OVERVIEW OF A SERIES OF MISSIONS
CARRIED OUT IN 2004 CONCERNING
ANIMAL WELFARE STANDARDS
ON HOLDINGS WITH LAYING HENS
EXECUTIVE SUMMARY

This report provides an overview of the outcome of a series of missions concerning animal welfare standards on holdings with laying hens, which was carried out by the Food and Veterinary Office (FVO) in six Member States (MS) during 2004.

The objective was to evaluate the measures taken to implement the requirements of Council Directive 1999/74/EC on the protection of laying hens. The scope of the missions included an evaluation of the system of inspection and other measures taken to ensure compliance with the relevant legislative requirements.

The main conclusion is that implementation has been most rapid where producer associations have worked closely with the Competent Authority (CA) to find practical solutions to implement the requirements of Directive 1999/74/EC. The link with marketing regulations in particular, provided a strong incentive to establish a system for the registration of holdings and a system to allow the traceability of eggs.

In most MSs, the new requirements were generally applied to systems with unenriched cages, which continue to be the dominant system for keeping laying hens. However, certain old standards: those in force since 1 January 1988, but which were repealed from 1 January 2003 by Directive 1999/74/EC, were still applied to a greater or lesser extent in all MS visited. This was either because Directive 1999/74/EC had not been properly transposed into national legislation or inspectors had not been supplied with sufficient training or guidance on the new requirements. Where the legislation was not fully in place, producers had been provided with a significant competitive advantage and animal welfare compromised.

Regarding alternative housing systems, there is a wide variation in the importance of this sector in the different MSs. Where this sector is less significant, the CA has been little involved in developing a methodology for inspections. In those MSs where alternative systems were more predominant, monitoring and enforcement were in place but not yet fully effective. Either competence for these checks had not been fully agreed between the egg marketing inspectorate and the veterinary service, or where the veterinary service had taken responsibility for animal welfare checks they were relatively inexperienced in dealing with this sector.

The Commission services intend to follow-up the situation with those Member States which have not properly transposed or implemented EU legislation. The conclusions of this overview report will also be considered in the report for the Council on the various systems for keeping laying hens.
1. INTRODUCTION

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   3.2. Measures other than inspections
   3.3. Inspection programmes
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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

CA  Competent Authority
DG SANCO  Directorate General for Health and Consumer Protection of the European Commission
EEC  European Economic Community
EC  European Community
EFSA  European Food Safety Authority
EU  European Union
EU-15  European Union – 15 Member States prior to 1 May 2004
FVO  Food and Veterinary Office
MS  Member State
OJ  Official Journal of the European Communities
1. **INTRODUCTION**

The Food and Veterinary Office (FVO) carried out missions to six Member States (MS) between January and May 2004, to evaluate the controls of animal welfare on holdings with laying hens.

The MSs visited in this series of missions are indicated in the table in Annex I to this report with the relative significance of the laying hen sector in each MS visited indicated in Annex II. The individual FVO reports, upon which this general report is based, are available on the European Commission website at:

http://europa.eu.int/comm/food/fs/inspections/vi/reports/index_en.html

The objective of this general FVO report is to give an overview of the implementation of current EU legislative requirements, and to identify the most important areas which impinge upon the effectiveness of controls.

2. **LEGISLATION REVIEWED AND LEGAL BASIS FOR THE INSPECTIONS**

The following table provides the EU legislation relevant to this series of missions:

<table>
<thead>
<tr>
<th>Legal instrument1</th>
<th>Title of legal instrument</th>
<th>O.J. publication details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Decision 2000/50/EC of 17.12.1999</td>
<td>concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes</td>
<td>OJ L 19, 25.01.2000, p. 51</td>
</tr>
</tbody>
</table>

The legal basis for the FVO to carry out this series of missions is provided by Article 9 of Directive 1999/74/EC.

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2 Although marketing requirements were not evaluated in this series of missions, the marking and labelling of eggs is linked to the implementation of animal welfare. In particular, Regulation (EC) 2295/2003 requires that each egg should also be marked with the distinguishing number of the production establishment, in accordance with Directive 2002/4/EC.

