

Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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),

Whereas all Member States have ratified the European Convention on the protection of animals kept for farming purposes; whereas the Community has also approved this Convention by Decision 78/923/EEC (4) and has deposited its instrument of approval;

Whereas the European Parliament, in its Resolution of 20 February 1987 on animal welfare policy (5), called on the Commission to make proposals on minimum standards for the intensive farming of veal calves;

Whereas calves, being live animals, are included in the list of products set out in Annex II to the Treaty;

Whereas the keeping of calves is an integral part of agriculture; whereas it constitutes a source of revenue for part of the agricultural population;

Whereas differences which may distort conditions of competition interfere with the smooth running of the organization of the common market in calves and calf products;

Whereas there is therefore a need to establish common minimum standards for the protection of rearing calves or calves for fattening in order to ensure rational development of production;

Whereas it is necessary for official services, producers, consumers and others to be kept informed of developments in this field; whereas the Commission should therefore, on the basis of a report from the Scientific Veterinary Committee, pursue actively scientific research into the most efficient stock-farming system(s) from the point of view of the well-being of calves; whereas provision should accordingly be made for an interim period to enable the Commission to complete this task successfully,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down the minimum standards for the protection of calves confined for rearing and fattening.

Article 2

For the purposes of this Directive:

1. 'calf' shall mean a bovine animal up to six months old;
2. 'competent authority' shall mean the competent authority as defined in Article 2 (6) of Directive 90/425/EEC (6).

Article 3

1. Member States shall ensure that from 1 January 1994 and for a transitional period of four years, all holdings newly built or rebuilt and/or brought into use for the first time after that date shall comply with at least the following requirements:

- where calves are housed in groups, they must have sufficient unobstructed floor space to be able to turn round and lie down without hindrance of at least 1,5 m² for each calf of 150 kg live weight,
- where calves are housed in individual boxes or by tethering in stalls, the boxes or stalls shall have perforated walls and their width must be no less than 90 cm plus or minus 10 %, or 0,80 times the height at the withers.

2. The provisions of paragraph 1 shall not apply to holdings with fewer than six calves.

3. Special conditions may be applied to:

- calves, the health or behaviour of which requires them to be isolated from the group in order to receive appropriate treatment,

- pure-bred breeding animals of the bovine species referred to in Directive 77/504/EEC (1),
 - calves kept with their mothers for suckling,
 - calves kept in loose housing.
4. The duration of use of installations built
- before 1 January 1994 which do not meet the requirements of paragraph 1 shall be determined by the competent authority in the light of the results of the inspections provided for in Article 7 (1), and shall under no circumstances extend beyond 31 December 2003;
 - during the transitional period, in accordance with paragraph 1, shall under no circumstances extend beyond 31 December 2007, unless on that date they comply with the requirements of this Directive.

Article 4

1. Member States shall ensure that the conditions for rearing calves comply with the general provisions laid down in the Annex.
2. Moreover, before this Directive enters into force, the Commission, in cooperation with the Member States, shall issue a recommendation defining any minimum standards for the protection of calves supplementing those in the Annex.

Article 5

The provisions in the Annex may be amended in accordance with the procedure laid down in Article 10 in order to take account of scientific progress.

Article 6

Not later than 1 October 1997, the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on the intensive farming system(s) which comply with the requirements of the well-being of calves from the pathological, zootechnical, physiological and behavioural point of view, as well as the socio-economic implications of different systems, together with proposals relevant to the report's conclusions.
The Council shall act by a qualified majority on these proposals no later than three months after their submission.

Article 7

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.
2. The Commission shall, in accordance with the procedure laid down in Article 10, draw up a code of rules to be applied in carrying out the inspections provided for in paragraph 1.
3. Every two years, by the last working day in April and for the first time by 30 April 1996, 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.

Article 8

In order to be imported into the Community, animals coming from a non-member country must be accompanied by a certificate issued by the competent authority of that country, certifying that they have received treatment at least equivalent to that granted to animals of Community origin as provided for by this Directive.

