**CNS 1998/092: Protection of animals: laying hens in systems of rearing (repl. direct. 88/166/EEC). Communication included**

**#^1. Recital 3 in the Final Act (NOT IMPORTANT)**

The original proposal states that the community must give effect to the principles of animal welfare laid down in the Convention. The Council changed the wording.

***ORIGINAL PROPOSAL:*** Whereas the Community, as a contracting party to the European Convention for the Protection of Animals kept for Farming Purposes (hereinafter called 'the Convention`), must give effect to the principles of animal welfare laid down in the Convention; whereas those principles include the provision of housing, food, water and care appropriate to the physiological and ethological needs of the animals;

***FINAL ACT:*** Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (5), drawn up on the basis of the European Convention for the Protection of Animals kept for Farming Purposes, lays down Community provisions designed to give effect to the principles laid down in the Convention, which include the provision of housing, food, water and care appropriate to the physiological and ethological needs of the animals;

**#^2. Recital 4 in the Final Act (NOT IMPORTANT)**

Deleted the phrase, “concerning domestic fowl” from the original proposal in Council Final Act.

***ORIGINAL PROPOSAL***: Whereas the Standing Committee of the European Convention for the Protection of Animals kept for Farming Purposes has adopted in 1995 a detailed recommendation concerning domestic fowl, which includes laying hens;

***FINAL ACT***: In 1995 the Standing Committee of the European Convention for the Protection of Animals kept for Farming Purposes adopted a detailed recommendation, which includes laying hens;

**#^3. Recital 5 in the Final Act (NOT IMPORTANT)**

Deleted the word, “exclusive” from the original proposal in Council Final Act.

***ORIGINAL PROPOSAL***: Whereas the protection of laying hens is a matter of **exclusive** Community competence;

***FINAL ACT***: The protection of laying hens is a matter of Community competence;

**#^4. Recital 6 in the Final Act (NOT IMPORTANT)**

Deleted the first part of Recital 7 in Original Proposal asking for the establishment of minimum standards for the protection of laying hens kept in all systems of rearing in the Final Act. And changed wordings of the second part of Recital 7 in OP in the Final Act.

***ORIGINAL PROPOSAL***: minimum standards for the protection of laying hens kept in all systems of rearing should be established in order to meet the obligations of the Community as a contracting party to the Convention, and **to remove** differences **in national laws** which may distort conditions of competition and in consequence interfere with the operation of the internal market

***FINAL ACT***: Differences which may distort conditions of competition **interfere with** the smooth running of the organisation of the market in animals and animal products;

**#^5. Recital 7 in the Final Act (IMPORTANT)**

Wordings are different but substantively similar. Replacing the word, “high” in original proposal with the word, “highest” in Final act.

***ORIGINAL PROPOSAL***: The report from the Commission, based on an opinion from the Scientific Veterinary Committee, concludes that there is **clear** evidence for **poor** welfare in hens kept in current battery cages and that certain needs of hens cannot be met in such cages; whereas there is also evidence that the welfare of hens **may be poor** in other systems of rearing **if a high standard of management is not maintained**

***FINAL ACT***: The Commission report referred to in recital 2, based on an opinion from the Scientific Veterinary Committee, concludes that the welfare conditions of hens kept in current battery cages and in other systems of rearing **are inadequate** and that certain of their needs cannot be met in such cages; **the highest possible** standards **should therefore be introduced**, **in the light of various parameters to be considered in order to improve those conditions;**

GREEN / GREEN

**#^6. Recital 8 in the Final Act (IMPORTANT)**

In Original Proposal, Commission asks for derogation to use cages under certain conditions. In EP 1st reading, it asked for abolishing derogation and the use of battery cages to be phased out. Council lessened the tone of Original Proposal by partly adopting EP’s position. It allows the use of unenriched cage systems under certain conditions for the time to be determined.

***ORIGINAL PROPOSAL***: Whereas, **in derogation from the general requirements for the rearing of laying hens**, the use of cages may be allowed to continue under certain conditions, including improved structural and space requirements;

***FINAL ACT:*** However, **for a period to be determined**, **the use of unenriched cage systems** may be continued under certain conditions, including improved structural and space requirements;

RED / RED

**#7. Recital 9a (new) in EP 1st Reading (NOT IMPORTANT)**

An introduction of new recital entry by EP 1st reading to the original proposal calling for taking a balance among all factors. Council Final Act largely adopted it with slight wording differences.

***FINAL ACT***: A balance **must be kept** between **the various aspects** to be taken into consideration, as regards both **welfare and health, economic and social considerations, and also environmental impact**;

**#^8. Recital 10 in the Final Act (IMPORTANT)**

Commission calls for the need of studies to be carried out to assess whether derogation for the use of cages is appropriate. Council asks for a provision to allow each member state to choose the most appropriate rearing systems while such studies are carried out.

***ORIGINAL PROPOSAL***: studies on the welfare of laying hens in different systems of rearing **should be continued to assess** **whether keeping a derogation for the use of cages is appropriate**;

***FINAL ACT***: **It is appropriate**, while studies on the welfare of laying hens in various systems of rearing are carried out, **to adopt provisions that allow the Member States to choose the most appropriate system or systems**;

RED / RED

**#^9. Recital 11 in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL***: a further report should be made by the Commission accompanied, if necessary, by appropriate proposals;

***FINAL ACT***: The Commission must submit a new report together with appropriate proposals that take account of that report;

**#10. Recital 11 in the EP 1st Reading (IMPORTANT)**

Commission asks for investment aids to adapt agricultural holdings. EP added the latter part asking for an additional aid system which is not dependent on production in order to preclude distortions of competition in the adaptation to the required new standards. Commission did not adopt EP’s position and Council deleted the entire recital from the Original proposal not to mention EP’s amendment in its 1st reading.

***ORIGINAL PROPOSAL***: Council Regulation (EC) No 950/97 on improving the efficiency of agricultural structures provides for investment aids aiming at adoption of agricultural holdings;

***FINAL ACT***: DELETED

RED / RED

**# 11. Recital 12 in the EP 1st Reading (IMPORTANT)**

Commission asks for mandatory labeling of table eggs and EP added “egg products” to this. However, Commission didn’t take EP’s amendment in its revised proposal and Council further deleted this entire recital in its Final Act.

***ORIGINAL PROPOSAL***: Council Regulation (EEC) 1907/90 on certain marketing standards for eggs lays down general rules for the labelling of eggs and egg-packs, whereas the Commission will make appropriate proposals to amend this Regulation to introduce mandatory labelling of table eggs produced in the Community replacing the actual optional approach concerning rearing systems;

***FINAL ACT***: **DELETED**

RED / RED

**# 12. Recital 12a (new) in the EP 1st Reading (IMPORTANT)**

EP newly asks for the entire application of this system of rules to new EU member states after appropriate transition period. Commission did not take this amendment in its revised proposal and neither did the Council in its Final Act.

