

9 December 1998      A4-0481/98

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## REPORT

on the proposal for a Council Directive laying down minimum standards for the protection of laying hens kept in various systems of rearing (COM(98)0135 - C4-0196/98 - 98/0092(CNS))

Committee on Agriculture and Rural Development

Rapporteur:    Heinz Kindermann

DOC\_EN\RR\367\367938    PE 226.549/fin.

**Commented [COMMENT1]:**

(Amendment ##)

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## **PROCEDURAL PAGE**

By letter of 31 March 1998 the Council consulted Parliament, pursuant to Article 43 of the EC Treaty, on the proposal for a Council Directive laying down minimum standards for the protection of laying hens kept in various systems of rearing.

At the sitting of 3 April 1998 the President of Parliament announced that he had referred this proposal to the Committee on Agriculture and Rural Development as the committee responsible and the Committee on the Environment, Public Health and Consumer Protection for its opinion.

At its meeting of 15/16 April 1998 the Committee on Agriculture and Rural Development appointed Mr Heinz Kindermann rapporteur.

It considered the Commission proposal and the draft report at its meetings of 27/28 April, 23/24 June, 27/28 October and 7/8 December 1998.

At the last meeting it adopted the draft legislative resolution by 28 votes to 9, with 5 abstentions.

The following were present for the vote: Colino Salamanca, chairman; Graefe zu Baringdorf, vice-chairman; Kindermann, rapporteur; Anttila, Arias Cañete (for Cunha), Barthet-Mayer, Böge (for Mayer), Botz (for Rehder), Cabezón Alonso (for Campos), Campoy Zueco (for Santini), Corbett (for Wilson, pursuant to Rule 138(2)), Fantuzzi, Filippi, Fraga Estévez, Funk, Garot, Goepel, Guinebertière (for Hyland), Hallam, Hardstaff, Jové Peres, Klass (for Sturdy), Lambraki, Lulling (for Keppelhoff-Wiechert), McNally (for Görlach, pursuant to Rule 138(2)), P. Martin, Miller (for Happart, pursuant to Rule 138(2)), Mulder, Nicholson, des Places, Poisson (for Chesa), Querbes, Read (for Iversen, pursuant to Rule 138(2)), Redondo Jiménez, Rosado Fernandes, Schierhuber, Sonneveld, Thomas, Trakatellis, Trizza (for Parigi), Viola (for Ebner, pursuant to Rule 138(2)) and Watts.

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached.

The report was tabled on 9 December 1998.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

A  
LEGISLATIVE PROPOSAL

**Proposal for a Council Directive laying down minimum standards for the protection of laying hens kept in various systems of rearing (COM(98)0135 - C4-0196/98 - 98/0092(CNS))**

The proposal is approved with the following amendments:

Text proposed by the Commission( )

Amendments by Parliament

(Amendment 1)  
Recital 9a (new)

Whereas it is also essential to strike a balance among all of the factors involved, including pathological aspects and the socio-economic and environmental implications;

(Amendment 2)  
Recital 11

Whereas Council Regulation (EC) No 950/97 on improving the efficiency of agricultural structures provides for investment aids aiming at adaptation of agricultural holdings;

Whereas Council Regulation (EC) No 950/97 on improving the efficiency of agricultural structures provides for investment aids aiming at adaptation of agricultural holdings; whereas in order to preclude distortions of competition in the adaptation to the required new standards an additional aid system which is not dependent on production should be introduced;

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(<sup>1</sup>) OJ C 123, 22.4.1998, p.15.

(Amendment 3)  
Recital 12

Whereas Council Regulation (EEC) 1907/90 on certain marketing standards for eggs lays down general rules for the labelling of eggs and egg-packs, whereas the Commission will make appropriate proposals to amend this Regulation to introduce mandatory labelling of table eggs produced in the Community replacing the actual optional approach concerning rearing systems;

Whereas Council Regulation (EEC) 1907/90 on certain marketing standards for eggs lays down general rules for the labelling of eggs and egg-packs, whereas the Commission will make appropriate proposals to amend this Regulation to introduce mandatory labelling of table eggs and egg products produced in the Community replacing the actual optional approach concerning rearing systems;

(Amendment 4)  
Recital 12a (new)

Whereas, in the event of enlargement of the European Union, it needs to be ensured that this system of rules is applied in its entirety, following appropriate and harmonised transition periods, in the applicant states;

(Amendment 5)  
Recital 12 b (new)

Whereas appropriate proposals must be made for amendment of Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs in order to ensure that in the case of imports of egg products produced outside the Community the eggs used therein are produced in accordance with the minimum standards for the protection of laying hens kept in various systems of rearing applicable in the Community;

(Amendment 6)  
Recital 12c (new)

Whereas beak-trimming is a mutilation which should be allowed for laying hens in certain rearing systems until less aggressive strains of laying hens have been bred, thereby making beak-trimming unnecessary;

(Amendment 7)  
Article 1(1)

Does not apply to English text

(Amendment 8)  
Article 2(4)

