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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

THE NETHERLANDS

FROM 21 TO 25 MAY 2012

IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS ON ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) audit which took place in the Netherlands 21 to 25 May 2012. The audit evaluated the implementation of national measures for the control of animal welfare on farms and during transport and followed up on recommendations of two previous audits.

Recommendations from the European Convention for the Protection of Animals kept for Farming Purposes have been partially included in Dutch legislation and/or other administrative arrangements. In general specific legislation and instruction for turkeys go beyond Council of Europe recommendations and intervention levels on welfare indicators are set. However, the present method of killing turkeys on farm will not comply with Regulation (EC) No 1099/2009 from 1 January 2013. A previous draft prescriptive law on the welfare of dairy cows was dropped in 2010 and now the Netherlands is currently waiting for EU action on the welfare of dairy cows. Most of the requirements of the Council of Europe recommendation on dairy cows have been indirectly transposed into Dutch law. Government and stakeholders are actively working together to improve the welfare of dairy cows. In particular, the dairy companies have developed QA systems in which there is a clear emphasis on welfare, using both direct assessment systems of animals and indirect indicators.

The Netherlands has not achieved full compliance with the requirements of Article 5(2) of Directive 99/74/EC to ensure that rearing in unenriched cages is prohibited. However, preventive measures have already been put in place to strictly enforce the ban through sanctioning and the prohibition on marketing eggs from unenriched premises after 1 July 2012. The criminal procedure to reclaim profits resulting from overstocking in unenriched cages is a useful deterrent. Concerning enriched cages, Dutch national requirements go beyond the requirements of Directive 99/74/EC.

The CA are taking positive preventive action ahead of the deadline for introducing group housing for sows and gilts on 1 January 2013 to determine through compulsory surveys which premises are most likely to be non compliant. The CA action plan to ensure implementation includes risk based checks and enforcement from the deadline. They have also put in place a communication strategy with the pig farming sector to give a clear message that the requirements for group housing of sows and gilts from 1 January 2013 will be strictly enforced from that date.

The control system on broiler production implemented by the CA is satisfactorily verifying compliance with the requirements of Directive 2007/43/EC and some aspects of this system go beyond the requirements of this Directive. However, the CA had not provided equipment to enable the inspectors to verify the measurement of ammonia and carbon dioxide levels on farm.

The Netherlands has not been able to identify a suitable method for the killing of small animals on farm by farmers and without this has been unable to provide suitable training for farmers to do so. The recommendation in FVO report 8041/2006 on the euthanasia of small-medium sized animals on farm without the presence of a veterinarian has not been satisfactorily addressed.

Regarding transport of animals the CCA has addressed satisfactorily all six recommendations of report 2010-8400. The CA inspection for the approval of a long distance vehicle was satisfactory, with only one point noted that wasn't fully in compliance with the requirements of the Regulation.

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

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

| | |
|------|--|
| BWP | Decision on Welfare of Production animals (<i>Besluit Welzijn Productiediern</i>) |
| CA | Competent Authority |
| CCA | Central Competent Authority |
| CoE | Council of Europe |
| DR | National Service for the Implementation of Regulations (<i>Dienst Regelingen- DR</i>) |
| EU | European Union |
| EC | European Community |
| FVO | Food and Veterinary Office |
| GWWD | General Law on Animal Health and Welfare (<i>Gezondheid en Welzijnswet voor Dieren</i>) |
| LEI | Agricultural Economics Institute (<i>Ladbow Economisch Instituut</i>) |
| NGO | Non Governmental Organisation |
| NVWA | Netherlands Food and Product Safety Authority (<i>Nederlandse Voedsel en Waren Autoriteit</i>) |
| MS | Member State |
| OV | Official Veterinarian |
| PPE | Product Board for Poultry and Eggs (PPE) (<i>Produktschap Pluimvee en Eieren-PPE</i>) |
| RDW | Department for Road Transport |
| WUR | Wageningen University Research |

1 INTRODUCTION

This audit took place in the Netherlands from 21 to 25 May as part of the planned audit programme of the FVO. An opening meeting was held with the competent authorities of the Netherlands on 21 May 2012. At this meeting, the objectives of, and itinerary for the audit were confirmed by the audit team and additional information required for the satisfactory completion of the audit was requested.

The audit team comprised two inspectors from the FVO and a national expert from Bulgaria and was accompanied throughout the audit by a representative of the CCA, Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel en Waren Autoriteit- NVWA).

2 OBJECTIVES

The main objective of the audit was to verify the implementation of EU animal welfare legislation applicable to pig, broiler and laying hen farms and transport of animals, in particular the measures put in place to give effect to Council Directives 2008/120/EC, 98/58/EC, 1999/74/EC, 2007/43/EC and Regulation (EC) No 1/2005. The audit also assessed how certain recommendations from the European Convention for the Protection of Animals kept for Farming Purposes (hereinafter “the Convention”) have been implemented in Dutch legislation and/or by other administrative arrangements. Finally, several recommendations from report 2010-8400 regarding animal welfare during transport and one recommendation from the report 8041-20006 concerning animal welfare at slaughter were followed up.