***FINAL ACT***: NOT ADOPTED

NO CHANGE / WHITE

**#13. Recital 12b (new) in the EP 1st Reading (IMPORTANT)**

EP newly asks for the same application of the rules to eggs imported outside the EU. However, neither Commission nor Council took this amendment.

***FINAL ACT***: NOT ADOPTED

NO CHANGE / WHITE

**~~# 14. Recital 12c (new) in the EP 1~~~~st~~ ~~Reading (IMPORTANT)~~**

~~EP newly asks for beak-trimming to be temporarily allowed until less aggressive strains of laying hens have been bred. However, neither Commission nor Council took this amendment. (Also, see Annex 8 to Final Act, which allows beak-trimming under certain condition as a derogation for general prohibition of mutilation requirement)~~

***~~FINAL ACT (ANNEX 8):~~*** ~~Without prejudice to the provisions of point 19 of the Annex to Directive 98/58/EC,~~ **~~all mutilation shall be prohibited.~~****~~In order to prevent feather pecking and cannibalism, however, the Member States may authorise beak trimming provided it is carried out by qualified staff on chickens that are less than 10 days old and intended for laying.~~**

GREEN /

**Ignore: redundant with #39, #100**

**#^15. Recital 12 in the Final Act (NOT IMPORTANT)**

Commission states that it is “advisable” to repeal and replace Directive 88/160/EEC “for the sake of clarity and rationality.” Council asks that this Directive “should” be repealed and replaced” in the Final Act.

***ORIGINAL PROPOSAL***: **it is advisable for the sake of clarity and rationality to** repeal and replace Directive 88/166/EEC;

***FINAL ACT***: Directive 88/166/EEC **should therefore be** repealed and replaced,

**#^16. Article 1(1) (2) in the Final Act (IMPORTANT)**

Council got rid of the phrase, “kept in various systems of rearing” and replaced this second paragraph with the new introduction of some exceptions.

***ORIGINAL PROPOSAL***:

1. This Directive lays down minimum standards for the protection of laying hens kept in various systems of rearing.

***FINAL ACT***:

1. This Directive lays down minimum standards for the protection of laying hens.

2. This Directive shall not apply to:

- establishments with fewer than 350 laying hens,

- establishments rearing breeding laying hens.

Such establishments shall, however, continue to be subject to the relevant requirements of Directive 98/58/EC.

RED / RED

**#^17. Article 1(2) in Original Proposal and Article 13(2)(3) in the Final Act (IMPORTANT)**

Commission states that member states can adopt stricter standards than this rule within their territory and they need to inform the Commission of those measures. However, Council relocated this second part allowing for stricter national standards to Articles 13(2), 13(3) in Final Act.

***ORIGINAL PROPOSAL***:

**Article 1(2)**

2. Member States may, in compliance with the general rules of the Treaty, maintain or apply within their territories stricter provisions for the protection of laying hens than those laid down in this Directive. They shall inform the Commission of any such measures.

***FINAL ACT***:

**Article 13(2) and (3)**

2. The Member States may, while respecting the general rules laid down in the Treaty, maintain or apply within their territories provisions for the protection of laying hens which are more stringent than those envisaged by this Directive. They shall inform the Commission of any measure taken to that end.

3. 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.

GREEN / GREEN

**#^18. Article 2(1) and (2)(introduction) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL***:

**Article 2(1)(introduction)**

For the purposes of this Directive, the following definitions shall apply:

***FINAL ACT:***

**1. The definitions in Article 2 of Directive 98/58/EC shall apply where necessary.**

**2. In addition,** the following definitions shall apply for the purpose of this Directive:

**#^19. Article 2(2)(a) in Final Act (NOT IMPORTANT)**

Council replaced the word, “adult” with the phrase, “which have reached laying maturity and” and limit eggs which are not intended for hatching.

***ORIGINAL PROPOSAL***:

**Article 2(1)**

1. 'Laying hens`: ***adult*** hens of the species Gallus gallus which are kept for egg production;

***FINAL ACT:***

**Article 2(2a)**

(a) `laying hens’ means: hens of the species Gallus gallus ***which have reached laying maturity and*** are kept for production of eggs ***not intended for hatching***;

**#^20. Article 2(2b) in Final Act (NOT IMPORTANT)**

Council limited the definition of nest by adding the phrase, “the floor components of which may not include wire mesh that can come into contact with the birds.”

***ORIGINAL PROPOSAL***:

**Article 2(2)**

2. 'Nest`: a separate ***area*** for egg laying for an individual bird or for a group of birds;

***FINAL ACT:***

**Article 2(2b)**

(b) `nest’ means: a separate ***space*** for egg laying***, the floor components of which may not include wire mesh that can come into contact with the birds,*** for an individual hen or for a group of hens (group nest);

**#^21. Article 2(2c) in Final Act (NOT IMPORTANT)**

Council uses more vague language to describe litter.

***ORIGINAL PROPOSAL***:

**Article 2(3)**

3. 'Litter`: material ***such as wood shavings, straw, sand, turf, etc.*** ***which can be manipulated by the birds***;

***FINAL ACT:***

**Article 2(2c)**

(c) `litter’ means: ***any friable material*** ***enabling the hens to satisfy their ethological needs;***

**#22. Article 2(4) in EP 1st Reading (NOT IMPORTANT)**

EP renamed “battery cage” as “conventional cage” and it specified the definition by adding more restrictions. However, Council deleted the entire provision from the Final Act.

***ORIGINAL PROPOSAL***:

**Article 2(4)**

4. **'Battery cage`: any** enclosed spaceintended for laying hens;

***FINAL ACT:***

DELETED

**#23. Article 2(5) in EP 1ST Reading (NOT IMPORTANT)**

EP replaced “battery” with “laying” and Council deleted the entire provision.

***ORIGINAL PROPOSAL***:

**Article 2(5)**

5. 'Enriched cage`:a **battery** cage equipped with litter, perches and a nestbox.

***FINAL ACT:***

DELETED

**#24. Article 2(5a)(new) in EP 1st Reading (NOT IMPORTANT)**

EP newly added this definition of beak-trimming and Commission accepted it in its revised proposal. However, Council deleted the entire provision.

***FINAL ACT:***

DELETED

**#^25. Article 2(2d)(new) in Final Act (NOT IMPORTANT)**

Council newly introduced the definition of “usable area.”

***FINAL ACT:***

**Article 2(2d)**

(d) ***`usable area’*** means: ***an area at least 30 cm wide with a floor slope not exceeding 14 %, with headroom of at least 45 cm. Nesting areas shall not be regarded as usable areas***.

**#^26. Article 3 (new) in the Final Act (IMPORTANT)**

Council newly added this article and it asks for the application of the rule to three subcategories in Chapter 1 (alternative systems), 2 (unenriched cage systems) and 3 (enriched cages) while Commission proposal did not divide into such subtypes.

***FINAL ACT:***

**Article 3**

According to the system or systems adopted by the Member States, they shall ensure that the owners and holders of laying hens apply not only the relevant provisions of Directive 98/58/EC and of the Annex to this Directive but also the requirements specific to each of the systems referred to below, namely:

(a) either the provisions laid down in Chapter I as regards alternative systems;

(b) or the provisions laid down in Chapter II as regards unenriched cage systems;

(c) or the provisions of Chapter III concerning enriched cages.

