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Consultation on reforming the GB Animal Welfare Inspection Regime

June 2011



**The Scottish
Government**



**Llywodraeth Cymru
Welsh Government**



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**Appendix I – AW0510 (separate PDF)
Final report from Warwick University research project entitled:
‘Does membership of a Farm Assurance Scheme affect compliance with Animal Welfare Legislation and Codes?’**

Scope of the consultation

Topic of this consultation:	Proposals to reform the GB animal welfare inspection regime to reduce the likelihood of inspection to farms at low-risk of non-compliance with animal welfare legislation. See introduction section of the summary of the consultation document.
Scope of this consultation:	The purpose of this non-formal consultation is to seek views on the addition of new criteria to the risk model used by the Animal Health Veterinary Laboratories Agency (AHVLA) for allocating animal welfare inspections to claimants under cross compliance regulations. It specifically evaluates evidence for reduced risk for those farmers already inspected by a farm assurance scheme or a certified organic scheme. It is proposed that membership of a farm assurance scheme or a certified organic scheme, be included in the risk model for 2012 and beyond. Views are also sought for ways in which further efficiencies in animal welfare inspections can be achieved. A number of specific questions are posed throughout the paper but other comments and suggestions are welcome. For ease of response, the complete list of questions can be found at Annex A.
Geographical scope:	Great Britain to reflect the remit of the Animal Health and Veterinary Laboratories Agency (AHVLA)
Impact Assessment:	An Impact Assessment is not attached. The Better Regulation Executive has confirmed that one is not required for this non-formal consultation. This is because proposed changes to the AHVLA risk model for allocating inspections will not result in a change in the overall level of regulatory activity. Although there will be costs to the public sector in terms of changes to the IT specification, these will be well below the threshold of £5 million. There are potential savings around efficiencies in inspections but ideas are not sufficiently developed to allow any meaningful assessment to be carried out at this stage. The benefits and drawbacks of each proposal are set out in the consultation document.

Basic Information

To:	Livestock keepers, those who run or who are members of a farm assurance scheme or certified organic scheme, enforcement bodies, NGOs.
Body/bodies responsible for the consultation:	Joint GB consultation undertaken by Defra's Animal Welfare team.
Duration:	15 June to 27 July 2011.
Enquiries:	Alison Maydom Defra Animal Welfare Team Area 8B 9 Millbank c/o 17 Smith Square, London, W1P 3JR. Telephone: 020 7238 5815 Or email: animalwelfareconsultations@defra.gsi.gov.uk
How to respond:	Defra Animal Welfare Team Area 8B 9 Millbank c/o 17 Smith Square, London, W1P 3JR. animalwelfareconsultations@defra.gsi.gov.uk
Additional ways to become involved:	As this is a largely technical issue with specialist interests following discussions with those affected, this will be a purely written exercise.

After the consultation:	A summary of the replies and the Government response will be placed on the Defra consultation website www.defra.gov.uk/consult/2011/06/15/animal-welfare/ within 12 weeks of the end of the consultation.
Compliance with the Code of Practice on Consultation:	The consultation complies with the Code of Practice on Consultation.

Background

Getting to this stage:	Currently animal welfare on farms is monitored and enforced officially by Government delivery bodies (AHVLA and local authorities), predominantly on a risk basis. They prioritise visits to farms on a risk basis, primarily using intelligence received and following up on previous non-compliance and, less frequently, on an elective basis to new enterprises or farms being inspected for other reasons. AHVLA also use a risk model to select inspections to claimants under cross compliance regulations. In 2009 Defra and the WG jointly commissioned research to assess whether membership of a farm assurance scheme or certification under an organic scheme affects compliance with animal welfare legislation. The project considered data from the main farm assurance and organic certification schemes in England, Wales and Scotland, and found a reduced risk of non-compliance for livestock on farms that were assured/certified compared to farms where that livestock sector was not assured/certified.
Previous engagement:	Discussions have been held with Assured Food Standards and the United Kingdom Accreditation Service. Contact has also been made with other farm assurance and certified organic schemes. The consultation takes forward the concept of “earned recognition” – one of the key principles of the recently published report by the independent Farming Regulation Task Force.

Part I - Summary

Introduction

Animal welfare on farms is currently monitored and enforced officially by Government delivery bodies (the Animal Health & Veterinary Laboratories Agency (AHVLA) and local authorities), predominantly on a risk basis. However, there is scope to better target inspections to farms with an increased risk of non-compliance with animal welfare legislation. This paper looks at ways in which this could be achieved through the addition of new risk criteria to the AHVLA risk model used for allocating animal welfare inspections to claimants under cross compliance regulations (hereafter referred to as SPS claimants). It also looks at ways in which further efficiencies in animal welfare inspections can be achieved.

Main proposal

It is proposed that membership of a farm assurance scheme and certification under an organic scheme is added to the risk model in time for allocating inspections for 2012 and beyond.

Other proposals

Additionally, other potential risk criteria are described. It is proposed that these are considered further for possible future inclusion in the risk model where robust supportive evidence is found. There is scope to achieve further efficiencies in animal welfare inspections through, for example, the use of risk-based decision tools, the sharing of information and by taking a more joined-up approach to inspections both at Government level and wider. All of these initiatives will help to reduce burdens on farmers, and will make better use of Government resources. This document gives examples of where this has already started to happen and considers avenues for future exploration.

Comments and questions

A number of specific questions are posed throughout the paper. We would welcome your response to these questions and any other comments and suggestions which you would like to make. For ease of response, the complete list of questions can be found at Annex A.

1. Introduction

1.1. The Coalition Government Agreement included a commitment to reduce the regulatory burden on farmers by moving to a risk-based system of regulation and inspection. This is in line with the requirements of current EU Regulations and guidance on checking compliance with minimum animal welfare standards. More detailed information on these requirements is provided in this paper.

1.2. The Structural Reform Priority Action 1.4 (ii) of Defra's Business Plan, requires the Department to publish proposals for the reform of the animal welfare inspection regime to reduce the likelihood of inspection to farms at low risk of non-compliance with animal welfare legislation. However, many of the proposals put forward to achieve this reform involve changes to the risk inspection model used by the Animal Health and Veterinary Laboratories Agency (AHVLA) for cross compliance inspections. This operates on a GB basis. Hence this consultation paper is written from a GB perspective and has the support of the AHVLA, the Welsh Government (WG), the Scottish Government (SG) and the respective paying agencies.

1.3. The Task Force on Farming Regulation for England was set up in July 2010 under the Chairmanship of Richard Macdonald. It aimed to identify ways to reduce the regulatory burden on farmers and food processors through a review of relevant regulations and their implementation, and to advise on how best to achieve a risk-based system of regulation in future whilst maintaining high environmental, welfare and safety standards. This would help to support a more competitive farming sector to contribute to the economic recovery.

1.4. The report¹ of the independent Farming Regulation Task Force was published on 17 May 2011. One of the report's recommendations is the idea of applying "earned recognition" to regulatory regimes. Earned recognition requires regulators to use private sector information and other personal evidence to assess risk and therefore the need for the state or its agents to inspect. Recognition is "earned" because it rewards the effective efforts of individuals or businesses to improve knowledge and standards.

1.5. The Minister of State for Defra welcomed the Task Force's report and stressed the need to free farmers and food producers from unnecessary burdens. He highlighted this consultation on the reform of the animal welfare inspection regime as an example of early action in applying principles of simplification and removing duplication.

1.6. In spring 2008, the WG set up the Red Tape Review stakeholder group. The Group was formed to help identify opportunities to reduce bureaucracy within the farming industry and to prioritise the areas to be looked at. Five main areas of action were identified; amalgamating and co-ordinating inspections; engaging with farmers; simplifying documentation; sharing data between agencies and education and communication. The work is still on-going.

¹ <http://www.defra.gov.uk/publications/2011/05/17/pb13527farming-reg-report/>

1.7. Currently animal welfare on farms is monitored and enforced officially by Government delivery bodies (AHVLA and local authorities), predominantly on a risk basis. They prioritise visits to farms on a risk basis, primarily using intelligence received and following up on previous non-compliance and, less frequently, on an elective basis to new enterprises or farms being inspected for other reasons. AHVLA also use a risk model to select inspections to claimants under cross compliance regulations. There is scope however, to better target inspections to farms with an increased risk of non-compliance with animal welfare legislation. This paper looks at ways in which inspections could be better targeted with particular emphasis on inclusion of membership of a farm assurance scheme or certification under an organic scheme in AHVLA's risk model for inspections to SPS claimants.

1.8. Proposed changes to the AHVLA risk model for allocating inspections will not result in a change in the overall level of regulatory activity. Although there will be costs to the public sector in terms of changes to the IT specification for AHVLA's risk inspection model, these will be well below the threshold of £5 million. There are potential savings around efficiencies in inspections but ideas are not sufficiently developed to allow any meaningful assessment to be carried out at this stage.

