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FINAL REPORT OF A SPECIFIC AUDIT

CARRIED OUT IN

DENMARK

FROM 08 TO 16 NOVEMBER 2010

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

IN THE CONTEXT OF A GENERAL AUDIT

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) specific audit in Denmark, which took place in 2010 as part of the general audit carried out under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.

The specific audit evaluated the implementation of national measures for animal welfare on farms and during transport.

It is concluded that overall there is a good system of official controls on animal welfare on farm and during transport. Cooperation and coordination between CAs was generally good, with a few exceptions, which were in relation to the contact point for animal welfare during transport and in relation to the vehicle approval.

The overall animal welfare conditions were good; in the laying hens sector the CA expects no problem in meeting the 2012 deadline for phasing out conventional cages and 66% of the sow population in Denmark is already in group housing (in preparation for the 2013 deadline for this requirement). However, tail docking is still carried out systematically and only minimal material for manipulation and investigation is provided.

The report makes a number of recommendations to the Danish competent authorities, 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

Abbreviation	Explanation
CA	Competent Authority
CCA	Central Competent Authority
DG(SANCO)	Health and Consumers Directorate-General
CHR	Central Husbandry Register
DPD	Plant Inspection Directorate
DTA	Danish Transport Authority
DVFA	Danish Veterinary and Food Administration
EAU	External Audit Unit
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
GA	General Audit
MANCP	Single Integrated Multi-Annual National Control Plan
MJ	Ministry of Justice
MS	Member State
RVFA	Regional Veterinary and Food Administrations, (<i>Fødevareregion</i>)
SA	Specific Audit
VMPs	Veterinary Medicinal Products

1 INTRODUCTION

The Specific Audit formed part of the FVO's planned mission programme. It took place in Denmark from 8 to 16 November 2010. Representatives from the central competent authority accompanied the audit team for the duration of the audit. The audit team comprised two inspectors from the Food and Veterinary Office (FVO) and one expert from a European Union (EU) member state. Representatives from the central competent authority (CCA) accompanied the audit team for the duration of the audit. An opening meeting was held with the CAA on 8 November 2010. At this meeting, the objectives of, and itinerary for, the specific audit were confirmed by the audit team and the control systems were described by the authorities.

2 OBJECTIVES OF THE MISSION

The objectives of the specific audit were to:

- verify that official controls are organised and carried out in accordance with relevant provisions of Regulation (EC) No 882/2004, and the multi-annual national control plan (MANCP) prepared by Denmark;
- to evaluate the implementation of national measures for the control of animal welfare in accordance with the requirements of EU legislation for animal welfare on farms and during transport, taking into account the follow-up of previous FVO missions.

In terms of scope, the audit concentrated primarily on:

- As regards Regulation (EC) No 882/2004, the organisation of official controls (Artt. 3-7,) control and verification procedures and methods (Artt. 8-10), enforcement (Artt. 54-55), and MANCP (Artt. 41-42);) and registration and approval of food business operators (Article 31);
- The animal welfare legislation concerning the protection of animals kept for farming purposes (Council Directive 98/58/EC), the minimum standards for pigs (Council Directive 2008/120/EC), and laying hens (Council Directive 1999/74/EC) and the protection of animals during transport and related operations (Council Regulation (EC) No 1/2005);
- The implementation of corrective actions undertaken in response to recommendations made in the report of a previous FVO animal welfare mission DG(SANCO) 2007-7238 from 21 to 25 May 2007 concerning animal welfare on farms and during transport.

The table below lists sites visited and meetings held in order to achieve that objective:

MEETINGS/VISITS		n	COMMENTS
COMPETENT AUTHORITIES	Central	2	Opening and closing meeting.
	Regional	3	Regional Veterinary and Food Administration Offices in: Herning, Haderslev (Export Control Centre), and Ringsted.
FARMS		5	Three pig farms and two laying hen farms, one with enriched cages and one alternative system.
ESTABLISHMENTS		2	Two assembly centres approved for intra-union trade, one for pigs and bovine animals, and the other for pigs. The sites were selected by the

MEETINGS/VISITS	n	COMMENTS
		mission team.
ROAD SIDE CHECKS	1	Four trucks were stopped and checked on a road in the vicinity of an industrial pig slaughterhouse by the Police and the Veterinary Task Force.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, and in particular Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

4.1 CONTRIBUTION TO THE GENERAL AUDIT

Article 45 of Regulation (EC) No 882/2004 requires the Commission to carry out general and specific audits in member States. The main purpose of such audits is to verify that, overall, official controls take place in Member States in accordance with the multi-national control plans referred to in Article 41 and in compliance with Community law.

This Specific Audit was carried out as a component of a General Audit Denmark. Section 5 below contains findings and conclusions relating to the implementation of Regulation (EC) No 882/2004; Section 6 below contains findings and conclusions relating to sector specific issues.