GREEN / GREEN

**#27. Article 3(1)(introduction) in EP 1st Reading (NOT IMPORTANT)**

EP introduces an exception and Commission adopts it. However, Council deleted that exception and went back to the Original Proposal.

**CHAPTER 1 PROVISIONS APPLICABLE TO ALTERNATIVE SYSTEMS**

***ORIGINAL PROPOSAL:***

**Article 3(1)(introduction)**

1. Member States shall ensure that from 1 January 1999, all newly built or rebuilt systems of rearing and all such systems of rearing brought into use for the first time, comply at least with the following requirements:

***FINAL ACT:***

**Article 4(1)**

Member States shall ensure that from 1 January 2002 all newly built or rebuilt systems of production referred to in this chapter and all such systems of production brought into use for the first time comply at least with the requirements below.

**#28. Article 3(1)(a) in EP 1st Reading (IMPORTANT)**

EP reduced the minimum number of hens for one individual nest from 8 to 6 and newly introduced detailed requirements for the nests. Council increased the minimum number of hens for one individual nest from 6 to 7 (but from 8 to 7 between original and the final: hahm) and also increased the maximum number of hens for group nest from 100 to 120. Council deleted the detailed requirement of the nests introduced by the EP.

***ORIGINAL PROPOSAL:***

**Article 3(1)(a)**

(a) at least one individual nest, suitable for egg laying, shall be provided for 8 laying hens or, if communal nests are used, at least 1m² of nest space for 100 birds. If the group size per unit is less than 8 laying hens, then each unit shall have an individual nest;

***FINAL ACT:***

**Article 4(1)(1)(c) (for alternative systems)**

(c) at least one nest for every seven hens. If group nests are used, there must be at least 1 m2 of nest space for a maximum of 120 hens;

ORANGE / YELLOW

**#29. Article 3(1)(b) in EP 1st Reading (IMPORTANT)**

EP replaced the phrase, “ground or floor” with “housing or tier” and added “at least” and increased adequate perching facilities from 15cm to 18 cm. Commission largely accepted EP’s position except for going back to 15cm rule. Council revised the height of perches to not be above the litter rather than specifying the length like Commission or EP. It relieved the restriction on the horizontal distance between perches by stating that it should be at least 30cm but not limiting the maximum possible distance. It added the requirement of the horizontal distance between the perch and the wall, too .

***ORIGINAL PROPOSAL:***

**Article 3(1)(b)**

(b) adequate perching facilities, mounted 10 cm above ground or floor level, without sharp edges and providing at least 15 cm per bird, must be available for all hens. The horizontal distance between perches must be more than 1 meter;

***FINAL ACT***

**Article 4(1)(1)(d)**

adequate perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm;

ORANGE / YELLOW

**#30. Article 3(1)(c) in EP 1st Reading (IMPORTANT)**

EP introduces restrictions on how litter should be in more detail. Council relieves it.

***ORIGINAL PROPOSAL:***

**Article 3(1)(c)**

litter must be provided so as to enable the birds to dustbath;

***FINAL ACT:***

**Article 4(1)(1)(e)**

at least 250 cm2 of littered area per hen, the litter occupying at least one third of the ground surface.

GREEN / GREEN

**#^31. Article 4(1)(1)(a) in Final Act (NOT IMPORTANT)**

Council slightly changed the wordings in Original Proposal.

***ORIGINAL PROPOSAL:***

**Article 3(1)(d)**

when linear feeders are used, each bird must have access to at least 10 cm of feeding space. When circular feeders are used there shall be at least 4 cm feeding space per bird;

***FINAL ACT:***

**Article 4(1)(1)(a)**

either linear feeders providing at least 10 cm per bird or circular feeders providing at least 4 cm per bird;

**#32. Article 3(1)(e) in EP 1st Reading (IMPORTANT)**

EP decreased the minimum size of trough for continuous drinking troughs from 10cm to 3cm and added the similar requirement but with smaller minimum size of 1.5cm for circular drinking troughs. Commission accepted EP’s position in its revised proposal. Council decreased the sizes for both continuous and circular drinking troughs to 2.5cm and 1cm, respectively and replaced the phrase, “if the group size is less than 10 birds” with “where drinking points are plumbed in.”

***ORIGINAL PROPOSAL*:**

**Article 3(1)(e)**

when continuous drinking troughs are used, each bird must have access to at least 10 cm of trough. When cups or nipple drinkers are used, at least 1 cup or nipple drinker must be provided for every 10 birds. If the group size is less than 10 birds at least two nipple drinkers or two drinking cups shall be within reach of that group;

***FINAL ACT***

**Article 4(1)(1)(b)**

either continuous drinking troughs providing 2,5 cm per hen or circular drinking troughs providing 1 cm

per hen. In addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;

GREEN / RED

**#^33. Article 4(1)(2) in Final Act (NOT IMPORTANT)**

Council replaced the word, “the floor” with “the floors of installations.”

***ORIGINAL PROPOSAL*:**

**Article 3(1)(f)**

the floor must be constructed so as to support adequately each of the forward facing claws of each foot.

***FINAL ACT:***

Article 4(1)(2)

The floors of installations must be constructed so as to support adequately each of the forward-facing claws of each foot

**#34. Article 3(2) in EP 1ST Reading (NOT IMPORTANT)**

EP deleted the phrase, “or in single floor systems or rearing” and replaced “are” with “shall.” Council deleted the latter part but mostly adopted EP’s position.

***ORIGINAL PROPOSAL:***

**Article 3(2)(introduction)**

2. If systems of rearing are used where the birds can move freely between different levels, or in single floor systems or rearing, the following additional conditions to the requirements of paragraph 1 are met:

***FINAL ACT:***

**Article 4(1)(3)(introduction) and (a)**

In addition to the provisions laid down in points 1 and 2,

1. if systems of rearing are used where the laying hens can move freely between different levels,

**#35. Article 3(2)(-a)(new) in EP 1ST Reading (IMPORTANT)**

EP newly introduces this provision on stocking density and Commission adopts it as it is. However, Council revises it and introduced an exception allowing a member state’s discretion temporarily in this prohibition requirement so it relieves restrictions.

***FINAL ACT*:**

**Article 4(1)(4)**

The stocking density must not exceed nine laying hens per m2 usable area.

However, where the usable area corresponds to the available ground surface, Member States may, until 31 December 2011, authorise a stocking density of 12 hens per m2 of available area for those establishments applying this system on 3 August 1999

ORANGE / GREEN

**#^36. Article 4(1)(3)(a)(i) in FINAL ACT (IMPORTANT)**

Council newly introduced this provision not permitting more than 4 levels.

***FINAL ACT***

**Article 4(1)(3)(a)(i)**

there shall be no more than four levels;

GREEN / GREEN

**#37. Article 3(2)(a) in EP 1ST Reading (IMPORTANT)**

EP deleted the phrase, “in systems of rearing with different levels” and Commission adopted it. However, Council replaced “the height” with “the headroom” and “50cm” with “45cm”.