2. Background to GB welfare inspection regime

Introduction to minimum inspection requirements

2.1. A number of EU animal welfare laws and associated policy guidance impact on how Government performs animal welfare inspections and subsequently reports on them. EU requirements are harmonised as far as possible to enable proportionate and value for money enforcement, as well as to reduce administrative burdens on farmers. Minimum EU inspection requirements now require the majority of welfare inspections to be risk-based. This means farms most likely to be non-compliant should be targeted for most official inspections. AHVLA is the Government's specialist control body for carrying out official statutory animal welfare inspections in GB, whilst local authorities and non Government organisations are involved in further enforcement activities, including prosecutions. Annual EU reporting requirements require data collection from the AHVLA on inspections, enforcement activities and training / knowledge transfer to be submitted to the Commission. This is then published. Additional data (e.g. for prosecutions and training) is sourced from local authorities and non Government official bodies (e.g. the RSPCA, SSPCA).

Legislative basis

2.2. A Summary of all EU welfare legislation regarding minimum requirements for inspection and reporting by competent control authorities can be found at Annex B.

The Food and Veterinary Office (FVO) and Commission auditors check on Member States (MS) controls on behalf of the EU Commission and make recommendations for MS disallowance. Further details of statutory inspection requirements are provided at Annex C.

Official Food and Feed Controls (EC/882/2004) (hereafter: OFFC)

2.3 OFFC requires that inspections of primary producers of food i.e. farming enterprises must be carried out as part of the quality control procedures for ensuring food safety. Inspections should be primarily risk based, with ad-hoc inspections carried out where non-compliance is suspected, however inspections may be carried out at any time even where there is no suspicion of non-compliance. MS are required to prepare a single integrated multi-annual national control plan (MANCP).

Cross compliance (EC/1122/2009)

2.4 A minimum of 1% of all claimants of the Single Farm Payment (SFP) and/or specific agri-environment schemes must be inspected annually. 20-25% of these inspections must be random, the remainder being risk-based, to monitor compliance. For animal welfare this is currently set at 20% random and 80% risk-based. Reductions to the payments made to individual farmers are applied by the appropriate paying agency if non-compliances (breaches) are found. The use of an administrative penalty avoids using the criminal justice system when non-compliances are found and it is applied more quickly than following judicial procedure. All claimants subject to a penalty reduction may opt to appeal against the decision for which all paying agencies have clear and accountable protocols. If there are high levels of non-compliance across a paying agency region, inspections must be increased. If procedures are not followed according to Commission Regulations and guidelines, disallowance may be (and has been) applied by the Commission to the respective country's proportion of the Common Agriculture Policy (CAP) fund from which SPS payments are made.

2.5 There are three statutory management requirements (SMRs) for animal welfare, specifically SMR 16 calves SMR 17 pigs and SMR 18 all other livestock.

2.6 Recent amendments to cross compliance regulations provides for an option to inspect 1% of the whole livestock population (rather than just the claimants to which cross compliance is applicable). In addition claimants who are members of farm assurance schemes may be excluded from selection but only if inspections by the certifying body are carried on all the elements inspected by the competent control authority (CCA).

Commission decision 2006/778/EC concerning minimum requirements on welfare inspections (repeals Commission Decision 2000/50/EC)

2.7 This defines the minimum requirements for collection of information during farm inspections. This includes an annual report and details on enforcement activity relating to all farmed species (excluding fish). It requires separate inspection results for laying hens reared in different systems (e.g. free range, enriched cages etc). There are specific details on the minimum number of criteria to be inspected for it to count as an 'inspection' and there is also a requirement for the collection of specific data (e.g. compliance with minimum 40 lux light requirements for pigs) from particular aspects of each directive.

2.8 This Commission decision aims to improve transparency of inspection results and allow meaningful comparison between MS in the EU. It also intends to align inspection and reporting processes with OFFC (risk-based, proportionate inspections) and focus on ensuring some of the more detailed requirements (such as light, space measurements, enrichment materials, etc) are actually being measured.

Meat chicken (broiler) directive 2007/43/EC

2.9 This directive, applicable to all conventionally reared meat chickens, stipulates requirements on the competent authority to make animal based assessments at slaughterhouse level, to be used as a risk basis for inspecting at farm level. On-farm mortality is also considered a key risk. The Food Standards Agency Operations Group (FSA Ops) and AHVLA work together to enforce this directive. It has been transposed into domestic legislation through the Welfare of Farmed Animals (England) Regulations 2007 (as amended) (WOFAR) in December 2010. Similar but separate legislation exists in Scotland and Wales. Inspection and annual reporting requirements are aligned with OFFC requirements.

The protection of animals during transport and related operations EC/1/2005

2.10 This EU regulation details requirements associated with the commercial transportation of animals. The English implementing legislation for this regulation is the Welfare of Animals (Transport) (England) Order (WATO) 2006. Separate but similar legislation operates in Scotland and Wales. Local authority inspectors are responsible for official enforcement action, although inspection duties are shared with AHVLA and this arrangement is usually covered by the National Framework document.

Additional domestic legislation in GB

2.11 The Animal Welfare Act 2006 provides for the protection of all kept animals except those used in scientific experiments. The Act was followed by secondary legislation in the form of the Welfare of Farmed Animals (England) Regulations (WOFAR) 2007 and the Mutilations (Permitted Procedures) (England) Regulations (as amended) 2007. Similar but separate legislation exists in Scotland and Wales.

2.12 There are two additional pieces of welfare legislation relating to the welfare of animals in markets. Evidence from market inspections may be used directly in enforcement activities by both AHVLA and local authorities for enforcing markets and transport legislation and is also used as scanning surveillance for targeting farm inspections based on the welfare state of animals presented at market. Similar legislation is enacted in Scotland and Wales.

2.13 Both WOFAR 2007 and WATO 2006 provide for additional elements of domestic legislation which are not covered by minimum EU regulatory requirements.

2.14 There are no minimum inspection requirements associated with additional domestic legislation.

Changes to the GB welfare inspection regime

2.15 Prior to 2007 the majority of inspections were carried out principally by the State Veterinary Service (SVS, now AHVLA) but also by local authorities. They were carried out in response to complaints or targeted as a follow up to previous non-compliances or to market / slaughterhouse reports. Since 2000 and following Commission Decision EC/2000/50, random visits were selected to calf rearing units, pig units and laying hen units. Other visits, such as those to new systems/farming enterprises, comprised a much smaller proportion of all visits.

2.16 Since OFFC came into force in January 2006, 2006/778/EC and subsequent EU legislation and guidance has aligned with the basic principles of OFFC regulations on inspections and reporting. Inspections should be mostly risk based. However a random selection for inspection is needed in order to compare with and evaluate any risk based approach. In addition, ad-hoc inspections should be carried out where non-compliance is suspected.

2.17 How an inspection is classed depends on whether the farmer to be visited claims SPS payment. For claimants all livestock enterprises on the holding become subject to inspection if a non-compliance is disclosed during an ad hoc inspection. Whilst the laying hens' directive 1999/74/EC and the meat chicken (broiler) directive 2007/43/EC are not included as specific SMRs, compliance with 98/58 EC (SMR 18) must still be assessed.

3. Principles of enforcement

Enforcement concordat

3.1. Defra, Scottish and Welsh administrations, delivery agencies and Government partners work to meet the basic principles of good enforcement by setting clear standards, providing helpful advice to stakeholders (including the publication of guidance and codes on compliance and best practice), enforcing proportionate to the risk and having clear and consistent processes to deal with compliance issues.

3.2. Each local authority has their own enforcement policy which is aligned with the principles of the Government's enforcement concordat and Regulator's Compliance Code. Prosecutions are in the most part taken by local authorities (supported by evidence from GB delivery agencies).

3.3. Defra and the Scottish and Welsh administrations have detailed welfare guidance in the form of welfare codes. There is a legal requirement that a person responsible for a farmed animal (or anyone employed or engaged by that person) must be acquainted with any relevant code of practice and have access to the code while attending to the animal. In addition the administrations produce non-statutory guidance for assisting farmers' with specific welfare issues such as condition scoring and lameness.

3.4. Since cross compliance regulations have come into force there is both a criminal and civil process that can be followed for enforcing welfare. This paper

focuses on farm inspections and therefore a brief summary of AHVLA and local authority approaches to enforcement is provided.

Enforcement approach by AHVLA

3.5. Welfare visits and provision of advice are used to prevent welfare problems as well as to deal with those incidents where welfare problems have already occurred. Whilst in the course of other duties welfare issues are always considered and acted upon as necessary. Specific welfare visits provide an opportunity to see farms which are not visited routinely for other reasons.

3.6. The role of AHVLA is to monitor, record and advise as necessary. Where advice is not being followed or deliberate neglect or cruelty is obvious, taking further enforcement action, including initiating a prosecution, is considered. Prosecution is always a last resort.

