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FINAL REPORT OF A MISSION
CARRIED OUT IN THE NETHERLANDS
FROM 31 JANUARY TO 4 FEBRUARY 2005
CONCERNING ANIMAL WELFARE ON FARMS

Please note that factual errors in the draft report, identified by the Dutch Authorities, have been corrected in the text of this final report. Clarifications provided by the Dutch Authorities are given as footnotes to the relevant part of the report.



EXECUTIVE SUMMARY

This report provides the outcome of a mission carried out by the Food and Veterinary Office (FVO) in The Netherlands between 31 January and 4 February 2005.

The objective was to verify the measures adopted to ensure EU requirements for animal welfare on farms are respected. The scope of the mission included the legal and administrative measures in place regarding requirements for pigs, calves and laying hens.

The report concludes that there is a good system of control with central level and the inspection services agreeing priorities and strategies. Inspections are guided by previous results and effective enforcement action is taken when necessary. As a result of the late transposition of Directive 99/74/EC there is currently a high degree of non-compliance in the caged hen sector, but if the protocol between the different services is fully implemented, this should bring about a resolution of this problem

The report makes a number of recommendations addressed to the Dutch competent authorities, aimed at rectifying those shortcomings identified.



TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. OBJECTIVES	1
3. BACKGROUND.....	1
4. LEGAL BASIS FOR THE MISSION.....	2
5. MAIN FINDINGS.....	2
5.1. Competent Authority	2
5.2. Legislation	2
5.3. Measures other than inspections.....	3
5.4. Inspection programme	3
5.5. Checks of holdings with pigs	4
5.6. Checks of holdings with calves	5
5.7. Checks of holdings with laying hens.....	6
6. CONCLUSIONS	8
6.1. Competent Authorities.....	8
6.2. Legislation	8
6.3. Checks of holdings with pigs	8
6.4. Checks of holdings with calves	9
6.5. Checks of holdings with hens.....	9
6.6. Overall conclusion.....	9
7. CLOSING MEETING.....	10
8. RECOMMENDATIONS TO THE COMPETENT AUTHORITIES.....	10

ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

AID	Dutch General Inspection Service (<i>Algemene Inspectiedienst</i>)
Artt.	Articles in legislative texts
CCA	Central Competent Authority
CPE	Dutch Control Bureau for Poultry and Eggs (<i>Controlebureau Pluimvee, Eieren en Eiprodukten</i>)
Dry sow	Breeding female pig, from the time piglets are weaned until subsequent farrowing.
EEC	European Economic Community
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
Lux	Unit of illumination
mmol/litre	Units (of haemoglobin) per litre of blood.
MS	Member State of the EU
NGO	Non Governmental Organisation
PVE	Dutch Products Board for Livestock Meat and Eggs (<i>Produktschap voor Vee, Vlees en Eieren</i>)
PPE	Dutch Products Board for Poultry and Eggs (<i>Produktschap voor Pluimvee, Eieren en Eiprodukten</i>)
PV	Administrative procedure for notifying a prosecution official of an infringement so that a fine can be imposed. If the ruling is not accepted the case will go to court. (<i>Proces-verbaal</i>)
Veal calf	Calf kept in intensive rearing systems from about 10 days of age until slaughtered to produce white meat.

1. INTRODUCTION

The mission took place in the Netherlands from 31 January to 4 February 2005, as part of the planned mission programme of the Food and Veterinary office (FVO).

The mission team comprised three inspectors from the FVO, and was accompanied during the whole mission by a representative from the central competent authority (CCA), the Ministry of Agriculture, Nature and Food Quality.

An opening meeting was held on 31 January with the CCA. At this meeting, the objectives of, and itinerary for, the mission were confirmed by the inspection team, and additional information required for the satisfactory completion of the mission requested.

2. OBJECTIVES

The objective of the mission was to verify the measures adopted to ensure EU requirements for animal welfare on farms are respected. The scope of the mission included the legal and administrative measures in place regarding requirements for pigs, calves and laying hens. In pursuit of this objective, the following meetings were held and sites visited:

VISITS			Comments
Competent authority	Central level	2	Opening and final meetings.
	Inspectorate level	3	Two visits to offices of AID (<i>Algemene Inpectiedienst</i>) and one visit to an office of CPE (<i>Controlebureau Pluimvee, Eieren en Eiprodukten</i>).
Farms		5	One barn and one caged unit for laying hens. Two pig farms: one breeding and one fattening. One holding with fattening (veal) calves.

