

Reports by the Food and Veterinary Office that show failure to enforce Council Directive 2008/120/EC laying down minimum standards for the protection of pigs

Council Directive 2008/120/EC which codifies Council Directive 91/630:

- Requires pigs to be provided with enrichment materials to enable proper investigation and manipulation activities
- Prohibits routine tail docking
- Requires pregnant sows to be provided with bulky or high-fibre food (not just high-energy food) to prevent hunger.

The provisions of Council Directive 2008/120/EC

Paragraph 4 of Chapter I of Annex I to Council Directive 2008/120/EC provides that pigs must be given enrichment materials, specifically that they “must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities, such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such...”.

Paragraph 8 of Chapter I of Annex I prohibits routine tail docking. It provides that: “Before carrying out [tail docking], other measures shall be taken to prevent tail biting ..., taking into account environment and stocking densities. For this reason inadequate environmental conditions or management systems must be changed.”

Article 3(7) provides that dry pregnant sows and gilts, in order to satisfy their hunger and given the need to chew, must be given a sufficient quantity of bulky or high-fibre food as well as high-energy food.

FVO reports show widespread non-compliance and failure to enforce

Reports published by the Commission’s Food and Veterinary Office (FVO) over the last 15 months concerning 13 Member States show a widespread failure by the pig industry to comply with (i) the requirement to provide enrichment materials, (ii) the prohibition on routine tail docking and (iii) the requirement to give bulky or high-fibre food to pregnant sows and an equally pervasive failure by Member States to enforce this legislation.

A key factor behind the poor enforcement is the fact that many Member States are not properly observing Article 8 of Regulation (EC) No 882/2004 of the European

Parliament and of the Council which provides that competent authorities must carry out official controls in accordance with documented procedures and that these must contain information and instructions for staff performing official controls. It is clear from the FVO reports that Central Competent Authorities are not providing instructions to the officials who inspect pig farms as to:

- which enrichment materials “enable proper investigation and manipulation activities”
- what steps must be taken to change “inadequate environmental conditions or management systems” before tail docking may be lawfully carried out
- the quantity of bulky or high-fibre food that must be given to pregnant sows in order to satisfy their hunger and given the need to chew.

The FVO reports reveal a number of common misinterpretations of the Directive by the pig industry and Member State authorities. These include the following:

- that chains can be used as enrichment materials. The approach of the FVO is fully consistent with the Scientific Reports and Opinions of the European Food Safety Authority (EFSA) in that both bodies stress that chains do not enable proper investigation and manipulation as required by the Directive.
- that enrichment materials needs only be provided if batches of pigs are mixed or if pigs are being aggressive. In fact the Directive requires enrichment materials to be provided irrespective of whether or not aggression is taking place or batches of pigs are mixed.
- that veterinarians can issue certificates permitting farmers to tail dock. The presence of a veterinary certificate does not of itself enable tail docking to be carried out. The requirement under the Directive is that the farmer has taken measures to change “inadequate environmental conditions or management systems” before tail docking.

The FVO’s findings are set out below:

Belgium: *DG(SANCO) 2009-8255 - MR FINAL*

The FVO report states that “Veterinary certificates are routinely issued by private practitioners on therapeutic grounds authorising farmers to carry out ... tail docking and are accepted by the CA as sufficient grounds for this practice”. The Directive does not suggest that the competent authority (CA) can rely on such veterinary certificates. Indeed veterinarians should not issue such certificates on a routine basis but only where they are satisfied that the farmer has first taken measures to change inadequate environmental conditions and management systems as required by paragraph 8 of Chapter I of the Annex to Council Directive 2008/120.

The FVO also states no guidance is given by the Central Competent Authority (CCA) to inspectors as to how to assess the requirement that producers must take other measures to improve inadequate environmental or management systems before resorting to tail-docking.

The FVO states “Chains were accepted as a suitable type of manipulable material by one inspector even though they are not listed as such in the checklist guidance and

do not enable proper investigation and manipulation as required in Chapter 1, point 4 of Annex I to Directive 2008/120/EC”.

The inspection checklist did not provide any guidance for inspectors on how they could satisfy themselves with respect to the requirement for the provision of high-fibre and high-energy food for pregnant sows.

Bulgaria: DG(SANCO) 2010-8383 - MR FINAL

The FVO reports that the CA does not consider the provision of manipulable material to be a legal requirement and believes that it is only required in the case of aggression even though the Directive clearly requires all pigs to be provided with such materials irrespective of whether or not aggressive behaviour is taking place.

