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FINAL REPORT OF A SPECIFIC AUDIT
CARRIED OUT IN
POLAND
FROM 23 FEBRUARY TO 04 MARCH 2010
IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT
IN THE CONTEXT OF A GENERAL AUDIT

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) specific audit in Poland, carried out from 23 February to 4 March 2010, as part of the general audit of Poland 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 farms and during transport.

It is concluded that controls have been strengthened on certain issues through verification of controls by regional level, and the issue of animal welfare during transport through supervised loadings and use of the national contact point. most recommendations have been generally taken into account by the CCA; however, not all issues have been satisfactorily dealt with and major problems persist in relation to enforcement actions, in particular concerning laying hen farms. additionally there is insufficient planning to ensure that the deadline of 31.12.2011 is met for the ban on unenriched cages. Regarding transport of unweaned calves, a major deficiency persists in the inadequate checks at departure, in particular on the watering and feeding intervals, journey times and resting periods.

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

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
CA	Competent Authority
CCA	Central Competent Authority
DG(SANCO)	Health and Consumers Directorate-General
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
MANCP	Single Integrated Multi-Annual National Control Plan
OV	Official Veterinarian
PVP	Private Veterinarian Practitioner
SNS	Satellite Navigation System
TRACES	Trade Control and Expert System

1 INTRODUCTION

The Specific Audit formed part of the FVO's planned mission programme. It took place in Poland from 23 February to 4 March 2010. The audit team comprised two inspectors from the Food and Veterinary Office (FVO). Representatives from the central competent authority (CCA), the Veterinary Inspectorate (*Glówny Inspektorat Weterynarii*), accompanied the audit team for the duration of the audit. An opening meeting was held on 23 February 2010 with the CCA, representatives from the Regional Competent Authorities (CAs) and a representative from the Road Transport Inspectorate (RTI). 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 the relevant provisions of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004, and the national multi-annual control plan (MANCP) prepared by Poland;
- 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 previous FVO animal welfare missions to Poland DG (SANCO)/7683/2005 in June 2005, DG (SANCO)/7334/2007 in October 2007 and DG (SANCO)/7693/2008 in November 2008.

In terms of scope, the audit concentrated primarily 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), 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 the CAs.
	Regional	2	The regional CAs of Łódzkie and Mazowieckie.
	District	5	Three district Veterinary Offices (district CAs) in Łódzkie and two in Mazowieckie.
FARMS		5	Two pig holdings (complete cycle) and three laying hen holdings (cage systems).
ASSEMBLY CENTRES		1	One assembly centre in the region of Łódzkie.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, and in particular:

- Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;

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-annual national control plans referred to in Article 41 and in compliance with Community law.

This Specific Audit was carried out as a component of a General Audit to Poland. 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

Previous animal welfare missions to Poland were carried out in June 2005, October 2007 and November 2008 and their results are described in reports DG(SANCO)/7638/2005, DG(SANCO)/2007-7334 and DG(SANCO)/2008-7693. The reports of these missions (henceforth referred to as reports 7638/2005, 2007-7334 and 2008-7693) have been published on the website of the Directorate – General for Health and Consumers:

http://ec.europa.eu/food/fvo/ir_search_en.cfm

Report 7638/2005, concerning animal welfare on farms, concluded that the information provided to and the inspections carried out on the pig sector were variable in quality and the inspections of laying hens in cages were inadequate. Guidance and training were insufficient and, as the higher levels of the CA were unaware of major inadequacies regarding inspections of laying hens, supervision was insufficient. When deficiencies were detected, follow-up action was initiated, but procedures through the courts were often not effective in motivating inspectors and discouraging infringements.

Report 2007-7334 concerning animal welfare during transport and in particular horses destined for slaughter, concluded that co-operation with the Road Transport Inspectorate and the Police had allowed road-side checks to be carried out. Training and documented procedures had been provided to staff performing controls but the requirements introduced by Regulation (EC) No 1/2005 had not been sufficiently covered. As a consequence, horses have been transported on means of transport

which did not comply with the requirements for long journeys laid down in Regulation (EC) No 1/2005.

Report 2008-7693 concerning the system of controls in relation to animal welfare during transport and on laying hen farms concluded that some steps had been taken to address recommendations from previous reports but further actions were needed to make controls effective. The failure to apply sanctions effectively was a significant weakness in the system of controls for animal welfare. The deadlines for the different types of cages to be phased out, end of 2009 and beginning of 2012, were unlikely to be met as there had been insufficient involvement of the CA to ensure that the sector makes the necessary changes.