3. BACKGROUND

Previous FVO missions on animal welfare on farms in The Netherlands were carried out in 1999¹. The report of these missions concluded that checks are properly organised resulting in an adequate level of supervision and although the level of non-compliance was high in the pig and laying hen sector, there was a trend towards better compliance.

The Netherlands was the first country visited regarding the implementation of further standards adopted for the protection of pigs in 2001^{2,3}. A mission to The Netherlands concerning laying hens was planned in 2004, but was postponed, as

¹ See reports DG(SANCO)/1235/1999 concerning pigs and calves and DG(SANCO)/1060/1999 concerning laying hens on website <http://europa.eu.int/comm/food/fvo>, hereafter: reports 1235/1999 and 1060/1999.

² Council Directive 91/630/EEC laying down minimum standards for the protection of pigs, OJ L 340, 11.12.1991, p.33-38, (hereafter: Directive 91/630/EEC/EC).

³ Legal acts quoted in this report refer, where applicable, to the last amended version.

Council Directive 99/74/EC⁴ had not been transposed into national legislation: the EU deadline was 1 January 2002.

4. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular:

- Artt. 9 of Directives 99/74/EC, 91/629/EEC⁵, 91/630/EEC;
- Article 7 of Council Directive 98/58/EC⁶;
- Commission Decision 98/139/EC⁷.

5. MAIN FINDINGS

5.1. Competent Authority

The relevant bodies within the CA are described in previous mission reports.⁸ CPE currently has 12 inspectors for inspection of the egg marketing standards; including checks on producers' premises. The amount of time AID inspectors spend on animal welfare issues each year, is equivalent, in man/years, to 30 full time staff.

5.2. Legislation

National legislation transposing the amendments to Directive 91/630/EEC was slightly delayed: 28.4.2003 instead of 1.1.2003. There was a major delay in the transposition of Directive 99/74/EC: 19.5.2004 instead of 1.1.2002, due to a change of government when the draft legislation was passing through parliament and a subsequent change of approach, i.e. not to go beyond the minimum EU standards. Although a comprehensive check of the legislation was not carried out, it was noted that:

- The requirement for group housing sows was already in place from 1998.
- “high-fibre” food for dry sows is defined as that with 14% roughage materials.
- The age limit for castrating pigs was not amended from 4 weeks to 7 days. According to the CCA, this was an oversight and the correction will be published and in force in February 2005. They do not expect that this will give the industry problems to implement as it is reportedly standard practice to castrate in the first

⁴ Council Directive 99/74/EC of 19 July 1999, laying down minimum standards for the protection of laying hens, OJ L 203, 3.8.1999, p. 53 (hereafter: Directive 99/74/EC).

⁵ Council Directive 91/629/EEC laying down minimum standards for the protection of calves, OJ L 340, 11.12.1991, p. 28-32, (hereafter: Directive 91/629/EEC).

⁶ Council Directive 98/58/EC/EC concerning the protection of animals kept for farming purposes: L 221, 8.8.98, p. 23

⁷ Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States OJ L 38 of 12.02.1998, p. 10

⁸ See report 1235/1999 and 1060/1999.

few days of life. The inspection team noted that while some mutilations are included in the Pigs Decree (*Varkensbesluit*) others are included in a Decree on mutilations (*Ingrepensbesluit*).

5.3. Measures other than inspections

The CCA together with industry and NGO groups have looked at several issues which have proved difficult to implement: the method for castrating pigs; avoidance of tail-docking of pigs; measures to provide environmental enrichment for pigs. Regarding the castration of pigs the CCA is considering the recommendations from an industry/NGO working group in a report made in January 2005. The CCA, together with several other MSs, is considering the steps that would need to be taken to replace castration as currently practised, while ensuring that such meat is not labelled as “boar meat” and can be traded without a reduction in price. This issue has also been included in discussions at ministerial level between the Dutch Minister and The Ministers of two German federal states; Germany being the largest market for Dutch pig meat.

Report 1235/1999 recommended that the CCA “further develop and advise farmers of ways of reducing the need to tail dock piglets”. A review of literature on the development of tail biting and the effects of tail docking was carried out. In a related initiative, a research group is due to report in March 2005 on enrichment materials for pigs other than metal chains. The AID were asked to provide information on the current situation and farmers have already been informed of these initiatives and are aware that further advice will be forthcoming.