AHVLA, cross compliance inspections and penalty reduction by paying agencies

3.7. All SPS claimants / agri-environment beneficiaries subject to any animal welfare inspection, for which a non-compliance (breach) is found, will be subject to a penalty reduction of their payment.

3.8. Paying agencies determine the level of reduction which is based on the intent, severity, permanence and extent (on/off farm) of non-compliances found. Whether the breach is negligent or intentional has the biggest impact on the level of reduction. Most welfare breaches are determined to be negligent and on-farm and will result in a reduction of up to 5%.

3.9. If there are repeated infringements of the same breach then this reduction can be multiplied by a factor of three and/or the breach can be subsequently interpreted as intentional. Intentional breaches can result in a 40% to 100% penalty reduction i.e. the claimant receives no SPS payment.

Local authority role

3.10. Whilst local authorities have a statutory role to report enforcement action under the Animal Health Act (1981), in terms of welfare this only relates to the welfare of animals during transport. Enforcement of the Animal Welfare Act 2006 and any secondary legislation is optional, dependent on local budget decisions and follows the local enforcement policy. Local authorities mostly work with AHVLA and undertake joint welfare visits but they also conduct visits on their own or occasionally with private practice veterinarians.

3.11. Like AHVLA, prosecution is a last resort. Local authorities usually work with delivery agencies during their investigations into potential prosecution cases. Local authorities lay informations to court and take welfare prosecutions forward, supported by evidence from the relevant agency (usually AHVLA or FSA ops).

Part II - Proposals

Refining the AHVLA risk model used for allocating risk- based official inspections to claimants under cross compliance regulations

Introduction

At present, a minimum of 1% of all claimants of the SPS and/or specific agri-environment schemes must be inspected annually. 20-25% of these inspections should be random, the remainder being risk-based to monitor compliance. For animal welfare this is currently set at 20% random and 80% risk-based. In 2010, to meet the 1% minimum claimant inspection requirement in England over 540 cross compliance inspections were carried out. There is limited data on the exact proportion of the livestock industry represented by those subject to cross compliance Regulations and it is very much dependent on the individual sector, For example, in 2010 in England, 85% of all cattle keepers and 74% of all sheep keepers inspected by the Rural Payments Agency (RPA) were also claimants under cross compliance Regulations. Lower proportions of the pig and poultry sectors are claimants.

At present, 80% of statutory animal welfare inspections to SPS claimants are allocated using a risk model designed to identify farms at a higher risk of non-compliance with animal welfare legislation. The risk model was implemented in 2007 and is based on the Sparre-Andersen risk model (based on Poisson risk theory, and commonly used by actuaries in calculating risks associated with insurance claims e.g. the probability of death). This model approach (where independent variables influence the final outcome) is used by most of the GB paying agencies for their risk selection process for cross-compliance inspections. The risk model for allocating animal welfare inspections uses criteria based on the results of previous inspections, and, where relevant, cattle mortality rate. An additional risk criterion, based on time elapsed since last inspection, was removed in 2010 following evidence that it was not a good indicator of risk. Further details of the 2007 model are provided at Annex D.

There is further scope to improve the risk model and better target farms at higher risk of non-compliance. Additionally there is the potential to consider using the risk model for allocating risk-based animal welfare inspections to all farms, not just to SPS claimants.

4. Proposal One

Inclusion of membership of a farm assurance scheme or certification under an organic scheme for 2012 and beyond

4.1. An appreciable proportion of farmers are members of voluntary private farm assurance schemes or are certified under an organic scheme. The schemes covering livestock all include welfare parameters in their standards, although to varying levels of detail. All organic control bodies must ensure that their licensees with livestock are complying with the welfare parameters set out in the EU organic legislation and some have their own additional private standards on animal welfare. The accreditation systems of the majority of farm assurance schemes, and all organic certification schemes, are independently audited by the United Kingdom Accreditation Service

(UKAS). Animal welfare is assessed by schemes during farm inspections, and membership/certification can be suspended, either temporarily or permanently, if non-compliance with the scheme standards is found.

4.2. In 2009 Defra and the WG jointly commissioned research to assess whether membership of a farm assurance scheme or certification under an organic scheme affects compliance with animal welfare legislation. The research project was carried out by researchers at Warwick University. The project considered data from the main farm assurance and organic certification schemes in England, Wales and Scotland, and found a reduced risk of non-compliance for livestock on farms that were assured/certified compared to farms where that livestock sector was not assured/certified. It was therefore concluded that membership of a farm assurance scheme and certification under an organic scheme should be considered for inclusion in the risk model as a reduced risk (the full research project report is available at Appendix 1 – AW0510 as a separate PDF).

4.3. Given this evidence, it is proposed to include farm assurance scheme membership and organic certification in the risk model for allocating animal welfare inspections under cross compliance regulations for 2012 and for future years. At the current time we expect to only include schemes whose inspection procedures are UKAS-accredited. UKAS assesses, against internationally agreed standards, organisations such as farm assurance schemes, and the certification bodies they use, that provide certification or inspection services. UKAS accreditation therefore provides confidence in the reliability and consistency of inspection procedures. We have identified sixteen farm assurance and organic certification schemes relevant for inclusion in the risk model (listed in Annex E). All have confirmed that they wish to participate. We are currently discussing with them how data will be shared, ensuring that Data Protection Act legislation is strictly complied with.

Question 1: What is your opinion on requiring the inspection procedures of participating farm assurance schemes to be UKAS-accredited. What about smaller schemes for which it might not be economically viable to seek UKAS accreditation?

Question 2: Do you know of any other farm assurance or organic certification schemes not listed in Annex E which have welfare standards in their scheme and so may be relevant for inclusion in the risk model?

4.4. Once data sharing and formatting issues have been agreed, it is anticipated that data will be obtained from participating schemes twice a year and used to identify farms that are assured/certified. These farms will receive a negative risk score for this criterion, and hence their chances of being selected for a risk-based inspection will be reduced. Importantly though, membership of a farm assurance scheme or organic certification will not exempt farms from official animal welfare inspections. Assured/certified farms may still be selected for a risk-based inspection if their scores for other risk criteria in the model outweigh their negative risk score for membership/certification. They may also be selected for inspection as part of the random inspection programme and in response to complaints, referrals, or intelligence.

4.5. Farms identified as belonging to a farm assurance or organic certification scheme will have a reduced chance of inspection for the livestock covered by their scheme. Additionally, we will consider whether non-assured/non-certified livestock on farms which hold assured/certified livestock might also be viewed as at a lower risk of non-compliance with animal welfare legislation. If they are considered to be so, then membership/certification would be included in the risk model on a whole farm basis, rather than on an enterprise within a farm basis, so that farms keeping any type of assured/certified livestock will have a reduced chance of inspection for any livestock (both assured/certified and non-assured/non-certified) held on the farm. Data used in the Warwick University research project will be analysed to look for evidence to support this approach. However, we believe that unless there is clear evidence against taking this approach then we should adopt a spirit of trust and include membership/certification on a whole farm basis.

Question 3: Do you think that scheme membership/certification should be included in the risk model on a whole farm basis? This would mean that farms with assured/certified livestock will have a reduced chance of inspection for all livestock held, regardless of whether or not all livestock are assured/certified.

4.6. The weighting given to scheme membership/certification (i.e. the degree to which membership of a farm assurance scheme or certification under an organic scheme reduces a farmer's chance of inspection compared to an equivalent farmer without membership/certification) will be determined in relation to the other criteria included in the risk model.

4.7. The relationship between farm assurance scheme membership or organic scheme certification and compliance with animal welfare legislation will be re-assessed in future years to check the ongoing validity of including this criterion in the risk model.

Benefits of proposal one

- An improved risk model, resulting in better targeting of official welfare inspections and an increased ability to detect on-farm welfare problems.
- Reduced burdens on assured producers: farms that are already inspected by independent assessors for animal welfare are less likely to be inspected again. This is in line with the recommendations of the Task Force on Farming Regulation for England and the Red Tape Review actions in Wales, for a more proportionate system of regulation and enforcement for farmers with the concept of "earned recognition".

Drawbacks of proposal one

- Cost of supplying evidence base to include this risk factor and for ongoing monitoring of its effectiveness as a good predictor of welfare compliance.
- There will be a one-off cost for AHVLA to update the risk model to incorporate scheme membership/certification data. There will also be a smaller annual cost (to be determined) for AHVLA to handle data provided by each scheme and feed it into the risk model.

- An improved ability to detect on-farm welfare problems may result in an increase in the number of official inspections carried out and increased workload for AHVLA in terms of responding to and following-up cases of non-compliance. This will have a resource cost or impact on their ability to carry out other work. This could also impact on local authorities if more cases of welfare non-compliance are identified and investigations and/or prosecutions warranted.
- In terms of inspections carried out under cross compliance regulations, an increase in the overall number of non-compliances may trigger the Commission to require an increase in inspection rate. This will have an additional resource cost unless sourced from the current inspection regime.