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 and organisation of the CAs are described in the Multi-Annual National Control Plan (MANCP) of Poland, accessible on the website of the State Health Inspection of the Ministry of Health <http://www.gis.gov.pl>, in the FVO report DG(SANCO)/7596/2007 Country Profile for Poland: http://ec.europa.eu/food/fvo/country_profiles_en.cfm. A description of the CCA is also available on their website: <http://www.wetgiw.gov.pl>

The above documents and the FVO reports 7638/2005, 2007-7334 and 2008-7693 describe the role and responsibilities of the CCA and of other authorities involved in animal welfare controls on farms and during transport, such as the Road Transport Inspectorate. In addition, the following observations were made:

- In February 2009 a new "Animal Welfare Division" has been set up within the Animal Health and Welfare department of the CCA. There are two full-time veterinarians dedicated only to animal welfare issue.
- A contact point as required by Article 24 of Regulation (EC) No 1/2005 has been designated within the CCA and within each regional CA.

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

- Co-ordination and co-operation with the RTI, both at central and regional levels, are ensured in the form of regular meetings, exchange of information, mutual assistance and joint training. The RTI provides the CCA with the results of the road-side checks performed and these data are included in the annual report to the Commission under Article 27 or Regulation (EC) No 1/2005.
- There were written agreements between the regional CAs and the regional offices of the RTI for joint road-side checks. In both regions visited joint checks had been performed in 2008.

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

- There was a flow of information between the CCA and the regional CAs and from these to the district CAs. Information is exchanged formally, in the form of written notes from the Chief Veterinary Officer (CVO) to regional CAs and from these to the district CAs. No gaps were noted in this regard.
- In addition, meetings are organised at central level with the regional CAs to inform them about all current issues and, in particular, any relevant information regarding implementation of EU legislation and on the results of FVO missions. The regional CAs organise in their turn monthly meetings with the district CAs to report on the above.
- Complaints or other information from and to other Member States concerning animal welfare during transport were sent from the central contact point to the regional contact point and from this to the relevant district CAs. In the second half of 2009, 41 instances regarding animal welfare were dealt with by the contact point at central level. The majority of complaints were in relation to journey logs not returned to the CA of origin, or with incomplete or mistaken information. During the last quarter of 2009, the central contact point dealt also with 53 instances of complaints from a Polish Border Inspection Post (BIP) concerning consignments from other Member States exiting the Community territory through this exit point on their way to Third Country destinations. Replies from other MS were not always obtained, in particular when these were dealt with through embassies. All cases were well documented.
- Gaps were noted in relation to information provided by district CAs to central level and concerning changes of the data registered under Directive 2002/4/EC (registration of establishments keeping laying hens). Details are provided in section 6 of this report.

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

Not applicable to this specific audit.

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

Not applicable to this specific audit.

Conclusions on Competent Authorities

The CAs have been identified and their respective roles in the controls are clear. Co-ordination and co-operation between the CCA and other CAs involved in animal welfare controls work well, fulfilling the requirements of Article 4 of Regulation (EC) No 882/2004. Co-ordination and co-operation within the CAs were generally satisfactory, although with a gap regarding registration of holdings with laying hens.

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

This specific audit did not notice any gap in relation to the legal powers of the CAs.

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

- Staff resources are described in the relevant Country Profile and MANCP sections.
- The CCA indicated that as a result of the recruitment of circa 1000 official veterinarians in 2008 and 2009, staff at regional and district levels were relieved from multiple tasks and therefore could dedicate more time to animal welfare. This was the case in both regions visited, with the exception of one district in Mazowieckie, where the Director complained that the staff recently recruited had already left and the problem of high turnover of staff remained.
- In response to a recommendation of report 2005-7638 concerning availability of equipment to measure space allowances and certain parameters in farms as required by the relevant EU legislation, the CCA instructed the regional CAs to ensure that adequate equipment was bought by the district CAs. According to information supplied by the CA to the FVO, in the third quarter of 2009 two thirds of the district CAs had purchased the necessary equipment. The district CAs visited had implemented the CCA instruction and official veterinarians (OVs) did use adequate instruments to measure the light and noise intensity and the dimensions of buildings and pens.
- The mission team did not identify any potential conflicts of interest of the staff involved in animal welfare 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 needs are identified by the CCA, and in particular were based on the recommendations of FVO reports. Training is organised according to a cascade system, from the central to the regional level and from this to the district level. The regional CAs have been instructed by the CVO to provide training to the district OVs within one month of the training received by the central level and using the same training material, and to send copies of the attendance lists to the CCA. It was noted that ad hoc meetings had been organised by the CCA with the regional CAs following previous FVO animal welfare missions to present findings and conclusions, followed also by ad hoc cascade training.
- Training concerning on-farm animal welfare inspections was organised by the CCA in February 2006. In February 2008 training was provided on reporting of farm inspections and on the requirements for keeping livestock. No specific training on the minimum standards for laying hens was organised, despite a recommendation in report 2008-7693.

