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GENERAL AUDIT  
REPORT OF A SPECIFIC AUDIT  
CARRIED OUT IN GERMANY  
FROM 14 TO 18 APRIL 2008  
IN ORDER TO EVALUATE  
THE IMPLEMENTATION OF CONTROLS FOR  
ANIMAL WELFARE ON FARMS, DURING TRANSPORT AND AT THE TIME OF  
SLAUGHTER

PART B – SECTOR SPECIFIC ISSUES

*Please note that factual errors in the draft report have been corrected. A Clarification provided by the German Competent Authorities is given in an endnote.*



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## **1. ANIMAL WELFARE ON FARMS**

### **1.1. Legislation**

The transposition of EU legislation is not systematically evaluated during FVO missions; however, as a result of the evaluation of controls during mission 7236/2007 a recommendation was made regarding the legal requirement for laying hens to have an uninterrupted period of darkness. In response the CCA indicated that the relevant national provision will be amended when there is a suitable opportunity and that pending these changes the inclusion of a corresponding reference in the manual on farm inspections (*Handbuch, Tierschutzüberwachung in Nutztierhaltungen*) will be discussed at a forthcoming meeting of *Länder* Working Group for Consumer Health Protection and will take effect by 31.12.2008.

### **1.2. Inspections**

#### ***Legal basis***

Article 7.1 in both Directives 91/629/EEC and 91/630/EEC require the CA to carry out inspections on a representative sample of the different rearing systems for calves and pigs and Article 8.1 of Directive 99/74/EC requires checks of laying hen farms. Decision 2000/50/EC, and as from 1.1.2008, Decision 2006/778/EC, provides the framework for collating and reporting the results of inspections of farms with these species.

#### ***Audit findings:***

- The selection of farms is made so that 80% of those selected are on the basis of risk and 20% form a random sample. For pig and calf farms this element of representativeness follows Article 44 of Commission Regulation (EC) No 796/2004 on cross-compliance.
- In one Kreis visited 8% of calf farms 3% of pig farms and 20% of laying hen farms were checked in 2006.
- In the second Kreis visited, 6% of calf farms, 6% of pig farms and 50% of laying hen farms were checked in 2006 and 23%, 11% and 21% respectively in 2007.
- There was a wide variation in the way the results of inspections were categorised by *Kreis* level so that the data included in reports according to Decision 2000/50/EC were not comparable. In the context of checks for the purposes of cross compliance further guidance has been provided on the categorisation of deficiencies and reporting of controls. This has also been done to fulfil the requirements of Decision 2006/778/EC, which repealed Decision 2000/50/EC from 1.1.2008. It was too early to assess if this had improved the quality of reporting.

#### ***Conclusion***

Checks are carried out to fulfill the requirements for inspections of farms, and although subsequent reporting of the results of these has not been made in a consistent way in the past, the CA is addressing this issue.

### **1.3. Registration of laying hen farms**

#### ***Legal basis***

Directive 2002/4/EC requires Member States to establish a system for registering every production site covered by the scope of Directive 1999/74/EC. Article 1.1.4 of this

Directive requires the register to be updated immediately when changes are notified concerning registered data.

***Audit findings:***

- In response to a recommendation in report 7236/2007 that data in the register should indicate the correct maximum capacity, the CCA indicated that in future it may be possible to exchange information between the relevant authorities via a computerised database (BALVIP) which would be applicable to all *Länder*.
- The inspection team checked the capacity of the holding visited with data from the register. The maximum capacity in the register was inaccurate as one building had been converted from a cage to an alternative system at the end of 2007 and although the *Kreis* CA had sent an inspection report for this farm to the State agency for agriculture (*Bayerische Landwirtschaftsverwaltung LfL*), which is responsible for registration of laying hen farms, in February 2008, the number of birds which could be kept in cages was not reduced in the register. At the end of the mission a representative of the CCA indicated that the producer had now been instructed to apply for a change in the registered data.
- *LfL* presented the inspection team with several cases which had been referred to them by *Kreis* CAs where further actions had been taken. One case was in relation to a cage farm which had been converted to deep litter but had not been appropriately registered. The other cases concerned other breaches of marketing requirements.
- The computerised database (BALVIP) had not been used to exchange information between *LfL* and the *Kreis* CA, but information was exchanged between the veterinary administration and the agricultural administration in Bavaria independently of the database.

***Conclusion***

Where the *Kreis* CA have clearly notified *LfL* of mistakes in the registered data actions have been taken. Although CA inspection reports do indicate important changes in production systems, correspondence sent to *LfL* does not always clearly indicate that registered data should be changed. As a result the register is not being updated immediately when such changes take place, contrary to the requirements of Article 1.1.4 of Directive 2002/4/EC.

