

Opinion of the Economic and Social Committee on:

- the ‘Communication from the Commission to the Council and the European Parliament on the welfare of intensively kept pigs in particular taking into account the welfare of sows reared in varying degrees of confinement and in groups’, and
- the ‘Proposal for a Council Directive amending Directive 91/630/EEC laying down minimum standards for the protection of pigs’

(2001/C 221/11)

On 29 January 2001 the Council decided to consult the Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the above mentioned communication and mentioned proposal.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 11 May 2001. The rapporteur was Mr Nilsson.

At its 382nd plenary session on 30 and 31 May 2001 (meeting of 31 May), the Economic and Social Committee adopted the following opinion by 73 votes with two abstentions.

1. Introduction

1.1. The protection of pigs is a matter of Community competence. Council Directive 91/630/EEC lays down minimum standards for the protection of pigs. In accordance with Article 6 of the Directive, by 1 October 1997, the Commission had to submit a report to the Council dealing specifically with the welfare of sows. The report was drafted by the Scientific Veterinary Committee, and provides the basis for the Communication and the revised rules the Commission now proposes in the Communication and proposal for a Directive⁽¹⁾.

1.2. Article 5 of Council Directive 91/630/EEC provides that its Annex can be amended under a procedure whereby the Commission may propose amendments to the Annex without consulting the EU institutions. The aim, according to the Directive, is to be able to take account of scientific progress more rapidly. The Annex contains a number of minimum rules for pig farming.

1.2.1. Accordingly the Commission is now putting forward a proposal for amendments to Directive 91/630/EEC. At the same time, a proposal for amendments to the Annex of the Directive is being drafted for submission to the Standing Veterinary Committee. This second proposal can then be adopted directly by the Commission if it broadly complies with the Standing Veterinary Committee's opinion.

1.2.2. In recent years there has been an increasingly intense debate within the EU on animal welfare. The ESC therefore welcomes the Commission Communication and Proposal for amendments to the current Directive. However, it regrets that the proposed amendments to the Annex are not to be submitted to the EU institutions for the usual consultation as part of the legislative procedure.

1.3. European agriculture is going through turmoil because of foot and mouth disease which is highly contagious among animals. Agriculture has been hit by crises such as BSE and dioxin poison in animal feed, and consumers now question the safety of food production. It is absolutely crucial to regain and boost consumer confidence in European agricultural production methods. Several ESC opinions have expressed their strong support for this. The Commission proposal to improve the welfare of sows must be seen as a first step in this direction.

1.4. Pig farming in the EU is not strictly regulated. The common organisation of the market in pigmeat is very liberal, and only includes two market support measures, i.e. export subsidies and support for private storage.

1.4.1. This means that farmers who keep pigs have to live with the price fluctuations of the market. In 1998 and 1999, prices were at exceptionally low levels. The crisis reached unheard of proportions when, in 1998, prices to producers sank by 27 %, and by 6 % in 1999. They thus reached a new all-time low, and were below production costs.

1.4.2. In 1999 the Commission, with a view to reducing the impact of future price fluctuations, proposed voluntary arrangements to enable the Member States to establish producer-funded regulatory funds⁽²⁾.

1.4.3. Pig farming is sensitive to changed production costs. It must be possible to pass these costs on to the market if animals are to be reared ethically and sustainably.

⁽¹⁾ COM(2001) 20 final.

⁽²⁾ COM(2000) 193 final and CES 1009/2000, OJ C 367, 20.12.2000, p. 40.

1.5. Consumers are right to demand safe food and ethically sound production methods which allow livestock to live a healthy, natural life and meet animal health and welfare requirements.

2. The Commission Communication and proposal

2.1. In 1997 the European Commission adopted a report from the Scientific Veterinary Committee and its section for animal health and welfare on intensively kept pigs, and various proposals to amend EU legislation in order to protect pigs and improve conditions for them.

2.2. The proposal prohibits the confinement of sows during most of their pregnancy to individual stalls which restrict their freedom of movement. It also sets out rules to improve the general living environment of pigs and especially piglets, setting requirements for living space, floor surfaces and proper feeding systems. New requirements for training of pig handlers are also introduced. In addition the Commission is proposing tougher regulations for noise and light levels, access to food and materials for rooting, timing of weaning of piglets, and minimum flooring surfaces.

2.3. The Communication reveals the considerable discrepancies in Member State production. Five Member States have 72 % of the total sow population. The biggest producer countries are:

- Germany (20,4 % of total number of sows)⁽¹⁾
- Spain (19,8 %)
- France (11,6 %)
- Netherlands (10,4 %)
- Denmark (9,9 %).