Farmers obtain information on the new standards through newsletters and articles in specialist magazines. Specific training courses are available to stock persons looking after pigs (Article 5a of Directive 91/630/EEC) and study groups are organised by the pig farmers themselves. Although the legislation concerning requirements for laying hens was not in force by 1.1.2002, as required, CPE issued a press release on EU requirements in 2002, including those requirements for caged systems. In April 2004, PPE sent a letter to all producers, packing stations and wholesalers giving a summary of the requirements.

5.4. Inspection programme

AID makes an annual plan based on priorities agreed with the CCA. For 2004 checks of all the sectors within the scope of this mission were included.

Regarding pigs and veal calves, AID target is to visit 10% of farms each year. Regarding laying hens, CPE, since its inception in 1988, has carried out inspections of alternative laying hen holdings to assure labelling and marketing requirements. Caged farms participating in a quality assurance scheme were similarly checked. AID did inspections of caged farms according to the previous EU requirements up until May 2004. Subsequently, with the transposition of Directive 99/74/EC into Dutch law, a joint protocol was drawn up between AID and CPE. At a meeting between the two services in October 2004, interpretation of the requirements, the equipment to use for inspection and its calibration were agreed and practical training was undertaken together. AID has targeted to do 130 inspections of holdings with laying hens in 2005: 50% where they will join a randomly selected CPE inspection; 50% on its own as a result of targeted information. Regarding cage systems, there

are 288 companies using such systems and CPE plan to check all of these by June 2005.

5.5. Checks of holdings with pigs

In 1999, c. 52% of holdings did not fully comply with requirements, major amendments to Dutch legislation on pigs having entered into force in 1998. The CCA's report to the Commission (Decision 2000/50/EC) indicated that legal action was taken as a consequence of checks on c. 13% of farms in both 2002 and in 2003. The outcome of 2002 inspections was published by the CA under the title "communication raises the level of compliance".

AID noticed from previous inspections that announced visits resulted in farmers making adjustments before an inspection took place. This phenomenon was used to achieve higher compliance by announcing the start of the next round of inspections in a specialist magazine received by 85% of pig farmers. Farmers fulfilling certain risk criteria then received a letter stating that they might be checked and the possible consequences of non-compliance. Previously this letter had only been sent to those who would receive a visit. Subsequently farms were selected for inspection.

The inspection team noted that:

- The target of 10% of farms was met in 2002 but not in 2003, as inspection resources had to be diverted to deal with the Avian Influenza crisis at this time. AID expects a shortfall in the number of farms inspected in 2004 because of resource problems.
- AID indicated that the number of infringements detected is expected to be around 40% in 2004. This increase is largely a result of enforcement of new legal requirements, in particular the provision of 40 Lux, which was not met on 8% of farms.
- Tethered sows were found on 7% of farms in 2002. These systems were either changed or targeted for a follow-up inspection in 2004. Herds operating such systems were also targeted on the basis of feedback from slaughterhouses, where marks detected on animals at slaughter indicated that tethering had been used. Smaller farms were also targeted. In one of the regions, five such cases had been detected over this period and had been followed by a PV (*Proces-verbaal*), with a fine of €1,320 imposed in a case examined by the inspection team.
- On two farms, AID had detected that sow stalls had been brought into use after the EU deadline of 1.1.2003. In one case there were certain extenuating circumstances; there had been objections to the planning permission and a subsequent error made by the local planning office had delayed the construction by a number of years. Nevertheless, the justice department had been informed of this non-compliance and the farmer issued with a warning letter giving him six months to correct the situation. In the other case a court had imposed a fine of €6000, with €3000 of this conditional on rectifications being made.
- In 2000, AID detected that 57% of farms did not provide material or equipment for animals to manipulate. This is currently the case on 6% of farms, albeit with the vast majority of these farms providing chains for the pigs to manipulate. Point 4 of Chapter I of the Annex to Directive 91/630/EEC requires sufficient material

to allow proper investigation and manipulation activities and lists materials which are provided on a minority of farms in The Netherlands. The CA will review its interpretation of how this requirement can be met when research on materials other than chains is delivered in March 2005 and intends to advise the sector accordingly. Currently the absence of any material or equipment or the provision of harmful enrichment material (e.g. a rubber tyre) is subject to enforcement action. The absence of material resulted in a €200 fine in one case examined by the inspection team.