4.2 SUMMARY OF PREVIOUS FVO MISSION RESULTS

The most recent mission concerning animal welfare in Denmark was carried out in 2007 and its results are described in report DG(SANCO)/ 2008-7687 (hereafter referred to as report 2008-7687); this report has been published on the website of the Directorate-General for Health and Consumers:

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

Mission report 2008-7687 concluded that the system of controls in laying hen and pig farms was comprehensive, had improved since the previous missions and, overall, ensured good animal welfare standards. However, improvements needed to be made in the area of supervision as the system in place failed to identify the lack of detection by official veterinarians of deficiencies (such as inadequate perches and stocking densities in alternative laying hen farms). Regarding transport, the CA was progressively implementing the requirements of Regulation (EC) No 1/2005 in order to achieve full compliance by 31.12.2007.

5 FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) NO 882/2004

5.1 COMPETENT AUTHORITIES

5.1.1 Designation of Competent Authorities

Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls.

Findings

- The CA for animal welfare is clearly designated as the Danish Veterinary and Food Administration (DVFA), part of the Ministry of Food, Agriculture and Fisheries. At central level, the Division for Chemical Food Safety, Animal Welfare and Veterinary Medicinal Products (Division 5) and the Meat Inspection Unit deals with animal welfare. The Meat Inspection Unit is directly responsible for official controls in larger slaughterhouses and inspects animal welfare during Ante and Post Mortem inspection.¹
- At regional level, the responsibility for official controls on animal welfare lies with the authorities of the two Regional Veterinary and Food Administrations, (*Fødevareregion*) (RVFA).
- The Ministry of Justice (MJ) is responsible for the transposition of EU Directives and drafting national legislation on animal welfare.
- An overview of how control systems are organised in Denmark, based on information supplied by them, is provided in the Country Profile for Denmark and is available under the tab "Control Systems" at: http://ec.europa.eu/food/fvo/last5_en.cfm?co_id=DK.

In addition:

- From 1 January 2010 the RVFA consists of two, instead of the original three, regional offices: Region East with head office in Ringsted and Region West with head office in Aarhus.
- As a result of political agreement on veterinary issues, it was decided in June 2009 to transfer the on-farm control of animal welfare from the DVFA to Danish Plant Directorate (DPD). The on-farm control of animal welfare, except broilers and feathered game, has been entirely transferred to DPD from 1 July 2010.
- The Veterinary Task Force is based in Region West but they have horizontal tasks covering the whole country (including road side checks, controls on Veterinary Medicinal Products (VMPs), information campaigns e.g. concerning how veterinary controls are performed).
- The CA for the approval of long distance means of transport for live animals (in accordance with Article 18 of Regulation (EC) No 1/2005) is the Danish Transport Authority

¹ In their response to the draft report the Competent Authority noted that at the end November 2010 the Danish Veterinary and Food Administration reorganised the veterinary divisions at central level.

(*Trafikstyrelsen*) (DTA).

5.1.2 *Co-operation between Competent Authorities*

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination and co-operation between competent authorities.

Findings

- Regarding effective co-ordination and co-operation between DVFA and DTA: on 11/08/2010 one of the RVFA had notified the DTA that some trucks had been approved for transport of animals without complying with the national requirement concerning internal height between levels. Three months later no reply had been received from the DTA; no information was available as to whether their approval had been suspended or withdrawn for the means of transport in question.
- Concerning co-ordination and co-operation between DVFA and DPD, there is a specific agreement between DVFA and DPD regarding the routine inspection in farms from 2010. The agreement is revised annually. Good co-operation was seen with regard to transfer of competences and subsequent performance of on-farm animal welfare controls.
- There are specific arrangements in place in relation to co-operation and collaboration between DVFA and Police and examples of good cooperation between Police and Veterinary Task Force were seen by the mission team during road side checks.
- Co-ordination and co-operation are also well established for DPD and DVFA with the Police for some enforcement measures (only the police can impose sanctions) with regard to on-farm and transport shortcomings.
- In accordance with national instructions, Police authorities provide the DVFA with copy of all fines and convictions regarding animal welfare infringements with regard to transport of live animals and animal welfare on the farm.

5.1.3 *Co-operation within Competent Authorities*

Legal Requirements

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective co-ordination and co-operation shall be ensured between the different units.

Findings

- There is regular exchange of information between DVFA and RVFA and the number of controls on farms is sent quarterly to the CCA.
- Since July 2010 official controls on farms are carried out by the DPD. The DPD produces weekly internal reports on the progress of the on-farm controls carried out.

- Results of the risk based inspections of means of transport and transported animals are sent quarterly to the CCA. However, one report indicated that no non-compliances had been detected in the region, while the corresponding inspection reports did identify one non-compliance (warning for means of transport).
- A contact point has been designated in accordance with Article 24 of Regulation (EC) No 1/2005 and the mission team received evidence of exchange of information with other MSs. However, a notification from the contact point of another MS in relation to a non-compliant means of transport belonging to a Danish transporter, had still not been communicated two months later by the contact point to the relevant regional authorities.

5.1.4 Delegation of specific tasks related to official controls

Legal Requirements

Article 5 of Regulation (EC) No 882/2004 sets out the scope of possible delegation to control bodies, the criteria for delegation, and the minimum criteria which must be met by control bodies. Where such delegation takes place, the delegating competent authority must organise audits or inspections of the control bodies as necessary. The Commission must be notified about any intended delegation.