3. OVERVIEW OF MAIN FINDINGS AND CONCLUSIONS OF THE SERIES OF MISSIONS

3.1. Registration of holdings

Holdings should have been registered with a code identifying the MS, the establishment and the farming method by 31 May 2003 (Directive 2002/4/EC Article 1 (1)(C)). In five of the six MSs Directive 2002/4/EC had not yet been fully transposed or implemented at the time of the mission in 2004, and as a result:

- The system to allow tracing of eggs back to their farm of origin had not been established (Directive 2002/4/EC Article 1 (3)).
- Fewer alternative holdings had been inspected than programmed because not all had been registered and/or the CA was working from inaccurate information.
- Both veterinary and egg marketing inspectors did not have access to important data, which would have been available following the full implementation of Directive 2002/4/EC, and which could have been consulted prior to visiting a farm.

From 1 January 2004, Regulation (EC) 2295/2003 prohibited the marketing of eggs not stamped with the code containing MS, establishment and farming method details. This assisted, where implementation of the requirements of Directive 2002/4/EC was late, in prompting the CAs to address this issue, in particular where the egg producers themselves approached the CA to ensure its implementation.

3.2. Measures other than inspections

Article 3 of Directive 1999/74/EC requires MSs to adopt measures to ensure that EU animal welfare provisions are applied on holdings with laying hens. In all MSs visited, in addition to organising inspections, dealt with in more detail below, the CA had held discussions with producer associations on the new legal requirements. Where producer associations have continued to work closely with the CA, good progress has been achieved in implementing the new requirements, particularly where producer associations:

- Were involved in national animal welfare committees and subsequently disseminated information to flock keepers on the new legal requirements.
- Sought to find practical solutions to the implementation of these requirements, including carrying out trials, in consultation with the CA and together with the owners and keepers of laying hens, on new technologies such as enriched cages and claw-shortening devices.

3.3. Inspection programmes

Training is usually provided for inspectors, but this is often to inform inspectors on the legal and scientific basis for the legislative provisions, without demonstrating the practicalities necessary to carry out an inspection.
Regarding checks to monitor compliance (Article 8 of Directive 1999/74/EC), inspection regimes were established on the basis of the following:

- In the majority of MSs visited, 5% of holdings were inspected annually.
- In two MSs, a target of 100% of holdings with cage systems had been set, but this had been seldom achieved, due to a lack of available inspectors.
- In one MS, 0.5% of holdings were programmed for an annual inspection. This was based on epidemiological criteria normally used for disease surveillance, which assumes a non-compliance level of 2% and suggests a target of 147 checks per year in order to find one non-compliant farm. It is questionable if this is a suitable basis for an inspection programme which is supposed to ensure that animal welfare requirements are respected. In any event, the sample size was not increased when the level of non-compliance was found to be higher than the assumed level of 2%.
- In two MSs, information supplied for environmental and/or animal health controls was used by the CA to target farms for animal welfare inspection. Most CAs visited were using some form of risk analysis (e.g. results of previous inspections; change of owner; large number of birds; increased numbers of birds delivered; major refurbishment) to select farms for inspection. With the application of Regulation (EC) No. 882/2004\(^4\) from 1 January 2006, all CAs will have to use risk analysis as the basis for their inspection programme from 1 January 2006. However, the exchange of information with egg marketing inspectors is constrained by Article 28 of Regulation (EC) No 2295/2003, which restricts the use of information gathered and results in valuable information obtained from controls relevant to this Regulation not being available to target farms for animal welfare purposes.

3.4. **Alternative systems**

Standards for barn, free range and organic systems stipulated in Article 4 (1) of Directive 1999/74/EC are currently applicable to all such alternative systems built or rebuilt after 1 January 2002. These requirements will be applicable to all alternative system farms after 1 January 2007, i.e. including those built before 1 January 2002 (Article 4(2) of Directive 1999/74/EC).

Inspections of this sector were not as well organised as checks of caged systems. In two of the MS, this sector was considered a niche market and the CA had not given it much priority, in three others, checks had been previously carried out by inspectors on the basis of egg marketing standards, with the focus more on physical parameters rather than criteria such as

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inspections by the flock keeper, mortality and medicine records and the care of sick or injured birds. Consequently, the following measures had been taken to ensure compliance:

- In four out of the six MS visited, the CA had provided guidance for inspectors. Some of the better methodologies included: assessment of flock records and building plans before going to the farm, with subsequent verification on the spot of stocking density, nest areas, littered areas and the dimensions of feed and water troughs. Where no guidance had been provided, or where this was less than satisfactory, inspections were more likely to be sub-standard (e.g. verbal information from the flock keeper used to assess stocking density or site/building plans were used to calculate the space available, although verification on the spot would have indicated that this information was not always accurate. On such occasions, the not uncommon practice of overstocking at the time birds are first placed in the house, to compensate for later mortalities, was missed).