2.3.1. At the same time there is huge variation in herd size. In the Netherlands, 90 % of herds have more than 100 sows, whereas in Germany 40 % have less than 10. In Italy 80 % of the herds have less than 10 sows.

2.3.2. Some countries also tend to concentrate pig production in certain geographic areas, where animal density is higher than levels deemed to be ecologically sustainable (1,4 animal units per hectare).

2.4. The findings of the report also confirm the Communication's assertion that 65 % of all pregnant sows are housed individually, and of these, 60 % do not have access to materials for rooting.

2.5. Existing herds will be covered by a ten year transition period (until 2012) to implement the proposals. However, a number of key measures will apply from 1 January 2002 to all newly-built or rebuilt holdings. There will be a derogation for holdings with less than 10 dry pregnant sows, but this does not include the point relating to pig feed requirements.

2.6. Investment in buildings and technology to improve animal welfare is eligible for support from the European Agricultural Guidance and Guarantee Fund.

3. General comments

3.1. The ESC welcomes the Commission Communication and Proposal and endorses the broad thrust and proposals. The ESC regrets, however, that it has taken the Commission so long to present its proposal since the Scientific Veterinary Committee submitted its report in 1997. The ESC also condemns the fact that the proposal is limited to dry sows and does not include farrowing and suckling sows. The ESC also takes a critical view of the fact that only the Standing Veterinary Committee is to be consulted on the proposed amendments to the Annex, rather than all the EU institutions.

3.2. EU pig production is dynamic and competitive. The EU is the world's largest exporter, and in 1999 it exported 1,5 million tonnes to third countries, mainly at current world market prices. Imports are less significant and total 65 000 tonnes. The sector is very important economically, and accounts for some 11 % of the EU's total agricultural output.

3.3. At the same time, pig farmers have to adapt to world market prices, and this has brought significant economic hardship over the last two years.

⁽¹⁾ Eurostat 1999.

3.4. Pigs are social animals. The Scientific Report gives a comprehensive account of available experience and research into the welfare of pigs. It describes the consequences of not respecting the physiological and behavioural needs of pigs. There can be a conflict of objectives when requirements relating to behaviour, health, the environment and economic factors are weighed up. At the same time, rapid structural streamlining and development of technology is under way. This, together with requirements on ethically sound animal husbandry, means that common minimum standards are needed.

3.5. In pig farming, there are different needs depending on which stage of the lifecycle the animal is at. A 'sow' has had a litter. A 'dry pregnant sow' is a sow whose previous litter has been weaned, and which is pregnant again and ready for farrowing. A 'gilt' is a young pregnant sow which is about to farrow for the first time. Most pigs have been raised as 'fattening pigs'. Each of these different stages has special requirements for the animal's needs.

3.6. Legislation and regulations for the protection of pigs also vary between Member States. In some countries, there are much stricter legal requirements. At the same time, the retail sector has introduced marketing rules and regulations which will impact directly on the market and on pig feeding and production procedures.

3.7. The report underpinning the Commission's position also shows that there are still shortcomings in animal housing, and that animal protection requirements need tightening up. The report makes no fewer than 88 different recommendations, the bulk of which have been endorsed by the Commission.

3.8. The increased accommodation requirement for fattening pigs is one major exception. The report proposes that the minimum space requirements for fattening pigs should be increased. Here, the Commission prefers to wait for the next report, which is suggested be submitted in eight years' time. This is an important issue from the point of view of animal protection, but also for consumer confidence in production. Insufficient space for the animals leads to tail-biting, which is remedied by tail docking. An increased minimum area could therefore mean that tail docking is required less often. However, this presupposes that producers are allowed an adequate transition period, as is the case with some of the other proposed amendments to the Directive. In particular, the case for more spacious accommodation for fattening pigs could be made when new holdings are being built.

3.9. The Committee fully endorses the proposal to forbid definitively the use of confinement for sows and gilts, and confinement for dry pregnant sows, whereby the animal has to stay in a fixed position and has no room to turn around. This does not apply where there are temporary medical reasons, for example. This is only fair from the animal protection standpoint, but a certain amount of space to move around is still required.

3.10. The Commission reveals the report's economic calculations of its proposals. This is commendable and of considerable importance since producers have to live with price/demand fluctuations, and with very small production cost margins. However, the ESC calls for a better, more reliable analysis of how much the proposed measures will cost farmers.