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| 4. 'Battery cage': <u>any</u> enclosed space intended for laying hens; | 4. 'Conventional cage': <u>an</u> enclosed space which cannot be entered by people intended for laying hens and equipped with feeding and drinking containers and an egg-laying area; |
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(Amendment 9)  
Article 2(5)

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| 5. 'Enriched cage': a <u>battery</u> cage equipped with litter, perches and a nestbox. | 5. 'Enriched cage': a <u>laying</u> cage equipped with litter, perches and a nestbox. |
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(Amendment 10)  
Article 2(5) a (new)

5a. 'Beak-trimming: the removal of the point of the upper and lower mandible;

(Amendment 11)  
Article 3(1), introduction

1. Member States shall ensure that from 1 January 1999, all newly built or rebuilt systems of rearing and all such systems of rearing brought into use for the first time, comply at least with the following requirements:
1. Member States shall ensure that from 1 January 2001, all newly built or rebuilt systems of rearing and all such systems of rearing brought into use for the first time, excluding those already covered by Directive 88/166/EEC, comply at least with the following requirements:

(Amendment 12)  
Article 3(1) (a)

- a. at least one individual nest, suitable for egg laying, shall be provided for 8 laying hens or, if communal nests are used, at least 1 m<sup>2</sup> of nest space for 100 birds. If the group size per unit is less than 8 laying hens, then each unit shall have an individual nest;
- a. at least one individual nest, suitable for egg laying, shall be provided for 6 laying hens or, if communal nests are used, at least 1 m<sup>2</sup> of nest space for 100 birds. If the group size per unit is less than 6 laying hens, then each unit shall have an individual nest;

The nests must contain litter or be covered with soft inlays such as artificial grass or rubber mats with raised surfaces; plastic bowls may also be used for individual nests.

Nestboxes or areas must be able to be sealed against possible contamination of the eggs;

(Amendment 13)  
Article 3(1) (b)

- b. adequate perching facilities, mounted at least 10 cm above ground or floor level, without sharp edges and providing at least 15 cm per bird, must be available for all hens. The horizontal distance between perches must be no more than 1 metre;
- b. adequate perching facilities, mounted at least 10 cm above housing or tier level, without sharp edges and providing at least 15 cm per bird, must be available for all hens. The horizontal distance between perches must be no more than 1 metre;

(Amendment 14)  
Article 3(1)(c)

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| c. <u>litter must be provided</u> so as to enable the birds to dustbath; | c. <u>at least one third of the living area must be covered with litter</u> so as to enable the birds to <u>scratch, peck and</u> dustbath. <u>The litter must be maintained in a friable condition;</u> |
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(Amendment 15)  
Article 3(1) (e) first sentence

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| e. when continuous drinking troughs are used, each bird must have access to at least <u>10</u> cm of trough. | e. when continuous drinking troughs are used, each bird must have access to at least <u>3</u> cm of trough <u>and where circular drinking troughs are used there must be access of at least 1.5 cm.</u> |
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(Amendment 16)  
Article 3(2) introductory sentence

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| 2. If systems of rearing are used where the birds can move freely between different levels, <u>or in single floor systems of rearing</u> the following additional conditions to the requirements of paragraph 1 are met: | 2. If systems of rearing are used where the birds can move freely between different levels the following additional conditions to the requirements of paragraph 1 are met: |
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(Amendment 17)  
Article 3(2)(a)-a (new)

- a. ~~a.~~ stocking density may not exceed 20 hens per m<sup>2</sup> of floor surface area and nest areas are not to be included as part of the floor surface area;



(Amendment 18)

Article 3(2) (a)

- a. in systems of rearing with different levels, the height between the levels must be at least 50 cm;
- a. the height between the levels must be at least 50 cm;

(Amendment 19)

Article 3(2) (d)

- d. at least half of the ground must be supplied with litter. The litter must be maintained in a friable condition and must be suitable for pecking, scratching and dust bathing.
- d. at least one third of the floor surface area must be supplied with litter.

(Amendment 20)

Article 3(2)a (new)

- 2a. If single floor systems of rearing are used
- a. derogations from paragraph 1b are permitted;
- b. in addition to the requirements pursuant to paragraph 2(b) to (d), the stocking density may not exceed 7 hens per m<sup>2</sup> of floor surface area and nest areas are not to be included as part of the floor surface area;

(Amendment 21)

Article 3(3)(a)-a (new)

- a. -a. at least 800 cm<sup>2</sup> of cage area measured in a horizontal plane which may be used without restriction shall be provided for each hen;

(Amendment 22)  
Article 3(3)(a)a (new)

a.a cages shall be provided with a fully-opening cage front or an equivalent opening in another part of the cage to prevent injuries to the birds;

(Amendment 23)  
Article 3(3)(a)b (new)

a.b there shall be a minimum aisle width of 1 m between tiers of cages to facilitate inspection, installation and depopulation of birds;

(Amendment 24)  
Article 3(4) introductory sentence

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| 4. Without prejudice to Article 9 Member States may authorise derogations from points (a) <u>and</u> (c) of paragraph 1 in order to permit the use of battery cages if the following conditions are met: | 4. Without prejudice to Article 9 Member States may, in order to permit the <u>continued</u> use of <u>conventional</u> cages, authorise cages as defined in paragraph 3, <u>by way of derogation</u> from points (a) <u>to</u> (c) of paragraph 1 if the following conditions are met: |
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(Amendment 25)  
Article 3(4) (a)

