



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

Ares(2013)1099030

DG(SANCO) 2012-6446 - MR FINAL

FINAL REPORT OF AN AUDIT
CARRIED OUT IN
FRANCE
FROM 12 TO 22 NOVEMBER 2012
IN ORDER TO EVALUATE THE IMPLEMENTATION OF CONTROLS FOR ANIMAL
WELFARE ON FARMS AND DURING TRANSPORT

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

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) audit which took place in France from 12 to 22 November 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 from previous FVO audits on animal welfare controls.

This report concludes that the CA has prioritised its official controls on areas where EU animal welfare requirements have meant major changes to husbandry systems were necessary. Laying hen farms with unenriched cages have either closed down or converted to other production systems allowed by Directive 199/74/EC. Although the pig breeding sector will not fully comply with the requirements for group housing of sows and gilts by 1 January 2013, the CA is well organised to enforce these requirements after this date. The CA has acted on the recommendations of previous FVO reports concerning farm inspections, but has still to take action regarding audits and the provision of equipment for measuring environmental parameters on farms.

Regarding animal welfare during transport although the CCA has taken or initiated action in response to the recommendations of previous reports, notably prioritising certain controls, certain actions remain to be implemented. As a result certain requirements for long distance transport are still not adequately verified during official control, notably in relation to vehicle approval and for transporter authorisation.

Two new areas were included in this audit: the welfare of broilers and the implementation of Council of Europe Recommendations concerning Muscovy ducks and their hybrids. Procedures for inspections of both species were generally comprehensive; however, there is no clear legal basis for phasing out single cages for ducks kept for foie gras production and the CA's interpretation of the acceptability of mortality rates for broilers kept at the higher stocking densities might allow the maximum mortality rates to be exceeded without this being considered as a non-compliance. The measurement or verification of environmental parameters on farms is an issue which remains to be addressed by the CAs.

When deficiencies were detected appropriate actions were taken and the CA has taken steps to make the system for sanctions more effective.

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

BNEVP	<i>La brigade nationale d'enquêtes vétérinaires et phytosanitaires</i> , a mobile unit of the CCA.
CA	Competent Authority
CCA	Central Competent Authority
DDT(M)	<i>Direction départementale des territoires (de la mer)</i> . The CA responsible for certain financial aid provided for construction in certain agricultural sectors (and maritime if relevant in the <i>département</i>).
DDPP/ DD(CS)PP	<i>Direction départementale de la protection des populations/ direction départementale de la cohésion sociale et de la protection des populations</i> . The local level of the CA. Where the human population is more than 400,000 the CA is known as DD(CS)PP, and if less than 400,000 people it is known as DDPP.
DGAL	<i>La Direction générale de l'alimentation</i> (i.e. the CCA)
DRAAF	<i>Direction régionale de l'alimentation, de l'agriculture et de la forêt</i> . The regional level of the CA.
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
INFOMA	Training body providing training for CA technicians.
INUAV	<i>Identification National Unique Atelier Volailles</i> . Registration code for poultry farms.
NS	<i>Note de Service</i>
OV	Official Veterinarian
SANCO	Directorate General of the European Commission for Health and Consumers.
UAS	<i>Unité d'Audit Sanitaire</i>

1 INTRODUCTION

This audit took place in France from 12th to 22nd November 2012. An opening meeting was held with the competent authorities of France (DGAL). 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 auditors from the FVO and a national expert and was accompanied throughout the audit by a representative of the CCA, DGAL.

2 OBJECTIVES

The objective of the audit was to verify the implementation of EU animal welfare legislation regarding farms and transport of animals and followed up on recommendations from previous FVO audits on animal welfare controls.

In terms of scope the audit covered:

1. The ban on the use of unenriched cages for laying hens.
2. The group housing of sows (readiness for the ban on permanent sow stalls from 1.1.2013).
3. The welfare of broilers (Directive 2007/43/EC).
4. Council of Europe recommendations concerning Muscovy ducks and their hybrids.
5. The approval of vehicles for long distance transport (including satellite navigation systems)
6. Actions taken in response to previous FVO recommendations on animal welfare.

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

Visits			Comments
Competent authority	Central	2	Opening and final meetings
	Regional	3	Representatives from the Regional level were present at three of the meetings at District (<i>département</i>) level.
	District (DDPP or DD(CS)PP)	4	<i>Départements</i> of Somme, Aisne, Landes and <i>Pyrénées Atlantiques</i> . «DDPP» is used in this report interchangeably with DD(CS)PP.
Farms		6	Two farms with laying hens in caged systems and one with ducks kept for <i>foie gras</i> production were selected by the audit team. The second duck (<i>foie gras</i>) farm was selected by the CA and both broiler farms visited were selected by the CA.
Transporter's premises		1	Where the CA demonstrated their procedures for approval of a vehicle for long distance transport.