3.10.1. The calculations do, however, make some strange assumptions. For example, they say consumers are not willing to pay for better animal welfare when imports from third countries where animal welfare standards are lower cannot be restricted.

3.10.2. Production of any kind can only take place if income covers costs. If binding rules increase production costs, then this must be covered by income, i.e. price. Otherwise production is neither sustainable nor possible. It is both counterproductive and illogical to require European pig farmers to comply with certain legal requirements and standards if consumers are not prepared to pay for these animal protection requirements. Intra-EU requirements must also correspond with those applied to imports.

3.10.3. The Committee feels that the question of animal welfare must be tackled and pushed through in WTO negotiations. Regrettably, the report does not address this, since it is a thorny, complex issue. There is unfortunately reason to fear that the WTO will not respond to European animal welfare concerns.

3.10.4. At the same time, requirements which improve animal welfare can yield better financial returns, as the animal is contented and therefore grows faster and better. However, taken as a whole, the Commission's proposal will lead to increased investment and running costs for pig farmers.

3.11. The Committee would also like to discuss the fact that the communication deals with pig welfare in 'intensive pig-rearing systems'. In a general sense it could be interpreted

to mean large holdings. But it is not entirely logical. Intensity is not always linked to size. Large holdings can have both well-trained handlers and good animal welfare standards. But this is not automatically the case either. Logically, the communication and the proposal should cover all pigs, regardless of production system.

3.12. The Scientific Report also calls attention to the fact that animal health is of vital importance to good animal husbandry and animal welfare. It establishes the fact that infectious diseases are an important problem for animal protection. Many diseases often have several different causes. The ESC feels that the importance of preventive healthcare must be highlighted more clearly, since care for the animal and an appropriate environment can produce healthy animals, thus helping to avoid or reduce the risk of disease outbreaks. These measures also make it possible to avoid preventive antibiotic treatment. The absence of disease is not just an important factor in animal protection; it is also important for good production.

3.13. As stated above, the Commission intends to propose at a later stage amendments to the Annex to Directive 91/630/EEC without going through the usual consultation procedure. The Annex contains a number of rules for different operations on swine such as tooth-clipping and castration. Nose rings are still allowed. Rooting is one of the most deeply-ingrained traits in pigs. The Scientific Report states categorically that nose rings have a negative impact on animal protection, particularly when the animal is surrounded by stimuli which invite rooting. In Directive 98/58/EC on animal protection the Commission endorses the five principles of freedom; these, *inter alia*, lay down that freedom of movement must not be restricted to the extent that it causes unnecessary suffering. The ESC therefore believes there should be a total ban on nose rings for pigs as it runs counter to the spirit of the above Directive, since the animal is subjected for a long time to an interference which directly hampers normal behaviour.

4. Specific comments

4.1. Article 1, amendment to Article 3.2 of 91/630/EEC

4.1.1. The Committee fully endorses the proposal for a total ban on the use of confinement for sows and gilts from 1 January 2002. The ESC also notes that farrowing and suckling sows are not covered by the proposal.

4.1.2. Article 1 also implies that there is to be a transition period for existing buildings until the year 2012 as regards requirements for increased pen size for group-housed sows, and for feed delivery systems which provide sufficient food. Although the transition period might seem lengthy, the Committee can endorse it since rebuilding work will have to be undertaken, which means great expense and practical difficulties for many individual producers. The Committee also endorses the obligation for newly built or rebuilt holdings to comply with regulations from 1 January 2002.

4.1.3. Article 1 also states that the requirements on improved floor area size, for example, shall not apply to holdings with fewer than ten dry pregnant sows. The ESC feels that there could be a case for a derogation for small herds. However, since the proposal refers to 'dry pregnant sows', the question is how this will be defined on the farm. The statistics for the number of pigs per agricultural holding are way out of date, and there is a fairly rapid trend towards larger units. If, however, we take the statistics given in the scientific report, 73 % of EU 15 holdings have between 1 and 9 pigs. If, as it seems reasonable to assume, the same applies to dry pregnant sows, then the improved animal protection regulations will not apply to a large number of pigs. This is unsatisfactory. There is no automatic link between bad animal housing/animal protection and large herds. The ESC therefore calls on the Commission to clarify the derogation. One option would be to provide a derogation for holdings with ten sows in production. Another is to apply the rules to all animals, regardless of herd size.

4.1.4. The Committee welcomes the requirements to provide both manipulable material for all sows, and feed that also satisfies their need to chew.

