



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health and food audits and analysis

DG(SANTE) 2017-6126

FINAL REPORT OF AN AUDIT
CARRIED OUT IN
SPAIN
FROM 18 SEPTEMBER 2017 TO 22 SEPTEMBER 2017
IN ORDER TO
EVALUATE MEMBER STATE ACTIVITIES TO PREVENT TAIL-BITING AND AVOID
ROUTINE TAIL-DOCKING OF PIGS

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

The report describes the outcome of an audit in Spain from 18 to 22 September 2017. This audit is part of a Commission project aimed at improving the implementation and enforcement of Directive 2008/120/EC which lays down minimum standards for the protection of pigs in the EU.

The objective of the audit was to evaluate the suitability and effectiveness of the measures in place to prevent tail-biting and to avoid routine tail-docking of pigs. Industry estimates the incidence of routine tail-docking at 98.5% of all pigs.

The report concludes that the Spanish authorities have not taken effective actions to enforce the provisions of the Directive on preventing tail-biting and avoiding routine tail-docking of pigs, but they are becoming stricter in their interpretation of the Directive's requirement and have stated their aims for better compliance.

Lack of detailed national guidance, failure to enforce all relevant legal provisions of Spanish legislation and over-reliance on generic statements on the need for tail-docking from veterinarians, has led to low levels of enforcement regarding provision of enrichment material and avoidance of routine tail-docking. These coupled with low financial penalties have created an environment where the threat of competent authority enforcement will not be viewed as a deterrent to industry potential non-compliances.

There is no defined national strategy to reduce tail-biting or avoid routine tail-docking of pigs but the central competent authorities have started an initiative and provided information to the Autonomous Communities on risk factors which, suitably modified, could enable them to review risk parameters laid down in the Commission Recommendation and draw up criteria for improved compliance with Directive 2008/120/EC.

The competent authorities at central and Autonomous level have taken satisfactory first steps by working closely with industry to gather data on evidence of tail-biting and risk factors on farms. The involvement of industry working with competent authorities is important to ensure that effective on farm risk assessments can be developed. These could, if they include clear and measurable criteria, and are implemented effectively, form the basis for making changes to environmental conditions and management systems to improve the health and welfare of pigs and potentially avoid routine tail-docking.

The data on tail damage which are available at slaughterhouse level provide opportunities for the competent authority to improve its system (e.g. risk selection of farms, set intervention levels and measuring progress in reducing occurrence of tail-biting) and for using its resources more effectively to reach the objective of reducing systematic tail-docking of pigs.

The report contains recommendations to the Spanish authorities to address the shortcomings identified.

Table of Contents

1	Introduction	1
2	Objectives and scope	1
3	Legal basis	2
4	Background	2
5	Findings and conclusions	3
5.1	Implementing measures	3
5.2	Economic factors	10
5.3	Official Controls	11
6	Overall conclusions	14
7	Closing meeting	15
8	Recommendations	15

ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
AECOSAN	The Spanish Agency for Consumer Affairs, Food Safety and Nutrition <i>Agencia Española de Consumo, Seguridad Alimentaria y Nutrición</i>
ANPROGAPOR	National Pig Farmers' Association <i>Asociación Nacional de Productores de Ganado Porcino</i>
EU	European Union
MAPAMA	Ministry of Agriculture, Fish, Food and Environment <i>Ministerio de Agricultura y Pesca y Alimentación y Medio Ambiente</i>
Directive	Council Directive 2008/120/EC
The Recommendation	Commission Recommendation (EU) 2016/336 of 8 March 2016 on the application of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs
SchwIP	Tail biting intervention programme <i>Schwanzbeiss-Interventions-Programm</i>

1 INTRODUCTION

This audit took place in the Spain from 18 to 22 September 2017 as part of the planned audit programme of DG Health and Food Safety. An opening meeting was held with the Spanish competent authorities on 18 September 2017. At this meeting, the objectives of, and itinerary for, the audit were confirmed by the audit team and additional information required for the satisfactory completion of the audit was requested.

The audit team comprised two auditors from DG Health and Food Safety and a national expert from a Member State and was accompanied throughout the audit by representatives from the central competent authorities the Ministry of agriculture, fish, food and the environment (MAPAMA - *Ministerio de Agricultura y Pesca y Alimentacion y Medio Ambiente*) and the Spanish Agency for Consumer Affairs, Food Safety and Nutrition (AECOSAN- *Agencia Española de Consumo, Seguridad Alimentaria y Nutrición*).

2 OBJECTIVES AND SCOPE

The objective of the audit was to evaluate the suitability and effectiveness of the national measures in place to prevent tail-biting and to avoid routine tail-docking of pigs.

The scope of the audit included:

- Primarily measures taken and documentation from the period March 2015 to August 2017 but actions taken by the competent authority and others prior to this date were also included as findings in the audit report;
- Activities of competent authorities;
- Activities of farmers' associations, meat and feed industry, academia and Non-Governmental Organisations to prevent tail-biting and avoid routine tail-docking of pigs;
- Voluntary (quality) schemes, financial incentives or any other factors that aim to encourage and support farmers in avoiding tail-docking.

The main legal requirements are included in:

- Council Directive 2008/120/EC¹;
- Regulation (EC) No 854/2004 of the European Parliament and of the Council²;
- Regulation (EC) No 882/2004 of the European Parliament and of the Council³.

