GENERAL AUDIT

REPORT OF A SPECIFIC AUDIT
CARRIED OUT IN GERMANY
FROM 6 TO 10 OCTOBER 2008
IN ORDER TO EVALUATE
THE IMPLEMENTATION OF CONTROLS FOR
ANIMAL WELFARE ON FARMS, DURING TRANSPORT AND AT THE TIME OF
SLAUGHTER

PART B – SECTOR SPECIFIC ISSUES

Please note that factual errors in the draft report have been corrected. Clarifications
provided by the Competent Authority are included in endnotes
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1. ANIMAL WELFARE ON FARMS

1.1. Farm inspections

Legal basis

Article 7.1 in both Directives 91/629/EEC and 91/630/EEC require the CA to carry out inspections on a representative sample of the different rearing systems for calves and pigs and Article 8.1 of Directive 99/74/EC requires checks of laying hen farms. Decision 2000/50/EC provided the framework for collating and reporting the results of inspections of farms with these species up until 1.1.2008. From 1.1.2008 Decision 2006/778/EC provides the basis for collecting the results of farm inspections in a wider range of species. Article 6 of Directive 98/58/EC requires the CA to check compliance with the provisions of this Directive concerning the protection of animals kept for farming purposes, the format for reporting the results of these inspections is now provided by Decision 2006/778.

Audit findings:

➢ Inspections have been carried out on farms with the different species required by Article 7.1 in Directives 91/629/EEC and 91/630/EEC and by Article 8.1 of Directive 99/74/EC.

➢ The Land CA is preparing a draft guideline which will help the local CA classify infringement procedures which will be subsequently included in the reports to be collated before the end of June 2009 (Decision 2006/778/EC). However, no guidance has been provided to assist the local CA in assessing the relevant requirements of Directive 98/58/EC in relation to the categories of animals listed in table 2 of Annex IV of Decision 2006/778.

Conclusion

Checks are carried out to fulfill the requirements for inspections of farms, and although subsequent reporting of the results has been made as required, the CA had not yet made adequate arrangements to meet the reporting requirements of Decision 2006/778.

1.2. Laying hen farms

Legal basis

Article 8.1 of Directive 99/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of this Directive. 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.

Audit findings:

➢ On the farm visited checks had been co-ordinated between the Agriculture Office (Amt für Landwirtschaft) and the local veterinary CA. Capacities of each building had been satisfactorily verified and checks made to ensure that the number of birds delivered when establishing a new flock did not exceed these capacities.

➢ The registered data concerning this farm, as required by Directive 2002/4/EC, was also accurate.
Conclusions

There were adequate controls of the requirements for laying hen farms.

1.3. Pig farms

Legal basis

Article 3 of Directive 91/630/EEC requires that from 1.1.2003 sows and gilts in all newly built or rebuilt holdings must be kept in groups from 4 weeks after service to 1 week before the expected time of farrowing. The minimum unobstructed floor area for each animal in such groups is specified. It also requires that sows and gilts shall have permanent access to manipulable material at least complying with the relevant requirements of the Annex to this Directive. Point 4 of Chapter I of the Annex to Directive 91/630/EEC indicates that pigs must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities, such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not compromise the health of the animals. Point 8 of Chapter I of the Annex to Directive 91/630/EEC requires that tail docking must not be carried out routinely and before carrying this out, other measures shall be taken to prevent tail biting.

Audit findings:

- The inspections which had previously been carried out by the local CA were comprehensive and had identified the deficiencies which were seen during the visit to a pig farm.

- As indicated in report DG(SANCO) 2007-7236 The European Court of Justice found Germany to be in breach of its obligations for failure to transpose the requirements from Directive 91/630/EEC (ref C-278/04 of 8.9.2005). In the Länder visited during mission 2007-7236 both CAs had issued their own legal decrees and, according to report 2007-7236, relevant EU requirements such as group housing of pregnant sows and gilts were already applied from 1.1.2003.

- No such decree had been issued in Sachsen Anhalt. According to national legislation, which was transposed more than three and a half years late, pig farms approved before 4.8.2006 can be given a derogation up to 31.12.2012 to meet EU requirements. The local CA visited did not accept that the operator of a very large farm which had insufficient group housing should qualify for this derogation and had imposed several fines for this and certain other deficiencies (€1,100 - 1,600). Sows on this farm continued to be kept in non-compliant systems and further development of group housing was still at the planning stage. A representative of the CCA was unable to say to what extent the derogation provided in national legislation had been used throughout Germany, but undertook to discuss the matter with the Länder.

