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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

(notified under document number C(2006) 5384)

(Text with EEA relevance)

(2006/778/EC)

(OJ L 314, 15.11.2006, p. 39)

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(notified under document number C(2006) 5384)

(Text with EEA relevance)

(2006/778/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves [1], and in particular Article 7(2) thereof,

Having regard to Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs [2], and in particular Article 7(2) thereof,

Having regard to Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes [3], and in particular Article 6(3) thereof,

Having regard to Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens [4], and in particular Article 8(3) thereof,

Whereas:

(1) Directive 91/629/EEC lays down minimum standards for the protection of calves confined for rearing and fattening. It provides that Member States are to ensure that inspections are carried out under the responsibility of the competent authority to check compliance with that Directive.

(2) Directive 91/630/EEC lays down minimum standards for the protection of pigs confined for rearing and fattening. It provides that Member States are to ensure that inspections are carried out under the responsibility of the competent authority to check compliance with that Directive.

(3) Directive 98/58/EC lays down minimum standards for the protection of animals bred or kept for farming purposes. It provides that Member States are to ensure that inspections to check compliance with that Directive are carried out by the competent authority and that Member States are to submit reports to the Commission concerning those inspections.

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[1] OJ L 340, 11.12.1991, p. 28. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

[2] OJ L 340, 11.12.1991, p. 33. Directive as last amended by Regulation (EC) No 806/2003.

[3] OJ L 221, 8.8.1998, p. 23. Directive as amended by Regulation (EC) No 806/2003.

[4] OJ L 203, 3.8.1999, p. 53. Directive as amended by Regulation (EC) No 806/2003.

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(4) Commission Decision 2000/50/EC of 17 December 1999 concerning minimum requirements for the inspection of holdings on which animals are kept for farming purposes [1] provides that the reports which the Member States are to submit to the Commission pursuant to Directive 98/58/EC are to cover calves, pigs and laying hens. It also specified the information which the Member States are requested to submit for each species and category of animals.

(5) Inspections of animals kept for farming purposes carried out in the Member States should not only cover requirements laid down in specific acts such as those concerning calves, pigs or laying hens but also general welfare requirements as laid down in Directive 98/58/EC. The reporting obligations of the Member States to the Commission should therefore include both general and specific requirements under the Community legislation.

(6) Inspections of animals kept for farming purposes carried out in the Member States should also cover all other farmed species that are within the scope of Directive 98/58/EC. The reporting obligations of the Member States to the Commission should therefore be extended accordingly.

(7) Directive 1999/74/EC lays down minimum standards for the protection of laying hens. It provides that Member States are to ensure that inspections to check compliance with that Directive are carried out by the competent authority.

(8) Experience gained under Directives 91/629/EEC, 91/630/EEC, 98/58/EC and 1999/74/EC indicate discrepancies between Member States in planning, performing, recording and reporting inspections carried out under those Directives by the competent authority.

(9) The collection of data on animal welfare inspections is essential for the Community to evaluate the impact of its policy in this field. In addition it is important that animal welfare rules are applied in a uniform manner, in particular because those rules may affect the competitiveness of some farming activities. Therefore it is necessary to update the minimum requirements for the inspection of production sites on which animals are kept for farming purposes.

(10) 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 [2] provides in Title V for control plans including annual reports. The current reporting obligations of the Member States pursuant to Decision 2000/50/EC should be adapted to that Regulation, in particular with regard to the frequency and the deadline for reporting to the Commission.

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[1] OJ L 19, 25.1.2000, p. 51. Decision as last amended by the 2003 Act of Accession.

[2] OJ L 165, 30.4.2004, p. 1; as corrected (OJ L 191, 28.5.2004, p. 1). Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 136, 24.5.2006, p. 3).

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(11) Animal welfare conditions are affected by farming methods. Therefore they represented a useful basis for collecting information. In the case of laying hens, particular reference should be made to Commission Regulation (EC) No 2295/2003 of 23 December 2003 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs [1], as it defines additional requirements for alternative systems.

(12) The present system of collection and analysis of information from the Member States generates an administrative burden both for the Commission and the Member States. It also creates risks for alteration of the data. Therefore it is necessary to conduct a feasibility study on an up-to-date information system at Community level to improve and facilitate the collection and the analysis of the data required here.

(13) Decision 2000/50/EC should therefore be repealed and replaced by this Decision.

(14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision lays down rules for the harmonisation of:

(a) the collection of information during inspections carried out by the competent authority in accordance with Directives 91/629/EEC, 91/630/EEC, 98/58/EC and 1999/74/EC; and

(b) the reporting of such information to the Commission.

Article 2

Definitions

For the purposes of this Decision, the definitions in the Directives referred to in Article 1(a) shall apply.