Article 9

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

The Member State in the territory of which 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.

The competent authority of the Member State concerned shall take any measures which may prove necessary to take account of the results of the checks.

With regard to relations with non-member countries, the provisions of Chapter III of Directive 91/496/EEC (1) shall apply.

General rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 10.

Article 10

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter without delay to the Standing Veterinary Committee set up by Directive 68/361/EEC (2), hereinafter referred to as the 'Committee', either on his own initiative or at the request of the representative of a Member State.

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 148 (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.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

4. 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 a qualified majority.

If, within three months of the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission except where the Council has decided against the measures by a simple majority.

Article 11

1. Member States shall bring into force the laws, regulations and administrative provisions, including any sanctions, necessary to comply with this Directive not later than 1 January 1994. They shall forthwith inform the Commission thereof.

Where Member States adopt these provisions, the latter shall include a reference to this Directive or shall be accompanied by such a reference on their official publication. The details of this reference shall be adopted by the Member States.

2. However, from the date set in paragraph 1, Member States may, in compliance with the general rules of the Treaty, maintain or apply within their territories stricter provisions for the protection of calves than those laid down in this Directive. They shall inform the Commission of any such measures.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 19 November 1991.

For the Council

The President

P. BUKMAN

ANNEX

1. Materials used for the construction of calf accommodation and in particular of boxes and equipment with which calves may come into contact must not be harmful to the calves and must be capable of being thoroughly cleaned and disinfected.

2.

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

3.

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 calves.

4.

All automated or mechanical equipment essential for the calves' health and well-being must be inspected at least once 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 well-being of the calves 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 well-being of the calves 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.

5.

Calves 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 calves to be inspected at any time must be available.

6.

All calves reared in groups or in boxes must be inspected by the owner or the person responsible for the animals at least once a day. Any calf which appears to be ill or injured must be treated appropriately without delay.

It should be possible, wherever necessary, to isolate sick or injured calves in adequate accommodation with dry, comfortable bedding.

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

7.

The accommodation for calves must be constructed in such a way as to allow each calf:

- to lie down, rest, stand up and groom itself without difficulty;
- to see other calves.

8.

Where tethers are used, they must not cause injury to the calves and must be inspected regularly and adjusted as necessary to ensure a comfortable fit. Each tether must be of sufficient length to allow the calves to move as stipulated in paragraph 7. The design must be such as to avoid, as far as possible, any risk of strangulation or injury.

9.

Housing, pens, equipment and utensils used for calves must be properly cleaned and disinfected to prevent cross-infection and the build-up of disease-carrying organisms. Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimize smell and avoiding attracting flies or rodents.

10.

Floors must be smooth but not slippery so as to prevent injury to the calves and so designed as not to cause injury or suffering to calves standing or lying on them. They must be suitable for the size and weight of the calves and form a rigid, even and stable surface. The lying area must be comfortable, clean, and adequately drained and must not adversely affect the calves. Appropriate bedding must be provided for all calves less than two weeks old.

11.

All calves must be provided with an appropriate diet adapted to their age, weight and behavioural and

physiological needs, to promote a positive state of health and well-being. In order to ensure a positive state of health and well-being as well as a healthy growth rate and to meet their behavioural needs, the calves' food must include sufficient iron and a minimum of dried feed containing a digestible fibre (100-200 gr daily depending on the age of the animal). However, the requirement for a minimum quantity of dried feed containing digestible fibres does not apply to the production of veal calves for white meat. Calves must not be muzzled.

12.

All calves must be fed at least once a day. Where calves are housed in groups and not fed ad libitum, or by an automatic feeding system, each calf must have access to the food at the same time as the others in the group.

13.

All calves over two weeks of age must have access to a sufficient quantity of fresh water or be able to satisfy their fluid intake needs by drinking other liquids.

14.

Feeding and watering equipment must be designed, constructed, placed and maintained so that contamination of the calves' feed and water is minimized.