3 LEGAL BASIS

The mission was carried out under the general provisions of Community legislation [1], in particular Article 45 of Regulation (EC) 882/2004.

Legal acts quoted in this report are provided in Annex 1 and refer, where applicable, to the last amended version.

4 BACKGROUND

Animal welfare controls on farms and during transport were evaluated during previous missions (ref: DG(SANCO) 2009-8245 and DG(SANCO) 2010-8390). Report 2010-8390 concluded that in spite of extensive procedures issued by the CCA, major non-compliances in the laying hen and pig sectors had not been addressed by the CA. There was insufficient planning to ensure that the deadline for the ban on non-enriched cages from 1.1.2012 was met. Regarding transport, the CA had not adequately followed its own procedures in the prioritisation of checks on long-distance transport. The country profile of France on food and feed safety, animal health, animal welfare and plant health (ref DG SANCO)/2011-6092; hereafter “the country profile”) indicates the actions taken to address the recommendations in these reports. The current audit also evaluated progress in implementing these recommendations.

The above reports are available on the website of DG Health and Consumers at:

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

The current audit is the first time that the welfare of broilers and recommendations from the European Convention for the Protection of Animals kept for Farming Purposes (hereafter “the Convention”) regarding hybrids of Muscovy ducks have been included in an FVO audit in France.

5 FINDINGS AND CONCLUSIONS

5.1 COMPETENT AUTHORITY STAFF AND FACILITIES

Legal requirements

Article 4 of Regulation (EC) No 882/2004 requires the CA to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available; and that staff performing controls are free of any conflict of interest.

Findings

1. In relation to recommendation two from report 2009-8245, to ensure that conflict of interests is avoided (Article 4.2(b) of Regulation (EC) No 882/2004) concerning contracted private veterinarians (*vétérinaires sanitaires*), the CCA indicated that they are re-organising the system of contracts for private veterinarians. Two categories are proposed: *vétérinaire mandaté*, where the inspections are paid for by the Government and *vétérinaire habilité* where the inspections are paid for by the business operator. Both will be approved by the local CA who can decide on the suitability of the veterinarian. The *vétérinaire habilité* will carry out fitness checks of animals arriving at control posts. Further legislation, an *Arreté* in relation to approval of control posts, is planned, as well as a *Vade Mecum* for inspections at control posts and instructions and training for these veterinarians (*vétérinaire habilité*).

2. The work of these veterinarians is already partly verified by CA technicians during their checks of 5% of consignments at control posts.
3. In relation to recommendation two from report 2010-8390, to ensure that CA staff avail of appropriate and properly maintained equipment for carrying out official controls, the technicians did not have equipment to measure gas concentrations and lighting levels on farms. The CA in DDPP Somme explained that they had a luxometer but this had not been calibrated. A representative of the CCA indicated that they were considering their approach to measuring environmental parameters, as the CA has an ISO accreditation for its working practices and any such measurements would need to fall within ISO standards.

Conclusion

Actions have been taken, or are in progress, to address the recommendations in previous reports on staff and equipment. Coordination between CAs regarding laying hen farms was effective and although equipment is still not available for measuring environmental parameters on farms, this is being considered in the context of developing proper procedures for taking such measurements.

5.2 PRIORITISATION OF OFFICIAL CONTROLS

Legal requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Article 8 of Directive 99/74/EC on the welfare of laying hens requires the CA to monitor compliance with the requirements of this Directive and Article 8.1 of Directive 2008/120/EC on the welfare of pigs requires inspections on a representative sample of the different rearing systems. Article 3 of Directive 2008/120/EC requires sows and gilts to be kept in groups from four weeks after service until one week before the expected time of farrowing in all holdings from 1 January 2013.

Article 27.1 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. Article 15 of this Regulation requires the CA to carry out appropriate checks on a random or targeted basis at any stage of long distance transport to verify that declared journey times are realistic and that the journey complies with Regulation (EC) No 1/2005, in particular regarding travel times and rest periods.