5. Proposal Two

Review of the current risk criterion: ‘Level of compliance recorded during previous official welfare inspections’ for allocating inspections for 2013 and beyond

5.1. At present the risk criterion ‘Level of compliance recorded during previous official welfare inspections’ reflects a farms’ worst overall welfare score (ABCD) recorded during the last three (or less) official inspections carried out within the past three years. Using this method, a farm receiving three D scores (unnecessary pain, distress) will have the same risk score for this criterion as a farm which received a D score two years ago and has since received two A scores (full compliance with legislation and codes). For this reason it would be beneficial to review this risk criterion so that it more clearly distinguishes scenarios that differ in their apparent risk. Resources permitting, we propose to set-up a small in-house project group, including members with policy, field and statistical expertise, to look at how this risk criterion might be refined for 2013 and beyond for allocating inspections.

Benefits of proposal two

- An improved risk model, resulting in better targeting of official welfare inspections and an increased ability to detect on-farm welfare problems.
- Reduced burdens on low-risk producers.

Drawbacks of proposal two

- Resource costs for Government to establish a small in-house project group to refine the risk criterion.
- There will be a one-off cost (to be determined) for AHVLA to update the risk model to incorporate the refined risk criterion (although this may be negligible if it is co-ordinated with other updates to the risk model).
- An improved ability to detect on-farm welfare problems may result in an increase in the number of official inspections carried out and increased workload for AHVLA in terms of responding to and following-up cases of non-compliance. This will have a resource cost or impact on their ability to carry out other work.

- In terms of inspections carried out under cross compliance regulations, an increase in the overall number of non-compliances may trigger the Commission to require an increase in inspection rate. This will have an additional resource cost unless sourced from the current inspection regime.

6. Proposal Three

Explore the validity and feasibility of five further potential risk criteria for incorporation into the risk model for allocating inspections under cross compliance regulations for 2013 and beyond.

6.1. In addition to membership of a farm assurance scheme or certification under an organic scheme, there are other risk criteria that could potentially be included in the risk model to improve its ability to differentiate between farms at higher and lower risk of non-compliance with animal welfare legislation. Robust evidence confirming an association between a given risk criterion and increased or reduced compliance will be required before including any new criterion in the model. Additionally, since all criteria within a risk model act relative to each other, the relationship between different risk criteria will be considered, and only those criteria with the greatest impact will be included.

6.2. We have identified five potential risk criteria considered worthy of further examination which are listed below. Resources permitting, we propose to examine all of these in full. The availability and reliability of data sources will be checked for each, and statistical analyses will be carried out to confirm whether a significant relationship with animal welfare compliance exists. Where robust evidence for including a new criterion in the risk model is found, we envisage that the risk model will be updated in time for allocating welfare inspections for 2013 and beyond.

A. Level of compliance recorded on previous livestock-related cross compliance inspections

6.3. Farmers submitting claims under the Single Farm Payment Scheme and under certain Agri-environment schemes must comply with a number of Statutory Management Requirements (SMRs) and with domestic legal requirements requiring land to be kept in Good Agricultural and Environmental Condition (GAEC). A farmer's compliance with these requirements is assessed during inspections carried out by statutory bodies such as the Rural Payments Agency (RPA). Several SMRs and GAEC requirements are related to the care of livestock and it is plausible that a farm's level of compliance with these requirements might be linked to its level of compliance with animal welfare legislation. Extra resource would be required to provide the evidence base for these potential additional risk criteria.

6.4. Seven categories have been identified for further consideration:

- i. Pig identification and registration (SMR 6)
- ii. Cattle identification and registration (SMR 7)
- iii. Sheep and goats identification (SMR 8)
- iv. Prevention and control of Transmissible Spongiform Encephalopathies (TSEs) (SMR 12)

- v. Control of foot and mouth disease, certain animal diseases and bluetongue (SMRs 13, 14 & 15)
- vi. Overgrazing and unsuitable supplementary feeding (GAEC 9)
- vii. Penalty reduction applied to a SPS claimant across other SMRs

6.5. The outcomes of the three SMRs relating directly to animal welfare: welfare of calves (SMR 16), welfare of pigs (SMR 17) and animal welfare (SMR 18) are already fed into the risk model within the 'Level of compliance recorded during previous official welfare inspections' risk criteria, and are therefore not included here.

B. Number of illegal animal movements

6.6. Legislation sets down rules governing the movement of cattle, sheep, pigs, goats and deer, and is primarily designed to slow down the rate of spread of any undetected disease. Depending on the type of livestock kept, farmers may be required to record and report all movements on and off their premises, complete movement documents, adhere to the conditions of general or individual movement licences and comply with movement restrictions and standstill periods. It is plausible that a farm's level of compliance with animal movement regulations might be related to its level of compliance with on-farm animal welfare legislation.

6.7. Movements of animals are monitored, and data collected can be used to test for an association between compliance with animal movement regulations and compliance with on-farm welfare legislation. This risk criterion would apply only to farms keeping cattle, sheep, pigs, goats or deer.

C. Animal/Herd Health scheme membership

6.8. A number of commercial animal/herd health schemes exist with the primary aim of monitoring, controlling and ultimately eradicating animal disease. Animal/herd health schemes currently exist for cattle, sheep, pigs, goats, deer and some types of poultry. Farms in health schemes receive inspections, many of which include animal welfare, and once a farm/herd meets the scheme's agreed health standards it receives certification. Farmers signing up to health schemes benefit because their certified animals are at lower risk of disease, are more marketable and may fetch higher values. In some cases (e.g. for some types of poultry), membership of a health scheme is a requirement for animals destined for export.

6.9. Herd Health planning is becoming an important tool in maximising the productive potential of herds through promotion of better management, biosecurity and through the reduction of costs resulting from disease. It therefore plays a fundamental role in ensuring animal health and welfare. 'Proactive' cattle health planning involves taking preventative measures to protect against animal disease, rapid detection of disease incursion, assessment of the impact of disease on the farm and implementing a strategy to reduce the impact of that disease.

6.10. It is plausible that farms that are members of an animal/herd health scheme might be more compliant with animal welfare legislation.

D. Post-mortem inspection data collected at the slaughterhouse

6.11. Under the Meat Chicken Directive (2007/43/EC), data collected during the post-mortem (PM) inspection of meat chickens in UK slaughterhouses are currently used to identify farms with an increased likelihood of poor welfare. PM inspection data are currently available electronically for other types of poultry and for pigs, and in the near future they will become available for cattle and sheep. Analyses will need to be undertaken to ascertain which PM conditions most reliably identify on-farm welfare for these other livestock groups, and how data on these conditions can most effectively feed into the risk model for allocating animal welfare inspections.

6.12. This risk criterion would apply only to farms holding poultry, pigs, cattle or sheep.

E. Membership of retailer schemes

6.13. Some retailers maintain their own individual schemes or standards, with which their suppliers must comply. Many if not all of these include principles intended to promote animal welfare. In 1999 the Farm Animal Welfare Council² looked at the scope of retailer schemes and concluded that over half of the schemes considered by their study went beyond current (1999) animal welfare legislative requirements. As the number of producer-led Farm Assurance and Organic Certification Schemes has increased, the number of retailer schemes appears to have decreased, however many still exist.

6.14. It is plausible that farms that supply products to meet the requirements of retailer schemes or standards that aim to promote animal welfare might be more compliant with animal welfare legislation.

Benefits of proposal three

- An improved risk model, resulting in better targeting of official welfare inspections and an increased ability to detect on-farm welfare problems.
- Reduced burdens on low-risk producers.
- Potential for improved welfare.

Drawbacks of proposal three

- Resource costs for Government to carry out analyses to determine which risk criteria are worthy of inclusion in the risk model.
- There will be a one-off cost (to be determined) for AHVLA to update the risk model to incorporate any new criteria, and amend weightings for existing criteria within the model. There may also be a smaller annual cost (to be determined) for AHVLA to obtain and handle data from new data sources and feed it into the risk model.

² <http://www.fawc.org.uk/pdf/farmassurance.pdf>

- An improved ability to detect on-farm welfare problems may result in an increase in the number of official inspections carried out and increased workload for AHVLA in terms of responding to and following-up cases of non-compliance. This will have a resource cost.
- In terms of inspections carried out under cross compliance regulations, an increase in the overall number of non-compliances may trigger the Commission to require an increase in inspection rate. This will have an additional resource cost unless sourced from the current inspection regime.
- Potential danger of including too many risk criteria in the model and diluting its effectiveness. To prevent this, only the risk criteria with the greatest impact will be included.

Question 4: What are your opinions on the five potential risk criteria listed for further consideration? Do you have any other suggestions for potential risk criteria?

Question 5: Are there any other points you would like to make in relation to the risk model?