**1.4. Inspections of laying hen farms**

***Legal basis***

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

***Audit findings:***

- Aspects from the manual on farm inspections were used in carrying out inspections. This provides a good framework for controls and amongst many other issues the checklists do indicate that the adequacy of feeding and watering should be checked. Although one of the *Kreis* CA had investigated a holding where moulting of end of lay birds had been practiced, sanctions were imposed for other deficiencies detected, but the practice of moulting had not been satisfactorily investigated. The local CA had consulted an expert body at *Land* level but only in relation to clarifying the extent to which legal requirements extended to such an establishment. An OV

explained that this involved adjusting the light regime but was unable to clarify the impact on mortalities.

- On the farm visited 12% of the current flock had died during the 11 months they had been in the cage system and a previous flock had 13% mortalities over a twelve month laying period. Remarks in an inspection report from 2005 indicated that there had been a mortality rate of 8% although 5% had been anticipated. The OV's were aware of mortality rates which would indicate a major health threat (3% in 5-7 days) but stated that, in their opinion, the level of mortalities over the laying period were normal and that further investigation of underlying causes were not made. The manual indicated that mortality rates should be checked but the local CA had no further parameters or guidance on this issue<sup>1</sup>.
- According to the manual, when measuring cage area, any area where the height is less than 35 cm is to be excluded, but there is no indication given that cages with a height of less than 35 cm are in themselves non-compliant. According to Article 5(1)(4) of Directive 99/74/EC cages must not be less than 35 cm at any point. The instruction in the manual led *Kreis* officials to a similar misunderstanding as was the case in the two *Länder* visited during mission 7236/2007. In response to a recommendation in this report the CCA had subsequently indicated that a revision to the manual would be presented at a forthcoming meeting of the *Länder* Working Group with a view to bringing this into effect by 31.12.2008<sup>2</sup>.
- In calculating perching area in alternative systems, the *Kreis* CA did not include installations which had been placed above the litter, but which nevertheless could be used for perching. According to Article 4(1)(1)(d) of Directive 99/74/EC perches must not be mounted above the litter. However the *Land* CA saw this requirement as defining what should be included in perching space but not as a prohibition *per se* on the placing of such installations above the litter. The inspection team noted that the litter was very compact and was not friable, which would not meet the requirements of Article 2(2)(c) of Directive 99/74/EC which defines "litter" as any friable material enabling the hens to satisfy their ethological needs. Although the keeper indicated that the litter was replenished on a regular basis, the placement of installations which allowed a large number of birds to perch above the litter contributed to the poor quality litter.

## **Conclusions**

The manual for inspections provides a good overall framework for carrying out checks but cannot provide detail of all the issues which may be encountered in the course of inspections. The local CA did not make full use of more specialist advice when investigating the practice of moulting particularly in relation to compliance with the feeding and watering requirements of Directive 98/58/EC. Similarly insufficient attention was given to mortality rates over the laying period and their possible implications for animal welfare.

The ambiguity in the manual regarding the requirements regarding cage height, which was also highlighted in report 7236/2007, continues to cause those responsible for

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<sup>1</sup> *In their comments on a draft version of this report the German authorities indicated that Bavaria has asked for these points to be taken into consideration in the current revision of the manual.*

<sup>2</sup> *In their comments on a draft version of this report the German authorities indicated that Bavaria has asked for clarification of this passage in the current revision of the manual.*

carrying out checks to misunderstand the requirements of Article 5(1)(4) of Directive 99/74/EC.

Although Article 4(1)(1)(d) requires that perches must not be mounted above the litter, the CA have interpreted this only in the context of defining a perch. As a result installations where birds can perch have been mounted above the litter resulting in poor litter quality.

## **2. ANIMAL WELFARE DURING TRANSPORT**

### **2.1. Authorisation of transporters**

#### ***Legal Basis***

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

#### ***Audit findings:***

- The framework for procedures indicated in the national manual had been followed by both *Kreis*.
- A representative of the legal unit in one *Kreis* indicated that a central commercial register and police records were used to verify that there were no records of serious infringements of animal welfare legislation.
- In the second *Kreis* where sanctions had been previously imposed on several persons for infringements regarding animal welfare during transport, there was no procedure which would link the records of these infringements with the companies which had been duly authorised.

#### ***Conclusions***

Procedures for the authorisation of transporters were generally sufficient, with the exception of those for verifying records of serious infringements of animal welfare legislation.

### **2.2. Competence of drivers**

#### ***Legal Basis***

Article 6.5 of Regulation (EC) No 1/2005 requires that drivers hold a certificate of competence. Drivers are required to have successfully completed the training on the issues indicated in Annex IV of Regulation (EC) No 1/2005 and have passed an examination approved by the CA.

