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(Acts whose publication is obligatory)

COUNCIL DIRECTIVE 2001/88/EC

of 23 October 2001

amending Directive 91/630/EEC laying down minimum standards for the protection of pigs

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 ([1]),

Having regard to the opinion of the European Parliament ([2]),

Having regard to the opinion of the Economic and Social Committee ([3]),

After consulting the Committee of the Regions,

Whereas:

(1) The Protocol on protection and welfare of animals annexed to the Treaty requires that in formulating and implementing the Community agriculture policy, 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 ([4]), the Commission submitted a report on intensive pig-rearing systems taking into account in particular the welfare of sows reared in varying degrees of confinement and in groups and has made proposals for adjustments to the rules.

(3) Pigs, being live animals, are included in the list of products set out in Annex I 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 investigatory behaviour and that the welfare of pigs appeared 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 close 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 regarding welfare including 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) The measures necessary for the implementation of Directive 91/630/EEC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([5]),

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/630/EEC is hereby amended as follows:

1. Article 3 shall be replaced by the following:

'*Article 3*

Member States shall ensure as follows:

([1]) OJ C 154 E, 29.5.2001, p. 114.
([2]) Opinion of the European Parliament of 14 June 2001 (not yet published in the Official Journal).
([3]) OJ C 221, 7.8.2001, p. 74.
([4]) OJ L 340, 11.12.1991, p. 33.
([5]) OJ L 184, 17.7.1999, p. 23.

1. all holdings shall comply with the following requirements:

   (a) the unobstructed floor area available to each weaner or rearing pig kept in a group, excluding gilts after service and sows, must be at least:

Live weight, kg	m^2
Up to 10	0,15
Over 10 up to 20	0,20
Over 20 up to 30	0,30
Over 30 up to 50	0,40
Over 50 up to 85	0,55
Over 85 up to 110	0,65
More than 110	1,00

   (b) the total unobstructed floor area available to each gilt after service and to each sow when gilts and/or sows are kept in groups must be at least 1,64 m^2 and 2,25 m^2 respectively. When these animals are kept in groups of less than 6 individuals the unobstructed floor area must be increased by 10 %. When these animals are kept in groups of 40 or more individuals the unobstructed floor area may be decreased by 10 %;

2. flooring surfaces shall comply with the following requirements:

   (a) for gilts after service and pregnant sows: a part of the area required in 1(b), equal to at least 0,95 m^2 per gilt and at least 1,3 m^2 per sow, must be of continuous solid floor of which a maximum of 15 % is reserved for drainage openings;

   (b) when concrete slatted floors are used for pigs kept in groups:

      (i) the maximum width of the openings must be:

         — 11 mm for piglets,

         — 14 mm for weaners,

         — 18 mm for rearing pigs,

         — 20 mm for gilts after service and sows;

      (ii) the minimum slat width must be:

         — 50 mm for piglets and weaners, and

         — 80 mm for rearing pigs, gilts after service and sows;

3. the construction of or conversion to 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. (a) sows and gilts shall be kept in groups during a period starting from 4 weeks after the service to 1 week before the expected time of farrowing. The pen where the group is kept must have sides greater than 2,8 m in length. When less than 6 individuals are kept in a group the pen where the group is kept must have sides greater than 2,4 m in length;

   (b) by way of derogation from the provisions of (a), sows and gilts raised on holdings of fewer than 10 sows may be kept individually during the period mentioned in (a), provided that they can turn around easily in their boxes;

5. without prejudice to the requirements laid down in the Annex, sows and gilts shall have permanent access to manipulable material at least complying with the relevant requirements of that Annex;

6. sows and gilts kept in groups must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present;

7. to satisfy their hunger and given the need to chew, all dry pregnant sows and gilts must be given a sufficient quantity of bulky or high-fibre food as well as high-energy food;

8. pigs which have to be kept in groups, which are particular aggressors, which have been attacked by other pigs or which are sick or injured, may temporarily be kept in individual pens. In this case the individual pen used shall allow the animal to turn around easily if this is not in contradiction with specific veterinary advice;

9. from 1 January 2003 provisions laid down in points 1(b), 2, 4, 5 and the last sentence of point 8 shall apply to all holdings newly built or rebuilt or brought into use for the first time after that date. From 1 January 2013 those provisions shall apply to all holdings.

The provisions laid down in point 4(a) shall not apply to holdings with fewer than ten sows.'