2024/1262

15.5.2024

# COMMISSION DELEGATED DIRECTIVE (EU) 2024/1262

## of 13 March 2024

## amending Directive 2010/63/EU of the European Parliament and of the Council as regards the requirements for establishments and for the care and accommodation of animals, and as regards the methods of killing animals

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes ([1]), and in particular Article 50 thereof,

Whereas:

(1) Article 33 of Directive 2010/63/EU requires that animals used for scientific purposes are provided with accommodation, an environment and care which are appropriate to their health and well-being. Annex III to Directive 2010/63/EU lays down requirements for establishments and for the care and accommodation of those animals.

(2) Article 6 of Directive 2010/63/EU requires that animals are killed with minimum pain, suffering and distress, by means of the appropriate species-specific killing methods provided for in Annex IV to that Directive.

(3) At the time of the adoption of the Directive, insufficient scientific evidence was available on the appropriate housing and care requirements for certain species, including cephalopods, zebra fish and passerine birds, and on the appropriate killing methods for cephalopods. Therefore, no species-specific requirements were included in Annex III to Directive 2010/63/EU for those species or for the killing of cephalopods in Annex IV to that Directive.

(4) Since 2010, new scientific knowledge has been gained on the welfare requirements of cephalopods, zebra fish and passerine birds kept in captivity, as well as for the killing of cephalopods in a manner causing least pain, suffering and distress, and therefore Annexes III and IV to Directive 2010/63/EU should be adapted accordingly.

(5) Some of the new requirements identified for zebra fish and cephalopods that were not included in Annex III to Directive 2010/63/EU should be introduced for all aquatic species or for all animals.

(6) The information submitted under Article 54(3) of Directive 2010/63/EU shows that several Member States consider hypothermic shock as an appropriate method of killing for zebra fish based on the current scientific evidence. To avoid unnecessary administrative burden arising from regular exemptions granted under Article 6(4)(a) of Directive 2010/63/EU, this method should be allowed for killing of zebra fish.

(7) Since the adoption of Directive 2010/63/EU, new scientific evidence has emerged on the inappropriateness of using inert gases (argon and nitrogen) to kill rodents, and therefore their use should no longer be allowed for the killing of rodents.

(8) Directive 2010/63/EU should therefore be amended accordingly,

([1]) OJ L 276, 20.10.2010, p. 33, ELI: http://data.europa.eu/eli/dir/2010/63/oj.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes III and IV to Directive 2010/63/EU are amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall adopt and publish, by 4 December 2025 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 4 December 2026.

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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 13 March 2024.

*For the Commission*
*The President*
Ursula VON DER LEYEN

*ANNEX*

Annexes III and IV to Directive 2010/63/EU are amended as follows:

(1) Annex III is amended as follows:

(a) Section A is amended as follows:

(i) the heading of paragraph 2.3 is replaced by the following:

'2.3. Noise and vibration';

(ii) in paragraph 2.3, the following point (d) is added:

'(d) For aquatic animals, equipment causing noise or vibration, such as power generators or filtration systems, shall not adversely affect animal welfare.';

(iii) the heading of paragraph 2.4 is replaced by the following:

'2.4. Alarm systems and contingency plans';

(iv) in paragraph 2.4, the following point (d) is added:

'(d) Effective contingency plans shall be in place to ensure the health and welfare of the animals in the case of failure of essential husbandry elements.';

(b) Section B is amended as follows:

(i) in paragraph 8, the following second subparagraph is added:

'When housing birds taken from the wild, the space allowances provided for in tables 8.1 to 8.10 shall apply whenever birds are held for periods more than 24 hours. When birds are held for shorter periods of time, measures shall be taken to minimise risks to animal welfare.';

(ii) in paragraph 8, the following tables 8.8, 8.9 and 8.10 are added:

*'Table 8.8*

**Starlings**

| Group size | Minimum enclosure size ($m^2$) | Minimum height (cm) | Minimum length of food trough per bird (cm) | Minimum length of perch per bird (cm) |
|---|---|---|---|---|
| Up to 6 | 2,0 | 200 | 5 | 30 |
| 7 to 12 | 4,0 | 200 | 5 | 30 |
| 13 to 20 | 6,0 | 200 | 5 | 30 |
| for each additional bird between 21 and 50 | 0,25 | | 5 | 30 |
| for each additional bird above 50 | 0,15 | | 5 | 30 |

*Table 8.9*

**House sparrows**

| Group size in the absence of visual barriers | Group size in the presence of visual barriers | Minimum enclosure size ($m^2$) | Minimum height (cm) |
|---|---|---|---|
| Up to 10 | Up to 15 | 2,4 | 180 |
| 11 to 20 | 16 to 35 | 4,8 | 180 |
| 21 to 30 | 36 to 60 | 7,3 | 180 |
| for each additional bird above 30 | for each additional bird above 60 | 0,11 | |