Findings

In relation to recommendation four from report 2010-8390, on the prioritisation of official controls:

1. All local CAs had carried out a risk analysis of laying hen farms with cages and carried out inspections to those which were considered highest risk of non-compliance at the beginning of 2012.
2. At the time of this audit all local CAs were following the CCA instruction (NS) and obtaining information from various sources so that they could categorise the pig farms with breeding animals in their territory and prioritise controls on the issue of group housing of sows for the beginning of 2013.

3. In relation to animal welfare during transport, a NS indicates that certain *Départements* are to prioritise checks, such as roadside checks, where there are major trade routes with other Member States. In DDPP Somme, checks were carried out in relation to calves arriving at control posts which were in transit between two other Member States.

Conclusion

The CAs have prioritised controls on the basis of risk analysis and with direction from the CCA so that the major animal welfare issues are addressed.

5.3 COORDINATION WITHIN THE COMPETENT AUTHORITY

Legal requirements

Article 4.5 of Regulation (EC) No 882/2004 requires that, when, within a CA, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

Findings

1. In relation to recommendation one from report 2010-8390, to ensure efficient and effective coordination between CAs in controls on laying hen farms, a link had been established in the CA's database SIGAL between the registration (“egg”) code as required by Directive 2002/4/EC and the code used for CA controls (*Identification National Unique Atelier Volailles – INUAV*). This linkage in the database was seen for all the laying hen farms reviewed during the audit.
2. Several services within the DDPPs visited provided information regarding activities at laying hen farms, as to whether farms were operational and what type of production systems were used.

Conclusion

Effective coordination has taken place within the CA in the control of laying hen establishments.

5.4 AUDITS

Legal requirements

Article 4.6 of Regulation (EC) No 882/2004 requires the CA to carry out internal audits, or have external audits carried out, to ensure that they are achieving the objectives of this Regulation.

Decision 2006/677 Annex (4) indicates that mechanisms should be put in place to ensure that the audit systems cover all control activities under Regulation (EC) No 882/2004, including animal welfare. Article 5.1 of this Decision requires the CA to ensure adequate coverage of all relevant areas of activity and at an appropriate risk based frequency over a period not exceeding five years.

Findings

1. An audit carried out by the CCA's *Unité d’Audit Sanitaire (UAS)* included animal welfare at slaughter and controls carried out during the unloading of animals.

2. The issues covered in the scope of this FVO audit, namely animal welfare on farm and during transport excluding arrival at slaughterhouses, have not yet been included in the programme for audits carried out by UAS.
3. The CCA indicated that they will further consider including animal welfare controls when deciding their audit programme in December 2012.

Conclusion

To date, UAS have only included animal welfare controls in a limited scope in their audits.

5.5 LAYING HEN FARMS

Legal requirements

Article 8 of Directive 1999/74/EC requires the CA to carry out checks to monitor compliance with the requirements of this Directive and Article 3.1 of Regulation (EC) No 882/2004 requires a risk based approach to checks. Article 8 of Regulation (EC) No 882/2004 requires the CA to provide documented procedures for performing official controls.

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

Findings

1. In relation to recommendation five from report 2010-8390 regarding sufficient documented procedures for controls of laying hen establishments, the *Vade Mecum* for inspection of such holdings was revised (latest version 23/11/11). This now sets out the assessment of the maximum capacity of each building and that this should be compared with the number of birds actually introduced into each building.
2. Financial support totalling €11 150 843 was provided to 279 beneficiaries in relation to upgrading laying hen establishments.
3. In the first DDPP, two out of six farms with cages had been categorised at risk of missing the deadline of 1 January 2012. These two farms were inspected at the start of 2012. After noting that the cages failed to meet the requirements, the CA set up an administrative procedure fixing a deadline (end of March 2012), after which it might decide to suspend the holding's activity if it still did not meet requirements. As reported one farm had made changes by the end of January and the second by the end of March; however one report only featured a check of one of the four buildings on the site. The audit team visited this farm; all four buildings had been converted to meet the requirements of Directive 1999/74/EC, with the exception of Article 6 (1); lack of a littered area such that pecking and scratching are possible. The CA had already identified this issue in its report and the operator explained that he was experimenting with different types of litter areas.
4. In the second DDPP four of the seven establishments with laying hens which kept hens in cages in 2010 had ceased operating. In the three remaining establishments:
 - The CA had identified space allowance problems in one, but the cages had all been

converted.