***ORIGINAL PROPOSAL*:**

**Article 3(2)(a)**

in systems of rearing with different levels, the height between the levels must be at least 50 cm;

***FINAL ACT:***

**Article 4(1)(3)(a)(ii)**

the headroom between the levels must be at least 45 cm;

RED / YELLOW

**#^38. Article 4(1)(3)(a)(iii) in Final Act (NOT IMPORTANT)**

Council replaced the word “equally” with the phrase, “in such a way as to provide equal access for all

Hens.”

***ORIGINAL PROPOSAL:***

**Article 3(2)(b)**

the drinking and feeding facilities must be distributed equally;

***FINAL ACT:***

**Article 4(1)(3)(a)(iii)**

the drinking and feeding facilities must be distributed in such a way as to provide equal access for all

hens;

**#^39. ANNEX 8 in Final Act (IMPORTANT)**

Council relocated this provision to the Annex with slight wording change.

***ORIGINAL PROPOSAL*:**

**Article 3(2)(c)**

the competent authority may allow break trimming, with the restriction that beak trimming may only be practised on chickens less than the age of 10 days;

***FINAL ACT (ANNEX 8):*** Without prejudice to the provisions of point 19 of the Annex to Directive 98/58/EC, **all mutilation shall be prohibited.** **In order to prevent feather pecking and cannibalism, however, the Member States may authorise beak trimming provided it is carried out by qualified staff on chickens that are less than 10 days old and intended for laying.**

GREEN / RED

**#40. Article 3(2)(d) in EP 1ST Reading (IMPORTANT) :**

EP replaced “half” with “one third” and “ground” with “floor surface.” It deleted the latter sentence. Council deleted the entire provision but it seems that it incorporated this provision on litter by referring to “in addition to the provisions laid down in points 1 and 2” and point 1(e) contains similar provision with EP’s position.

***ORIGINAL PROPOSAL*:**

**Article 3(2)(d)**

at least half of the ground must be supplied with litter. The litter must be maintained in a friable condition and must be suitable for pecking, scratching and dust bathing.

***FINAL ACT***

Deleted

RED / RED

**#41. Article 3(2a)(new) in EP 1ST Reading (IMPORTANT): OF - BLUE**

EP introduces derogations and exceptions for the case when single floor systems of rearing are used. However, Commission and Council did not accept it.

***ORIGINAL PROPOSAL:***

**Article 3(2)(introduction)**

If systems of rearing are used where the birds can move freely between different levels, or in single floor systems or rearing, the following additional conditions to the requirements of paragraph 1 are met:

***FINAL: NOT ADOPTED***

RED / RED

**#^42. Article 4(1)(3)(a)(iv)(new) in Final Act (NOT IMPORTANT)**

Council newly introduces this provision.

***FINAL ACT*:**

**Article 4(1)(3)(a)(iv)**

the levels must be so arranged as to prevent droppings falling on the levels below.

**#^43. Article 4(1)(3)(b)(new) in Final Act (NOT IMPORTANT)**

Council newly introduces this provision.

**Article 4(1)(3)(b)**

If laying hens have access to open runs:

(i) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm

wide and extending along the entire length of the building; in any case, a total opening of 2 m must

be available per group of 1 000 hens;

(ii) open runs must be:

- of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination;

- equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.

**#^44. Article 4(2) in Final Act (NOT IMPORTANT)**

Council asks for this aforementioned requirements to be applied to “alternative” systems of rearing from 2007 instead of to “all” systems of rearing from 2009.

***ORIGINAL PROPOSAL*:**

**Article 3(6)**

Moreover, Member States shall ensure that from 1 January 2009 the minimum requirements laid down in paragraphs 1 to 4 apply to all systems of rearing.

***FINAL ACT*:**

**Article 4(2)**

Member States shall ensure that the minimum requirements laid down in paragraph 1 apply to all alternative systems from 1 January 2007.

**#^45. Article 6(introduction) in Final Act (IMPORTANT)**

Council asks for different requirements for enriched cages while Original Proposal asks for the general requirements for all cages and additional requirements for enriched cages.

***ORIGINAL PROPOSAL*:**

**Article 3(1)(introduction)**

Member States shall ensure that from 1 January 1999, all newly built or rebuilt systems of rearing and all such systems of rearing brought into use for the first time, comply at least with the following requirements:

**Article 3(3)(introduction)**

If enriched cages are used, the following additional conditions to the requirements of paragraph 1 are met:

***FINAL ACT:***

**CHAPTER III**

**Provisions applicable to rearing in enriched cages**

**Article 6 (introduction)**

Member States shall ensure that after 1 January 2002 all the cages referred to in this chapter comply at least with the following requirements:

GREEN / GREEN

**#^46. Article 6(1)(a) in Final Act (IMPORTANT)**

Council revised the general requirements for all rearing systems in original proposal and newly created separate requirements for enriched cages in more detail.

***ORIGINAL PROPOSAL*:**

**Article 3(3)(a)**

cages shall be at least 50 cm high at any point;

***FINAL ACT:***

**Article 6(1)(a)**

laying hens must have:

at least 750 cm2 of cage area per hen, 600 cm2 of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm2;

GREEN / BLUE

**#^47. Article 6(1)(b) in Final Act (IMPORTANT) : OF - BLUE**

Council took out all detailed requirement for the nest.

***ORIGINAL PROPOSAL*:**

**Article 3(1)(a)**

(a) at least one individual nest, suitable for egg laying, shall be provided for 8 laying hens or, if communal nests are used, at least 1m² of nest space for 100 birds. If the group size per unit is less than 8 laying hens, then each unit shall have an individual nest;

***FINAL ACT:***

**Article 6(1)(b)**

(b) a nest;

Note: check the specifics about the cages are included in somewhere in the final act….; I don’t’ think article 6(1)b is the corresponding provision, instead check 4.1.1

RED / RED

Note: check 4.1.1 (c)

(c) at least one nest for every seven hens. I f group nests are used, there must be at least 1 m2 of nest space for a maximum of 120 hens;

3….