- Concerning transport, inspection of the means of transport was one of the issues dealt with during the training provided in February 2006. Further training on transport and in particular on means of transport, journey logs and enforcement actions was provided in June 2008. In April 2009 a two-day training based on the material of a training workshop organised by DG SANCO was organised. Finally, training on how to read and check tachographs (as required by Article 16 of Regulation (EC) No 1/2005) was provided during the last quarter of 2009 and in February 2010 by RTI officers. This in particular was in response to a recommendation of report 2008-7693, but no training has been provided on the reading of data registered by the satellite navigation systems, which is also a requirement of Article 16 of Regulation (EC) No 1/2005 and part of a recommendation in report 2008-7693.

Conclusions on Resources for Performance of Controls

The authorities have the legal basis for carrying out controls as well as sufficient resources and equipment. The actions taken by the CCA to address a recommendation on training in report 2008-7693 were insufficient, as not all issues were covered.

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

Details on the procedures for the registration of farms and in particular of holdings with laying hens are described in section 6 of this report.

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 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 Community, imports into the Community and to product placed on the Community market.

Findings

- The programmes of farm checks and the selection of holdings are made at the beginning of each year by the OV coordinating animal welfare in the districts. Holdings are selected part randomly and part on the basis of risk criteria set in a CCA instruction, such as the herd size, previous non-compliances and applications for financial aids. Programmes are adjusted throughout the year. Procedures require the inspection of 5% of holdings with animals but, following mission 2008-7693, the CCA requested 100% inspection of laying hen farms.

- Regarding transport checks, the CCA instructed to inspect 100% of consignments on departure from assembly centres, 100% of consignments arriving at slaughterhouses randomly those arriving at farms from other Member States. There were no specific programmes for road-side checks.
- The CAs stated that inspections are not announced in advance, unless where related to financial aid applications.

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

- Animal welfare is monitored as part of integrated on-farm inspections as well as during stand-alone inspections.
- The CA has not chosen to avail of the option in Commission Decision 2006/778/EC to assess a minimum number of requirements during farm inspections.
- In Mazowieckie, road-side checks were carried out on the access road in the vicinity of a major slaughterhouse, and in Łódzkie, on a main road between Poland and Germany.

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

- Procedures for the performance of controls on animal welfare have been issued and updated by the CCA. Procedures include instructions on how to carry out inspections, check lists for the inspections and reporting templates. Documented procedures have been updated in response to recommendations in previous FVO reports. However, not all issues have been sufficiently covered. Details are provided in section 6 of this report.
- Check lists were completed in duplicate following each official control, the original given to the operator and the copy filed at the district office. Check lists included a description of the purpose of the official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned, within a certain deadline.
- The CCA instructed the regional and district CAs on how to report transport and farm inspections according to Article 27 of Regulation (EC) No 1/2005 and Decision 2006/778/EC. Reports from the district CAs to the regional CAs and from these to the CCA were made according to CCA instructions and to the above EU legislation.

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

Several documents have been made available to the public on the animal welfare section of the CCA web site, such as most of the instructions and check lists for the inspections. The list of food business operators (FBOs), including transporters and egg producers, and the multi annual national control plan (MANCP) are also available on the CCA web site. Results of the checks performed were not available to the public.

Conclusions on Organisation and Implementation of Official Controls

The requirements of Regulation (EC) No 882/2004 concerning the organisation and implementation of official controls were generally met, with the exception of certain procedures for the performance of controls, which were incomplete in certain aspects. The CCA have taken insufficient action in response to certain recommendations from previous FVO reports concerning documented procedures.

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

Administrative measures in case of non-compliance are described in Law of 17 June 1966. These measures include the issuing of an order (so-called decision) to the farmer concerned to take immediate remedial action. If the farmer does not comply with the decision issued, the district CA can then impose a fine. It was noted that:

- By a letter of February 2009 the CCA reminded the CAs to implement this procedure in cases of non-compliances detected. This letter was issued in response to a recommendation in report 2008-7693.
- The administrative procedure had been implemented for 11 holdings with laying hens which, at the end of the granted transitional period, were not yet in compliance. The decisions consisted in an order to slaughter the hens and a ban to further re-stock the cages. One case was sent to the Public Prosecutor.
- In the district offices visited, where the mission team reviewed a random selection of the inspections performed in 2008 and 2009 in pig and laying hen farms, it was noted that generally where non-compliances had been detected decisions had been issued by the CAs. Follow-up inspections had been regularly carried out. In holdings with pigs, the follow-up inspections had been generally sufficient to ensure compliance by the farmers. On holdings with laying hens the follow-up inspections, performed when new flocks were introduced, were not always sufficient and, in certain instances, administrative fines or penal prosecutions had been initiated.