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| a. <u>at least 800 cm<sup>2</sup> of cage area, measured in a horizontal plane which may be used without restriction, shall be provided for each hen;</u> | <u>Delete</u> |
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(Amendment 26)  
Article 3(4) (b)

- b. cages shall be at least 50 cm high at any point; Delete

(Amendment 27)  
Article 3(4) (d)

- d. cages shall be provided with a fully-opening cage front or an equivalent opening in another part of the cage to prevent injuries to the birds; Delete

(Amendment 28)  
Article 3(4) (e)

- e. there shall be a minimum aisle width of 1 m between tiers of cages to facilitate inspection, installation and depopulation of birds; Delete

(Amendment 29)  
Article 3(4) (f)

- f. the floor slope shall not exceed 14% or 8°. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes; f. the floor slope shall not exceed 14% or 8°.

(Amendment 30)  
Article 3(4) (g)

- g. the birds shall not have their beaks trimmed. Delete

(Amendment 31)  
Article 3(6)

6. Moreover, Member States shall ensure that from 1 January 2009 the minimum 6. Moreover, Member States shall ensure that from 1 January 2011 the minimum

requirements laid down in paragraphs 1 to 4 apply to all systems of rearing.

requirements laid down in paragraphs 1 to 4 apply to all systems of rearing.

(Amendment 32)  
Article 4(1) introductory sentence

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| 1. Member States may allow until 31 December <u>2008</u> the use of battery cages which are in use at 1 January <u>1999</u> and which are not yet older than 10 years, provided that they comply at least with the following requirements: | 1. Member States may allow until 31 December <u>2010</u> the use of battery cages which are in use at 1 January <u>2001</u> and which are not yet older than 10 years, provided that they comply at least with the following requirements: |
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(Amendment 33)  
Article 4(2)

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| 2. <u>Battery</u> cages which are on 1 January <u>1999</u> more than 10 years old may be authorised by the competent authority on a case by case basis for a period which shall under no circumstances extend beyond 31 December <u>2003</u> , and provided that they comply at least with the requirements as laid down in paragraph 1. | 2. <u>Conventional</u> cages which are on 1 January <u>2001</u> more than 10 years old may be authorised by the competent authority on a case by case basis for a period which shall under no circumstances extend beyond 31 December <u>2005</u> , and provided that they comply at least with the requirements as laid down in paragraph 1. |
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(Amendment 34)  
Article 4(3)

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| 3. However, from 1 January <u>2004</u> the required space per hen as laid down in paragraph 1(a) of this Article shall be increased to at least 550 cm <sup>2</sup> per hen. | 3. However, from 1 January <u>2006</u> the required space per hen as laid down in paragraph 1(a) of this Article shall be increased to at least 550 cm <sup>2</sup> per hen. |
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(Amendment 35)  
Article 6(3)

3. Every two years, by the last working day in April and for the first time by 30 April 2001, 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 relation to the number of holdings in their territory.
3. Every two years, by the last working day in April and for the first time by 30 April 2003, 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 relation to the number of holdings in their territory. This report shall be available to the public.

(Amendment 36)  
Article 7, first subparagraph

Veterinary experts from the Commission may, where necessary for the uniform application of this Directive, carry out on-the-spot checks in co-operation with the competent authorities. The persons carrying out these checks shall implement any special personal hygiene measures necessary to exclude any risk of transmission of disease.

Veterinary experts from the Commission shall, in order to guarantee the uniform application of this Directive by the Member States, carry out on-the-spot checks regularly and in an appropriate manner in co-operation with the competent authorities. The persons carrying out these checks shall implement any special personal hygiene measures necessary to exclude any risk of transmission of disease.

The Commission shall draw up reports regularly on the results of the inspections. These reports shall be forwarded to the Council and the European Parliament. This report shall be available to the public.

(Amendment 37)  
Article 7a (new)

Article 7a  
In order to avoid distortions of competition during the adaptation to the new required standards and in order to encourage a speedy adaptation to a more welfare-friendly method of production, the Commission shall, on the basis of a report, submit a

proposal for an additional aid system which is independent of production, lasts for a limited period and is graduated in structure and which does not result in any increase in the total production of a holding.

(Amendment 38)  
Article 7 b (new)

Article 7b  
The same animal welfare, veterinary and hygiene standards shall apply to imports from third countries. The general implementing provisions for this article shall be enacted under the procedure set out in Article 8.

(Amendment 39)  
Article 9, first subparagraph

Not later than 1 January 2006, the Commission shall submit to the Council and to the Parliament a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on the systems of rearing for keeping laying hens which comply with the requirements of the welfare of laying hens from the pathological, zootechnical, physiological, behavioural and socio-economic point of view, together with appropriate proposals to phase out those systems of rearing which do not meet these requirements.