- In two MSs, the CA had established a working group to facilitate exchange of experience between inspectors and to agree on enforcement action following detection of commonly found deficiencies.

- In two MSs, inspections were carried out on all holdings with alternative systems. Although the objective of the visits to older farms was to assess their readiness for 1 January 2007, when the provisions are due to become applicable to all alternative systems, the veterinary inspectors also benefited by gaining more experience of this sector. In particular, where a joint inspection protocol with marketing inspectors was adopted, veterinary inspectors gained from the knowledge of the other inspectorate, who had already been involved in carrying out inspections of the barn/free-range/organic sectors.

Regarding enforcement, only written warnings were seen and no stronger sanctions had been imposed when deficiencies were found. There were also some problems with transposition and interpretation of certain requirements:

- A legal non-compliance was found where the derogation allowing higher stocking densities (12 instead of 9 hens per m² for certain holdings) had been extended to holdings other than those operating before 31 August 1999. This was due to the late and inadequate transposition of the legislation in the MS in question (Directive 1999/74/EC Article 4 (1)(4) second paragraph).

- In four of the five MS where alternative systems were seen, perches were raised above the level of the floor. In the other MS, the CA had accepted that a slatted floor could fulfil this requirement. Directive 1999/74/EC does not define a perch and, as an advisory point in the recommendations of the FVO report, the CA was asked to consider the recommendations
of the Council of Europe, where a perch is considered as an installation available in the third dimension\(^5\).

- In one MS where the use of blinkers was seen, the CA had not taken any action to prevent their use. These plastic devices are fitted to prevent feather pecking, but as they penetrate the nasal septum this practice is not permitted (point 8 of the Annex to Directive 1999/74/EC). Following a recommendation in the individual FVO report, the CA agreed to instruct its services that the use of such devices was forbidden.

### 3.5. Unenriched cages

One of the principal objectives of Directive 1999/74/EC is to phase out the use of conventional battery cages. These so-called unenriched cages must not be brought into use after 1 January 2003 and all such existing systems must cease to operate by 1 January 2012. In this regard, most CAs had taken steps to ensure that no new unenriched cages were introduced after the deadline of 1 January 2003. However, such cages had been introduced where the CA had not adequately instructed producers in a timely manner to comply with this deadline.

Caged birds were not provided with sufficient space (Article 5 of Directive 1999/74/EC) where:

- The required increased cage area \((550 \text{ cm}^2 \text{ per hen})\), had not been transposed into national legislation on time (i.e. before 1 January 2002).

- There was an absence of CA guidance and practical training. Despite long established monitoring of caged systems, inspectors had no practical guidance and had developed their own methodologies leading, on occasions, to unreliable measurements (e.g. assessing stocking density based on housing plans without measuring an actual cage; measuring cages actually occupied with birds; checking only one cage, although the dimensions varied either because different cage types had been installed in the same house or due to wear and tear).

- An extended cage front was considered to provide the necessary area, even though this part of the cage either did not provide an area without restriction or did not provide a minimum height of 35 cm (Directive 1999/74/EC Article 5 (1) and (4)).

- The CA only took enforcement action when animal suffering could be proven.

In measuring the cage area, half the CAs included the area below the non-waste deflection plate and the other half did not. At least for the designs

\(^5\) Council of Europe recommendations on the welfare of poultry, Paragraph 1 of Section B “additional provisions for poultry kept in other intensive systems to produce eggs for consumption” see website: www.coe.int
seen, the plate did not restrict access by the birds’ feet and this area could be included.