**#^48. Article 6(1)(c) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(1)(c)**

1. litter must be provided so as to enable the birds to dustbath;

***FINAL ACT:***

**Article 6(1)(c)**

(c) litter such that pecking and scratching are possible;

HARD TO TELL / WHITE

**#^49. Article 6(1)(d) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(1)(b)**

adequate perching facilities, mounted 10 cm above ground or floor level, without sharp edges and providing at least 15 cm per bird, must be available for all hens. The horizontal distance between perches must be more than 1 meter;

***FINAL ACT:***

**Article 6(1)(d)**

appropriate perches allowing at least 15 cm per hen

RED / RED

**#^50. Article 6(2)(new) in Final Act (IMPORTANT)**

***FINAL ACT:***

**Article 6(2)**

a feed trough which may be used without restriction must be provided. Its length must be at least 12 cm multiplied by the number of hens in the cage;

GREEN / GREEN

**#^51. Article 6(3) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(1)(e) <note: for all…>**

when continuous drinking troughs are used, each bird must have access to **at least 10 cm of trough**. When cups or nipple drinkers are used, at least 1 cup or nipple drinker must be provided for every 10 birds**. If the group size is less than 10 birds** at least two nipple drinkers or two drinking cups shall be within reach of that group;

***FINAL ACT:***

**Article 6(3)**

each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within the reach of each hen;

***3***

RED / RED

***NOTE:***

***see also Final 4 1 (b)***

***(b) either continuous drinking troughs providing 2,5 cm per hen or circular drinking troughs providing 1 cm per hen. In addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least***

***two cups or two nipple drinkers shall be within reach of each hen***

***Proposal***

***All .. of rearing (Article 3.1)***

***Rearing where birds can move freely (Article 3.2)***

***Enriched systems (Article 3.3)***

***The use of battery cages (Article 3.4)***

***Final***

***Alternative systems (Article 4)***

***Unenriched systems (Article 5)***

***Enriched systems (Article 6)***

**#^52. Article 6(4)(new) in Final Act (IMPORTANT)**

***FINAL ACT:***

**Article 6(4)**

to facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages;

GREEN / GREEN

**#^53. Article 6(5) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(1)(f)**

the floor must be constructed so as to support adequately each of the forward facing claws of each foot.

***FINAL ACT:***

**Article 6(5)**

cages must be fitted with suitable claw-shortening devices.

HARD TO TELL / WHITE

**#^54. Article 3(3)(b) in Original Proposal (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(3)(b)**

the birds shall not have their beaks trimmed.

***FINAL ACT:***

deleted

RED / RED

**#55. Article 3(3)(-a)(new) in EP 1ST Reading (NOT IMPORTANT)**

EP newly introduced this provision but Commission and Council did not adopted it.

**FINAL: NOT ADOPTED**

**#56. Article 3(3)(-aa)(new) in EP 1ST Reading (NOT IMPORTANT)**

EP introduced this new provision and Commission adopted it but Council deleted it.

***FINAL ACT:***

DELETED

**#57. Article 3(3)(-ab)(new) in EP 1ST Reading (NOT IMPORTANT)**

**EP 1ST READING:**

**Article 3(3)(-ab)(new)**

there shall be a minimum aisle width of 1 m between tiers of cages to facilitate inspection, installation and depopulation of birds;

***FINAL ACT:***

DELETED

**#58. Article 3(4) in EP 1ST Reading (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(4)**

Without prejudice to Article 9 Member States may authorise derogations from points (a), and (c) of paragraph 1 in order to permit the use of battery cages if the following conditions are met:

(a) at least 800 cm² of cage area, measured in a horizontal plane which may be used without restriction, shall be provided for each hen;

(b) cages shall be at least 50 cm high at any point;

(c) cages shall be fitted with claw shortening devices approved by the competent authorities and suitable perches;

(d) cages shall be provided with a fully-opening cage front or an equivalent opening in another part of the cage to prevent injuries to the birds;

(e) there shall be a minimum aisle width of 1 m between tiers of cages to facilitate inspection, installation and depopulation of birds;

(f) the floor slope shall not exceed 14 % or 8°. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes;

(g) the birds shall not have their beaks trimmed.

***FINAL ACT:***

DELETED IT EVEN FROM ORIGINAL PROPOSAL

RED / RED

**#^59. Article 3(5) in Original Proposal (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(5)**

In each case where a derogation has been granted in accordance with paragraph 4, the Member State concerned shall verify that the conditions laid down in that paragraph have been met.

***FINAL ACT:***

Deleted

**#60. Article 4(1)(introduction) in EP 1st Reading (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(introduction)**

Member States may allow until 31 December 2008 the use of battery cages which are in use on 1 January 1999 and which are not yet older than 10 years, provided that they comply at least with the following requirements;

***FINAL ACT:***

**Article 5(2)**

Member States shall ensure that rearing in the cages referred to in this chapter [unenriched cage systems] is prohibited with effect from 1 January 2012. In addition, with effect from 1 January 2003 no cages such as referred to in this chapter may be built or brought into service for the first time

ORANGE / RED

**#^61. Article 5(1)(introduction) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 3(1)(introduction)**

Member States shall ensure that from 1 January 1999, all newly built or rebuilt systems of rearing and all such systems of rearing brought into use for the first time, comply at least with the following requirements:

***FINAL ACT***

**CHAPTER II**

**Provisions applicable to rearing in unenriched cage systems**

**Article 5(1)(introduction)**

Member States shall ensure that from 1 January 2003 all cage systems referred to in this chapter [unenriched cage systems] comply at least with the following requirements:

**#^62. Article 5(1)(1) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(a)**

at least 450 cm² of cage area, measured in a horizontal plane which may be used without restriction, in particular, not including non-waste deflection plates liable to restrict the area available, shall be provided for each laying hen;

***FINAL ACT:***

**Article 5(1)(1)**

at least 550 cm2 per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, must be provided for each laying hen;

**#^63. Article 5(1)(2) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(b)**

a feed trough which may be used without restriction shall be provided. Its length shall be at least 10 cm multiplied by the number of animals in the cage;

***FINAL ACT:***

**Article 5(1)(2)**

a feed trough which may be used without restriction must be provided. Its length must be at least 10 cm multiplied by the number of hens in the cage;

**#^64. Article 5(1)(3)(new) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(c)**

unless nipple drinkers or drinking cups are provided, each battery cage shall have a continuous drinking channel of the same length as the feed trough mentioned in point (b). Where drinking points are plumbed in, at least two nipple drinkers or two drinking cups shall be within reach of each cage;

***FINAL ACT:***

**Article 5(1)(3)(new)**

unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in point 2. Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach of each cage;

**#^65. Article 5(1)(4) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(d)**

battery cages shall be at least 40 cm high over 65 % of the cage area and not less than 35 cm at any point;

***FINAL ACT:***

**Article 5(1)(4)**

cages must be at least 40 cm high over at least 65 % of the cage area and not less than 35 cm at any point;

**#^66. Article 5(1)(5) in Final Act (NOT IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(e)**

floors of battery cages must be constructed so as to support adequately each of the forward-facing claws of each foot. Floor slope shall not exceed 14 % or 8°. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes;

***FINAL ACT:***

**Article 5(1)(5)(new)**

floors of cages must be constructed so as to support adequately each of the forward-facing claws of each foot. Floor slope must not exceed 14 % or 8 %. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes;

**#^67. Article 5(1)(6) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(1)(f)**

the birds shall not have their beaks trimmed.

***FINAL ACT:***

**Article 5(1)(6)(new)**

cages shall be fitted with suitable claw-shortening devices.

HARD TO TELL / YELLOW

**#68. Article 4(2) in EP 1st Reading (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(2)**

Battery cages which are on 1 January 1999 more than 10 years old may be authorised by the competent authority on a case by case basis for a period which shall under no circumstances extend beyond 31 December 2003, and provided that they comply at least with the requirements as laid down in paragraph 1.