- As a measure to deal with the lack of manipulable material, previously detected by CA checks, chains with a plastic pipe fitted on the end had been provided for growing pigs. The OV indicated that this would meet the letter of the law as it was a deformable material but would not satisfy behavioural needs. During their time in single boxes sows did not even have access to the pipes and chains. In relation to nesting material for sows and gilts, as required by Directive 91/630/EEC Annex Chapter II B3, it was pointed out that this would not be compatible with the slurry handling system.
Tail-docking, teeth clipping and castration, which are provided for in Directive 91/630/EEC were carried out; however the CA had not insisted that other measures were taken to avoid such procedures, explaining that there was a lack of technology available to comply with the requirement for manipulable material in large and intensive systems of production.

**Conclusions**

The failure to transpose Directive 91/630 on time, and the subsequent transitional measures introduced in national legislation, has contributed to the problem seen in relation to group housing of sows. The lack of compatibility of newly built housing systems with the need for manipulable material for all pigs, nesting material to sows, and the practice of certain routine mutilations indicates that these requirements from Directive 91/630/EEC have not been adequately addressed.

2. **ANIMAL WELFARE DURING TRANSPORT**

2.1. **Authorisation of transporters**

**Legal Basis**

Article 11.1 of Regulation (EC) No 1/2005 indicates that for long distance transport certain documents that should be submitted by the applicant. A precondition for the authorisation of transporters is that applicants have no record of serious infringements of animal welfare legislation in the previous three years or the applicant has demonstrated to the satisfaction of the Competent Authority that they have taken all necessary measures to avoid further infringements (Article 10 of Regulation (EC) No 1/2005).

**Audit findings:**

- In a file for a long distance transporter authorised according to Article 11.1 of Regulation (EC) No 1/2005 included a contingency plan in which the transporter had detailed the measures to be taken in the event of various scenarios arising. Drivers had certificates of competence and the senior Land CA explained that the courses provided within Saxony-Anhalt were being further developed so that those requiring supplementary or more detailed courses would not have to attend such training in another Land.

- Regarding checks of records of infringements, an official from the local CA indicated that they would distinguish between infringements of legislation governing animal welfare on farm and those in relation to the transport of animals.

- Approval of vehicles, which is also a pre-condition for authorisation of transporters, had also been carried out. This included checks by a certification body (DEKRA) who provided attestations in relation to technical requirements such as the capacity of the fans, available floor area and temperature monitoring equipment. Initially in 2007 temperature monitoring equipment was often not fitted in vehicles so approvals were given with deadlines for this requirement to be met. A case was seen where DEKRA had corrected the stated size of the floor area; the applicant had indicated 124m² whereas it was calculated as 118 m². However in relation to a vehicle seen during the mission, a DEKRA report indicated that there was a yellow lamp to indicate temperatures outside the legal range; however no such lamp was seen and the driver indicated that he was alerted to temperatures outside the limits by an acoustic signal inside the truck. This arose because trailers are not always pulled by the same tractor unit used during the technical inspection by DEKRA\textsuperscript{iii}. 

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\textsuperscript{iii} DEKRA is a certification body in Germany.
The local CA had asked for corrections in certain cases such as for the provision of an insulated roof. The Land CA plans to further integrate the approval inspections of the CA and those of DEKRA.

**Conclusions**

Procedures for the authorisation of transporters were mostly adequate and satisfactorily followed. The involvement of a technical certification body in the approval of means of transport is a good support for the CA in carrying out vehicle approvals. The verification of records of serious infringements of animal welfare legislation was not fully in line with Article 10 of Regulation (EC) No 1/2005 as only record of serious infringements in relation to animal welfare during transport were considered, rather than any serious infringements of animal welfare legislation.

### 2.2. Checks on transport

**Legal Basis**

Article 14 of Regulation (EC) No 1/2005 requires the CA to check that journey logs for long distance transport submitted by the organiser are realistic and indicate compliance with this Regulation. Article 27 of Regulation (EC) No 1/2005 requires that inspections of animals, means of transport and accompanying documents are carried out on an adequate proportion of the animals transported each year. Journey logs should be returned to the competent authority of the place of departure within one month of the completion of the journey.

Article 24 of Regulation (EC) No 1/2005 requires mutual assistance between Member States and exchange of information as set out in Council Directive 89/608/EEC. This Article also requires the establishment of a National contact point.