4.2. Article 1, insertion of a new Article 5a in 91/630/EEC

4.2.1. Here the Commission proposes new requirements for instructions and guidance, and appropriate training courses for any person attending to the animals. The Committee endorses this. But it must be borne in mind that there are already properly trained stockmen. Any new training requirements must be relevant, and build on the stockman's existing skills.

4.2.2. From an employee perspective, it is important to have proper information and training, and to be offered continuous training in animal husbandry and animal welfare. Safety aspects must also be included, since a large number of serious agricultural accidents happen in connection with animal husbandry, animal transport, etc.

4.2.3. Different certification systems must also be taken into account and efforts made in this area. The need for adequate training must also be provided for when framing Member States' rules.

4.3. Article 1, replacement of Article 6 in 91/630/EEC

4.3.1. In this Article the Commission lays down that Scientific Committee on Animal Health and Welfare shall submit a new report to the Commission not later than 1 January 2008. The report shall cover:

- the effects of stocking density on welfare;
- further developments of group-housing systems for pregnant sows;
- space requirements for adult boar;
- loose-house systems for sows in the service area and for farrowing sows;
- development of techniques to reduce the need for surgical castration;
- consumer attitudes and behaviour towards pig meat in the event of no improvement in welfare.

4.3.2. In view of the transition period up to 2012, the 2008 deadline would seem appropriate. The deadline might seem somewhat lengthy, but the ESC would stress that the changes apply to a very large number of holdings which need to comply. The necessary investment will be made in a sector with very small profit margins. As stated above, the economic situation for producers has been very tight.

4.3.3. However, it cannot be excluded that market demands from consumers and from the wholesale/retail sector will drive the change process more rapidly, with demands for better animal protection in return for access to the market.

4.4. Article 2

Article 2 of the proposal requires the Member States to transpose these legislative provisions into national law. On various occasions the Committee has pointed out shortcomings in implementation, e.g. in its Opinion on Sludge in Agriculture⁽¹⁾.

4.5. The ESC calls on the Commission to review Directive 92/102/EEC on the identification of animals, with particular reference to swine. Implementation of this Directive has been particularly lax, and the current state of the market calls for an updating.

4.6. The ESC would also question the Member States' arrangements for monitoring implementation of the provisions of Council Directive 91/630/EEC. So far, only eight inspections have been reported, and without covering all Member States. This weakens the EU's monitoring system.

4.7. Article 6

Not later than 1 January 2008, the Commission is to submit to the Council a report, drawn up on the basis of an opinion from the Scientific Committee on Animal Health and Welfare. The ESC feels that, in addition to the content proposed by the Commission, the report should also cover the technical and economic consequences of implementing the recommendations. A study should also be carried out to ascertain whether the market can bear the extra costs of the new animal welfare measures.

5. Conclusions

5.1. The ESC welcomes and endorses the Commission proposal. The ESC regrets, however, the fact that it has taken so long, and that the ESC has not also been consulted on the Annex to the Directive. Since any proposals to amend Directive 91/630/EEC could lead to a loss of competitiveness for pigmeat production at European level, the various Community bodies, i.e. the Council of Ministers, the European Parliament and the Economic and Social Committee, must always be consulted on the Commission's proposals.

5.2. The ESC regrets that the proposal does not address the problem of minimum space requirements for fattening pigs.

⁽¹⁾ OJ C 14, 16.1.2001, p. 141.

5.3. The ESC endorses the proposed ban on confinement of sows and gilts, and the use of tethers for sows.

5.4. The ESC calls for a better, more accurate analysis of the cost of the proposal. In its view, it is essential that consumers should be prepared to pay for better animal protection and that imports from third countries should be subject to the same animal protection requirements.

5.5. In the international context, production and breeding conditions differ widely from one region of the world to another. Consequently, production and import regulations must be consistent, and these concerns must be taken on board at international level by the WTO.

5.6. The ESC believes that the proposal should cover all animals, regardless of production system.

5.7. The ESC endorses the proposed requirements on advice, guidance and appropriate training for animal handlers, but would stress that this must build on their existing expertise. Safety aspects and accident risks must also be taken into account.

5.8. The ESC would highlight the question of the level at which control is exercised and the shortcomings in implementation of the Directive.

5.9. The ESC would also point out that the next report in 2008 should also contain economic analyses and a study of the impact of the new rules on the market.

Brussels, 31 May 2001.

*The President
of the Economic and Social Committee*
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