Findings

- DTA has approved private vehicle inspection bodies to carry out the inspection and issue the certificate of approval of means of transport for long journeys in accordance with Article 18 of Regulation (EC) No 1/2005.
- DTA has inspectors that visit these approved inspection facilities and some of them have been suspended from activity, but not because of animal welfare deficiencies.
- This delegation has not been notified to the Commission. No information was available regarding accreditation of these bodies.

5.1.5 Contingency planning

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 also requires that competent authorities have contingency plans in place, and are prepared to operate such plans in the event of an emergency. Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to present a serious risk.

Findings

Not applicable to this specific audit.

Conclusions on Competent Authorities

The CAs for animal welfare are clearly designated and there is overall good cooperation between

CAs and between different levels of the CA, with a few exceptions, which were in relation to the contact point for animal welfare during transport and in relation to the vehicle approval..

Inspection and approval of long distance means of transport have been delegated to private bodies but this has not been notified to the Commission, nor could these private bodies be confirmed to be accredited, contrary to the requirements of Art. 5 points 2, c) and 4 of Regulation (EC) No 882/2004.

5.2 RESOURCES FOR PERFORMANCE OF CONTROLS

5.2.1 Legal basis for controls

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires that the necessary legal powers to carry out controls are in place and that there is an obligation on food business operators to undergo inspection by the competent authorities. Article 8 of the above Regulation requires that competent authorities have the necessary powers of access to food business premises and documentation.

Findings

- The CA and its staff have the necessary legal powers to: carry out official controls; have access to food business premises and documentation; and to take enforcement measures in accordance with the national legislation (Animal Protection Act).
- Several legal requirements on animal welfare on farms and during transport go beyond EU requirements.

5.2.2 Staffing provision and facilities

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authority 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

- The CA has adequate staff levels and avail of suitable equipment, except for the lack of equipment to measure light and noise intensity in pig and laying hen farms.
- Inspectors are competent and carried out thorough checks and correctly identified deficiencies during the on site checks on farms and transport. However, systematic tail docking in pigs was not considered as a non-compliance in the absence of efforts by the farmer to improve the environmental conditions or management system (see section 6).

5.2.3 Staff qualifications and training

Legal Requirements

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Findings

- The mission team have seen evidence of good training for inspectors; staff met were qualified and competent.
- No training has been followed on reading of records of satellite navigation system and driver's records ²(as foreseen in Article 16 of Regulation (EC) No 1/2005 (roadside checks are carried out by the Police, usually with the assistance of the Veterinary Task Force).

Conclusions on Resources for Performance of Controls

Resources with regard to staff (number, qualifications and training), facilities and equipment were satisfactory overall, with the exception of the lack of equipment to measure light and noise intensity in farms. Organisation and implementation of official controls were generally in line with requirements.

5.3 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.3.1 Registration / approval of food business operators

Legal Requirements

Article 31 of Regulation (EC) No 882/2004 requires Member States to establish procedures for the registration/approval of food and feed business operators, for reviewing compliance with conditions of registration and for the withdrawal of approvals.

Findings

There are procedures in place for the registration of laying hen farms. Details are described in section 6 of this report.

5.3.2 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. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning. Controls shall be applied with the same care to exports from the Community, imports into the Community and to product placed on the Community market.

Findings

² In their response to the draft report, the CA noted that as regards reading of records of satellite navigation systems, there are no technical specifications in the EU-provisions, including Article 6 and Annex II, Chapter I, of Regulation (EC) No 1/2005, as regards how information should be made available, and therefore it is extremely difficult to establish a training programme. As regards reading of drivers' records, the police can be contacted for assistance.

- The selection of farms to be inspected for animal welfare controls is done by DVFA at central level; the national plan foresees checks on 5% of herds of at least ten animals. The selection of farms is based on risk parameters such as: use of VMPs, herd size, type of production and records of previous serious non-compliances.
- Concerning laying hens, 100% of farms with cage systems (conventional and enriched) are inspected at least once per year. In addition, 5% of the farms with alternative systems are inspected annually but with a minimum of no less than 50 holdings; this means that in practice between 20 to 25% of all laying hen farms with alternative systems (and more than 350 hens) are inspected annually.
- The list of selected farms is sent on a quarterly basis to DPD headquarters and to RVFA for subsequent implementation at local level.
- Concerning transport, the planning of controls is focused on roadside checks and on risk based checks at departure from assembly centres and from farms. Risk factors include long distance transports, especially of slaughter animals, transporters with previous problems, and new types of transports.
- Concerning transport, the number of checks to be performed at assembly centres and farms is decided at central level and sent to the two RVFA. These checks were 250 in 2009 and 100 in 2010. The number of road side checks has been increased correspondingly in 2010, in order to improve the effectiveness of these controls.
- Concerning controls at destination, the objective is for a 100% check at arrival at slaughterhouses.
- Checks are carried out without prior warning.

5.3.3 Control activities, methods and techniques

Legal Requirements

Article 10 of Regulation (EC) No 882/2004 specifies the control activities, methods and techniques that should be deployed.

Findings

- Inspectors carry out inspections at farms and during transport using the check-lists supplied by the CCA. Although Commission Decision 2006/778/EC allows the CA to select a number of criteria to inspect at each farm visit, all the legal requirements are assessed during on-site inspections.
- For transport, official controls focus on fitness of animals at assembly centres and on the assessment of the conditions of means of transport and transported animals during road side checks.