- The second was not a typical commercial farm but carried out technical assessment of feed in relation to levels of production. Here the CA indicated that the flock had been reduced from 1670 to 450 birds, with one bird kept in each conventional cage. The CA indicated that this establishment was operating under the provisions of Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes and thus did not have to meet the requirements of Directive 1999/74/EC.
 - The audit team visited the third farm, which had also been visited during the FVO audit in 2010. In 2010 there were numerous problems with both the operational conditions and the cages on this farm. All the requirements of Directive 1999/74/EC were now met, except for the provision of litter. As described in the CA's last inspection report, mats had been installed in the cages to provide an area where litter could be delivered, but there was as yet no means for distributing litter to this area.
5. In the third DDPP, there had been one holding with cage systems at its two production sites which had ceased activity at the end of January 2012. The audit team verified this by reviewing movement documents for birds on and off these establishments and from information recorded in the SIGAL database.
6. In the fourth DDPP there were three laying farms with cage systems.
- One had been inspected by the DDPP's health service as part of their controls at its packing station, and recorded that “cages were dismantled”.
 - The second holding was inspected as part of environmental controls which are applicable to such larger farms (*installation classée pour la protection de l'environnement* – ICPE). The check item for the enrichment of cages was checked by inspectors at the same time
 - The third had been inspected on the basis of a programmed animal welfare inspection and the inspection report indicated that all the cages were enriched as required by Article 6 of Directive 1999/74/EC.

Conclusion

There have been major changes in the laying hen sector to achieve compliance with Directive 1999/74/EC; the only issue which remains problematic is the provision of litter in the enriched cage systems. The CCA took action regarding inspection procedures as recommended in report 2010-8390.

5.6 PIG FARMS

Legal requirements

Article 8.1 of Directive 2008/120/EC on the welfare of pigs requires inspections on a representative sample of the different rearing systems and Article 3.1 of Regulation (EC) No 882/2004 requires a risk based approach to checks.

Article 3 of Directive 2008/120/EC requires sows and gilts to be kept in groups from four weeks after service until one week before the expected time of farrowing in all holdings from 1 January 2013.

Findings

1. The CCA have set up a national steering committee on the issue of converting all breeding farms to group housing systems. This brings together the farmers' unions and representatives of the CA so that blockages to achieving compliance can be identified and solutions found.
2. A NS of 18.9.2012 required the local CA to use information from SIGAL, information regarding financial support for renovations from *Direction départementale des territoires (DDT)*, and information from environmental controls (ICPE) to categorise farms on the basis of risk. This was being implemented in all DDPPs visited.
3. As instructed in the NS, all DDPPs had sent letters to farmers with breeding pigs asking for information on their readiness for 1.1.2013.
 - In the first DDPP almost half of the 50 farmers had replied.
 - In the second DDPP 17 of the 23 pig breeders had replied and on the basis of the information received seven farms were already considered compliant and three would meet the deadline; six had applied for financial support to renovate buildings.
 - A similar number of farms had requested financial support in the third DDPP visited whereas in the fourth DDPP 42 of the 96 farms had applied for financial support. The CA considered that the commitment to such a procedure reduced the risk of farms failing to comply after the deadline.
 - The representatives in one DDPP indicated that before sending the letter to the farmers, they had validated the letter with pig producers' groups, which they felt contributed to the good response rate.
 - Failure to reply to this letter means that the farm is categorised among those considered high risk of non-compliance.
4. The regional level of the CA (*Direction régionale de l'alimentation, de l'agriculture et de la forêt -DRAAF*) is involved in co-ordinating actions by the DDPP, but has also been involved in holding pig producer meetings where they provided the sector with information on the financial aid available. The representatives of *DRAAF* also indicated at meetings in 2012 that a risk assessment of farms was being carried out and that there would be consequences for non-compliance.

Conclusions

The CCA together with the local CA are well organised to enforce the ban on the permanent confinement of sows in stalls. In addition the CA at regional level, as well as the DDT(M) at local level, has promoted the financial support available to convert buildings, allowing the local CA to concentrate on their role of control and subsequently enforcement.

5.7 BROILER FARMS

Legal requirements

Article 4 of Directive 2007/43 requires each Member State to establish a system for the control and approval of training courses for broiler keepers.

Article 7(1) of Directive 2007/43/EC requires the CA to carry out non-discriminatory inspections on an adequate proportion of animals to verify compliance with the requirements of this Directive. To operate at the highest stocking density, up to 42 kg/m², Directive 2007/43 Annex V 1 (c) requires that in at least seven consecutive, subsequently checked flocks from a house the cumulative daily mortality rate is below 1 % + 0,06 % multiplied by the slaughter age of the flock in days.