- In 2004, 2.4% farms did not provide permanent access to fresh water; particularly in wet feeding systems. On the farm visited, water was not initially available in the first stalls and pigs at the fattening stage were able to wallow in troughs filled with water. The AID request to solve the problem of pigs wallowing in the trough was not sufficient to address the requirement for permanent access to water throughout the farm.
- When recording certain minor deficiencies, a category “in compliance with corrections” was selected. This could lead to a degree of under recording of infringements.

5.6. Checks of holdings with calves

As the veal production sector is more consolidated than that for pigs, the CA considered it unnecessary to issue advanced publicity prior to inspections. Inspections focused especially on the keeping of calves permanently in single boxes (forbidden since 1st of January 2004) and the absence of group housing after 8 weeks of age. The farms selected for inspection were involved in veal production. Inspections in 2004 found that 10.8% of holdings provided inappropriate single boxes and 16.7% did not provide calves of more than 8 weeks of age with group pens. The inspection team noted:

- When the veal sector is considered, the target for inspections was met (125 out of 1068 farms checked). However, holdings such as those with dairy calves, also fall within the scope of Directive 91/629/EEC, but are not systematically included for an inspection⁹, but may be checked on an ad hoc basis, e.g. when there for another purpose or as a result of a complaint.
- On the farm visited, AID detected that the single calf boxes were not adequate and considering the percentage of calves affected, issued a warning. At the previous AID inspection of this farm, the boxes were dismantled to create group pens and this had not been detected. Targeting of holdings when calves are newly introduced and single calf boxes are in use, was already one of AID’s internal recommendations, made following an analysis of the last round of inspections.
- A recommendation in report 1235/1999 asked the CCA to review their interpretation of “adequate lighting”. On the farm visited, this was provided by the apertures in the roof and it was explained that not only must the light be provided by apertures $\geq 2\%$ of the floor area, but that this must be uniformly

⁹ In their comments, the Dutch Authorities indicated that they had not systematically included dairy farms with calves, as the goal of this series of inspections was to check specialised (veal) calf farms for compliance with 91/629/EEC.

distributed throughout the house. This was already a requirement in Dutch law and AID has emphasised this during training.

- Feeding of roughage, on the farm visited, did not start until 4 weeks of age; however, according to Directive 91/629/EEC, Annex, point 11, calves over two weeks shall receive fibrous food starting with 50g a day. The inspection team noted that, closely related to this requirement, several calves when sampled prior to receiving an iron injection at four to five weeks of age, had a blood haemoglobin level below the required minimum of 4.5 mmol/litre. The farmer's explanation that calves would not eat such a ration at two weeks of age and that this would create a lot of additional labour to clean out the feeding bowls was accepted by AID.
- On the farm visited, medicine usage during the first 10 weeks of a calf's life was not recorded. AID pointed out that it should; however the farmer indicated that he was following a quality assurance standard which only required this after the animals were 10 weeks of age.
- Regarding the major deficiencies detected during 2004, appropriate fines were imposed. Communication with the Department of Justice is ongoing and a scoring system for offences has been agreed and is awaiting publication. This is to ensure that the fine is commensurate with the deficiency, e.g. a basic fine of €300 for the presence of inappropriate calf boxes with an additional €66 for each calf in such accommodation.

5.7. Checks of holdings with laying hens

To complete the registration of holdings (Directive 2002/4/EC), flock-owners provided self declarations with the necessary information, including the maximum capacity, to PPE. This was verified during CPE inspections and PPE were informed of any instances where the information in the database was not correct.