***FINAL ACT:***

DID NOT ADOPT EP POSITION AND DELETED ORIGINAL PROPOSAL.

RED / RED

**#69. Article 4(3) in EP 1st Reading (IMPORTANT)**

***ORIGINAL PROPOSAL*:**

**Article 4(3)**

However, from 1 January **2004** the required space per hen as laid down in paragraph 1(a) of this Article shall be increased to at least 550 cm² per hen.

***FINAL ACT:***

**Article 5(1)(introduction) and (1)**

Member States shall ensure that from 1 January **2003** all cage systems referred to in this chapter comply at least with the following requirements:

1. at least 550 cm2 per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, must be provided for each laying hen;

GREEN / BLUE

**#^70. Article 5(1) in Original Proposal (NOT IMPORTANT)**

Council deleted Article 5, OP on requirements in the Annex and their possible amendment as science progresses.

***ORIGINAL PROPOSAL*:**

**Article 5(1)**

Member States shall ensure that conditions for laying hens are in accordance with the requirements laid down in the Annex.

**FINAL ACT:**

DELETED

**#^71. Article 5(2) in Original Proposal (NOT IMPORTANT)**

Council deleted Article 5, OP on requirements in the Annex and their possible amendment as science progresses.

***ORIGINAL PROPOSAL*:**

**Article 5(2)**

*The provisions in the Annex may be amended in accordance with the procedure laid down in Article 8 in order to take account of scientific progress*.

***FINAL ACT*:**

DELETED

**#^72. Article 7 in Final Act (NOT IMPORTANT)**

Council newly adds this article calling for the establishments to be registered by the competent authority and given a distinguishing number to trace eggs on the market. Further arrangements for implementation shall be determined before 1 January 2002 according to Article 11.

***FINAL ACT*:**

**Article 7**

Member States shall ensure that the establishments covered by the scope of this Directive are registered by the competent authority and given a distinguishing number which will be the medium for tracing eggs placed on the market for human consumption.

The arrangements for implementing this Article shall be determined before 1 January 2002 in accordance with the procedure laid down in Article 11.

**#^73. Article 8(1) in Final Act (IMPORTANT)\*\*\***

Council modifies the OP by deleting the phrase, “its Annex” and “shall each year cover statistically representative sample of the different farming systems used in each Member State.” Language became less precise.

***ORIGINAL PROPOSAL***:

**Article 6(1)**

Member States shall ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive and its Annex are complied with.

These inspections, which may be carried out on the occasion of checks made for other purposes, shall each year cover a statistically representative sample of the different farming systems used in each Member State.

***FIANL ACT***:

**Article 8(1)**

Member States shall take the necessary measures to ensure that the competent authority carries out inspections to monitor compliance with the provisions of this Directive.

These inspections may be carried out on the occasion of checks made for other purposes.

RED / RED

**#^74. Article 8(3) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL***:

**Article 6(2)**

The Commission shall, in accordance with the procedure laid down in Article 8, draw up a code of rules to be applied in carrying out the inspections provided for in paragraph 1.

***FINAL ACT***:

**Article 8(3)**

Before 1 January 2002 the Commission shall, in accordance with the procedure laid down in Article 11, submit proposals for harmonisation of the following:

(a) the inspections referred to in paragraph 1;

(b) the form and content of the reports referred to in paragraph 2 and the frequency with which they are to be submitted.

GREEN / GREEN

**#75. Article 6(3) in EP 1st Reading (IMPORTANT)\*\*\***

With regard to state obligation to inform the Commission of the results of the inspections every two years, EP replaces the year, “2001” with “2003” and adds the last phrase asking for this report to be publicly available. Commission accepted EP’s position. However, Council modifies it by replacing the specific year with “from a date to be determined in accordance with the procedure provided for in Article 11” and replacing the word, “inform” with “report to.” Deleting the publicity obligation, it instead asks for the Commission to submit summaries of these country reports to the Standing Veterinary Committee.

***ORIGINAL PROPOSAL***:

**Article 6(3)**

Every two years, by the last working day in April and for the first time by 30 April 2001, Member States shall inform the Commission of the results of the inspections carried out during the previous two years in accordance with this Article, including the number of inspections carried out in relation to the number of holdings in their territory.

***FIANL ACT***:

**Article 8(2)**

From a date to be determined in accordance with the procedure provided for in Article 11, Member States shall report to the Commission on the inspections carried out in accordance with paragraph 1. The Commission shall submit summaries of these reports to the Standing Veterinary Committee

RED / RED

**#76. Article 7, first paragraph in EP 1st Reading (IMPORTANT)\*\*\***

EP replaces the phrase, “may, where necessary” with “regularly and in an appropriate manner.” Commission does not accept this amendment in its revised proposal. And Council returns to the OP by saying that “whenever~renders it necessary” and it further deletes the latter part calling for special personal hygiene for the inspectors. Language becomes less precise.

***ORIGINAL PROPOSAL***:

**Article 7(first paragraph)**

Veterinary experts from the Commission may, where necessary for the uniform application of this Directive, carry out on-the-spot checks in co-operation with the competent authorities. The persons carrying out these checks shall implement any special personal hygiene measures necessary to exclude any risk of transmission of disease.

***FINAL ACT***:

**Article 9(1)(a) and (b)**

1. Whenever uniform application of the requirements of this Directive renders it necessary, veterinary experts from the Commission may, in conjunction with the competent authorities:

(a) verify that the Member States are complying with the said requirements;

(b) make on-the-spot checks to ensure that the inspections are carried out in accordance with this Directive.

RED / RED

**#77. Article 7a(new) in EP 1st Reading (IMPORTANT)**

EP called for a new additional aid system but neither Commission nor Council accepted it.

***FINAL ACT***:

DID NOT ADOPT IT

NO CHANGE / WHITE

**#78. Article 7b(new) in EP 1st Reading (IMPORTANT)**

EP calls for the same application to imports but neither Commission nor Council accepted.

***FINAL ACT***:

DID NOT ADOPT IT

NO CHANGE / WHITE

**#^79. Article 9(2) in Final Act (IMPORTANT)**

Council modifies the latter part, asking for the Commission to inform the member state concerned of the results of the checks by adding the phrase, “before a final report is drawn up and circulated.”

***ORIGINAL PROPOSAL***:

**Article 7(second paragraph)**

The Member State in the territory where a check is being carried out shall give all necessary assistance to the experts in carrying out their duties. The Commission shall inform the competent authority of the Member State concerned of the results of the checks.

***FINAL ACT***:

**Article 9(2)**

A Member State in whose territory an inspection is made shall provide the veterinary experts from the Commission with any assistance they may require for the performance of their tasks. The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

RED / RED

**#^80. Article 9(4) in Final Act (IMPORTANT)**

Council replaced “general” with “detailed” and added the phrase, “if necessary.”

***ORIGINAL PROPOSAL***:

**Article 7(fourth paragraph)**

General rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 8.

