



File: 2021-15-22-02335

Ref. BB

Date: 21 October 2021

Update of the Danish action plan to improve controls on the prevention of tail biting and avoidance of tail docking

As requested by letter of 15 June 2021, ref: Ares(2021) 3830149, below please find:

- Table A, which gives an update of the Danish action plan to improve controls on the prevention of tail biting and avoidance of tail docking. The table includes the criteria from annex II to the above-mentioned letter, which are assessed as partially satisfactory. Information on the update is inserted in the right column.
- Table B, which represent a completed annex III of the above-mentioned letter

The information on the now completed update of the Danish action plan refer to updates of the guideline on animal welfare controls in pig herds and the guideline on risk assessment for tail biting and on enrichment material. The two guidelines are addressed to inspectors, who carry out animal welfare inspections in pig herds. However, they can also be used by farmers, the pig sector, veterinarians etc. as they are publicly available on the website of the Danish Veterinary and Food Administration (DVFA)¹. The compliance criteria of those guidelines express the understanding of the DVFA as to how the provisions in our legislation shall be understood by inspectors, when they carry out animal welfare inspections in pig herds. Thus they are regarded as mandatory guidance. As conditions in pig herds differ, the guidelines give the inspectors

¹ The guideline on animal welfare controls in pig herds:

<https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Vejledninger/2021%20Vejledning%20til%20dyrevelf%C3%A6rdskontrol%2021.%20oktober.pdf>

The guideline on risk assessment for tail biting and on enrichment material:

<https://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Dyrevelfaerd%20og%20veterinaermedicin/Vejledninger/Oktober%202021%20Vejledning%20om%20besk%C3%A6ftigelses-%20og%20rodemateriale.pdf>

some degree of flexibility, when assessing whether there is compliance or not. When figures are mentioned, they are guidance thresholds and not specific thresholds for indicators.

Both guidelines are updated on a current basis, mainly when new legislation is introduced. Therefore, some of the updates referred to in table A are the result of the assessment of the Danish action plan as it appears in annex II of the above mentioned letter. Other updates had already been included in the guidelines, e.g. following the legislative requirements for risk assessment, written documentation on the occurrence of tail biting and documentation when tail docked pigs are traded or otherwise transferred from one herd to the other.

Results of the animal welfare inspections are contained in yearly reports, which are made publicly available on the DVFA website².

² Yearly reports: <https://www.foedevarestyrelsen.dk/Dyr/dyrevelfaerd/videncenter-for-dyrevelfaerd/Sider/Rapporter-fra-ViD.aspx>

Table A

1. Compliance criteria for legal requirements associated with risk factors for tail biting.

<p>Requirements</p> <p>Directive 2008/120/EF Directive 98/58/EF</p>	<p>Commission assessment</p>	<p>Information on the updates of the Danish action plan</p>
<p>2. Cleanliness</p> <p><i>‘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 I, Chapter I, point 3)</i></p>	<p>Commission Assessment is almost fully satisfactory.</p> <p>To address this point the action plan should include:</p> <ul style="list-style-type: none"> • Developing mandatory* criteria based on national legislation and/or mandatory guidance to assess compliance with this requirement. Consideration should be given to what can be considered “physically and thermally comfortable” and how much space is needed to “allow all animals to lay at the same time”. 	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ Chapter 5.1.7 (Clean, well-drained and dry lying area) in the guideline on animal welfare controls in pig herds is updated. Paragraph two of this chapter is new and paragraph three is revised.
<p>3. Thermal comfort and air quality</p> <p><i>‘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 10)</i></p>	<p>Commission Assessment is almost fully satisfactory.</p> <p>To address this point, the action plan should include:</p> <ul style="list-style-type: none"> • Developing mandatory criteria based on national legislation and / or mandatory guidance to assess compliance with this requirement. Consideration should be given to ranges or limits for dust, and air circulation and criteria for ensuring how these are maintained within limits which are not harmful to the animals. 	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ The second paragraph of chapter 5.1.8.2 (Air quality) in the guideline on animal welfare controls in pig herds is revised. ✓ A new chapter 5.1.8.4 (Ventilation) has been inserted in the guideline on animal welfare controls in pig herds
<p>4. Health status (1)</p> <p><i>"sufficient number of staff who possesses the appropriate ability,</i></p>	<p>The competent Satisfactory</p> <p>The guideline on animal welfare control in pig herds will be updated during the second half of 2018.”</p> <p>The competent authorities can perform official controls in accordance with documented procedures for this requirement, the documentation is almost complete.</p>	<p>To address this point the following chapters have been added to the guideline on animal welfare controls in pig herds:</p> <ul style="list-style-type: none"> ✓ Chapter 5.7.1 on requirements on education ✓ Chapter 5.7.2 on method of control