Findings

1. There are 14 training bodies approved to offer courses for broiler keepers throughout France. The audit team saw a dossier which was provided by one such body when requesting approval. Here there was an outlined of the course, the trainers and the methods. The General Directorate of Education and Research of the Ministry of Agriculture, Food and Forest (*Ministère de l'Agriculture, de l'Agroalimentaire et de la Forêt*) are responsible for approving such bodies and the list of bodies established is valid for five years.
2. The CCA indicated that there were 14 training sessions attended by 174 trainee broiler keepers in 2011 with a total duration of 133 hours of training. In 2012, to date, there were 11 training sessions attended by 127 trainees with a total duration of 133 hours of training.
3. In both farms visited the keepers had proficiency certificates which had been issued on the basis of experience which is also allowed by Article 4 of Directive 2007/43/EC.
4. The CCA set a target for the DDPPs to check broiler farms which had requested to operate at the highest stocking density (39-42 kg/m²): 20% of these in each half of 2011 and 10% in 2012.
5. The CCA have provided documented procedures for inspections of broiler farms. These are linked to the *Vade Mecum* for farm animal welfare inspections. Regarding stocking densities, the inspectors verified the usable area supplied by the keeper and calculated densities at the time of thinning of the flock. CA instructions (*Vade Mecum*) indicate that this should be calculated at the time just before the removals of the birds.
6. During the visits the inspectors followed the *Vade Mecum* instructions and addressed all of the criteria. The technician on the first farm detected problems e.g. leaking drinkers and wet litter and informed the farmer that these issues needed to be addressed. He also indicated that the lighting regime (period of darkness) was not adequate, and explained to the keeper the necessary changes which should be made.
7. Directive 2007/43 Annex II 3(c), requires that when outside temperatures are below 10°C that the average relative humidity inside the house does not exceed 70% during 48 hours. The *Vade Mecum* indicates that in winter, the inspector should asks for a humidity reading over a 48 hour period where the operator is equipped and stocks birds above 33 kg/m². Although the keeper had equipment which automatically measured the relative humidity

inside the house, no records had been kept and the inspectors did not ask for this data to be kept in a way that the relative humidity could be verified. The *Vade Mecum* also provides guidance for assessing whether the light intensity was above 20 lux at bird eye level over 80% of the usable area, as required by Directive 2007/43 Annex I 6: a document at the end of your arm should be legible and that this should be checked at 10 locations at the level of the birds' heads. This procedure however was not followed by the inspectors.

8. The farmer in the first DDPP was approved to operate up to 42 kg/m², however the cumulative daily mortality rates were above the level permitted by Annex V of Directive 2007/43 on two occasions. The technician said that two such cases was not a non-compliance. The CA instructions indicate that if more than two of the seven consecutive flocks, which are monitored, are above the maximum mortality rate, and for which the farmer can give no justification, then this is a non-compliance. Annex V 2 of the Directive indicates that the CA may decide to derogate from the calculated maximum, when the owner or keeper has provided sufficient explanation for the exceptional nature of a higher daily cumulative mortality rate or has shown that the causes lie beyond his sphere of control.
9. The CA instructions also indicate that if the maximum cumulative mortality rate is exceeded then a “corrected” cumulative mortality rate should be considered, which discounts mortalities in the first 10 days, of both birds culled and those found dead. Article 2 (c) of the Directive indicates that the number of chickens which have died in a house on the same day, including those that have been culled either for disease or because of other reasons, should be included in mortality rates.

Conclusion

The documented procedures for broiler inspections facilitate a harmonised approach to inspections and are generally comprehensive in covering the legal requirements. However, although the Directive does allow derogations from the maximum mortality rates at the increased stocking density when sufficient explanation is given, instructions allow keepers who have had exceeded the maximum mortality rates on up to two occasions and who also have had significant mortalities in the first 10 days of production, to continue to operate at the highest densities without considering this as a non-compliance.

CA procedures do not adequately cover the assessment or verification of environmental parameters such as light intensity, relative humidity and gas concentrations.

5.8 DUCK FARMS

Legal requirements

Recommendations for Muscovy ducks and their hybrids from the Council of Europe Convention required individual cages not to be introduced after 1.1.2005 and to be phased out by 1.1.2010. Article 8.2 of these recommendations indicate that new methods of husbandry and new design of equipment or accommodation for ducks should be comprehensively tested from the point of view of health and welfare and, when tests are undertaken, shall not be put into commercial use unless found to be satisfactory in accordance with a procedure laid down by the competent authority.