¹ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5)

² Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206)

³ 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 (OJ L 165, 30.4.2004, p. 1)

In assessing compliance with Council Directive 2008/120/EC the audit team have taken into account Commission Recommendation (EU) 2016/336⁴ (hereafter the Recommendation) and the accompanying Staff Working Document⁵.

In pursuit of the objectives, the following meetings were held:

Meetings with competent authorities			Comments
Competent authority	Central	2	Initial and closing meetings, including meetings with representatives of pig producer associations
	Autonomous Communities	3	Meetings with two Autonomous Communities include the meetings marked * below
Farms		2	Farm 1: 1060 breeding sows, 4000 piglets and weaners Farm 2: 5760 fattening pigs
Slaughterhouse		1	Slaughterhouse visit
Meetings with representatives of relevant bodies*		4	Including representatives of pig producers associations, animal health service veterinarians, private practitioners and university.

3 LEGAL BASIS

The audit was carried out under the general provisions of EU 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 and Article 10 of Council Directive 2008/120/EC (hereafter the Directive) laying down the minimum standards for the protection of pigs.

EU legal acts quoted in this report are provided in Annex I and refer, where applicable, to the last amended version.

4 BACKGROUND

Spain is the largest producer of pigs in the EU with approximately 86,000 farms and 48 million pigs slaughtered in 2016. The vast majority of pigs are reared under intensive conditions, extensive

⁴ Commission Recommendation (EU) 2016/336 of 8 March 2016 (OJ L 62, 9.3.2016, p. 20) on the application of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs

⁵ Commission Staff Working Document on best practices with a view to the prevention of routine tail-docking and the provision of enrichment materials to pigs (C(2016) 1345 final)

farming forming approximately 1.65-3.26% of production⁶. Industry estimates the incidence of routine tail-docking at 98.5% of all pigs.

Approximately 62 % of Spanish production is controlled by integrated companies ("*integradoras*") which supply the animals, feed and management input to the owners of the farms. Farm owners raise the animals for the integrators on a contracted basis. Integrators have control of where weaned piglets are to be sent and could therefore have a big influence on whether pigs are tail docked at birth, as they are in a position to know where the animals are going to be fattened, and will be in charge of the fattening stage as well as the birth to weaning and post-weaning stage. This production system implies that farrowing, post-weaning, and fattening farms with good environmental and management conditions could be matched, thus providing opportunities for the rearing of pigs with intact tails.

This audit is part of a Commission project aimed at improving the implementation and enforcement of the Directive laying down minimum standards for the protection of pigs, particularly reducing systematic tail-docking of pigs in the EU.

In 2014, the European Parliament published a study indicating extremely low implementation of the Directive in relation to tail-docking.

In 2016, the Commission published the Recommendation which provides guidance on best practices as regards measures to reduce the need for tail-docking and an accompanying Staff Working Document on best practices with a view to the prevention of routine tail-docking and the provision of enrichment materials to pigs.

The Directive leaves to Member States the choice of appropriate form and methods of ensuring compliance with these general conditions.

5 FINDINGS AND CONCLUSIONS

5.1 IMPLEMENTING MEASURES

Legal requirements

Paragraphs 4 and 8 of Annex I of Directive 2008/120/EC

Regulation (EC) No 882/2004

Findings

1. The Royal Decree No 1135/2002 transposes the requirements of point 4 and the second paragraph of point 8 of Chapter I of Annex I of the Directive on the provision of enrichment material and avoidance of routine tail-docking into Spanish law. There are no additional

⁶ Data from ANPROGAPOR: *In their response to the draft report the Competent Authority noted that: "the concept of "extensive" is defined in specific legislation governing extensive production (Royal Decree 1221/2009). Pursuant to that measure, production may be considered extensive only when stocking density is fewer than 15 pigs per hectare (2.4 livestock units (LU) per hectare). Some 750,000 acorn-fed Iberian pigs (1.65% of the total) are produced under extensive conditions. In any discussion of free-range pigs, it is necessary to include pastured stock and those raised under the other systems with open-air enclosures, which could amount to more than 1.5 million pigs per annum (around 3.26% of production)".*

requirements in national legislation above those of the Directive laid down for these two areas. The Autonomous Communities do not have their own legislation on this matter, national legislation applies as above.

2. The requirements of Council Directive 98/58/EC are implemented by Royal Decree No 348/2000.
3. The application and levels of sanctions applicable for on farm non-compliances are laid down in Law No 32/2007 of 7 November 2007. Offences are divided into minor, severe and very severe. Non-compliances relating to enrichment material are categorised as minor (maximum fine of €600); non-compliances relating to mutilations are categorised as severe (maximum fine of €6000). However, see also paragraph 45 below.

Strategy for prevention of tail-biting and avoidance of routine tail-docking

4. There is no defined national strategy to reduce tail-biting or avoid routine tail-docking of pigs. However, the central and Autonomous levels are working closely with industry to gather data on evidence of tail-biting and risk factors on farms. The central authority will meet with the Autonomous Communities at the end of 2017 to review the information gathered and decide on future actions.
5. The central and Autonomous authorities and industry have worked together to prepare a document (hereafter Document 1), which aims to respond to the Recommendation by giving guidance to operators and officials on risk factors for tail-biting:
 - characteristics of enrichment materials including assessment method for use of enrichment
 - recommended values for temperature, ventilation, noxious gases and dust levels
 - general information on health, diet and access to water:

and additional information covering:

- causes for tail-biting
 - a scoring system for tail lesions
 - management of tail-biting outbreaks
 - advice on minimum length of docked tails and how to dock
 - how to provide proof of the need for (time-limited) tail-docking by documenting measures taken in the past and producing an action plan to improve further factors to improve farm conditions
6. Document 1 is descriptive and does not lay down clear compliance criteria for these parameters to assess whether identified risks have been suitably addressed and whether the requirements of the Directive have been complied with regarding prevention of tail-biting and avoidance of routine tail-docking.