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

| Visits | | | Comments |
|-------------------------|------------------|---|---|
| Competent authority | Central offices | 2 | Opening and final meetings |
| | Regional offices | 3 | Three meetings regarding transport, farmed animal species and broilers. |
| Farms | | 2 | One for dairy cows and one for broilers, selected by the competent authority. |
| Vehicle inspection site | | 1 | Procedure for approval of a vehicle for long distance transport of animals. |

3 LEGAL BASIS

The audit was carried out under the general provisions of Union legislation, in particular Article 45 of Regulation (EC) No 882/2004. EU legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.

4 BACKGROUND

The most recent audit concerning animal welfare on transport took place from 6 to 10 September 2010. The results of this audit are included in report 2010-8400 which is accessible at: http://ec.europa.eu/food/fvo/ir_search_en.cfm.

Report 2010-8241 concluded that overall, the official controls on animal welfare during transport were in line with the requirements of Regulation (EC) No 1/2005. Effective action was taken to deal with cases of transport of unfit animals and extensive controls were carried out by the CA, including a dedicated office for issues related to animal welfare during transport and combined teams in different areas (including roadside checks). However, weaknesses in the system for approval of vehicles led to the approval of means of transport that did not fully comply with the requirements of Regulation (EC) No 1/2005 for long journeys. In addition, the insufficient proportion of inspections on unweaned animals transported between MSs limited the possibility of enforcement action in the event of non-compliances during long distance transport of animals, in particular young calves, in which there is significant trade to the Netherlands. The CA's audit system did not include animal welfare during transport.

5 FINDINGS AND CONCLUSIONS

5.1 COMPETENT AUTHORITY

The organisation of the CA is described in the country profile of the Netherlands which is accessible at: http://ec.europa.eu/food/fvo/country_profiles_en.cfm. Additional information is available in the CCA's website at: <http://www.vwa.nl/>

At the beginning of 2012 the CCA (NVWA) was restructured, under the Ministry of Economic Affairs, Agriculture and innovation (EL&I) and the Ministry of Public Health, Welfare and Sports (VWS). There are now two divisions with animal welfare roles:

- The Veterinary & Import Division is responsible for animal welfare at slaughterhouse level and the monitoring of animal welfare during long distance journeys.
- The Agriculture & Nature Division is responsible for welfare on farms and during transport and has incorporated the former Dutch General Inspection Service (*Algemene Inspectiedienst-AID*) monitoring and implementation role on farm
- NVWA headquarters is now in Utrecht, with inspection teams distributed in the country in four server centres, without a regional hierarchy.

Conclusion

At the beginning of 2012 the CA was reorganised, mainly by the merging of several institutions into the NVWA, with its headquarters in Utrecht and four offices in the country.

5.1.1 Legislation

Findings

Concerning legislation which gives effect to the recommendations from the European Convention for the Protection of farmed fish, turkeys, fur animals, geese, ducks, ratites, goats, sheep and dairy cows, the CA indicated that:

- The Netherlands has the general law on Animal Health and Welfare (*Gezondheid en Welzijnswet voor Dieren-GWWD*) that applies to all animal species and that certain requirements of the European Convention have been implemented by this.
- In the case of farmed fish, turkeys and fur animals there is specific legislation in force. More information is available in this report in the sections on turkeys and dairy cows.

Conclusions

Recommendations from the European Convention for the Protection of Animals kept for Farming Purposes have been partially included in Dutch legislation and/or other administrative arrangements.

5.2 FARMS INSPECTIONS

5.2.1 Laying hen farms

Legal requirements

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

Findings

The CCA stated that its Action Plan of 2011 to address the ban on the use of unenriched cages for rearing laying hens included controls of a number of laying hen holdings on the basis of a risk analysis. It was evident from earlier surveys in collaboration with the Ministry and de Poultry Board that some farmers had problems obtaining the required licenses before the deadline of 1 January 2012 due to environmental management, conservation and planning requirements and therefore could not switch to other housing systems in time. In parallel an enforcement strategy was put in place including detection of possible offenders and inspection of their farms on a risk-based approach and the use of enforcement tools to achieve the ban on production in unenriched cages.

In December 2011 the State Secretary decided to postpone the ban until 1 July 2012 to farmers that demonstrated a situation of *force majeure* in connection with the granting of a license. The assessment of these farmers' requests was on the basis of clear conditions: farms switching to alternative systems should have already requested a new license before 1st of January 2010, farms switching to colony systems should have asked for a new license before 1 January 2011. Only procedural delays in getting licenses, such as due to environment protection schemes and modification in the Government's regional plans, would result in a postponement of enforcement action.

- Of 57 farms that requested the postponement, 17 farms did not fulfil the requirements and had to cease production within a few weeks of 1 January 2012. 40 farms were allowed to continue production in unenriched cages until 1 July (around 2.5 million laying hens).

- The conditions for farms with the temporary provision are that eggs can only be directly supplied to and processed by the Dutch processing industry; all eggs are marked “4444”, no new flocks may be set up in 2012 and no more laying hens permitted in unenriched cages after 1 July 2012.
- The CA indicated that the situation at the beginning of May was that 35 of the 40 farms still had laying hens (about 2.2 million representing around 7% of the total laying hen population) in unenriched cages. It was noted that:
 - The CA sent reminder letters in April indicating that hens must be slaughtered before 1st of July.
 - All farms will be inspected in June. If necessary an enforcement inspection will be performed in July with legal support.
 - The marketing of eggs from these farms will be prohibited from 1 July 2012.
- The CA expects that most farms will comply by the deadline. In cases of non compliance the Dutch enforcement strategy will include sanctions, such as fines under criminal procedure to recoup profits made by illegal economic gain and fines under administrative law imposed directly by the VWA without recourse to a judge.
- The CA indicated that sanctions based on criminal law are normally low, take a lot of time to implement and are not dissuasive. However, in cases where the farmer is clearly non-compliant, the CA may obtain the calculated profit from overstocking hens in unenriched cages. Although this process may take over a year, it has been used for two farms resulting in a court Order for the profits from the illegal economic activity to be paid to the NVWA with costs.