Concerning transport, and in response to a recommendation in report 2008-7693, in March 2009 the CCA instructed the CAs to approve journey logs only when these have been satisfactorily completed and to notify the CA which issued the transporter's authorisation if journey logs are not regularly returned to the CA of the place of origin. It was noted that:

- In both regions visited there were instances where transporters failing to return journey logs had been reported to the CAs which issued their authorisations. They had been subjected to increased numbers of supervised loadings and, in one case, the CA refused to sign the health certificates for further consignments.
- These actions had been generally sufficient to ensure compliance with the return of journey logs. More details are provided in section 6 of this report.

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 Community 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

Administrative fines can be imposed by the district CAs, under the procedure described in Law of 17 June 1966, up to 50 000 PLN (circa 12 500 euro). If the non-compliance persists, a fine can be repeatedly imposed up to a total amount of 200 000 PLN (circa 50 000 euro). Thereafter a penal prosecution can be initiated.

In cases of non compliance with the CA decision, the files can also be sent directly to the Public Prosecutor, who may impose a penal sanction or dismiss the case.

The following was noted:

- In one district visited in Łódzkie, the administrative procedure had been initiated against a laying hen farmer who had not complied with the order to reduce the excessive number of hens and to install claw shortening devices. The procedure was initiated in October 2008 and up until February 2010 four fines of a total amount of 28 000 PLN (circa 7 000 euro) had been imposed. Three fines had already been paid. The CA indicated that being a big farm with circa 1.4 million hens, it was more economical for the farmer to pay the fines rather than to reduce the production of eggs.
- In one district visited in Mazowieckie, 16 farms had been reported to the Public Prosecutor for non-compliance with the decisions issued concerning overstocking of cages. The decision of the Public prosecutor was not yet known as the cases had been reported in January 2010.

Fines can be directly imposed by the RTI officers for infringements concerning transport of live animals. The amount of the fines is 500 PLN (circa 125 euro) for most infringements and 1 000 PLN (circa 250 euro) in case of absence of the journey log and of means of transport not suitable for animals.

- In 2008, the RTI imposed 47 fines for a total of 30 000 PLN (circa 7 500 euro). As an example, 29 fines were related to lack of qualification of the drivers or the attendants, two fines were for lack of journey logs and 11 fines were for means of transport unsuitable for animals.
- The fines imposed in 2009 were 58, for a total amount of 34 000 PLN (circa 8 500 euro). As an example, 40 fines were for the lack of qualification of drivers or attendants, two for lack of journey logs and eight for means of transport unsuitable for animals.

Conclusions on Enforcement Measures

Although the enforcement measures implemented were generally sufficient in relation to transport and for holdings with pigs, this was not the case for laying hen farms. Although for the latter, some enforcement actions had been recently implemented by the CA, these were either too recent or not dissuasive and do not meet the requirement of Article 54 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

There were procedures in place for the verification of the effectiveness of official controls at all levels. The following was noted:

- In all regions there were yearly plans for the verification of the effectiveness of the official controls performed by the district CAs. From 2010, plans are based on risk assessment, taking into account the number of irregularities reported and the number of operators. In any case each district CA will be verified every three years. In both regions visited the plans for 2008 and 2009 had been implemented.
- In Łódzkie in 2009, verification was performed on one district CA following a complaint from an NGO concerning an assembly centre. The verification was comprehensive and included the official controls on farm and during transport and the system of authorisation of transporters. The main irregularities identified were the insufficient number of checks on farm, the inadequate records of the authorisation of transporters and the lack of records of training of the CA staff.
- In Mazowieckie, two district CAs visited by the mission team had been the subject of verification in 2009 by the regional CA. Ad hoc verification was performed on one district CA due to insufficient enforcement measures against a transporter with recurrent problems. An official warning with one year probation was given in June 2009 to the district CA director. The verification performed in December 2009 in another district CA was comprehensive. The main irregularities concerned the supervision of transporters, the checks of means of transport and their approval, and the compilation of the reports of farm inspections. Ad hoc verification had been performed in February 2010 in another district CA of this region. The purpose was to verify the implementation of a CCA instruction concerning corrective actions in laying hen holdings with non-compliances.
- The verification performed by the regional CAs did not identify certain non-compliances noted by the audit team, and which are detailed in section 6 of this report.
- In 2009, the only verification on animal welfare performed by the central level, i.e. the Controlling Office of the CCA, on the regional CAs, concerned the controls on fur farms in Łódzkie.

