EU	European Union
FASFC	Federal Agency for the Safety of the Food Chain
FBO	Food Business Operator
FPS	Federal Public Service for Health, Safety of the Food Chain and the Environment
FVO	Food and Veterinary Office
HPPS	Heads of the Primary Production Sectors
MANCP	Multi Annual National Control Plan
MVS	Mechanical Ventilation System
NICU	National Implementation and Co-ordination Unit of FASFC
PCU	Provincial Control Unit
PPO	Public Prosecutor's Office
PV	<i>Procès Verbal(aux)</i> (Administrative notice(s))
QSO	Quality Standards Organisation
SNS	Satellite Navigation System
UNE	<i>L'Unité Nationale d'Enquête</i> (National Investigation Unit)

1 INTRODUCTION

This audit took place in Belgium from 27 June to 1 July 2011 as part of the planned audit programme of the Food and Veterinary Office.

An opening meeting was held with the competent authorities of Belgium on 27 June 2011. At this meeting, the objectives of, and itinerary for the audit were confirmed by the FVO team and additional information required for the satisfactory completion of the audit was requested.

The inspection team comprised two inspectors from the FVO, and one expert from a European Union (EU) member state. Representatives from the Federal Public Service for Health, Safety of the Food Chain and the Environment (FPS) and the Federal Agency for the Safety of the Food Chain (FASFC), the two Competent Authorities (CA) accompanied the FVO team for the duration of the audit.

2 OBJECTIVES

The main objective of the audit was to verify the implementation of EU animal welfare legislation applicable to pig, broiler and laying hen farms and transport of animals, in particular the measures put in place to give effect to Council Directives 2008/120/EC, 2008/119/EC, 98/58/EC, 1999/74/EC, 2007/43/EC, Regulation (EC) No 1/2005 and to follow up the recommendations from reports DG SANCO/2009-8255 and DG SANCO/2008/7688 regarding animal welfare on farms, during transport and at slaughter and killing. The audit also looked at how measures taken in relation to the above are being integrated into the approach required by Regulation (EC) No 882/2004 of the European Parliament and of the Council.

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

Visits			Comments
Competent Authority	Central level	2	Opening and final meetings
	Regional level	2	Regional Veterinary Units (PCUs) of Vlaams Brabant and Oost Vlaanderen.
Farms/Slaughterhouses		1	Laying hen farm using a barn system and selected by the audit team.
		1	Broiler farm selected by the CA .
		1	Pig farm (breeding and fattening) selected by the audit team.
		1	White meat slaughterhouse selected by the audit team.
		1	One vehicle approved for the transport of horses for long distance and selected by the CA.

3 LEGAL BASIS

The audit was carried out under the general provisions of the Union legislation, in particular Article 45 of Regulation (EC) No 882/2004, Article 9 of Directive 1999/74/EC, Article 10 of Directive 2008/120/EC, Article 9 of Directive 2008/119, Article 7 of Directive 98/58/EC, and Article 28 of Regulation (EC) No 1/2005. A full list of the EU legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

The most recent previous audit concerning animal welfare of farm animals and during transport and at slaughter in Belgium was carried out in 2009, and its results are described in report 2009-8255, published on the website of the Directorate-General for Health and Consumers: http://ec.europa.eu/food/fvo/ir_search_en.cfm.

This report concluded that there had been improvements noted in official controls on the farm animal welfare sector since the last mission on this topic in 2006. However, enforcement action in the laying hen sector was not bringing about the required improvements regarding overstocking of cages and enforcement of non-compliances in the pig sector was not consistent. Some preliminary steps had been made to address the recommendations on animal welfare during transport made following the mission in January 2008 and the fitness of animals for transport was a priority. However, the scope of CA checks on animal welfare in assembly centres was limited and as a result, journey times were not respected. Animal welfare at the time of stunning and restraint in slaughterhouses was demonstrably not a clear priority for those carrying out checks.

5 FINDINGS AND CONCLUSIONS

5.1 COMPETENT AUTHORITY

Findings

A detailed description of the CAs can be found in the FVO country profile for Belgium which is accessible at: http://ec.europa.eu/food/fvo/country_profiles/CP_Belgium.pdf.