**Audit findings:**

- The checks by the local CA at the assembly centre visited were generally good. They included checks of the documents, the fitness of the animals and the features of the truck, including a check that fans were satisfactorily operating. From reports of previous checks, a problem with the operation of fans in a foreign vehicle had been detected and resulted in corrective measures being taken. For the vehicle present at the assembly centre during the visit, there was a discrepancy between the floor areas indicated on a plate fitted to the side of a vehicle and the floor area indicated in the approval given by the CA. Although the CA relied on the data given in the approval, the different data could lead different inspectors to make different conclusions in relation to space allowances.

- While the procedure for vehicle approval did cover the issue of temperature monitoring equipment, the actual operation of this equipment was not sufficiently checked by the CA at the place of departure. When checked by the inspection team there was no roll of paper in the recording device and the local CA did not know about the placement of sensors. The explanation by the driver was at variance with that indicated in the approval documentation obtained later. A report provided by DEKRA for this vehicle indicated that there were two sensors per deck whereas the driver indicated that there were two in total.

- Checks of the conditions of poultry during transport were generally satisfactory at the slaughterhouse visited. However the height provided in the transport modules was not sufficient for the ducks to stand in their natural position or straighten their necks. The OV indicated that he had accepted that these modules were sufficient as
they provided a height which met the requirement of the national law (TierSchTrV) regarding transport of poultry, which indicates a minimum of 25cm for the type of birds in question; up to 3kg. Point 1.2 of Chapter II of Annex I to Regulation (EC) No 1/2005 indicates that sufficient space shall be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position without on any account hindering their natural movement.

- The details required in section 1 of the journey log were incomplete in several of the journey logs reviewed, but had nevertheless been approved by the CA. The most significant problem was that certain internet sites had been used by the CA to check the feasibility of the journeys, where an average speed had been set which was unlikely to be achieved by animal transport vehicles, e.g. one such check had assumed an average speed to Romania of 100km/h. Section 4 of the journey log for one such transport of weaned piglets indicated that this took 25 hours 45 minutes whereas 24 hours is the maximum time allowed. An OV indicated that in such situations it was better for the animals to reach their destination rather than unloading during the journey.

- Regarding a consignment where weaned piglets had made a 24 hours stop during the journey to Romania. An OV indicated that he was not able to recognise the official stamp of a Hungarian OV, which would indicate that appropriate checks had been made at this control post.

- Two out of five journey logs selected by the inspection had been returned as required to one local office. Five out of five journey logs selected had been returned to the second office visited.

- An agreement between the CA and the trade inspectorate to get access to drivers' records (Regulation (EEC) No 3821/85) is a positive step to verify journey times to the larger slaughterhouses; however, although point 8 of Annex II to Regulation (EC) No 1/2005 indicates that the CA of the place of departure can request such record sheets to verify information on returned journey logs, this had not been carried out.

- Two incidents regarding foreign transporters had been referred by the local CA visited to the National contact point, but several weeks later this information had not been sent to the contact points in the Member States concerned.

Conclusions
Checks of vehicles were generally good, although checks of the operation of temperature monitoring were insufficient. Discrepancies between indicated floor areas could confuse the result of inspections and insufficient height was provided in transport crates for ducks.

Although the CA was successful in getting transporters to return journey logs, checks of journey logs were inadequate. In particular regarding the feasibility of the journey times indicated and where it would have been necessary to better verify the times declared, insufficient use had been made of information from drivers' records.

Procedures to provide information on infringements by foreign transporters to the competent authorities in the different Member States have not been effectively implemented to meet the requirements of Article 24 of Regulation (EC) No 1/2005.
3. ANIMAL WELFARE WITHIN SLAUGHTERHOUSES

Legal Basis

Article 3 of Directive 93/119/EC requires that animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter or killing. Article 3 requires that the construction, facilities and equipment of slaughterhouses, and their operation, shall be such as to spare animals any avoidable excitement, pain or suffering.

Audit findings:

- The OV was knowledgeable on aspects such as effective stunning, and the levels of mortality during transport which would merit further investigation; however, insufficient attention had been given to some other aspects such as the cleaning of trucks, which was seen to take place before the live animals had been fully unloaded and which led to unnecessary excitement of the birds. There was also a problem with the layout of the shackle line as the suspended birds hit off the modules arriving to be unloaded. This had not been detected by the CA.

- Checks of stunning by a technical expert from the Land CA had been effective in identifying problems in both large and small slaughterhouses. This expert does not assess other procedures such as those taking place in slaughterhouse lairages which effect animal welfare.

Conclusions

There were good controls of stunning methods; however, checks of lairage procedures were less effective.