Concerning enriched cages, from 2008 national legislation goes beyond the provisions of Article 6 of Directive 99/74 and includes requirements such as bigger cages, more surface area per hen and a precise definition of the size of nests, litter areas and perches. The CA indicated that by 2021 this "colony" system will be the only cage system allowed in the Netherlands.

The CA indicated that technical issues regarding alternative systems and enriched cages are included in their legislation and guidelines. Definitions of perches (horizontal piece of wood/metal or plastic with no sharp edges where the hen can sit or rest, not made of wire, that must be at least 2cm higher than flat surfaces and 2cm wide), litter and mats are more detailed than in Directive 99/74.

Conclusions

The Netherlands has not achieved full compliance with the requirements of Article 5(2) of Directive 99/74/EC to ensure that rearing in unenriched cages is prohibited. However, preventive measures have already been put in place to strictly enforce the ban through sanctioning and the prohibition on marketing eggs from unenriched cages after 1 July 2012.

The criminal procedure to reclaim profits resulting from overstocking in unenriched cages is a useful deterrent. Concerning enriched cages, Dutch national requirements go beyond the requirements of Directive 99/74/EC.

5.2.2 Pig farms

Legal requirements

Article 3 of Directive 2008/120/EC requires that sows and gilts be kept in groups since four weeks after service until one week before the expected time of farrowing in all holdings newly built or rebuilt or brought into use for the first time after 1 January 2003. From 1 January 2013 those provisions shall apply to all holdings.

Findings

The voluntary survey of pig farms carried out by the Wageningen University Research (WUR) and the Agricultural Economics Institute (LEI) on behalf of the CA in 2011 indicated that 77% of farms have implemented group housing for sows and gilts; 10% will stop keeping sows by the end of 2012; 7% have problems with licenses and finance and 3% have not made a decision on how to proceed.

The CCA indicated that after lessons learnt with the ban of unenriched cages, they communicated as early and as clearly as possible, starting with risk-analysis to identify the number of farms with probable non-compliance.

By middle autumn the results of a new survey of farmers to check the status of the implementation will be available. Subsequent enforcement activities, such as letters to farmers and inspections based on risk assessment will be performed.

The CA intends to strictly enforce the deadline of 1 January: those farms not in compliance by 1 January 2013 must stop keeping sows and, in addition to CA enforcement, the Dutch quality scheme IKB (*Intergrale Keten Beheersing*) will not allow farms in their scheme from this date which do not have group housing.

Conclusions

The CA are taking positive preventive action ahead of the deadline for introducing group housing for sows and gilts on 1 January 2013 to determine through compulsory surveys which premises are most likely to be non compliant. The CA action plan to ensure implementation includes risk based checks and enforcement from the deadline. They have also put in place a communication strategy with the pig farming sector to give a clear message that the requirements for group housing of sows and gilts from 1 January 2013 will strictly enforced from that date.

5.2.3 Broiler farms

Legal requirements

Article 7(1) of Directive 2007/43/EC requires the CA to carry out non-discriminatory inspections on an adequate proportion of animals within each Member State to verify compliance with the requirements of this Directive.

Article 4 of Directive 2007/43/EC requires training to be available for broiler keepers.

Findings

5.2.3.1 National legislation

Directive 2007/43/EC has been transposed into national law by two pieces of legislation, a Decision (*Vleeskuikenbesluit* 2010) and a Regulation (*Regeling Vleeskuikens*). The Decision and the Regulation entered into force on 1 February 2011 they contain additional rules based on the Broiler Agreement signed between the Government and poultry organisations in October 2009. A manual of good practice provided by the Product Board for Poultry and Eggs (*Produktschap Pluimvee en*

Eieren-PPE) is available to producers.

National legislation provides for up to 42 kgs/m² and most keepers (90%) chose the range between 39-42 kgs/m². The chosen maximum stocking density and the usable area of the houses are some of the data included in the Register of broiler farms.

The broiler agreement goes beyond the requirements of the Broilers Decision and aims to address the incidence of hock burns in holdings with the highest stocking density (15% hock burns is the maximum average permitted in seven flocks). However, the CA indicated that research on foot pad dermatitis (FPD) demonstrated that it is a bigger welfare problem than hock burns. As a result, the CA plan to introduce a standard FPD benchmarking system from 1 January 2013, after running a pilot project.

5.2.3.2 *Training*

The CA recognised the experience of keepers who kept broilers before July 2010 and granted them the certificates necessary to comply with Article 4 of Directive 2007/43. For new keepers the requirements from Directive 2007/43/EC are integrated in the national qualifications “Keeping Production animals” (Act on Professional Education), which are recognised by the Dutch CA. Several Dutch Agriculture Colleges at MBO level (intermediate vocational education) provide two options to obtain the certificate:

- Students with an MBO diploma with a specialization in the production of poultry
- A module or “certified unit” on the welfare of broilers available to those who wish to keep broilers without following the whole MBO course.