5.3.4 Sampling and Laboratory analysis

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires competent authorities to have, or to have access to, adequate laboratory capacity. Article 11 of the Regulation establishes requirements for sampling and analysis and Article 12 requires the competent authority to designate laboratories that may carry out analysis of samples taken during official controls. It also lays down accreditation criteria for laboratories so designated.

Findings

Not applicable to this specific audit.

5.3.5 Procedures for performance and reporting of control activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Findings

- The CA staff avails of comprehensive procedures, check-lists and guidelines in line with the requirements of article 8 of Regulation 882/2004.
- Reports are drawn up after each official control. However, written warnings do not clearly describe the action to be taken by the operator (or request any feed back) in order to remedy the situation (see point 5.4). This results in insufficient enforcement action in case of shortcomings classified as minor, such as insufficient quantity of manipulable material for pigs (see section 6).

5.3.6 Transparency and confidentiality

Legal Requirements

Article 7 of Regulation (EC) No 882/2004 requires that competent authorities carry out their activities with a high degree of transparency, in particular by giving relevant information to the public as soon as possible. However, information covered by professional secrecy and personal data protection is not to be disclosed.

Findings

- Detailed and comprehensive annual reports on the results of official controls on animal welfare are available on the CCA website.
- The Veterinary Task Force carries out communication campaigns, including television interviews giving information on the official controls performed in the veterinary field.

Conclusions on Organisation and Implementation of Official Controls

Official controls for animal welfare are implemented in line with the criteria of Article 3 of Regulation (EC) No 882/2004.

The CA carry out their official controls in accordance with documented procedures, in accordance with Article 8 of Regulation (EC) No 882/2004. Reports of official controls are also generally compliant with the requirements of Article 9 of the same Regulation except in the case of warning, where there is no description of the action to be taken by the operator for correction of the shortcomings reported.

Information on official controls on animal welfare and on their effectiveness is made publicly available, in accordance with Article 7(1) of Regulation (EC) No 882/2004.

5.4 ENFORCEMENT MEASURES

5.4.1 Measures in the case of non-compliance

Legal Requirements

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation.

Findings

The main practical enforcement instruments are:

- **Warning:** it is usually employed for minor offences, including insufficient quantity of manipulable and rooting material for pigs; it does not describe the action to be taken by the operator for rectification of the non-compliance. Follow up of its correction will be performed only during a subsequent routine check (see points 5.3.5 and 6.1.3).
- **Enforcement notice:** can be imposed for all farm species since 1 July 2009 (until that date it could only be issued with regard to horses and broilers): it includes a deadline for correction which is variable depending on the seriousness of the non-compliance.
- **Reporting to Police:** this is done when no corrective action has been taken to address non-compliances which had already been the subject of an enforcement notice or for cases of serious non-compliances. The Police authorities decide whether an investigation should be initiated and eventually if a fine or possibly criminal charges will be proposed.

The operator is provided with written notification of the decision for action, the reasons involved, and the rights of and procedures for appealing that decision.

The main findings were:

- In the case of enforcement notices, the mission team saw documented evidence that the CA carries out verification that the non compliances identified have been rectified. For correction of non-compliances reported in enforcement notices, the deadlines varied between some weeks to the next inspection (which can be one or several years later), or the

next repopulation in the case of laying hen farms. Non-compliances with enforcement notices had been corrected or at least improved but the non-compliances regarding warnings were still outstanding (see details in point 6.1.3).

- In one laying hen farm, the same non-compliance was repeatedly reported in 2008 and 2009; the permit was renewed without an on-site visit to verify that the deficiency (lack of alarm) had been rectified (see point 6.1.2).
- The final step on the enforcement escalation is a notification to the police and when this happens the resolution of the case can take from four months (only one such case seen, the operator had accepted the charges and had paid a fine of 20,000 DKK, about 2,700 €), to significantly more than one year (all other cases seen by the mission team, in which none of the operators had admitted guilt but had appealed against the fine).

5.4.2 *Sanctions*

Legal Requirements

Article 55 of Regulation (EC) No 882/2004 states that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

- The CA has no power to issue administrative fines, which are issued by the police. In 2009 the Police issued 690 sanctions for animal welfare infringements during transport.
- The level of sanctions for animal welfare is laid down in a decision of the General Attorney (of 10 January 2008) which provides detailed guidelines for the level of sanctions on farms and transport. The level of fines varies between 2,000 to 40,000 DKK, depending on the severity of the offence.

Conclusions on Enforcement Measures

Sanctions for animal welfare infringements are proportionate and dissuasive. However, enforcement measures in place have not always been effective in obtaining correction of deficiencies.