The CCA is trialling the use of a scheduling programme *PLANIFOOD* at PCUs for future planning of animal welfare controls. Changes to the main reporting database FOODNET have resulted in the automatic scheduling of follow up inspections following warnings and Procès Verbaux (PVs-administrative fines) issued from PCUs.

The CA has taken measures to improve the consistency of inspection practices by reviewing one percent of checklists per month by the Heads of the Primary Production Sectors (HPPS) in each PCU. The audit team reviewed documentation on this and on the supervised inspections (two per year) that are being undertaken by the HPPS and noted that guidance for improvement had been issued in both PCUs. The notification of non-compliances from the slaughterhouse visited had also improved since the previous audit (see section 5.4.1). Benchmarking the consistency of implementation of animal welfare controls across PCUs at CCA level is planned but has not started yet.

In response to recommendation one of report 2009-8255 to take measures to put in place training for inspectors in conducting checks in holdings of laying hens, calves and pigs, the FASFC has established a pilot committee which coordinates all the training needs of FASFC personnel, including planning and the follow up of training. Records of staff training are stored on the *Deborah* database.

The training plan for 2010-2012 includes courses which have taken place or are scheduled on the welfare of broilers, laying hens and pigs (general), training course on pigs (breeding sows) and training on tachographs and satellite navigation systems (SNS).

Each inspector controlling sector specific animal welfare is required to complete three days of sector oriented training per year. This was monitored by the Head of Primary Production in each PCU. Training is available through the Flemish Government Research Institute in Flanders, the Veterinary Faculty of the University of Ghent and Formavet in Wallonia.

Conclusions

The CA has taken satisfactory action to improve the consistency of animal welfare controls on farm, the notification of non-compliances detected during controls at the slaughterhouse visited, and is addressing the recommendation on training from the previous audit.

5.2 FARM INSPECTIONS

5.2.1 Laying hen farms

Legal requirements

Article 8 of Directive 1999/74/EC requires that the CA has to carry out checks to monitor compliance with the requirements of this Directive.

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.

Article 5(2) of Directive 1999/74/EC requires that the Member States shall ensure that rearing of laying hens in unenriched cages is prohibited with effect from 1 January 2012.

Findings

In response to recommendation two of report 2009-8255 to take measures to ensure that laying hen cages comply with the space requirements of Article 5(1)(1) of Directive 1999/74/EC, the CA has revised and strengthened the system of enforcement when overstocking is detected. First-time offenders receive a PV and the eggs are declassified. Repeat offenders are given another PV, their eggs are declassified, and they are ordered to decrease the number of hens to comply with the space requirements within a month. If the holder fails to find a solution, the overstocked animals will be impounded and euthanised. All operators who were repeat offenders received a letter in which the new procedure was explained. Subsequent inspections showed that these keepers now either respect the legislation or have ceased their activities. No animals needed to be impounded. Since this new procedure was put in place, no more infringements concerning space requirements have been detected.

In response to recommendation three of report 2009-8255 to take measures to ensure that changes concerning registered laying hen flock data are notified to the CA without delay and that the register is updated immediately when such information is received in accordance with Article 1(4) of Commission Directive 2002/4/EC, the PCUs were reminded of the instruction which states that the PCUs have to record information concerning laying hen holdings and keep it up-to-date. From 1 January 2011 onwards, the production code was also registered. The register was seen to comply with these requirements and staff were aware of how to access it and who was responsible for updating and entering new data.

The audit team visited one laying hen premises where birds were kept in barns and, although time was limited, observed the inspector carrying out a satisfactory official control on the main parameters laid down in Directive 1999/74/EC.

With regard to the forthcoming ban on rearing of laying hens in unenriched cages, the Belgian CA has developed a strategy to implement it which includes meetings with the producers' associations; issuing press releases, publicising the forthcoming deadline and writing to all keepers who have not converted their premises. Funding is available from the two Regions (Flanders and Wallonia) to convert premises. Data on the state of implementation of the ban on unenriched cages expected on 1 January 2012 indicates about four and a half million birds may be present in un-enriched cages. The compulsory annual bio-security survey in September 2011 will include a request for keepers to update the CA on their plans for conversion. Responses to this survey will be assessed and lead to targetted visits in 2012. A sanctioning policy to be applied after 1 January 2012 has been drafted but awaits approval of the Minister.