In addition, the CA indicated that in 2011 broiler keepers had the opportunity to follow a short training about foot pad lesions. Subsidies on the cost of this training were available if farmers agreed to apply various measures to diminish foot pad lesions on their farms.

5.2.3.3 *Organisation of official controls*

The system in place in the Netherlands to register flocks requires the keeper to introduce the data required under the broiler Directive in a website set up in 2011 by the National Service for the Implementation of Regulations (*Dienst Regelingen- DR*). From October the system will also use data provided to the PPE by keepers to administer and enforce the directive in cooperation with NVWA. The DR registers houses and flocks, and performs analysis of data with NVWA for administrative enforcement and selection of farms to be controlled by NVWA which performs the physical inspections. DR may undertake corrective actions when non-compliances are detected and also execute administrative penalties.

- In 2010, the CA visited all broilers farms under the scope of the Directive to advise on new requirements and to check some of the requirements of this legislation, such as calculation of usable areas. With the entry into force of the legislation in February 2011 inspections started to cover all the requirements, including those pertaining to the highest densities, and data from slaughterhouses also started to be used. For 2012, 100 holdings have been selected for inspections on a random basis. The CA plan to have enough administrative and slaughterhouses' data soon to select holdings based on risk assessment.

For each farm the NVWA has recently produced an Excel table using data from the DR database with several flock parameters, such as usable area, mortality rates, data on thinning performed, maximum live weight stocking densities per house and data from slaughterhouses on percentage of

hock burns. This was shown to be a very useful and useable tool for the selection of inspections by risk assessment as it provided an overview of stocking density management and highlighted areas where flocks were not compliant. It also gave very useful support of the inspectors in the field and provided sufficient details of flock mortalities from previous flocks for the granting of the over 39kgs/m² density status of a farm.

In 2011 the CA planned to check 142 broiler holdings; 126 were checked. The highest numbers of non compliances were due to incomplete administrative data, and discrepancies between monitoring data provided by the farmer and data from the slaughterhouse. The CA also indicated that the measurements of ammonia (NH₃) and carbon dioxide (CO₂) levels carried out by the farmers in five of the holdings, where on the basis of the smell the inspectors assumed that the margins could have been exceeded, were within the permitted margins.

Concerning enforcement, there were 31 cases where keepers received verbal warnings during inspections and in four cases written warnings (administrative actions) were issued. The CCA enforcement strategy has produced an active table-guidance where the enforcement strategy is prescribed, linking non compliances with actions to be taken and type of sanction if necessary.

5.2.3.4 *Broiler farm visit*

CA instructions require checking the conditions for rearing chickens with production densities higher than 33 kg/m². Documentation provided of previous inspections of two broiler holdings, both with stocking densities from 39 kg/m² up to 42 kg/m², requested by the audit team contained the details required in Annex II of Directive 2007/43/EC.

During the visit to the broiler holding the OV performed a competent inspection of the system of production using the checklist and instructions provided by the CCA with no shortcomings noted. However, the OV's did not have adequate measuring equipment to allow verification of compliance with the environmental parameters, namely CO₂ and NH₃.

- The data provided by the operator to the CA for every cycle of production indicated the good welfare on farm, such as low incidence of hock burns and low mortality rates. Although several deficiencies were highlighted in the data table, the CA analysis against on-farm records showed that the majority of overstocking or mortality rates issues could be explained from data entry mistakes or weak flocks received from the hatchery.
- Birds seen were in good physical condition and generally satisfactory environmental conditions were noted.

5.2.3.5 *Slaughterhouse data*

The documentation accompanying the broilers for slaughter included daily mortality rate, cumulative daily mortality rate and hybrid or breed of the chickens as required in Annex III, 1 of Dir. 2007/43/EC. The CCA has established which parameters, and respective limits, should be taken into account at the slaughterhouse in order to issue notification of findings consistent with poor welfare conditions as required in Annex III of Dir. 2007/43/EC:

- Concerning hock burns, 100 birds per flock are checked. Those flocks with blisters bigger than 0.5cm² in more than 15% of the birds checked trigger a notification to be sent to the broiler keeper with a copy to the CA. The keeper is expected to address the situation and the CA is required to put in place an action plan which could include on the spot investigation.
- The standard for FPD to be implemented by 1 January 2013 will score FPD and set trigger

levels. Improvement plans will be request from those farms scoring between 80 and 120 points whilst those farms registering over 120 points will also be set back to a maximum stocking density of 39kg/m².

Conclusions

The control system on broiler production implemented by the CA is satisfactorily verifying compliance with the requirements of Directive 2007/43/EC and some aspects of this system go beyond the requirements of this Directive. The CA had not provided equipment to enable the inspectors to verify the measurement of ammonia and carbon dioxide levels on farm.