***FINAL ACT***:

**Article 9(4)**

Detailed rules for the application of this Article shall be adopted, if necessary, in accordance with the procedure laid down in Article 11.

ORANGE / GREEN

**#^81. Article 11(1) in Final Act (NOT IMPORTANT)**

Council adds the point that the matter shall be referred to the Standing Veterinary Committee without delay when it comes to the procedures to be followed.

***ORIGINAL PROPOSAL***:

**Article 8(introduction)**

Where the procedure laid down in this Article is to be followed, the following rules shall apply:

***FINAL ACT***:

**Article 11(1)**

Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Standing Veterinary Committee set up by Decision 68/361/EEC (1), hereinafter referred to as `the committee’, by its chairman acting either on his own initiative or at the request of a Member State.

**#^82. Article 11(2) in Final Act (IMPORTANT)**

Council details the voting part.

***ORIGINAL PROPOSAL***:

**Article 8 (a)**

(a) The representative of the Commission shall submit to the Standing Veterinary Committee (hereinafter called 'Committee`) a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote;

***FINAL ACT***:

**Article 11(2)**

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

GREEN / GREEN

**#^83. Article 8(b) in Original Proposal (IMPORTANT)**

Commission asks for the opinion to be recorded but Council deletes this provision.

***ORIGINAL PROPOSAL***:

**Article 8 (b)**

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes;

**FINAL ACT:**

DELETED

RED / RED

**#^84. Article 11(3) in Final Act (IMPORTANT)**

***ORIGINAL PROPOSAL***:

**Article 8 (c)**

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

***FINAL ACT:***

**Article 11(3)**

(a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by qualified majority

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the Commission shall adopt the proposed measures and implement them immediately, save where the Council has decided against the said measures by a simple majority.

GREEN / GREEN

**#85. Article 9 in EP 1ST Reading (IMPORTANT)**

EP replaces 2006 with 2008 and adds the last phrase, “and to encourage the adoption of alternative free range systems of rearing.” Commission largely accepted EP’s amendment but deleted the last phrase. Council replaced 2008 with 2005. It asks for considering the conclusions of the report and the outcome of the WTO negotiation. It replaces 3 months with 12 months.

***ORIGINAL PROPOSAL***:

**Article 9**

Not later than 1 January 2006, the Commission shall submit to the Council and to the Parliament a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on the systems of rearing for keeping laying hens which comply with the requirements of the welfare of laying hens from the pathological, zootechnical, physiological, behavioural and socio-economic point of view, together with appropriate proposals to phase out those systems of rearing which do not meet these requirements.

The Council shall act by a qualified majority on these proposals no later than three months after their submission.

***FINAL ACT:***

**Article 10**

Not later than 1 January 2005 the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on the various systems of rearing laying hens, and in particular on those covered by this Directive, taking account both of pathological, zootechnical, physiological, and ethological aspects of the various systems and of their health and environmental impact.

That report shall also be drawn up on the basis of a study of the socio-economic implications of the various systems and their effects on the Community's economic partners.

In addition, it shall be accompanied by appropriate proposals taking into account the conclusions of the report and the outcome of the World Trade Organisation negotiations.

The Council shall act by a qualified majority on these proposals within 12 months of their submission.

GREEN / GREEN

**#86. Article 10 in EP 1st Reading (NOT IMPORTANT)**

EP replaced 1999 with 2001 for the Directive to be repealed. Commission accepted it but Council again replaced 2001 with 2003.

***ORIGINAL PROPOSAL***:

**Article 10**

Council Directive 88/166/EEC is repealed with effect from 1 January 1999.

***FINAL ACT:***

**Article 12**

Directive 88/166/EEC is hereby repealed with effect from 1 January 2003.

**#87. Article 11(1) in EP 1st Reading (NOT IMPORTANT)**

EP replaced 1999 with 2001 for domestic legislations to be established accordingly and Commission accepted it. However, Council again replaced 2001 with 2002 and added the phrase, “including any penalties.”

***ORIGINAL PROPOSAL***:

**Article 11(1)**

Member States shall bring into force the laws, regulations and administrative provisions, necessary to comply with this Directive before 1 January 1999. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be laid down by Member States.

***FINAL ACT:***

**Article 13(1)**

Member States shall bring into force the laws, regulations and administrative provisions, including any penalties, necessary to comply with this Directive not later than 1 January 2002. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

**#^88. Article 14 in Final Act (NOT IMPORTANT)**

Council changed that this directive shall enter into force on the day of its publication rather than on the 20th day following its publication.

***ORIGINAL PROPOSAL***:

**Article 12**

This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

***FINAL ACT:***

**Article 14**

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities

**#^89. Annex, introduction in Final Act (IMPORTANT): ALSO BLUE , the same as #90, #91, and #92**

Council replaces Annex 1 of the Original Proposal with the Introduction in the Final Act, referring to the general provisions on animals in Annex to Directive 98/58/EC.

***ORIGINAL PROPOSAL*:**

**ANNEX 1**

Materials used for the construction of accommodation for the birds, and in particular equipment with which the birds may come into contact, must not be harmful to the birds and must be capable of being thoroughly cleaned and disinfected. The construction of the accommodation must be such as to prevent any injury to the birds.

***FINAL ACT*:**

**ANNEX (INTRODUCTION)**

In addition to ***the relevant provisions of the Annex to Directive 98/58/EC***, the following requirements apply:

GREEN / RED

Note: see annex 4

**#^90. Annex2 in Original Proposal (IMPORTANT)**

Council deleted it.

***ORIGINAL PROPOSAL*:**

**ANNEX 2**

Until Community rules are laid down on the matter, electrical circuits and equipment must be installed in accordance with national rules so as to avoid electric shocks.

***FINAL ACT*:**

DELETED

RED / RED

**#91. Annex 3 in EP 1st Reading (IMPORTANT)**

EP added the phrase, “the people working in the building.” However, Council replaced Annex 3 in the Original Proposal with its introduction, referring to Annex to Directive 98/58/EC.

***ORIGINAL PROPOSAL*:**

**ANNEX 3**

The insulation, heating and ventilation of the building must ensure that the air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits which are not harmful to the birds.

***FINAL ACT*:**

**ANNEX (INTRODUCTION)**

In addition to the relevant provisions of the Annex to Directive 98/58/EC, the following requirements apply:

RED / RED

**#^92. Annex 4 in Original Proposal (IMPORTANT)**

Council replaced Annex 4 in Original Proposal with Annex, Introduction to Final Act.

***ORIGINAL PROPOSAL*:**

**ANNEX 4**

All automated or mechanical equipment essential for the bird's health and welfare must be inspected **at least twice daily**. Where defects are discovered, these must be rectified immediately or, if this is impossible, appropriate steps must be taken to safeguard the health and welfare of the birds until the defect has been rectified, notably by using alternative methods of feeding and maintaining a satisfactory environment.

Where an artificial ventilation system is used, provision must be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and welfare of the birds in the event of failure of the system, and an alarm system must be provided to warn the stock-keeper of the breakdown. The alarm system must be tested regularly.