5.5 VERIFICATION AND REVIEW OF OFFICIAL CONTROLS AND PROCEDURES

5.5.1 *Verification procedures*

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Findings

- The DVFA has a quality control system in place called quality supervision. It is required that annually 50 % of the inspectors must be subject to quality supervision by their respective heads of departments. The heads of Department choose yearly which of the inspectors are to be subject to this quality control, but the evaluation must be done for each inspector at least every third year. Newly employed inspectors must be quality supervised within the first year.
- Examples were seen of these quality control review reports. The quality review included, depending on the tasks assessed, inspection visits performed by the inspector under evaluation while accompanied by the reviewer. Review reports included assessments of the inspector's capabilities, preparing for the inspection, and the performance and adequacy of the inspection visit.
- The DPD has a software tool that helps the inspectors to identify administrative mistakes in their reporting procedures, but has not designed and implemented a system for verification of effectiveness and appropriateness of official controls.
- The agreement concerning attribution of tasks moved from the DVFA to the DPD requires the DVFA to review and maintain procedures, instructions and check-lists up to date. In some cases the system in place requires reviewing and updating at specific intervals, e.g.: check-lists concerning on-farm control of animal welfare should be up-dated annually.
- Documentation concerning official controls by both the DPD and the DVFA was seen to be recently reviewed and kept up to date.

5.5.2 *Audit*

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

Findings

- Audits concerning the DVFA performance are carried out by the External Audit Unit (EAU). The EAU was created under Art. 55 of the Danish Food Act of 1998. It carries out audits in accordance with Art. 4 (6) of Regulation (EC) No 882/2004 to verify compliance and effective implementation under Regulation 882/2004 for the food, animal health and animal welfare sectors³.
- The CCA informed the mission team that the EAU is currently performing an audit of animal welfare controls during transport. The report of the audit is expected to be available in February 2011.
- The EAU has an audit schedule that will include animal welfare as one of the aspects of the

³ In their response to the draft report, the CA noted that DVFA has established a new supervision unit that also will supervise inspections at establishment level.

planned audits of: primary production in 2011; slaughter in 2012 and intra-union trade in 2013.

- The DPD intends to perform internal audits concerning the on-farm animal welfare checks but no schedule for those audits has yet been established.

Conclusions on Verification Procedures

The DVFA has a system in place for verification and review of official controls and procedures that is in line with requirements. However, none of the scheduled audits over animal welfare has been finalised yet and therefore could not be assessed.

The DPD has acquired responsibilities in the animal welfare areas only since July 2010 and has not yet set up the corresponding system for verification and review of official controls and procedures.

5.6 MULTI ANNUAL NATIONAL CONTROL PLAN

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires that each Member State prepares a single integrated multi-annual national control plan (MANCP). According to Article 42 it should be implemented for the first time no later than 1 January 2007 and be regularly updated in light of developments. Details on the type of general information on the structure and organisation of the systems of feed and food control and of animal health and welfare control in the Member State concerned are provided.

Findings

- Denmark MANCP is valid for the period 2009-2013 and it is published on the CCA website, together with the annual reports; the animal welfare control system is described and the MANCP is kept up to date.

Conclusions on Multi-Annual National Control Plan

The Danish MANCP has been prepared and is kept updated as required by Articles 41 and 42 of Regulation (EC) No 882/2004.

6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS

6.1 ANIMAL WELFARE ON FARMS

6.1.1 Registration of laying hen farms

Legal Requirements

Directive 2002/4/EC requires Member States to establish a system for registering every production site falling within the scope of Directive 1999/74/EC. The last paragraph of point 1 of the Annex to Directive 2002/4/EC requires registration of the maximum capacity of an establishment in number of birds present at one time.

Findings

- Directive 2002/4/EC has been transposed by provisions in the Danish Order No 1260 of 15 December 2008 regarding *Salmonella* in establishments with hens laying eggs for consumption and in establishments rearing pullets. According to this Order, the information required in the directive must be registered by the poultry industry. The information in the register is based on information provided in a form filled in by each laying hen establishment operator.
- Additionally, in accordance with the national legislation, holdings using a cage system need a permit prior to operation. The CA informed the mission team that permits are valid for five years and none will be renewed with a validity beyond 31/12/2011 in cases of unenriched cage systems.
- The poultry industry register contains the information required in Directive 2002/4/EC. However, mistakes were seen in both this register and the Central Husbandry Register (CHR) concerning the maximum capacity of the establishments.
- The correct capacities could nevertheless be obtained from each establishment's approval file in possession of the DPD.
- Neither DPD nor the DVFA inspectors are required to verify if the maximum capacities indicated in the poultry industry (or the CHR) register are correct. The DPD has not been provided with access to the poultry industry register.

6.1.2 Official controls on laying hen farms

Legal Requirements

Article 8(1) of Directive 1999/74/EC requires Member States to ensure that the CA carries out inspections to monitor compliance with the provisions of that Directive.

Findings

- DPD inspectors carry out the official on-farm control of animal welfare. The inspectors follow a check-list provided by the DVFA and perform a full review of all the relevant animal welfare legislation each time they carry out an inspection.
- In 2010 these inspections have been falling behind with regard to planning because of some extraordinary work concerning inspections of fur establishments that are also performed by DPD inspectors. Nevertheless the DPD expects to still be able to carry out all the planned inspections for 2010.
- DPD inspectors are still gaining experience with on-farm welfare controls; nevertheless, the inspector met adequately detected deficiencies seen in the establishments visited.
- The CA informed the mission team that 24% of the current laying hen population in establishments with more than 350 hens are kept in unenriched cage systems (34% in enriched cages and 42% in alternative systems). The CA did not expect to have any difficulties with implementing the ban on unenriched cages from January 2012 because the

poultry industry was well prepared for this deadline. The CCA also stated that the permits for operating establishments with hens in unenriched cages did not extend beyond 31/12/2011 and therefore any such establishment would have to stop operations at that date.