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

Internal audits were planned to start in 2009, but at the time of this mission the plan had not been implemented yet.

Conclusions on Verification Procedures

Procedures for the verification of official controls on animal welfare the CAs generally meet the requirements of Articles 4 and 8 of Regulation (EC) No 882/2004 and have proved useful at identifying weaknesses in controls. However, certain non-compliances noticed by the audit team were not identified and audits were not yet carried out.

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.

Findings

- The chapter concerning animal welfare of the current version of the MANCP of Poland (period 2007-2009) contains very general information regarding this sector.
- The MANCP refers to the procedures that OVs must follow to perform and report animal welfare inspections and to the prioritisation of such controls, but it does not really reflect the procedures currently in use.
- The MANCP does not include the methods applied to ensure compliance.

Conclusions on Multi-Annual National Control Plan

Although the MANCP is drafted in accordance with Article 41 of Regulation (EC) No 882/2004, the information as laid down in Article 42 of this Regulation and concerning animal welfare was not updated and was incomplete.

6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS

6.1 ANIMAL WELFARE ON FARMS

6.1.1 *Registration of holdings with laying hens*

Directive 2002/4/EC requires Member States to establish a system for registering every production site covered by the scope of Directive 1999/74/EC. Article 1(4) of Directive 2002/4/EC requires the register to be updated immediately when changes are notified concerning the registered data.

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

Discrepancies were noticed by the audit team when the registers of establishments with laying hens kept in the districts visited were compared with the most updated version published on the CCA website in January 2010. This issue had already been highlighted in report 2008-7693. In particular, it was noted that:

- The data registered for one farm selected randomly in one district in Łódzkie had not been updated at central level.
- Changes of the registered data of a farm in another district in Mazowieckie had not been updated at district level.

In relation to the maximum capacity of holdings, following mission 2008-7693 the CCA instructed OVs to take into account the various requirements of each rearing system that may limit the number of birds. In both regions visited the CAs had registered the number of birds present at the time of the inspection and declared by the operators as the maximum capacity, instead of performing their own assessment and comparing this with the number of birds at the start of the laying period.

Conclusions

The CCA have taken insufficient action to ensure that the register of holdings with laying hens is updated immediately when changes of registered data are notified and that the information concerning the maximum capacity of holdings is accurate.

6.1.2 *Inspections of laying hen farms*

Legal requirements

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

Findings

In response to a recommendation in report 2008-7693 to ensure that laying hen farms comply with the requirements of Article 5 of Directive 1999/74/EC (cage systems), the CCA instructed OV's to carry out inspections in all holdings with laying hens and to impose remedial actions for the identified deficiencies. Concerning the two regions visited, the following was noted:

- The main deficiencies identified by the OV's in 2008 in cage systems were the insufficient space allowance and the lack of claw shortening devices, and insufficient perches in alternative systems and in enriched cages.
- In one holding visited in Łódzkie, the OV adequately checked the capacity of individual cages and the average number of hens per cage to assess if stocking densities were in compliance. The OV correctly multiplied the capacity of each cage by the number of cages but had never counted the cages and trusted the number declared by the owner. The result was then compared with the number of birds present on the day of the visit, which were 10% more than the calculated capacity. The overstocking at the start of the laying period, not assessed by the OV, was 30%.
- In the holding visited in Mazowieckie, the OV had not detected a slight overstocking in the unenriched cages at the start of the laying period. This holding also had enriched cages, and the only non-compliance indicated in a report of January 2010 was the lack of litter. According to the manufacturer's specification, which had been accepted by one OV, 44 hens could be reared in each cage. However, a different OV performed the visit with the audit team and concluded that the usable area was sufficient for 39 hens and the perches for 16 hens.
- The requirement of point 3 of the Annex to Directive 1999/74/EC, concerning an adequate uninterrupted period of darkness lasting about one third of the day, not included in the CCA check-list for the inspections, was not assessed by the OV's.
- In neither region visited were there concrete plans for phasing out unenriched cages by 1.1.2012.