7. One Autonomous Community visited (AC1) circulated in April 2017 an amended version of Document 1 which does give basic criteria for compliance with elements of certain parameters in the Recommendation:
 - temperature, humidity and ammonia levels
 - basic assessment of animal health and behaviour
8. These assessment criteria above (paragraph 7) are subjective and don't combine animal and resource based indicators as indicated in Commission Recommendation (EU) 2016/336. For environmental gas parameters, they rely on organoleptic and individual assessment of levels of noxious gases (i.e. inspectors' eyes starting to produce tears, or not). There is no requirement for a more consistent, objective level of compliance such as setting levels of gas concentrations. Indeed there were no instruments in either of the Communities visited to measure levels of ammonia, which is indicated in Document 1 as a possible criterion for judging whether air quality is satisfactory. The ability to measure ammonia levels is also a requirement for competent authorities to be able to verify compliance with other Union legislation such as Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat.
9. The central authority has also developed in conjunction with industry and the Autonomous Communities, a survey document for the collection of information on stocking density, environmental parameters and enrichment material in farms (hereafter Document 2⁷). This document also requires the Autonomous Communities to collect information on the incidence of tail-docking, the timeframe for cessation of tail-docking, and measures which have been taken to reduce the risks to avoid tail-biting and an action plan to modify environmental factors for future actions to reduce tail-biting. It was circulated to the Autonomous Communities for action in April 2017.
10. The Autonomous Communities have circulated this document and modified its content in relation to the local organisations tasked with collecting the information from farms e.g. in some Communities information is collected by local animal health services (*ADS - Agrupación de Defensa Sanitaria*), official services at district level or delegated bodies performing official controls. As for document 1, there are no clear compliance criteria with the requirements in legislation and the document does not include guidance on how to carry out a risk assessment. The two Communities visited have circulated Documents 1 and 2 to farming organisations and posted it on their websites.
11. 65 farms were selected to be a representative sample of farming systems in AC 1. The Autonomous authority had collated results from 49 farms by August 2017. These results included 22 surveys which were completed at the same time as routine official controls. The Autonomous authority will continue to do the survey when they perform official controls until the next coordination meeting between Autonomous Communities in November 2017. Initial results indicate:

⁷ *In their response to the draft report the Competent Authority noted that: "Document 2 reflects a consensus for the purpose of harmonising the collection of information, but it does not impose any obligations on the competent authorities. It is a compilation of different aspects that may be taken into account to understand the situation on holdings."*

- 100% of weaning pigs and 98% fattening pigs were tail-docked;
- during visits tail-biting was detected in about 11% of weaners and 11% of inspected fattening pens. Lesions tended to be more severe in fattening pens (more lesions with score 2 of the Welfare Quality© scoring system). However 76% of fattening farms and 6-9% of farms rearing weaned pigs reported regular tail-biting outbreaks in the past;
- a lack of knowledge among farmers (35%) on the causes and potential solutions for tail-biting;
- 40% of sow farms declare they are tail-docking to the local authority. This declaration is to be made in sow farms only;
- a majority of farmers propose reducing stocking density and to provide more enrichment materials as potential solutions to tail-biting; very few other options were put forward; 7 out of 49 selected farmers didn't have any ideas regarding measures that could be taken to prevent tail-biting;
- no farmers have carried out risk-assessments;
- about 50% of farms have (partly) solid concrete floors;
- temperatures were within recommended range (thermoneutral zone) in about 80% of weaner and 42% of fatter premises;
- humidity levels were within the recommended range in about 50% of weaner premises and 48% of fatter farms (in the rest of the premises humidity levels were lower than recommended values);
- levels of noxious gases were found satisfactory in almost all farms;
- about 70% of materials used as enrichment in weaners and 75% of materials used as enrichment in fattening pigs were chains and plastic pipes.

12. AC1 intends to modify the farmer's declaration on mutilations, taking into account the survey results and farm risk analyses; It also intends to modify the checklist for official controls to have additional inspection requirements on farms that pose a high risk of tail-biting to ensure satisfactory measures are effectively implemented and reinforce the official control programme of farm checks. AC 1 considers that they do not yet have sufficient tools for good enforcement of the requirements to avoid routine tail-docking.