#### ***Audit findings***

- With the entry into force of Regulation (EC) No 1/2005, those drivers who had been previously approved under national rules had to undertake a one hour course on changes to legal requirements followed by an examination.
- Officials in both *Kreis* had made major efforts to ensure that those drivers who previously had not needed to do so undertook training and acquired a certificate of competence. In both *Kreis* there were still some farmers who required training and testing on their competency.

- At the slaughterhouses visited, drivers were able to produce their certificate of competence.

### **Conclusions**

Suitable courses have been provided and the majority of drivers have obtained a certificate of competence.

### **2.3. Checks on transport**

#### **Legal Basis**

Article 27 of Regulation (EC) No 1/2005 requires that inspections of animals, means of transport and accompanying documents are carried out on an adequate proportion of the animals transported each year. It also requires Member States to submit to the Commission an annual report on these inspections.

#### **Audit findings:**

- *Kreis* level were responsible for organising checks of transport and checks had taken place at places where veterinarians were already present for other purposes, i.e. to certify consignments for intra-community trade and to carry out *ante mortem* inspections in slaughterhouses.
- Previous reports for inspections in both *Kreis* indicate that only data from intra-community trade are used to compile the report and not checks of national trade. One official indicated that the current lack of availability of data from the TRACES system is hindering the delivery of their report for the previous year. From the data presented, it was seen that routine checks of poultry transport and checks at red meat slaughterhouses, which were seen to have been carried out, were not included in annual reports.
- There was a different approach in each *Kreis* regarding recording of deficiencies. In one *Kreis* it was indicated that it was for the CA where the transporter was based to record the infringement, while the other indicated it was for the CA who detected the deficiency to record the infringement.

### **Conclusions**

Checks are being carried out on animals, means of transport and accompanying documents, but there is no procedure to include the majority of checks carried out at slaughterhouses or to ensure a consistent approach in reporting so that all deficiencies are included in the annual report required by Article 27 of Regulation (EC) No 1/2005.

### **2.4. Checks of journey logs**

#### **Legal Basis**

Article 14 of Regulation (EC) No 1/2005 requires the CA to check for long distance transport that the journey log submitted by the organiser is realistic and indicates compliance with this Regulation. Point 8 of Annex II of this Regulation requires a copy of the completed journey log to be returned to the CA of the place of departure within one month after the completion of the journey.

#### **Audit findings:**

For those consignments selected by the mission team:

- There was no copy of a journey log which had been approved prior to departure in one *Kreis* and there was no procedure applied in this *Kreis* to ensure that journey logs were returned after the journeys had been completed.
- In the second *Kreis* copies of approved journey logs had been kept. A completed journey log had been returned after the journey for one out of three consignments. For the two which only the approved plan was available, one indicated a schedule of two legs where the maximum time was needed for each leg, but as the completed journey log had not been returned the CA had not assessed if these times were respected in practice.

### ***Conclusions***

Procedures had not been implemented in either *Kreis* visited to ensure that journey logs were returned after long distance transport and as a result the CA does not ensure that journey times are respected in practice.

## **2.5. Checks of fitness for transport**

### ***Legal Basis***

Article 3 (b) of Regulation (EC) No 1/2005 requires that the animals are fit for the journey. If the transport is other than farmers transporting their own animals in their own means of transport for a distance of less than 50 km then the specific requirements of Chapter I of Annex I to this Regulation also apply.

### ***Audit findings:***

- From several consignments of breeding bovine animals selected by the mission team, only one heifer was, according to the insemination dates, more than eight months pregnant. Regulation (EC) No 1/2005 Annex I Chapter I 2(c) indicates that pregnant females for whom 90 % or more of the expected gestation period has already passed are unfit for transport.
- Regarding long distance transport of piglets, a representative of the Land CA indicated that they were concerned that it was within the requirements to allow piglets, which had just been weaned, to be transported for 23 hours to Croatia. In addition such piglets passed through assembly centres and the CA had strong reservations about the welfare implications of this transport. The CA felt that there were contradictions in the requirements of Regulation (EC) No 1/2005 as although regard shall be paid to the need of animals to become accustomed to the mode of feeding and watering, specific maximum journey times have been laid down for this category of animals, during which, such animals would not be able to drink.
- Regarding the transport of spent laying hens for slaughter, although the mission team noticed that a large percentage of birds in the cage system visited were almost featherless, the local CA had not made any assessment of this category of animal regarding their fitness for transport. At the request of the mission team slaughterhouse data was provided which indicated that after the previous depopulation there were 0.62% mortalities during transport and 6.65% injuries.
- Regarding the transport of injured bovine and porcine animals to slaughterhouses, at the first slaughterhouse visited arrangements were in place so that the majority of seriously injured bovine animals had been slaughtered on farm and the carcass transported to the slaughterhouse. Where a seriously injured animal had been transported action had been taken to impose sanctions. In the second slaughterhouse, a seriously injured animal arrived alive at the slaughterhouse more than once a

