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COUNCIL DIRECTIVE
of 19 November 1991
laying down minimum standards for the protection of pigs
(91/630/EEC)
(OJ L 340, 11.12.1991, p. 33)

Amended by:

	Official Journal		
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► <u>M1</u> Council Directive 2001/88/EC of 23 October 2001	L 316	1	1.12.2001
► <u>M2</u> Commission Directive 2001/93/EC of 9 November 2001	L 316	36	1.12.2001
► <u>M3</u> Council Regulation (EC) No 806/2003 of 14 April 2003	L 122	1	16.5.2003

▼B**COUNCIL DIRECTIVE****of 19 November 1991****laying down minimum standards for the protection of pigs**

(91/630/EEC)

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 pigs;

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

Whereas the keeping of pigs 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 pigs and pig products;

Whereas there is therefore a need to establish common minimum standards for the protection of pigs kept for rearing and 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 best pig-rearing system(s) from the point of view of pig welfare; 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 pigs confined for rearing and fattening.

Article 2

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

1. 'pig': an animal of the porcine species, of any age, kept for breeding or fattening;
2. 'boar': a male pig after puberty, intended for breeding;
3. 'gilt': a female pig after puberty and before farrowing;

⁽¹⁾ OJ No C 214, 21. 8. 1989, p. 31.

⁽²⁾ OJ No C 113, 7. 5. 1990, p. 183.

⁽³⁾ OJ No C 62, 12. 3. 1990, p. 40.

⁽⁴⁾ OJ No L 323, 17. 11. 1978, p. 12.

⁽⁵⁾ OJ No C 76, 23. 3. 1987, p. 185.

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4. 'sow': a female pig after the first farrowing;
5. 'farrowing sow': a female pig between the perinatal period and the weaning of the piglets;
6. 'dry pregnant sow': a sow between weaning her piglets and the perinatal period;
7. 'piglet': a pig from birth to weaning;
8. 'weaner': a pig from weaning to the age of ten weeks;
9. 'rearing pig': a pig from ten weeks to slaughter or service;
10. 'competent authority': a competent authority within the meaning of Article 2 (6), of Directive 90/425/EEC ⁽¹⁾.

▼M1*Article 3*

Member States shall ensure as follows:

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 m² and 2,25 m² 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 m² per gilt and at least 1,3 m² 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

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29. Directive as last amended by Directive 91/496/EEC (OJ No L 268, 24. 9. 1991, p. 56).

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— 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.

▼B*Article 4*

1. Member States shall ensure that the conditions for rearing pigs comply with the general provisions laid down in the Annex.

However, until 30 June 1995, the Member States' competent authorities may authorize derogations from paragraphs 3, 5, 8 and 11 of Chapter I of the Annex.

2. Moreover, before this Directive enters into force, the Commission, in cooperation with the Member States, shall issue a recommendation defining any additional minimum standards for the protection of pigs supplementing those in the Annex.

Article 5

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

▼M1*Article 5a*

Member States shall ensure that:

1. any person who employs or engages persons to attend to pigs ensures that the person attending to the animals has received instructions and guidance on the relevant provisions of Article 3 and the Annex;
2. appropriate training courses are available. In particular such training courses must focus on welfare aspects.

▼M1*Article 6*

1. Preferably before 1 January 2005 and in any event by 1 July 2005, the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the Scientific Committee on Animal Health and Welfare. The report shall be drawn up taking into account the socio-economic consequences, the sanitary consequences, the environmental effects and different climatic conditions. It shall also take into account the development of techniques and systems of pig production and meat processing which would be likely to reduce the need to resort to surgical castration. If need be, the report shall be accompanied by appropriate legislative proposals on the effects of different space allowances and floor types applicable to the welfare of weaners and rearing pigs. The Council shall act on these proposals by a qualified majority.

2. Not later than 1 January 2008 the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the Scientific Committee on Animal Health and Welfare.

The report shall cover in particular:

- (a) the effects of stocking density, including group size and methods of grouping the animals, in different farming systems on the welfare, including health, of pigs;
- (b) the impact of stall design and different flooring types on the welfare, including health, of pigs, taking into account different climatic conditions;
- (c) the risk factors associated with tail biting and recommendations to reduce the need for tail docking;
- (d) further developments of group-housing systems for pregnant sows, taking account both of pathological, zootechnical, physiological and ethological aspects of the various systems and of their health and environmental impact and of the different climatic conditions;
- (e) the determination of space requirements, including the service area for individually housed adult breeding boars;
- (f) further developments of loose-house systems for sows in the service area and for farrowing sows, which meet the needs of the sow without compromising piglet survival;
- (g) consumers' attitudes and behaviour towards pigmeat in the event of different levels of improvement in the welfare of the animals;
- (h) socio-economic implications of the various systems of rearing pigs and their effects on the Community's economic partners.

The report may, if necessary, be accompanied by appropriate legislative proposals.

▼B*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 being 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 rearing 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 proportion to the number of holdings in their territory.

▼B*Article 8*

Animals imported from non-member countries must, with respect to the requirements for their welfare, whilst being reared, receive treatment at least equivalent to that guaranteed by this Directive to animals of Community origin. This requirement must be stated in a certificate issued by the competent authority of the non-member country concerned.