5.2.4 Turkey farms

The CA indicated that the Netherlands has developed specific legislation, in addition to the general law on Animal Health and Welfare (*Gezondheid en Welzijnswet voor Dieren-GWWD*), to give effect to the recommendation by the Council of Europe (adopted on the basis of the Convention) concerning turkeys adopted by the Standing Committee on 21 June 2001. It was noted that:

- The specific legislation on welfare standards for turkeys (Regulation 2003) and specific inspection checklist and instructions largely implement the CoE Recommendation. The CA stated that legislation is drafted in consultation with NGOs and stakeholders and re-evaluated every three years. On behalf of the Dutch government the PPE has legislative power in specific fields and has issued this Regulation and developed the procedures for inspection.

The national legislation indicates requirements such as the minimum usable area per bird, enrichment elements, mortality rate intervention levels (females 6% and males 10%), litter in usable area. Environment issues are also laid down such as the minimum capacity of the ventilation (3 m³/kg live weight/hour), maximum humidity and NH₃ levels.

Inspections on turkey premises are carried out by the ISO 17020 accredited organisation CBD (*Centrum voor Bedrijfsdiensten*) on behalf of PPE and NVWA. Most of the non compliances detected relate to stocking density issues that, depending on the severity may trigger action by another accredited enforcement body to issue administrative warnings or, if sanctions are necessary, start judicial procedures. Basic sanctions of up to 7,600 Euro can be levied rising to 19,000 Euros per infringement in case of illegal economic gain.

- Research on the development of methods of improving skeletal and tendon strength and cardio-pulmonary efficiency relative to high daily live weight gain is not carried out in the Netherlands as there is no breeding stock and no slaughter in the country (hatching eggs come from Germany). The CA does not control daily weight gain, but they have control over weight stocking density, and maximum mortality rates with intervention levels as outlined in the previous bullet point.
- CoE recommendation requires that the minimum illumination at bird eye level shall be 10 Lux: national legislation requires 20 Lux.
- Emergency killing on farm is carried out by mechanical dislocation of the neck. However, from 1 January 2013 Regulation (EC) No 1099/2009 (Annex I, Chapter I, table 1, point 5) will not permit this method of killing for birds over 5 kg live weight. The CA stated they will look into alternative methods of killing for these birds.

Conclusions

In general specific legislation and instruction for turkeys go beyond Council of Europe recommendations and intervention levels on welfare indicators are set. The present method of killing turkeys on farm will not comply with Regulation (EC) No 1099/2009 from 1 January 2013.

5.2.5 Dairy cow farms

5.2.5.1 Recommendation of the Council of Europe

The CA indicated that the legislation which gives effect to the recommendation by the Council of Europe (adopted on the basis of the Convention) concerning cattle, in particular Appendix B on dairy cows, adopted by the Standing Committee on 21 October 1988 is the general law on Animal Health and Welfare (*Gezondheid en Welzijnswet voor Dieren-GWWD*) and the Decision on Welfare of Production animals (*Besluit Welzijn Productiediern-BWP*) which both apply to all animal species. There is no specific legislation in force for dairy cows, despite recent efforts to develop and approve proposals¹. It was noted that:

- Over last few years the sector has taken several initiatives focused on welfare, such as retention of grazing and on more sustainable dairy farming. Government initiatives offer financial support such as tax breaks and the provision of research funding in the field of dairy cattle welfare, with an emphasis on the quantification of welfare provided to the animals. The current approach of the Dutch government is to promote dairy cow welfare legislation at European level in a European context.

Documented procedures to carry out CA inspections in dairy cows facilities include a checklist to control the relevant requirements indicated in the GWWD and BWP and guidance for inspectors to check these requirements. The check list covers other animal species and the requirements are similar to those of Directive 98/58/EC.

The CA provided a table of correspondance between CoE recommendations concerning cattle and the national BWP. It was noted that:

- In general most of the Articles of the Recommendation have an indirect general correspondance with the national legislation and only a few sections of certain Articles are not covered, such as the last two paragraphs of Article 6.3 concerning the requirement for animals to be able to see and touch each other and express social structure. The CA stated that the obligation for testing and approval by the CA of new methods of cattle husbandry or equipment from the point of view of welfare, as required by Article 7 of the Recommendation is laid down in national legislation. In particular, regarding milking robots and automatic feeders, the CA indicated that the BWP has two Articles that require a general welfare approval for these kinds of feeding and milking systems. The CA also indicated that in general the power of mechanical devices coming into contact with animals should be similar to that of a person.
- Regarding the Appendix B of the recommendation on special provisions for cows and heifers almost half of the 14 points have no correspondance, such as point 3 concerning slatted floors and lying areas and the remaining points have correspondance either by quality assurance (QA) Schemes or in national legislation. The CA stated that mechanical calving

¹ *In their response to the draft report the Competent Authority noted that: plans for this were made in the period 2008-2010. This initiative was not followed up because of the formation of a new government in 2010, and it was decided to await the new European-level welfare requirements for cattle.*

aids are not permitted in the Netherlands.

5.2.5.2 *General initiatives to improve welfare in the dairy sector*

The CA indicated that the government is working together with the dairy sector and the agricultural organisations to achieve workable tools to monitor animal welfare on dairy farms. A number of initiatives have been undertaken:

Within the framework of the Sustainable Dairy Chain Scheme (involving dairy and agricultural organisations) targets have been set that aim to improve dairy cow welfare, such as the reduction of resistance to antibiotics, increasing average life span (through large reductions in mastitis and feet problems) and retaining the current level of grazing. It is also running a project to assess and compare the outcomes of the various methods employed to measure on farm welfare: the welfare quality, welfare wiser, welfare monitor and cow compass systems.