Achieving efficiencies in the animal welfare inspection regime

Introduction

Our goal is to ultimately harmonise the inspection, enforcement, data gathering and reporting processes for on farm animal welfare inspections such that they meet all EU legislative and policy guidance requirements whilst minimising the number of inspections carried out by Government inspectors, primarily AHVLA and local authorities. We also need to make the best use of visits and checks performed by others (e.g. NGOs, farm assurance schemes) to inform risk-based decision tools at local level and to facilitate a joined-up approach to inspections, thus avoiding duplication and reducing burdens on farmers. This goal is echoed in the recently published report of the independent Farming Regulation Task Force.

This section highlights examples of where this has already started to happen but we need to look for further efficiencies both in the number of Government inspections and in our use of information from inspections carried out by others.

7. Proposal Four

Government will continue to look for efficiencies and reduction in the total number of welfare inspections carried out.

7.1. Government with its agency partners will continue to look at current inspection outcomes to see if there are opportunities to reduce or remove inspections that are currently carried out and where evidence suggests they have low risk of non compliance. However visits following exception reporting (complaints or information

e.g. from abattoirs or Government partners / NGOs) that suggests welfare may be at risk will continue.

7.2. There is already work underway to reduce inspections to low risk sectors. For example, AHVLA have already implemented a refinement of the inspection regime to ensure that resource is focussed on those premises where there is a higher likelihood of:

- i. Unnecessary suffering (US) of farmed animals
- ii. Welfare non-compliances without US

7.3. Inspections that have been considered in this review include: city farms, market inspections, portal inspections and transporter/vehicle inspections. Details on the particular benefits and drawbacks of the approaches can be found in Annex F.

7.4. It will be important to review and rationalise the decision-making processes on welfare inspections by delivery partners. This can be achieved through for example, action at local level following complaints or information from other sources and joined-up inspections when visiting for other reasons. A risk based approach is already used locally in decision-making on whether to carry out a visit, when and by whom. Sharing of best practice should also be encouraged.

7.5. There are good examples of where delivery partners have already started to review and rationalise their decision-making processes. For example, in spring 2008 the WG set up a Red Tape Review stakeholder group. Membership included representatives from the farming unions, Environment Agency, Food Standards Agency, local authorities and farm assurance schemes amongst others. The Group was formed to help identify opportunities to reduce bureaucracy within the farming industry and to prioritise the areas to be looked at. Annex F provides further details.

7.6. Local authorities are already using approaches for low or medium risk premises that acknowledge risk, intelligence, resource limitations and the history of the business. Where it is deemed appropriate to carry out a farm visit then local authorities aim to ensure that the visit incorporates all relevant regulatory functions, including animal health, animal welfare, feed, food hygiene at a primary production level, metrology and food standards. In addition, any visit can make links to the wider local authority and central government services where needed. Annex F provides further information.

Benefits of proposal four

- Transparent and consistent approach to effective data sharing and managing targeted inspections, including resource use in response to information from the public, farm assurance and organic certification schemes and other Government bodies.
- Provides the scope to join up inspections for statutory regulatory requirements.

- Reduction in number of inspections carried out on individual farms, avoidance of duplication of effort by farm inspectors and is in the spirit of responsibility and cost sharing.
- Could optimise delivery by joining up inspections where possible.
- Resource saving for Government, opportunity to increase welfare inspection data available to Government and EU Commission.

Drawbacks of proposal four

- Costs to carry out or commission the analyses and for delivery bodies to review and make changes to their selection and reporting systems.
- The need to share information completely, including failures, for which there may be sensitivities and there will be data protection issues.
- Increased resource cost for delivery bodies where multiple inspections increase the time taken for each.
- Risk that welfare compliance may reduce.

Question 6: Can you suggest further efficiencies in welfare inspections, where appropriate referring to the benefits and/or drawbacks of your suggestions?

8. Proposal Five

Use of farm assurance and/or organic certification scheme data as part of inspections returns to the European Commission

8.1. Looking ahead to the future, there may be an opportunity to include farm assurance and/or organic certification scheme inspection data as part of the inspections returns which we are required to provide to the Commission under Commission Decision 2006/778/EC. This would require the detailed evaluation of scheme standards and inspection procedures to see how far they match those of AHVLA inspections. We would also need to engage with the Commission on this new approach and find out whether other Member States have already delegated responsibilities in this way.

Benefits of proposal five

- Reduced number of Government inspections to farms.
- Data return to the Commission covers a larger number of farms. The enhanced database may allow trends in welfare standards on GB farms to be monitored more effectively than at present.

Drawbacks of proposal five

- Commission may not accept data.
- Possible data sharing issues.

- May require selection of certain farm assurance and organic certification schemes and not others in order to meet EU legislative requirements including analysis of criteria inspected, as cross compliance EU regulations state that scheme data can be taken into account only in relation to the requirements that the scheme covers.
- May require Defra to have an audit function (including on the spot checks) of all schemes providing data to be included in reports to the Commission.

Question 7: What is your opinion on using farm assurance and organic certification scheme inspection data for official returns to the Commission?

Question 8: Do you have other suggestions or ideas for encouraging better sharing of information?

Part III - Summary of proposals

Refining the AHVLA risk model used for allocating risk-based official inspections to claimants under cross compliance regulations

Proposal One

Inclusion of membership of a farm assurance scheme or certification under an organic scheme for allocating inspections for 2012 and beyond

Proposal Two

Review of the current risk criterion: 'Level of compliance recorded during previous official welfare inspections' for allocating inspections for 2013 and beyond.

Proposal Three

Explore the validity and feasibility of five further potential risk criteria for allocating inspections for 2013 and beyond.

Achieving efficiencies in the animal welfare inspection regime

Proposal Four

Government will continue to look for efficiencies and reduction in the total number of welfare inspections carried out.

Proposal Five

Use of farm assurance and organic certification scheme inspection data as part of inspections returns to the European Commission.

Annexes

Annex A: Questions Raised In Consultation Paper

Refining the AHVLA risk model used for allocating risk- based official inspections to claimants under cross compliance regulations.

1. What is your opinion on requiring the inspection procedures of participating farm assurance schemes to be UKAS-accredited? What about smaller schemes for which it might not be economically viable to seek UKAS accreditation?
2. Do you know of any other farm assurance schemes or organic certification schemes not listed in Annex VI which have welfare standards in their scheme and so may be relevant for inclusion in the risk model?
3. Do you think that scheme membership/certification should be included in the risk model on a whole farm basis? This would mean that farms with assured/certified livestock will have a reduced chance of inspection for all livestock held, regardless of whether or not all livestock are assured/certified.
4. What are your opinions on the five other potential risk criteria listed for further consideration? Do you have any other suggestions for potential risk criteria?
5. Are there any other points you would like to make in relation to the risk model?

Achieving efficiencies in the animal welfare inspection regime

6. Can you suggest further efficiencies in welfare inspections, where appropriate referring to the benefits and or/drawbacks of your suggestions?
7. What is your opinion on using FAS inspection data for official returns to the Commission?
8. Do you have other suggestions or ideas for encouraging better sharing of information?

Please feel free to comment on any other aspect of the paper or the animal welfare inspection regime in general.

Annex B:

Welfare inspection regime – Summary of all EU welfare legislation regarding minimum requirements for inspection and reporting by competent control authorities

EU legislation	Applicable to:	Competent Authority Controls
98/58/EC	Animals bred or kept for farming purposes	Member States shall ensure that inspections are carried out by the competent authority to check compliance with the provisions of this Directive. Such inspections may be carried out at the same time as checks for other purposes. Member States shall submit to the Commission reports on the inspections.
99/74/EC	laying hens	Member States shall take the necessary measures to ensure that the competent authority carries out inspections to monitor compliance with the provisions of this Directive. These inspections may be carried out on the occasion of checks made for other purposes. Member States shall report to the Commission on the inspections
2006/224/EC (codified version 91/630/EEC)	pigs	Member States shall ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive are being complied with. These inspections, which may be carried out on the occasion of checks made for other purposes, shall each year cover a statistically representative sample of the different rearing systems used in each Member State. Member States shall inform the Commission of the results of the inspections carried out during the previous two years in accordance with this Article, including the number of inspections carried out in proportion to the number of holdings in their territory
2008/119/EC (codified version 91/629/EEC)	calves	Member States shall ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive are complied with. These inspections, which may be carried out on the occasion of checks made for other purposes, shall each year cover a statistically representative sample of the different farming systems used in each Member State.
2007/43/EC	Meat chickens (broilers)	The competent authority shall carry out non-discriminatory inspections to verify compliance with the requirements of this Directive. Such inspections shall be carried out on an adequate proportion of animals kept within each Member State, in accordance with the relevant provisions of Regulation (EC) No 882/2004, and may be carried out at the same time as checks for other purposes. Member States shall put in place appropriate procedures for determining the stocking density. Member States shall submit to the Commission by 30 June each year an annual report for the previous year