13. In another Autonomous Community (AC2), the collection of information on risk factors for tail-biting is done during routine animal welfare inspections carried out under contract by a private agro-environmental company, and in addition during a number of controls carried out by official veterinarians at local level. Farmers are expected to fill out a form describing conditions on their farm and in addition do an evaluation on tail-biting risks twice every year (sow farms) or every round (fattening farms). Preliminary results of surveys on a sample of farms (140) carried out during summer 2017 show that:

- 88% of farms has experienced outbreaks of tail-biting in the past

- Tail-biting was observed in 18% of inspections
 - enrichment material provided: 32% chains, 19% chains with something additional, 27% wood, 8% wood and something additional, 14% other materials
 - hygiene, temperature, concentration of gases and humidity were considered "good" or "very good" in a large majority of farms
14. Both Communities visited have set up working groups to review the survey results and decide on future actions. The groups consist of competent authorities, industry (including *integradoras*), trade unions, farmers, agri-cooperatives, research and private veterinarians.
15. The objectives of the AC1 group include:
- Obtaining reliable figures for the levels of tail-biting and tail-docking.
 - Analysing the tail-biting/docking situation in other Member States, pilot projects in this sector and assessing methodologies for the prevention of tail-biting.
 - Assessing the practicalities of farms moving to rearing pigs with intact tails (potential partnerships with farms willing to cooperate).
 - Publication of a first consultative paper on the above points by mid-October 2017.
 - Finishing group activities by January/February 2018.
16. The objectives of the AC2 group include:
- Analysing and quantifying the incidence of tail-biting and the possible consequences of stopping tail-docking.
 - Analysing how to carry out on farm risk assessments and the necessary frequency.
 - Analysis of suitability of veterinary certificates.
 - Analyse how to respond to tail-biting outbreaks.
 - Evaluation of suitability of enrichment materials.
 - A three year study to implement the above points including funded pilot studies on farms.
17. Both Communities held training courses in 2017 for officials and farmers on risks linked to tail-biting and ways to reduce the need for tail-docking.
18. The audit team reviewed farm quality assurance systems, and only one of them included additional animal welfare requirements to those of Directive 2008/120/EC. That system had specifications laid down for lower stocking densities and prescribed ratios of feeders and number of drinkers per pen.

Pig sector associations

19. The national pig farmers' association (ANPROGAPOR- *Asociation Nacional De Productores De Ganado Porcino*) has been very active in the dissemination of information and in providing guidance (e.g. many meetings and some articles) to farmers relating to the introduction of new

animal welfare requirements on group housing in 2012/13, the use of enrichment materials and the Recommendation.

20. There is no specific industry guidance available on avoiding routine tail-docking of pigs or preventing tail-biting though the industry has participated at central and Autonomous level in the production of Documents 1 and 2, and is participating in working groups at national and Autonomous level with these objectives.
21. ANPROGAPOR and the central authority had issued guidance on enrichment material in 2012. It gave basic information on different materials but not on their suitability, the need for replenishment or evaluating their uptake and use. Information on enrichment materials issued by ANPROGAPOR follows information from the EUWelNet website. Document 1 now provides the information contained in the Recommendation regarding enrichment material. ANPROGAPOR intends to assess the availability and ease of use of various types of enrichment material for Spanish pig farming systems. It also intends to request that a working group on rural development be set up in southern Spain.
22. The industry representatives indicated they want to decrease the incidence of tail-biting and move to avoidance of routine tail-docking using the same strategy of collaborative working methods used before to move to the group housing of pigs. Industry wants to use the good experience of this changeover to illustrate how animal welfare improvements helped raised overall standards of management and production in pig premises in Spain.
23. It is less clear how this change will come about; in general the views gathered during the audit from both industry and official staff in the Autonomous Communities demonstrated that they consider production conditions as very good and without requiring much intervention. In their opinion, the system works. However, according to industry sources current production conditions mean that 98.5% of pigs need to be tail-docked to be reared in existing systems which cannot be judged to be compliant with the Directive.
24. During one of the farm visits, two veterinarians of a large "integradora" stated that rearing pigs with entire tails in these systems would not be possible as this would require much more space and straw. In a recent press article and in communication to their members, ANPROGAPOR stated that in a substantial number of units, even after implementing all recommended improvement measures, tail-docking will continue to be inevitable. In a similar way, the summary of the Technical Group in AC2 concluded that although the conditions on holdings are good, it is not possible to keep undocked pigs in them.
25. Pig sector associations in the two Autonomous Communities visited have been active in the expert groups and in disseminating information to their members. One plans to hold several workshops on tailbiting in 2018 and is working with veterinary associations on implementing a decision tree for tail-docking and on reducing antibiotic consumption on pig farms.
26. Industry guides in AC1 and AC 2 included stricter requirements for enrichment material than the official guidelines on inspections in AC1 and AC2 i.e. it must be made available to all classes of pigs. In addition, they also listed production limits for gas concentrations, and relative humidity

and temperature ranges which were slightly lower than specified in Document 1 and optimal flow rates for drinkers and guidance on monitoring for consumption and to detect problems in health.

27. The primary form of enrichment material used on farms in the two Communities are either a single metal chain or a short chain with a piece of plastic or wood attached. In both cases, according to the Commission's Staff Working Document and Document 1, these would only constitute one element of enrichment material and would be considered as a material classified as marginal (if a chain) or suboptimal if a piece of softwood on a chain where the material is at the level of the pigs snouts and on the floor.

Veterinary Association

28. There is generic guidance available from the Spanish veterinary associations on general principles of certification. It was stated by the central authority that principles of certification are covered in the syllabus of the undergraduate veterinary course.
29. Veterinary statements on the need for tail-docking were not based upon any demonstrable evidence of assessment of measures which should be taken to improve inadequate environmental conditions or management systems that are required by point 8 of Chapter I, of Annex I to Directive 2008/120/EC before resorting to tail-docking. Although these are not certificates required by veterinary legislation they are not consistent with the spirit and principles of the certification directive (Article 3 (1) and (2) of Directive 1996/93/EC⁸) and the general principles of certification of the Federation of Veterinarians in Europe (FVE)⁹.
30. The arguments put forward in most statements on the need for tail-docking and by most veterinarians met were that the requirements of the Directive had been met, and therefore tail-docking was a necessity to raise pigs in Spain.