Not later than 1 January 2008, the Commission shall submit to the Council and to the Parliament a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on the systems of rearing for keeping laying hens which comply with the requirements of the welfare of laying hens from the pathological, zootechnical, physiological, behavioural and socio-economic point of view, together with appropriate proposals to phase out those systems of rearing which do not meet these requirements.

(Amendment 40)  
Article 10

Council Directive 88/166/EEC is repealed  
with effect from 1 January 1999.

Council Directive 88/166/EEC is repealed  
with effect from 1 January 2001.

(Amendment 41)  
Article 11(1) first subparagraph

1. Member States shall bring into force the laws, regulations and administrative provisions, necessary to comply with this Directive before 1 January 1999. They shall forthwith inform the Commission thereof.

1. Member States shall bring into force the laws, regulations and administrative provisions, necessary to comply with this Directive before 1 January 2001. They shall forthwith inform the Commission thereof.

(Amendment 42)  
Annex, point 3

3. The insulation, heating and ventilation of the building must ensure that the air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits which are not harmful to the birds.

3. The insulation, heating and ventilation of the building must ensure that the air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits which are not harmful to the birds and the people working in the building.

(Amendment 43)  
Annex, point 5, first subparagraph, sentence 4a (new)

The lighting strength must be at least 20 Lux, measured at the eye-level of the birds.

(Amendment 44)  
Annex, point 5, second subparagraph

In floor pens light intensity has to be kept

Delete



constant.

## **DRAFT LEGISLATIVE RESOLUTION**

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Directive laying down minimum standards for the protection of laying hens kept in various systems of rearing (COM(98)0135 - C4-0196/98 - 98/0092(CNS))**

### **(Consultation procedure)**

The European Parliament,

- having regard to the Commission proposal to the Council, COM(98)0135 - 98/0092(CNS)( ),
  - having been consulted by the Council pursuant to Article 43 of the EC Treaty (C4-0196/98),
  - having regard to Rule 58 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Consumer Protection (A4-0481/98),
1. Approves the Commission proposal, subject to Parliament's amendments;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  4. Instructs its President to forward this opinion to the Council and Commission.

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<sup>(1)</sup> OJ C 123, 22.4.1998, p. 15.

## **B**

### **EXPLANATORY STATEMENT**

#### **1. The Commission proposal**

##### **a. Background**

The current Directive 88/166/EEC lays down minimum requirements for the protection of laying hens kept in battery cages. Under Article 9 of the Directive the Commission was to submit before 1 January 1993 a report on scientific developments regarding the welfare of hens under various systems of rearing accompanied by any appropriate adjustment proposals which took account of progress.

The Scientific Veterinary Committee, which had been instructed by the Commission to carry out this work, submitted a report on the welfare of laying hens on 30 October 1996 and it has provided the basis for the Commission proposal under consideration.

##### **b. Content**

The proposal provides that the current Directive 88/166/EEC on hens kept in battery cages should be replaced on 1 January 1999 by a new Directive which also contains minimum requirements for other systems of rearing.

Specific proposals include, for systems brought into use for the first time from 1 January 1999, that

- all systems of rearing for laying hens must have nests, perches and litter,
- in rearing systems on several levels (e.g. aviaries) and in floor pen systems at least half the floor surface areas must be covered with litter. Beak trimming is not generally prohibited in these systems. A minimum area per bird is not specified,
- in enriched cages, which have a minimum height of 50 cm, beak trimming is prohibited. A minimum area per bird is not specified in this case either,
- Member States can authorise the use of cages without nests or litter provided that they have a minimum area of 800 cm<sup>2</sup> per hen and are at least 50cm high at all points. Beak trimming is also prohibited in these systems.

These minimum requirements are to apply from 1 January 2009 for all units.

Systems currently in use can be authorised by the Member States up to 31 December 2008 at the latest provided that on 1 January 1999 they are not more than ten years old and satisfy the provisions of the current Directive 88/166/EEC. Moreover, from 1 January 1999 beak trimming is to be prohibited even in the existing units. From 1 January 2004 a minimum area of 550 cm<sup>2</sup> per hen is required. Units which are more than ten years old on 1 January 1999 may be authorised by the competent authorities only until 31 December 2003, in so far as they satisfy the requirements referred to above.

A review clause is also proposed whereby the Commission is to submit a report by 1 January 2006 at the latest with possible proposals to phase out the systems of rearing which do not meet certain requirements for the protection of laying hens.

## **2. Assessment of the Commission proposal**

### **a. General observations**

The Commission proposal is to be welcomed. The rapporteur considers that its approach is fundamentally correct as it allows animal welfare in the rearing of laying hens to be improved, in particular through the raising of the minimum standards for rearing in conventional battery cages.

The Commission's intention to lay down minimum requirements for rearing systems other than battery cages is also positive, but unfortunately the Commission has stopped halfway. There are gaps in the provisions for non-cage systems in enclosed spaces and in particular there are no provisions on stocking density.

There are no provisions at all on free range rearing systems which is regrettable. As the new Directive will increase competition between the various systems of rearing, which is the Commission's intention, the rapporteur would have liked to see a definition of minimum requirements for this system too. It is to be hoped that the Commission will submit relevant proposals soon.

