
(2001/C 154 E/10)


(Submitted by the Commission on 16 January 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Whereas:

(1) The Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community requires that in formulating and implementing agriculture policies, the Community and the Member States shall pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

(2) Pursuant to Article 6 of Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs (1) the Commission was to submit a report on intensive pig-rearing systems taking into account in particular the welfare of sows rearing in varying degrees of confinement and in groups and was to make any appropriate proposals for adjustments to the rules.

(3) Pigs, being live animals, are included in the list of products set in Annex II to the Treaty.

(4) The opinion of the Scientific Veterinary Committee of 30 September 1997 concluded that pigs should benefit from an environment corresponding to their needs for exercise and investigation and that the welfare of pigs appears to be compromised by severe restrictions of space.

(5) Sows prefer to have social interactions with other pigs when provided with freedom of movement and environmental complexity. The current practice of keeping sows in continuous confinement should therefore be prohibited. It is however appropriate to allow producers sufficient time to make the necessary structural changes to their production facilities.

(6) A balance must be kept between the various aspects to be taken into consideration, as regard both welfare and health, economic and social considerations, and also environmental impact.

(7) It is appropriate for the Commission to submit a new report taking into account further research and practical experience in order to improve further the welfare of pigs, in particular as regards aspects not covered by Directive 91/630/EEC.

(8) Since the measures necessary for the implementation of Directive 91/630/EEC are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (2), they should be adopted by use of the regulatory procedure,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/630/EEC is amended as follows:

1. In Article 3 paragraph 2 is replaced by:

   2. Flooring surfaces must comply with the following requirements:

   Weaners/rearing pigs: A part of the total floor at least \( \frac{1}{3} \) of the minimum space requirements for each animal must be of continuous solid floor area no more than 10 % of which is comprised of drainage. When concrete floors are used, the minimum slat width must be 75 mm and the maximum slot width 25 mm.

   Dry pregnant sows and gilts: the area of continuous solid floor area, no more than 10 % of which is comprised of drainage must be at least:

   — 1,3 \( m^2 \) per dry pregnant sow;

   — 0,95 \( m^2 \) per gilt.


When concrete slatted floors are used the minimum slat width must be 80 mm and the maximum slot width 30 mm.

3. The construction or conversion of installations in which sows and gilts are tethered is prohibited. From 1 January 2006 the use of tethers for sows and gilts shall be prohibited.

4. No sows or gilts shall be confined in an individual pen during a period starting from 4 weeks after the service to 7 days before the expected time of farrowing. Exceptionally, individuals which are particular aggressors, which have been attacked by other sows or which are sick or injured, may temporarily be kept in individual pens. No individual pen for a dry pregnant sow shall be used which does not allow the sow to turn around easily.

5. The following requirements shall be met:
   - Housing facilities for dry pregnant sows and gilts must include communal lying areas, in addition to the dunging area and any feeding stalls or boxes, of at least 1,3 m² per sow (0,95 m² for gilts) of unobstructed floor area;
   - Where sows are kept in groups, the shortest side of any pen must not be less than 2,8 meters in length;
   - All sows must have permanent access to soil for rooting or to manipulable material at least complying with the relevant requirements of the Annex;
   - Sows in groups must be fed using a system which ensures that each individual can obtain sufficient food without being attacked, even when competitors for the food are present;
   - All sows must be given high fibre food as well as high-energy food in order to reduce hunger as well as to provide for the need to chew. The high-energy food can be fed once per day in a single meal but high fibre food must be available for longer periods.

6. From 1 January 2002 points 2 and 4 shall apply to all holdings newly built or rebuilt or brought into use for the first time after that date. From 1 January 2012 those points shall apply to all holdings.

   The first to the fourth indents of point 5 shall not apply to holdings with fewer than ten dry pregnant sows.

2. The following Article 5a is inserted:

   'Article 5a

   1. Any person attending to the animals has received instructions and guidance on the provisions of Articles 1, 2 and 3 of the Annex to the Directive and understands those provisions;

   2. Member States shall ensure that appropriate training courses are available. In particular such training courses must focus on welfare aspects.'

3. Article 6 is replaced by the following:

   'Article 6

   Not later than 1 January 2008 the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the Scientific Committee on Animal Health and Welfare Committee.

   The report shall cover in particular:

   1. the effects of stocking density in different farming systems on welfare including health of pigs,
   2. further developments of group-housing systems for pregnant sows,
   3. the determination of space requirements for individually-housed adult breeding boars,
   4. further developments of loose-house systems for sows in the service area and for farrowing sows, which meet the needs of the sow without compromising piglet survival,
   5. the development of techniques that will reduce the need to resort to surgical castration,
   6. consumers’ attitudes and behaviour towards pig meat in the event of no improvement or only minor improvement being achieved in the welfare of the animals.

   The report may if necessary be accompanied by appropriate legislative proposals.'

4. Article 10 is replaced by the following:

   ‘1. The Commission shall be assisted by the Standing Veterinary Committee established by Decision 68/361/EEC (1), composed of representatives of the Member States and chaired by the representative of the Commission.'
2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Council Decision 1999/468/EC (1) shall apply, in compliance with Article 7(3) thereof.

3. The period referred to in Article 5(6) of Decision 1999/468/EC shall be three months.


**Article 2**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

**Article 3**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

**Article 4**

This Directive is addressed to the Member States.