Agricultural advisory services

31. There are no state funded agri-advisory services in Spain. On-farm advice to pig farmers comes almost exclusively from *integradoras*, pig producer associations, animal health service veterinarians (ADS) and private veterinarians. Local veterinary services together with MAPAMA have worked with local agriculture representatives and provided some training for the pig sector (see paragraph 17).

Conclusions on implementing measures

32. There is no official government strategy to gradually keep pigs with longer tails and reach compliance with the Directive. The commitment to introduce a programme of farm surveys to record farm risk factors and the incidence of tail-biting and tail-docking is an important necessary first step to improve compliance with the Directive.

⁸ Council Directive 96/93 of 17 December 1996 on the certification of animals and animal products (OJL 13, 16.1.97, p. 28)

⁹ <http://www.fve.org>

33. The involvement of industry working with competent authorities at central and Autonomous level is important to ensure that effective on farm risk assessments can be developed. These assessments could, if they include clear and measurable criteria, form the basis for making changes to environmental conditions and management systems to improve the health and welfare of pigs and potentially avoid routine tail-docking.
34. Competent authorities have not taken effective actions to enforce the provisions of the Directive on preventing tail-biting and avoiding routine tail-docking of pigs. In many cases reliance is placed on generic statements from private veterinarians without any verification by the authorities that the conditions which must be fulfilled before tail docking can take place under point 8 of Chapter I, of Annex I to Directive 2008/120/EC are present. However, the Spanish authorities are becoming stricter in their interpretation of the Directive's requirement and have stated their aims for better compliance.
35. To date, all actions have had no impact in reducing routine tail-docking of piglets, which is maintained on the industry view that:
- Spanish industry is fully compliant with the Directive even though 98.5% of pigs' tails are docked;
 - further actions beyond the Directive's requirements will make Spanish industry lose its competitiveness and
 - tail-docking is justified by generic statements of its need issued by private veterinarians.

5.2 ECONOMIC FACTORS

Legal requirements

Regulation (EU) No 1305/2013¹⁰

Findings

European and National Funding Measures in the Pig Sector

36. Spain does not have any coordinated funding strategy concerning refurbishments of improvements to pig premises through EU Rural Development funding.
37. One Autonomous Community visited has received EU funding for improving facilities and housing, including requirements for reductions in stocking density. Improvements to environmental conditions and management systems (i.e. including housing) to avoid tail-docking (as required by the Directive) are not a clearly defined part of the eligibility criteria for acceptance into the schemes or for the provision of funding.

Other Economic Factors

¹⁰ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 (OJL 347, 20.12.2013, p.487) on support for rural development by the European Agricultural Fund for Rural Development

38. A study by one producer group in AC 1 indicated in 2016 that 30% of carcass part-condemnations were caused by abscesses and 16% by osteomyelitis. The Autonomous *post-mortem* reporting system indicated that abscesses were the second most common *post-mortem* condition detected with 17,5% of lesions reported in 2016. This percentage refers to the presence of abscesses on any part of the carcass and it does not solely relate to abscesses in the caudal part of the carcass. Data on lesions linked to tail-biting is not entered into the recording systems in the slaughterhouses of the Autonomous Communities visited, although there is strong likelihood and research evidence¹¹ pointing to the majority of these abscesses and cases of osteomyelitis originating from tail-biting.

Conclusions on economic factors

39. European and national financial measures are not used in any coordinated way to reduce tail-biting and avoid routine tail-docking of pigs. Improvements to housing enabling pigs to be raised with intact tails are not a clearly defined part of the eligibility criteria for acceptance into the schemes or for the provision of funding.
40. There is little incentive to farmers to reduce levels of tail-biting in the current farming systems in Spain despite the evidence of production losses from tail-biting related injuries and condemnations at slaughter.

5.3 OFFICIAL CONTROLS

Legal requirements

Directive 2008/120/EC

Article 5 of Regulation (EC) No 854/2004 in connection with Section I, Chapter II, point B(1) and point C. of its Annex I and the relevant provisions of Section II, Chapter I of that Annex.

Article 3 and Article 42 of Regulation (EC) No 882/2004

Findings

Planning and procedures for farm inspections

41. There was guidance available in both Communities for carrying out inspections but the level of detail does not enable inspectors to consistently and effectively enforce the provisions of point 4 and the second paragraph of point 8 of Chapter I of Annex I of the Directive concerning whether effective changes to management or environmental systems had been made on farms prior to routine tail-docking.
42. Document 1 provides additional guidance to inspectors compared to what was previously in their inspection manuals and includes information from the Recommendation (see paragraph 5). The Communities' inspection guidance does not contain sufficiently clear criteria to judge

¹¹ The EFSA Journal (2007) 611, 3-13

compliance with the legal requirements of Directive 2008/120/EC and the corresponding parameters of the Recommendation for enrichment material, cleanliness, thermal comfort, air quality, competition for food and space, health status and diet (see Annex II).

43. Regarding the checklists used for inspections: The central generic checklist sent to the Autonomous Communities does not require permanent access to water but permits fluid ingestion to be provided in another way (i.e. through liquid feeding) which is not in compliance with point 7 of Chapter 1 of Annex 1 to Directive 2008/120/EC which requires that all pigs over two weeks of age must have permanent access to a sufficient quantity of fresh water. The checklist seen in AC 1 also did not include this requirement, but the guidance for inspectors did.