EU legislation	Applicable to:	Competent Authority Controls
		on the inspections The report shall be accompanied by a list of the most relevant actions taken by the competent authority to address the main welfare problems detected.
Commission Decision 2006/778/EC (replaces 2000/50/EC)	Guidance on minimum requirements for inspections (98/58/EC, 91/629/EEC, 91/630/EEC, 99/74/EC)	<p><u>Minimum verification and recording requirements for inspections carried out pursuant to the Directives</u></p> <p>91/629/EEC (calves 2008/119/EC) - at least five of the categories referred to in Chapter I of Annex II 91/630/EEC (pigs 2006/224/EC) - at least four of the categories referred to in Chapter II of Annex II 98/58/EC (all farmed animals) - at least five of the categories referred to in Chapter III of Annex II 1999/74/EC (laying hens) - at least three of the categories referred to in Chapter IV of Annex II</p> <p>The competent authority shall record any non-compliance found.</p> <p>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</p>
EC/882/2004 (OFFC)	on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	<p><u>Control activities, methods and techniques</u></p> <p>Tasks related to official controls shall, in general, be carried out using appropriate control methods and techniques such as monitoring, surveillance, verification, audit, inspection, sampling and analysis.</p> <p>Official controls on feed and food shall include, inter alia, the following activities:</p> <p>(i) primary producers' installations, feed and food businesses, including their surroundings, premises, offices, equipment, installations and machinery, transport, as well as of feed and food;</p> <p>(d) assessment of procedures on good manufacturing practices (GMP), good hygiene practices (GHP), good farming practices and HACCP, taking into account the use of guides established in accordance with Community legislation;</p> <p>(e) examination of written material and other records which may be relevant to the assessment of compliance with feed or food law;</p>
EC/1122/2009 (replacing EC/796/2004) (cross compliance)	ALL single farm payment claimants	<p><u>CONTROLS RELATING TO CROSS-COMPLIANCE</u></p> <p>Section I Common provisions</p> <p><u>General principles and definitions</u></p>

EU legislation	Applicable to:	Competent Authority Controls
		<p>“repeated” non-compliance shall mean the non-compliance with the same requirement, standard or obligation referred to in Article 4 determined more than once within a consecutive period of three years, provided the farmer has been informed of a previous non-compliance and, as the case may be, has had the possibility to take the necessary measures to terminate that previous non-compliance;</p> <p>The “extent” of a non-compliance shall be determined taking account, in particular, of whether the non-compliance has a far-reaching impact or whether it is limited to the farm itself;</p> <p>The “severity” of a non-compliance shall depend, in particular, on the importance of the consequences of the non-compliance taking account of the aims of the requirement or standard concerned;</p> <p>Whether a non-compliance is of “permanence” shall depend, in particular, on the length of time for which the effect lasts or the potential for terminating those effects by reasonable means.</p> <p><u>Competent control authority</u></p> <p>The specialised control bodies shall bear the responsibility to carry out the controls on the respect of the requirements and standards in question. The Paying Agencies shall bear the responsibility for the fixing of reductions or exclusions in individual cases. Member States may decide that controls in relation to all or certain requirements, standards, acts, or areas of cross-compliance shall be carried out by the Paying Agency provided that the Member State guarantees that the effectiveness of the controls is at least equal to the one achieved in the case where the controls are carried out by a specialised control body.</p>
<p>EC/146/2010 (amending EC 1122/2009)</p>	<p>Further simplification of cross compliance</p>	<p><i>(Principles behind legislation)</i></p> <p>In performing the cross-compliance checks provided for in Regulation (EC) No 1122/2009, a Member State can only use the results of on-the-spot checks carried out by the competent control authorities. For efficiency reasons, a Member State should have the possibility to also use the results of on-the-spot checks carried out pursuant to the legislation applicable to the acts and standards in question in order to reach the minimum control rate. However, it should be ensured that an effective control system is maintained.</p> <p>For the sampling of on-the-spot checks for cross compliance, a Member State may take into account in the</p>

EU legislation	Applicable to:	Competent Authority Controls
		<p>risk analysis the farmers' participation in relevant certification systems. The use of that option should be clarified.</p> <p>1a. By way of derogation from paragraph 1, in order to reach the minimum control rate referred to in that paragraph at the level of each act or standard or group of acts or standards, the Member State may:</p> <p>(a) use the results of on-the-spot checks carried out pursuant to the legislation applicable to those acts and standards for the selected farmers; or</p> <p>(b) replace selected farmers by farmers subject to an on-the spot check carried out pursuant to the legislation applicable to those acts and standards provided that those farmers are submitting aid applications under support schemes for direct payments within the meaning of Article 2(d) of Regulation (EC) No 73/2009 or under support schemes which are subject to the application of Articles 85t and 103z of Regulation (EC) No 1234/2007. In such cases the on-the-spot checks shall cover all aspects of the relevant acts or standards as defined under cross compliance.</p> <p>Furthermore the Member State shall ensure that the effectiveness of those on-the-spot checks is at least equal to that achieved when the on-the-spot checks are carried out by competent control authorities.'</p> <p>'A Member State may decide on the basis of a risk analysis to exclude farmers participating in a certification system as referred to in point (b) of the second subparagraph from the risk-based control sample. However, when the certification system only covers part of the requirements and standards to be respected under cross-compliance by the farmer, appropriate risk factors shall be applied for the requirements or standards that are not covered by the certification system. When the analysis of control results reveals that there is a significant frequency of non-compliance with the requirements or standards included in a certification system as referred to in point (b) of the second subparagraph, the risk factors related to the requirements or standards concerned shall be re-assessed and, where appropriate, increased.'</p> <p>(a) In paragraph 1, the first subparagraph is replaced by the following: 'Every on-the-spot check under this Chapter, regardless whether the farmer in question was selected for the</p>

EU legislation	Applicable to:	Competent Authority Controls
		<p>on-the-spot check in accordance with Article 51, checked on-the-spot pursuant to the legislation applicable to the acts and standards in accordance with Article 50(1a) or as a follow-up of non-compliances brought to the attention of the competent control authority in any other way, shall be the subject of a control report to be established by the competent control authority or under its responsibility.'</p> <p>(b) In paragraph 3, the following subparagraph is added: 'However, where the report does not contain any findings, a Member State may decide that such report is not sent, provided that it is made directly accessible to the paying agency or coordinating authority one month after its finalisation.'</p>

Annex C: Additional Details on Statutory Inspection Requirements

1.1. OFFC

OFFC is applicable (since 1st January 2006) to **ALL producers rearing farmed animals** (or their products e.g. eggs) for food, and includes transportation of such animals. Whilst there is a significant focus on food and feed processing this piece of legislation is intended to cover animals from “farm to fork” and includes the “primary producer” (the farmer) rearing animals for food. Primary producers must comply with all animal health and welfare rules (EU legislation).

Reports on welfare inspections have been submitted annually since 2008; it is not just a list of statistics but descriptive overview of how all the rules that fall under OFFC are enforced, including appropriate training of competent authority staff.

1.2. Cross Compliance

This regulation is applicable to **ALL single farm payment claimants & specific agri-environment schemes**. The Single Payment Scheme (SPS, also known as SFPS in Scotland & Northern Ireland) replaces 11 old Common Agricultural Policy (CAP) schemes with one. Cross compliance is a non-discretionary baseline that all SPS claimants must meet to claim their full payment. Statutory Management Requirements (SMRs) are parts of 19 existing EU laws that the European Commission felt were not being fully implemented by Member States or, the requirements were not being satisfactorily met by farmers. Claimants are also required to meet Good Agricultural and Environmental Conditions (GAECs). Since 1 January 2007, XC has also applied to farmers that receive payments under certain agri-environment schemes including Environmental Stewardship, the Uplands Transitional Payment and the English Woodland Grants Scheme.

The inspections for all livestock categories should be proportionate to the numbers claiming Single Payments. Animal welfare has been inspected under XC since 2007. Those elements of EU legislation currently excluded from XC are the laying hens directive (99/74/EC) and the meat chicken directive (2007/43/EC), however the elements of 98/58/EC Article 4 (SMR18) are still applicable to SPS claimants who keep these livestock types on their holding. These directives are transposed domestically in the Welfare of Farmed Animals (England) Regulations 2007 (as amended) and the Mutilations (Permitted Procedures) (England) Regulations 2007 (as amended). Separate but similar legislation is enacted in the devolved administrations.

1.2.1. Changes to XC regulations & potential for change

EC/1122/2009 Article 51 (5 a) states that:

“where it is concluded, on the basis of the risk analysis applied at farm level, that non-beneficiaries of direct aid represent a higher risk than the farmers who applied for aid, farmers who applied for aid may be replaced by non-beneficiaries; in that case, the overall number of farmers checked shall, nevertheless, attain the control

rate provided for in Article 50(1); the reasons for such replacements shall be properly justified and documented;”

This permits the 1% selection to be based on the total livestock population, not just the claimant population, which means a risk based selection could be applied to the whole population, ensuring the risk-based selection selects those farmers at highest risk irrespective of whether they are claimants or not. No GB paying agency has yet taken this up. However we are seeking further clarification on this point from the Commission with respect to annual returns on the outcomes from the 1% selection if the selection comprises combination of claimants and non-claimants.