Conclusions

Recommendations from the previous audit on effective enforcement to address overstocking and proper functioning of the system for registration of laying hen premises have been satisfactorily addressed by the CA. The CA has put in place a strategy to address the ban on unenriched cages which will require intensive targetted action to satisfactorily implement it.

5.2.2 Broiler farms

Legal requirements

Article 7(1) of Council Directive 2007/43/EC requires the CA to carry out non-discriminatory inspections to verify compliance with the requirements of this Directive.

Findings

Directive 2007/43/EC has been transposed into Belgian legislation. Training for keepers new to the industry will be made available in both Regions if needed. One training course has been held for CA staff.

The farm visited by the audit team (with stocking density of approximately 41kg/m²) had a satisfactory animal welfare standard and the local inspector conducted a thorough assessment of the animal welfare requirements using the checklist supplied by the CCA. Control of environment parameters such as light, humidity, temperature and gases were measured several times in different

locations using specific devices with average results that were below the maximum permitted levels set in Annex II of Directive 2007/43/EC. The OV satisfactorily calculated the permitted stocking density, taking factors into account such as the number of birds at the beginning of the cycle, the average mortality rate and the average weight at the end of the cycle.

In the absence of full information on all broiler premises from official controls, the CA has used the available resources and reports of Belgian commercial poultry quality standards organisations (QSO) to inform them of the operational standards present on the majority of broiler premises operating in Belgium. The CA has put in place a system which authorises approximately 95% of broiler holdings in Belgium to operate at the highest stocking density (42kg/m²) permitted in the Directive if the farmers are members of a QSO and implement its procedures.

However, these holdings cannot necessarily meet all the requirements of the Directive as the QSO does not always monitor all the requirements of its Annex V. There has been no official delegation of these official controls to the QSO. In addition, as the CA relies on the results of the QSO, operators may not have been the subject of monitoring by the CA in the last two years which is not in compliance with point 1(a) of Annex V of the Directive.

Conclusions

The Belgian CA has used the results of controls of commercial quality standards organisations to put in place a system for monitoring the requirements of Council Directive 2007/43/EC. The system does not fully comply with all the reporting requirements of Annex V of the Directive and does not give satisfactory assurances of the reliability of the information. The lack of official delegation of certain official controls to these organisations is not in line with the requirements of Article 5 of Regulation (EC) No 882/2004/EC.

5.2.3 Pig farms

Legal requirements

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

Findings

The audit team visited one pig farm with breeding and fattening pigs and observed an inspection carried out by PCU staff. It was noted that as was seen during the previous supervised visits to pig farms in 2009, chains continue to be accepted as suitable manipulable material even though they are not listed as such in the checklist guidance which quotes the requirements of Chapter 1, point 4 of Annex I to Directive 2008/120/EC and they do not enable proper investigation and manipulation. The inspector knew of many different materials (sugar beat, straw, wood shavings) to give to pigs to more suitably fulfil the above requirements but didn't offer any advice to the farmer on their provision. In addition to chains for the older pigs, plastic balls or other toys were given to the younger piglets.

The inspector was proficient in carrying out his inspection, detecting and acting upon non-compliances relating to continuous access to water for animals over two weeks old, lack of sufficient lighting, inadequate space for the boars and some overstocked pens for fattening pigs. The

owner received an administrative warning as a result of these non-compliances.

This farm practised tail docking of piglets at three days of age. The owner had been faxed, on the day of the FVO visit, an undated letter from his private veterinarian stating that efforts had been made to improve the environmental conditions on the farm but that this had not curbed aggression sufficiently to prevent the need for continued mutilations.