4. RECOMMENDATIONS

The Competent Authorities of Germany is recommended to take measures to ensure that:

<table>
<thead>
<tr>
<th></th>
<th>Adequate assessments are made of the requirements of Directive 98/58/EC in relation to the categories of animals listed in table 2 of Annex IV of Decision 2006/778 and that the results are reported as required by Decision 2006/778/EC.</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>Sows and gilts in all holdings built or rebuilt after 1.1.2003 are kept in groups from 4 weeks after service to 1 week before the expected time of farrowing, as required by Article 3 of Directive 91/630/EEC.</td>
</tr>
<tr>
<td>3</td>
<td>Pigs have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities and that tail docking is not carried out unless other measures have been taken to prevent tail biting, as required by Directive 91/630/EEC Annex Chapter I, 4 and 8.</td>
</tr>
<tr>
<td>4</td>
<td>Authorised transporters have no record of serious infringements of Community legislation and/or national legislation on the protection of animals in the three years preceding the date of the application or have demonstrated to the satisfaction of the Competent Authority that they have taken all necessary measures to avoid further infringements, as required by Article 10 of Regulation (EC) No 1/2005.</td>
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<tr>
<td></td>
<td>Procedures are applied so that journey logs are only approved when they have been adequately completed, in particular that the journey log submitted by the organiser is realistic as required by Article 14.1 (a)(ii) of Regulation (EC) No 1/2005.</td>
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<td>6</td>
<td>Procedures set up to meet the requirements of Article 24 of Regulation (EC) No 1/2005 are effectively implemented.</td>
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<td>7</td>
<td>There is appropriate temperature monitoring equipment as required by point 3.3 of Chapter VI of Annex I to Regulation (EC) No 1/2005.</td>
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<tr>
<td>8</td>
<td>That there is sufficient space inside the compartments provided for the transport of poultry so that there is adequate ventilation above the animals when they are in a naturally standing position, without on any account hindering their natural movement as required by Chapter II of Annex I to Regulation (EC) No 1/2005.</td>
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<tr>
<td>9</td>
<td>As required by Article 3 of Directive 93/119/EC poultry are spared any avoidable excitement during lairaging and restraint.</td>
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<tr>
<td>Reference number</td>
<td>Full title</td>
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<tr>
<td>Decision 2000/50/EC</td>
<td>Commission Decision 2000/50/EC of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes.</td>
</tr>
<tr>
<td>Decision 2006/778/EC</td>
<td>Commission Decision 2006/778/EC concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes.</td>
</tr>
</tbody>
</table>
In their comments on a draft version of this report, the German authorities indicated that pending the entry into force of the rules on pig farming contained in the national ordinance on the protection of farm animals, the competent authorities in Saxony-Anhalt have based their monitoring and approval of new establishments on § 2 of the Animal Welfare Act in conjunction with the Council of Europe recommendation and Directive 91/630/EEC. In addition, according to a recent survey of the Länder, there were no significant challenges anywhere to the enforcement of animal welfare rules in pig farming during the period 1.01.2003-4.08.2006, regardless of whether a Land had enforced the rules by instruction (Erlass) or, like Saxony-Anhalt, directly on the basis of § 2 of the Animal Welfare Act in conjunction with the EU Directives on pig farming (Directives 91/630/EEC, 2001/88/EC, 2001/93/EC) and the recommendation on pig farming in the European Convention for the Protection of Animals kept for Farming Purposes. They also indicated in relation to the farm visited that the operator received permission to modernise and extend the existing housing on 5.11.2008. This means the conditions are in place for developing existing areas for group housing of sows and gilts. On 24.11.2008 an investigation into breaches of animal welfare legislation by the farmer concerned was closed on payment of an €8000 fine. The local CA is being instructed to ensure compliance with animal welfare rules through more appropriate measures.

In their comments on a draft version of this report, the German authorities indicated that suitable manipulable material always represents a compromise between animal welfare, animal health and technical possibilities. The materials and systems currently available offer only limited suitability for intensive pig farms, but are not excluded completely. The issue is being discussed with the local CAs.

In their comments on a draft version of this report, the German authorities indicated that as the Land CA will suggest to DEKRA that only semitrailers with a warning system that functions regardless of the tractor unit used should be given technical approval.

In their comments on a draft version of this report, the German authorities indicated that the Saxony-Anhalt Consumer Protection Office has been asked to carry out random inspections to check the conformity of individual approval documents and technical equipment of semitrailers.

In their comments on a draft version of this report, the German authorities indicated that a resolution of the Bundesrat calls on the Federal Government to establish minimum standing heights appropriate to animal species and weights, taking account of scientific knowledge.