Findings

1. A Note de Service of 25.7.2011 indicates that the use of individual cages for ducks cannot be introduced after 1.1.2010 and that these should be taken out of operation by 1.1.2016. Representatives of the CCA indicated that they needed to discuss with their legal service what legal possibilities exist to enforce this deadline.
2. According to the CCA, since 2009, 6% of establishments have been kept ducks in groups in cages (*cage collectif*) during the force feeding period and that this has increased to 25% in 2012. The CCA indicated that funding is still available to this sector to make the necessary changes but that this support will end at the end of 2013.
3. The CA had already reported problems regarding the first farm visited, where the individual cages used during the force feeding period were in a poor state of maintenance and were seen to give rise to some injuries. Problems with the pens used during the rearing stage and lack of an alarm to indicate failure of the ventilation system had been reported and corrected, but the operator had not yet changed the individual cages. He provided plans for systems of keeping ducks in group cages during the force feeding period and was still considering which of these systems he would adopt.
4. On the second farm, where ducks were already caged in groups during the force feeding period, the technician did a comprehensive check of all the requirements and identified the only non-compliance, in relation to the intensity and duration of light provided. The audit team noted that although it is aimed to keep the temperature of the room used during the force feeding period close to 16°C, during a period in June the temperature indoors reached 24°C. At this time half the birds were in the group cages and half were in individual cages and the 9% mortality in the individual cages was almost double that in the group cages (4.8%) for the two week force feeding period.

Conclusion

Procedures for inspection and follow-up regarding the requirements for duck farms were adequate; however, the CA does not have a clear legal basis to enforce the prohibition on the use of individual cages after 2016.

5.9 AUTHORISATION OF TRANSPORTERS

Legal requirements

Article 6 1. of Regulation (EC) No 1/2005 requires 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).

Article 10(1)(c) requires that the applicants or their representatives 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. Article 11(1)(b)(iv) requires that the applicants have submitted contingency plans and Article 11(2) requires transporters carrying on long journeys of domestic equidae, other than registered equidae, and domestic animals of the bovine, ovine, caprine and porcine species, shall demonstrate that they use the navigation system referred to in Article 6(9) of this Regulation.

Findings

1. In response to recommendation six from report 2009-8245 the CCA indicated that a working group had been set up to draft a *Vade Mecum* for controls of animal welfare during transport was and that this should be available by the first trimester of 2012. This *Vade Mecum* had not yet been issued at the time of the audit.
2. In one DDPP visited, the staff responsible for authorisation did not have a procedure to verify whether the applicant had any record of previous serious infringements and did not request contingency plans as part of the authorisation procedure.
3. In relation to the aspects included in recommendation four from report 2009-8245 (drinking equipment, ramps and lateral protection), the audit team saw that these were verified during the approval inspection of a long distance transport vehicle.
4. In general there was a good practical approach to assessing the requirements of Regulation (EC) No 1/2005 by an experienced technician who had also received (INFOMA) training; however, procedures were not sufficient for assessing certain requirements such as the capacity of the water tanks and the capacity of the ventilation equipment. There was also no procedure to assess the navigation system. The truck was equipped with a navigation system, but it was not demonstrated if this fulfilled the requirements of Regulation (EC) No 1/2005 Annex I Chapter VI 4.1, in particular whether it allowed recording of the information equivalent to those mentioned in Section 4 of the journey log, and information concerning opening/closing of the loading flap.

Conclusion

Although some progress has been made on implementing recommendations from previous reports, certain omissions from the procedures both for vehicle approval and for transporter authorisation means that the CA are not adequately verifying whether all the requirements of Regulation (EC) No 1/2005 are respected.

6 CONTROL OF CONTROL POSTS

Legal requirements

Article 3(d) of Regulation (EC) No. (EC) No 1255/97 requires control posts to undergo regular inspection, at least twice a year, to ascertain that the requirements for approval continue to be fulfilled. Annex C 7 (b) and (e) of this Regulation requires the operator to record in the register, along with other information, the date and duration of the depopulation for health reasons provided for in point A (4) of the Annex; and the names and addresses of the transporter and drivers.

Findings

1. In response to recommendation nine of report 2009-8245 regarding official controls of control posts, the CCA issued an instruction (NS of 25 January 2011) setting out the number of inspections to be carried out in control posts.
2. A mobile unit of the CCA, the Brigade National (*la brigade nationale d'enquêtes vétérinaires et phytosanitaires - BNEVP*), has been asked to investigate procedures at control posts and has already indicated that 36 out of the 60 listed control posts are operational. The outcome of this investigation is to be used to further develop the inspection

methodology for controls of long distance transport.