However it is noted that a 1% selection of ALL enterprises will result in a higher number of livestock farms selected for inspection (1500 compared with 850).

EC/146/2010 amendment inserts to article 51(5):

“A Member State may decide on the basis of a risk analysis to exclude farmers participating in a certification system as referred to in point (b) of the second subparagraph from the risk-based control sample. However, when the certification system only covers part of the requirements and standards to be respected under cross-compliance by the farmer, appropriate risk factors shall be applied for the requirements or standards that are not covered by the certification system. When the analysis of control results reveals that there is a significant frequency of non-compliance with the requirements or standards included in a certification system as referred to in point (b) of the second subparagraph, the risk factors related to the requirements or standards concerned shall be re-assessed and, where appropriate, increased.”

This Article amendment introduced in 2010 provides an option to exclude claimants who are participating in a certifications system, such as the UKAS accredited farm assurance schemes operating in GB. However to be completely excluded the scheme would have to inspect all the elements performed by the specialised control body (AHVLA) under the current XC system. No GB paying agency has yet taken up this option within their risk sample selection.

1.3. Background on 2006/778/EC

This Commission decision is applicable to **ALL farmed animals**.

Changes in reporting the results of welfare inspections were required from 2009, reporting on calendar year data from 2008 (i.e. on all inspections from 01/01/2008). In anticipation of these changes the XC checklist for 2007 was adapted to include requirements for recording this extra data for the specific SMRs only.

In May 2006 the FVO questioned the UK approach of selecting completely random inspections to meet EU requirements for inspection of calves (91/629 EEC [codified as 2008/119/EC]) pigs (91/630/EEC [codified as 2006/224/EC]) and laying hens (99/74/EC). In addition it was recommended that all livestock sectors should be inspected to monitor compliance with 98/58/EC. The FVO made reference to how these directives and Commission Decisions 2000/50 EC & 2002/4 EC had been integrated into OFFC requirements (EC 882/2004).

Evaluation of the different directive requirements reveals a variety of inspection requirements which may be interpreted differently by MS:

pigs: “shall each year cover a statistically representative sample of the different rearing systems used ”

calves: “shall each year cover a statistically representative sample of the different farming systems used”

laying hens: “competent authority carries out inspections to monitor compliance”

all farmed animals: “shall ensure that inspections are carried out by the competent authority to check compliance with the provisions of this Directive”

For all of these directives it is stated that “inspections may be carried out on the occasion of checks made for other purposes”, which does **not** infer a risk basis but rather a random basis.

2006/778/EC was therefore intended to align inspection selection to OFFC so that inspections became principally risk-based.

The **meat chicken** directive (2007/43/EC) incorporates OFFC requirements into its inspections: “The competent authority shall carry out non-discriminatory inspections to verify compliance with the requirements of this Directive. Such inspections shall be carried out on an adequate proportion of animals kept within each Member State, in accordance with the relevant provisions of Regulation (EC) No 882/2004, and may be carried out at the same time as checks for other purposes”

1.4. Animal Welfare Act 2006

A key change in welfare legislation, the Animal Welfare Act, aimed to improve animal welfare for ALL kept animals and included a section covering promotion of welfare by responsible persons. This meant that persons responsible for animals either temporarily or permanently had a duty of care to provide for the animals’ basic needs. This changed the impact of the original welfare of farmed animals (England) regulations 2000 (as amended) (based principally on EC welfare directives 98/58/EC, 91/629/EEC, 91/630/EEC & 99/74/EC) where promotion of welfare was only legally applicable to such farmed animals kept on agricultural land & the Protection of Animals (England & Wales) Act 1911 only provided for the prevention of suffering in animals.

Annex D: Details of the 2007 risk model for allocating official animal welfare inspections to claimants under cross compliance regulations

Three separate risk models are used for allocating official animal welfare inspections to claimants under cross compliance regulations. All three models are based on the Sparre-Andersen risk model: a model approach based on Poisson risk theory in which independent variables influence the final outcome. This model was designed to provide a framework for a wide range of regulatory and Common Agricultural Policy (CAP) scheme requirements, and is adaptable and simple to apply.

Calves (SMR 16)

The risk model for calves (SMR 16) includes three risk factors:

1) Level of compliance recorded during previous official welfare inspections

Worst overall welfare score (A,B,C,D) recorded during the holding's last three (or less if three not available) official welfare inspections. This data should be enterprise-specific: i.e. calf inspection data when selecting calf holdings for inspection. If no inspection data are available the claimant is given a score of 0 (equivalent to compliance with law only).

Recorded welfare score	Risk score	Weighting
A (compliance with law & codes)	-100	1
B (compliance with law)	0	1
C (non-compliance)	50	1
D (unnecessary pain, distress)	100	1
No data available	0	1

2) Time since last inspection

Number of years since the holding last received an official welfare inspection. This inspection date should be enterprise-specific: i.e. calf inspection date when selecting calf holdings for inspection. If no inspection details are available the claimant is to be categorised as 5+ years.

Number of years	Risk score	Weighting
1	0	1
2	20	1
3	40	1
4	80	1
5+	100	1
No data available	100	1

3) Mortality rate

Number of deaths per 1000 animal days on holding (calculated for all cattle combined). Holdings with rates falling within the lowest 25% for that year will receive

a negative risk weighting. If no score is available the claimant is categorised as NOT in the lowest 25%.

Position in dataset (low to high mortality)

	Risk score	Weighting
Lowest 25% of dataset (low)	-30	1
Other	0	1
No data available	0	1

Combined scores in order of risk:

Outcome	Description	Score	
D/5/other	D score, 5 yrs since insp	200	HIGH RISK
D/4/other	D score, 4 yrs since insp	180	
D/5/bottom	D score, 5 yrs since insp, low mortality	170	
C/5/other	C score, 5 yrs since insp	150	
D/4/bottom	D score, 4 yrs since insp, low mortality	150	
D/3/other	D score, 3 yrs since insp	140	
C/4/other	C score, 4 yrs since insp	130	
C/5/bottom	C score, 5 yrs since insp, low mortality	120	
D/2/other	D score, 2 yrs since insp	120	
D/3/bottom	D score, 3 yrs since insp, low mortality	110	
No data available/other	No SVS data available	100	
C/4/bottom	C score, 4 yrs since insp, low mortality	100	
B/5/other	B score, 5 yrs since insp	100	
D/1/other	D score, 1 yr since insp	100	
C/3/other	C score, 3 yrs since insp	90	
D/2/bottom	D score, 2 yrs since insp, low mortality	90	
B/4/other	B score, 4 yrs since insp	80	
No data available/low	No SVS data available, low mortality	70	
C/2/other	C score, 2 yrs since insp	70	
B/5/bottom	B score, 5 yrs since insp, low mortality	70	
D/1/bottom	D score, 1 yr since insp, low mortality	70	
C/3/bottom	C score, 3 yrs since insp, low mortality	60	
C/1/other	C score, 1 yr since insp	50	
B/4/bottom	B score, 4 yrs since insp, low mortality	50	
C/2/bottom	C score, 2 yrs since insp, low mortality	40	
B/3/other	B score, 3 yrs since insp	40	
C/1/bottom	C score, 1 yr since insp, low mortality	20	
B/2/other	B score, 2 yrs since insp	20	
B/3/bottom	B score, 3 yrs since insp, low mortality	10	
A/5/other	A score, 5 yrs since insp	0	
B/1/other	B score, 1 yr since insp	0	
B/2/bottom	B score, 2 yrs since insp, low mortality	-10	
A/4/other	A score, 4 yrs since insp	-20	
A/5/bottom	A score, 5 yrs since insp, low mortality	-30	
B/1/bottom	B score, 1 yr since insp, low mortality	-30	
A/4/bottom	A score, 4 yrs since insp, low mortality	-50	
A/3/other	A score, 3 yrs since insp	-60	

A/2/other	A score, 2 yrs since insp	-80	
A/3/bottom	A score, 3 yrs since insp, low mortality	-90	
A/1/other	A score, 1 yr since insp	-100	
A/2/bottom	A score, 2 yrs since insp, low mortality	-110	
A/1/bottom	A score, 1 yr since insp, low mortality	-130	LOW RISK

Pigs (SMR 17) and general livestock (SMR 18)

The risk models for pigs (SMR 17) and for general livestock (SMR 18) include two risk criteria:

1) Level of compliance recorded during previous official welfare inspections

Worst overall welfare score (A,B,C,D) recorded during the holding's last three (or less if three not available) official welfare inspections. This data should be enterprise-specific: i.e. pig inspection data when selecting for pig inspections, and all livestock other than pigs and calves when selecting for general livestock inspections. If no inspection data are available the claimant is given a score of 0 (equivalent to compliance with law only).