- A new project to monitor animal welfare in 2012 run by the sector and Government intends to put in place a monitoring system linked to advice for farmers to improve animal welfare where necessary. The action plan foresees faster and more effective intervention in cases of animal neglect where, by agreement, all visitors to a farm can be involved in its supervision.
- An animal welfare component has also been incorporated into the QA scheme. In addition to physical observation of the animals, use is also made of known parameters such as milk quality and information on hoof problems. Dairy QA schemes do not always monitor animal welfare directly and, although no compulsory actions are taken for high levels of lameness and mastitis at present, this may lead to closer veterinary supervision. However, the QA schemes do exclude farms where serious welfare non-compliances have been detected and the industry has set targets to reduce by 2020 the average percentage of lameness and mastitis per herd to 20% and 15% respectively.
- Herd treatments plans, including antibiotic usage, are now a prerequisite for QA schemes and are overseen by a specified accredited veterinarian. The CA has put in place a central monitoring system for the use of veterinary antibiotics on all livestock farms. Information on medicine usage will be analysed and may be used as a welfare indicator.

5.2.5.3 *Dairy farm visit*

The audit team noted a good new system of dairy management and accommodation including robotic milking and automated feeding for a herd of around 120 dairy cows on pasture. Although in its first year, the automated system was reported to have contributed to a marked improvement in cow welfare with reduced udder size due to a frequency of three milkings per day and a drop in the incidence of mastitis. Milk production had increased and cell counts decreased since the new equipment had been installed. It was also notable that the extra wide cubicles and deep litter had contributed to a reduction in hock injuries. The cows seen were in good condition and appeared content in the new facilities.

5.2.5.4 *Organisation of official controls.*

In parallel to the official controls by NVWA inspections, the veterinarians of the Institute for Dairy Industry COKZ also perform regular checks. The CA indicated that the NVWA perform checks in dairy farms based on cross compliance checks, random and complaints from the public.

- In 2011, under the identification and registration (I&R) arrangements, the CA checked around

3% of the 27422 cattle farms eligible for inspection, circa 85% were compliant.

The CA indicated that in the Netherlands there is a pool of around 300 farms needing special attention for animal welfare, where around 50% had animal welfare problems relating to poor hoof conditions.

Conclusion

A previous draft prescriptive law on the welfare of dairy cows was dropped in 2010 and now the Netherlands is currently waiting for EU action on the welfare of dairy cows. Most of the requirements of the Council of Europe recommendation on dairy cows have been indirectly transposed into Dutch law.

Government and stakeholders are actively working together to improve the welfare of dairy cows. In particular, the dairy companies have developed QA systems in which there is a clear emphasis on welfare, using both direct assessment systems of animals and indirect indicators.

5.2.6 Emergency killing on farms

Recommendation 1 of FVO report 8041/2006 requested the CA to review the requirement of national legislation for the presence of a veterinarian during the euthanasia of an animal on farm in relation to the requirements of Article 3 of Directive 93/119/EC, where sick or injured animals shall be spared any avoidable pain or suffering.

- The CA indicated that the law has not changed, but that if farmers are suitably trained and have a suitable method, they would be permitted to kill in emergency cases. Research has been carried out on alternative killing methods but has now been halted. Therefore, to date, suitable methods for the killing of small-medium sized animals by farmers have not been identified.
- The CA also clarified that in the case of large animals to be killed on farm in emergency situations such as injuries or downer cows, the animal is stunned and slaughtered.

Conclusion

The Netherlands has not been able to identify a suitable method for the killing of small animals on farm by farmers and without this has been unable to provide suitable training for farmers to do so. The recommendation in FVO report 8041/2006 on the euthanasia of small-medium sized animals on farm without the presence of a veterinarian has not been satisfactorily addressed.

5.3 TRANSPORT

5.3.1 Approval of means of transport

Legal requirements

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

Article 6 of Regulation (EC) No 1/2005 requires the competent authority to ensure that no person shall act as a transporter unless he holds an authorisation issued by a competent authority pursuant to Article 10(1) or, for long journeys, Article 11(1).

Findings

Recommendation 3 of report 2010-8400 requested the CA to ensure that in accordance with Articles 13(3) and 18(3) of Regulation (EC) No 1/2005, authorisations of transporters for long journeys and certificates of approval of means of transport should be recorded in an electronic database, which should be kept up to date. The list of transporters should include decisions notified under Article 26(4)(c) and (6), in accordance with Article 13(4) of Regulation (EC) No 1/2005. The audit team noted that:

- Transporter authorisations have been withdrawn from time to time from the list of transporters on the CCA's website. However, the reasons for the withdrawal of transporters' authorisations are not placed on this website. The reasons for withdrawal can be obtained from the Department for Road Transport (RDW).
- The CA legal services indicated that facts and information about infringements of companies are not published on the Internet. The law does not forbid this completely, but operators are very sensitive to this, which has led to many lawsuits. Therefore, the CA has chosen the alternative of informing other MSs by emailing the transport contact points instead, as already stated in their response to this recommendation in 2010.