AID policy regarding overstocking of cages is that where the birds were introduced before the legislation came into force, a warning letter is issued; however, if the birds were introduced after 19 May 2004, then a PV is served. Birds would not have to be taken out of the cages unless the overstocking was considered very severe. Regarding cage systems, the inspection team noted:

- Since November 2004, when inspections started on the basis of the AID/CPE inspection protocol, CPE have carried out 125 inspections, with c. 50% of farms checked not in compliance. Although the majority of these had marginal overstocking, 7.5% were operating at or below the previous standard. The details of the non-compliant farms had not yet been sent to AID.
- AID had performed seven checks of laying hen premises in 2004. On one premises 20% overstocking had been detected and a PV served. One other check had found a major problem, where there was mismanagement of the flock and a fine was again imposed.
- On the premises visited, in an attempt to provide the additional space now required for caged systems, the keeper had removed the internal wall from adjoining cages and replaced this with a plastic "door-frame". However the AID inspector informed the keeper that this did not meet the new standard as this area

of the cage did not have a level floor and did not provide the minimum height of 35 cm. CPE had never previously visited this unit. In the past they had only checked caged systems where a quality assurance certificate was required and the only possible sanction for non-compliance would be to withdraw certification.

Regarding alternative systems, which accounts for more than 50% of egg production in the Netherlands, CPE have done a detailed inspection of each premise annually with four less detailed (visual) inspections spread throughout the year. CPE reported that it has never been necessary to withdraw certification as in most cases when a CPE inspector finds a deficiency, the producer solves the problem immediately. When a serious problem is detected the inspector has to notify AID and the CPE's disciplinary committee (*Tucht gerecht*). The inspection team noted:

- Cases of non-compliance had been notified to AID. One case examined by the inspection team concerned a free range keeper who had not provided adequate or appropriate access to the outdoor areas and this keeper had committed a similar offence previously. AID agreed that CPE should follow its own internal procedures. The case was submitted to CPE's disciplinary committee resulting in a €100 fine. CPE explained that the fine was small as the farmer had not financially benefited, as during this period his eggs had been labelled as "barn" rather than "free range".
- On the farm visited, the equipment had already been checked by CPE. The inspection team asked for the perches to be checked again and an error was detected with the previous calculation. This calculation was complicated as the CA has interpreted that a percentage of slatted floors can be included as perching space. Directive 99/74/EC provides certain measurements which have to be respected but does not define what a perch should be. The "Recommendations of the Council of Europe for poultry kept in other intensive systems (non cage) to produce eggs for consumption"¹⁰ issued under the European Convention for the Protection of Animals kept for Farming Purposes and ratified by EU on 18 October 1988 state that "when determining the stocking rate, consideration shall be given to ... the number of perches or other suitable installations available in the third dimension".
- The previous inspection of the premises visited, had not correctly identified that the limiting factor for the maximum number of birds was feeding space, which was currently exceeded. The CPE inspector corrected the previous assessment, also in relation to perching space, and informed the flock-keeper that his eggs could not be labelled as "barn eggs" until the birds had sufficient feeding space. In addition the farmer was informed that if the situation was not corrected sanctioning procedures would be initiated.
- Prior to the agreement protocol with AID, an internal audit by CPE identified that although inspectors were obliged under EU marketing regulations to ensure that the requirements of Directive 99/74/EC were respected, they were not giving

¹⁰ See website: www.coe.int.

sufficient attention to these requirements, and a memo to inspectors highlighted the need to do so.

6. CONCLUSIONS

6.1. Competent Authorities

1. Initiatives by the central level demonstrate a commitment to achieve compliance with requirements, especially on issues which have proved difficult to implement.
2. All levels have been involved in setting priorities and developing enforcement strategies; a process which is informed by an analysis of previous inspections.
3. Co-ordination between the various bodies has been good, with joint protocols drawn up and implemented when necessary. Effective communication between the CA's inspectorate and the Justice department ensures that proportionate and dissuasive sanctions are imposed where necessary.

6.2. Legislation

1. The four month delay in transposing the amendments to Directive 91/630/EEC did not result in any significant non-compliance in the pig sector, as national legislation already in force had pre-empted several of the major enhancements. The age limit for castrating pigs was not amended to 7 days and this oversight may have occurred as mutilations are sometimes covered by a separate piece of legislation.
2. A delay of almost two and a half years in transposing Directive 99/74/EC has resulted in a high level of non-compliance in the caged hen sector concerning overcrowded cages.

6.3. Checks of holdings with pigs

1. Information in specialist media, followed by information on the consequence of non-compliance sent directly to a target group of farmers and finally carrying out inspections on a selection of these farms, is an example of best practice in executing an enforcement strategy.
2. Major non-compliances such as the inappropriate use of sow stalls always resulted in strong enforcement actions.
3. The current level of non-compliance is inflated by the checking of new legal requirements, however, this would also indicate that the pig sector should not be allowed to become complacent, particularly since the chances of receiving an inspection has decreased in the last two years as inspection targets have not been achieved.
4. The CA interpretation that "permanent access to fresh water" was achieved by filling feed troughs with water was insufficient to ensure that this requirement was met. A separate supply of water is also necessary in wet feeding systems to meet this requirement.