Recorded welfare score	Risk score	Weighting
A (compliance with law & codes)	-100	1
B (compliance with law)	0	1
C (non-compliance)	50	1
D (unnecessary pain, distress)	100	1
No data available	0	1

2) Time since last inspection

Number of years since the holding last received an official welfare inspection. This inspection date should be enterprise-specific: i.e. pig inspection date when selecting for pig inspections, and the most recent inspection date for any livestock other than pigs and calves when selecting for general livestock inspections. If no inspection details are available the claimant is to be categorised as 5+ years.

Number of years	Risk score	Weighting
1	0	1
2	20	1
3	40	1
4	80	1
5+	100	1
No data available	100	1

Combined scores in order of risk:

Outcome	Description	Score	
D5	D score, 5 yrs since insp	200	HIGH RISK
D4	D score, 4 yrs since insp	180	
C5	C score, 5 yrs since insp	150	

D3	D score, 3 yrs since insp	140	
C4	C score, 4 yrs since insp	130	
D2	D score, 2 yrs since insp	120	
B5	B score, 5 yrs since insp	100	
No data available		100	
D1	D score, 1 yr since insp	100	
C3	C score, 3 yrs since insp	90	
B4	B score, 4 yrs since insp	80	
C2	C score, 2 yrs since insp	70	
C1	C score, 1 yr since insp	50	
B3	B score, 3 yrs since insp	40	
B2	B score, 2 yrs since insp	20	
A5	A score, 5 yrs since insp	0	
B1	B score, 1 yr since insp	0	
A4	A score, 4 yrs since insp	-20	
A3	A score, 3 yrs since insp	-60	
A2	A score, 2 yrs since insp	-80	
A1	A score, 1 yr since insp	-100	LOW RISK

Annex E: List of farm assurance and certified organic schemes invited to provide data for inclusion in the risk model

Assured British Meat (ABM)
Assured British Pigs (ABP)
Assured Chicken Production (ACP)
Assured Dairy Farms (ADF)
Bio-Dynamic Agricultural Association (BDAA)
Farm Assured Welsh Livestock (FAWL)
Freedom Food (FF)
Genesis Quality Assurance (GQA)
Laid in Britain (LIB)
Lion Quality (LQ)
Organic Farmers and Growers (OFG)
Organic Food Federation (OFF)
Quality British Turkey (QBT)
Quality Meat Scotland (QMS)
Scottish Organics Producers Association (SOPA)
Soil Association Certification Limited (SACL)

Annex F: Examples of Current Efficiencies

Reduced inspections to low risk sectors

1. City farms

1.1. Although these welfare inspections may be currently joined up with other inspections (e.g. for zoonotic/public health purposes) there is usually a high compliance with welfare legislation at city farms. In addition, the visits may generate a considerable number of inspection reports for animals that are not truly farmed and thus are outside the scope of EU reporting purposes.

Benefits

- Reduced inspection time and reduced number of inspections.

Drawbacks

- Small risk that welfare standards may not be maintained (mitigated by high likelihood of reporting from the public if concerns arise).

2. Market inspections

2.1 Another example is the withdrawal of AHVLA inspectors from markets where there is already a local authority presence and/or where the market's overall compliance is high, thus placing trust in the market's Animal Welfare Officer (usually a staff member at the market). Local authority inspectors can of course call on AHVLA staff to attend if and when they come across a welfare concern. AHVLA carry out at least annual visits to all markets agreeing and setting clear standards with respect to animal welfare and other animal health issues.

Benefits

- Reduced number of inspections.
- Earned recognition for the markets doing a good job.

Drawbacks

- Loss of horizon scanning surveillance for disease and welfare.
- Reduced opportunities for checking compliance of vehicles and fitness for transport/presentation at market. Welfare and disease risks should be mitigated by effective liaison with market staff and by better use of data from slaughterhouses/FSA Ops staff.
- Local authority resources may be reduced substantially for market inspections which could increase risks to animal welfare if there is neither LA nor AHVLA presence.

3. Portal Inspections

3.1 Portal inspections have been reduced from 100% to:

- i. 10% of throughput for low risk consignments (e.g. consignments for breeding purposes) where high compliance has been identified; and

- ii. 30% of throughput at ports of higher risk consignments (e.g. animals for slaughter/further production) where lower compliance has been identified.

Inspections at both levels are risk assessed with the predominance of inspections being targeted at transporters who have previously been identified as breaching the transport regulations.

Benefits

- Reduced number of inspections.
- Remove burden on industry and facilitate trade.

Drawbacks

- Reductions in inspections may result in higher levels of non-compliance, whilst limiting AHVLA's ability to accurately assess and target future inspections.

4. Transporter/vehicle authorisations and inspections

4.1 Council Regulation EC 1/2005 came into force in January 2007 and introduced the requirement for Transporter Authorisations. These are valid for five years so they will start to come up for renewal in January 2012. AHVLA propose to minimise the documentary burden placed on short journey transporters by automatically re-approving renewals, unless the transporter indicates that a renewal is no longer needed, or changes need to be made to the detail of the original authorisation. This will benefit over 35,000 mainly livestock businesses. However, those short journey transporters who have had serious WATO non-compliances in the last five years will need to apply manually.

Benefits

- Automatically re-approving will reduce the burden on the Type 1/short journey transporters while still managing the risk by selecting out those with serious WATO non-compliances. This method of re-approval also has the least resource impact for AHVLA.

Drawbacks

- Type 1 transporters who no longer require authorisations may be re-authorised, or their changed circumstances will not be reflected in their re-authorisation, if they do not respond to the prompting by AHVLA.
- Need to ensure compliance with the EU legislation.

Review and rationalise decision-making processes on welfare inspections by delivery partners.

5. Welsh Government (WG) Red Tape Review

5.1. As a result of the ongoing Red Tape review more recently arrangements have been put in place to enable organisations to join up inspections where possible. These include TB tests and Cattle Identification inspections in all parts of GB.

5.2. Arrangements are currently being put in place to join up inspections undertaken by Welsh Beef and Lamb Producers Ltd, Farm Assured Welsh Livestock Scheme (FAWL) and the Assured Dairy Scheme with inspections carried out by the WG. FAWL is establishing a facility in order to enable WG officials to check the date of FAWL inspections. FAWL has agreed not to include any farmer who has received a Rural Inspectorate Wales (RIW) inspection within the previous twelve months in their programme of random visits.

5.3. WG Officials are working with Welsh local authorities to improve the targeting of inspections and prevent duplicate inspections. The WG shares its inspection lists and findings with local authorities across Wales so that they avoid visiting the same farms as the RIW. 'Link' officers in local authorities and the RIW have been appointed. Link officers meet bi-monthly to discuss inspections lists and enforcement issues. They liaise closely with the AHVLA and the British Cattle Movement Service (BCMS).

Further information can be found on the link below;

<http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/farming/re dtapereview/?lang=en>

6. Local authorities

6.1. Local authorities can reduce visits to low and medium risk rated premises by proactively considering the following information:

- Checking the history of the business by looking at data on local databases.
- Checking information from the RPA, RIW and AHVLA as to whether a recent visit has been carried out or a visit is scheduled.
- Checking membership of a farm assurance scheme. The aim is to expand the current agreement with Assured Food Standards (red tractor scheme) in order for local authorities to have access to the last inspection date.
- Previous complaints or referrals received.

6.2. To further support this approach it is important for local authorities to actively use and contribute to the information, data and intelligence available on animal welfare related businesses.

6.3. Working proactively with farming communities outside scheduled inspections provides the opportunity to build positive relationships and can be considered as part of a range of alternative interventions for medium and low risk premises. This could include:

- Providing advice and support to new keepers to avoid future problems.
- Establishing innovative and effective means of communicating with and educating the farming community. Gaining their trust as a provider of advice/support and also improving compliance levels.
- Communicating changes to legislation, such as by post, newsletters, SMS texts, emails, phone or attendance at markets and animal gatherings.
- Appointing a dedicated farm advisor.
- Establishing links with local industry groups to aid communication about changes to legislation.

- Promoting the steps taken by the local authority to reduce burdens on compliant low and medium risk premises. Helping farmers understand how they can influence the level of inspections that they receive.
- Building links with farm shops.

Benefits

- Reduced number of inspections.
- Improved data sharing between groups should reduce costs in the long term as well as target higher risk farms over lower risk farms.
- Opportunity to achieve better use of the results of local authorities enforcement activities recorded in the Animal Health and Welfare Management and Enforcement System (AMES) database.

Drawbacks

- Possible data sharing issues.
- Potential IT and training costs.
- Reducing resource in certain situations could result in poor welfare not being detected or animal welfare legislation not being proportionately enforced.