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 check.

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.

▼M3*Article 10*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up pursuant to Article 58 of Regulation (EC) No 178/2002 ⁽²⁾.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC ⁽³⁾ shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

▼B*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 pigs than those laid down in this Directive. They shall inform the Commission of any such measures.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ L 31, 1.2.2002, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

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Article 12

This Directive is addressed to the Member States.

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ANNEX

CHAPTER I

GENERAL CONDITIONS

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

1. In the part of the building where pigs are kept continuous noise levels as loud as 85 dBA shall be avoided. Constant or sudden noise shall be avoided.
2. Pigs must be kept in light with an intensity of at least 40 lux for a minimum period of minimum eight hours per day.
3. The accommodation for pigs must be constructed in such a way as to allow the animals to:
 - have access to a lying area physically and thermally comfortable as well as adequately drained and clean which allow all the animals to lie at the same time,
 - rest and get up normally,
 - see other pigs; however, in the week before the expected farrowing time and during farrowing, sows and gilts can be kept out of the sight of conspecifics.
4. Notwithstanding Article 3(5), pigs must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities, such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not compromise the health of the animals.
5. Floors must be smooth but not slippery so as to prevent injury to the pigs and so designed, constructed and maintained so as not to cause injury or suffering to pigs. They must be suitable for the size and weight of the pigs and, if no litter is provided, form a rigid, even and stable surface.
6. All pigs must be fed at least once a day. Where pigs are fed in groups and not *ad libitum* or by an automatic system feeding the animals individually, each pig must have access to the food at the same time as the others in the group.
7. All pigs over two weeks of age must have permanent access to a sufficient quantity of fresh water.
8. All procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited with the following exceptions:
 - a uniform reduction of corner teeth of piglets by grinding or clipping not later than the seventh day of life of the piglets leaving an intact smooth surface; boars' tusks may be reduced in length where necessary to prevent injuries to other animals or for safety reasons,
 - docking of a part of the tail,
 - castration of male pigs by other means than tearing of tissues,
 - nose ringing only when the animals are kept in outdoor husbandry systems and in compliance with national legislation.

Neither tail docking nor reduction of corner teeth must be carried out routinely but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred. Before carrying out these procedures, other measures shall be taken to prevent tail biting and other vices taking into account environment and stocking densities. For this reason inadequate environmental conditions or management systems must be changed.

Any of the procedures described above shall only be carried out by a veterinarian or a person trained as provided in Article 5 of this Directive experienced in performing the applied techniques with appropriate means and under hygienic conditions. If castration or docking of tails is practised after seventh day of life, it shall only be performed under anaesthetic and additional prolonged analgesia by a veterinarian.

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CHAPTER II

SPECIFIC PROVISIONS FOR VARIOUS CATEGORIES OF PIGS

A. BOARS

Boar pens must be sited and constructed so as to allow the boar to turn round and to hear, smell and see other pigs. The unobstructed floor area available to an adult boar must be at least 6 m².

Where pens are also used for natural service the floor area available to an adult boar must be at least of 10 m² and the pen must be free of any obstacles. From 1 January 2003 this provision shall apply to all holdings newly built or rebuilt or brought into use for the first time after this date. From 1 January 2005 this provision shall apply to all holdings.

B. SOWS AND GILTS

1. Measures shall be taken to minimise aggression in groups.
2. Pregnant sows and gilts must, if necessary, be treated against external and internal parasites. If they are placed in farrowing crates, pregnant sows and gilts must be thoroughly cleaned.
3. In the week before the expected farrowing time sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used in the establishment.
4. An unobstructed area behind the sow or gilt must be available for the ease of natural or assisted farrowing.
5. Farrowing pens where sows are kept loose must have some means of protecting the piglets, such as farrowing rails.

C. PIGLETS

1. A part of the total floor, sufficient to allow the animal to rest together at the same time, must be solid or covered with a mat, or be littered with straw or any other suitable material.
2. Where a farrowing crate is used, the piglets must have sufficient space to be able to be suckled without difficulty.
3. No piglets shall be weaned from the sow at less than 28 days of age unless the welfare or health of the dam or the piglet would otherwise be adversely affected.

However, piglets may be weaned up to seven days earlier if they are moved into specialised housings which are emptied and thoroughly cleaned and disinfected before the introduction of a new group and which are separated from housings where sows are kept, in order to minimise the transmission of diseases to the piglets.

D. WEANERS AND REARING PIGS

1. When pigs are kept in groups measures must be taken to prevent fighting which goes beyond normal behaviour.
2. They should be kept in groups with as little mixing as possible. If pigs unfamiliar with one another have to be mixed, this should be done at as young an age as possible, preferably before or up to one week after weaning. When pigs are mixed they shall be provided with adequate opportunities to escape and hide from other pigs.
3. When signs of severe fighting appear the causes shall be immediately investigated and appropriate measures taken such as providing plentiful straw to the animals, if possible, or other materials for investigation. Animals at risk or particular aggressors shall be kept separate from the group.
4. The use of tranquillising medicaments in order to facilitate mixing shall be limited to exceptional conditions and only after consultation with a veterinarian.