Even if the current proposal is designed to improve the protection of laying hens in behavioural terms, it must not be forgotten that in several respects it also has marked effects on the conditions of food production. Other criteria must therefore also be taken into account when assessing the proposal.

Firstly there is the question of product quality. The aim of establishing systems of rearing appropriate to the species must remain compatible with the requirement to offer the consumer a product which is of a high quality and perfectly satisfactory in terms of food hygiene. There must be no reduction in standards in future either. Health factors for those working in the units must also be taken into account. Here too there must be no adverse effects as a result of the legislative provisions. The socio-economic aspects for all those involved in the market - producers, consumers, employees and the supply industries - should also not be forgotten.

The Commission has taken these aspects into account in its proposal. Nonetheless the rapporteur considers that some provisions should be supplemented or improved.

The Commission wants checks to be made less compulsory than in the current Directive. In view of the repeated complaints about distortions of competition, because the Directive is supposedly applied differently in the different Member States, and given that the new requirements will be much higher than the current ones, there seems to be no reason why the Commission should be freed from its obligation to guarantee compliance with the Directive.

## **b. The controversy about cage-based systems**

The pros and cons of battery cage systems are vigorously discussed in many Member States of the Union. Large sections of the general public - in some Member States including those responsible for legislation - are calling for elimination of battery cages, on the grounds that these rearing systems are not appropriate to the animals. However the egg producers in particular stress the advantages of battery cage systems not only in economic terms (because of high labour productivity) but also in terms of product hygiene, animal health and ecology.

The October 1996 report of the Scientific Veterinary Committee reaches the conclusion that the current battery cage systems, because of the small area and lack of stimulus, have severe animal welfare disadvantages which are inherent in the system. The Scientific Veterinary Committee also considers that there are serious animal welfare disadvantages in the alternative systems of rearing because of the risks of feather pecking and cannibalism. However it considers that enriched cages and good non cage systems are capable of improvement.

This report and numerous other scientific studies show clearly that at present there is no ideal rearing system for laying hens in animal welfare terms, given the constraints of commercial production. It must not be forgotten that at present 93% of the eggs produced for consumption in the European Union come from battery cage systems. Eggs from alternative systems of rearing thus account for only a very small fraction of output. Furthermore, the higher and larger cages with perches which are called for in the proposal for a directive do not yet exist for commercial purposes. Demands for a very rapid conversion of existing cage-based systems or even their total elimination are therefore completely unrealistic at present.

However, it is equally clear that there is a need to improve the current rearing conditions as individual birds require more space to practice natural behavioural patterns than the current 450 cm<sup>2</sup> per bird allowed in battery cages. In the long-term such conditions are not suitable to guarantee behaviour appropriate to the species and are therefore becoming increasingly less acceptable to the consumers.

Thus the compromise formula proposed by the Commission, i.e. the cage rearing systems with a minimum area of 450 cm<sup>2</sup> per bird to be phased out at the latest ten years after the entry into force of the new Directive and an increase in the required minimum area to 800 cm<sup>2</sup> per bird and the minimum height of the cage to 50 cm is probably the most acceptable solution under the circumstances.

However it should be made much clearer in the Directive that from now on such conventional cages are the exception to the new enriched cages. If such cages are to set the new standard then they must be defined more precisely in the relevant Article 3(3). The subsequent paragraph 4 would then only list the approved derogations for the conventional cage.

In view of the fact that none of the cages in the required form are available on the market and that the Member States first have to transpose the Directive into national law, the rapporteur considers that the proposed date for the entry into force of the Directive (1 January 1999) is completely unrealistic.

The Commission should also be aware that the cage authorised by way of derogation could, because of the greater amount of space for the animals but without provision of possibilities for diversion or withdrawal, also cause new animal welfare problems as the birds would then have

more opportunity to express their aggressions. To this extent the review clause in Article 9 of the proposal for a Directive is to be welcomed as very sensible.

There is thus an even more urgent need to step up research on alternative systems of rearing specifically under realistic practical conditions with the aim of bringing to an end the existing disadvantages of these systems. Science and industry therefore expect greater commitment by the Community to supporting research in this sector. In the past support for research on poultry has not been one of the Commission's priorities and this must change.

#### **c. The alternative systems of rearing**

As already mentioned, for the first time alternatives to battery cage systems, or at least systems of rearing in enclosed spaces, are to be included in the Directive on the protection of laying hens. Provisions on the minimum requirements must therefore also be sufficiently specific in this sector which is not the case in the Commission proposal.

Article 2 does not include definitions for typical alternative systems of rearing such as floor-based systems, aviary systems etc. Stipulations are made only for enriched cages. A minimum area per bird or a maximum stocking density is not given for any of the alternative systems of rearing.

The rapporteur considers that at the least the stocking density must be specified. The question of stocking density is one of the key elements in any provision on the protection of laying hens, as the Commission in fact acknowledges at various points in its communication. Such a selective approach also runs counter to the principle of equal treatment, in particular in view of the anticipated increase in competition between the various systems of rearing in the EU referred to above. Setting the maximum stocking densities must therefore not be left to an annex of the Commission's implementing regulation on the regulation on the marketing standards for eggs.