Recommendation 1 of report 2010-8400 requested the CCA to improve co-ordination between the relevant CAs in order to ensure that only means of transport that fully comply with all the requirements for long journeys are approved in accordance with Article 18 of Regulation (EC) No 1/2005. In response the CCA stated that there was an intensive discussion between NVWA, RDW and national and regional authorities. As a result extra training was provided for the inspection services of RDW by experts from NVWA and instructions were amended. The audit team noted that:

- The instructions are publicly available on the CA and RDW websites and were comprehensively amended in October 2011 for requirements such as adequate partitions, watering devices animal species suitability, number and position.
- Instructions for the checks carried out when animals are certified either for intracommunity trade or exports include a requirement to check for extreme weather conditions including the weather forecast during the proposed journey and to ensure that measures such as the approval of officially approved additives to water are taken to prevent it freezing.
- An example of cooperation between RDW-inspectors and NVWA-inspectors was the checks made for the re-approval of two meat trucks converted for animal transport which had their authorisations withdrawn in April 2010 and were then delisted. After much communication between the services and several modifications and checks both trucks shortcomings were fixed and they were reapproved in mid 2011.
- Several vehicles have been approved for the transport of poultry for more than 12 hours, after specific requirements laid down in the approval instructions were met.
- Authorisations for calves and adult cattle are listed separately, but there are no specific requirements listed for the approval of vehicles carrying unweaned calves.

RDW is the authority responsible for testing and approval of road vehicles and for carrying goods. Since 2007 it has also been responsible for the approval and certification of vehicles used to transport animals. Therefore, road worthiness and transport approval for live animals is checked and granted at the same time. RDW has a contract with the CCA for the approval of vehicles.

- During the visit to a RDW centre the audit team checked the approval for long distance of a

new vehicle, with two decks for the transport of cattle (adults and calves).

- The RDW inspector carried out a satisfactory inspection for the approval, that included verification of data provided by the SNS and assessment of the ventilation capacity and functionality of the temperature recording system and alarm. Methods for preventing freezing of water, such as continuous circulation of water and internal tanks, on board the vehicle were seen. However, assessment of the vehicle's ability to run the ventilation system for four hours was not assessed, as the RDW representative indicated that this is not part of their control and the vehicle owner said it was not possible. Nevertheless, the audit team indicated that battery power versus ventilation consumption could be calculated and that additional batteries could be kept on board if necessary.

Conclusion

The CCA has taken adequate measures to improve co-ordination between the relevant CAs in order to ensure that only means of transport that fully comply with all the requirements for long journeys are approved addressing satisfactorily recommendation one of report 2010-8400. Amended instructions reduced the margin of interpretation for inspectors and transports were more closely aligned with requirements for individual animals. The CA inspection for the approval of a long distance vehicle was satisfactory, with only one point noted that wasn't fully in compliance with the requirements of the Regulation.

Although the published list of transporters does not include the decisions notified under Article 26(4)(c) and (6), in accordance with Article 13(4) of Regulation (EC) No 1/2005, transport contact points from other Member States are informed of these decisions and they are also available upon request, addressing satisfactorily recommendation three of report 2010-8400.

5.3.2 Checks on transport

Legal requirements

Article 27(1) of Regulation (EC) No 1/2005 requires the competent authority to check that the requirements of this Regulation have been complied with by carrying out non-discriminatory inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of animals transported each year within the Member State.

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

Findings

Recommendation 2 of report 2010-8400 requested the CA to ensure that the authorisation of transporters include contingency plans that take into account situations such as possible delays at ports in the case of transport by sea, in accordance with Article 11(b)(iv) and in line with Article 3 of Regulation (EC) No 1/2005.

- In response the CCA stated that on the NVWA internet page, all applications for long distance transport must give arrangements for long distance transport as per contingency planning, and that most transporters belong to the same quality system (QLL). Elements to comply with are laid down in the QLL contingency plan template which must be filled in for

renewal of authorisations (mainly from beginning of 2013). Non QLL transporters must meet minimum requirements and these are checked by inspection service and veterinary service.

Recommendation 4 of report 2010-8400 requested the CA to ensure that procedures for verification of the effectiveness of official controls at departure in accordance with Article 8 of Regulation (EC) No 882/2004 should be improved in order to prevent animals which are unfit for long journeys, as defined in Annex I to Regulation (EC) No 1/2005, from travelling.

- In response the CCA stated that the MREX programme has been extended and improved. There is a possibility for team leaders to check on the quality of those carrying out the controls and offers the possibility for colleagues to compare their own work with others.
- In addition, video conference meetings are organised where officers discuss issues such as new circulars and new instructions. Senior veterinary officers coach the staff performing checks on fitness for travelling.
- Instructions have been amended to indicate that when insemination dates are not available one month must be added to the pregnancy time, to ensure that cows are less than 90% through the gestation period at the time of certification.

Recommendation 5 of report 2010-8400 requested the CA to carry out non-discriminatory inspections on an adequate proportion of the animals transported each year within each Member State, including unweaned animals, in accordance with Article 15 of Regulation (EC) No 1/2005 and Article 27.1 of Regulation (EC) No 1/2005.

- In response the CA stated that, despite planning difficulties, road side and on arrival transport inspections are scheduled upon the basis of previous 24-72 hours TRACES notifications. Regarding unweaned calves 12 extra controls were carried out during 2011, mostly from Eastern Europe countries.