<p><i>knowledge and professional competence”</i> <i>(Directive 98/58/EC, Annex 1)</i></p>	<p>To fully address this point, the action plan should include:</p> <ul style="list-style-type: none"> • Developing mandatory criteria based on national legislation and / or mandatory guidance to assess compliance with this requirement. Consideration should be given to requirements for criteria to assess number and competence of staff on farm. 	
<p>6. Health status (3)</p> <p><i>"specialised housings (for piglets weaned less than 28 days of age) which are separated from housings where sows are kept"</i> <i>(Directive 2008/120/EC, Annex I, Chapter II, point C3)</i></p>	<p>“The guideline on animal welfare control in pig herds does in chapter 5.3.14 have compliance criteria on weaning and has been updated.”</p> <p>One area that seems to remain open relates to guidance for assessing compliance with the requirements on early weaning, i.e. how inspectors assess farm records to calculate the actual age of weaning.</p> <p>To address this point, the action plan should include:</p> <ul style="list-style-type: none"> • <u>Developing mandatory</u> criteria based on national legislation and / or <u>mandatory</u> guidance to assess compliance with this requirement. Consideration should be given to verification of weaning age during inspections and criteria for the assessment of “specialised housing”. • Setting a date of implementation / deadline for implementation • An evaluation of the number of inspections on this requirement each year and number of non-compliances to measure improvement/compliance. 	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ Chapter 5.3.14 (Piglets (weaning age)) in the guide on animal welfare controls in pig herds has been updated <p>With regard to date of implementation, the inspectors are informed about the updates of the guide, and that they need to act according to the updated texts during controls in pig herds.</p> <p>Number of inspections and number of non-compliances:</p> <ul style="list-style-type: none"> ✓ In 2019, 821 pig herds were controlled, and non-compliances with regard to weaning age were not registered. Link to the repost: see page 1. ✓ In 2018, 303 pig herds were controlled, and non-compliances with regard to weaning age were not registered. Link to the report: see page 2. ✓ In 2020, 472 pig herds were controlled, and non-compliances were not registered. The number of controlled herds was reduced due to corona-restrictions. The result of the controls in 2020 is not yet publicly available. <p>Weaning age is not at present seen as a problem area. Should this be the case in the future, a campaign, which target this topic, will be considered.</p>

<p>11. Diet</p> <p><i>‘animals must be 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.’</i> (Directive 98/58/EC Annex, point 14)</p>	<p>“More time is needed to give appropriate compliance criteria on this topic for weaner and slaughter pigs. An update on this is planned, linked to the development of the risk assessment tool, see below under 2.”</p> <p>For this requirement, the documentation is not yet complete.</p> <p>To address this point the action plan should include:</p> <ul style="list-style-type: none"> • Mandatory criteria based on national legislation and / or mandatory guidance to assess compliance with this requirement. • Setting a date of implementation / deadline for implementation • An evaluation of the number of inspections on this requirement each year and the number of non-compliances to measure improvement/compliance. 	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ Chapter 5.1.10.1 (Feeding) in the guide to animal welfare controls in pig herds have been updated. <p>With regard to date of implementation, the inspectors are informed about the updates of the guide, and that they need to act according to the updated texts during controls in pig herds.</p> <p>Number of inspections and number of non-compliances:</p> <ul style="list-style-type: none"> ✓ In 2019, 821 pig herds were controlled, and non-compliances with regard to diet were not registered. Link to the report, see page 1. ✓ In 2018, 303 pig herds were controlled, and two non-compliances concerning feeding and watering were registered, and resulted in injunctions. Link to the report, see page 2. ✓ In 2020, 472 pig herds were controlled, and non-compliances were not registered. The number of controlled herds was reduced due to corona-restrictions. The result of the controls in 2020 is not yet publicly available. <p>The provision on diet is not at present seen as a problem area. Should this be the case in the future, a campaign, which target this topic, will be considered.</p>
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2. Farmers’ criteria:

12 Record/provide evidence of injuries to sows’ teats or to other pigs’ ears or tails.

13 Assess the risk factors leading to injuries

14 Change inadequate environmental conditions or management systems where required

Criteria	Commission assessment	Information on the updates of the Danish action plan
<p>12 Record/provide evidence of injuries to sows' teats or to other pigs' ears or tails</p>	<p>“Denmark introduced new legislation, Order No 1402 of 27/11/2018 which transposes the Commission Recommendation (EU) 2016/336³ in Danish legislation. This made it mandatory for pig farmers:</p> <ol style="list-style-type: none"> 1. to produce written documentation on the occurrence of tail-biting, 2. to carry out a risk assessment according to the parameters in no 3, a) to f) of the Commission Recommendation. In case inappropriate conditions are identified, the farmer shall draw up an action plan on how and when to correct. If no such conditions are identified, the farmer shall gradually try to stop tail-docking starting in a small number of piglets, 3. in case weaner pigs are sold, the farmer shall obtain written documentation on the need to receive tail-docked pigs from the 	<p>Information on the updates of the Danish action plan</p> <p>The guideline on animal welfare controls in pig herds and the guideline on risk assessment for tail biting and on enrichment material are both publicly available on the DVFA website. Link to the guidelines: see page 1.</p> <p>Therefore, no specific official guideline addressed to farmers have been issued.</p> <p>As mentioned below in “Commissions assessment” to section 2-13, guidance in the form of a printed brochure was sent to farmers in January 2019, and a risk assessment tool is available for farmers from the website of SEGES, Danish Pig Research Centre.</p> <p>Because of this, the updates below of the Danish action plan refer to compliance criteria in the two guidelines.</p> <p>The legislation mentioned is now contained in § 47, subsection 2, and § 49 of Order No 1742 of 30 November 2020 on minimum animal welfare standards for the keeping of pigs³.</p> <p>To address this point:</p> <ul style="list-style-type: none"> ✓ Chapter 2.1 (Documentation on evidence of tail biting) of the guideline on risk assessment for tail biting and on enrichment material has been updated with compliance criteria on how farmers must provide evidence of tail lesion, and on a scoring system for tail lesions.

³ Link to Order No 1742 of 30 November 2020: <https://www.retsinformation.dk/eli/lta/2020/1742>