- In one establishment visited the DPD inspector, during his pre-inspection preparation, detected that the permit for one of its houses with unenriched cages had expired in 2008. This same establishment had been visited in 2009 (by the DVFA) without this being detected.
- During a document review it could be seen that the permit had also expired for another farm (permits are usually valid for five years and the holding owner must request its renewal at the latest one month before expiry) but it had continued its activity. The request for renewal was made in July 2010 five months after expiry. This same holding was at the time undergoing police investigation, initiated at the request of the DVFA, because of repeated non-compliances noted in annual DVFA inspection reports in 2008 and 2009. The renewal was approved on the day immediately following the application without any on-site verification of the owners' declaration that the long standing deficiencies noted had been rectified (see point 5.4.1).

Conclusions

The laying hen farms visited were generally compliant and inspections adequately performed. Changes concerning the laying hens register data are not always notified and the register updated as required in Article 1, 4) of Directive 2002/4/EC.

The CCA expects to have no difficulties in respecting the 2012 ban for unenriched cage systems. However, two establishments were in operation with expired permits (one for five months and the other for over two years) which raises doubts as to the effectiveness of exclusively using the permit system as the means to enforce the ban.

6.1.3 Pig farms

Legal Requirements

Article 8 of Directive 2008/120/EC requires Member States to ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive are being complied with.

Findings

The main findings were:

- Group housing for sows: in accordance with data provided by the pig industry, 66% of the population of sows are already kept in groups. Farmers are very well aware of the 2013 deadline, but the fact that extending farm buildings requires a permit from the County Council (which is a time consuming process that can take up to five years) could create a problem of enforcement for the requirements which will become applicable from 2013. In one out of the three farms visited, sows (about 1300 animals) were already kept in groups.
- With regard to the requirement for the provision of fibrous and high energy food for dry

pregnant sows and gilts (Article 2, point 7 of Directive 2008/120/EC), official controls carried out by inspectors also verified this requirement.

- Insufficient care for sick animals: e.g. pigs with rectal prolapses were still kept with conspecifics and had not been adequately treated or euthanized; one moribund pig which should have been euthanized; one sick sow kept in an individual crate. The inspector immediately identified the issues and contacted DVFA regional veterinarians for their professional assessment as foreseen in the CA inspection procedures.
- Mutilations: the Danish legislation and the CA check-list clearly foresees that tail docking should not be carried out systematically. Additionally, Denmark has established the legal requirement (which goes beyond the requirements of Directive 2008/120/EC) that no more than half of the tail should be docked. However, the mission team observed that in all the three pig farms visited tail docking was systematically carried out. On one of the farms visited there had been no attempt to improve the general management of the farm, which was very poor, in terms of air quality, overstocking of weaners/fatteners and lack of material for manipulation and investigation. On the other farm, the owner claimed he had made several attempts to improve the situation, but manipulable and rooting material, although present, was not in sufficient quantity. On the last farm, tail docking was systematically carried out at the request of the buyer (based in another MS) of weaners.
- Manipulable and rooting material (Annex I, Chapter I, point 4 of Directive 2008/120/EC) was available, but often not in sufficient quantity. As a general issue, the lack or insufficient quantity of manipulable and rooting material is very often reported by the CA; the main enforcement instrument used was a "warning", which does not require a follow-up by the CA. For example, in 2009 in the three RVFA Offices visited by the mission team, the reports for non-compliances in pig farms can be summarised as follows: in Herning, out of 15 farms with reported non-compliances, 15 were in relation to lack of manipulable or rooting material; ten had been issued a warning; one was reported to the Police; in Hadlersev, 25 farms with non-compliances, including 15 for lack of manipulable material, 13 warnings and two reports to the Police; and in Ringsted, 43 non-compliances of which 27 for lack of manipulable material with 22 warnings and five reports to the Police.⁴
- Two of the three pig farms visited by the mission team had been previously inspected and both had been given a warning and non-compliance notice. Non-compliances with enforcement notices had been corrected or at least improved but the non-compliances regarding warnings were still outstanding (eg, lack or insufficient quantity of manipulable material). The mission team saw documents concerning a pig farm which was issued a warning on 9/12/2009 for several non-compliances (including lack of manipulable material, insufficient size of individual crates for sows, insufficient care for sick animals, lack of alarm system). This farm was revisited by RVFA on 13/10/2010: although there was some improvement, some non-compliances were still outstanding. The CA informed the mission team that this would result in an enforcement notice, which had not been issued yet; and that no precise deadline was going to be given to address these shortcomings (see point 5.4.1).

4 In their response to the draft report, the CA noted that the legal basis for issuing enforcement notices in cases of non-compliance with animal welfare provisions was established as of 1 July 2009. Before that date enforcement instruments were either warnings or reporting to the police. A number of situations which resulted in issuance of a warning before the possibility to use an enforcement notice was established would now result in an enforcement notice instead.

- From 2011, own control programmes for animal welfare will be introduced as a legal requirement in pig farms with more than 300 sows, 3000 slaughter pigs or 6000 piglets. Additionally, the CA is introducing a "yellow card" system for severe shoulder lesions in sows, based on the targeting of inspection in farms where too many shoulder lesions are detected at slaughterhouse.