The following definitions shall also apply:

(a) ‘inspection’ means a check which is carried out by the competent authority on a production site where animals are kept at the time of the check in accordance with one of the Directives referred to in Article 1(a);

(b) ‘non-compliance’ means a failure to comply with one of the Directives referred to in Article 1(a) which has been:

(i) found by the competent authority during an inspection;

[1] OJ L 340, 24.12.2003, p. 16. Regulation as last amended by Regulation (EC) No 89/2006 (OJ L 15, 20.1.2006, p. 30).

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(ii) notified by that authority to the owner or the keeper of the animals held in the production site concerned by means of an official document.

Article 3

Information to be collected and recorded during each inspection

During each inspection, the competent authority shall collect and record in a written or electronic document information concerning:

(a) the date and the identification of the production site;

(b) the categories of farming methods and the corresponding provisions in Community legislation as listed in Annex I;

(c) the categories of the non-compliance and the corresponding provisions in Community legislation as listed in Annex II;

(d) the administrative categories of non-compliance and the action taken by the competent authority as referred to in Annex III.

Article 4

Minimum verification and recording requirements for inspections carried out pursuant to Directive 91/629/EEC

During each inspection carried out pursuant to Directive 91/629/EEC, the competent authority shall check at least five of the categories referred to in Chapter I of Annex II to this Decision and the corresponding provisions in Directive 91/629/EEC as listed in that Chapter. The competent authority shall record any non-compliance found.

Article 5

Minimum verification and recording requirements for inspections carried out pursuant to Directive 91/630/EEC

During each inspection carried out pursuant to Directive 91/630/EEC, the competent authority shall check at least four of the categories referred to in Chapter II of Annex II to this Decision and the corresponding provisions in Directive 91/630/EEC as listed in that Chapter. The competent authority shall record any non-compliance found.

Article 6

Minimum verification and recording requirements for inspections carried out pursuant to Directive 98/58/EC

During each inspection carried out pursuant to Directive 98/58/EC, the competent authority shall check at least five of the categories referred to in Chapter III of Annex II to this Decision and the corresponding provisions in Directive 98/58/EC as listed in that Chapter. The competent authority shall record any non-compliance found.

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Article 7

Minimum verification and recording requirements for inspections carried out pursuant to Directive 1999/74/EC

During each inspection carried out pursuant to Directive 1999/74/EC, the competent authority shall check at least three of the categories referred to in Chapter IV of Annex II to this Decision and the corresponding provisions in Directive 1999/74/EC as listed in that Chapter. The competent authority shall record any non-compliance found.

Article 8

Reports

1. By 30 June 2009 at the latest, and subsequently every year not later than 30 June, Member States shall submit to the Commission a report by electronic means concerning the information collected and recorded in accordance with this Decision, during inspections carried out during the previous calendar year. ►**M1** Croatia shall for the first time submit its report by 30 June 2014 at the latest. ◄

2. The report provided for in paragraph 1 shall:

(a) contain the information referred to in Annex IV;

(b) be accompanied by an analysis of the most serious findings of non-compliances and a national action plan to prevent or decrease their occurrence for the forthcoming years.

Article 9

Repeal

Decision 2000/50/EC is repealed.

Article 10

Applicability

This Decision shall apply from 1 January 2008.

Article 11

Addressees

This Decision is addressed to the Member States.

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ANNEX I

as referred to in Article 3(b)

CATEGORIES OF FARMING METHODS

Categories of farming methods for laying hens and corresponding provisions in Directive 1999/74/EC and Regulation (EC) No 2295/2003

Category of farming method	Corresponding Community legislation
Free Range	Annex III to Regulation (EC) No 2295/2003
Barn	Annex III to Regulation (EC) No 2295/2003
Enriched cage system	Article 6 of Directive 1999/74/EC
Unenriched cage system	Article 5 of Directive 1999/74/EC

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ANNEX II

as referred to in Article 3(c) and Articles 4, 5 and 6

CHAPTER I

Categories of non-compliance for calves and corresponding provisions in Directive 91/629/EEC

Category of non-compliance	Corresponding provisions of Directive 91/629/EEC
Inspection	Annex, point (6)
Freedom of movement	Annex, points (7) and (8)
Space allowances	Article 3
Buildings and accommodation	Annex, points (1), (2), (3), (9), (14) and (10)
Minimum lighting	Annex, point (5)
Automatic and mechanical equipment	Annex, point (4)
Feed water and other substances	Annex, points (12), (13) and (15)
Haemoglobin level	Annex, point (11)
Fibrous food	Annex, point (11)

CHAPTER II

Categories of non-compliance for pigs and corresponding provisions in Directive 91/630/EEC

Category of non-compliance	Corresponding provisions of Directive 91/630/EEC
Staffing	Article 5a
Inspection	Article 3(8) Annex, Chapter II, Section B, points 2 Annex, Chapter II, Section C, point 3 Annex, Chapter II, Section D
Freedom of movement	Article 3(3); Annex, Chapter II, Section B, points 1, 4 and 5 Annex, Chapter II, Section C, points 1 and 2
Space allowances	Article 3(1) Article 3(4)
Buildings and accommodation	Annex, Chapter I, points 1, 2 and 3
Minimum lighting	Annex, Chapter I, point 2
Flooring surfaces	Article 3(2), Annex, Chapter I, point 5 Annex, Chapter II, Section A