*Table 8.10*

**Great tit and blue tit**

| Group size | Minimum enclosure size per bird ($m^2$) | Minimum height (cm) | Minimum number of feeders | Minimum length of perch per bird (cm) |
|---|---|---|---|---|
| 1 | 3 | 180 | 1 | 100 |
| 2-10 (*) (single sex) | 1 | 180 | 2 | 40 |
| 1 female + 1 male | 2 | 180 | 2 | 100 |

(*) Group sizes greater than 10 shall not be permitted without a defined monitoring schedule at sufficient frequency to detect and mitigate aggression'.

(iii) paragraph 11.1 is replaced by the following:

'11.1. Water supply and quality

Adequate water supply of suitable quality shall be provided at all times. Water flow in re-circulatory systems or filtration within tanks shall be sufficient to ensure that water quality parameters are maintained within acceptable levels, according to the characteristics of the husbandry system, to the species and life stage requirements. Water supply shall be filtered or treated to remove substances harmful to fish, where necessary. Water-quality parameters shall at all times be within the acceptable range that sustains normal activity and physiology for a given species and stage of development. The water flow shall be appropriate to enable fish to swim correctly and to maintain normal behaviour. Fish shall be given an appropriate time for acclimatisation and adaptation to changes in water-quality conditions. Appropriate measures shall be taken to minimise sudden changes in the different parameters affecting water quality. Appropriate water flow and water level shall be ensured and monitored.';

(iv) paragraph 11.2 is replaced by the following:

'11.2. Oxygen, nitrogen compounds, carbon dioxide, pH, and salinity

Oxygen concentration shall be appropriate to the species and to the context in which the fish are held. Where necessary, supplementary aeration of tank water shall be provided, depending on the husbandry system. The concentrations of carbon dioxide and of nitrogen compounds, namely ammonia, nitrite and nitrate, shall be kept below harmful levels. Water quality shall be monitored using a defined testing schedule at a sufficient frequency to detect changes in these critical parameters and action shall be taken to mitigate such changes.

The pH level shall be adapted to the species and monitored to be kept as stable as possible. The salinity shall be adapted to the requirements of the fish species and to the life stage of the fish. Changes in salinity shall take place gradually.';

(v) paragraph 11.3 is replaced by the following:

'11.3. Temperature and lighting

Temperature shall be maintained within the optimal range for the fish species and their stages of development and kept as stable as possible. Changes in temperature shall take place gradually. Fish shall be maintained on an appropriate photoperiod.';

(vi) paragraph 11.5 is replaced by the following:

'11.5. Feeding and handling

Fish shall be fed a diet suitable for the fish at an appropriate feeding rate and frequency. Particular attention shall be given to feeding of larval fish during any transition from live to artificial diets. If feed withdrawal is necessary for non-procedural reasons (e.g., transport), the duration shall be kept as short as possible and take into account fish size and water temperature.

Where possible, fish shall be handled without removal from the water. Handling of fish both in and outside of the water shall be kept to a minimum and equipment in direct contact with fish shall be moistened. Fish shall not be handled at the outer limits of the water temperature ranges that they can tolerate.';

(vii) the following paragraph 11.6 is added:

'11.6. Zebrafish

11.6.1 Water quality

*Table 11.1*

**Water parameters requirements in zebrafish housing systems**

| Water parameters | Minimum-maximum requirements |
|---|---|
| Temperature | 24-29 °C |
| Conductivity | 150-1700 μS/cm[2] |
| Total hardness | 40-250 mg/L $CaCO_3$ |
| pH | 6,5-8 |
| Nitrogen compounds | $NH_3/NH_4^+$< 0,1 (*) mg/L, $NO_2^-$ < 0,3 mg/L, $NO_3^-$ < 25 mg/L |
| Dissolved oxygen | > 5 mg/L |

(*) or below detection limit. 0,1 mg/L indicates the total amount of ammonia, $NH_3/NH_4^+$. This corresponds to 0,002 mg/L of $NH_3$ at 28 °C and pH 7,5.

11.6.2 Lighting

During the light phase, the light levels shall be constant, except during short dawn/dusk transitions where used. Dark phase shall be completely dark.

11.6.3. Stocking density and environmental complexity

Water volumes smaller than 1 litre shall not be used for adult zebrafish. Stocking densities shall not exceed 10 adult fish/litre. Tank size and shape shall allow the fish to perform their natural behaviour and swimming activity.

Prolonged single housing shall be avoided.';

(viii) the following paragraph 12 is added:

'12. Cephalopods

12.1. Water supply and quality

Adequate water supply of suitable quality shall be provided at all times.