#### Information on stocking densities:

For floor pens a stocking density of a maximum of 7 birds per m<sup>2</sup> floor area is proposed. This standard is generally accepted. It is not disputed either by scientists or by the interested parties. There is therefore no reason to vary it.

For systems with several different levels (aviaries etc.) the rapporteur opts for a stocking density of a maximum of 25 birds per m<sup>2</sup> of floor area. This standard is used in many Member States in aviary rearing systems but it is, however, subject to some dispute. It should be pointed out that through the use of the third dimension the hens in these systems can have more space available to them (measured in terms of bird/m<sup>3</sup>) than in the most generous laying cages.

As far as the useable area is concerned, according to the presentation of the Scientific Veterinary Committee, a stocking density of 25 animals/m<sup>2</sup> floor area in aviary systems is equivalent to an area available to the birds of 813 to 1020 cm<sup>2</sup> per hen, excluding nest areas(

). This would place this system of rearing more or less on an equal footing with the new provisions on cage based systems as regards the minimum area

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(  
). This would place this system of rearing more or less on an equal footing with the new provisions on cage based systems as regards the minimum area available per bird. It was for these reasons too that this stocking

Perches in floor pen systems:

) See Scientific Veterinary Committee, Animal Welfare Section: Report on the Welfare of Laying Hens, Brussels, 30 October 1996, p.22.

Article 3(1)b implies that after the entry into force of the new Directive perches must be provided in all systems of rearing, i.e. also in floor pen systems. As a result many traditional floor pen systems in which no perches are used would be banned at the latest after ten years. The rapporteur does not, however, see any reason why these well-established systems should be abolished. Such a proposal can also not be inferred from the report of the Scientific Veterinary Committee. No abnormal behaviour is found in systems where there are no perches.

**d. Socio-economic considerations**

In its communication the Commission estimates that producer prices will increase by 8-12% as a result of the new cages with a minimum area of 800 cm<sup>2</sup> per bird. Some parts of the industry are assuming a larger increase (over 20%) as the growing market for egg products is so rigid in terms of pricing that the costs would have to be borne increasingly by table eggs.

Whatever the case, there is agreement that by 2001, when under the WTO agreements the import duty on eggs in shell must have been reduced by one third, the European Union will have lost its competitive advantage on both the world market and the internal market. Accompanying measures are therefore needed at various levels.

WTO negotiations/agreements with third countries:

In its report the Scientific Veterinary Committee makes it quite clear that high animal protection standards and free trade between the EU Member States and third countries are incompatible. The EU market will become more attractive for eggs from third countries with lower animal protection standards if the EU adopts higher animal protection standards and thus increases its producers' costs. Steps must therefore be taken to provide external protection against such imports.

In other words in the next round of WTO negotiations the EU must definitely seek the inclusion of animal protection in the WTO rules so that the provisions which apply to European agriculture and farming products are internationally recognised. No concessions must be made in respect of states which are already below EU standards.

As a separate issue, in bilateral agreements with third countries the recognition of EU animal protection standards should be sought. Companies from third countries should be able to export to the EU only when they satisfy the requirements of EU animal protection legislation. What has long applied to hygiene standards for meat should now apply also to animal protection standards.

#### Labelling requirements for eggs:

The Commission's proposal that the rearing system for the laying hens must appear on the label of table eggs produced in the EU is to be welcomed. The commercial decision to adopt alternative rearing systems will be determined largely by the willingness of the consumer to pay higher prices for eggs from these rearing systems. Thus there must be real consumer demand. The law of supply and demand functions only when the market is transparent. Labelling to include the type of production must therefore be compulsory and must not be misleading.

The Community's current labelling provisions do not follow this rule. The term 'fresh eggs', for example, indicates nothing and causes consumer confusion. Firstly, all eggs placed on the market should be fresh and this term thus does not describe a special production characteristic. Secondly, as surveys have shown, the majority of consumers consider that eggs thus labelled come from free-range production, although most of them in fact come from battery systems. Even farms continue this error and market their eggs using this 'label'. A change in the current labelling provisions is therefore urgently needed.

For imports from third countries, as far as labelling requirements are concerned, persons wishing to export to the EU should be required to meet the labelling requirements of the EU. Not only all eggs produced in the EU but also all eggs marketed in the EU must be labelled. Otherwise there will once again be competitive disadvantages for EU producers.

The rapporteur is in favour of extending compulsory labelling to egg products as they represent a constantly growing market, in particular in international trade. One cannot ignore the practical problems of checks. However problems also occur with other processed products in terms of checking the origin of ingredients, but it does not mean that labelling is disregarded as a result.

#### Investment aids for conversion to alternative systems of rearing

In its proposal the Commission refers to the possibility of obtaining aid partly financed by the EU for conversion to alternative systems of rearing under the efficiency of agricultural structures regulation 957/97/EC. They would however be purely optional and their introduction left to the discretion of the Member States. As the Member States can be expected to vary in their willingness to give support there is a major risk of distortions of competition between farms in the Community. For this reason consideration should be given to additional funds, to be made available from the Union's budget.