	<p>herd(s) of destination. This will apply to both Danish herds and foreign herds.</p> <p>It is at present the plan that the Order shall enter into force on 1 January 2019, with a transitional period for the requirements mentioned above in 2 (three months) and 3 (six months).</p> <p>The guideline on welfare control in pig herds and the guideline on enrichment material have been updated. A risk assessment tool, is being developed by the working group with representatives from the pig-sector, the Danish Veterinary Association and the DVFA.</p> <p>A meeting with inspectors to train them on the planned legislation and introduce them to the risk assessment tool took place on 21 January 2019. This is expected to enable inspectors to take appropriate enforcement decisions.”</p> <p>To address this point, the action plan should include:</p> <ul style="list-style-type: none"> • Setting criteria on how and how often farmers must provide evidence of tail lesion • Setting criteria on what can be considered a tail lesion (scoring system) • Setting criteria on the level of tail lesions in docked and undocked pigs that (where applicable): 1) justifies tail docking 2) supports the adoption of trials to rear pigs with intact tails • Setting a date of implementation / deadline for implementation • An evaluation of the number of inspections on this requirement each year and number of non-compliances to measure improvement/compliance. <p>Farms can easily integrate the daily recording of tail/ear lesions on individual house monitoring sheets. Most houses usually have a basic written record of farm management procedures and record individual house events (such as fighting, injuries, deaths, treatments and feeding regimes etc.). This would give a representative picture of the situation on holdings, where biting problems may vary from location, or type of housing/ climate, over the whole premises within the different categories. In addition, Point 2 of the Annex to Council Directive</p>	<ul style="list-style-type: none"> ✓ Chapter 2.2 (How often must evidence of tail biting be documented) of the guideline on risk assessment for tail biting and on enrichment material has been updated with compliance criteria on how often farmers must provide evidence of tail lesions. ✓ Chapter 5 (Impact of the risk assessment in relation to tail-docking) of the guideline on risk assessment for tail biting and on enrichment material has been updated with compliance criteria on the level of tail lesions that justify tail docking or supports trials to rear pigs with intact tails. <p>With regard to date of implementation, the inspectors are informed about the updates of the guide, and that they need to act according to the updated texts during controls in pig herds.</p> <p>Number of inspections and number of non-compliances:</p> <ul style="list-style-type: none"> ✓ In 2019, 821 pig herds were controlled, and this resulted in 49 injunctions for missing risk assessment and 17 injunctions for missing written documentation of tail biting. ✓ The result of controls in 2020 is shown in table B. The results is not yet publicly available. ✓ Furthermore, a campaign focusing on farmers risk assessment was carried out in the autumn of 2019 in 200 pig herds. The aim of the campaign was to promote knowledge of the at that time new regulation⁴.
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⁴ Link to information on the campaign:

https://www.foedevarestyrelsen.dk/Kontrol/Kontrollkampagner/Kontrollkampagner_2019/Sider/Risikovurdering_for_forekomst_af_halebid_kontrollkampagne2019.aspx

	<p>98/58/EC states that: “All animals kept in husbandry systems in which their welfare depends on frequent human attention shall be inspected at least once a day.” An annual or biannual documentation of tail/ear lesions cannot be considered sufficient to give a representative picture of the situation on the farm and cannot ensure a continuous cycle of improvement.</p>	<p>A new campaign focusing on farmers risk assessment is expected to be carried out in 2022.</p> <p>The working group with members from the pig-sector, the Danish Veterinary Association and the DVFA, which is mentioned in the Danish action plan submitted in January 2018, is still in function. The group’s main tasks are now to follow the situation to ensure a continuous effort and to discuss issues in relation to risk assessment, action plan and documentation.</p>
<p>13 Assess the risk factors leading to injuries</p>	<p>As indicated under section 12 above, “the new legislation made it mandatory for pig farmers to carry out a risk assessment according to the parameters in no 3, a) to f) of the Commission Recommendation (EU) 2016/336. In case inappropriate conditions are identified, the farmer shall draw up an action plan on how and when to correct. If no such conditions are identified, the farmer shall gradually try to stop tail-docking starting in a small number of piglets,</p> <p>A working group with representatives from the pig sector, the Danish Veterinary Association, and the Danish Veterinary and Food Administration was set up to help ensure a continued effort from involved stakeholders. This has resulted in the development of a risk assessment tool, which is available for farmers from the website of SEGES, Danish Pig Research Centre. Furthermore, guidance in the form of a printed brochure was sent to farmers in January 2019.</p> <p>The provisions on risk assessment and documentation, when weaner pigs are sold, are also a part of national provisions on cross-compliance as of January 2020. In the last four months of 2019, a control campaign is being carried out to assess the level of the farmers’ compliance with the provisions on risk assessment and documentation, when tail-docked weaner pigs are sold.”</p> <p>Almost fully satisfactory.</p> <p>To address this point, the action plan should include:</p>	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ Chapter 4 (Risk assessment and action plan – current improvements) of the guideline on risk assessment for tail biting and on enrichment material has been updated as follows: <ul style="list-style-type: none"> ○ a statement on current improvements is inserted as the first two lines under the headline, and ○ chapter 4.1 and chapter 4.2 address when the risk assessment need to be revised to ensure a continuous cycle of improvements. <p>Compliance criteria of the parameters/indicators mentioned in the Commission Recommendation 2016/336 are dealt with in chapter 3 of the guideline on risk assessment for tail biting and on enrichment material with reference to relevant chapters in the guideline on animal welfare controls in pig herds (see 2-14 below). When the guideline mention figures, they are guidance thresholds and not specific thresholds for indicators, cf. the introduction on page 1.</p>