In order to assess whether forced moulting was carried out, and in response to a recommendation in report 2008-7693, the CCA instructed the CAs to ensure that records of mortalities are kept on-farm and made available for inspections.

- In a farm visited in Łódzkie, where hens were slaughtered between 100 and 110 weeks of age, such records were not available, contrary to Point 5 of the Annex to Directive 98/58/EC. For this reason it was not possible to assess if any practice to extend the laying period had any impact on the hens' welfare and mortality rate.

In response to a recommendation in report 2008-7693 regarding 44 holdings with unenriched cages which had been granted a transitional period until 31.12.2009 for the minimum height and the floor slope, the CCA instructed the CAs to ensure that holdings which do not meet the deadline are deleted from the register of laying hens.

According to the information provided by the CCA, the situation at January 2010 was as follows:

- 14 farms had modified the existing cages and were now in compliance as unenriched cage systems.
- 13 farms had been upgraded as follows: eight farms had installed enriched cages and one had changed to alternative system; in three farms, works were in progress to install enriched cages or the equipment for alternative system; one farm had installed enriched cages but, because these were not fully equipped, the CA issued a decision to comply by 31.3.2010.
- Four farms had closed, one had changed activity and eight had been deleted from the register or banned to continue their activity. Two farms not in compliance were ordered to stop their activities by 28.2.2010 and 31.3.2010, respectively. Information was missing concerning the remaining two farms.

In the farm visited in Łódzkie which had a transitional period, rather than installing enriched cages, the existing cages had been modified by the owner, with the elevation of the central part of the roof to provide the minimum legal height. The OV stated that he had measured the cages before their re-installation and re-population and was satisfied that these were now in compliance. However, in the cage measured during the visit, an area at the back was still lower than 35 cm and should not have been included in the calculation of the area available to the hens. As a consequence the farm was circa 35% overstocked.

Conclusions

Measures taken by the CCA in response to recommendations in report 2008-7693 have been insufficient and, as a consequence, inspections in holdings with laying hens remain inadequate, with shortcomings and overstocking undetected or underestimated. In particular, procedures were insufficiently detailed concerning the correct calculation of the maximum capacity of holdings and the assessment of the adequate stocking densities and of the period of darkness.

Concerning farms which remained operational after the transitional period, more than half of them modified the existing cages, which means that they will not be able to operate after 1.1.2012.

6.1.3 Inspections of pig farms

Legal requirements

Article 8 of Directive 2008/120/EC requires Member States to ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive are being complied with.

Findings

- The requirement of Point 5 of the Annex to Directive 98/58/EC concerning records of mortalities was not included in the checklist for inspections. The CA explained that farmers have only the legal obligation to keep copies of the invoices from the rendering plant collecting fallen stock. A proper logbook was available in one holding visited but not in the other. This issue had been already the subject of a recommendation in report 7638/2005.

- Training of pig farmers as required by Article 6 of Directive 2008/120/EC was made available by local authorities and by farmers' organisations.
- In both farms visited, there was plenty of straw in the pens of all categories of pigs, which satisfied the requirement of point 4 of Chapter 1 of Annex I to Directive 2008/120/EC concerning permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities.
- In the farm visited in Łódzkie, there were no animal welfare deficiencies noted in the two previous inspection reports of 2008 and 2009, and no major deficiencies were noticed by the audit team. Tail docking was not carried out.
- In the farm visited in Mazowieckie, the CA had not detected certain shortcomings, although the relevant points were clearly indicated in the check-list used during the inspections, such as: routine tail docking of piglets without investigation if other preventive measures had been taken, contrary to point 8 of Chapter 1 of Annex I to Directive 2008/120/EC; lack of an alarm system and a back up for the automatic ventilation system, contrary to point 13 of the Annex to Directive 98/58/EC. Although stocking densities were in compliance with those laid down in Article 3 (a) and (b) of Directive 2008/120/EC, the space occupied by the feeder equipment was not subtracted by the CA in the calculation of the unobstructed floor area of the pens. Additionally, there was no permanent access to water for the sows kept in individual stalls, contrary to point 7 of Chapter 1 of Annex I to Directive 2008/120/EC. This issue had been already the subject of a recommendation in report 7638/2005.

Conclusions

The CA has taken insufficient action to address the recommendations of a previous report to ensure that owners or keepers maintain a record of the number of mortalities found at each inspection and that all pigs over two weeks of age have permanent access to a sufficient quantity of fresh water. Despite adequate check-lists to support OV's during their checks in pig farms, certain requirements of Directives 2008/120/EC and 98/58/EC were not adequately assessed.