Official controls on pig farms

44. In 2016, officials inspected 8% of pig holdings in AC1 and a private company carried out inspections on 5% of pig holdings in AC2. Levels of overall non-compliances detected were 17% in AC1 and 7% in AC2. Levels of non-compliances detected for insufficient or inadequate enrichment materials were low (4% in AC1 and zero in AC2). This contrasts with what the audit team saw. The farms visited by the audit team had either metal chains (sometimes with wood attached at a high level) and not for all animals, or one or two logs in each pen (up to 120 pigs in some pens) which cannot be considered sufficient for proper investigation and manipulation activities and of sufficient quantity and are therefore not compliant with point 4 of Chapter I, Annex I to the Directive. Inspectors explained that they are only now starting to deliberate on the type, suitability, use and frequency of replenishment of enrichment material since the introduction of the survey in 2017. Some inspectors reported that they have used measurements of animal based interaction with enrichment material (from the Recommendation) to judge its suitability.
45. The system for sanctions involves the local veterinary services proposing a sanction (after detecting non-compliance during farm visits), approval of this at Autonomous level, then the provincial legal service where the farm is located decide on the level of the fine. The proposals for three sanctions in AC2 in 2016 were €600 for each offence related to lack of enrichment material and insufficient access to feeding space. The sanctions levied by the legal services were set at €60 per offence: there was no information as to why the lowest levels of penalties had been levied. This is not a proportionate amount of money for commercial enterprises for these deficiencies which is not in line with the requirements of Article 55 of Regulation (EC) No 882/2004.
46. The authorities in both Communities request in their procedures - and use - statements from private veterinarians on the necessity for tail-docking to excuse farmers from complying with the requirements to avoid routine tail-docking. These statements were, in the cases reviewed by the audit team, either not based upon evidence of tail-biting being noted, or did not present any or very limited evidence of improvement measures having been taken before recommending that tail-docking be carried out. Reliance on these statements without a proper assessment of the incidence of tail-biting and improvement measures taken on farm means that the CAs are not ensuring the effectiveness of official controls as required in Art 4.2 (a) of Regulation (EC) No 882/2004.

Official controls in slaughterhouses

47. AECOSAN's instructions on the provision of food chain information states that the official veterinarian may use the model document laid down in the Appendix to Annex I of Commission Regulation (EC) No 2074/2005 to communicate the relevant inspection results to the farm where the animals were raised before slaughter. That document (Point 2.1) has a section for 'observations' which specifically mentions tail-biting as an example. The competent authority in the Communities visited and in the main pig producing Communities in Spain do not monitor levels of tail-damage in slaughterhouses and do not set intervention levels for tail-lesions, which is not in line with the principles of Article 5 of Regulation (EC) No 854/2004¹². They do not use any scoring system or provide any guidance to inspectors to assess the severity of tail-lesions in slaughterhouses. There are no measures taken to standardise scoring of tail-lesions between different slaughterhouses.
48. The results of *ante-mortem* inspections are recorded in a database in AC 1. Official veterinarians reported that tail-biting was very infrequently seen at *ante-mortem* inspection. The business operator also checks a sample of 20 animals once per week for evidence of tail lesions but none have been detected.
49. Official veterinarians in AC1 entered information on the incidence of a wide range of *post-mortem* conditions leading to part or full condemnation into the official database. Data on lesions linked to tail-biting is not entered into the system. The authorities indicated that the system could be modified with the addition of a data entry field for this, or categorisation of abscesses (spinal, limb etc), to give useful feedback on the levels of sub-clinical lesions in the Autonomous Community and the economic cost of tail-biting. Farmers will receive information from slaughterhouses on carcase condemnations resulting from abscessation but there is no link made to the presence (or not) of tail lesions.
50. In 2016, more than 22,56,454 pigs were subject to *ante*-and *post-mortem* inspection in AC1. There were no official follow-up investigations of tail-damage reported from slaughterhouses in 2016.
51. In AC2, official veterinarians entered information on the incidence of a range of *post-mortem* conditions leading to part or full condemnation into an official Autonomous database. Neither tail lesions nor abscessation are specified, but are included in the category of "other" reported. This category is in the top three of all rejections noted and has extremely important economic consequences. There were no official follow-up investigations of tail-damage reported from slaughterhouses in AC2 in 2016. One other Autonomous Community C is trialling, since July 2017, a system to collect data on tail-biting and, where tail-biting lesions are detected, they will be reported to the Livestock Farming Department for follow-up.