Systematic tail docking is tolerated by the CA. The OVs accepted that mutilations were necessary to prevent tail biting, but there was no evidence of investigation by the CA as to whether efforts had been made by the farmer to improve the environmental conditions or management system before carrying out tail docking. Manipulable material was not available and the ventilation in the fattening sections was poor, resulting in a strong smell of ammonia, but the OV had not sufficiently assessed whether these factors meant that the farmer had not taken measures to improve the environmental conditions before resorting to tail docking.

With regards to the requirement to provide high-fibre or bulky feed to dry pregnant sows, no specific guidance was provided to OVs to enable them to verify whether feed was adequate in order to satisfy the hunger and the need to chew of these animals. As a result they cannot effectively assess whether this legal requirement is met during inspections.

Cyprus: DG(SANCO) 2009-8244 - MR FINAL

Inspectors in both regions visited by the FVO were content to accept operators' views that manipulable material was only required when mixing batches of weaners and not at all stages as required by Directive 2008/120/EC. No advice to the farmer on the provision of suitable material to fulfil this requirement was offered during the inspection in either region. The CA checklist states that straw or sawdust may be used, but gives no other guidance on this point.

The inspection checklist did not provide any guidance for inspectors on how they could satisfy themselves with respect to the requirement for the provision of bulky or high-fibre and high-energy food for pregnant sows and gilts.

Estonia: General Audit - DG(SANCO)8600/2009

The OV did not give any advice as regards ways of avoiding routine tail-docking. The OV also did not properly address the question of ensuring the appropriateness of the feed for pregnant sows and gilts.

France: DG(SANCO) 2010-8390 - MR FINAL

The FVO reports that mutilations, in particular routine tail docking, were carried out in all the farms visited contrary to the provisions of Directive 2008/120/EC.

The FVO reports that insufficiently clear guidance is given by the CCA regarding the requirement to provide manipulable material for pigs.

The FVO reports that there was a general lack of manipulable material; furthermore, the use of chains for weaners was considered by the CA to be in line with the legislation. A list of materials such as the ones mentioned in Point 4 of Chapter I of Annex I to Directive 2008/120/EC is included in the national guideline; however, representatives from the CCA stated that they considered that list to be non-exhaustive, and that they considered chains to be a suitable manipulable material. The FVO stressed that chains cannot be considered in compliance with the requirements of Directive 2008/120/EC, as they are not suitable material for investigation.

We are particularly concerned about the CCA's belief that a chain is a suitable manipulable material. This is not the view of EFSA. EFSA has examined the research and concluded that enrichment materials should be complex, changeable and destructible.¹ An EFSA Opinion concludes that toys such as chains, chewing sticks and balls are not effective enrichment materials.²

The FVO concluded that non-compliances already highlighted in the previous FVO report still persist, and gaps in the guidelines together with poor enforcement action resulted in major deficiencies in the pig sector, including mutilations, not having been addressed by the CA.

Greece: DG(SANCO) 2009-8243 - MR FINAL

Material for manipulation and investigation was not provided in the pig farm visited by the FVO, with the exception of one hanging chain in some pens of the weaners' unit. Both EFSA and the Commission have made it clear that chains are not sufficient to provide for the manipulatory need of pigs and so are not effective enrichment materials.

Routine tail docking was performed despite the Directive's requirement that farmers must change inadequate environmental conditions or management systems before carrying out tail docking.

Italy: DG(SANCO) 2010-8388 - MR FINAL

The FVO found that in Italy OV's are saying that manipulable material only needs to be provided when animals are aggressive or when groups are mixed. This is an inaccurate interpretation of the Directive. The Directive requires manipulable materials to be provided at all times even when there is no fighting and the group is not mixed.

Despite the incorrect interpretation by OV's, the premises in Lombardia visited by the FVO had provided some types of manipulable material (pieces of wood, chains and tyres – the FVO points out that the last two are unsuitable) for some categories of pigs, and given outside access for other pigs, but not all. The premises in Sardinia had made a lot of effort to include outdoor areas, and access to straw. However on neither premises was the provision of manipulable material done consistently.