As was noted in the previous report the CA has not provided guidance for inspectors on how they can satisfy themselves with respect to the requirement for farmers to provide high-fibre and high-energy food for pregnant sows and gilts as required by Article 3(7) of Directive 2008/120/EC. However the inspector assessed this requirement using a figure of a minimum of six percent crude fibre in the ration of pregnant sows and gilts (it was 8% in this farm's ration)- though it was not apparent where the inspector's figure of 6% had come from.

As was noted in the previous report there is no requirement in the inspection checklist to verify if stockpersons attending to animals have received instructions and guidance on the relevant provisions of Article 6 and Annex I of Directive 2008/120/EC. Staff are asked to check the competence of persons present on the day of inspection which may miss those not present and does not address the core issue of the necessity of staff training. Pig producer organisations in the two regions of Belgium have made plenty of suitable training available to farmers (15 courses and information days in Wallonia and 31 in Flanders since 2009).

In response to recommendation five of report 2009-8255 to ensure that (as stipulated in Directive 2008/120/EC) pig farmers comply with the unobstructed floor area requirements in Article 3(1a and b) and Chapter II(A) of Annex I); give manipulable material to all categories of pigs (Chapter I, point 4 of Annex I); carry out tail docking only after other measures have been taken to prevent tail biting (Chapter I, point 8 second paragraph of Annex I) and stop tethering their sows (Article 3(3)), the CA has:

- Taken measures to improve the consistency of inspection practices (see section 5.1 of this report);
- Satisfactorily addressed the previously inconsistent enforcement action taken to address non-compliances relating to the tethering of sows. The FVO team reviewed the results of enforcement action taken by PCUs since the previous audit and noted that: PVs were consistently issued for tethering; scheduled follow-up visits were carried out as planned; and that tethering had ceased by the time of the follow-up visits;
- Produced draft guidance (not yet circulated) on measures to be taken by farmers to reduce the need for tail docking and on the provision of manipulable material: the guidance remains to be approved as there are issues to be clarified with the Belgian Veterinary authorities on the categorisation of tail docking as a Veterinary Act and the *de-facto* situation where farmers are tail docking piglets nonetheless. The CA draft guidance is linked to additional scientific background information provided by a Belgian research institution on the causes, symptoms, and measures to minimise tail docking and the additional data on the provision of manipulable material.

Strategy for implementation of Group Housing of pregnant sows and gilts

The CA has agreed an information gathering and draft enforcement strategy to implement the

requirements of Directive 2008/120/EC on the compulsory group housing of sows and gilts (from four weeks after the service to one week before farrowing and which already applies to all houses built after 1 January 2003) from 1 January 2013. This involves a similar strategy to that outlined in section 5.2.1 of this report for laying hens but using the quarterly inspection bio-security reports to the CA provided by pig producers and co-signed by authorised veterinarians to gather information, analyse it, and plan further actions on the basis of a risk assessment.

Conclusions

The CA has taken consistent enforcement action to address part of the recommendation from the previous audit on tethering of sows and is finalising guidance on tail docking and manipulable material.

Problems with the assessment of measures taken to prevent tail-docking, the provision of suitable manipulable material and suitable diets for pregnant sows and gilts were noted during the audit. This has not changed since the previous audit and is still not in compliance with, respectively, Chapter I, point 8, second paragraph of Annex I, Chapter I, point 4 of Annex I and Article 3(7) of Directive 2008/120/EC.

The CA is taking a positive, pro-active approach to the issue of group housing for pregnant sows and gilts by liaising with the industry ahead of the implementing deadline of 1 January 2013.

5.2.4 Calf farms

Legal Requirements

Article 7(1) of Directive 2008/119/EC requires the CA to carry out inspections on a representative sample of the different rearing systems for calves.

Findings

In response to recommendation six of report 2009-8255 to ensure that inspections on all calf premises include all the requirements of Articles 3 and 4 of Directive 2008/119/EC, the CA has addressed the specific findings of the report by revising the checklists applicable to calf rearing premises such that these now address all the requirements and offer additional guidance. The CA has now included references to the calf Directive in general checklists applicable in other holdings such as dairy premises. These checklists are expected to be approved at the beginning of September and to enter into force in December 2011.

Conclusions

The recommendation on inspections on calf farms should be adequately addressed by the CA through the revised checklists and their applicability to all classes of calves when they come into effect.