¹² Article 5 of Regulation (EC) No 854/2004 requires official veterinarians to carry out inspection at slaughterhouses, to verify compliance with relevant EU and national rules on animal welfare, and take appropriate measures as regards the communication of these inspection results. In this case it is relevant to the prevention of tail-biting and avoidance of routine tail-docking;

Conclusions on official controls

52. The current instructions and guidance are not sufficient to allow official staff to judge compliance regarding enrichment material and other legal requirements related to cleanliness; thermal comfort and air quality; competition for food and space; health status and diet. This, and over-reliance on generic statements on the need for tail-docking from veterinarians hampers the effective enforcement of provisions with regard to the avoidance of routine tail-docking of pigs.
53. The existing guidance in the Autonomous Communities for carrying out inspections does not enable inspectors to consistently and effectively enforce the provisions of the Directive concerning whether effective changes to management or environmental systems had been made on farms prior to routine tail-docking.
54. Lack of detailed guidance and failure to enforce all relevant legal provisions of Spanish legislation is leading to under detection of non-compliances and thus to low levels of enforcement. These coupled with low financial penalties create an environment where the threat of competent authority enforcement will not be viewed as a deterrent to industry potential non-compliances.
55. The authorities have access to the information on serious or very serious shortcomings detected by the official veterinary services in slaughterhouses. In light of such information, each competent authority should take the corresponding steps on the farm concerned. Nonetheless, the authorities do not use available valuable tools (e.g. data on tail-damage, or from lesions very commonly linked to it, obtained at slaughterhouse level) to measure progress with efforts to reduce the occurrence of tail-biting on farm and to set intervention levels in slaughterhouses for follow-up actions on farms.

6 OVERALL CONCLUSIONS

The Spanish authorities have not taken effective actions to enforce the provisions of the Directive on preventing tail-biting and avoiding routine tail-docking of pigs, but they are becoming stricter in their interpretation of the Directive's requirement and have stated their aims for better compliance.

Lack of detailed national guidance, failure to enforce all relevant legal provisions of Spanish legislation and over-reliance on generic statements on the need for tail-docking from veterinarians, has led to low levels of enforcement regarding provision of enrichment material and avoidance of routine tail-docking. These coupled with low financial penalties have created an environment where the threat of competent authority enforcement will not be viewed as a deterrent to industry potential non-compliances.

There is no defined national strategy to reduce tail-biting or avoid routine tail-docking of pigs but the central competent authorities have provided improved guidance to the Autonomous Communities on risk factors which, suitably modified, could enable them to review risk parameters laid down in the Commission Recommendation and draw up criteria for improved compliance with Directive 2008/120/EC.

The competent authorities at central and Autonomous level have taken satisfactory first steps by working closely with industry to gather data on evidence of tail-biting and risk factors on farms. The involvement of industry working with competent authorities is important to ensure that effective on farm risk assessments can be developed. These could, if they include clear and measurable criteria, and are implemented effectively, form the basis for making changes to environmental conditions and management systems to improve the health and welfare of pigs and potentially avoid routine tail-docking.

The data on tail damage which are available at slaughterhouse level provide opportunities for the competent authority to improve its system (e.g. risk selection of farms, set intervention levels and measuring progress in reducing occurrence of tail-biting) and for using its resources more effectively to reach the objective of reducing systematic tail-docking of pigs.

7 CLOSING MEETING

A closing meeting was held on 22 September 2017 with representatives of the competent authorities, at which the main findings and preliminary conclusions of the audit were presented by the audit team. The audit team also met with industry representatives to give feedback on their findings relating to industry. The competent authorities expressed their intent to ensure that measures would be followed through to bring improvements in compliance with the Directive's requirements.

8 RECOMMENDATIONS

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

No.	Recommendation
1.	The competent authority should provide inspectors with suitable instructions and guidance (compliance criteria) to enable them to effectively enforce the provision on the prevention of tail-biting and avoidance of routine tail-docking, as laid down in the second paragraph of point 8 of Chapter I of Annex I of Council Directive 2008/120/EC, including how they should assess evidence of tail and ear lesions on farm and what constitutes sufficient measures by farmers to change inadequate environmental conditions or management systems before resorting to tail-docking of pigs, including the situation where tail-docked pigs are purchased from rearing farms which have shown no evidence of tail-biting. Conclusions 52, 53. Findings 41, 42
2.	The competent authority should provide inspectors with suitable compliance criteria to enable them to effectively enforce legal requirements of Council Directive 2008/120/EC and Council Directive 98/58/EC that are related to risk factors for tail-biting.

No.	Recommendation
	Conclusion 52, 53. Findings 41, 42, 44.
3.	<p>As required in Article 4.2 (a) of Regulation (EC) No 882/2004 The competent authority should assess the incidence of tail-biting and the effectiveness of improvement measures taken on farm as required in point 8 of Chapter I, of Annex I to Directive 2008/120/EC, including when piglets are going to be sent to rearing farms for further fattening, instead of relying on veterinary statements.</p> <p>Conclusion 35, 52. Finding 29, 30 and 46.</p>
4.	<p>The competent authority should ensure that sanctions applicable for non-compliances related to the implementation of Directives 2008/120/EC and 98/58/EC are applied at levels that are effective, proportionate, and dissuasive as required by Article 55 of Council Regulation (EC) No 882/2004.</p> <p>Conclusion 53. Findings 45, 46.</p>
5.	<p>The competent authority should ensure that the level of tail-damage and associated lesions in slaughterhouses is monitored and that high levels trigger actions on the respective farms, as required in Article 5 of Regulation (EC) No 854/2004.</p> <p>Conclusion 55. Findings 47, 49 and 50.</p>
6.	<p>The competent authority should consider liaising with other Government Agencies centrally and at Autonomous Community level responsible for funding new buildings where pigs are to be kept and renovating existing ones with the assistance of European funding under Article 17 of Regulation (EU) No 1305/2013 to ensure not only that the relevant animal welfare payments relate such facilities are suitable to commitments going beyond the relevant mandatory standards but that in addition the facilities, as a minimum, comply with relevant mandatory requirements (of Directives 2008/120/EC and 98/58/EC) including the avoidance of routine tail-docking e.g. slurry systems that can handle optimal enrichment materials, different temperature zones, suitable flooring, feeding, space allowances etc.</p> <p>Conclusion 39. Findings and 23, 24, 36, 37, background paragraph 1.</p>