Conclusions

The animal welfare conditions were generally good; however, although manipulable and rooting material was available, it was often not in sufficient quantity and frequently reported by the CA via the "warning" system. Additionally, tail docking is still systematically performed without a sufficient investigation by the CA if efforts had been made by the farmer to improve the environmental conditions or management system, contrary to the provisions of Annex I, Chapter I, point 8 of Directive 2008/120/EC.

6.2 ANIMAL WELFARE DURING TRANSPORT

6.2.1 Authorisation of transporters

Legal Requirements

Article 10 of Regulation (EC) No 1/2005 lays down the requirements for authorising transporters carrying out journeys of up to eight hours. In particular, the applicants must demonstrate that they have sufficient and appropriate staff, equipment and operational procedures to comply with this Regulation and that they do not have records 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 of Regulation (EC) No 1/2005 laying down the provisions for authorising transporters carrying out long journeys, in addition to the documentation mentioned in Article 10, requires further documents, such as the certificates of approval of vehicles, procedures to trace and record the movements of vehicles and to contact drivers, a contingency plan in the event of emergency, and the certificates of competence for drivers and attendants.

Findings

- The authorisation of transporters for long journeys in accordance with Article 11 of Regulation (EC) No 1/2005 is presently issued at the RVFA in Ringsted, Esbjerg and Viborg, but this competence is due to be taken over by the Export Control Centre.
- The procedure followed is the one published on the CA website and is in line with Article 11 of Regulation (EC) No 1/2005.
- The list of transporters for long distance is published on the CA website in accordance with Article 13 of Regulation (EC) No 1/2005.
- The verification that the applicant has no record of serious infringements of Community legislation and/or national legislation on animal welfare in the three previous years is based on information provided by DVFA after verification of their records.

- The procedure for the authorisation for long journeys requires contingency plans. The contingency plans seen were very general, did not take into account possible delays and they generally include only the instruction to call the main organiser's office.

6.2.2 *Approval of means of transport by road*

Legal requirements

Article 18 of Regulation (EC) No 1/2005 lays down the requirements for CAs to grant certificates of approval of means of transport by road for long journeys.

Article 18(3) of Regulation (EC) No 1/2005 requires the competent authority to record certificates of approval of means of transport by road for long journeys in an electronic database, in a manner enabling them to be rapidly identified by the competent authorities in all Member States, in particular in the event of failure to comply with the requirements of this Regulation.

Findings

- The vehicle inspection and the issuance of the certificate of approval for long distance means of transport is carried out at inspection facilities approved and supervised by the DTA, which has issued instructions and guidelines for the verification, among others, of the requirements of Regulation (EC) No 1/2005, Annex I, Chapters II and VI.
- DTA has inspectors that visit these approved inspection facilities for the purpose of auditing their activity; and some of them have been suspended from activity but not because of animal welfare non-compliances or failures.
- The existing database for long distance means of transport is directly accessible by the Police but not by the CA.

6.2.3 *Certificates of competence*

Legal Requirements

Articles 6(4) and 6(5) of Regulation (EC) No 1/2005 require that personnel of transporters receive training on the provisions of Annexes I and II to this Regulation. Drivers and attendants of road vehicles transporting *Equidae* or domestic animals of bovine, ovine, caprine or porcine species or poultry must hold a certificate of competence, granted according to the conditions laid down in Article 17 and Annex IV to this Regulation.

Findings

- National provisions (Order 1728 of 21/12/2006 of MJ) are in place for the training of transporters of live animals and the issuance of a certificate of competence for drivers and attendants. The training for drivers and attendants is mainly offered by certain centres in the form of training courses that have been approved by the Ministry of Education. The content of these training courses has been approved by the MJ and the DVFA. These authorities have also participated in developing and approving the questions for the examination.
- The certificates of competence are checked during roadside checks and during risk-based

official controls at assembly centres or in herds.

6.2.4 *Checks at departure and checks on journey logs*

Legal requirements

Article 14 of Regulation (EC) No 1/2005 requires the competent authority, at places of departure, to verify before long journeys that transporters have valid authorisations, the valid certificate of approval for the means of transport and valid certificates of competence for drivers and attendants and that the journey log submitted by the organiser is realistic and indicates compliance with this Regulation.

Point 8 of Annex II to Regulation (EC) No 1/2005 requires transporters to return a copy of the completed journey log to the competent authority of the place of departure within one month of completion of the journey.

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

Findings

- Official controls on animal welfare at assembly centres are carried out on 100% of animals unloaded. Checks of animals at loading for long distance transport are carried out at assembly centres or/and farms on a risk-based approach; a total of 100 checks in the whole country are planned for 2010. These checks include verification of the conditions of trucks, assessment of the stocking density and documentary checks on driver's certificate of competence, approval of means of transport and authorisation of transporters.
- The mission team saw that action was taken in cases of transport of unfit animals (piglets with hernia refused loading for long distance transport because considered unfit in accordance with Annex I, Chapter I to Regulation (EC) No 1/2005).
- The two long distance transports seen at two assembly centres were in compliance with Regulation (EC) No 1/2005.
- Approval of journey logs after assessment of whether the travelling times are realistic and the checks of returned journey logs are carried out by the recently established (1.10.2010) Export Control Centre in Haderslev.
- Returned journey logs are checked 100% for Danish transporters and 30% for foreign based transporters due to a national legal interpretation of Annex II of Regulation (EC) No 1/2005 (as the wording is "at request of the CA", the Danish MJ interpreted this as 30%).