5.3 TRANSPORT

5.3.1 *Approval of means of transport*

Legal requirements

Article 18 of Regulation (EC) No 1/2005 requires the competent authority to grant a certificate of approval for means of transport by road used for long journeys, provided that the means of transport have been inspected and found in compliance with the requirements of Chapter II and VI of Annex I to this Regulation.

Findings

In response to recommendation four of report 2008/7688 that all means of transport approved for long distance meet the requirements of Chapter VI of Annex I to Regulation (EC) No 1/2005, the CA has revised the vehicle approval checklist for long distance means of transport to address the deficiencies noted in the previous report. The CA has not issued guidance to OVs on how to assess the suitability of satellite navigation systems (SNS) and mechanical ventilation system (MVS) requirements.

This lack of guidance was reflected during a supervised inspection of a means of transport which had been approved for the long distance transport of horses. The OV inspecting this vehicle had no instructions on how to assess the suitability or functioning of the SNS and MVS of the vehicle and did not know how to do this. She had attempted to verify that the SNS was functional by observing the location of the vehicle on the computer in the transporter's office and presumed the MVS was satisfactory as there was said to be technical information available for it at the time of approval. Neither the owner nor the OV were able to decipher the printout information from the SNS. A temperature printout was obtained from the vehicle but the parameters were not clearly understood by the inspecting OV.

The OV had not made an assessment of the water capacity of the vehicle and there was no visible external means of measuring whether the tank was full. The owner stated that he used a hose at filling stations to give the horses water in portable water mangers which hang on the side of the vehicle and the OV was content to accept this.

OVs carrying out inspections of approved means of transport for long distance in the two PCUs visited stated that they did not assess the functionality of the SNS with regard to the records required under Article 15(4) of Regulation (EC) No 1/2005. The requirement for MVS as required in Point 3 of Chapter VI of Annex I to Regulation (EC) No 1/2005 were not implemented in Vlaams Brabant PCU for commercial long distance means of transport carrying registered horses due to concerns expressed by the owners about the effects these systems had on the health and performance of competition animals.

The CA has not rescinded the approval or reinspected means of transport which are known not to comply at local level with the requirements for SNS and MVS. The CA is waiting for the expiry of approvals for means of transport for long distances before they will reinspect to ensure compliance with the requirements of the Regulation.

The CA has given an instruction to certifying officers that certificates for intra-Union trade should not be issued where vehicles do not comply with the requirements of Regulation 1/2005. However, the requirements listed in the instruction relate to the vehicle's certificate of approval which may have been issued prior to the entry into force of the requirements for SNS on means of transport approved for long distance (January 2007 for new vehicles and January 2009 for all others) and do

not call for the inspecting OV's to verify if the vehicle itself complies with the Regulation.

The CA is finalising a number of measures in relation to the recommendations on training of officials in assessing tachograph and SNS records and is finalising the release of a publicly available database of transporters and approved means of transport for long distance.

Conclusions

Though action has been taken to address the recommendations on the approval of means of transport for long distance these are not fully satisfactory as inspectors have not been issued with instructions to enable them to assess mechanical ventilation and satellite navigation systems and the CA has not taken sufficient action to ensure that previously approved vehicles which are known to be non-compliant in these respects are reinspected to ensure their compliance with Regulation (EC) No 1/2005.

5.3.2 Issues relating to Certificates of Competence

Legal requirements

Article 17(1) of Regulation (EC) No 1/2005 requires Competent Authorities to make available training course for personnel of transporters and assembly centres for the purposes of Article 6(4) and 9(2)(a) of the Regulation.

Article 17(2) of Regulation (EC) No 1/2005 requires that drivers and attendants of road vehicles transporting domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species or poultry as referred to in Article 6(5) of the Regulation should be granted certificates of competence after successfully completing training courses for this purpose.