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004 - Article 45 (MS)	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. 854/2004	OJ L 139, 30.4.2004, p. 206, Corrected and re-published in OJ L 226, 25.6.2004, p. 83	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
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

ANNEX 2

Parameter Commission Recommendation (EU) 2016/336	Legal requirements Directive 2008/120/EC, 98/58/EC	AC 1 guidance on assessment of compliance	AC 2 guidance on assessment of compliance
Enrichment material	“permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities” (Directive 2008/120/EC Annex 1, Chapter 1, 4)	No guidance on acceptable materials and quantity of materials. According to inspectors “there has to be enrichment material in every pen” and “enrichment material must not be harmful to the pigs” Inspectors started to work with animal based measures (formula COM REC 2016/336) this summer but stated that this is difficult to use in large pens. Chains and plastic objects were considered adequate. No enrichment material was required for individually housed sows, boars, and suckling piglets.	No guidance on acceptable materials and quantity of materials. According to inspectors “there has to be enrichment material in every pen” and “enrichment material must not be harmful to the pigs” Chains and plastic objects were considered adequate. No enrichment material was required for individually housed sows, boars, and suckling piglets.
Cleanliness	“a lying area physically and thermally comfortable as well as adequately drained and clean which allows all the animals to lay at the same time”(Directive 2008/120/EC, Annex 1, Chapter 1, 3)	No guidance for the assessment of this requirement.	No guidance for the assessment of this requirement.
Thermal comfort and air quality	“air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to the animals” (Directive 98/58/EC Annex 1, 10)	No compliance criteria for acceptable levels have been established. According to inspectors assessment is done on a sensory basis and by looking at the pigs. CA does not have equipment to measure levels of ammonia.	No compliance criteria for acceptable levels have been established. According to inspectors assessment is done on a sensory basis and by looking at the pigs taking into account animal based indicators (coughing, red eyes, panting, huddling). CA does not have equipment to measure levels of ammonia.
Competition for food and space	<ol style="list-style-type: none"> 1. “unobstructed floor area” (Directive 2008/120/EC, Article 3, 1a). 2. "measures taken to prevent fighting (...) adequate opportunities to escape and hide from other pigs" (Directive 2008/120/EC, Annex 1, Chapter 2, D 1, 2) 3. “feeding and watering equipment must be designed constructed and placed so that (...) the harmful effects of competition between the animals are minimised” (Directive 98/58/EC, Annex, 17) 4. "permanent access to a sufficient quantity of fresh water" (Directive 2008/120/EC, Annex 1, Chapter 1, 7) 	<ol style="list-style-type: none"> 1. Nothing additional in guidance on inspection protocol on how to measure unobstructed floor space. 2. No guidance. 3. Not in checklist. No guidance on assessment of feeding space or number of drinkers. Inspectors assess on the basis of their experience. 4. There has to be a drinker in the pen. No guidance on number of drinkers or flow rates. Farms using water from well should provide results of microbiological and chemical analysis. 	<ol style="list-style-type: none"> 1. Inspectors measure floor surface and surface occupied by feeders to assess unobstructed floor area. 2. Some guidance taking into account the provision of enrichment materials, homogenous groups and separation of aggressive animals. 3. No guidance on assessment of feeding space or number of drinkers. 4. There has to be a drinker in the pen. No guidance on number of drinkers, or flow rates. Organoleptic checks. Use of public water should be proven by bills, farms using water from wells must provide results of microbiological analysis or a water disinfection system must be used.

Health status	<ol style="list-style-type: none"> 1. "sufficient number of staff who possesses the appropriate ability, knowledge and professional competence (Directive 98/58/EC, Annex, 1) 2. "sick or injured animals shall be accommodated in suitable accommodation with, where appropriate, dry comfortable bedding. (Directive 98/58/EC, Annex, 4) 3. "specialised housings (for piglets weaned less than 28 days of age) which are separated from housings where sows are kept" (Directive 2008/120/EC, Annex 1, Chapter 2, C3) 	<ol style="list-style-type: none"> 1. The person that is responsible for the farms must have a certificate for 20 hours of training. No additional guidance regarding e. g. number of staff or specific training courses. 2. According to inspectors there are no requirements or guidance regarding adequate number of hospitable pens. Pigs in hospitable pens should have access to food, water and be able to turn around. No further guidance on design (e. g. when bedding is needed) 3. No guidance on what can be considered adequate housings for early weaned piglets. 	<ol style="list-style-type: none"> 1. The person that is responsible for the farms must have a certificate for 20 hours of training. No additional guidance regarding e.g. number of staff and / or specific training courses. 2. According to inspectors there are no requirements or guidance regarding adequate number of hospitable pens. Pigs in hospitable pens should have access to food, water and be able to turn around. No further guidance on design (e. g. when bedding is needed) 3. No guidance on what can be considered adequate housings for early weaned piglets.
Diet	<p>"animals are fed a wholesome diet appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health and satisfy their nutritional needs." (Directive 98/58/EC Annex, 14)</p>	<p>Levels of fibre are specified for different classes of sows.</p>	<p>Some guidance on checking body conditions score of animals and feed labels. Levels of fibre are specified for different classes of sows.</p>