Tank design and water flow rate shall meet the needs of the animal including appropriate oxygenation delivered in relation to its size, life stage and behavioural needs. Water temperature, salinity, pH, and nitrogen compound levels shall be appropriate to the needs of species and life forms. Escapes and inadvertent introduction of foreign elements shall be prevented by use of covers where necessary.

Cephalopods shall be given appropriate time for acclimatisation and adaptation to changes in water quality conditions.

12.2. Lighting

Light intensity and photoperiod shall meet the requirements of the species.

12.3. Diet

Cephalopods shall be provided with a feeding regime appropriate to the species, their developmental stages and behavioural needs.

12.4. Enrichment and handling

Cephalopods shall be provided with the appropriate and sufficient amount of physical, cognitive and sensory stimuli to enable a wide range of species-specific behaviours. Housing conditions shall take into account species-specific social needs (i.e. group- or solitary-living habits of the species). Shelters or dens shall be provided, whenever appropriate for the species.

Where possible, cephalopods shall be handled without taking them from the water. Handling of cephalopods outside of the water shall be kept to a minimum and equipment in direct contact with animals shall be moistened.

*Table 12.1*

**Cephalopods**

| Family | Group | Body length (*) (cm) | Minimum water surface area ($cm^2$) | Minimum water surface area for each additional animal in group-holding ($cm^2$) | Minimum water depth (cm) |
|---|---|---|---|---|---|
| Sepiidae | Cuttlefish | Up to 2<br>2 to 6<br>6 to 12<br>12 | 100<br>600<br>1 200<br>2 500 | 40<br>200<br>400<br>1 000 | 7<br>15<br>20<br>25 |
| Sepiolidae | Sepio-lids (**) | Up to 1<br>1 to 3<br>3 | 50<br>120<br>150 | 5<br>50<br>100 | 5<br>8<br>12 |
| Loliginidae | Squid (***) (****) | Up to 15<br>15 to 25<br>25 | 2 000<br>4 500<br>6 000 | 400<br>900<br>1 200 | 60<br>90<br>90 |

| Family | Group | Body length (*) (cm) | Minimum water surface area ($cm^2$) | Minimum water surface area for each additional animal in group-holding ($cm^2$) | Minimum water depth (cm) |
|---|---|---|---|---|---|
| Octopodidae | Octo-pus (****) | Up to 10<br>10 to 20<br>20 | 2 000<br>2 600<br>4 000 | 600<br>700<br>1 200 | 40<br>50<br>50 |

(*) Dorsal mantle length.
(**) Group up to 40 individuals.
(***) Use of cylindrical shape tanks shall be preferred. The minimum values shall be increased by 5 % if non-cylindrical tanks are used.
(****) During juvenile, paralarval stage, squid and octopus shall be housed in cylindrical tanks, with a maximum of 20 hatchlings per litre and methods to limit visual interaction shall be adopted.'.

(2) Annex IV is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. The killing of animals shall be completed by one of the following:

(a) confirmation of permanent cessation of the circulation;

(b) destruction of the brain;

(c) dislocation of the neck;

(d) exsanguination; or

(e) confirmation of the onset of *rigor mortis*.

Methods of confirmation of death shall be appropriate for the species to be killed.';

(b) paragraph 3 is amended as follows:

(i) the table is replaced by the following:

| 'Animals-remarks/methods | Fish | Amphibians | Reptiles | Birds | Rodents | Rabbits | Dogs, cats, ferrets and foxes | Large mammals | Non-human primates | Cephalopods |
|---|---|---|---|---|---|---|---|---|---|---|
| Anaesthetic overdose | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | |
| Captive bolt | | | (2) | | | | | | | |
| Carbon dioxide | | | | | (3) | | | | | |
| Cervical dislocation | | | | (4) | (5) | (6) | | | | |
| Concussion/percussive blow to the head | | | | (7) | (8) | (9) | (10) | | | |
| Decapitation | | | | (11) | (12) | | | | | |
| Electrical stunning | (13) | (13) | | (13) | | (13) | (13) | (13) | | |
| Inert gases (Ar, $N_2$) | | | | | | | | (14) | | |
| Shooting with a free bullet with appropriate rifles, guns and ammunition | | | (15) | | | | (16) | (15) | | |
| Hypothermic shock | (17)' | | | | | | | | | |

(ii) in the list 'Requirements', the following point 17 is added:

'17. To be used only for zebrafish (*Danio rerio*) ≥ 16 days post fertilisation (dpf) and with a maximum body length of 5cm. Temperature of hypothermic shock shall be ≤ 4 °C and the temperature difference from holding temperature shall be ≥ 20 °C. Fish shall not have direct contact with ice. Minimum exposure time shall be 5 minutes.'.