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Plenary sitting

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B7-0705/2010

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

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B7-0705/2010

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 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 Commission Communication No 2007/865 of 8 January 2008 on the various systems of rearing laying hens in particular those covered by Directive 1999/74/EC,
 - having regard to its resolution of 11 November 2010 on the crisis in the EU livestock sector¹,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the Commission was unable to give satisfactory answers to the members of Parliament's Committee on Agriculture and Rural Development at its meetings of 30 August and 29 September 2010,
- B. 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 in the EU-15 will by then have had more than 12 years to ensure that they comply with the terms of the legislation, and producers in the EU-12 will have had eight years, since enlargement, to comply,
- C. whereas, in recent years, the sector has faced major epizooties as well as a severe market crisis due in part to huge production costs caused by a rise in feed prices – which account for up to 60% of producers' total costs – as a result of cereal market speculation,
- D. whereas many producers in the Union have started to change their production systems in order to comply with Council Directive 1999/74/EC, but will not have completed the process by the 1 January 2012 deadline,

¹ P7_TA-PROV(2010)0402.

- E. whereas in 2008 the Commission adopted a communication on the various systems of rearing laying hens, in particular those covered by Council Directive 1999/74/EC, confirming that the decision to phase out battery cages by 1 January 2012 was justified and that no amendment to the directive was necessary; whereas the Commission reiterated this position at the Agriculture Council meeting on 22 February 2010,
- F. whereas eggs which are not produced in compliance with Directive 1999/74/EC are not legally marketable in the EU,
- G. whereas all Member States have transposed Council Directive 1999/74/EC, laying down minimum standards for the protection of laying hens, into their national legislation but this does not guarantee full compliance with the directive's requirements, including the phasing out by 1 January 2012 of the use of battery cages,
- H. whereas the Member States are responsible for putting in place proportionate, effective and dissuasive systems of sanctions to ensure that the directive is implemented, while the Commission – as guardian of the Treaty – has a duty to supervise progress with its implementation throughout the EU and to take measures as needed,
- I. whereas reports by DG AGRI on the current situation, and the sector's own estimates 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,
- J. whereas Directive 1999/74/EC does not provide for a specific mechanism allowing a Member State to prevent the marketing on its territory of eggs or egg products from another Member State not taking the necessary measures to stop eggs from establishments non-compliant with Directive 1999/74/EC being placed on the market,
- K. whereas the poultry and egg-producing sector does not receive EU subsidies under the first pillar of the CAP but it has to comply with EU animal health and welfare standards that are among the highest in the world,
- L. whereas the production costs borne by egg producers using enriched cages are 8-13% higher than those of producers using conventional cages, and the resulting income difference is estimated at 3-4%,
 - 1. Calls on the Commission to maintain the requirement for a ban on battery cages by 1 January 2012, as laid down in the Welfare of Laying Hens Directive (1999/74/EC);
 - 2. Stresses that, as a matter of principle, postponement of the ban or derogations from it would seriously harm the welfare of laying hens, distort the market and penalise those producers who have already invested in non-cage or enriched-cage systems; believes, nevertheless, that a solution should be found, under clearly defined conditions, for those producers who have started to change their rearing systems towards new cages or alternative rearing systems, but who will not have finalised the process by 1 January 2012;
 - 3. Expresses its deep concern about the substantial numbers of Member States and egg producers behind schedule for meeting the 2012 deadline;

4. Is deeply disappointed by the absence of a Commission action plan on this issue and by the Commission's unwillingness to provide adequate information to members of Parliament's Committee on Agriculture and Rural Development at its meetings of 30 August 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 implementation of the directive, but stresses that these efforts are long overdue;
6. Calls on the Commission urgently to provide clarity and reveal, at the latest by 1 March 2011, the measures it envisages taking in order to ensure compliance with the directive;
7. Emphasises that such 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 and outside the EU who continue unlawfully to use battery cages after that date;
8. Calls on the Commission to monitor progress at frequent intervals and to take urgent action directed at Member States to make sure that their egg producers comply with the ban by 1 January 2012 and to urge them to develop national action plans, including dissuasive sanctions, with a view to ensuring an end to use of battery cages on their territory by 1 January 2012;
9. Emphasises that eggs not produced in compliance with Directive 1999/74/EC cannot be legally marketed or be part of internal trade in the EU; urges the Commission, therefore, to take measures to avoid trade distortions and prevent non-compliant producers from exporting beyond their national territory;
10. Highlights the fact that the corporate social responsibility of egg processors and the retail sector requires them not to use or market eggs and egg products not produced in accordance with Directive 1999/74/EC;
11. Notes that some Member States have made use of the possibility of providing funding for producers to support the conversion to enriched cages; stresses, however, that the current constraints on some Member States' finances and the difficulties faced by EU farmers in obtaining bank loans to finance on-farm investment may make the process of converting to enriched cages before 1 January 2012 more difficult;
12. Urges all the Member States to include in their rural development programmes measures to help the poultry sector comply with the directive;
13. Underlines the need to raise consumer awareness about this issue and about the effects of non-compliance in terms of the welfare of laying hens and unfair competition between farmers; calls on the Commission to take all necessary steps to ensure that consumers will be able to distinguish eggs and egg products produced in compliance with Directive 1999/74/EC from those that fail to meet EU standards, and to make funds available for raising awareness in the egg market in this regard;
14. 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 ‘illegal’ eggs, thus creating a risk of egg shortages and significant price increases for consumers; emphasises furthermore that such shortages and price increases could lead to increased imports of eggs or egg products from third countries that do not observe EU welfare standards;

15. Asks the Commission to step up its monitoring of the directive’s enforcement through more frequent inspections by the Food and Veterinary Office;
16. Requests the Commission to present, at the latest by 31 December 2011, a list of egg and egg-product producers, processors and retailers not complying with the provisions of Directive 1999/74;
17. Instructs its President to forward this resolution to the Council and the Commission.