Caged systems have been the focus of controls since the adoption of Council Directive 88/166/EEC\(^6\), which has now been repealed by Directive 1999/74/EC. Sometimes, apart from reference to the new stocking densities, checklists and instructions had not been amended to reflect the enhanced requirements for other criteria, and as a result:

- Although checklists prompted the checking of light regimes, certain inspectors were accustomed to the previous less specific requirement for an “appropriate resting period” from Directive 88/166/EEC and did not verify the more specific requirements of Directive 1999/74/EC. An uninterrupted period of darkness of eight hours and a period of twilight were therefore not always required (Directive 1999/74/EC, Annex, point 3 second paragraph). In any case, many inspectors accepted insufficient lighting either due to alleged difficulties in achieving even distribution of light within a house with narrow passageways between tiers of cages, or as a measure to prevent feather pecking.

- Although devices for inspection are now required when there are more than two tiers of cages, the inspectors were working on the basis of the previous requirement (i.e. more than three tiers of cages).

### 3.6. Enriched cages

Cages introduced for the first time from 1 January 2003 must provide more space, a nest, a scratching area and perches. However, there is no financial incentive to introduce such cages as the eggs continue to be categorised as “eggs from caged hens” (Regulation (EC) No 2295/2003) and hence there is no perceived marketing advantage as compared to eggs from unenriched cages. This situation will continue until 1 January 2012, when the use of unenriched systems is prohibited.

In the two MSs where enriched cages were seen, the following points were noted:

- Methodologies for measuring the physical parameters of conventional cages have been easily adapted to inspect enriched cages.

- The nesting area is currently excluded from the useable area (Article 2 (2) (d) of Directive 1999/74/EC), however, the scratching area is not. One CA had concluded that, because it was not permanently accessible (the scratching area may be closed at certain times of the day to prevent birds laying eggs there), in their view, it should also be excluded from the useable area.

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One CA accepted that a synthetic grass-like surface was sufficient to meet the requirements for litter (Directive 1999/74/EC Article 6(1)(c)). The other CA required the provision of additional material for pecking and scratching, which was provided through the delivery of small amounts of material resembling cat litter via an automated system.

Light is more evenly distributed than in most conventional cage systems as a result of the requirements for the cages to be at least 35 cm above the floor and for 90 cm between rows of cages. The cage height meant that birds could also be checked more easily.

3.7. Inspection reporting

All of the CAs visited had set up a system for reporting the results of inspections (Article 1 of Decision 2000/50/EC). The accuracy of the picture provided was affected by the following:

Where the CA had provided checklists with cross references to the categories specified in the Annex to Decision 2000/50/EC, inspection reports were summarised in a consistent manner. Where this categorisation had been left to the local level, the same findings were frequently classified differently by different inspectors.

The format outlined in the Decision leads to each deficiency being recorded separately and where a farm has multiple deficiencies, this would lead to an over-estimate of the level of non-compliance. It could even give rise to a higher number of infringements being recorded than farms checked.

Occasionally, deficiencies were indicated on checklists completed by a local inspector, but as no further action had been requested, these findings were not included in the summary report sent to the central level of the CA. An audit by the next level of the CA would have picked up such underreporting of infringements.

In three of the six MSs visited, although it is not a specific legal requirement, the CA provided an analysis of the results of inspections to the inspectors who had carried out the checks and took the opportunity to strengthen enforcement activities by providing further instruction to the local level.

4. Overall Conclusion

Implementation has been most rapid where producer associations have worked closely with the CA to find practical solutions to implement the requirements of Directive 1999/74/EC. The link with marketing regulations, in particular, provided a strong incentive to establish a system for the registration of holdings and a system to allow the traceability of eggs.

In most MSs, the new requirements were generally applied to systems with unenriched cages, which continue to be the dominant system for keeping laying hens. However, certain old standards: those in force since 1 January 1988, but
which were repealed from 1 January 2003 by Directive 1999/74/EC, were still applied to a greater or lesser extent in all MS visited. This was either because Directive 1999/74/EC had not been properly transposed into national legislation or inspectors had not been supplied with sufficient training or guidance on the new requirements. Where the legislation was not fully in place, producers had been provided with a significant competitive advantage and animal welfare compromised.

Regarding alternative housing systems, there is a wide variation in the importance of this sector in the different MSs. Where this sector is less significant, the CA has been little involved in developing a methodology for inspections. In those MSs where alternative systems were more predominant, monitoring and enforcement were in place but not yet fully effective. Either competence for these checks had not been fully agreed between the egg marketing inspectorate and the veterinary service, or where the veterinary service had taken responsibility for animal welfare checks they were relatively inexperienced in dealing with this sector.