	<ul style="list-style-type: none"> • Setting a minimum frequency of assessment. Frequency of assessment must ensure a continuous cycle of improvement • Setting thresholds for the different indicators that ensure that criteria for good performance going beyond the otherwise minimum standards of protection of Directive 2008/120/EC. 	
<p>14 Change inadequate environmental conditions or management systems</p>	<p>As indicated under section 12 above, “the new legislation made it mandatory for pig farmers where inappropriate conditions are identified, to draw up an action plan on how and when to correct. If no such conditions are identified, the farmer shall gradually try to stop tail-docking starting in a small number of piglets, in case weaner pigs are sold, the farmer shall obtain written documentation on the need to receive tail-docked pigs from the herd(s) of destination. This will apply to both Danish herds and foreign herds.”</p> <p>Almost fully satisfactory.</p> <p>To address this point, the action plan should include:</p> <ul style="list-style-type: none"> • Setting criteria to assess adequacy of improvement measures. Consideration should be given to the parameters of Commission Recommendation (EU) 2016/336. Criteria should ensure that improvement measures go beyond the otherwise minimum standards of protection of Directive 2008/120/EC. • Frequency of reassessment / adjustment of improvement measures so that a continuous cycle of improvement is ensured • Documentation of improvement measures. 	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ Chapter 3 (Risk assessment) of the guideline on risk assessment for tail biting and on enrichment material has been updated. This chapter address the parameters mentioned in Commission Recommendation 2016/336 and refer to relevant chapters in the guideline on animal welfare controls in pig herds. ✓ It follows from Danish legislation (§ 49, subsections 1-2, of Order no. 1742 of 30 November 2020 on minimum animal welfare standards for the keeping of pigs the risk assessment, including the action plan, must be documented in writing. It follows from subsection 4 that the risk assessment and the action plan must be made available to competent authority on demand. <p>With regard to a continuous cycle of improvements, please see no. 2-13 above.</p>

4. Inspectors’ criteria

15 Assess the adequacy of the actions taken by farmers to record/provide evidence of tail/ear biting

16 Assess the adequacy of the actions taken by farmers to change inadequate environmental conditions or management systems including stocking density where required

Criteria	Commission assessment	Information on the updates of the Danish action plan
<p>15 Assess the adequacy of the actions taken by farmers to record/ provide evidence of tail/ear biting</p>	<p>“Enforcement decisions will be taken when the planned legislation enters into force. During the transitional period described above, the inspectors will give guidance on what is coming.</p> <p>Response is as for section 2-12 above and with the additional remark: A specific threshold is being discussed, but no decision has been taken at present.”</p> <p>Almost fully satisfactory, but the points below should also be taken into consideration.</p> <p>Section 2-12 covers actions to ensure farmers record/provide evidence of tail/ear biting. Items for consideration have been listed in section 2-12.</p> <p>Section 3-15 covers actions to ensure inspectors can assess the adequacy of the actions taken by farmers.</p> <p>The action plan, to address this point should include:</p> <ul style="list-style-type: none"> • how the items listed for consideration in section 2-12 can be assessed by inspectors and therefore • how inspectors can make enforcement decisions on what is sufficient evidence of tail and ear lesions to justify tail-docking and how often should this be recorded • Setting a date of implementation / deadline for implementation • An evaluation of the number of inspections on this requirement each year and number of non-compliances to measure improvement/compliance. 	<p>To address this point:</p> <ul style="list-style-type: none"> ✓ For the first, third and fourth bullet points please see the answer to 2-12 above, as it refers to the compliance criteria for the items requested, which are in the two guidelines for inspectors – guideline on animal welfare controls in pig herds and the guideline on risk assessment for tail biting and on enrichment material. ✓ For bullet point two, the inspectors make enforcement decisions based on the compliance criteria in the two guidelines. As the compliance criteria are based on legal requirements the sanctions, which can be applied, according to the severity of the non-compliance, are warnings, enforcement notices (injunctions or prohibitions) or reporting to the police.
<p>16 Assess the adequacy of the actions taken by farmers to change</p>	<p>“Enforcement decisions will be taken when the planned legislation enters into force. During the transitional period described above, the</p>	<p>To address this point:</p>

