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13.12.2010

B7-0706/2010

## MOTION FOR A RESOLUTION

further to Question for Oral Answer B7-0657/2010

pursuant to Rule 115(5) of the Rules of Procedure

on the EU laying hens industry: the ban on the use of battery cages from 2012

**George Lyon, Chris Davies**  
on behalf of the ALDE Group

**European Parliament resolution on the EU laying hens industry: the ban on the use of battery cages from 2012**

*The European Parliament,*

- having regard to Council Directive 1999/74/EC, which entered into force on 3 August 1999 and introduced a ban on the use of battery cages for the rearing of laying hens, while granting a transitional period of more than 12 years for producers to change their rearing systems,
  - having regard to the Commission Regulation 589/2008/EC on detailed rules for the marketing standards for eggs,
  - having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation),
  - having regard to the 2008 Commission Communication on the various systems of rearing laying hens in particular those covered by Council Directive 1999/74/EC,
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the Welfare of Laying Hens Directive (1999/74/EC) prohibits, from 1 January 2012, the rearing of laying hens in unenriched cage systems and whereas Member States and producers will by then have had more than 12 years to ensure that they comply with the terms of the legislation,
- B. whereas the Commission adopted in 2008 a Communication on the various systems of rearing laying hens in particular those covered by Council Directive 1999/74/EC, confirming that the decision on the phasing out of battery cages on 01.01.2012 is justified and that no amendment to the directive is necessary; whereas the Commission reiterated this position at 22 February 2010 Agricultural Council,
- C. whereas eggs which are not produced in compliance with Directive 1999/74/EC are not legally marketable in the European Union,
- D. whereas all Member States have transposed Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens into national legislation, which however does not guarantee the full implementation of the requirements of the Directive, including the phasing out by 1 January 2012 of the use of battery cages,
- E. whereas Member States are responsible for putting in place proportionate, effective and dissuasive sanctioning systems to ensure the implementation of the Directive, while the Commission - as Guardian of the Treaty - supervises the state of implementation in the EU and takes measures when needed,

- F. whereas reports of DG AGRI on the current situation and estimations by the sector for the coming years show that a substantial number of Member States and 30% of egg producers are not expected to comply with the ban on battery cages by 1 January 2012,
- G. whereas Directive 1999/74/EC does not provide Member States with possible sanctions they could take against other Member States which have failed to implement Directive 1999/74/EC in full by 2012,
- H. whereas the poultry and egg producing sector do not receive CAP direct payments while having to comply with EU animal health and welfare standards that are amongst the highest in the world,
- I. whereas the costs of production for egg producers using enriched cages are 8% higher compared to conventional cages and the difference in income is estimated at 3 to 4%,
1. Calls on the Commission to maintain the ban on battery cages by 1 January 2012 as laid down by the Welfare of Laying Hens Directive (1999/74/EC) and to strongly oppose any attempts by Member States to obtain a postponement of this deadline;
  2. Stresses that any postponement of or derogation to the ban would seriously harm the welfare of the laying hens, distort the market and penalise those producers who have already invested in non-cage or enriched cage systems;
  3. Expresses its deep concern about the substantial number of Member States and egg producers that are behind schedule for meeting the 2012 deadline;
  4. Is deeply disappointed in the absence of an action plan from the European Commission regarding this issue and the unwillingness of the European Commission services to provide adequate information to members of the European Parliament's Committee on Agriculture and Rural Development in its meetings of 30 August 2010 and 29 September 2010;
  5. Welcomes the Commission's intention to meet the main stakeholders and competent authorities in January 2011 in order to assess the state of play regarding the implementation of the Directive, but underlines that these efforts are long overdue;
  6. Calls upon the Commission to urgently provide clarity and reveal at the latest by 1 March 2011 the measures they plan to undertake in order to ensure compliance with the Directive;
  7. Emphasises that these measures should first and foremost maintain a level playing field and protect producers who are compliant by 1 January 2012 from unfair competition from producers within the EU who continue to unlawfully use battery cages after that date;
  8. Calls on the Commission to take urgent action towards Member States to ensure that their egg producers comply with the ban by 1 January 2012 and urge them to develop an action plan, including dissuasive sanctions, designed to ensure that the use of battery cages is brought to an end in their territory by 1 January 2012;

9. Underlines that eggs which are not produced in compliance with Directive 1999/74/EC cannot be legally commercialised and be part of intra-community trade in the European Union; therefore urges the Commission to take measures to prevent trade-distortions and prevent non-compliant producers from exporting outside the EU;
10. Insists that the Commission should take no action against a Member State that prevents the commercialisation and import of eggs that have not been produced in accordance with EU law;
11. Points to the corporate social responsibility of egg processors and the retail sector not to use and commercialise eggs and egg products which are not produced in accordance with Directive 1999/74/EC;
12. Underlines the need to raise consumer awareness about this issue and the effects of the existence of non-compliant eggs on the welfare of laying hens and the unfair competition between farmers;
13. Notes that eggs should be regarded as a basic and staple food and points out that non compliance with Directive 1999/74 may result in the production of eggs which are 'illegal', leading to a risk of egg shortage and a significant price increase of eggs for consumers;
14. Asks the Commission to step up its monitoring of the enforcement of the Directive through increased inspections carried out by the Food and Veterinary Office;
15. Requests the Commission to present a list of egg and egg product producers, processors and retailers that do not comply with the provisions of Directive 1999/74, as of 31.12.2011;
16. Instructs its President to forward this resolution to the Council and the Commission.