3. In both DDPPs with control posts, official controls of these establishments were at least twice per year as required by NS; once per year when empty and once per year when in activity. In one DDPP information in the control post registers were sent to the CA every week. The audit team noted that although one control post was three and a half hours driving time from the port of arrival of calves from Ireland, these animals had only rested for 12 hours, which is a derogation allowed on such routes with a ferry crossing, but in such cases it is required for the rest time to take place in the vicinity of the port. The CCA indicated that they were working with operators of such control posts in order to secure a further rest place in the immediate vicinity of the port of arrival.
4. One DDPP had found problems with the milking equipment in a control post which was listed as accommodating lactating cows and that the register had not been completed, even though this control post had been approved since 2007. For recent consignments, all the data listed in Annex C 7 of Regulation (EC) No. 1255/97 were recorded in the control post register, with the exception of two items: the required empty period which should occur at least every six days (*vide sanitaire*) and the names and addresses of the drivers. Control post registers in the other *département* had the same omissions.

Conclusions

With the exception of the issue of resting calves in the immediate vicinity of a port and the minor omissions in the control post registers, the CA have taken satisfactory actions in response to recommendations in previous FVO reports regarding control posts.

6.1 CORRECTIVE ACTIONS AND SANCTIONS

Legal requirements

Article 54 of Regulation (EC) No 882/2004 requires the CA to ensure that deficiencies are remedied, and Article 55 of this Regulation requires that the CA take all measures necessary to ensure that sanctions are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

1. In relation to recommendation seven from report 2010-8390 to ensure that appropriate actions are taken when deficiencies are detected, the audit team saw that reports were drawn up and warnings given as appropriate. On occasion, the CA had initiated withdrawal of 1% of the single farm payment, through the use of cross compliance, when deficiencies were detected. This was particularly the case in DDPP *Pyrénées Atlantiques* when a lack of care for individual animals was found on sheep and cattle farms during inspections. With regard to cross compliance measures in the pig sector, the CCA indicated that there was a trend in this sector for farmers to separate their pig farm as a legal entity from cereal production and other farming activities, which meant that they were not liable on cross compliance issues in relation to pig farming activities.
2. In relation to recommendation eight from report 2010-8390 regarding sanctions, in the *départements* visited several cases were seen where although significant animal welfare

problems had been reported to the prosecutor, only small fines had been imposed and the CA felt that the fine was not proportionate.

3. An Ordinance which came into force on 6.5.2010 allows the CA to adopt a different approach to enforcement. This is known as *transaction pénale*; the details of the procedure are set out in a Decree (*Décret* 2011-537) and a NS from the CCA in 2011 informed the DDPPs how to put this in place. The steps can be summarised as follows:
 - A *Procès Verbal* is drawn up and the guilty party is informed that instead of going to court they can pay only a third of the fine provided certain arrangements are followed; in particular the guilty party will have an obligation to make corrective actions.
 - The Prosecutor is informed and asked to either accept or reject this course of action. If agreed the CA will try to strike a deal with the guilty party. The normal sanctioning procedure will run in parallel but if agreement is made then the normal sanctioning procedure can be stopped. If refused the Prosecutor decides what to do, e.g. launch court proceedings.
4. Representatives of the CA felt that this system could help motivate staff as they will have greater credibility with operators, who will know that standards can be enforced; it was suggested that in practice it may amount to greater fines than imposed in court and could be handled more efficiently, freeing up court time.
5. In relation to sanctioning deficiencies with requirements for animal welfare during transport, the CCA indicated that they were working on modifying the existing law (Code Rural) so that fixed penalties (*forfaitaire*) can be imposed. Regarding the existing *transaction pénale*, the CCA was also considering how this can be used effectively when dealing with the animal transport sector.
6. 780 inspection personnel (*agents*) took part in 48 training courses since the beginning of 2012 on penal and administrative procedures, in particular concerning "*transaction pénale*". This training was for both technicians and OVs, dealing with legal procedures, the organisation of the legal system, and penalties. However, a representative of *DD(CS)PP Landes* indicated that discussion with the prosecutor's office is needed as well as training on this procedure (*transaction pénale*) before this *transaction pénale* can be implemented. *DDPP Pyrénées Atlantiques* indicated that there might also be differences of opinion between prosecutors in the two districts within their *département* on the approach to sanctions.

