

Procedure file

Basic information		
CNS - Consultation procedure Directive	1992/1201(CNS)	Procedure completed
Protection of animals kept for farming purposes		
Amended by 2013/0140(COD)		
Subject 3.10.04.02 Animal protection		

Key players			
European Parliament			
Council of the European Union			
	Council configuration	Meeting	Date
	Agriculture and Fisheries	2115	20/07/1998
	Agriculture and Fisheries	2110	22/06/1998

Key events			
15/05/1992	Legislative proposal published	COM(1992)0192	Summary
12/06/1992	Committee referral announced in Parliament		
16/11/1992	Debate in Parliament		
19/11/1992	Decision by Parliament	T3-0674/1992	Summary
20/07/1998	Act adopted by Council after consultation of Parliament		
20/07/1998	End of procedure in Parliament		
08/08/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1992/1201(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2013/0140(COD)
Legal basis	EC before Amsterdam E 043
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/3/03826

Documentation gateway					
Legislative proposal		COM(1992)0192 OJ C 156 23.06.1992, p. 0011	15/05/1992	EC	Summary
Economic and Social Committee: opinion, report		CES1171/1992 OJ C 332 16.12.1992, p. 0022	22/10/1992	ESC	Summary
Text adopted by Parliament, 1st reading/single reading		T3-0674/1992 OJ C 337 21.12.1992, p. 0193-0231	19/11/1992	EP	Summary
Follow-up document		COM(2002)0626	18/11/2002	EC	Summary
Follow-up document		COM(2016)0558	08/09/2016	EC	Summary

Final act	
Directive 1998/58 OJ L 221 08.08.1998, p. 0023	Summary
Final legislative act with provisions for delegated acts	

Protection of animals kept for farming purposes

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Protection of animals kept for farming purposes

(DEBATISSE and SIMMONDS reports - Docs. A3-342 and 339/92) Parliament adopted two reports on animal welfare. In the first, on animal identification and registration, Parliament called for animal welfare to take precedence in relation to the marking method. Therefore, identification methods that increased the risk of mutilation, illness or suffering of animals should be excluded. In adopting the report by Mr Richard SIMMONDS (EPP, UK) on the protection of animals kept for farming purposes, Parliament called for a series of measures to be implemented to ensure their welfare and stated, in particular, that animals should not be continuously or regularly tethered or confined. They should be provided with food that did not contain any substances that could cause suffering or injury. Parliament called on the Commission to inform it every two years of the results of the inspections carried out. ?

Protection of animals kept for farming purposes

OBJECTIVE: to lay down minimum standards for the protection of animals kept for farming purposes. **COMMUNITY MEASURE:** Council Directive 98/58/EC concerning the protection of animals for farming purposes. **SUBSTANCE:** The directive lays down minimum standards for the protection of animals bred or kept for farming purposes and provides a legal basis for adopting any proposal or recommendation necessary for the uniform application of the European Convention for the protection of animals kept for farming purposes. The directive states that the Member States must make provision to ensure: -that the owners or keepers of animals ensure their welfare and they are not caused any unnecessary pain, suffering or injury; -that the conditions under which animals are bred or kept, having regard to their species and to their degree of development, adaptation and domestication, and to their physiological and ethological needs, comply with the provisions set out in the annex to the directive (inspection, record keeping, freedom of movement, buildings and accommodation, animals not kept in buildings, automatic or mechanical equipment, feed, water and other substances, mutilations and breeding procedures); -inspections are to be carried out by the competent authority and a report submitted to the Commission; veterinary experts from the Commission may, together with the competent authorities, verify that the Member States are complying with the requirements. The Member States may maintain or apply stricter provisions than those laid down in the directive. **ENTRY INTO FORCE:** 08/08/1998 **DEATH LINE FOR TRANSPOSITION:** 31/12/1999 ?

Protection of animals kept for farming purposes

The European Commission adopted a Communication to the Council and European Parliament comparing animal welfare standards in the European Union with standards in third country trading partners. The Report analyses ways to avoid potential competitive disadvantages and subsequent deterioration in animal welfare standards as a result of disparities in measures. Since 1999 the Commission has collected