Written records of each defect, including any action taken as a result, shall be available on the holding and to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.

***FINAL ACT*:**

**ANNEX (INTRODUCTION)**

In addition to the relevant provisions of the Annex to Directive 98/58/EC, the following requirements apply:

RED / RED

**#93. Annex 5 in EP 1st Reading (IMPORTANT)**

EP added the phrase, “The lighting strength must be at least 20 Lux, measured at the eye-level of the birds” in the first paragraph and deleted the second paragraph. Council did not take EP’s amendment and replaced Annex 5 in the original proposal with Annex 3 on lighting regulations with changes in words.

***ORIGINAL PROPOSAL***:

**ANNEX 5**

The birds must not be kept permanently in darkness. To meet their behavioural and **physiological** needs, provision must be made, allowing for the different climatic conditions in the Member States, for appropriate natural or artificial lighting; if the latter, it must function for a period at least equivalent to the period of natural light normally available **between 9 a.m. and 5 p.m.** In addition, suitable lighting (fixed or portable) strong enough to allow the birds to be inspected at any time must be available. However, in the case of artificial lighting, the poultry must have an appropriate resting period each day during which the light intensity must be reduced in such a way that the poultry can rest properly.

**In floor pens light intensity has to be kept constant.**

***FINAL ACT***:

**ANNEX 3:**

All buildings shall have light levels sufficient to allow all hens to see one another and be seen clearly, to investigate their surroundings visually and to show normal levels of activity. Where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation. After the first days of conditioning, the lighting regime shall be such as to prevent **health** and behavioural problems. Accordingly it must follow **a 24-hour rhythm and include an adequate uninterrupted period of darkness lasting, by way of indication, about one third of the day**, so that the hens may rest and **to avoid problems such as immunodepression and ocular anomalies.** A period of twilight of sufficient duration ought to be provided when the light is dimmed so that the hens may settle down without disturbance or injury.

ORANGE / BLUE

**#^94. Annex1 in Final Act (IMPORTANT)**

Council replaced the word, “birds” with “hens” and reduced twice a day inspection requirement to once a day in Annex 6 to the Original Proposal. It deleted the second, third, and fourth paragraphs and replaced it with its reference to Annex of the Directive 98/58/EC on the protection of animals for the farming purposes. Language became less precise.

***ORIGINAL PROPOSAL***:

**ANNEX 6**

All birds must be inspected by the owner or the person responsible for the birds at least **twice daily.**

Daily written records of these inspections, including any action taken as a result, shall be available on the holding and to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than than **three years.**

For birds appearing not to be in good health, including behavioural changes, steps shall be taken to establish the cause and appropriate remedial measures shall be implemented, e.g. treatment, isolation, culling or attention to environmental factors. If the cause is traced to an environmental factor in the production unit which does not need to be remedied immediately, this should be corrected when the accommodation is emptied and before the next batch of birds is put in.

Veterinary advice must be obtained as soon as possible for birds which are not responding to the stock-keeper's care.

***FINAL ACT***:

**ANNEX 1**

All hens must be inspected by the owner or the person responsible for the hens at least once a day. [For 2nd, 3rd and 4th paragraph, Council referred to Annex to Directive 98/58/EC in Introduction to Annex to the Final Act but this referred directive is more general and vague].

RED / RED

**#^95. Annex 2 in Final Act (new) (IMPORTANT)**

Council introduced a new entry on sound regulations.

***FINAL ACT***:

**ANNEX 2**

The sound level shall be minimised. Constant or sudden noise shall be avoided. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible noise.

GREEN / BLUE

**#^96. Annex 4 in Final Act (IMPORTANT)**

Council replaced Annex 7 in the Original Proposal with Annex 4 on cleaning and disinfecting. It uses more vague language about how to keep clean condition of the cages while they are occupied compared to original proposal.

***ORIGINAL PROPOSAL***:

**ANNEX 7**

Buildings, equipment and utensils used for birds must be properly cleaned and disinfected to prevent cross-infection and the build-up of disease-carrying organisms. Droppings and uneaten or split food must be removed as often as necessary to minimize smell and to avoid attracting flies or rodents. Those parts of the buildings or cages which are in contact with the birds shall be thoroughly cleansed and disinfected every time the house is emptied and before a new batch of birds is brought in.

***FINAL ACT***:

**ANNEX 4**

Those parts of buildings, equipment or utensils which are in contact with the hens shall be thoroughly cleansed and disinfected regularly and in any case every time depopulation is carried out and before a new batch of hens is brought in. While the cages are occupied, the surfaces and all equipment shall be kept satisfactorily clean.

RED / RED

**#^97. Annex 5 in Final Act (IMPORTANT)**

Council replaced Annex 14 of the Original Proposal with Annex 5 by deleting the words, “buildings, and enclosures” and substituting the word, “the birds” with “hens.”

***ORIGINAL PROPOSAL***:

**ANNEX 14**

Buildings, cages and enclosures must be suitably equipped to prevent the birds escaping.

***FINAL ACT***:

**ANNEX 5**

Cages must be suitably equipped to prevent hens escaping.

RED / GREEN

**#^98. Annex 6 in Final Act (IMPORTANT)**

Council replaced Annex 8 of the Original Proposal with Annex 6 with more vague language. It adds Annex 7 on more detailed requirement for the cage door, however.

***ORIGINAL PROPOSAL***:

**ANNEX 8**

Accommodation comprising four or more tiers of cages shall be permitted only if a fixed catwalk or other approved device is provided to allow inspection of the upper cages and to facilitate removal of birds from those cages.

***FINAL ACT***:

**ANNEX 6**

Accommodation comprising of the cage door must have devices or appropriate measures must be taken to allow inspection of all tiers without difficulty and facilitate the removal of hens.

RED / RED

**#^99. Annex 7(NEW) in Final Act (IMPORTANT)**

Council introduced a new entry in Annex 7.

***FINAL ACT***:

**ANNEX 7**

The design and dimensions of the cage door must be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.

GREEN / BLUE

**#^100. Annex 8 in Final Act (IMPORTANT)**

Council replaced Annex 12 of the Original Proposal with Annex 8. It says all mutilation shall be prohibited by referring to Annex 19 to Directive 98/58/EC, which asks for relevant national provisions shall apply in terms of mutilations since the adoption of specific provisions are pending. It conditionally allows beak trimming whereas the Original Proposal and EP 1st reading prohibits beak trimming in the main texts, respectively.

***ORIGINAL PROPOSAL***:

**ANNEX 12**

De-winging, pinioning, notching or tendon severing shall not be carried out. When it is necessary to reduce the ability to fly, the flight feathers of one wing may be clipped by a skilled operator.

***FINAL ACT***:

**ANNEX 8**

Without prejudice to the provisions of point 19 of the Annex to Directive 98/58/EC**, all mutilation shall be prohibited**. In order to prevent feather pecking and cannibalism, **however, the Member States** may authorize beak trimming provided it is carried out by qualified staff on chickens that are less than 10 days old and intended for laying.

GREEN / GREEN