Conclusion

Appropriate measures were taken when deficiencies were detected and the CA is taking steps so that sanctions are more effective. Although the CCA have instructed the *départements* to introduce a new system for sanctioning, the local level of the CA need training on this procedure and to agree the approach with the prosecutor's office before it can be implemented.

7 OVERALL CONCLUSIONS

The CA has prioritised its official controls on areas where EU animal welfare requirements have meant major changes to husbandry systems were necessary. Laying hen farms with unenriched

cages have either closed down or converted to other production systems allowed by Directive 199/74/EC. Although the pig breeding sector will not fully comply with the requirements for group housing of sows and gilts by 1 January 2013, the CA is well organised to enforce these requirements after this date. The CA has acted on the recommendations of previous FVO reports concerning farm inspections, but has still to take action regarding audits and the provision of equipment for measuring environmental parameters on farms.

Regarding animal welfare during transport although the CCA has taken or initiated action in response to the recommendations of previous reports, notably prioritising certain controls, certain actions remain to be implemented. As a result certain requirements for long distance transport are still not adequately verified during official control, notably in relation to vehicle approval and for transporter authorisation.

Two new areas were included in this audit: the welfare of broilers and the implementation of Council of Europe Recommendations concerning Muscovy ducks and their hybrids. Procedures for inspections of both species were generally comprehensive; however, there is no clear legal basis for phasing out single cages for ducks kept for foie gras production and the CA's interpretation of the acceptability of mortality rates for broilers kept at the higher stocking densities might allow the maximum rates to be exceeded without this being considered as a non-compliance. The measurement or verification of environmental parameters on farms is an issue which remains to be addressed.

When deficiencies were detected appropriate actions were taken and the CA has taken steps to make the system for sanctions more effective.

8 CLOSING MEETING

A closing meeting was held on 22 November with representatives of the CCA. At this meeting, the main findings and conclusions of the audit were presented by the FVO team. In relation to the issue of the provision of litter for laying hens in cages so that pecking and scratching are possible, a representative of the CCA stated that they would consider asking the recently established ANSES's working group on animal welfare to look at this issue.

9 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.	As previously recommended in report 2009-8245 (recommendation 12), ensure that audits cover all control activities in Regulation (EC) No 882/2004 over a five-year period, including animal welfare on farm and during transport, as established by Article 5.1 of Council Decision 2006/677.
2.	As previously recommended in report 2010-8390 (recommendation 2) regarding Directive 98/58/EC, ensure that staff avail of appropriate and properly maintained equipment for carrying out official controls, as required by Article 4 (2) of Regulation

N°.	Recommendation
	(EC) No 882/2004, so that assessment and verification of requirements can be made, and also now include Annex I (6) and Annex II (3)(a) of Directive 2007/43 on the protection of broilers.
3.	Take measures to that laying hen farms with cage systems meet the requirements of Directive 1999/74/EC, regarding the provision of Article 6 (1) regarding litter material, so that pecking and scratching are possible.
4.	The CCA should ensure that documented procedures, as required by Article 8 of Regulation (EC) No 882/2004, provide sufficient guidance to inspectors to assess and verify the requirements of Directive 2007/43, including Annex I (6) and Annex II (3) of Directive 2007/43. In addition these instructions should not allow derogations beyond those allowed by Annex V 2 to this Directive and should take full account of Article 2 (c), in relation to mortalities and mortality rates at the increased stocking density.
5.	As previously recommended in report 2010-8390 (recommendation 5), ensure that documented procedures, as required by Article 8 of Regulation (EC) No 882/2004, provide sufficient guidance to inspectors to assess and verify all the requirements of Regulation (EC) 1/2005, in particular Annex I Chapter VI (2.3) and Annex I Chapter VI (3.2).
6.	The CCA should ensure that official controls on registers of control posts cover the requirements of C.7 of the Annex to Regulation (EC) 1255-1997.
7.	Further measures, such as implementation of the system transaction pénale, should be taken so that sanctions are implemented, as required by Article 55 of Regulation (EC) No 882/2004, and as previously recommended in report 2010-8390 (recommendation 8), and that such sanctions are effective, proportionate and dissuasive.

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=2012-6446

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
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. 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. 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
Reg. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97
Dir. 2007/43/EC	OJ L 182, 12.7.2007, p. 19-28	Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production
Dir. 86/609/EEC	OJ L 358, 18.12.1986, p. 1-28	Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes
Dec. 2006/677/EC	OJ L 278, 10.10.2006, p. 15-23	2006/677/EC: Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules
Reg. 1255/97	OJ L 174, 2.7.1997, p. 1-6	Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC