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Category of non-compliance	Corresponding provisions of Directive 91/630/EEC
Manipulable materials	Article 3(5) Annex, Chapter I, point 4 Annex, Chapter II, Section B, point 3
Feed water and other substances	Article 3(6) Annex, Chapter I, points 6 and 7
Fibrous food	Article 3(7)
Mutilations	Annex, Chapter I, point 8
Breeding procedures	Annex, Chapter II, Section C, point 3

CHAPTER III

Categories of non-compliance for all production sites and corresponding provisions in the Annex to Directive 98/58/EC

Category of non-compliance	Corresponding points of the Annex to Directive 98/58/EC
Staffing	Point 1
Inspection	Points 2, 3 and 4
Record keeping	Points 5 and 6
Freedom of movement	Point 7
Buildings and accommodation	Points 8 to 12
Automatic or mechanical equipment	Point 13
Feed, water and other substances	Points 14 to 18
Mutilations	Point 19
Breeding procedures	Points 20 and 21

CHAPTER IV

Categories of non-compliance for laying hens and corresponding provisions in Directive 1999/74/EC

Category of non-compliance	Corresponding provisions of Directive 1999/74/EC
Inspection	Annex, points 1 and 6
Space allowances	Article 4(1)(4) Article 5(1)(1) Article 6(1)(a)

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Category of non-compliance	Corresponding provisions of Directive 1999/74/EC
Buildings and accommodation	Article 4, except paragraph 1(4) Article 5, except paragraph 1(1) Article 6, except point 1(a) Annex, points 4, 5 and 7
Minimum lighting	Annex, point 3
Automatic and mechanical equipment	Annex, point 2
Mutilation	Annex, point 8

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ANNEX III

as referred in Article 3(d)

Administrative categories of non-compliances

Administrative category of non-compliance	Action taken by the competent authority
A	Request to address the non-compliance(s) within a deadline of less than three months No immediate action for administrative or criminal penalties
B	Request to address the non-compliance(s) within a deadline of more than three months No immediate action for administrative or criminal penalties
C	Immediate action for administrative or criminal penalties

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ANNEX IV

Information to be submitted to the Commission pursuant Article 8

The information to be submitted to the Commission pursuant to Article 8 shall be submitted in accordance with Tables 1 and 2 of this Annex.

It shall contain the number of:

— Production sites subject to inspections in rows 1 of Tables 1 and 2;

— Production sites inspected in rows 2 of Tables 1 and 2, based on the number of inspections which comply with the requirements of Articles 4 to 7;

— Production sites without non compliance in rows 3 of Tables 1 and 2, based on the results of inspections respectively reported in rows 2 of Tables 1 and 2;

— Non-compliances according to the categories referred to Annex II in rows 4 to 18 of Table 1 and in rows 4 to 12 of Table 2 of this Annex;

— Non-compliances according to the categories referred to in Annex III in rows 19 to 21 of Table 1 and rows 13 to 15 of Table 2 of this Annex.

Table 1

Animal category		Laying hens				Calves	Pigs
Number of / Farming method		Free range	Barn	Enriched cage	Unenriched cage		
1	Production sites subject to inspection						
2	Production sites inspected						
3	Prod. sites without non compliance						
Number of non-compliances concerning							
4	Staffing						
5	Inspection						
6	Record keeping						
7	Freedom of movement						
8	Space allowances						
9	Buildings and accommodation						

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Animal category / Farming method / Number of		Laying hens				Calves	Pigs
		Free range	Barn	Enriched cage	Unenriched cage		
10	Minimum lighting						
11	Flooring surfaces (for pigs)						
12	Manipulable materials						
13	Automatic and mechanical equipment						
14	Feed, water and other substances						
15	Haemoglobin (calves)						
16	Fibrous food (calves and sows)						
17	Mutilations						
18	Breeding procedures						
19	Non-compliance A						
20	Non-compliance B						
21	Non-compliance C						

Table 2

Animal category / Number of		Cattle (except cavles)	Sheep	Goats	Domestic fowls (*)	Ratites	Ducks	Geese	Fur animals	Turkeys
1	Production sites subject to inspection									
2	Production sites inspected									
3	Production sites without non-compliance									

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Number of / Animal category		Cattle (except cavles)	Sheep	Goats	Domestic fowls (*)	Ratites	Ducks	Geese	Fur animals	Turkeys
Number of non-compliances concerning										
4	Staffing									
5	Inspection									
6	Record keeping									
7	Freedom of movement									
8	Buildings and accommodation									
9	Automatic and mechanical equipment									
10	Feed, water and other substances									
11	Mutilations									
12	Breeding procedures									
13	Non-compliance A									
14	Non-compliance B									
15	Non-compliance C									

(*) Poultry of the species *Gallus gallus* except laying hens