Findings

Due to a legal problem, examinations to grant certificates of competence for drivers and assistants only became available in October 2010. The syllabus with questions and answers is available on-line. The examinations were publicised with a press release and letters were sent to all persons who had previously been issued with a temporary certificate. A further press release was issued by the CA to inform transporters that from 1 September 2011 FASFC will carry out inspections to verify that transporters are in possession of a certificate of competence. To date, 2596 transporters have been issued with authorisations and 4149 certificates of competence have been issued. The transporter visited by the audit team had successfully taken the examination for his certificate of competence in The Netherlands.

Conclusions

The CA has taken satisfactory, if very late, action to comply with the requirements of Article 17(1) and (2) of Regulation (EC) No 1/2005.

5.3.3 Checks on transport

Legal requirements

Article 27(1) of Regulation (EC) No 1/2005 requires the competent authority to check that the requirements of this Regulation have been complied with by carrying out non-discriminatory

inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of animals transported each year within the Member State and may be carried out at the same time as checks for other purposes.

Findings

In response to recommendation ten of report 2009-8255 that the CA take measures to ensure that targets of inspections on long journeys include checks at unloading at holdings, the CA has not taken any action to implement this recommendation as it stated that it is very difficult to accurately gauge when animal transport will arrive. Article 3 of Regulation EC (No) 882/2004 requires controls to be carried out regularly and on a risk basis.

However, the following inspections were carried out on farms after animals had been imported in 2009: 122 bovines; 188 pigs; 45 small ruminants; 5 equidae; 307 domestic birds; 6 lagomorphs and one other animal species.

The CA carries out roadside controls planned at central and PCU level in cooperation with the Police. The FASFC national investigation unit (UNE) plans several roadside controls per year, two of which are international controls in cooperation with other Member States' Police forces from Belgium, France, the Netherlands and Luxembourg. These controls cover all aspects of road transport, including animal welfare documentary and physical controls if appropriate. There were five such controls in 2010. There are no targets at central level for roadside controls but each PCU has a target of one vehicle per month.

Oost Vlaanderen PCU was carrying out two to three controls per month in close collaboration with the Police. The results of these controls showed quite a high non-compliance rate (over 50% in most controls), usually for documentary deficiencies and or vehicle overloading. Enforcement action was seen to have been taken through either PVs or warnings. Vlaams Brabant was unable to meet the target for roadside checks as the local Police of Vlaams-Brabant no longer organize road inspections targeted at animal welfare as there are no large slaughterhouses or cattle markets in the area, and as such the PCU haven't been asked to participate. However, if the Police note animal welfare problems during random inspections, the PCU is notified and an official veterinarian is sent to verify the situation.

Enforcement actions (PVs and warnings) taken as a result of roadside checks by both the Police and the FASFC are initially processed by the Public Prosecutor's Office. The Public Prosecutor may then delegate these PVs to the FASFC Commissioner for Administrative Fines (CAF). The Public Prosecutor's Office (PPO) delegates almost all but the most serious PVs issued by FASFC to the CAF which was able to give accurate information on the results of enforcement action.

PVs issued solely by the Police are mostly not delegated to the CAF (only two in 2010) but remain with and are processed by the PPO which is responsible for all misdemeanours. The results of enforcement action that the Police take resulting from controls on animal welfare during transport without the input of PCU staff are not routinely sent to the PCUs or CCA. The CAF received copies of the Police notifications sent to the PPO but also had no access to information on the results of enforcement action taken by the Police. The CA cannot evaluate whether these are effective or use the information to assist in the planning of further inspections or enforcement actions.

In response to recommendation twelve of report 2009-8255 that the CA take measures to ensure that adequate checks are performed at assembly centres (ACs) to ensure the welfare of transiting animals, the CA has taken measures including: carrying out detailed inspections of all ACs in 2009 and 2010: meeting with the contracted veterinarians in charge and the owners of ACs to explain the findings of these inspections and the new provisions to be put in place to raise standards. The CA has drafted new checklists for use in ACs which if correctly applied should address the issues raised in the recommendation.

Conclusions

The CA has taken no action to address the recommendation on checks at unloading from the last FVO report and is still not in compliance with the requirements of Article 3 of Regulation EC (No) 882/2004 which requires controls to be carried out regularly and on a risk basis. The lack of checks carried out at unloading, means that the higher risk consignments from long distance transport are not being adequately controlled.