6.2 ANIMAL WELFARE DURING TRANSPORT

6.2.1 Checks on transport

Legal requirements

Article 2(r) of Regulation (EC) No 1/2005 allows assembly centres approved in accordance with Community veterinary legislation to be considered as places of departure if the distance travelled between the first place of loading and the assembly centre is less than 100 km; or the animals have been accommodated with sufficient bedding, untied, if possible, and watered for at least six hours prior to the time of departure from the assembly centre.

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, at any stage of the long journey,

carries out 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 1.4(a) of Chapter V of Annex I to Regulation (EC) No 1/2005 requires that unweaned calves which are still on a milk diet, after nine hours of travel are given a rest period of at least one hour sufficient in particular for them to be given liquid and if necessary fed.

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

Findings

Concerning the requirements and the minimum resting times of animals in assembly centres prior to departure, at the assembly centre visited in Łódzkie the audit team noted that:

- Unweaned calves were sourced from various farms in Poland and from one assembly centre in Lithuania. The facilities for the calves in the assembly centre were adequate. The OV indicated that to ensure that the minimum resting time of six hours was respected he checked the information recorded on the logbooks of the assembly centre. However, for two out of three consignments originating in Lithuania and randomly selected by the audit team, the time of their arrival recorded on the logbook was unrealistic when compared with the time of departure from Lithuania on the health certificates. Additionally, according to the assembly centre records, one of the lots of Polish calves loaded on the day of the visit was rested at the assembly centre for less than six hours.

In relation to checks on journey logs, and in response to a recommendation in report 2008-7693, in March 2009 the CCA instructed the CAs on how to check a journey log before a long journey. In particular, the CCA instruction explains how to assess the correctness of the information provided by the transporters, using an internet application to calculate the distance and travelling times, with an average speed of 60 km/hr. The instruction also reminds the CAs to approve travel only if transporters have the necessary documentation and a journey log is properly completed. The audit team noticed the following:

- The CCA instruction for establishing realistic journey times did not include the time for loading and unloading animals or the mid-journey rest.
- In Łódzkie, the CA had not followed the CCA instruction to use an average speed of 60 km/hr when approving journey logs and journey times of 16 hours to a destination in Belgium and 19 hours to a destination in Italy had been accepted although these would have been 17.5 and almost 22 hours using the CCA instruction, and the time for loading and unloading and mid-journey rest should have extended the journeys still longer.
- The checks at departure performed by the OV in Łódzkie, were regularly recorded on Section 2 of the journey logs.
- In the region of Mazowieckie, unweaned calves were collected from three different assembly centres from which they were further transported, , with 24-hour rest in a control post in France, to a fourth assembly centre in Catalonia (Spain). The OV responsible for one

of these Polish assembly centres admitted that he had never verified the time to reach the control post. As a result approved journey logs indicated 19 hours had been accepted, whereas if 60 km/hr had been used as instructed by the CCA, 23 hours travelling time would have been realistic.

- The consignments from one of the three assembly centres in Mazowieckie were not accompanied by a journey log.
- In Mazowieckie, again 19 hours to destinations in Northern Italy were accepted rather than 25 hours following the CCA instruction. In addition, the multiple stops for unloading at various destinations were not indicated in section 1 nor recorded on section 4 of the journey logs.

Concerning the provision of water and feed to unweaned calves during transport, in December 2009, following a letter from the Commission Services, the CCA instructed OVs that transport of unweaned calves for more than nine hours should be allowed only if the means of transport are equipped with an adequate number of buckets and flexible nipples. Additionally those vehicles should be loaded with sufficient milk substitutes and electrolytes to feed animals on board during the resting interval after eight hours of travel. The audit team noticed that:

- The CA of the assembly centre visited in Łódzkie was satisfied with the transporter's declaration that animals were watered on board during the mid-journey rest. However, the watering devices on the means transport seen during the visit were unsuitable for unweaned calves, and there was no equipment on board to feed the animals during the mid-journey rest. A representative of the CCA acknowledged that in practice it is not possible to provide adequate feeding (i.e. warm milk replacement or electrolytes) to unweaned animals on board vehicles.

In relation to the checks laid down in Article 15 of Regulation (EC) No 1/2005, in particular at destination in the assembly centre visited in Łódzkie, the audit team noticed that:

- The OV declared that checks had been performed according to the CCA instruction on the drivers' tachographs to ensure that journey times from Lithuania were respected, and he was satisfied that these consignments were not accompanied by a journey log because the journey was shorter than eight hours. These checks were all satisfactory and had been recorded in TRACES. However, there was no evidence of the checks performed on the drivers' tachographs. At an average speed of 60 km/hr the journey of circa 700 km cannot be completed in less than eight hours.