6.2.5 *Controls at destination and roadside checks*

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 and may be carried out at the same time as checks for other purposes.

Chapter II(C) of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council requires the official veterinarian at slaughterhouses to verify compliance with Community and national rules on animal welfare during transport.

Article 3(b) of Regulation (EC) No 1/2005 requires that animals transported are fit for the journey. Article 6(3) of Regulation (EC) No 1/2005 requires transporters to transport animals in accordance with the technical rules set out in Annex I, which includes provisions for fitness for transport.

Findings

- Checks at destination in slaughterhouses are performed as part of the *ante-mortem* inspections by the CA.
- Roadside checks are carried out by the Police with the assistance of the Veterinary Task Force. In 2009, a significant number of such checks were carried out (895 means of transport).
- Documentary checks (including transporters' authorisations, approval of the means of transport, certificate of competence for drivers) are carried out by Police staff, while the Official Veterinarian verifies animal welfare conditions including stocking density and fitness for transport. The mission team saw thorough checks on four short distance transports.
- Satellite navigation system records are not systematically checked because, as stated by officials from the CA and from the Police, they are very difficult to interpret because of lack of technical specifications.

Conclusions on transport

Authorisation of transporters is generally in line with requirements; however, the contingency plans seen were too generic.

A specific Export Control Centre has recently been established which checks 100% of journey logs to see if they are realistic before their approval. All returned journey logs are also checked.

7 OVERALL CONCLUSION

There is overall a good system of official controls on animal welfare on farm and during transport. Cooperation and coordination between CAs was generally good, with a few exceptions, which were in relation to the contact point for animal welfare during transport and in relation to the vehicle approval.

The overall animal welfare conditions were good; in the laying hens sector the CA expects no problem in meeting the 2012 deadline for phasing out conventional cages and 66% of the sow population in Denmark is already in group housing (in preparation for the 2013

deadline for this requirement). However, tail docking is still carried out systematically and only minimal material for manipulation and investigation is provided.

8 CLOSING MEETING

A closing meeting was held on 2010 with representatives of the central competent authority. At this meeting, the audit team presented the main findings and preliminary conclusions of the mission. The authorities did not agree with some of the findings and provided additional documentation on the subject of the mission.

9 RECOMMENDATIONS

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this specific audit report.

N°.	Recommendation
1.	The CA should ensure that the co-ordination and co-operation between and within competent authorities is enhanced, as required by Articles 4(3) and 4 (5) of Regulation (EC) No 882/2004, in order to guarantee that:•The relevant information exchanged by the contact point of Article 24 of Regulation (EC) No 1/2005 with other Member States is communicated to the relevant regional/local CAs for the necessary measures;•Efficient and effective co-ordination and co-operation is ensured between DVFA and RVFA and DTA in relation with non-compliant means of transport for live animals.
2.	The CA should ensure that private bodies, which have been delegated the inspection and approval of long distance means of transport as per Article 18 of Regulation (EC) No 1/2005, are accredited and that the Commission is formally notified of such delegations, in line with Article 5 points 2, c) and 4 of Regulation (EC) No 882/2004).
3.	The CA should ensure that their staff avail of equipment for carrying out all official controls on animal welfare effectively, as required by Article 4 (2) of Regulation (EC) No 882/2004, so that assessment is made of all the requirements of Directives 98/58/EC, 2008/120/EC, 1999/74/EC.
4.	The CA should take measures to ensure that reports of official controls include the results of the official controls and action that the business operator concerned is to take for correction of the shortcomings reported, as required in Article 9 of Regulation (EC) No 882/2004, and that appropriate actions are taken as required by Article 54 of Regulation (EC) No 882/2004, when non-compliances with Directives 98/58/EC, 2008/120/EC, 1999/74/EC and with Regulation (EC) No 1/2005 are identified.
5.	The CA should ensure that tail docking in pigs is not systematically performed and that before carrying out this procedure, other measures are taken to prevent tail-biting, in

N°.	Recommendation
	particular that inadequate environmental conditions or management systems are changed, in accordance with Annex I, Chapter I, point 8 of Directive 2008/120/EC.
6.	DPD should ensure that a system for verification and review of official controls is in place, in order to guarantee their effectiveness, as required by Articles 4 and 8 of Regulation (EC) No 882/2004.
7.	The CA should consider additional measures in order to ensure that unenriched cage systems with expired approvals will be prohibited from continuing operations after 1 January 2012 as required by Article 5, 2) of Directive 1999/74/EC.
8.	Authorisation of transporters should include contingency plans that take into account emergency situations such as possible delays, in accordance with Article 11(b)(iv) and in line with Article 3 of Regulation (EC) No 1/2005.

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

http://ec.europa.eu/food/fvo/ap/ap_dk_2010-8392.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
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
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
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
Dec. 2006/778/EC	OJ L 314, 15.11.2006, p. 39-47	2006/778/EC: Commission Decision of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes
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