



14.12.2010

B7-0705/2010 }
B7-0706/2010 }
B7-0714/2010 }
B7-0720/2010 } RC1

JOINT MOTION FOR A RESOLUTION

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

replacing the motions by the following groups:

PPE, ECR, EFD (B7-0705/2010)

ALDE (B7-0706/2010)

Verts/ALE (B7-0714/2010)

S&D (B7-0720/2010)

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

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on behalf of the S&D Group

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on behalf of the ALDE Group

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on behalf of the Verts/ALE Group

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on behalf of the EFD 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 laying down minimum standards for the protection of laying hens¹, which entered into force on 3 August 1999 and introduced a ban on the use of battery cages for the rearing of laying hens, whilst granting a transitional period of more than 12 years for producers to change their rearing systems,
 - having regard to Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs²,
 - 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)³,
 - 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 (SEC(2007)1750),
 - having regard to Commission Regulation (EC) No 798/2008, as amended by Regulations (EC) Nos 1291/2008, 411/2009, 215/2010, 241/2010, 254/2010, 332/2010, 925/2010 and 955/2010, laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (replacing Commission Decision 2006/696/EC as from 1 January 2009)⁴,
 - having regard to its resolution of 11 November 2010 on the crisis in the EU livestock sector⁵,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas, at the meetings of Parliament's Committee on Agriculture and Rural Development of 30 August and 29 September 2010, the Commission provided information on this issue, but was unable to give satisfactory answers to the members of the committee, for example because no action plan had been formulated,
- B. whereas the Welfare of Laying Hens Directive (1999/74/EC) prohibits, as from 1 January 2012, the rearing of laying hens in unenriched cage systems, and whereas Member

¹ OJ L 203, 3.8.1999, p. 53.

² OJ L 16, 24.6.2008, p. 6.

³ OJ L 299, 16.11.2007, p. 1.

⁴ OJ L 226, 23.8.2008, p. 1.

⁵ Texts adopted, P7_TA-PROV(2010)0402.

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-10 and EU-2 will have had respectively eight and five 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 50% of producers’ total costs – as a result of cereals 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,
- 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 the Member States are responsible for establishing proportionate, effective and dissuasive systems of sanctions to ensure that the directive is implemented, whilst 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,
- H. 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 production are not expected to be in compliance with the ban on battery cages by 1 January 2012,
- I. 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 which are not compliant with Directive 1999/74/EC being placed on the market,
- J. whereas the poultry and egg producing sector does not receive EU subsidies under the first pillar of the CAP and has been facing a severe market crisis over the last few years, including recent substantial increases in feed prices, whilst having to comply with EU animal health and welfare standards which are amongst the highest in the world,
- K. 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), and strongly to oppose any attempts by Member States to secure a deferral of that deadline;
 - 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;

3. Expresses its deep concern at the substantial numbers of Member States and egg producers behind schedule for meeting the 2012 deadline;
4. 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;
5. Calls on the Commission urgently to provide clarity concerning the state of play in the Member States and reveal, at the latest by 1 March 2011, the measures it envisages taking in order to ensure compliance with the directive;
6. Emphasises that such measures should, first and foremost, maintain a level playing field and protect producers who are compliant by 1 January 2012 against unfair competition from producers inside and outside the EU who continue unlawfully to use battery cages after that date;
7. 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 that the use of battery cages is brought to an end on their territory by 1 January 2012;
8. Believes that egg producers and Member States that have made the effort to comply with Directive 1999/74/EC should not be penalised through unfair and illegal competition, in particular in the form of eggs and egg products imported from third countries; 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;
9. Insists that the Commission should take no action against a Member State which prevents the marketing and import of eggs which have not been produced in accordance with EU law;
10. Notes that some, but not all, Member States have made use of the possibility of providing funding for producers to support the conversion to enriched cages;
11. 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;
12. Notes that eggs should be regarded as a basic and staple food and points out that non-compliance with Directive 1999/74/EC may give rise to a risk of egg shortages and significant price increases for consumers; emphasises, further, 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;

13. Asks the Commission to step up its monitoring of the enforcement of the directive by means of more frequent inspections by the Food and Veterinary Office;
14. Requests the Commission to submit, 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/EC;
15. Instructs its President to forward this resolution to the Council and the Commission.