It should also be borne in mind that the investment costs for adjustment to the required new standards will be very high. It is incidentally not true, as suggested by the Commission, that the housing and equipment in the poultry sector would have to be replaced anyway after ten years. Many holdings use their housing for 20 years or more.

An additional system of premiums, not linked to production, could be used as a guidance instrument to prompt holdings to convert rapidly to an appropriate type of production. It could be achieved, for example, by creating an incentive which uses a graduated system of aids available over a limited period to adapt rearing conditions as quickly as possible and without using the full transitional period to the requirements of the new Directive. Such a system would also be a useful way of supporting on-the-spot checks.

It would certainly also be in accordance with the objectives of the Amsterdam Treaty, which promotes greater concern for animal welfare in the Union, and with the Commission's Agenda



2000 proposals, which seeks to achieve an agricultural sector which places greater importance on consumer demands. Such aids would thus be geared towards the future rather than the past.

## OPINION

(Rule 147 of the Rules of Procedure)

for the Committee on Agriculture and Rural Development

on the proposal for a Council Directive on laying down minimum standards for the protection of laying hens kept in various systems of rearing (COM(98)0135 - C4-0196/98 - 98/0092(CNS)) (report by Mr Kindermann)

Committee on the Environment, Public Health and Consumer Protection

Letter from the committee chairman to Mr J.L. Colino Salamanca, chairman of the Committee on Agriculture and Rural Development

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Brussels, 3 September 1998

Dear Mr Colino Salamanca,

The Committee on the Environment, Public Health and Consumer Protection has given careful consideration to the Commission proposal for a Council directive laying down minimum standards for the protection of laying hens kept in various systems of rearing at its meetings of 20 July and 3 September 1998.

At the latter meeting it adopted the following conclusions unanimously( ).

This proposal has as its declared aim the improvement of the welfare of all laying hens in the Community. It is intended as a replacement for Directive 88/166/EEC.

88/166 itself, which followed on from a Court of Justice ruling annulling an earlier Directive (86/113/EEC), only covered the welfare of hens kept in cages ; the new Commission proposal would extend the cover to various systems of hen-rearing, and its requirements would apply from 1 January 1999 to "all newly-built or rebuilt systems of rearing and all such systems of rearing brought into use for the first time" (Article 3), and from 1 January 2009 to all systems of rearing.

General requirements on nests (availability and number of nests per number of hens), perches (adequate provision of and height and space specifications per bird), litter (ie. adequate provision of), feeders and drinking troughs (number of centimetres of feeding/drinking space /cups to be provided), heights between levels in rearing systems with different levels, beak-trimming (where permitted and up to what age) are introduced.

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(<sup>1</sup>) The following were present for the vote : Collins, Chairman, Poggiolini and Lannoye, vice-chairmen, Blokland, Bowe, Breyer, Cabrol, Campoy Zueco, Chanterie (for Leopardi), Eisma, Grossetête, Hulthén, Jensen K., Kuhn, Marinucci, McKenna, Needle, Pollack, Pinel (for Stirbois), van Putten, Roth-Behrendt, Schleicher, Schlechter (for Lienemann), Schnellhardt, Tamino, Trakatellis and White.

What is proposed is a gradual phasing-out of the use of the battery cage in its present form. In the meantime, the minimum space per hen in cages would be enlarged together with

"enrichment" (i.e. improvements enabling hens to express typical hen behaviour patterns) of their cages.

Member States can authorise derogations for battery cages from the requirements on nests and litter if certain space and structural conditions are met, the most significant condition being is that there should be at least 800 cm<sup>2</sup> of cage area per hen. From 1 January 2009 all systems of rearing will have to comply with all the minimum requirements set out in the proposal's Article 3.

In the case of battery cages already in existence on 1st January 1999 and which are under ten years old, these will be able to continue until 31 December 2008, provided that certain minimum requirements are complied with : a space of at least 450 cm<sup>2</sup> per hen, requirements on cage height, floor construction and gradients, feed trough and drinking channel access, beak-trimming.

Cages over 10 years old may be authorised on a case by case basis until 31 December 2003 at the latest, after which the minimum required space per hen will be 550 cm<sup>2</sup>.

The Annex sets out specific requirements on construction materials, hygiene, feeding, watering, heating, ventilation, lighting, inspections of equipment and of the birds themselves, and there are also requirements for Member States to ensure inspections are carried out every two years to check that all the relevant provisions are complied with.

Article 1 allows Member States to "maintain or apply within their territories stricter provisions for the protection of laying hens than those laid down in this Directive", although they must inform the Commission of any such measures.