In relation to return of journey logs, in response to a recommendation in report 2008-7693, the CCA in their instruction of March 2009 instructed the CAs to enforce the return of journey logs. A representative of the CCA indicated that the return of journey logs is no longer requested after a letter of June 2009 from the Commission Services, indicating that this obligation is no longer necessary if the satellite navigation system (SNS) fulfils the requirements of Annex I, Chapter VI, 4.4.1 of Regulation (EC) No 1/2005 and the CAs ensure that such a system provides equivalent information to a journey log. The CCA explained that OVs are obliged to check the journey logs presented at departure and in case of doubt to check drivers' records (tachograph discs and printouts from SNS).

The audit team noted that:

- No CCA written instruction has been issued regarding their declared position that it was no longer necessary to return journey logs.
- The training provided to the OVs did not cover the checks on SNS records and, as indicated by the CCA and by the CAs, the SNS records were not always made available by transporters. In the regions visited, the SNS records had never been checked by the OVs.
- In Łódzkie, journey logs were regularly returned by the transporters.
- In Mazowieckie journey logs were generally returned with the exception of one Polish transporter registered in the same region. Enforcement actions had been taken in the form of increased supervision performed by both the local and by the regional CAs but had not resulted in full compliance.

In response to a recommendation in report 2007-7334 to improve documented procedures regarding the assessment of certain requirements of means of transport for long journeys, the CCA provided training and issued instructions. In particular, the issue of the correct positioning of temperature monitoring devices was the subject of specific training which included a discussion of the results of a study from the Joint Research Centre of the European Commission on temperature monitoring and of the ventilation system on vehicles. A translated version in Polish of this study was also posted on the CCA web site. However, the assessment of the ventilation system was not dealt with in training or in the instructions.

Conclusions

The CCA instructions address the issue of realistic journey times; however, they do not include time for loading, unloading and mid-journey rests. In any case the CCA instructions were not implemented by the CAs and journey times and resting periods for unweaned calves were not respected.

The measures taken by the CCA only partially address the recommendation concerning the assessment of means of transport in report 2008-7693.

7 OVERALL CONCLUSION

Controls have been strengthened on certain issues through verification of controls by regional level, and the issue of animal welfare during transport through supervised loadings and use of the national contact point. most recommendations have been generally taken into account by the CCA; however, not all issues have been satisfactorily dealt with and major problems persist in relation to enforcement actions, in particular concerning laying hen farms. additionally there is insufficient planning to ensure that the deadline of 31.12.2011 is met for the ban on unenriched cages. Regarding transport of unweaned calves, a major deficiency persists in the inadequate checks at departure, in particular on the watering and feeding intervals, journey times and resting periods.

8 CLOSING MEETING

A closing meeting was held on 15 January 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 ensure that co-ordination and co-operation within the CAs, as required by Article 4(3) of Regulation (EC) No 882/2004 is improved, in order to ensure that data registered of holdings with laying hens are updated in accordance with Article 1(4) of Directive 2002/4/EC.
2.	The CCA should ensure that all of its staff are kept up to date in their area of competence and receive regular additional training as necessary, as required by Article 6 (b) of Regulation (EC) No 882/2004 and by Article 16 of Regulation (EC) No 1/2005 and in relation to the requirements of Directives 1999/74/EC, 98/58/EC and 2008/120/EC.
3.	The CCA should ensure that official controls are carried out in accordance with documented procedures, as required by Article 8 of Regulation (EC) No 882/2004, and that these procedures provide sufficient guidance to inspectors to assess all the requirement of Directives 98/58/EC, 2008/120/EC, 1999/74/EC and Regulation (EC) No 1/2005.
4.	The CCA should ensure that appropriate actions are taken and dissuasive sanctions are implemented when non-compliances are identified as required by Articles 54 and 55 of Regulation (EC) No 882/2004.
5.	The CCA should ensure that verification of the effectiveness of official controls, as required by Article 8 of Regulation (EC) No 882/2004, is improved, in particular concerning the official controls performed pursuant to Regulation (EC) No 1/2005 and Directives 1999/74/EC and 2008/120/EC.
6.	The CCA should ensure that appropriate checks are performed on journey logs as required by Article 14 of Regulation (EC) No 1/2005 and on the records of movements of the means of transport obtained from navigation system as required by Article 15(4) 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_pl_2010-8387.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
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
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. 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
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
Reg. 589/2008	OJ L 163, 24.6.2008, p. 6-23	Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs
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