5. **OVERVIEW OF RECOMMENDATIONS MADE TO MEMBER STATES**

Recommendations were made to each competent authority visited in the individual report of each mission. The main areas addressed were the following:


5.3. Providing guidance, in particular for checks of alternative systems, and training, including practical methods for inspection (Directive 1999/74/EC).

5.4. Taking measures to ensure that no unenriched cages came into operation (Article 5 (2) of Directive 1999/74/EC).

5.5. Taking measures to ensure that each cage, in unenriched systems, provides at least 550 cm² per bird without restriction and this area is at least 35 cm high at any point (Article 5(1), (1) and (4) of Directive 1999/74/EC).

5.6. Organising inspections of alternative holdings so that all legislative requirements are checked (Article 8.1 of Directive 1999/74/EC).

5.7. Providing accurate information in summary reports (Decision 2000/50/EC).

It should be noted that from 1 January 2006, with the application of Regulation (EC) No. 882/2004, training will have to be provided to inspectors and animal welfare inspections will have to be integrated, along with those for animal health, feed and food, into a single integrated multi-annual national control plan. Inspections will also have to be based on risk analysis and audits carried out of the procedures followed and actions taken.

6. **ACTION ENVISAGED BY THE COMMISSION SERVICES**

6.1. To follow-up the situation in relation to each of the Member States identified in the individual reports as not having properly transposed or implemented EU
legislation, and to consider the possibility of further appropriate action where areas of non-compliance have not been satisfactorily addressed.

6.2. The Commission will fully consider the conclusions of this overview report in preparing the report for the Council on the various systems for keeping laying hens (Article 10 of Directive 1999/74/EC).
ANNEX I  List of individual missions.

<table>
<thead>
<tr>
<th>Member State</th>
<th>Dates of mission</th>
<th>Report reference number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>12 – 15.01.04</td>
<td>DG(SANCO)7208/2004</td>
</tr>
<tr>
<td>UK</td>
<td>26 – 30.01.04</td>
<td>DG(SANCO)7019/2004</td>
</tr>
<tr>
<td>Germany</td>
<td>8 – 12.03.2004</td>
<td>DG(SANCO)7018/2004</td>
</tr>
<tr>
<td>France</td>
<td>22 – 26.03.2004</td>
<td>DG(SANCO)7231/2004</td>
</tr>
<tr>
<td>Italy</td>
<td>10 – 14.05.2004</td>
<td>DG(SANCO)7010/2004</td>
</tr>
</tbody>
</table>
### ANNEX II

**Relative importance of laying hen sector in MS visited.**

<table>
<thead>
<tr>
<th>Member State</th>
<th>Holdings with &gt; 350 hens (approx. % EU total)</th>
<th>Number of laying hens (approx. % EU total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>269 (1.3%)</td>
<td>4,823,000 (1.3%)</td>
</tr>
<tr>
<td>UK</td>
<td>2180 (10.4%)</td>
<td>47,630,000 (12.6%)</td>
</tr>
<tr>
<td>Spain</td>
<td>1880 (9%)</td>
<td>54,140,000 (14.3%)</td>
</tr>
<tr>
<td>Germany</td>
<td>4450 (21.3%)</td>
<td>55,720,000 (14.8%)</td>
</tr>
<tr>
<td>France</td>
<td>3570 (17%)</td>
<td>71,740,000 (19%)</td>
</tr>
<tr>
<td>Italy</td>
<td>1350 (6.5%)</td>
<td>39,640,000 (10.5%)</td>
</tr>
</tbody>
</table>

7 Figures for Denmark, UK and France are from 2003, whereas those for Spain, Germany and Italy were only available for 2000. Total figure for EU-15 MS is available only for 2000. Source: EUROSTAT. The mission to Denmark replaced a planned mission to The Netherlands, which was the sixth biggest producer with 2270 holdings with at least 350 laying hens. The mission to The Netherlands was postponed as Directive 1999/74/EC had not been transposed into Dutch national legislation, notwithstanding the deadline of 1 January 2002 (Article 13.1 of Directive 1999/74/EC). Following transposition in May 2004, a mission took place to The Netherlands between 31 January and 4 February 2005 (ref: DG(SANCO)7512/2005).