The CA is taking satisfactory action to address the recommendation on assembly centres from the last FVO report. Regular checks during transport are being carried out by the CA and the Police but there is insufficient communication and coordination on the results of the standalone Police inspections which is not in compliance with the requirements Article 4 (3) of Regulation EC (No) 882/2004 which provides for efficient and effective co-ordination between competent authorities involved in official controls.

5.4 WELFARE AT SLAUGHTER

5.4.1 Checks within Slaughterhouses

Legal requirements

Article 8 of Directive 93/119/EC requires that inspections and controls in the slaughterhouse shall be carried out under the responsibility of the CA. Article 3 of Directive 93/119/EC requires that animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning or slaughter. Article 7 of Directive 93/119/EC indicates that no person shall engage in the movement, lairaging, restraint, slaughter or killing of animals unless they have the knowledge and skill necessary to perform the tasks humanely and efficiently.

Article 6(1) of this Directive requires that equipment and installations used for stunning must be used in such a way as to achieve rapid and effective stunning. The competent authority shall check them regularly to achieve this objective.

Findings

In response to recommendation eleven of report 2009-8255 that automated systems for handling birds should not give rise to avoidable excitement or suffering, the CA took satisfactory action to ensure that the handling systems in the slaughterhouse visited were modified by the Food Business Operator (FBO) to improve the unloading and transport of birds from the cages and onto the shackle lines. The CA had also met with FBOs to discuss these systems in Belgium and were assured that similar problems had not been detected. OV and own-check records showed that the currents used in the waterbath stunners have been increased since the previous FVO visit and the stunning of birds was seen to be adequate in both slaughter lines visited.

Records of OV animal welfare checks on transport showed that in the majority of cases the OV followed the correct procedures in notifying the local PCU when intervention levels for overstocking and the percentage of birds dead on arrival had been reached. In two cases there were no notifications when levels had just breached intervention points and no written justifications for deviating from these CA instructions. Three notification cases of vehicle overstocking reviewed by

the audit team that had been sent from this slaughterhouse in 2011 for further action by Belgian PCUs or to the national transport contact point had not resulted in any additional follow up as required.

In response to recommendation thirteen of report 2009-8255 requiring satisfactory restraint equipment in relation to religious slaughter, the CA had intended to prohibit ritual slaughter of animals in Belgium and had drafted a law to go before Parliament just before it was dissolved in 2010. In the absence of progress with this proposal due to the lack of agreement on an official Government for Belgium, the CA is planning to carry out an animal welfare audit to slaughterhouses at the end of 2011.

In response to recommendation fourteen of report 2009-8255 requiring that guidance is issued on the strength and duration of current used in waterbath stunners as required by Annex C(II)(3)(B)(1) to Directive 93/119/EC the CA has taken no action. The CA intend to publish guidance in the autumn of 2011.

Conclusions

The CA has taken satisfactory action to address the problems from the last audit on the automatic handling of poultry and has also improved the notification of animal welfare non-compliances detected in slaughterhouses to regional units, though further follow up of these cases has not always been put in place. The CA was unsuccessful in its efforts to address the recommendation on ritual slaughter and has not yet addressed the recommendation on the issue of guidance on the strength and duration of current used in waterbath stunners.

6 OVERALL CONCLUSIONS

Animal welfare controls on laying hen, broiler, and pig farms were carried out to a generally satisfactory standard on the farms visited and the CA continues to improve the consistency of enforcement of controls on farm and at slaughter. Approximately one third of the recommendations outstanding from the previous FVO report have been satisfactorily addressed, a third are in the process of being actively addressed and one third remain outstanding.

The CA has drafted a strategy to address the ban on unenriched cages for laying hens from 1 January 2012 and is pursuing a positive, pro-active approach to the issue of group housing for pregnant sows and gilts by liaising with the industry ahead of the implementing deadline of 1 January 2013.

The Belgian CA has used the results of controls of commercial quality standards organisations to put in place a system for monitoring the requirements of Council Directive 2007/43/EC. The system does not fully comply with all the reporting requirements of Annex V of the Directive and does not give satisfactory assurances of the reliability of the information.