Recommendation 6 of report 2010-8400 requested that audits, in accordance with Article 4(6) of Regulation (EC) No 882/2004, should include the system of official controls on animal welfare during transport. It was noted that the audits of the system of official controls on animal welfare during transport are included in the audit scheme of the Division V&I.

Conclusions

Contingency plan templates included in authorisation of transporters which must be comply with for renewal of authorisations address recommendation 2 of report 2010-8400. In order to prevent the transport of animals unfit from travelling, instructions have been amended, the administrative system improved and training provided addressing recommendation 4 of report 2010-8400.

Despite logistic constrains, non-discriminatory inspections were carried out on an adequate proportion of the animals transported each year, including unweaned animals, addressing recommendation 5 of report 2010-8400. Recommendation 6 of this report has been also addressed as the system of official controls on animal welfare during transport are included in the audits in accordance with Article 4(6) of Regulation (EC) No 882/2004.

6 OVERALL CONCLUSIONS

Recommendations from the European Convention for the Protection of Animals kept for Farming Purposes have been partially included in Dutch legislation and/or other administrative arrangements. In general specific legislation and instruction for turkeys go beyond Council of

Europe recommendations and intervention levels on welfare indicators are set. However, the present method of killing turkeys on farm will not comply with Regulation (EC) No 1099/2009 from 1 January 2013. A previous draft prescriptive law on the welfare of dairy cows was dropped in 2010 and now the Netherlands is currently waiting for EU action on the welfare of dairy cows. Most of the requirements of the Council of Europe recommendation on dairy cows have been indirectly transposed into Dutch law. Government and stakeholders are actively working together to improve the welfare of dairy cows. In particular, the dairy companies have developed QA systems in which there is a clear emphasis on welfare, using both direct assessment systems of animals and indirect indicators.

The Netherlands has not achieved full compliance with the requirements of Article 5(2) of Directive 99/74/EC to ensure that rearing in unenriched cages is prohibited. However, preventive measures have already been put in place to strictly enforce the ban through sanctioning and the prohibition on marketing eggs from unenriched premises after 1 July 2012. The criminal procedure to reclaim profits resulting from overstocking in unenriched cages is a useful deterrent. Concerning enriched cages, Dutch national requirements go beyond the requirements of Directive 99/74/EC.

The CA are taking positive preventive action ahead of the deadline for introducing group housing for sows and gilts on 1 January 2013 to determine through compulsory surveys which premises are most likely to be non compliant. The CA action plan to ensure implementation includes risk based checks and enforcement from the deadline. They have also put in place a communication strategy with the pig farming sector to give a clear message that the requirements for group housing of sows and gilts from 1 January 2013 will be strictly enforced from that date.

The control system on broiler production implemented by the CA is satisfactorily verifying compliance with the requirements of Directive 2007/43/EC and some aspects of this system go beyond the requirements of this Directive. However, the CA had not provided equipment to enable the inspectors to verify the measurement of ammonia and carbon dioxide levels on farm.

The Netherlands has not been able to identify a suitable method for the killing of small animals on farm by farmers and without this has been unable to provide suitable training for farmers to do so. The recommendation in FVO report 8041/2006 on the euthanasia of small-medium sized animals on farm without the presence of a veterinarian has not been satisfactorily addressed.

Regarding transport of animals the CCA has addressed satisfactorily all six recommendations of report 2010-8400. The CA inspection for the approval of a long distance vehicle was satisfactory, with only one point noted that wasn't fully in compliance with the requirements of the Regulation.

7 CLOSING MEETING

A closing meeting was held on 25 May 2012 with representatives of the CCA. At this meeting, the main findings and conclusions of the audit were presented by the audit team. The representatives of the CCA accepted the findings presented as a correct picture of the situation seen.

8 RECOMMENDATIONS

The competent authorities are invited to provide, within 25 working days of receipt of the report, an action plan containing details of the actions taken and planned, including deadlines for their completion, aimed at addressing the recommendations set out below:

| N°. | Recommendation |
|-----|--|
| 1. | The Netherlands has ratified the European Convention for the Protection of Animals kept for Farming Purposes and should, as required by its Article 9 (3), continue with their measures to achieve full implementation of its recommendations concerning farming of additional relevant species. |
| 2. | The CCA should continue efforts to ensure that keeping laying hens in unenriched cages is effectively prohibited as required by Article 5(2) of Directive 1999/74/EC since 1 January 2012. |
| 3. | The CCA should continue with measures to achieve full compliance with group housing for sows by 1 January 2013, as required by Article 3 of Directive 2008/120/EC. |
| 4. | To CCA should ensure that inspectors have adequate measuring equipment to enable to verify compliance with environmental parameters, mainly ammonia and carbon dioxide levels on farm, as required by point 3(a) of Annex II to Directive 2007/43/EC |
| 5. | The CCA should ensure that from 1 January 2013 poultry over 5 kg live weight is not killed by mechanical dislocation of the neck, in accordance with Annex I, Chapter I, table 1, point 5 of Regulation (EC) No 1099/2009. |
| 6. | The CCA should continue with their efforts to ensure the emergency killing on farm of sick or injured small-medium sized animals to spare any avoidable pain or suffering to them, as required by Article 3 of Directive 93/119/EC. |

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

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6376

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 |
| 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 |
| Dir. 2007/43/EC | OJ L 182, 12.7.2007, p. 19-28 | Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production |
| 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 |