<p>inadequate environmental conditions or management systems including stocking density where required</p>	<p>inspectors will give guidance on what is coming. Response is as for section 2-14.”</p> <p>Almost fully satisfactory, but the points below should also be taken into consideration.</p> <p>Section 2-14 covers actions to ensure farmers change inadequate environmental conditions or management systems. Items for consideration have been listed in section 2-14.</p> <p>Section 3-16 covers actions to ensure inspectors can assess the adequacy of the actions taken by farmers.</p> <p>The action plan, to address this point, should include:</p> <ul style="list-style-type: none"> • how the items listed for consideration in section 2-14 can be assessed by inspectors and therefore • how inspectors can make enforcement decisions on what are sufficient improvement measures by farmers, and at what frequency should they be undertaken, to change inadequate environmental conditions or managements systems before resorting to tail-docking of pigs • Setting criteria to assess adequacy of improvement measures. • Setting a date of implementation / deadline for implementation • An evaluation of the number of inspections on this requirement each year and number of non-compliances to measure improvement/compliance. 	<ul style="list-style-type: none"> ✓ For the first, third, fourth and fifth bullet points please see the answer to 2-14 above, as it refers to the compliance criteria for the items requested, which are in the two guidelines for inspectors – guideline on animal welfare controls in pig herds and the guideline on risk assessment for tail biting and on enrichment material. ✓ For bullet point two, the inspectors make enforcement decisions based on the compliance criteria in the two guidelines. As the compliance criteria are based on legal requirements the sanctions, which can be applied, according to the severity of the non-compliance, are warnings, enforcement notices (injunctions or prohibitions) or reporting to the police.
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Table B

Data requested from Member States concerning the enforcement of the ban on routine tail docking – year of reference: 2020

Member state	1 PIG FARMS	2 FARMS CONTROLLED	3a RECORD BITING Y/N	3b PERFORM ROUTINE TAIL DOCKING Y/N	3c BUY TAIL DOCKED Y/N	4 If yes to 3a, FARMS RECORDING BITING	5a if yes to 3b or 3c, FARMS FULLY INTACT	5b If yes to 3b and/or 3c, FARMS PARTLY INTACT	6 FARMS ENRICHMENT MATERIALS	7 FARMS RISK ASSESSEMENT	8 FARMS IMPROVEMENT MEASURES	9 THRESHOLD INTACT TAILS: level in %
Denmark	7289	472	YES	YES	YES	13 farms out of the 472 controlled farms has been sanctioned for not having recorded tail biting. This does not necessarily mean that the rest of the farms have recorded tail biting, since it is not registered if the farm has tail docked pigs or not. Farms with no tail docked pigs are not obligated to record tail biting.	It is not a part of the ordinary control on the farms to registre whether a farm has only or partly pigs with intact tails or not at all. The Danish Veterinary and Food Administration is currently working on a method to registre pigs with intact tails at the Danish Slaughterhouses and at the assembly centres. This will give a much more accurate picture of the proportion of pigs with intact tails in Denmark compared to registration at the controls.	See answer to 5 a	416	It is not a part of the ordinary control on the farms to registre whether a farm has only or partly pigs with intact tails or not at all. So it is not possible to give a number on farms where tail docking is still practiced after a risk assessment has been made. However, 41 out of the 472 controlled farms has been sanctioned for not having a risk assement including actionsplan.	See answer to 7, the same applies to improvement measures.	Guidance is given on level in % in the guideline on risk assessment for tail biting and on enrichment material, see tabel A, section 2-12