information on animal welfare legislation from 73 countries that engage in trade of animals and animal products with the EU. The study shows that there is no international consensus on the role of animal welfare and the measures in place in the EU cannot be readily compared with the standards in third countries. A key issue for the report was whether competitive disadvantages arise from disparities in animal welfare measures. The evidence available suggests that competitive distortions are most likely to arise in the more intensive forms of agricultural production, notably in the pig and poultry sectors. Starting from the assumption that competitive distortions (whether to the advantage or disadvantage of EU producers) arising from differences in standards have the clear potential to undermine higher animal welfare, the report investigates a number of channels to prevent such a development: - market mechanisms consumers are increasingly willing to pay more for "ethical" products; - dialogue at the international level aiming at greater recognition of animal welfare, in particular in the framework of the OIE (World Organisation for Animal Health) and the Council of Europe; - promotion of animal welfare standards in bilateral trade arrangements, in future extended to multilateral trade; - improvement of labelling regimes, whether voluntary or mandatory, to respond to consumer demands for higher standards; - strengthening the position of animal welfare in EU agricultural policy as part of the reform of the Common Agricultural Policy focusing on "quality rather than quantity. The Report concludes that efforts must concentrate on all fronts in order to cope with the complexity of animal welfare and its ethical and cultural dimension.?

Protection of animals kept for farming purposes

The Commission presents a report on the implementation of Council Directive 98/58/EC concerning the protection of animals kept for farming purposes for the period from 1 January 2011 to 31 December 2014.

The main conclusions of the report are as follows:

Variations in Member States reporting: the considerable differences in Member States reporting make the interpretation and comparison of the data generally more difficult.

An online form was developed in 2012 based on the tables of [Decision 2006/778/EC](#), which

Member States have been using in 2013 and 2014. However some inconsistencies persist, particularly with respect to domestic fowl, which makes it impossible to know whether the findings are representative of broiler or laying hen holdings. A similar problem exists for the cattle category that includes both beef and dairy production systems.

Improved implementation of the rules: the general principles and provisions contained in Directive 98/58/EC concerning the protection of animals kept for farming purposes have contributed to the establishment of a common framework for the welfare of farmed animals in the EU. The Directive has also supported the Member States in ensuring that these rules are properly enforced and implemented.

The reports indicate that Member States seem to be working systematically to address any non-compliance identified and to enforce EU animal welfare rules. This is corroborated by figures from the previous Commission report of 2006 and figures reported by the Member States for 2013 and 2014. There has been a noticeable improvement in the number of compliant holdings.

Effect of the last bans: with regard to the latest two measures introduced banning unenriched cages for laying hens (2012) and individual stalls for sows (2013) the report notes that action taken by the Commission to encourage all Member States to properly enforce these bans has proved effective. Currently, according to information available to the Commission:

- all Member States are compliant and are using either enriched cages or alternative systems for laying hens;
- as regards group housing of sows, 25 Member States are compliant while three have declared full compliance.

In most cases, the data indicates slight improvements between 2013 and 2014. For example:

- the registered compliance for domestic fowl and the requirement relating to automatic and mechanical equipment increased from 82.1 % to 86.4 %;
- a general improvement was reported from 2013 to 2014 in record keeping and buildings and accommodations for the majority of species and production systems.

Some Member States have highlighted the fact that lack of knowledge is often the cause of non-compliance and have for this reason introduced measures on training in their action plans for the coming year.

System for surveillance and inspections: Commission audits show that Member States have put in place a risk-based system for selecting sites for inspection. Several Member States describe in detail their system for selecting the holdings to be inspected which also confirms the use of a risk-based approach. Moreover, the Commission noted in its audits that national officials took action in all cases. Nevertheless it also found that the measures were insufficient to achieve compliance in three Member States.

Further improvements: the Commission considers it necessary to continue to work with Member States to introduce further improvements in the way compliance with animal welfare rules are reported. For instance, consideration is needed on how best to ensure the harmonious transfer of the additional data in the field of animal welfare required under Decision 2006/778/EC, whilst simultaneously keeping administrative burdens to a minimum is needed.

Furthermore, a better common understanding of existing animal welfare rules and how they are to be applied and enforced is required. This is particularly true of certain legal requirements for the welfare of pigs. Between 2013 and 2014, data from the Member States data shows that there was only a small increase in breaches registered as regards the provision of manipulable material and that the number of breaches concerning the tail docking of pigs decreased. This is in contrast to the Commission audit reports showing a much higher number of breaches for these two requirements in most of the Member States audited.

It should be noted that [Commission Recommendation \(EU\) 2016/336](#) introduces a number of parameters that are pertinent in reducing tail-biting and lists the characteristics of an optimal enrichment material.

As a minimum, the Commission will continue to monitor compliance with the implementation of Council Directive 98/58/EC. In parallel the Commission considers it essential to develop further stakeholder dialogues in order to favour specific initiatives and projects in this field that could be mutually beneficial both from an economic and animal welfare point of view.

Lastly, the adoption of a [Commission proposal on official controls](#) will open the way for the establishment of European Reference Centres for

Animal Welfare that could also contribute to further improvements through the creation and exchange of better technical and scientific knowledge.