5. When recording the results of inspections, the category “in compliance with corrections” can lead to an under representation of infringements (Decision 2000/50/EC).

6.4. Checks of holdings with calves

1. Although the enforcement strategy lacked the advanced publicity used to deal with the pig sector, the inspections carried out and follow-up action taken addressed all major areas of non-compliance. In addition, the inspection services gained from the experience of the previous round of inspections and are applying the lessons learned to the subsequent inspection programme.
2. Priority has been given to ensuring compliance in the veal calf sector. This is justified as many of the old systems used on such farms had to be phased out by 1.1.2004. However, Directive 91/629/EEC requires a “representative sample” of holdings to be checked and holdings other than those with veal calves are not systematically included due to the CA’s target for this series of inspections.
3. The CA accepted that practical difficulties outweighed the requirement to feed fibrous food to calves from two weeks of age. The consequence is that this does not meet calves’ needs for such material and it may also result in a higher level of anaemia in young calves.
4. While the AID did insist on the correct recording of all medicines used, farmers may have the wrong impression from quality standards which only require recording of usage after 10 weeks of age.

6.5. Checks of holdings with hens

1. To try to fill the gap created by the late transposition of Directive 99/74, the CA has used the administrative means available, with information provided to all operators and marketing and quality assurance being used to better effect in the alternative sector, which now accounts for more than 50% of egg production in the Netherlands.
2. A significant proportion of producers of cage eggs are not yet operating to EU requirements and enforcement actions are only starting to address this.
3. Procedures for checking alternative holdings are not yet sufficiently robust. The CA interpretation that slatted floors can be included as perching space makes the assessment of this requirement difficult in practice.

6.6. Overall conclusion

1. There is a good system of control, with central level and the inspection services agreeing priorities and strategies. Inspections are guided by previous results and effective enforcement action is taken when necessary.

2. As a result of the late transposition of Directive 99/74/EC there is currently a high degree of non-compliance in the caged hen sector; however, if the protocol between the different services is fully implemented, this should bring about a resolution of this problem.

7. CLOSING MEETING

A closing meeting was held on 4 February 2005 with representatives of the CA. At this meeting, the main findings and conclusions of the mission were presented by the inspection team. The representatives of the CA indicated that it was motivating for staff to hear that enforcement strategies and their implementation were appreciated. They provided clarification on some of the issues discussed.

8. RECOMMENDATIONS TO THE COMPETENT AUTHORITIES

The Competent Authorities are requested to take actions to address the following recommendations. This should include a timetable for the completion of these actions and should be done within 25 working days of receipt of the final mission report.

1. Following the evaluation of research and other information on tail-docking and environmental enrichment, to further advise farmers on ways of meeting these requirements (Directive 91/630/EEC, Annex, Chapter I, 4 and 8, 2nd indent).
2. Amend legislation so that castration of pigs is as laid down in Directive 91/630/EEC, Annex, Chapter I, 8, 3rd indent.
3. Take measures to ensure that all pigs over two weeks of age have permanent access to fresh water (Directive 91/630/EEC, Annex, Chapter I, 7).
4. Take measures to ensure that all infringements detected are recorded for the purposes of the report required by Decision 2000/50/EC.
5. Take measures to ensure that a statistically representative sample of the different farming systems are checked when drawing up an inspection programme for calves (Directive 91/629/EEC, Art. 7).
6. The agreed measures for the laying hen sector should be implemented to ensure that, as a priority, establishments producing cage eggs comply with Directive 99/74/EC, in particular Chapter II, Art. 5.
7. Through supervision, further training or other means to ensure that all aspects applicable to alternative systems for laying hens are adequately inspected (Directive 99/74/EC, Chapter I Art. 4).
8. Advisory point

To re-consider, in the light of the recommendations of the Council of Europe; where such an installation should be available in the third dimension, the interpretation of “adequate perches” used in alternative systems for laying hens (Directive 99/74/EC, Chapter I Art. 4d).