While the Committee welcomes the publication of information contained in the Communication accompanying the proposal for a directive, and the intention to improve welfare standards particularly in alternative systems so far unspecified across the EU, it regrets the delay in publication since the report of the Scientific Veterinary Committee in 1992 and believes the Commission proposals are inadequate. The Parliament is asked to take into account the following considerations:

1. The existing Directive 88/166/EEC has been variably implemented and enforced by Member States; for which reason the Commission is called upon to ensure that the current minimum standards which have applied since 1 January 1995, are actually enforced throughout the Union.
2. Conclusions drawn from scientific research into relative welfare conditions are arguable yet the Commission does not propose a further report on studies to the parliament until 2006. It is stated for example that 'applied research into the welfare of laying hens has been undertaken for a relatively short period' and 'there does not appear to be any conclusive scientific work concerning the influence on welfare of the different artificial lighting programmes in commercial use'.
3. In the EU there are 251 million hens in battery cages (93%) compared with 8 million free range hens (3%) and 12 million hens in other systems (4%). Assumptions are made about production cost increases if cage sizes are enlarged from the existing 450 cm<sup>2</sup> to the minimum

800 cm<sup>2</sup> proposed to be phased in by 2009. But these are by admission subject to large margins of error because differing systems of member states have not been taken fully into account, and it is said that, even after the long delay, further calculations must be made. Therefore it is unsurprising that statements about competitiveness are regarded as, at best, unreliable by producers and are being strongly challenged as being likely to cause significant job losses.

4. The variations between Member States remains significant. Austria, Finland, Germany and Sweden have bans either planned or in discussion and the UK government has stated its intention to phase out the battery system. There is no financial support for changing to alternative systems in eleven states (UK, Sweden, Spain, Portugal, Italy, Ireland, Netherlands, Luxembourg, Greece, France and Belgium). This is crucial, and the Commission should work with Member States to utilise the regulation on improving efficiency of agricultural structures and national aid schemes.

5. The outcome of the WTO round beginning next year is expected to result in changes to egg and egg product sectors which are unsupported by EU subsidy. The EU egg products industry accounts for approximately one quarter of all European egg production and is forecast to rise to 40% by 2010. The greatest competition comes from USA, and China is becoming a major trader. The USA cage size is 350cm<sup>2</sup>. The Commission Egg and Poultry Advisory Committees have called for third country imports to come only from countries in which production complies with existing EU welfare legislation.

6. The timetable is unsatisfactory. 1 January 1999 is unreasonably soon for cage manufacturers to produce new sizes in required quantities, so delay is inevitable. However the proposals do not take full effect until 2009 which is too long in terms of such modest welfare improvement, and the requirement for a comparative study to be presented to Parliament by 2006 should be brought forward.

7. Crucially for this committee, the changes make only modest improvements for welfare of hens. It is clearly stated that 'because of its small size and barrenness, the battery cage as used at present has inherent severe disadvantages for the welfare of birds'. There is considerable evidence of the unsuitability of the battery system in terms of crowding, laying, perching, litter, feeding and behaviour. While the industry believes that any increase above 600cm<sup>2</sup> will make production uncompetitive and thus attract cheaper imports produced at lower welfare conditions, welfare organisations prefer a complete ban on cages, and see the proposals as an absolute minimum improvement, arguing for significantly greater increases in height and cage size. Those positions seem ever irreconcilable, and the impression persists that the Commission proposals are an unsatisfactory attempt at compromise which please no-one.

8. There is considerable evidence of consumer disapproval of battery systems and willingness to pay more for eggs produced in alternative systems, although caution must be expressed economically and in terms of awareness about egg products which are widely consumed and come almost exclusively from eggs from battery systems. The increased cost to consumers is estimated by the Commission to be less than ECU 2 per head per annum. The Commission promises to propose amendments to Council Regulation 1907/90 to introduce mandatory requirements to label each table egg produced in the EU concerning the rearing systems which have been used. However, this would not apply to imported eggs, nor egg products, nor would it be accompanied by market initiatives to improve consumer awareness as currently proposed. In order to give consumers a real possibility to make choices the Commission should also propose

the same kind of amendments to Directives 89/437 and 79/112. Information on rearing systems being used (e.g. battery, floor, free range) should be clearly labelled on the final products containing egg derivatives. General wordings like 'Farm Eggs' should not be permitted.

9. The proposals on alternative systems are generally welcome but insufficient in terms of stocking density requirements and perch space.

Therefore, the Committee is of the opinion that, without financial measures in all Member States to assist producers to move to alternative methods of rearing hens, it is unlikely that the aims of the Directive will be effectively met. The requirements meet neither the aspirations of those seeking to achieve the best possible welfare standards, nor provide a realistic framework for EU egg producers to remain competitive or change rearing methods and retain sustainable employment levels. In those circumstances the Committee must give priority to tackling the *inherent severe disadvantages* of the battery system and ensuring consumer protection.

The Committee calls for an EU wide ban on the use of battery cages to be introduced and implemented as soon as possible, together with appropriate financial measures to be put in place by Member States with support from the Commission to introduce alternative systems. The Committee calls on the Commission to investigate the costs of replacement of battery cages by alternative systems of rearing, taking full account of the differing systems in the Member States, and in particular to provide figures for the additional costs to consumers. The day-to-day running costs should also be taken into account. The Commission is urged to take a strong negotiating position to be taken at the forthcoming WTO negotiations on equal welfare conditions for imported eggs and egg products.

The Committee on the Environment, Public Health and Consumer Protection, in the light of the above considerations, calls on Parliament and Council to significantly strengthen the proposals and speed of their implementation.

Yours sincerely,

Ken COLLINS