Problems with the assessment of measures taken to prevent tail-docking, the provision of suitable manipulable material and suitable diets for pregnant sows and gilts were noted during the audit. This has not changed since the previous audit and is still not in compliance with, respectively, Chapter I, point 8, second paragraph of Annex I, Chapter I, point 4 of Annex I and Article 3(7) of Directive 2008/120/EC.

Recommendations on animal welfare during transport from previous FVO audits are slowly being

addressed but the approval of long distance means of transport is not in compliance with the requirements of Chapter VI of Annex I to Regulation (EC) No 1/2005.

The CA was unsuccessful in its efforts to address the recommendation on ritual slaughter and has not yet addressed the recommendation on the issue of guidance on the strength and duration of current used in waterbath stunners.

7 CLOSING MEETING

A closing meeting was held on 1 July 2011 with the CCA. At this meeting, the main findings and preliminary conclusions of the mission were presented by the FVO team. The representatives of the CCA did not express disagreement with the findings and conclusions presented. The CA provided detailed, very useful clarification on certain points that had not possible during the course of the audit as no representative from FASFC central services had accompanied the audit team.

8 RECOMMENDATIONS

The CAs are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), within one month after receipt of the report, aimed at addressing the recommendations set out below:

N°.	Recommendation
1.	The Competent Authorities should ensure that the system used to monitor the requirements of Council Directive 2007/43/EC complies fully with all the reporting requirements of Annex V of the Directive and provides satisfactory assurances of the reliability of the information provided to the CA.
2.	The Competent Authorities should take the necessary measures to ensure that, as recommended in FVO report 2009-8255, the situation on farms in Belgium with regard to tail-docking, the provision of suitable manipulable material and implementation of suitable diets for pregnant sows and gilts is improved and brought into full compliance with, respectively, Chapter I, point 8 second paragraph of Annex I, Chapter I, point 4 of Annex I and Article 3(7) of Council Directive 2008/120/EC.
3.	The Competent Authorities should ensure that staff performing approvals and official controls on means of transport approved for long distance receive suitable instructions and guidance as required in Article 8 (1) of Council Regulation (EC) No 882/2004/EC to enable them to effectively assess the records of satellite navigation systems in accordance with Article 15(4) of Council Regulation (EC) No 1/2005 and that mechanical ventilation systems are compliant with the requirements of Points 3(1) and 3(2) of Chapter VI of Annex I of the same Regulation.
4.	The Competent Authorities should take the necessary measures to ensure that certificates of approval issued for means of transport approved for long distance are

N°.	Recommendation
	reviewed and, if necessary, the vehicles are reinspected to ensure that only those complying fully with the requirements of Chapter II and VI of Annex I to Council Regulation (EC) No 1/2005 continue to hold such certificates.
5.	The Competent Authorities should take the necessary measures to address the recommendation from the previous report on checks at unloading in order to comply with Article 3 of Regulation EC (No) 882/2004 which requires controls to be carried out regularly and on a risk basis.
6.	The Competent Authorities should take the necessary measures to improve communication and cooperation with the Police in order to comply with the requirements of Article 4(3) of Regulation EC (No) 882/2004 which provides for efficient and effective co-ordination between Competent Authorities involved in official controls.
7.	The Competent Authorities should take the necessary measures, as recommended in FVO report 2009-8255, to ensure that equipment used for stunning and killing is constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing in accordance with the requirements of Article 6 of Directive 93/119/EC and restraint for ritual slaughter meets the requirements of Annex B (1) of the same Directive.
8.	The Competent Authorities should take the necessary measures, as recommended in FVO report 2009-8255, to ensure that guidance is issued on the strength and duration of current used in waterbath stunners as required by Annex C(II)(3)(B)(1) to Directive93/119/EC.

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

http://ec.europa.eu/food/fvo/ap/ap_be_2011-6039.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
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
Dir. 2007/43/EC	OJ L 182, 12.7.2007, p. 19-28	Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production
Dir. 2008/119/EC	OJ L 10, 15.1.2009, p. 7-13	Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves
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