week. While some cases had been followed up by imposing sanctions and notably in the case of a bull with a broken leg involved the use of laboratory findings to provide evidence for such action, in the majority of cases action had been limited to dealing with the animal once it had arrived in the slaughterhouse, as was seen for one such animal which arrived during the visit.

### **Conclusions**

The CA does carry out controls which place an emphasis on the fitness of animals for transport, but certain categories of animals, such as spent hens, have received less attention than has been the case for large red meat species. There were variations between slaughterhouses in how well arrangements had been implemented to ensure that seriously injured animals were not transported.

### **3. ANIMAL WELFARE WITHIN SLAUGHTERHOUSES**

#### **Legal Basis**

Article 7 of Directive 93/119/EC indicates that no person shall engage in the movement, lairaging, restraint, slaughter or killing of animals unless they have the knowledge and skill necessary to perform the tasks humanely and efficiently. Article 2 (8) of Directive 93/119/EC requires the religious authority to be competent for the application and monitoring of those provisions which apply to religious slaughter. Within the slaughterhouse such authorities operate under the responsibility of the OV.

#### **Audit findings:**

- Formal training of slaughterhouse staff is the basis for ensuring sufficient knowledge and skill. Where the CA had identified problems with certain operatives, e.g. too many pigs stunned at the same time, resulting in excessive stun to stick times or excessive use of goads, the slaughterhouse management had taken corrective action for these procedures.
- Regarding ritual slaughter, the *Land* CA indicated that they had issued 20 authorisations for 1000 sheep to be killed using this method over a one year period.

### **Conclusions**

Formal training does provide a good basis to meet the requirements of Article 7 of Directive 93/119/EC and together with subsequent supervision by the CA ensured that practices in slaughterhouses were satisfactory. The system of authorising ritual slaughter helps ensure that animals are only slaughtered without stunning when there is a clearly defined demand for such meat.

### **4. RECOMMENDATIONS**

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

<b>1</b>	The register of establishments with laying hens is updated immediately when notification is received concerning changes in data, as required by Directive 2002/4/EC Article 1.1.4, particularly where there have been changes in production systems.
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2	During inspections of laying hen farms appropriate assessments are made of mortalities, which have been recorded by the operator as required by point 5 of the Annex to Directive 98/58/EC, both over the laying period and, where it is carried out, at the time of forced moulting.
3	Installations which are used by birds as perches are not mounted above the litter, as required by Article 4(1)(1)(d) of Directive 99/74/EC, in particular so that litter remains friable as indicated in Article 2(2)(c) of this Directive.
4	There are adequate procedures to verify records in the previous three years when authorising transporters as required by Article 10 of Regulation (EC) No 1/2005.
5	Adequate procedures are applied to ensure that journey logs are returned within one month after the completion of each journey as required by Point 8 of Annex II of Regulation (EC) No 1/2005.
6	There is a consistent approach to reporting so that all checks and results are included in the annual report required by Article 27 of Regulation (EC) No 1/2005.
7	That all categories of animals are fit for the journey, as required by Article 3 (b) of Regulation (EC) No 1/2005 and Chapter I of Annex I to this Regulation.

## ANNEX – LEGAL REFERENCES

Reference number	Full title	Publication details
Directive 91/629/EEC	Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves.	OJ L 340 of 11.12.1991, p. 28
Directive 91/630/EEC	Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs.	OJ L 340 of 11.12.1991, p.33
Directive 93/119/EC	Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing.	OJ L 340 of 31.12.1993, p. 21
Directive 98/58/EC	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes.	OJ L 221 of 8.8.1998, p. 23
Directive 1999/74/EC	Council Directive 1999/74/EC of 19 July 1999, laying down minimum standards for the protection of laying hens.	OJ L 203 of 3.8.1999, p. 53
Directive 2002/4/EC	Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC.	OJ L 30 of 31.1.2002, p. 44
Decision 2000/50/EC	Commission Decision 2000/50/EC of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes.	OJ L19 of 25.1.2000, p. 51
Decision 2006/778/EC	Commission Decision 2006/778/EC concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes.	OJ No. L 314, 15.11.2006, p. 39
Regulation (EC) No 1/2005	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.	OJ L 3 of 5.1.2005, p.1