¹ Scientific Report of the Panel on Animal Health and Welfare on animal health and welfare in fattening pigs in relation to housing and husbandry. *The EFSA Journal* (2007) 564, 1-100

² Scientific Opinion of the Panel on Animal Health and Welfare on a request from Commission on the risks associated with tail biting in pigs and possible means to reduce the need for tail docking considering the different housing and husbandry systems. *The EFSA Journal* (2007) 611, 1-13.

The FVO reports that in neither region that they visited in Italy was the competent authority attempting to assess if owners had taken all the steps necessary to improve environmental conditions prior to permitting tail docking.

OVs in both regions did not know what constituted a sufficient level of fibre and high energy feed for pregnant sows and gilts as required in Article 3(7) of Directive 2008/120/EC, as there is no CCA guidance available on this.

The FVO concluded that the CCA “has not provided sufficient guidance and interpretation on certain requirements of Directive 2008/120/EC to enable OVs to effectively enforce official controls relating to fibre and energy requirements for pregnant sows and gilts (Article 3(7), the provision of enrichment material (point 4 of Chapter 1 of Annex 1) and the practice of routine mutilations (second paragraph of point 8 of Chapter 1 of Annex 1)”.

Luxembourg: DG(SANCO) 2010-8385 - MR FINAL

The FVO report states that the checklist used for inspections indicates the need for "sufficient manipulable objects", without any suggestions of suitable materials to use. The report added that in both farms visited the material for manipulation and investigation available to weaners and fatteners were chains, although in one of these farms various objects such as a tyre or a plastic container were hanging from the chains. EFSA has concluded that chains and tyres are not effective enrichment materials³ and that plastic objects appear to be relatively ineffective at preventing tail biting.⁴

The FVO reports that the checklist used by inspectors did not require any investigation of the reasons for routine tail docking and that this was not explored in the holdings visited where tail docking was carried out.

There was no guidance on how to assess a sufficient amount of fibre for pregnant sows, as required by Article 3(7) of Directive 2008/120/EC.

Poland: DG(SANCO) 2010-8387 - MR FINAL

In both farms visited by the FVO there was plenty of straw in the pens of all categories of pigs, which satisfied the requirement concerning permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities. In one of the two farms tail docking was not carried out. In the other farm piglets were being routinely tail docked and the inspector did not investigate if the farmer had first taken other preventive measures before resorting to tail docking.

Portugal: DG(SANCO) 2009-8242 - MR FINAL

Lack of manipulable material was observed in both farms visited by the FVO. The FVO reported that the CCA had not provided other levels of the CA with sufficient clarification on this issue.

³ Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on animal health and welfare in fattening pigs in relation to housing and husbandry. *The EFSA Journal* (2007) 564, 1-14

⁴ As 2

Romania: DG(SANCO)2010-8389 - MR FINAL

In both farms visited by the FVO, the materials provided did not allow proper manipulation and investigation.

Routine tail docking was carried out in both farms without sufficient action from the CA to ensure that the farmers had tried changing aspects of the environment or management before resorting to tail docking.

The CCA has indicated in a checklist that all dry pregnant sows and gilts must be given a sufficient quantity of bulky or high-fibre food as well as high-energy food. However, no guidance on what is considered high-fibre or high-energy food was provided to the County CAs and this issue was not investigated by OVs during inspection.

Slovenia: DG(SANCO) 2009-8241 - MR FINAL

Iron chains were accepted by the OV as meeting the requirements to provide enrichment materials. However, EFSA has made it clear that metal chains are not effective enrichment materials.⁵

The CCA did not provide any guidance concerning the requirement that a sufficient quantity of bulky or high-fibre food as well as high-energy food should be provided for dry pregnant sows and gilts. This meant that the OV could not give an objective judgment on possible non-compliances.

The FVO concluded that the guidance document for pig holdings, necessary to ensure that all the requirements are effectively assessed, did not contain sufficient information and instructions to enable the OV to correctly identify non compliances.

Spain: General Audit - DG (SANCO)/2008-8347 – final report

The FVO visited the autonomous regions of Aragon and Castilla y Leon. The representatives of all levels of the regional CA in Aragon indicated that enrichment material was only necessary to reduce fighting, whereas Directive 2008/120/EC requires this for all pigs and not just to reduce aggression.

The practice of tail-docking pigs was accepted by the CAs of both Aragon and Castilla y Leon without question, whereas Directive 2008/120/EC requires that this procedure is not carried out routinely.

The provision of sufficient fibre for dry pregnant sows was overlooked in both regions and no clarification had been provided by any level of the CA on how to assess this.

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⁵ As 2